



# TOWN OF OCCOQUAN

Circa 1734 • Chartered 1804 • Incorporated 1874

314 Mill Street  
PO BOX 195  
Occoquan, VA 22125  
(703) 491-1918  
www.occoquan.org  
info@occoquan.org

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## TOWN COUNCIL REGULAR MEETING

### TUESDAY, JUNE 3, 2014

### 7:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. **CITIZENS' TIME** - Members of the public may, for three minutes, present for the purpose of directing attention to or requesting action on matters not included on the prepared agenda. These matters shall be referred to the appropriate town official(s) for investigation and report. Citizens may address issues as they come up on the agenda if advance notice is given during 'Citizens' Time.'
4. **APPROVAL OF MINUTES**
  - a. Regular Council Meeting of May 6, 2014
5. **STAFF REPORTS**
  - a. Town Engineer
  - b. Town Attorney
  - c. Town Manager
  - d. Chief of Police
  - e. Treasurer
  - f. Craft Show
6. **COUNCIL MEMBER REPORTS**
7. **MAYOR'S REPORT**
8. **REGULAR BUSINESS**
  - a. Kieley Court Preliminary Site Plan
  - b. Virginia Stormwater Management Program - Zoning Text Amendment and Fee Schedule
  - c. Town Fee Schedule Revision

- d. Occoquan Heights Resident Fence Request – 1421 Occoquan Heights Court
- e. Entry Sign Replacement for Tanyard Hill Road and Gordon Boulevard
- f. Holiday Wreath Replacement
- g. Organizational Structure Resolution

**9. CLOSED SESSION**

**10. ADJOURNMENT**

**OCCOQUAN TOWN COUNCIL**  
**Regular Meeting**  
**Town Hall – 314 Mill Street**  
**May 6, 2014**

**Present:** Mayor Porta, Vice Mayor Quist, Council members Bush, McGuire, Sivigny and Walbert  
Staff: Mr. Crim, Mr. Reese, Ms. Barr, Ms. Breeding, Ms. Blackwell, Ms. Best and Chief Levi

**1. Call to Order**

Mayor Porta called the meeting to order at 7:00 p.m.

**2. Pledge of Allegiance**

**3. Citizen's Time**

No one spoke.

**4. Approval of Minutes**

Vice Mayor Quist moved to approve the minutes of the April 1, 2014 Regular Meeting with minor revisions; Dr. Walbert seconded. Ayes: All, by voice vote.

Vice Mayor Quist moved to approve the minutes of the April 22, 2014 Work Session with one revision; Dr. Walbert seconded. Ayes: All, by voice vote.

Vice Mayor Quist moved to approve the minutes of the April 22, 2014 Special Meeting as presented; Dr. Walbert seconded. Ayes: All, by voice vote.

Dr. Walbert moved to suspend the rules and move up on the agenda "Craft Show Update" and "Lorton Landfill Operation;" seconded by Vice Mayor Quist. Ayes: All, by voice vote.

**5. Staff Reports**

**Arts and Crafts Show Update:** Ms. Best reported as of April 30, 2014, 21 merchants, 20 food vendors (5 are new), 25 commercial vendors (5 are new) and 131 crafters, (45 are new) are registered for the spring craft show. She noted there were 246 vendors in the spring 2013 show, and to date we have 197 vendors. Ms. Best said there were at least 20 who have not submitted their applications, but indicated they would be applying shortly. She did say if previous years are any indication, they expect to receive additional applications in May.

**8 E. Lorton Landfill Proposed Extension**

Mayor Porta said he received a copy of a letter to the Fairfax County Supervisors from the President of the Hallowing Point Association expressing opposition of SEA-2

submitted by EnviroSolutions (d/b/a Furnance Associates). He said Hallowing Point River Estates is a cluster of nearly 200 homes situated along the banks of the Potomac River on the southeastern tip of Fairfax County's Mount Vernon District and these residents are particularly dismayed by ESI's plan to dramatically increase the scale of their operations and prolong them to the year 2040.

Mr. Conrad Mehan, EnviroSolutions, Inc., asked the Town Council to support the expansion and extension of the landfill. Currently, the landfill is slated to close in 2018. Mr. Mehan said the landfill is currently permitted to rise to an elevation of 412 feet by 2018, and they are proposing use of the landfill through 2034 in order to utilize the landfill to capacity, with a maximum elevation of 395 feet.

Town Council members expressed concerns about the potential visual impact and impact on housing value caused by the addition of wind turbines to the top of the landfill.

Dr. Walbert moved to approve a letter of opposition to the plan to install wind turbines on the top of the landfill and requests that this element of the proposal be rejected; seconded by Vice Mayor Quist. Ayes: All, by voice vote.

**Report of Town Engineer:** Mr. Reese reported that Fairfax Water will not block the footbridge across the Occoquan River with their proposed improvements on the Fairfax County side of the river. He said Fairfax County staff aware of the regional trail along the Occoquan River from Bull Run to the Town and made sure they commented on the need to allow that trail to maintain continuity. He also reported that the Fairfax County Planning Commission will have a recommendation for a change to the comprehensive plan regarding the Vulcan Quarry to the Board of Supervisors in late June. He suggested the Mayor send a letter to Fairfax staff in support of maintaining the trails.

Mr. Reese reported zoning approvals for three decks in Occoquan Heights and zoning approval of a business at 303 Commerce Street (Pink Bicycle Tea Room). He also reported that there is a preliminary site plan for 430 Mill Street and it is staff's recommendation that the preliminary site plan be approved, allowing the concept for the two residences to go to the final site plan process. He said the Planning Commission Meeting is scheduled for Tuesday, May 13, 2014, and the Planning Commission is required to review and make a recommendation to the Town Council for preliminary site plans.

**Report of Town Attorney -** Mr. Crim said the old poles were removed at Mamie Davis Park by Comcast. He said he concurred with Ms. Barr's suggestion to have a Town Council orientation. He said the problem with the dead trees at Occoquan Heights is still not resolved. He said he is working on bringing forward a zoning amendment for the River Park and the draft text of the zoning amendment is in the materials for Town

Council's reference. He said it is his recommendation to refer this matter to the Planning Commission for a joint public hearing.

**Report of Town Manager** – Ms. Barr reported she is working on an administrative manual and will add new policies as they arise. She hopes to have a draft completed for Council's review by the June meeting. She said she is also looking into employee benefits and staffing needs/changes and hopes to have recommendations ready by the June meeting.

Ms. Barr requested Council's approval of the bus contract for the September Arts and Crafts Show in order to guarantee the current rate for the fall show.

Mr. Sivigny made a motion to approve the bus contract for the September 2014 show; seconded by Mr. McGuire. Ayes: All, by voice vote.

**Farmer's Market** - Mayor Porta reported that as a result of the disbanding of the OMA, he assumed responsibility last year for the Farmer's Market and would like to again administer it this year through the Occoquan Transportation Company. He requested that Council consider charging a nominal fee for use of the public parking lot. Mayor Porta absented himself from the room so that the Council could discuss and vote on the matter. After a brief discussion with the Town Council, it was directed that Mayor Porta pay \$25.00 to the Town for permission to use the parking lot for the Farmer's Market.

Dr. Walbert moved to allow Mayor Porta to assume responsibility for the Farmer's Market through his LLC and pay \$25.00 to the Town for the use of the parking lot; seconded by Ms. Bush. Ayes: All by voice vote.

**Report of Chief of Police** – Mr. Levi reported he has been working with the new Town Manager and transitioning himself from his role as Acting Town Manager back to Town Sergeant and Chief of Police. Ms. Bush asked him to check the areas of Washington Square Court and Occoquan Heights regarding cars parking in no parking areas.

**Report of the Treasurer** – Ms. Breeding reported Cash has increased \$33,200 over last year and Total Assets has increased \$27,000 over last year. She also reported Total Income has increased \$20,600 relative to last year. She noted Total Expense has increased by \$10,400 relative to last year. She said this increase is comprised mostly of increases in Grounds and Maintenance but is offset by a decrease in total salaries/contract labor.

She reported Occoquan Inn/Virginia Grill is one month behind in Meals Tax. She also said there is a new business application for the Pink Bicycle Tea Room. Mr. Crim said the new owner may be liable for the monies owed to the Town in past Meals Tax. Staff was directed to contact the new owner to address this issue.

## **6. Council Member Reports**

Mr. Sivigny and Mr. McGuire had no reports.

Ms. Bush reported on ARB activities: ARB approved two Certificates of Appropriateness to Puzzle Palooza and The Preservation Station.

Dr. Walbert said he is recommending a new candidate to the Town Planning Commission: Bryan Reese, 208 E. Locust Street, for a four year term.

Dr. Walbert moved to approve the nomination of Bryan A. Reese as a member of the Town Planning Commission; seconded by Mr. Sivigny. Ayes: All, by voice vote.

Vice Mayor Quist inquired about whether the ARB will be replacing the hanging sign in front of Town Hall to match the other new signs approved. Ms. Bush said the ARB does not want to change the current look of the hanging sign and will be proposing something to Town Council at a later date.

## **7. Mayor's Report**

Mayor Porta reported on the following events he had attended in his capacity as Mayor:

4/3 – Attended Senators Kaine and Warner's Event for Local Elected Officials

4/5 – Attended Potomac Library Window Dedication

4/10 – Attended SAVAS "Behind the Mask"

4/11 – Attended Woodbridge Little League Opening Day

4/12 – Attended Occoquan River Cleanup

4/23 – Served as Celebrity Waiter at Lake Ridge Rotary Luncheon Event

4/24 – Gave a Presentation to Hoteliers on Occoquan at Invitation of Discover Prince William & Manassas

4/25 – Attended Potomac National Scenic Heritage Trail Meeting

4/26 – Attended Dedication of Raftelis Potomac River Park in Quantico

4/29 – Attended Prince William Valor Awards

5/3 – Attended Occoquan Yacht Club Flag Raising

5/6 – Accepted BOCS Bike-to-Work Day Proclamation

## **8. Regular Business**

### **8A. Draft Zoning Text Amendment, River Park**

Mr. Crim said a portion of the Fairfax County Water Authority (FW) property is zoned B-1 and the portion of that property which was recently brought into the Town's boundaries by a boundary line adjustment with Prince William County has no zoning designation. In preparation for execution of a lease between FW and Prince William County, the Town has been asked to zone the entire FW property to allow the proposed park on it and to allow future utility use whenever the lease terminates.

Mr. Crim said draft text for the zoning district has been proposed by FW and revised by him.

Mr. Crim recommended that Council refer the matter to the Town Planning Commission for a joint public hearing.

Vice Mayor Quist moved to recommend referral to Planning Commission to schedule a joint public hearing on the matter; seconded by Ms. Bush. Ayes: All, by voice vote.

### **8 B. Rivertown Overlook, Plat Recordation**

Mr. Reese said although the land development for the subject site commenced, and has since become dormant, such was done without the subdivision and easement plat being recorded. He said now the owner desires to take the plat to record, which requires an updated plat, deed of subdivision and easement, formation of an HOA, and a tri-party agreement for maintaining the sidewalk within the right of way of Ellicott Street. He said a bond was posted and is still active, but it should be updated with a new surety agreement for land disturbance.

Vice Mayor Quist moved to approve the Rivertown Overlook plat of subdivision and dedication prepared by Holmes Smith, upon final review and approval by staff and contingent on the developer submitting appropriate deeds for approval by Town Attorney as to form, submitting documents forming an Homeowners Association for maintenance of the appropriate improvements for approval by the Town Attorney as to form, submitting a tri-party agreement for maintenance of the public sidewalk for approval by the Town Attorney as to form, and submitting an updated Performance Bond in the amount of \$48,420, along with a current surety Agreement; seconded by Dr. Walbert. Ayes: All, by voice vote.

### **8 C. Occoquan Heights Bond Reduction Request**

Mr. Reese reported the construction of the Occoquan Heights townhouse subdivision off Washington Street has been proceeding. He said the developer has asked for a reduction of the surety currently posted to reflect the land development activities accomplished to date.

Mr. Crim said the developer needs to produce a Landscape Bond.

Vice Mayor Quist moved to approve the three sureties currently posted (Performance Bond, Landscape Escrow, and Erosion Escrow) for Occoquan Heights; seconded by Dr. Walbert. Ayes: All, by voice vote.

### **8 D. Virginia Stormwater Management Program (VSMP)**

Mr. Reese said last year Town Council agreed to allow Prince William County (PWC) to administer their VSMP operations. He said that at that time, if so chosen by the Town, the County had no choice in whether they would take the Town's program. He reported legislation (SB423) passed this year and signed by the Governor on March 24,

2014, gave PWC the option of whether they will take the Town's program. He said the Town Council now needs to make the decision of whether to opt in and administer the program on our own, opt out and allow DEQ to administer the program, or ask PWC if they would be willing to take the program.

Dr. Walbert moved for the Town to "opt in" to the Virginia Stormwater Management Program (VSMP) and direct staff to develop an implementation plan to be utilized in administration of the program; seconded by Vice Mayor Quist. Ayes: All, by voice vote.

#### **8 F. Additional Banner Brackets**

Chief Levi reported during the March 2014 Town Council meeting, the purchase of 20 banner brackets was approved along with 40 banners to be placed on the gas lamps in the Town's historic district. He said each bracket set included two brackets, and it was thought this would be sufficient for the 40 banners utilizing one of the two brackets at the top of each banner and then securing the lower part of the banner with a plastic tie wrap. Upon installation it was decided to use two brackets per banner (top and bottom), due to aesthetic reasons. To purchase the 20 additional sets of brackets to complete the banner installation would be \$1,180.00.

Vice Mayor Quist moved to approve the \$1,180 to purchase 20 sets of brackets from Mosca Design to complete the banner installation in the Town's historic district; seconded by Dr. Walbert. Ayes: All, by voice vote.

#### **8 G. Spring Arts & Crafts Show Security/Traffic Detail**

Chief Levi said the Occoquan Arts and Crafts Show Committee suggested the Town investigate using Virginia Department of Transportation (VDOT) Certified flaggers for traffic direction during the Spring Arts and Crafts Show and compare their cost with the cost of using all law enforcement officers (LEO) as has been done since the Town lost the Virginia Defense Force (VDF) in the Spring of 2013.

He said the cost for using the combination of LEOs and AWP's would be \$13,606.50 and using all LEOs would be \$8,280.00.

Dr. Walbert moved to approve using only LEOs for the two days during the Spring Arts and Crafts Show at the cost of \$8,280.00; seconded by Mr. Sivigny. Ayes: All, by voice vote.

#### **8 H. Set Public Hearing for Fiscal Year 2014-2015 Budget**

Mayor Porta said each year, the Town Council and staff develop a proposed budget for the following fiscal year. This year, Town Council reviewed the proposed budget during a budget work session on Tuesday, April 22, 2014. The public hearing is requested to afford Occoquan residents with an opportunity for public comment.

Vice Mayor Quist moved to advertise the FY 2015 Operating Budget showing revenues at \$522,839 and expenses of \$505,296; seconded by Dr. Walbert. Ayes: Bush, Walbert, Quist, Sivigny and McGuire.

Vice Mayor Quist moved to set the public hearing date for the fiscal year 2014-2015 budget on Tuesday, May 27, 2014, and further moved for the Town Clerk to be directed to advertise the notice of Public Hearing for May 27, 2014; seconded by Mr. McGuire. Ayes: All, by voice vote

### **8 I. Set Public Hearing for FY 2014-2015 Tax Rates**

Following discussion, Vice Mayor Quist moved to advertise the real estate tax rate for FY 2015 as \$0.12 per \$100 per assessed value; seconded by Ms. Bush. Ayes: Walbert, Quist, Sivigny, McGuire and Bush by roll call.

Dr. Walbert moved to advertise the transient occupancy tax rate for FY 2015 as 2%; seconded by Mr. McGuire. Ayes: Sivigny, Quist, Bush, Walbert and McGuire by roll call.

Dr. Walbert moved to advertise the meals tax rate as 2% for FY 2015; seconded by Vice Mayor Quist. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call.

Vice Mayor Quist moved to advertise the FY 2015 Mamie Davis Account showing revenues of \$2,000 and expenses of \$2,000; seconded by Dr. Walbert. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call.

Vice Mayor Quist moved to advertise the FY 2015 Craft Show Budget showing revenues of \$210,000 and expenses of \$90,000; seconded by Dr. Walbert. Ayes: McGuire, Bush, Walbert, Quist and Sivigny by roll call.

Vice Mayor Quist moved to advertise the FY 2015 CIP budget showing revenue of \$0 and expenses of \$1,640,000; seconded by Dr. Walbert. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call.

Vice Mayor Quist moved to set the public hearing date for the Tax Rates in Support of Budget on Tuesday, June 17, 2014, and further moved for the Town Clerk to be directed to advertise the notice of Public Hearing for June 17, 2014, seconded by Mr. McGuire. Ayes: All, by voice vote.

### **9. Closed Session**

Vice Mayor Quist moved that the Council convene in closed session to discuss as permitted by Virginia Code Section 2.2-3711(A)(1) a personnel matter involving compensation of a Town employee, and as permitted by Virginia Code Section 2.2-3711(A)(3), a matter involving acquisition of real property for public purposes. Dr. Walbert seconded. Ayes: all by voice vote.

The Council came out of closed session at 10:12 p.m. Ms. Quist moved that the Council certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Dr. Walbert seconded. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call.

Dr. Walbert moved to award Town Sergeant and Chief of Police Sheldon Levi a \$2,000 monetary award in recognition of his performance as acting Town Manager for the Town of Occoquan from June 2013 to April 2014; seconded by Vice Mayor Quist. Ayes: All by voice vote.

#### **10. Adjournment**

The meeting adjourned at 10:13 p.m.

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Peggy Blackwell, Town Clerk



**TOWN OF OCCOQUAN**  
**TOWN COUNCIL MEETING**  
Agenda Communication

**Meeting Date:** June 3, 2014

**Subject:** Kiely Court Preliminary Site Plan

**Explanation and Summary:**

A preliminary site plan for two single family detached units on PWC GPIN 8393-64-2894 (430 Mill Street) has been submitted and reviewed by staff and the appropriate outside agencies. The preliminary site plan is required in advance of the final site plan, which will also be reviewed by the Town Council after all staff comments have been addressed. Chapter 46, and in particular, Section 46-3 requires a site plan for "Any use or development in district B-1." The preliminary site plan is a required predecessor to submission of the site plan.

The Town's Planning Commission reviewed and approved the preliminary site plan on May 13, 2014.

**Engineer's Recommendation:** Since the preliminary site plan meets current Town Code, the Town Engineer recommends approval.

**Town Manager's Recommendation:** Recommend approval based on Town Engineer's recommendation.

**Cost and Financing:** N/A

**Account Number:** N/A

**Proposed/Suggested Motion:**

"I move to approve the Preliminary Site Plan, dated March 26, 2014, prepared by Freeland Engineering, PC, last signed by Todd Philipp on March 28, 2014."

Or

Other action deemed appropriate by Council.

**Attachments: (4)** Reduced copy of preliminary site plan dated March 26, 2014  
Staff report dated May 12, 2014  
VDOT comment letter dated April 25, 2014  
PWCSA comment letter dated April 28, 2014

# SITE DATA

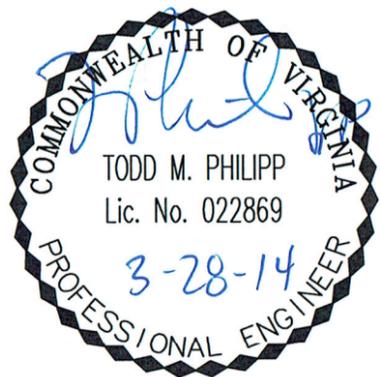
OWNER/APPLICANT: CHRISTOPHER AND JILLIAN KIELY  
 ADDRESS: PSC 559 BOX 5503  
 FPO, AP 96377

PLAN PREPARER: FREELAND ENGINEERING, PC  
 ADDRESS: 10814 COURTHOUSE ROAD  
 FREDERICKSBURG, VA 22408  
 PHONE: 540-898-3092

G.P.I.N.: 8393-64-2894  
 PARCEL AREA: 0.136 AC = 5,917 SF  
 INSTRUMENT NO.: 20130628066599  
 ZONING DISTRICT: B1  
 SETBACKS: FRONT: 5' SIDE: 0' REAR: 0'  
 BUILDING HEIGHT: 35' MAX.  
 OVERLAY DISTRICT: CHESAPEAKE BAY PRESERVATION AREA  
 CURRENT USE: VACANT  
 PROPOSED USE: SINGLE-FAMILY RESIDENTIAL

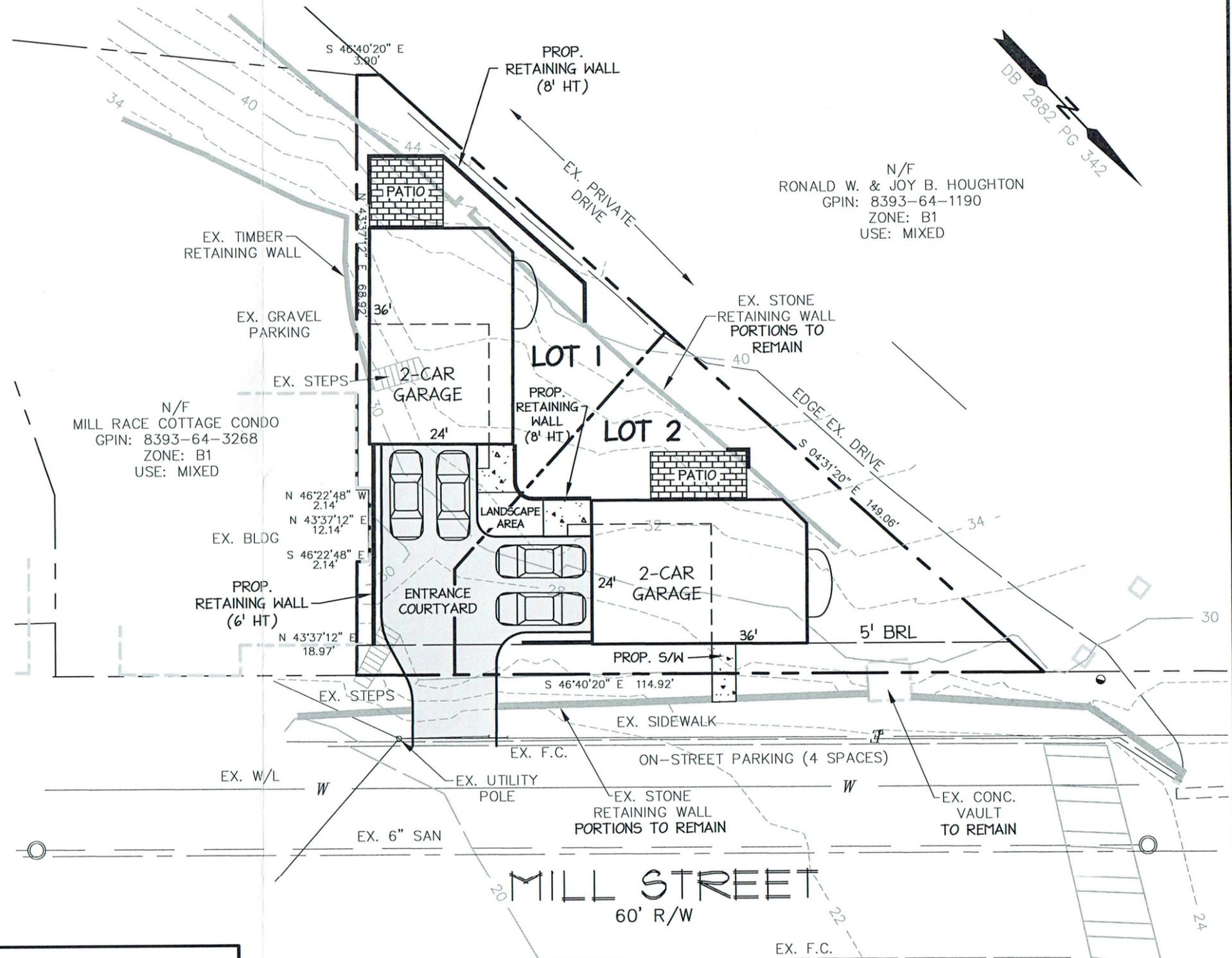
PARKING REQUIRED: 2 SPACES (FIRST BR), PLUS 1 SPACE PER ADD'L BR  
 3-BEDROOM DWELLING = 2 + 1 + 1 = 4 PARKING SPACES  
 PARKING PROVIDED: 4 SPACES PER UNIT (2 IN GARAGE, 2 IN DRIVEWAY)

FLOODPLAIN ON SITE: N FIRM #: 51153C 0217D ZONE: 'X'  
 WETLANDS ON SITE: N SOURCE: NWI PERMIT REQUIRED: N  
 RPA ON SITE: N




**Freeland Engineering, PC**  
 10814 Courthouse Road  
 Fredericksburg, VA 22408  
 Phone: 540.898.03092  
 Fax: 877.658.7735  
 Web: www.FreelandEngineeringPC.com

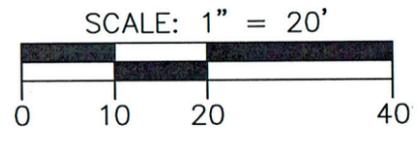
PROJECT: <b>KIELY COURT</b>		
DRAWING NAME: PRELIMINARY SITE PLAN		
LOCATION: 430 MILL STREET TOWN OF OCCOQUAN, VA		
DATE: 03/26/14	SCALE: 1" = 20'	
DRAWN BY: TMP	DESIGN BY: TMP	PROJECT #: 2438



N/F  
 RONALD W. & JOY B. HOUGHTON  
 GPIN: 8393-64-1190  
 ZONE: B1  
 USE: MIXED

N/F  
 MILL RACE COTTAGE CONDO  
 GPIN: 8393-64-3268  
 ZONE: B1  
 USE: MIXED

N/F  
 OBC LLC  
 GPIN: 8393-65-4100  
 ZONE: B1  
 USE: COMMERCIAL





# TOWN OF OCCOQUAN

CIRCA 1734 INCORPORATED 1874  
314 MILL STREET, P.O. BOX 195  
OCCOQUAN, VIRGINIA 22125  
703-491-1918 FAX 703-491-4962

**TOWN COUNCIL**  
ELIZABETH A QUIST, VICE MAYOR  
DENISE M. BUSH  
JOE MCGUIRE  
PATRICK A. SIVIGNY  
JAMES N. WALBERT

**TOWN MANAGER**  
KIRSTYN BARR

**TOWN CLERK**  
PEGGY BLACKWELL

**TREASURER**  
ABIGAIL BREEDING, C.P.A.

**MAYOR**  
EARNEST W. PORTA, JR.

## STAFF REPORT TOWN OF OCCOQUAN

### Kiely Court

Applicant: Christopher & Jillian Kiely

Case Number: Not assigned

Date: May 12, 2014

#### PART I

##### A. EXECUTIVE SUMMARY

The applicant proposes the subdivision and development of 430 Mill Street as two detached single family dwellings, road network, and associated infrastructure. This staff report evaluates the proposed application as it pertains to town ordinances for conformity.

##### B. DESCRIPTION OF PETITION

The applicant requests approval of the Preliminary Site Plan submission for the above referenced property.

##### B. APPLICABLE REGULATIONS

1. Chapter 46 - Site Plans
2. Chapter 54 - Subdivisions
3. Chapter 66 - Zoning

## PART II

### A. ANALYSIS OF EXISTING CONDITIONS

1. Site Area: +/- 5,917 SF
2. Use: Vacant
3. Zone: B-1
4. Location: The referenced property is located below the Rockledge Mansion at the western end of Mill Street.
5. Buildings/Structures: Stone retaining walls associated with adjoining properties encroach onto the site, as does the historic icebox on Mill Street.
6. Access: Topographical limitations and physical impediments (retaining walls) do not currently permit vehicular access onto the site.
7. Additional Overlay Districts: This site falls within the Old & Historic District.

### B. ANALYSIS OF PROPOSED PRELIMINARY SITE PLAN

1. Use: Residential (SFD)
2. Buildings/Structures: Two single family homes are proposed, along with an entrance driveway/courtyard and retaining walls.
3. Access: Vehicular access is proposed via Mill Street.

The proposed application would subdivide the existing parcel to allow two single family homes (each measuring approximately 24'x36') with a common driveway. As a result of the development and improvements on surrounding parcels, the site is enclosed on all sides by buildings, retaining walls, and on-street parking, which effectively landlocks the parcel. In order to develop as proposed, several matters involving these impediments will require resolution with a Final Site Plan submission. These include encroachment of existing retaining walls, coordination of the reduction in on-street parking, potential utility conflicts, provisions for stormwater management, and development of areas with slopes greater than 20%. As stated, these matters are best resolved with a Site Plan of suitable engineering detail to address potential challenges. Since this site falls within the Old & Historic District, a Certificate of Appropriateness from the Architectural Review Board will be required prior to Final Site Plan approval.

## PART III

### STAFF CONCLUSIONS

The proposed Preliminary Site Plan, having been duly reviewed and accepted by Town Staff, has been deemed consistent with the applicable provisions of the Town Code. PWCSA has provided no objection to the development as proposed and VDOT has provided comments which must be resolved with final engineering. It is therefore Staff's recommendation to grant **approval** of the above referenced Preliminary Site Plan.

**PREPARED BY:** Matthew A. Williams, Asst. Town Engineer, May 12, 2014 

**APPROVED BY:** Bruce A. Reese, Town Engineer, May 12, 2014



# COMMONWEALTH of VIRGINIA

CHARLES KILPATRICK, P.E.  
COMMISSIONER of HIGHWAYS

## DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive  
Fairfax, VA 22030

April 25, 2014

Mr. Matt Williams  
The Engineering Groupe  
13580 Groupe Drive  
Woodbridge, VA 22191

Re: 430 Mill Street-Preliminary Site Plan  
Town of Occoquan

Dear Mr. Williams:

We have completed the review of the subject plan and we provide the following comments.

1. C/L stationing of Mill Street should be noted with posted speed on the plans.
2. Type of proposed entrance should be noted with VDOT standard, width, radii, grade etc.
3. Landing grade of the proposed entrance off Mill Street should not exceed 10%.
4. Is there a retaining wall proposed perpendicular to the sidewalk for the construction of the entrance? If so its maintenance responsibility should be noted on the plans.
5. Any structures (steps, wall, vault etc.) as shown located within Mill Street right of way should be moved out of right of way.
6. Clarify if on street parking (4 spaces) is to remain in front of the site.
7. Guy wire for the existing utility pole needs relocation to avoid any conflict with the proposed entrance.

If you have any questions, please call me at (703) 259-2775.

Sincerely,

Hiren C. Joshi, P.E.  
Transportation Engineer



**Service Authority**

**Division of Engineering & Planning**

Samer S. Beidas, P.E., CCM, *Director*

April 28, 2014

Mr. Matt Williams  
The Engineering Groupe, Inc.  
13580 Groupe Drive, Suite 301  
Woodbridge, VA 22192

Re: Town of Occoquan 430 Mill Street Preliminary Site Plan

Dear Mr. Williams:

The Service Authority has reviewed the preliminary site plan for the above referenced project and has no objection.

The Service Authority will require a final lot design plan to review and approve. The final lot design plan must correctly show the location of existing water and sanitary sewer utilities in Mill Street. The plan must also show the planned water service lines, meter locations, and laterals for each lot. Be advised that the Service Authority will not maintain water or sanitary sewer service lines in the right-of-way under a retaining wall. Water and sanitary sewer services shown in the final lot design plan must fully comply with Prince William County Service Authority's Utility Standards Manual.

The Service Authority will be held harmless from any direct or indirect claim based on this letter. The Service Authority is not responsible for assumptions, calculations, designs, or construction activities making use of, or derived from this letter.

Sincerely,

Ed Kovalchuk

cc: Todd Philipp, Freeland Engineering, PC  
Samantha Kearney, PWCSA



# TOWN OF OCCOQUAN

## TOWN COUNCIL MEETING

### Agenda Communication

**Meeting Date:** June 3, 2014

**Subject:** Virginia Stormwater Management Program (VSMP) – Zoning Text Amendment and Fee Schedule

**Explanation and Summary:**

In order to remain in compliance with state and federal laws requiring reductions in nutrient pollution to the Chesapeake Bay, the Town needs to adopt a new ordinance regulating non-point source pollution from site runoff.

**Town Attorney's Recommendation:** Initiate a Zoning Text Amendment by referring the issue to the Planning Commission for drafting, public hearing, and adoption of an ordinance based on the model ordinance from the Virginia Department of Conservation and Recreation (DCR). In addition, the Town will need to modify its fee schedule to incorporate fees, a portion of which must be transferred to DCR, to offset the expense of plan review under the new ordinance.

**Engineer's Recommendation:** Concurs with the Town Attorney's recommendation to initiate a Zoning Text Amendment. Engineer also recommends Council appoint the Town Manager as the Town's VSMP Administrative Officer for interaction with DEQ as necessary, allowing the Manager to appoint a second person responsible in the Manager's absence. In addition, Engineer recommends the Town collect the entire fee for VSMP review and inspections, and then provide the state mandated fee to DEQ.

**Town Manager's Recommendation:** Concurs with Town Attorney and Engineer's recommendations.

**Cost and Financing:** N/A

**Account Number:** N/A

**Proposed/Suggested Motion:**

**First Motion:**

"I move to refer the adoption of a VSMP ordinance and associated fee schedule to the Planning Commission for consideration and drafting, and request that the Planning Commission schedule a joint public hearing with the Town Council for adoption of the VSMP ordinance and fee schedule."

**Second Motion:**

"I move the Town Manager be appointed as the VSMP Administrative Officer, to carry out those duties as assigned by the state and as needed by the Town to fulfill the requirements for the VSMP."

**Third Motion:**

"I move the Town Manager be given the authority to appoint a second person to act as the VSMP Administrative Officer, in the absence of the Town Manager."

**Fourth Motion:**

"I move the Town collect the full VSMP review fee and forward that portion required by the State to DEQ, in accordance with policies set by DEQ."

OR

Other action deemed appropriate by Council.

**Attachments:** (1) Model Ordinance



## STORMWATER MANAGEMENT MODEL ORDINANCE

(Approved December 13, 2012)

### **Summary:**

This guidance document contains a Stormwater Management Model Ordinance developed by the Department of Conservation and Recreation (Department) for use by a locality for establishing a Virginia Stormwater Management Program consistent with the Virginia Stormwater Management Act [Article 1.1 (§ 10.1-603.2 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia] and the Virginia Stormwater Management Program (VSMP) Permit Regulations [4VAC50-60], including the General Permit for Discharges of Stormwater from Construction Activities [Part XIV (4VAC50-60-1100 et seq.)].

### **Electronic Copy:**

An electronic copy of this guidance document is available in PDF format on the Regulatory Town Hall website at <http://townhall.virginia.gov/> under the “Guidance documents” tab (see Virginia Soil and Water Conservation Board).

### **Contact Information:**

Please contact the Department of Conservation and Recreation’s Stormwater Management Division at the appropriate regional office with any questions regarding the application of this guidance (see [http://www.dcr.virginia.gov/stormwater\\_management/swmrollout-tools.shtml](http://www.dcr.virginia.gov/stormwater_management/swmrollout-tools.shtml) for contact information). Additional information on the program adoption process may be found in the Frequently Asked Questions document also found at this web address.

### **Disclaimer:**

This document is provided as guidance and, as such, sets forth the process for the Board and the Department to work with localities on the development of Virginia stormwater management programs. The guidance does not carry the force of law and is not intended, and cannot be relied on, to create any rights, substantive or procedural, on the part of any person or entity. The Department reserves the right to update the guidance within the confines of law to carry out the intent of the stormwater management law and regulations.

## **Virginia Stormwater Management Program Ordinance Development**

### **I. Background:**

Current law and regulation require localities in the Commonwealth, with the exception of towns who are not designated as Municipal Separate Storm Sewer Systems (MS4s), to adopt a Virginia stormwater management program as approved by the Virginia Soil and Water Conservation Board in accordance with a schedule set by the Board. One of the key elements of a Board approved Virginia Stormwater Management Program is a local ordinance that is consistent with the Stormwater Management Act and its attendant regulations including the General Permit for Discharges of Stormwater from Construction Activities. This guidance document has been prepared to provide guidance to localities on the elements of a “consistent” local ordinance.

## II. Definitions:

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the Board after September 13, 2011, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities **and shall include such items as local ordinances**, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

[From the Virginia Stormwater Management Act]

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the board after September 13, 2011, to operate a Virginia Stormwater Management Program or, until such approval is given, the department. An authority may include a locality; state entity, including the department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with Subsection B of § 10.1-603.5 of the Code of Virginia, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia. **Prior to approval, the board must find that the ordinances adopted by the locality's VSMP authority are consistent with the Act and this chapter including the General Permit for Discharges of Stormwater from Construction Activities (Part XIV (4VAC50-60-1100 et seq.) of this chapter).**

[From the Virginia Stormwater Management Program (VSMP) Permit Regulations]

## III. Authority:

Section 10.1-603.3 of the Code of Virginia directs the Department to establish a model ordinance that a locality may utilize as they establish a Virginia Stormwater Management Program.

### **§ 10.1-603.3. Establishment of Virginia stormwater management programs.**

#### **D. The Department shall develop a model ordinance for establishing a VSMP consistent with this article and its associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.**

E. Each locality that administers an approved VSMP shall, by ordinance, establish a VSMP that shall be administered in conjunction with a local MS4 program and a local erosion and sediment control program where applicable, and which shall include, but is not limited to, the following: .....

The Virginia Stormwater Management Program (VSMP) Permit Regulations contain the following authority applicable to this guidance.

#### **4VAC50-60-148. Virginia stormwater management program administrative requirements.**

A. A VSMP shall provide for the following:

1. Identification of the authority accepting complete registration statements and of the authorities completing plan review, plan approval, inspection, and enforcement;

2. Submission and approval of erosion and sediment control plans in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations and the submission and approval of stormwater management plans;
3. Requirements to ensure compliance with 4VAC50-60-54, 4VAC50-60-55, and 4VAC50-60-56;
4. Requirements for inspections and monitoring of construction activities by the operator for compliance with local ordinances;
5. Requirements for long-term inspection and maintenance of stormwater management facilities;
6. Collection, distribution to the state if required, and expenditure of fees;
7. Enforcement procedures and civil penalties where applicable;
8. Policies and procedures to obtain and release bonds, if applicable; and
9. Procedures for complying with the applicable reporting and recordkeeping requirements in 4VAC50-60-126.

**B. A locality's VSMP authority shall adopt and enforce an ordinance(s) that incorporates the components set out in subdivisions 1 through 5 and 7 of Subsection A of this Section.** Other VSMP authorities shall provide supporting documentation that incorporate the components set out in subdivisions 1 through 5 of Subsection A of this Section in a format acceptable to the department.

(Other Sections that include direction toward the contents of an ordinance include, but are not limited to, 4VAC50-60-103, 106, and 150.)

#### **IV. Discussion and Interpretation:**

This model ordinance is an example of how a locality could adopt an ordinance that complies with VSMP requirements. A locality is not required to adopt this particular ordinance.

The locality is required to adopt an ordinance that satisfies the requirements of 4VAC50-60-148. Provisions in this model are mandatory unless otherwise noted. Among the items that are optional are references to karst features and karst areas, which would be required only when such features are present in a locality.

Certain provisions of this version of the Stormwater Management Ordinance are based on the current general permit, Part XIV (4VAC50-60-1100 et seq.), which expires on June 30, 2014. **The general permit is currently under revision and the model ordinance may need to be updated to reflect necessary requirements within the general permit.**

### **STORMWATER MANAGEMENT MODEL ORDINANCE**

Pursuant to Code § 10.1-603.3, this ordinance is adopted as part of an initiative to integrate the [insert locality] stormwater management requirements with the [insert locality's] erosion and sediment control [local reference], flood insurance [local reference if applicable], flood plain management [local reference], and Chesapeake Bay Preservation Act [local code reference if applicable] requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both [insert locality] and those responsible for compliance with these programs. The

Department will assist localities in identifying where the required stormwater management provisions may be integrated into existing ordinances.

**1-1. PURPOSE AND AUTHORITY. (Section 4VAC50-60-20, 4VAC-60-40)**

- (a) The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of [insert locality name] and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.
- (b) This ordinance is adopted pursuant to Article 1.1 (§ 10.1-603.2 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

**1-2. DEFINITIONS. (4VAC50-60-10)**

In addition to the definitions set forth in 4VAC50-60-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this Ordinance have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

"*Administrator*" means the VSMP authority including the [Locality] staff person or department responsible for administering the VSMP on behalf of the locality.

"*Applicant*" means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

"*Best management practice*" or "BMP" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"*Chesapeake Bay Preservation Act land-disturbing activity*" means a land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation Act, *Code of Virginia*, § 10.1-2100, et seq. *Required for localities within Tidewater Virginia.*

"*Common plan of development or sale*" means a contiguous area where separate and distinct construction activities may be taking place at different times on difference schedules.

"*Control measure*" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

"*Clean Water Act*" or "*CWA*" means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution

Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

*"Department"* means the Department of Conservation and Recreation.

*"Development"* means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

*"General permit"* means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (4VAC50-60-1100 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

*"Land disturbance"* or *"land-disturbing activity"* means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 1-3 (c) of this Ordinance.

*"Layout"* means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

*"Minor modification"* means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

*"Operator"* means the owner or operator of any facility or activity subject to regulation under this Ordinance.

*"Permit"* or *"VSMP Authority Permit"* means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department.

*"Permittee"* means the person to whom the VSMP Authority Permit is issued.

*"Person"* means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

"Regulations" means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 4 VAC 50-60, as amended.

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

"State" means the Commonwealth of Virginia.

"State Board" means the Virginia Soil and Water Conservation Board.

"State permit" means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

"State Water Control Law" means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document(s) containing material describing methods for complying with the requirements of Section 1-6 of this Ordinance.

"Stormwater Pollution Prevention Plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"Subdivision" means the same as defined in Section [citation to local Ordinance] of [insert Locality name] Subdivision Ordinance.

"Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or

other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

*"Virginia Stormwater Management Act" or "Act"* means Article 1.1 (§10.1-603.2 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

*"Virginia Stormwater BMP Clearinghouse website"* means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

*"Virginia Stormwater Management Program" or "VSMP"* means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

*"Virginia Stormwater Management Program authority" or "VSMP authority"* means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program.

### **Sec. 1-3. - STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.**

- (a) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP authority permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (b) A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to an erosion and sediment control plan consistent with the requirements of the Erosion and Sediment Control Ordinance, a stormwater management plan as outlined under Section 1-6, the technical criteria and administrative requirements for land-disturbing activities outlined in Section 1-9, and the requirements for control measures long-term maintenance outlined under Section 1-10. **[NOTE: Not required for localities located outside of Tidewater Virginia]**
- (c) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
  - (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
  - (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour

- cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
- (3) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures **[NOTE: Localities within Tidewater Virginia are required to regulate single family residences where land disturbance exceeds 2,500 square feet," pursuant to Chapter \_\_\_ [cross-reference Chesapeake Bay Preservation Ordinance]]**;
  - (4) Land disturbing activities that disturb less than one acre of land area **[NOTE: Localities within Tidewater Virginia are required to regulate land disturbing activities equal to or exceeding an area of 2,500 square feet in all areas designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations, pursuant to Chapter \_\_\_ [cross-reference Chesapeake Bay Preservation Ordinance]]**, or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance **[NOTE: The Locality may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply]**;
  - (5) Discharges to a sanitary sewer or a combined sewer system;
  - (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
  - (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and
  - (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

**Sec. 1-4. - STORMWATER MANAGEMENT PROGRAM ESTABLISHED;  
SUBMISSION AND APPROVAL OF PLANS; PROHIBITIONS.**

- (a) Pursuant to § 10.1-603.3 of the Code of Virginia, **[Locality]** hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable

Regulations that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in Section 1-1 of this Ordinance. The **[local governing body]** hereby designates \_\_\_\_\_ as the Administrator of the Virginia stormwater management program.

- (b) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:
  - (1) A permit application that includes a general permit registration statement;
  - (2) An erosion and sediment control plan approved in accordance with the **[insert locality name]** Erosion and Sediment Control Ordinance **[citation to local ordinance]**; and
  - (3) A stormwater management plan that meets the requirements of Section 1-6 of this Ordinance.
- (c) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.
- (d) No VSMP authority permit shall be issued until the fees required to be paid pursuant to Section 1-15, are received, **[optional: and a reasonable performance bond required pursuant to Section 1-16 of this Ordinance has been submitted.]**
- (e) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit.
- (f) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator.

**Sec. 1-5. - STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.**

- (a) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 4VAC50-60-54 and must also comply with the requirements and general information set forth in Section 4VAC50-60-1170, Section II [stormwater pollution prevention plan] of the general permit.
- (b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
- (c) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public

review in accordance with Section II of the general permit, either electronically or in hard copy.

**Sec. 1-6. - STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN.**

- (a) The Stormwater Management Plan, required in Section 1-4 of this Ordinance, must apply the stormwater management technical criteria set forth in Section 1-9 of this Ordinance to the entire land-disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to subsurface runoff, and include the following information:
- (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and postdevelopment drainage areas;
  - (2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
  - (3) A narrative that includes a description of current site conditions and final site conditions [**Alternatively, the locality may allow the information that addresses the current and final site conditions to be provided and documented during the review process**];
  - (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
  - (5) Information on the proposed stormwater management facilities, including:
    - (i) The type of facilities;
    - (ii) Location, including geographic coordinates;
    - (iii) Acres treated; and
    - (iv) The surface waters or karst features, if present, into which the facility will discharge.
  - (6) Hydrologic and hydraulic computations, including runoff characteristics;
  - (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of [**Section 1-9 of this Ordinance or the referenced local manual**].
  - (8) A map or maps of the site that depicts the topography of the site and includes:
    - (i) All contributing drainage areas;
    - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;

- (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
  - (iv) Current land use including existing structures, roads, and locations of known utilities and easements;
  - (v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
  - (vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
  - (vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
  - (viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- (b) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 1-9 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 10.1-603.8:1 of the Code of Virginia.
- (c) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- (d) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. **[NOTE: An Administrator may elect not to require construction record drawings for stormwater management facilities for which maintenance agreements are not required pursuant to Section 1-10 (b).]**

**Sec. 1-7. – POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.**

- (a) Pollution Prevention Plan, required by 4VAC50-60-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

- (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
  - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
- (1) Wastewater from washout of concrete, unless managed by an appropriate control;
  - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - (4) Soaps or solvents used in vehicle and equipment washing.
- (c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

**Sec. 1-8. - REVIEW OF STORMWATER MANAGEMENT PLAN.**

- (a) The Administrator [**NOTE: May include “or any duly authorized agent of the Administrator”**] shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:
- (1) The Administrator shall determine the completeness of a plan in accordance with Section 1-6 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
  - (2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
  - (3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
  - (4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the

plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.

(5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.

(b) Approved stormwater plans may be modified as follows:

(1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.

(2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.

(c) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 1-10 (b).

#### **Sec. 1-9 - TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.**

**[NOTE: The technical criteria must be part of the VSMP, but are not required to be specifically set out in the local ordinance. Rather, these provisions may be included in a local manual that is referenced within the Ordinance or the Ordinance may reference to the technical criteria provisions of 4VAC50-60-62 through 4VAC50-60-92 of the Regulations as shown in Subsection (a) below. Such state technical criteria or more stringent local standards must be enforceable through the Ordinance.]**

(a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the Locality hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include 4VAC50-60-63 [water quality design criteria requirements]; 4VAC50-60-65 [water quality compliance]; 4VAC50-60-66 [water quantity]; 4VAC50-60-69 [offsite compliance options]; 4 VAC 50-60-72 [design storms and hydrologic methods]; 4VAC50-60-74 [stormwater harvesting]; 4VAC50-60-76 [linear development project]; and, 4VAC50-60-85 [stormwater management impoundment structures or facilities], which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (b) of this Section.

(b) Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Locality as being equivalent thereto, was approved by the Locality prior to July 1, 2012, and for

which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered by the Administrator and shall not be subject to the technical criteria of Part II B [of the Regulations], but shall be subject to the technical criteria of Part II C [of the Regulations] for those areas that were included in the approval, provided that the Administrator finds that such proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Locality as being equivalent thereto, (i) provides for a layout and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C. In the event that the Locality-approved document is subsequently modified or amended in a manner such that there is no increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.

- (1) Until June 30, 2019, for local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Department has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by **[insert locality name]** and shall not be subject to the technical requirements of Part II B of the Regulations, but shall be subject to the technical requirements of Part II C of the Regulations for those areas that were included in the approval.
  - (2) For land-disturbing activities grandfathered under this Subsection, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of Subsection (a) above.
- (c) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part IIC of the Regulations, as adopted by the Locality in Subsection (b) of this Section.
- (d) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
- (1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.
  - (2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 4VAC50-60-69 have been considered and found not available.

- (e) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.

**Sec. 1-10 - LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES**

- (a) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
  - (1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
  - (2) Be stated to run with the land;
  - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
  - (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
  - (5) Be enforceable by all appropriate governmental parties.
- (b) **[Optional]** At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.
- (c) **[Optional - Applicable only if Subsection 1-10 (b) is included]** If a recorded instrument is not required pursuant to Subsection 1-10 (b), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator **[NOTE: May include “or any duly authorized agent of the Administrator”]**.

**Sec. 1-11. - MONITORING AND INSPECTIONS.**

- (a) The Administrator **[NOTE: May include “or any duly authorized agent of the Administrator”]** shall inspect the land-disturbing activity during construction for:

- (1) Compliance with the approved erosion and sediment control plan;
  - (2) Compliance with the approved stormwater management plan;
  - (3) Development, updating, and implementation of a pollution prevention plan; and
  - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (b) The Administrator [**NOTE: May include “or any duly authorized agent of the Administrator”**] may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.
- (c) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (d) Pursuant to § 10.1-603.12:2 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance. [**NOTE: Please see § 10.1-603.12:2 regarding protection of specified confidential information.**]
- (e) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator [**NOTE: May include “or any duly authorized agent of the Administrator”**] pursuant to the Locality's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 1-10.

## Sec. 1-12. – HEARINGS

- (a) Any permit applicant or permittee, or person subject to Ordinance requirements, aggrieved by any action of the [**Locality**] taken without a formal hearing, or by inaction of the [**Locality**], may demand in writing a formal hearing by the [**Local governing or appeals body**] causing such grievance, provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.

- (b) The hearings held under this Section shall be conducted by the **[local governing or appeals body]** at a regular or special meeting of the **[local governing or appeals body]**, or by at least one member of the **[local governing or appeals body]** designated by the **[local governing or appeals body]** to conduct such hearings on behalf of the **[local governing or appeals body]** at any other time and place authorized by the **[local governing or appeals body]**.
- (c) A verbatim record of the proceedings of such hearings shall be taken and filed with the **[local governing or appeals body]**. Depositions may be taken and read as in actions at law.
- (d) The **[local governing or appeals body]** or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

#### **Sec. 1-13. - APPEALS.**

**[NOTE: The locality shall adopt an appeals procedure. This procedure should be appropriate for the stormwater ordinance provisions and be consistent with the limitations within § 10.1-603.13 of Chapter 6 of Title 10.1 of the Code of Virginia.]**

#### **Sec. 1-14. - ENFORCEMENT**

- (a) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.
  - (1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.
  - (2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with **[refer to local procedures]**. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 1-14 (c).

- (b) In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with **[reference local public facilities/engineering manual and/or specific policy]**.
  - (c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in **[insert appropriate local court]** by the Locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
  - (d) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
- (1) Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:
- (i) No state permit registration;
  - (ii) No SWPPP;
  - (iii) Incomplete SWPPP;
  - (iv) SWPPP not available for review;
  - (v) No approved erosion and sediment control plan;
  - (vi) Failure to install stormwater BMPs or erosion and sediment controls;
  - (vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
  - (viii) Operational deficiencies;
  - (ix) Failure to conduct required inspections;
  - (x) Incomplete, improper, or missed inspections; and

- (xi) Discharges not in compliance with the requirements of Section 4VAC 50-60-1170 of the general permit.
- (2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
- (3) In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
- (4) Any civil penalties assessed by a court as a result of a summons issued by the Locality shall be paid into the treasury of the **[Locality]** to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.
- (e) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

**Sec. 1-15. - FEES [INCLUSION OF FEES IN THE ORDINANCE IS OPTIONAL]**

- (a) Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with Table 1. **[NOTE: Such fee attributes include the costs associated with plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with land-disturbing activities as well as state program oversight costs.]** When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the Applicant shall be subject to fees (“total fee to be paid by applicant” column) in accordance with the disturbed acreage of their site or sites according to Table 1.

**Table 1: Fees for permit issuance**

Fee type	Total fee to be paid by Applicant (includes both VSMP authority and Department portions where applicable)	Department portion of “total fee to be paid by Applicant” (based on 28% of total fee paid*)
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$290	\$0
General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$290	\$81
General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$2,700	\$756
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$952
General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500	\$1,260
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$1,708
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$2,688

\* If the project is completely administered by the Department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the Department.

(b) Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the **[insert locality name]**, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1. **[NOTE: Fees specified in this Subsection go to the locality.]**

**Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities**

<b>Type of Permit</b>	<b>Fee Amount</b>
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

(c) The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. **[NOTE: Fees specified in this Subsection go to the locality.]**

**Table 3: Permit Maintenance Fees**

<b>Type of Permit</b>	<b>Fee Amount</b>
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$50
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400

General permit coverage maintenance fees shall be paid annually to the **[Locality]**, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

(d) The fees set forth in Subsections (a) through (c) above, shall apply to:

- (1) All persons seeking coverage under the general permit.
- (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
- (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater From Construction Activities.

(4) Permit and permit coverage maintenance fees outlined under Section 1-15 (c) may apply to each general permit holder.

(e) No general permit application fees will be assessed to:

(1) Permittees who request minor modifications to general permits as defined in Section 1-2 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.

(2) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.

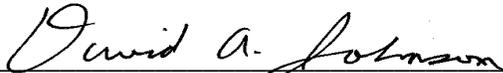
(f) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The [Locality] shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

**1-16. Performance Bond (4VAC50-60-104.D and Code § 603.8(A)) [Optional]**

Prior to issuance of any permit, the Applicant [option: shall/may] be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the [local government attorney], to ensure that measures could be taken by the [Locality] at the Applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the [Locality] takes such action upon such failure by the Applicant, the Locality may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

**V. Adoption, Amendments, and Repeal:**

This guidance document shall remain in effect until rescinded, amended or superseded.

  
\_\_\_\_\_  
David A. Johnson  
Director, Virginia Department of Conservation and Recreation

12/13/2012  
Date



**TOWN OF OCCOQUAN**  
**TOWN COUNCIL MEETING**  
Agenda Communication

**Meeting Date:** June 3, 2014

**Subject:** Draft Fee Schedule Revision

**Explanation and Summary:**

The Town Council last reviewed and updated the Town's Engineering Fee Schedule in August of 2006. The proposed fee schedule reflects more accurate costs associated with each activity, eliminates items that are no longer required and adds new categories and associated fees.

**Engineer's Recommendation:** Recommend approval.

**Town Attorney's Recommendation:** Recommend approval.

**Town Manager's Recommendation:** Recommend approval.

**Cost and Financing:** N/A

**Account Number:** N/A

**Proposed/Suggested Motion:**

"I move to approve the proposed revised fee schedule as presented."

OR

Other action deemed appropriate by Council.

**Attachments:** (2) Red Lined Proposed Fee Schedule  
Proposed Fee Schedule

# TOWN OF OCCOQUAN

## Engineering Fee Schedule

SERVICE	FEE
Rezoning (Zoning Map Amendment)	\$200 + contractor's review charge
Special Use Permit (Use)	\$200 + contractor's review charge
<del>Special Use Permit (20% slopes)</del>	<del>\$200 + contractor's review charge</del>
Variance request (Zoning)	\$200 + contractor's review charge
Appeal to BZA	\$200 + contractor's review charge
Site Plan Review	\$200 + contractor's review charge
Preliminary Site Plan	\$200 + contractor's review charge
<del>Final Site Plan (Commercial)</del>	<del>\$200 + contractor's review charge</del>
<del>Final Site Plan (High-density residential)</del>	<del>\$200 + contractor's review charge</del>
<del>Minor change to approved plan</del>	<del>\$200 + contractor's review charge</del>
<del>Major revision of Revision to approved plan</del>	\$200 + contractor's review charge
Preliminary Subdivision Plat/Plan Review	\$200 + contractor's review charge
<del>Revisions to Approved Subdivision Plat/Plan</del>	<del>\$200 + contractor's review charge</del>
Final Subdivision Plat/Plan Review	\$200 + contractor's review charge
Public Improvement Plan Review	\$200 + contractor's review charge
Easement Plat Review	\$200 + contractor's review charge
<del>WQIA Review - Minor</del>	<del>\$200 + contractor's review charge</del>
WQIA Review	\$200 + contractor's review charge
Major Landscaping Plan review	\$200 + contractor's review charge (No Charge if part of another plan)
Waiver/Exception Request Review	\$200 + contractor's review charge
E&S Control Plan Review	\$200 + contractor's review charge (No Charge if part of another plan)
Miscellaneous Plat Review	\$200 + contractor's review charge
Retaining Wall Design Review	\$200 + contractor's review charge
Land Disturbance Permit	\$200 + \$75 per inspection
<del>Bond Reduction or Release Inspection</del>	<del>\$200 + contractor's review charge</del>
<del>Zoning Compliance Review</del>	<del>\$75 per request</del>

*Adopted: N/A PROPOSED*

# TOWN OF OCCOQUAN

## Engineering Fee Schedule

SERVICE	FEE
Rezoning (Zoning Map Amendment)	\$200 + contractor's review charge
Special Use Permit (Use)	\$200 + contractor's review charge
Variance request (Zoning)	\$200 + contractor's review charge
Appeal to BZA	\$200 + contractor's review charge
Site Plan Review	\$200 + contractor's review charge
Preliminary Site Plan	\$200 + contractor's review charge
Revision to approved plan	\$200 + contractor's review charge
Preliminary Subdivision Plat/Plan Review	\$200 + contractor's review charge
Final Subdivision Plat/Plan Review	\$200 + contractor's review charge
Public Improvement Plan Review	\$200 + contractor's review charge
Easement Plat Review	\$200 + contractor's review charge
WQIA Review	\$200 + contractor's review charge
Major Landscaping Plan review	\$200 + contractor's review charge (No Charge if part of another plan)
Waiver/Exception Request Review	\$200 + contractor's review charge
E&S Control Plan Review	\$200 + contractor's review charge (No Charge if part of another plan)
Miscellaneous Plat Review	\$200 + contractor's review charge
Retaining Wall Design Review	\$200 + contractor's review charge
Land Disturbance Permit	\$200 + \$75 per inspection
Bond Reduction or Release Inspection	\$200 + contractor's review charge
Zoning Compliance Review	\$75 per request

*Adopted: N/A PROPOSED*



# TOWN OF OCCOQUAN

## TOWN COUNCIL MEETING

### Agenda Communication

**Meeting Date:** June 3, 2014

**Subject:** Fence Request – 1421 Occoquan Heights Court

**Explanation and Summary:**

The homeowner of 1421 Occoquan Heights Court has requested to build a fence on the Town's storm drainage easement that is located on the side of the property. The recorded plat states that fencing is not permitted on the easement portion of the rear of the lot; however, the deed recorded with the plat states that if a homeowner wishes to erect a fence on any Town owned easement, they must obtain written approval from the Town.

**Engineer's Recommendation:** Recommend approval as outlined by Town Manager.

**Town Manager's Recommendation:** Recommend approval as shown on sketch provided by the homeowner and on the condition that all provisions of the recorded deed and plat, as well as the approved site plan, are maintained, including, but not limited to access to the easement required by the Town or other entities associated with the Town will be granted and that the Town will not be responsible for repairs associated with any structure on the easement that is impacted by access or maintenance requirements.

**Cost and Financing:** N/A

**Account Number:** N/A

**Proposed/Suggested Motion:**

"I move to grant permission for the homeowner of 1421 Occoquan Heights Court to erect a fence as shown on the attached sketch provided by the homeowner that meets Town Code requirements on the condition that the Town will have necessary access to the easement and that the Town may remove or demolish all or part of the fence at any time that it determines, in its sole and absolute discretion, that doing so is necessary or beneficial to the Town, and under no circumstances will the Town be responsible for replacement, repair, or maintenance of the fence."

OR

Other action deemed appropriate by Council.

**Attachments:** (4) Homeowner Provided Documentation  
Approved Site Plat – Occoquan Heights  
Approved Site Plan – Occoquan Heights, Page 5  
Occoquan Heights Deed Language, Use of Easements

Dear Occoquan Council-members,

Thank you for allowing me the time to request consideration to have a fence built over the drainage easement at 1421 Occoquan Heights Court, Occoquan, VA 22125. I closed on my D.R. Horton built town-home on 29 May 2014. My wife and I chose the end unit on Lot 14 because we have two young daughters and two dogs and wanted the extra space. We paid a \$15K lot premium in order to maximize the yard available.

Around the first week of May, we were informed of two easements on our property, neither of which were disclosed when we signed our contract. The access easement at the rear of our property is understandable and we will not build a fence over the markers. The side of the house has a drainage easement that requires the town council approval to erect a fence. Town code states that a fence may be erected, upon approval from the town, as long as the town is not responsible for repairs due to access or maintenance requirements.

We respectfully request approval to erect a fence IAW the Elm Street Developers HOA and Town plat guidelines.



Respectfully,  
Chris and Jackie Iwan  
1421 Occoquan Heights Court  
Occoquan, VA 22125  
(253) 304-3905

Attachment 1: Town of Occoquan Storm Drainage Guidelines for Lots 1-21 (Occoquan Heights)

Attachment 2: Fence Proposal

Attachment 3: Lot Photos

From: **Kirstyn Barr** KBarr@occoquan.org  
Subject: RE: Fence Review  
Date: May 16, 2014 at 1:18 PM  
To: Christopher Iwan chrisiwan@icloud.com

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Chris:

This is to follow up on your request to build a fence on the easement of the property you are purchasing. In looking into this issue, we found that the recorded plat states “no fencing is permitted on the easement portion of the rear years on lots 1-22,” and that fences are allowed in the storm drainage easement in note 9 on that plat:

9. THE FEE TITLE OWNER SHALL BE RESPONSIBLE FOR ALL STORM DRAINAGE SYSTEMS/SANITARY FACILITIES IN ACCORDANCE WITH THE MAINTENANCE AGREEMENT TO ENSURE THAT THEY FUNCTION PROPERLY. SUBJECT TO OTHER LIMITATIONS, THE FEE TITLE OWNER MAY LANDSCAPE THE EASEMENT TO INCLUDE VEGETATION, SIGNS AND FENCES PROVIDED THAT DRAINAGE AND THE TOWN'S OR THE OWNER'S ABILITY TO ACCESS THE EASEMENT IS NOT COMPROMISED AND THAT THE TOWN IS NOT IN ANYWAY RESPONSIBLE FOR THE REPAIRS OF THESE LANDSCAPE ITEMS EVEN IF DAMAGED BY THE TOWN. THE FEE TITLE OWNER SHALL BE RESPONSIBLE FOR GRASS MOWING WITH REASONABLE FREQUENCY, IF APPLICABLE, AND FOR THE REMOVAL OF DEBRIS AND OTHER MATTER THAT MAY OBSTRUCT OR THREATEN TO IMPED THE FREE FLOW OF STORM WATER.

However, the document that is recorded with the plat states that [owners] “...shall not erect any building or other structure, including fencing, on the easements granted to the Town without obtaining prior written approval of the Town.”

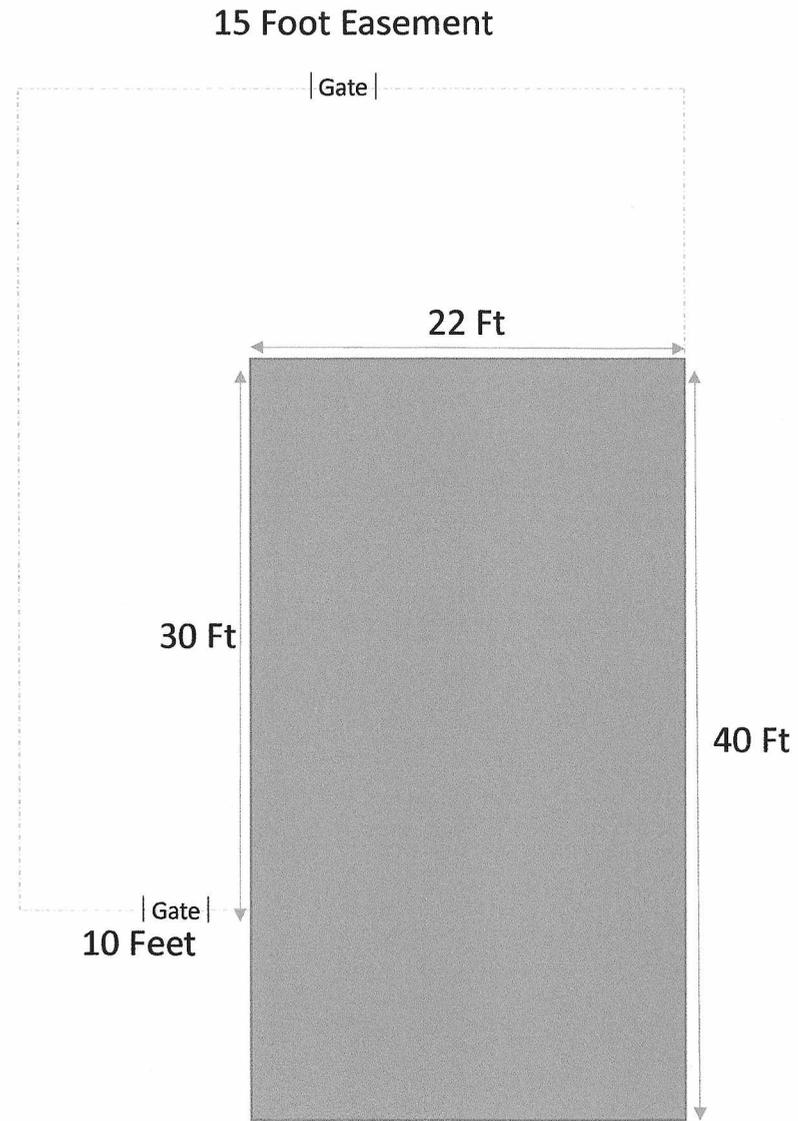
In order to obtain approval to build the fence on that easement, we will need to have it come before Town Council. Their next meeting is on Tuesday, June 3, at 7 p.m. here in Town Hall. Please send me your proposal, including drawings that illustrate how the fence will be constructed along with dimensions, and any other documentation that you would like to provide, by Tuesday, May 27. I will then include that information in the agenda for their consideration.

Thank you,  
Kirstyn

---

Kirstyn L. Barr  
Town Manager  
Town of Occoquan  
314 Mill Street  
PO Box 195  
Occoquan, VA 22125

- Buyer: Christopher Iwan
- Contact Info:  
Phone: 253.304.3905  
email: [christopher.iwan@outlook.com](mailto:christopher.iwan@outlook.com)
- Settlement Date: 29 May 2014
- Fence Construction Date: Not before 10 June 2014 (Tentative)



- Fence Proposal Request for: 1421 Occoquan Heights Ct (Lot 14)
- Fence will be constructed of wood with board-on-board and a lattice top not to exceed a height of six feet total in accordance with Elm Street Development HOA.
- Fence will be placed not less than 15 feet from the back of the property line and will be built in accordance with access easement requirements.





**NOTES**

1. THE GEOGRAPHICAL PARCEL IDENTIFICATION NUMBER FOR THE PROPERTY SHOWN HEREON IS 8393-72-0694 AND IS ZONED R3. THE ADDRESS FOR THE SUBJECT PROPERTY IS 104 WASHINGTON STREET.
2. CURRENT OWNER: OCCOQUAN HEIGHTS L.C.  
INSTRUMENT #201209120087795
3. THE PLAT OF THE PROPERTY SHOWN HEREON IS BASED ON AN ALTA/ACSM LAND TITLE SURVEY BY BC CONSULTANTS, DATED SEPTEMBER 29, 2009 AND IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 AS COMPUTED FROM A FIELD GPS SURVEY.
4. THE PRINCE WILLIAM COUNTY SERVICE AUTHORITY SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SANITARY SEWER AND WATER MAINS UPON THE SERVICE AUTHORITY'S RELEASE OF THE POSTED BOND.
5. THE CONSTRUCTION OF FENCES AND OTHER PERMANENT STRUCTURES IS PROHIBITED WITHIN AND WATER OR SANITARY SEWER EASEMENT WITHOUT THE SPECIFIC AUTHORIZATION FROM THE PRINCE WILLIAM COUNTY SERVICE AUTHORITY.
6. PARCEL "A" IS TO BE CONVEYED TO AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
7. PARKING AREAS, SIDEWALKS AND TRAVELWAYS ARE TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION, EXCEPT AS REFERENCED IN NOTE 14.
8. THE OWNER OF FEE TITLE TO ANY PROPERTY ON WHICH PLANT MATERIAL HAS BEEN ESTABLISHED IN ACCORDANCE WITH AN APPROVED LANDSCAPE/PLANTING PLAN SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THE APPROVED PLANT MATERIALS.
9. THE FEE TITLE OWNER SHALL BE RESPONSIBLE FOR ALL STORM DRAINAGE SYSTEMS/SWIM/BMP FACILITIES IN ACCORDANCE WITH THE MAINTENANCE AGREEMENT TO ENSURE THAT THEY FUNCTION PROPERLY. SUBJECT TO OTHER LIMITATIONS, THE FEE TITLE OWNER MAY LANDSCAPE THE EASEMENT TO INCLUDE VEGETATION, SIGNS AND FENCES PROVIDED THAT DRAINAGE AND THE TOWN'S OR THE OWNER'S ABILITY TO ACCESS THE EASEMENT IS NOT COMPROMISED AND THAT THE TOWN IS NOT IN ANYWAY RESPONSIBLE FOR THE REPAIRS OF THESE LANDSCAPE ITEMS EVEN IF DAMAGED BY THE TOWN. THE FEE TITLE OWNER SHALL BE RESPONSIBLE FOR GRASS MOWING WITH REASONABLE FREQUENCY, IF APPLICABLE, AND FOR THE REMOVAL OF DEBRIS AND OTHER MATTER THAT HAS IMPEDED OR THREATENS TO IMPEDE THE FREE FLOW OF STORM WATER.
10. ALL UNDERLYING EASEMENTS MAY NOT BE SHOWN.
11. LATERALS ARE THE RESPONSIBILITY OF THE PROPERTY OWNER.
12. THE TOWN OF OCCOQUAN ARE HEREBY CONVEYED THE RIGHT TO INGRESS/EGRESS OVER ALL PRIVATE STREETS OF DEVELOPMENT, TO INCLUDE TOWN AND OTHER EMERGENCY VEHICLES. THIS BLANKET RIGHT OF INGRESS/EGRESS SHALL RUN WITH THE SUBJECT PROPERTY.
13. THERE IS A BLANKET SANITARY SEWER, STORM DRAINAGE AND WATERMAIN EASEMENT OVER ALL PRIVATE STREETS.
14. ALL SIDEWALKS ALONG THE PUBLIC STREETS SHALL BE MAINTAINED OR MAINTENANCE SHALL BE PAID BY THE HOMEOWNERS ASSOCIATION.
15. NO USE SHALL BE MADE OF, NOR SHALL ANY IMPROVEMENTS OR MODIFICATIONS BE MADE IN THE RESOURCE PROTECTION AREA AND/OR CONSERVATION AREA, WITHOUT SPECIFIC AUTHORIZATION FROM THE TOWN OF OCCOQUAN.
16. NO FENCING IS PERMITTED ON THE EASEMENT PORTION OF THE REAR YARDS ON LOTS 1-22.
17. NO DECKS ARE PERMITTED ON LOTS 23-39.

**OWNER'S CONSENT AND DEDICATION**

THE PLATTING OR DEDICATION OF THE LAND SHOWN HEREON AND AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETORS, AND TRUSTEES, IF ANY. THE UNDERSIGNED HEREBY EXPRESSLY CONSENT(S) TO THE DEDICATION TO THE TOWN OF OCCOQUAN, IN FEE SIMPLE ABSOLUTE, OF ALL AREAS SHOWN ON THIS PLAT FOR ROADS AND SUCH OTHER PUBLIC USES AS MAY BE IDENTIFIED BY SPECIFIC USE OF NAME OR BY THE GENERAL DESIGNATION "FOR PUBLIC USE," AND FURTHER CONSENT(S) TO THE DEDICATION OF ANY EASEMENT INDICATED ON SUCH PLAT FOR PUBLIC RIGHTS OF PASSAGE, STORM DRAINAGE, OR EXPRESSLY IDENTIFIED FOR THE INSTALLATION OF SEWER, WATER OR OTHER UTILITY LINES, OR FOR ACCESS THERETO, OR FOR CONSTRUCTION EASEMENTS TEMPORARY OR PERMANENT ULTIMATELY TO BE OWNED, OPERATED, OR MAINTAINED BY ANY PUBLIC AUTHORITY. WATER AND SANITARY SEWER EASEMENTS TO BE OWNED, OPERATED, OR MAINTAINED BY PRINCE WILLIAM COUNTY SERVICE AUTHORITY.

9.27.12  
DATE:

*[Signature]*  
NAME: MANAGISA TITLE

SUBSCRIBED AND SWORN TO BEFORE ME IN THE COMMONWEALTH OF VIRGINIA AND COUNTY OF Prince William ON THIS 27 DAY OF September, 2012.

*[Signature]*  
CHEYL D. LOVELACE  
NOTARY PUBLIC

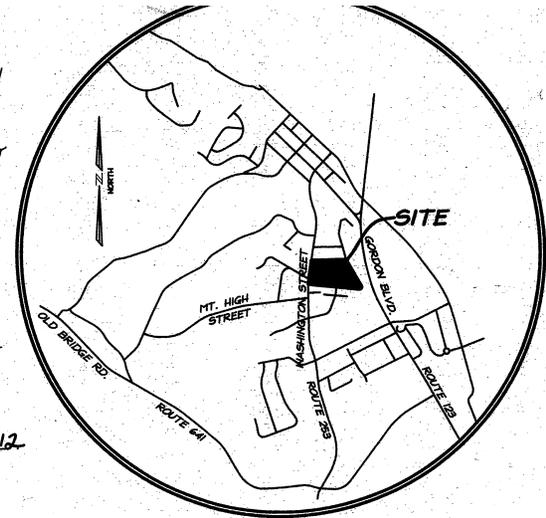
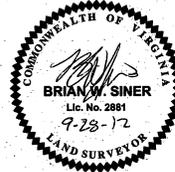


MY COMMISSION EXPIRES ON 10/31/2016

COMMISSION NO. 7514310

**SURVEYOR'S CERTIFICATE**

I, BRIAN W. SINER A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE PROPERTY DELINEATED BY THIS PLAT, IS NOW IN THE NAME OF OCCOQUAN HEIGHTS L.C. AS RECORDED IN INSTRUMENT #201209120087795 AMONG THE LAND RECORDS OF PRINCE WILLIAM COUNTY, VIRGINIA.

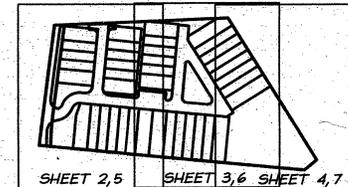


**VICINITY MAP**

SCALE: 1" = 1000'

**SHEET INDEX**

NO SCALE



**christopher consultant**  
engineering surveying land planning  
9417 innovation drive manassas, va 20110  
703.860.8687 fax 703.860.9076



RECORD PLAT

**OCCOQUAN HEIGHTS**

TOWN OF OCCOQUAN, VIRGINIA



4. Grantor, its successors and assigns, reserve the right to make any use of the easements herein granted which does not interfere with the flows of natural storm drainage or adversely affect other properties, or which may not be inconsistent with the rights herein conveyed or interfere with the use of said easements for the purposes named; provided, however, that Grantor, its successors and assigns, shall not erect any building or other structure, including fencing, on the easements granted to the Town without obtaining the prior written approval of the Town.



**TOWN OF OCCOQUAN**  
**TOWN COUNCIL MEETING**  
Agenda Communication

**Meeting Date:** June 3, 2014

**Subject:** Entry Sign Replacement-Tanyard Hill Road and Gordon Boulevard

**Explanation and Summary:**

The Town has been working with Signarama to replace and update Town of Occoquan signage throughout town. The Town has previously contracted with Signarama to replace current signage at Mamie Davis Park, the entry garden at the corner of Washington and Commerce, and the “more shops” signs located on the Town’s alleys. These signs are expected to be installed the week of June 6, 2014.

The second phase includes replacement of signage at the corner of Gordon Boulevard and Commerce Street and at the intersection of Tanyard Hill and Old Bridge Roads. The attached quote details a proposal that reflects a consistent design with the signs that have already been purchased. In addition, the signs are proposed to be in a “v” style, allowing a more visual presence for vehicles approaching in either direction.

The total cost to install ‘v’ signs at both locations (Gordon Boulevard and Tanyard Hill Road) including installation and all materials is \$8,505.40.

**Town Manager’s Recommendation:** Recommend approval of purchase.

**Cost and Financing:** \$8,505.40

**Account Number:** To be determined by Council

**Proposed/Suggested Motion:**

“I move to approve the purchase of two ‘v’ signs from Signarama of Woodbridge, including all materials and installation, in the amount of \$8,505.40.”

Or

Other action deemed appropriate by Council.

**Attachments:** (1) Sign Quote

**Signarama, Woodbridge VA**  
**Noble Endeavours, LLC**  
 13859 Smoketown Road  
 Woodbridge VA 22192  
 United States  
 Phone: 571-402-7061  
 Fax : 703-995-0288  
 info@signarama-woodbridgeva.com  
 for Quote : info@signarama-woodbridgeva.com  
 www.signarama-woodbridgeva.com  
 EIN # : 45-2794161



<b>Quote 3280 - Welcome Signs, "V" configuration</b>	<b>Expiration Date : 06/13/2014</b>
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Quote for	Contact	Shipping/Install
Town Of Occoquan	<b>Kirstyn Barr</b> Fax : (703) 491-4962 Email : kbarr@occoquan.org	

Quote #	Quote Date	Sales Rep	Payment Terms	PO	PO Date
3280	05/29/2014	<b>Client Account Specialist</b> info@signarama-woodbridgeva.com	Due On Receipt		

**Items**

#	Item	Qty	Unit Price	Total	Tax
1	<b>Redwood Signs, "Welcome To Historic Occoquan"</b>  Custom made 1.5" thick clear heart Redwood, sandblasted to reveal message and logo. Portioned and Painted blue with white lettering, trim and logo.	4	\$1,782.80	\$7,131.20	\$0.00
2	<b>Cedar posts, standard length</b>  Top grade Cedar posts, primed and Painted to coordinate with signage. Outstanding durability and longevity.	3	\$115.35	\$346.05	\$0.00
3	<b>Cedar posts, long length</b>  Top grade Cedar posts, primed and Painted to coordinate with signage. Outstanding durability and longevity.	3	\$166.05	\$498.15	\$0.00
4	<b>Install, *V* Signs</b>  Installation team, minimum of two men, equipment, mounting hardware, concrete, etc. Install 2 signs in each of two locations.	2	\$265.00	\$530.00	\$0.00

**Total**

Sub Total	Total Tax	Final Price
\$8,505.40	\$0.00	\$8,505.40

<b>Downpayment (50.0 %)</b>	\$4,252.70
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**Terms And Conditions** Invoices & Cancellation of Orders: Sign-A-Rama (Vendor) prepares your order according to your specifications. Therefore, prior to its commencement, your order is only cancelable with the Vendor's prior written consent. After commencement of your order (the point at which materials are assembled and work has begun), your order is non-cancelable. The Customer is Solely Responsible for Proofreading Vendor does not assume any responsibility for the correctness of copy. Therefore, you must review and sign a proof prior to our commencement of your order. By signing your proof, you approve of its content and release the Vendor to commence our work. You are solely responsible for the content of the proof once it has been signed. However, if we should make an error in producing the work as proofed, please be assured that we will redo the work as quickly as possible and without charge to you. Vendor's Liability Vendor's total liability is hereby expressly limited to the services indicated on the invoice and Vendor will not be liable for any subsequent damages, consequential damages, or otherwise. All dates promised on this invoice are approximations unless the word "firm" is written and acknowledged by the Vendor.

Terms of Payment: Upon ordering, you must give Vendor a 50% deposit. Your balance will be due upon delivery and/or installation. Vendor may, at its sole discretion, extend credit terms to you upon approval. Collection Procedures: Invoices are considered delinquent thirty (30) days from the date that your order is completed. After the thirtieth day, a late charge of \$25.00, together with interest accruing at the rate of 1.5% per annum, or the maximum rate allowable by law is assessed. You shall be liable for all costs related to collection of delinquent invoices, including court costs and attorney's fees. Customer's Acceptance of Work: Customer's acceptance, either personal or through his/her agent(s) and/or employee(s) of the work ordered shall be deemed as full acceptance. This means that by accepting delivery of the work, customer affirms that the work substantially conforms to all expectations. Lost or Substantially Forgotten Work: If customer does not take possession of completed work within thirty (30) days from notification of completion, then the work will be considered lost or forgotten, and vendor will not be responsible for further loss. Customer will be billed and responsible for payment for work that has been completed

for **Town Of Occoquan**

<b>Signature</b>	<b>Date</b>
------------------	-------------

We agree to your terms and conditions Please proceed with the order.



# TOWN OF OCCOQUAN

## TOWN COUNCIL MEETING

### Agenda Communication

**Meeting Date:** June 3, 2014

**Subject:** Holiday Wreath Replacement

**Explanation and Summary:**

Each year during the holiday season, the Town hangs lighted holiday wreaths on Dominion poles throughout Town. The current wreaths were originally purchased between 1992 and 1994 and due to age and exposure, the condition of the wreaths have deteriorated beyond repair. The wreaths have a life expectancy of 10 to 15 years.

Previously, the Town purchased the wreaths over several years: in 1992, 18 wreaths were purchased, in 1993, 10 wreaths were purchased and in 1994, 13 wreaths were purchased. No wreaths have been replaced since 1994. Since the original purchase, the Town's Maintenance Supervisor has been maintaining the wreaths, rewiring and replacing bulbs as needed.

The below quotes are provided by Mosca Design, the original provider of the Town's wreaths. They include an upgrade to LED lights and will maintain the look of the current wreaths. The mounting brackets that are currently used can be used to mount the new wreaths.

Description	Quantity	Cost Per	Sub Total	Total Cost (including wreath and backup bracket)
Wreaths w/LED lights (no bow, no mounting hardware)	40	\$277	\$11,080	
Brackets (replacement in case of failure during installation)	10	\$30	\$300	
Bow Option #1 (Vinyl)	80	\$27	\$2,160	\$13,540
Bow Option #2 (Velvet)	80	\$70	\$5,600	\$16,980
Bow Option #3 (Marine Acrylic)	80	\$79	\$6,320	\$17,700

Charges incurred due to contracted installation services associated with mounting wreaths will be applied to the Town's maintenance budget in FY 2015.

Approval is contingent upon the approval of the Fiscal Year 2015 Capital Improvement Plan and Budget. The proposed CIP includes \$16,000 for the purchase of replacement wreaths.

**Town Manager's Recommendation:** Recommend approval of replacing all 40 wreaths utilizing funding allocated in the proposed Fiscal Year 2015 Capital Improvement Plan. Staff recommends the purchase of the marine acrylic bow type due to quality and life expectancy.

**Cost and Financing:** \$17,700  
**Account:** \$16,000 - Capital Improvement Plan  
\$1,700 - Maintenance Budget

**Proposed/Suggested Motion:**

"I move to approve the purchase of 40 replacement lighted holiday wreaths from Mosca Designs in an amount not to exceed \$18,000, contingent upon the approval of the Fiscal Year 2015 Capital Improvement Plan and Budget."

Or

Other action deemed appropriate by Council.

**Attachments:** (2) Quote from Mosca Design  
Photos of Wreath Bow Options (Sample bows are available for viewing at Town Hall)



3206 Dancer Rd. Richmond, VA 23294

Phone: 804-380-2705

Fax: 804-270-2850

# Price Quote

## Proposal / Contract

Customer:

Town of Occoquan  
Peggie Blackwell  
314 Mill St.  
Occoquan, VA 22125

Date: 5/13/14

F.O.B.: Bill Customer

Shipping Date: ASAP

Via: Best Way

Ship To:

Sales Tax Exemption # \_\_\_\_\_

Quantity	Size	Description	Price	Unit	Amount
40	4.5'	P-332 Candle Wreath w LED lights (no bows) 40 WW C7 lamps and 3 Amber LED Flame Lamps Commercial Grade Natural Pine Garland All mounting hardware included	\$307		\$12,280
		Price w/o mounting hardware	\$277		\$11,080
		Bow Options			
80	24"	Vinyl Smooth Finish Bow	\$27		\$2,160
80	24"	4-Loop Red Velvet 3D Structural Bow	\$70		\$5,600
80	24"	2-Loop Sunbrella Marine Acrylic 3D Structural Bow	\$79		\$6,320

**Freight not included and billed on shipment**

Total Merchandise	\$
Applicable Sales Tax	\$ n/a
Installation	\$ n/a
Balance Due	\$

Joel Mosca  
Mosca Design Representative

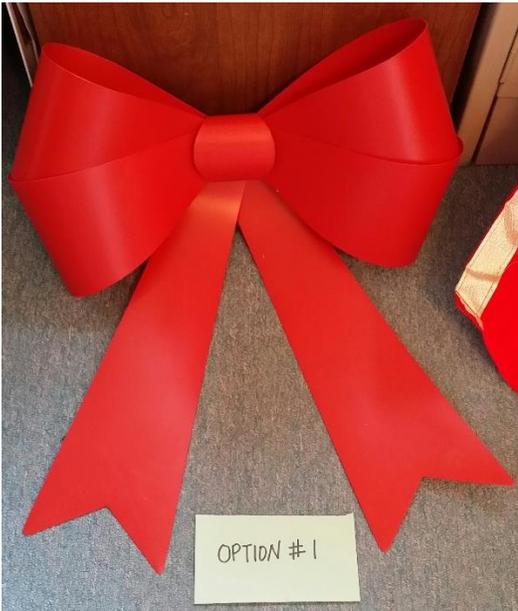
\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

By signing above purchaser agrees to the terms of the price quote and authorizes Mosca Design, Inc. to place order accordingly. Quote good for 90 days and while supplies last.  
or mail price quote to Mosca Design, Inc.

# Wreath Bow Options





**TOWN OF OCCOQUAN**  
**TOWN COUNCIL MEETING**  
Agenda Communication

**Meeting Date:** June 3, 2014

**Subject:** Organizational Structure

**Explanation and Summary:**

In an effort to encourage organizational efficiency, this resolution confirms the Town Manager's supervisory role as it relates to the Town staff and establishes an organizational structure that supports the Town Manager's oversight and responsibility of all Town activities.

This resolution does not impact the Town Sergeant's (Chief of Police) ability to exercise operational discretion in the performance of his duties associated with law enforcement.

This resolution does not impact the Town Council's exclusive authority for the hiring and dismissal of Town staff.

**Town Attorney's Recommendation:** Recommend approval.

**Town Manager's Recommendation:** Recommend approval.

**Cost and Financing:** N/A

**Account Number:** N/A

**Proposed/Suggested Motion:**

"I move to adopt the Resolution confirming the position of Town Manager as supervisor of Town staff. I further move to accept the proposed organizational structure as presented."

Or

Other action deemed appropriate by Council.

**Attachments:** (2) Draft Resolution  
Proposed Organizational Structure

# Draft

**MOTION:**

\_\_\_\_\_, 2014  
\_\_\_\_\_  
Meeting  
Res. No. 14-\_\_\_\_

**SECOND:**

**RE: RESOLUTION CONFIRMING THE POSITION OF TOWN  
MANAGER AS SUPERVISOR OF TOWN STAFF**

**WHEREAS**, the charter of the Town of Occoquan indicates that the Town Council shall appoint a town clerk, town sergeant, deputy town sergeant, town treasurer, and such other officers as the Council may deem necessary and proper, and

**WHEREAS**, the Occoquan Town Council believes that the proper and efficient administration of the Town government will benefit from clarifying and confirming the Town staff organizational structure and staff supervisory and reporting obligations, and

**WHEREAS**, it is the desire of the Occoquan Town Council to confirm the designation of the Town Manager as the supervisor of all Town staff,

**NOW, THEREFORE, BE IT RESOLVED**, that effective immediately upon adoption of this resolution all Town staff shall report to the Town Manager, either directly or through other Town staff, and that the Town Manager is responsible for the supervision of all Town staff, including assignment of duties, performance appraisals, and all the other obligations normally accruing to supervisory personnel.

**BE IT FURTHER RESOLVED**, that the Town Sergeant shall report to the Town Manager for all budgetary and administrative matters, but as a conservator of the peace under the Town charter shall retain the same authority to exercise operational discretion in the performance of his or her duties as would normally and reasonably be accorded law enforcement personnel.

**BE IT FURTHER RESOLVED**, that consistent with the Town Charter and notwithstanding the preceding paragraphs, the Town Council retains the exclusive authority for the hiring and dismissal of Town staff.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**CERTIFIED COPY** \_\_\_\_\_

**Town Clerk**



# Town of Occoquan Organizational Chart

*Proposed 2014*

