118-15-PFM

ADOPTION OF AN AMENDMENT TO

THE PUBLIC FACILITIES MANUAL

OF THE COUNTY OF FAIRFAX, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 27, 2015, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendments to the Public Facilities Manual of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA:

Amend the Public Facilities Manual, as follows:

Amend §6-0502 (General Policy) of the Public Facilities Manual to read as follows:

6-0502.1 The County's pro rata share program for off-site drainage improvements involves assessing new development <u>and redevelopment</u> for a proportionate share of the cost of off-site drainage improvements. It provides the County a funding source for the portion of the cost of drainage improvements necessitated by the increased runoff from new development <u>and redevelopment</u>. <u>Offsetting environmental impacts caused by local increases in runoff has far-reaching implications. Restoration needs for the Potomac River and the Chesapeake Bay are caused in part by increased runoff from the surrounding counties and states as well as the County as a whole. From this standpoint, the general drainage improvement program implemented in</u>

Fairfax County is viewed as a single, consolidated effort towards restoring these important natural resources. To this end, the County ~~may~~ shall require pro rata share contributions for off-site storm drainage improvements ~~in all areas where pro rata share improvements have been planned~~ as part of ~~the~~ its general drainage improvement program.

6-0502.2 The County's general drainage improvement program is a tabulation of all the capital drainage improvement projects and their associated costs that are eligible for pro rata share funding. Specifically included are projects that mitigate flooding and environmental stream degradation caused by land disturbing activities that increase impervious cover. Also included are projects and studies related to the development of County watershed management plans. The inventory of included projects is not static over time. Projects are removed as they are completed and projects are included as they are identified. The majority of projects within the County's general drainage improvement program are from the County's adopted watershed management plans. Projects that address routine maintenance are not included in the general drainage improvement program as they are not necessitated by development or redevelopment.

6-0502.~~2~~3 Pro rata share payments ~~will not~~ shall be reduced using the crediting system described in § 6-0605 and are based on a development ~~providing~~ meeting normal on-site ~~detention/BMP~~ stormwater management requirements.

6-0502.4 Pending the availability of pro rata share monies, developer costs for ~~off-site~~ construction of drainage improvements available for off-site drainage such as, but not limited to, the ~~or~~ implementation of a regional detention pond may be considered for a pro rata share assessment reduction and/or reimbursement. Developer reimbursement will be facilitated only by written agreement executed with the Board prior to construction plan approval. The developer's maximum amount of a pro rata share assessment reduction and/or reimbursement will be limited to the developer costs which are over and above the normal costs that would be incurred in developing the property. Subject to available funding, ~~T~~the maximum amount of annual pro rata share reimbursement to a developer would be established in the reimbursement agreement. ~~Generally, the annual reimbursement to any individual developer would be based on the relationship of the developer's excess costs to the total costs of all improvements required in the watershed coupled with the actual amount of pro rata monies collected in any given year.~~ Pro rata share reimbursements will start after completion of the drainage improvements by the developer and acceptance of the improvements by the County. The reimbursements will continue for a maximum of 15 years pursuant to the written agreement.

Amend §6-0601 (General Requirements) of the Public Facilities Manual to read as follows:

6-0601.1 (36-92-PFM) Development ~~within a watershed~~ involving a change of land use therein normally results in an increase in impervious areas resulting in a greater quantity as well as a more rapid and frequent concentration of stormwater runoff and the discharge of pollutants associated with the development.

6-0601.2 (36-92-PFM) The construction of storm drainage improvements is required ~~along waterway~~s as ~~watershed~~ development progresses to alleviate flood damage, arrest deterioration

of existing drainageways and minimize environmental damage to the ~~downstream~~ receiving waters within Fairfax County as well as the Potomac River and the Chesapeake Bay.

6-0601.3 The extent and character of such improvements shall be designed to provide for the adequate correction of deficiencies.

~~6-0601.4 Improvements shall extend downstream to a point where damages to existing properties ascribable to the additional runoff are minimized.~~

6-0601.~~5~~4 The purpose and intent is to require a developer of land to pay ~~his~~ a pro rata share of the cost of providing reasonable and necessary drainage facilities, as identified in the general drainage improvement program of Fairfax County, located outside the property limits of the land owned or controlled by the developer, but necessitated or required, at least in part, by the construction or improvement of his subdivision or development. The collected pro rata share payments, aggregated County-wide, will fund the drainage facilities needed to minimize environmental damage to the receiving waters within Fairfax County as well as the Potomac River and the Chesapeake Bay.

Amend §6-0602 (Pro Rata Share Studies) of the Public Facilities Manual to read as follows:

6-0602.1 ~~When directed to do so by the County Executive, t~~The Director of DPWES or ~~his~~ a designee shall study and compute the total estimated cost of the general drainage improvement program projects required to serve the ~~watershed~~ County when ~~and if such watershed~~ the County is fully developed in accordance with the adopted comprehensive land use plan ~~for the watershed~~ or the current zoning of the land, whichever is higher.

6-0602.2 The total estimated cost of projects within the general drainage improvement program shall include design, land acquisition, utility relocation, construction, and administrative costs ~~for the projects contained in the improvement program~~.

~~6-0602.3 The computation of total estimated costs shall include any engineering study for the watershed or improvement program.~~

6-0602.~~4~~3 When this cost is computed it shall be updated ~~every six months~~ annually by applying the Engineering News Record Construction Cost index value to ~~the construction~~ project and study costs contained within the general drainage improvement program.

~~6-0602.5 The above study with its attendant cost figures shall constitute the general improvement program for the affected watershed.~~

Amend § 6-0603 (General Drainage Improvement Program), where insertions are underlined and deletions are shown as strikeouts, to read as follows:

(36-92-PFM) ~~When a general drainage improvement program has been established, a~~ The pro rata share of the total cost of the general drainage improvement program shall be determined as follows:

6-0603.1 The County shall determine the estimated ~~increased~~ volume and velocity of stormwater runoff, expressed as ~~an increase in~~ impervious area, for the ~~watershed~~ County when fully developed in accordance with the adopted comprehensive land use plan or the current zoning of the land within the County, whichever is higher.

6-0603.2 The total estimated cost of the general drainage improvement program for the ~~watershed~~ County divided by the ~~increase in~~ impervious area for the ~~watershed~~ County when fully developed in accordance with the adopted comprehensive land use plan or the current zoning of the land within the County, whichever is higher, shall be computed by the County to determine the pro rata share assessment rate ~~for that watershed~~.

~~6-0603.3 The developer shall determine the increase in impervious area for the development. If the development is located within more than one major watershed, then the developer shall determine the increase in impervious area for each portion of the development which lies within each major watershed. The major watersheds are defined on the County's 1 inch = 4,000 feet Watersheds Map. A specific site must be divided into drainage areas conforming to the major watershed boundaries. The total site area within each major watershed must be included in the computation whether it is controlled by a storm sewer, detention/retention runoff facility, BMP, or sheet runoff design. Pro rata share reduction will not be allowed for normal on-site detention/BMP requirements.~~

6-0603.~~4~~3 The developer shall provide the computations showing the increase in impervious area for the development ~~to~~ within the County as part of plan submittal requirements including, but not limited to, the submittal of subdivision construction plans, site plans, infill lot grading plans, conservation plans, rough grading plans and public improvement plans ~~and development plan submittal requirements~~. The County will compute the developer's base pro rata share assessment by multiplying the ~~respective watershed~~ pro rata share assessment rate by the increase in impervious area for the development~~'s increase in impervious area~~. The pro rata share assessment rate~~s~~ ~~are~~ is available ~~in~~ from ~~the~~ ~~Site~~ Land Development Services ~~and Inspections Division~~, DPWES.

Amend § 6-0604 (Pro Rata Share Payments), where insertions are underlined and deletions are shown as strikeouts, to read as follows:

6-0604.1 The payment of the pro rata share assessment shall be due prior to the approval of plans including, but not limited to, subdivision construction plans, site plans, infill lot grading plans, conservation plans, rough grading plans and ~~or~~ public improvement plans ~~approval~~.

6-0604.2 When development occurs in a subdivision which has been previously approved and where no pro rata share assessment has been paid, or where a landowner is improving an existing lot which results in an increase in impervious area, the payment of the pro rata share assessment

shall be made before the issuance of any building permits, in accordance with State and County codes.

6-0604.3 The pro rata share assessments received prior to the Board of Supervisors' adoption of pro rata share amendments creating a single County-wide rate shall be kept in separate accounts for each of the watershed improvement programs until such time as they are expended for the watershed improvement program.

6-0604.4 Payments received after the Board of Supervisors' adoption of amendments creating a single County-wide rate shall be expended only for the established ~~watershed~~ general drainage improvement program ~~for which the payment was calculated~~. Any interest that accrues on such payments shall accrue to the benefit of the County.

~~6-0604.5 All storm drainage pro rata share accounts existing as of Oct. 1, 1992, were abolished by transferring assets into separate funds for the support of each separate respective watershed improvement program. After the transfer of such assets, depositors who had met the terms of any pro rata share agreements prior to July 1, 1990, received any outstanding interest which had accrued up to the date of transfer, and were released from any further obligation under those existing agreements. All transferred assets became the sole property of the County.~~

Insert a new § 6-0605 (Pro Rata Share Credits) to read as follows:

6-0605.1 Pro rata share payments shall be reduced by using the crediting system described herein. For the purposes of this section, the term "on-site" is defined to include sites that are part of a larger common plan of development or sale.

6-0605.2 Credit for fully meeting water quality regulations using on-site BMPs. A developer meeting or exceeding the required water quality regulations through the use of approved on-site BMPs shall receive a credit so as to reduce the developer's pro rata share assessment. The maximum credit will be a percentage of the developer's base pro rata share assessment. The maximum-credit percentage will be recalculated annually by the County based on the projects in its general drainage improvement program related to improving water quality.

6-0605.3 Credit for partially meeting water quality regulations using on-site BMPs. A developer complying with water quality regulations through the acquisition of nutrient offset credits shall not receive a pro rata share credit for the offset portion. The credit amount calculated using the procedure in § 6-0605.2 shall be limited to an amount proportional to the phosphorus load reduction achieved on-site as compared to the phosphorus load reduction required to be fully compliant.

6-0605.4 Credit for providing water quantity retention using on-site stormwater management. A developer providing on-site water quantity retention through the use of approved on-site stormwater management shall receive a credit so as to reduce the developer's pro rata share assessment. The County will calculate the credit by multiplying the total number of rainfall inches retained on-site by an annually determined rate. The maximum credit will be limited to

the retention of the 100-year storm. The rate for this credit will be recalculated each year by the County based on the projects in its general drainage improvement program related to managing water quantity.

6-0605.5 Credit will not be provided for a development that is fully exempt from providing on-site water quality or water quantity controls.

6-0605.6 Pro rata share assessment payment reduction. The total allowed credit is the summation of both the credit for water quality and the credit for water quantity. The developer's final pro rata share assessment will be an amount equal to the base pro rata share assessment minus the total allowed credit received.

Amend the Public Facilities Manual, Table of Contents, to insert new § 6-0605 (Pro Rata Share Credits).

This amendment shall become effective on July 1, 2015 at 12:01 a.m.

GIVEN under my hand this 27th day of January, 2015.

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CATHERINE A. CHIANESE
Clerk to the Board of Supervisors