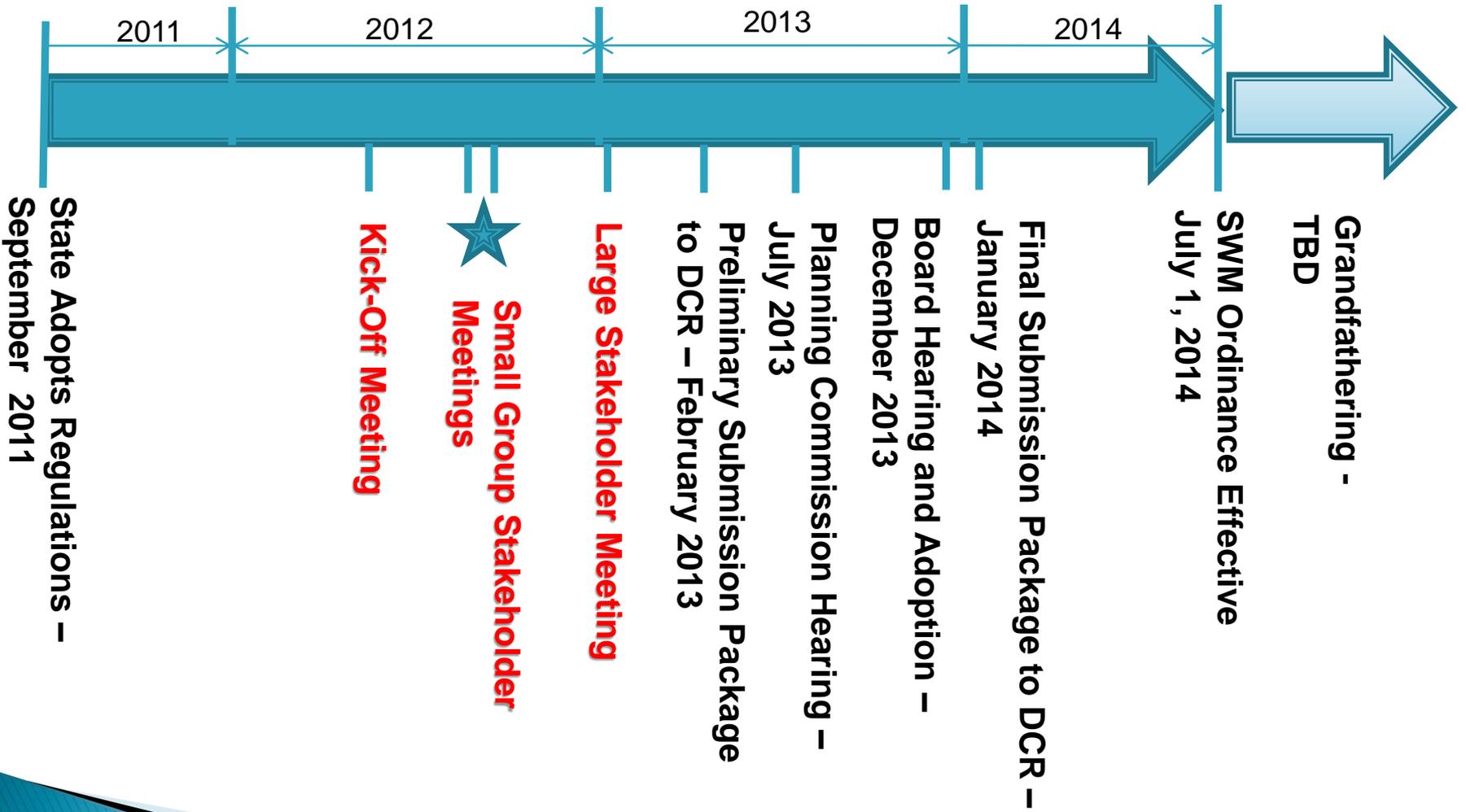


Fairfax County Stormwater Management Ordinance

Small Group Meeting #2
October 17, 2012

Welcome!

Stormwater Ordinance Timeline



Stakeholder Input Goals

1. Provide **input on specific issues** where the County has flexibility or can adopt stricter standards.
 2. Ensure feedback represents a **broad range of interests** and perspectives.
 3. Keep groups focused to ensure **meaningful dialogue**.
 4. Achieve **consensus where possible**; identify pros and cons where not possible.
 5. Help identify **additional issues** for consideration by the County.
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Today's Schedule

- 🕒 1:30 Break Out into Issue Teams
 - 🕒 2:50 Issue Team Wrap Up by Facilitators
 - 🕒 3:00 Break
 - 🕒 3:10 Report Out by Issue Team
 - 🕒 3:40 Group Discussion
 - 🕒 4:40 Additional Items
 - 🕒 4:50 Final Wrap Up and Next Steps
 - 🕒 5:00 Adjourn
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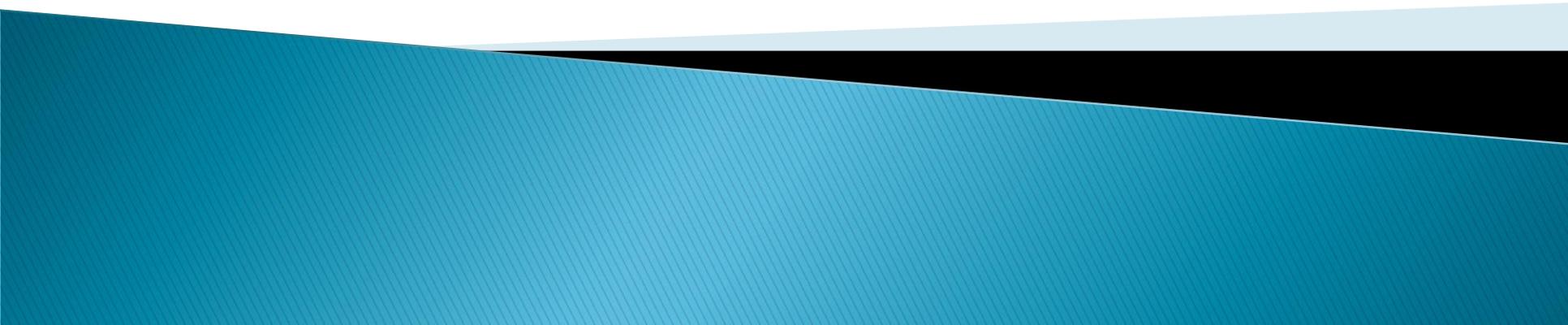
Your Mission/Ground Rules

- ▶ Speak your mind and participate actively.
 - ▶ Listen carefully and be willing to be persuaded.
 - ▶ Respect the need to allow all participants a chance to have a say.
 - ▶ Consider the County's overall needs as well as the needs of the people you represent.
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Facilitator and County Staff Roles

- ▶ Help frame the issues and guide the discussion.
 - ▶ Provide background and technical expertise.
 - ▶ Ensure that all participants have an opportunity to be heard.
 - ▶ Summarize input for presentation to the group.
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Questions?



Stakeholder Issues

September Issue Areas

- ▶ Single-Family Home Exemptions/Infill Development
- ▶ Stormwater Facility Inspection Reports by Owners
- ▶ Nutrient Credit Offsets/Pro Rata Share Program

Single-Family Home Exemptions

- ▶ The Virginia Code allows an exemption for single-family properties between 2,500 SF and one acre.
- ▶ Small BMPs required under these circumstances are difficult to site, track, and enforce.
- ▶ The cumulative impact of infill development and exemptions can negatively affect water quality and flooding.

Discussion Points

- ▶ Consider making exemptions above a certain square feet (possibly 5,000) of disturbance subject to conditions.
- ▶ Consider site-specific criteria such as existing flooding and stream conditions, soils, ratio of land to impervious cover, and the nature of the structure.
- ▶ Ensure that available tools are sufficient to make on-site BMPs affordable.
- ▶ Consider innovative arrangements such as requiring the owner to purchase insurance for repairs or having the County charge a fee similar to an HOA to conduct maintenance.

Facility Inspections by Owners

- ▶ Virginia Code requires “submission of inspection and maintenance reports” to the County.
- ▶ This is different than the compliance inspections that must be performed by the County at least once every five years.
- ▶ The County has discretion over the qualifications required for those submitting inspections.

Discussion Points

- ▶ Develop a matrix of BMP-specific inspection needs:
 - Type of BMP
 - Inspector training requirements based on BMP type
 - HOA/non-HOA/commercial facility
 - Existing/new facility
 - How often will inspection and reporting be required
- ▶ Education is key:
 - Ensure the real estate transfer process highlights legal responsibilities
 - Facilities should be clearly identified
- ▶ Enforcement needs to be clearly defined.
- ▶ Consider cost share to help rehabilitate older facilities that have not been maintained.



Discussion Points

- ▶ Balance the impact to local water resources with cost efficiency.
- ▶ Incentivize keeping offsets locally:
 - Reduce the coverage required to be eligible for automatic offsets if credits are kept locally or the development advances other County goals.
 - Incentivize small local banks created by development that is willing to go above minimum requirements.
 - Facilitate voluntary swaps between local development.
- ▶ Minimize the need for tracking or reporting.

Impact on Pro-Rata Share

- ▶ The new Runoff Reduction Method could affect pro-rata share calculations since the methodology addresses water quantity through infiltrating runoff into the soil.

Discussion Points

- ▶ Take a look at how new regulations impact the final build-out of a watershed and how the watershed need to be managed. Adjust pro-rata accordingly.
- ▶ Consider consolidating the program; there are too many individual watersheds with individual rates.

Today's Issue Areas

- ▶ Adequate Outfall Requirements
 - ▶ BMP Facilities in Residential Areas
 - ▶ Restrictions on Use of Certain BMPs
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Adequate Outfall and Detention

- ▶ New detention provisions that eliminate the need for a downstream adequacy review are less stringent than current County PFM.
- ▶ The Virginia Code allows Fairfax County to establish a more stringent standard.
- ▶ Considerations:
 - Should the County adopt the more stringent requirements in the current PFM?
 - Are there other ways of addressing this issue that is different than the state standard or the PFM?

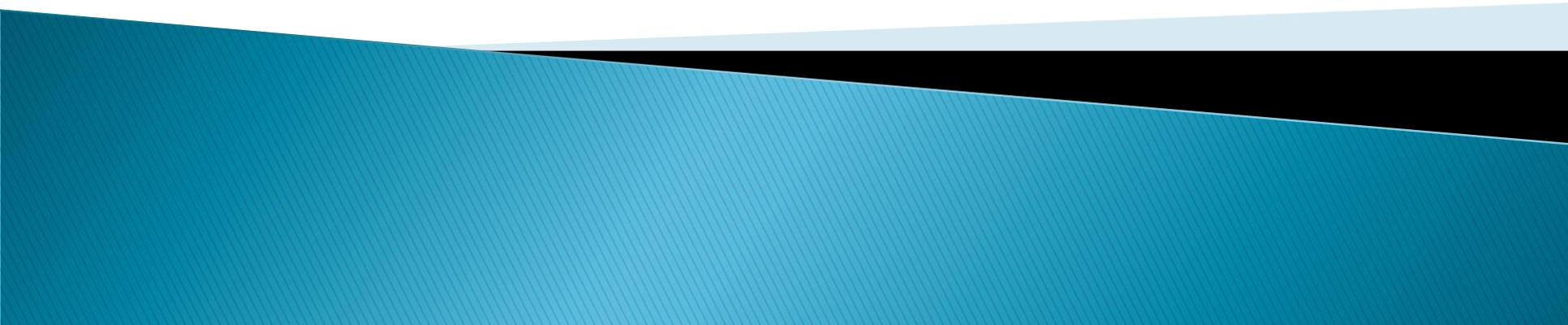
BMPs in Residential Areas

- ▶ New requirements favor implementation of smaller facilities on individual lots.
- ▶ In general, current practice is to require facilities be placed on out-lots.
- ▶ This may create issues and impact lot yield.
- ▶ Considerations:
 - Should certain facilities be allowed on individual lots?
 - Who would perform maintenance (County versus HOA versus property owner)?
 - How would enforcement be handled (maintenance agreement versus other restriction)?

Restrictions on Use of BMPs

- ▶ The Virginia Code and BMP Clearinghouse list the BMPs that may be used to meet requirements.
- ▶ Several are different than what is in the current County PFM or there is no equivalent.
- ▶ The County may restrict the use of certain BMPs with written justification.
- ▶ Considerations:
 - Should the use of certain BMPs be restricted?
 - What criteria should the County use to determine which BMPs to allow or provisionally allow?

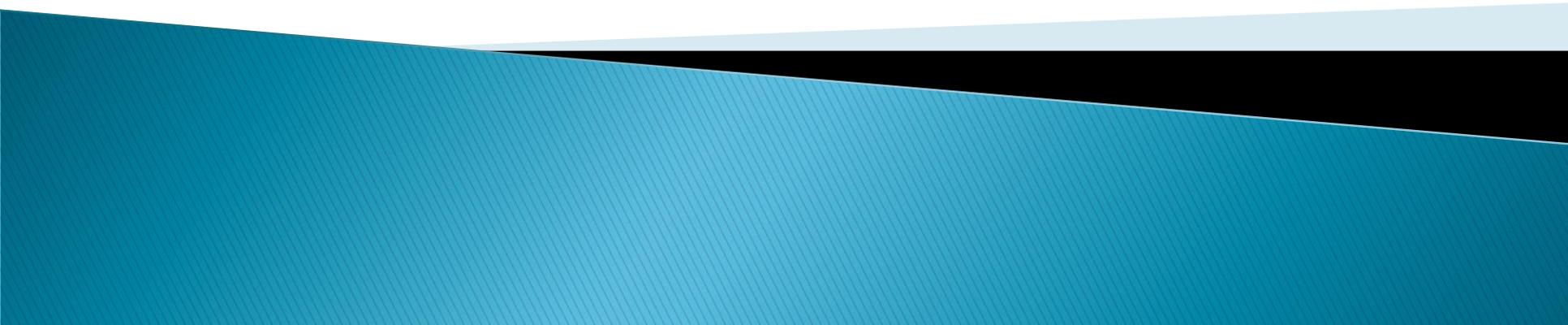
Questions?



Room Assignments

Adequate Outfall Requirements	Room 122
Stormwater Facilities in Residential Areas– Team #1	Room 106
Stormwater Facilities in Residential Areas – Team #2	Room 107
Restrictions on Certain BMPs	Room 604

Presentations and Discussion



Wrap Up and Next Steps

- ▶ Next meeting in January to discuss draft ordinance.
- ▶ All materials, including notes, are found at:
 - www.fairfaxcounty.gov/dpwes/stormwaterordinance.htm
- ▶ Additional comments can be submitted through the web site.

Thank You!

[www.fairfaxcounty.gov/dpwes/
stormwaterordinance.htm](http://www.fairfaxcounty.gov/dpwes/stormwaterordinance.htm)