

Preliminary Issue Areas for Fairfax County Stormwater Ordinance Small Group Meetings

The following issue areas have been identified for potential consideration during the Fairfax County Stormwater Ordinance stakeholder small group meetings. These meetings will take place on September 24 and October 17, 2012. Issue areas may be split or consolidated depending on the level of interest. Additional issues may be submitted to the County by visiting the following website:

www.fairfaxcounty.gov/dpwes/stormwaterordinance.htm

Single-Family Home Exemptions

- The Virginia Code allows an exemption for single-family dwellings disturbing between 2,500 SF and one acre.
- Considerations – Should the County provide an exemption? If so, what should be the cut off (for instance 5,000 SF or greater)? Are there options other than providing a blanket exemption?

Impacts of Infill Development

- Concerns were expressed at the July 24th stakeholder meeting that infill development can have cumulative impacts on a watershed or localized impacts on surrounding properties.
- Considerations – What options are available for addressing issues with infill development while recognizing the potential difficulty of implementing controls on these properties?

Adequate Outfall and Detention Requirements

- New detention provisions in the state regulations eliminate the need for a downstream adequacy review and are less stringent than requirements in the current County Public Facilities Manual (PFM). The Virginia Code allows Fairfax County to establish a more stringent standard.
- Considerations – Should the County retain the more stringent requirements in the current PFM? Is there another way of addressing this issue that is different than the state standard or the PFM?

Impacts on Pro Rata Share Program

- Participants at the July 24th stakeholder meeting asked how the use of the new Runoff Reduction Method would affect pro-rata share calculations since the methodology addresses water quantity through infiltrating runoff into the soil.
- Considerations – Should the pro rata share program be changed as a result of the new regulations? And if so, how?

Stormwater Facilities in Residential Areas

- The new state regulations favor implementation of smaller facilities on individual lots. In general, current County practice is to require facilities to be placed on out-lots. However, the new requirements

will create a greater number of smaller, distributed facilities, which 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 Stormwater Facilities

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

Stormwater Facility Inspections by Owners

- The Virginia Code requires “submission of inspection and maintenance reports” to the County by private stormwater facility operators. Current practice is for the County to perform a compliance inspection every five years.
- Considerations – What is a reasonable inspection and maintenance report frequency? Should it be different for different stormwater facility classifications? What should be the enforcement requirements? Should this requirement only apply to new facilities, or be retroactive to existing facilities?

Nutrient Credit Offset Provisions

- The Virginia Code requires the County to allow nutrient offset credits under certain circumstances. The County has the discretion to allow offsets under other circumstances.
- Considerations – What criteria should the County use for allowing offsets? How much does the County want to encourage nutrient offsets versus on-site stormwater facilities?