

Proposed PFM Chapter 6 Amendments

1 **6-0501 Purpose and Intent.** In the interest of public health, safety and welfare when the
2 appropriate land use has been determined for any area to be developed, the Director may require
3 the developer to show that off-site downstream drainage can be accommodated (considering the
4 planned development of the contributing watershed) without damage to existing facilities or
5 properties before such development is approved for construction.

6
7 **Amend § 6-0502 (General Policy), where insertions are underlined and deletions are shown
8 as strikeouts, to read as follows:**

9
10 6-0502.1 The County's pro rata share program for off-site drainage improvements involves
11 assessing new development and redevelopment for a proportionate share of the cost of off-site
12 drainage improvements. It provides the County a funding source for the portion of the cost of
13 drainage improvements necessitated by the increased runoff from new development and
14 redevelopment. Offsetting environmental impacts caused by local increases in runoff has far-
15 reaching implications. Restoration needs for the Potomac River and the Chesapeake Bay are
16 caused in part by increased runoff from the surrounding counties ~~&~~ and states as well as the
17 County as a whole. From this standpoint, the general drainage improvement program
18 implemented in Fairfax County is viewed as a single, consolidated effort towards restoring these
19 important natural resources. To this end, the County ~~may~~ shall require pro rata share
20 contributions for off-site storm drainage improvements in all areas where pro rata share
21 improvements have been planned as part of the its general drainage improvement program.

22
23 6-0502.2 The County's general drainage improvement program is a tabulation of all the capital
24 drainage improvement projects and their associated costs that are eligible for pro rata share
25 funding. Specifically included are projects that mitigate flooding and environmental stream
26 degradation caused by land disturbing activities that increase impervious cover. Also included
27 are projects ~~and~~ and studies related to the development of County watershed management plans. The
28 inventory of included projects is not static over time. Projects are removed as they are completed
29 and projects are included as they are identified. The majority of projects within the County's
30 general drainage improvement program are from the County's adopted watershed management
31 plans. Projects that address routine maintenance are not included in the general drainage
32 improvement program as they are not necessitated by development ~~or~~ redevelopment.

33
34 6-0502.23 Pro rata share payments ~~will not~~ may shall be reduced using the crediting system ~~as~~
35 described in § 6-0605 and are based on a development ~~providing meeting~~ normal on-site
36 detention/BMP stormwater management requirements.

37
38 6-0503.4 Pending the availability of pro rata share monies, developer costs for ~~off-site~~
39 construction of drainage improvements available for off-site drainage such as, but not limited to,
40 the ~~or~~ implementation of a regional detention pond may be considered for a pro rata share
41 assessment reduction and/or reimbursement. Developer reimbursement will be facilitated only by
42 written agreement executed with the Board of Supervisors prior to construction plan approval.
43 The developer's maximum amount of a pro rata share assessment reduction and/or
44 reimbursement will be limited to the developer costs which are over and above the normal costs

1 that would be incurred in developing the property. Subject to available funding, ~~¶~~the maximum
2 amount of annual pro rata share reimbursement to a developer would be established in the
3 reimbursement agreement. ~~Generally, the annual reimbursement to any individual developer~~
4 ~~would be based on the relationship of the developer's excess costs to the total costs of all~~
5 ~~improvements required in the watershed coupled with the actual amount of pro rata monies~~
6 ~~collected in any given year.~~ Pro rata share reimbursements will start after completion of the
7 drainage improvements by the developer and acceptance of the improvements by the County.
8 The reimbursements will continue for a maximum of 15 years pursuant to the written agreement.

9
10 **Amend § 6-0601 (General Requirements), where insertions are underlined and deletions**
11 **are shown as strikeouts, to read as follows:**

12
13 6-0601.1 (36-92-PFM) Development ~~within a watershed~~ involving a change of land use therein
14 normally results in an increase in impervious areas resulting in a greater quantity as well as a
15 more rapid and frequent concentration of stormwater runoff and the discharge of pollutants
16 associated with the development.

17
18 6-0601.2 (36-92-PFM) The construction of storm drainage improvements is required ~~along~~
19 ~~waterways as watershed~~ development progresses to alleviate flood damage, arrest deterioration
20 of existing drainageways and minimize environmental damage to the ~~downstream~~ receiving
21 waters within Fairfax County as well as the Potomac River and the Chesapeake Bay.

22
23 6-0601.3 The extent and character of such improvements shall be designed to provide for the
24 adequate correction of deficiencies.

25
26 ~~6-0601.4 Improvements shall extend downstream to a point where damages to existing~~
27 ~~properties ascribable to the additional runoff are minimized.~~

28
29 6-0601.5~~4~~ The purpose and intent is to require a developer of land to pay ~~his a~~ pro rata share of
30 the cost of providing reasonable and necessary drainage facilities, as identified in the general
31 drainage improvement program within of Fairfax County, located outside the property limits of
32 the land owned or controlled by the developer, but necessitated or required, at least in part, by
33 the construction or improvement of his subdivision or development. The collected pro rata share
34 payments, aggregated County-wide, will fund the drainage facilities needed to minimize
35 environmental damage to the downstream receiving waters within Fairfax County as well as the
36 Potomac River and the Chesapeake Bay.

37
38 **Amend § 6-0602 (Pro Rata Share Studies), where insertions are underlined and deletions**
39 **are shown as strikeouts, to read as follows:**

40
41 6-0602.1 ~~When directed to do so by the County Executive, ¶~~The Director of DPWES or ~~his a~~
42 designee shall study and compute the total estimated cost of the general drainage improvement
43 program projects required to serve the watershed County when and if ~~such watershed~~ the County
44 is fully developed in accordance with the adopted comprehensive land use plan for the watershed
45 or the current zoning of the land ~~within the County,~~ whichever is higher.

1 6-0602.2 The total estimated cost of projects within the general drainage improvement program
2 shall include design, land acquisition, utility relocation, construction, and administrative costs.
3 ~~for the projects contained in the improvement program.~~

4
5 ~~6-0602.3 The computation of total estimated costs of the general drainage improvement program~~
6 ~~shall include any engineering studies for the County watersheds or projects from other capital~~
7 ~~improvement programs.~~

8
9 6-0602.4³ When this cost is computed it shall be updated ~~every six months~~ annually by applying
10 the Engineering News Record Construction Cost index value to ~~the construction project and~~
11 study costs contained within the general drainage improvement program.

12
13 ~~6-0602.5 The above studies with its their attendant cost figures shall constitute the general~~
14 ~~drainage improvement program for the affected watershed County.~~

15
16 **Amend § 6-0603 (General Drainage Improvement Program), where insertions are**
17 **underlined and deletions are shown as strikeouts, to read as follows:**

18
19 ~~When a general drainage improvement program has been established, a~~ The pro rata share of the
20 total cost of the general drainage improvement program shall be determined as follows:

21
22 6-0603.1 The County shall determine the estimated ~~increased~~ volume and velocity of
23 stormwater runoff, expressed as ~~an increase in~~ impervious area, for the watershed County when
24 fully developed in accordance with the adopted comprehensive land use plan or the current
25 zoning of the land within the County, whichever is higher.

26
27 6-0603.2 The total estimated cost of the general drainage improvement program for the
28 watershed County divided by the ~~increase in~~ impervious area for the watershed County when
29 fully developed in accordance with the adopted comprehensive land use plan or the current
30 zoning of the land within the County, whichever is higher, shall be computed by the County to
31 determine the pro rata share assessment rate. ~~for that watershed.~~

32
33 ~~6-0603.3 The developer shall determine the increase in impervious area for the development. If~~
34 ~~the development is located within more than one major watershed, then the developer shall~~
35 ~~determine the increase in impervious area for each portion of the development which lies within~~
36 ~~each major watershed. The major watersheds are defined on the County's 1 inch = 4,000 feet~~
37 ~~Watersheds Map. A specific site must be divided into drainage areas conforming to the major~~
38 ~~watershed boundaries. The total site area within each major watershed must be included in the~~
39 ~~computation whether it is controlled by a storm sewer, detention/retention runoff facility, BMP,~~
40 ~~or sheet runoff design. Pro rata share reduction will not be allowed for normal on-site~~
41 ~~detention/BMP requirements.~~

42
43 | 6-0603.4³ The ~~D~~ developer shall provide the computations showing the increase in impervious
44 area for the development ~~to~~ within the County as part of plan submittal requirements including,
45 but not limited to, the submittal of subdivision construction plans, site plans, public improvement
46 plans, and or development erosion and sedimentation control plan submittal requirements. The

1 County will compute the developer's base pro rata share assessment by multiplying the
2 ~~respective watershed~~ pro rata share assessment rate by the increase in impervious area for the
3 development's increase in impervious area. The pro rata share assessment rates are is available in
4 from the Site Land Development Services and ~~Inspections~~ Division, DPWES.

5
6 **Amend § 6-0604 (Pro Rata Share Payments), where insertions are underlined and deletions**
7 **are shown as strikeouts, to read as follows:**

8
9 6-0604.1 The payment of the pro rata share assessment shall be due prior to the approval of
10 plans including, but not limited to, subdivision construction plans, site plans, ~~development plan~~
11 erosion and sedimentation control plans or public improvement plans approval.

12
13 6-0604.2 When development occurs in a subdivision which has been previously approved and
14 where no pro rata share assessment has been paid, or where a landowner is improving an existing
15 lot which results in an increase in impervious area, the payment of the pro rata share assessment
16 shall be made before the issuance of any building permits, in accordance with State and County
17 codes.

18
19 6-0604.3 The pro rata share assessments received prior to the Board of Supervisors' adoption of
20 pro rata share amendments creating a single County-wide rate shall be kept in separate accounts
21 for each of the watershed improvement programs until such time as they are expended for the
22 watershed improvement program.

23
24 6-0604.34 Payments received after the Board of Supervisors' adoption of amendments creating
25 a single County-wide rate shall be expended only for the established watershed general drainage
26 improvement program for which the payment was calculated. Any interest that accrues on such
27 payments shall accrue to the benefit of the County.

28
29 ~~6-0604.45 All storm drainage pro rata share watershed subsidiary funds accounts existing as of~~
30 ~~Oct. 1, 1992, the Board of Supervisors' adoption of pro rata share amendments creating a for the~~
31 ~~single County-wide rate were abolished by transferring assets into separate a single account~~
32 ~~funds for the support of each separate respective watershed the general drainage improvement~~
33 ~~program. After the transfer of such assets, depositors who had met the terms of any pro rata share~~
34 ~~agreements prior to July 1, 1990, received any outstanding interest which had accrued up to the~~
35 ~~date of transfer, and were released from any further obligation under those existing agreements.~~
36 ~~All transferred assets became the sole property of the County.~~

37
38 **Insert a new § 6-0605 (Pro Rata Share Credits) to read as follows:**

39
40 6-0605.1 Pro rata share payments shall be reduced by using the crediting system described
41 herein. For the purposes of this section, the term "on-site" is defined to include sites that are part
42 of a larger common plan of development or sale.

43
44 | 6-0605.2 Credit for fully meeting water quality regulations using on-site BMPs. A ~~D~~developer's
45 meeting (or exceeding) the required water quality regulations through the use of approved on-site
46 BMPs shall receive a credit so as to reduce the developer's pro rata share assessment. The credit

1 ~~will be calculated by multiplying 42 percent of the developer's base pro rata share assessment as~~
2 ~~described in § 6-0603.3 by 0.42.~~

3
4 6-0605.3 Credit for partially meeting water quality regulations using on-site BMPs. A
5 ~~D~~developer's meeting required complying with water quality regulations through the acquisition
6 of nutrient offset credits shall not receive a pro rata share credit for the offset portion so as to
7 reduce the developer's pro rata share assessment. The credit amount calculated using the
8 procedure in § 6-0605.2 shall be ~~reduced~~ limited to an amount proportional to the phosphorus
9 load reduction achieved on-site as compared to the phosphorus load reduction required to be
10 fully compliant.

11
12 6-0605.4 Credit for providing water quantity retention using on-site stormwater management. A
13 ~~D~~developer providing on-site water quantity retention through the use of approved on-site
14 stormwater management shall receive a credit so as to reduce the ~~D~~developer's pro rata share
15 assessment. The credit will be calculated by multiplying the ~~D~~developer's pro rata share
16 assessment as described in § 6-0603.3 by 7 percent ~~(0.07)~~ for every inch of stormwater runoff
17 generated by the site that is retained on-site. The maximum allowable credit will be 58 percent of
18 ~~calculated by multiplying the ~~D~~developer's base pro rata assessment by 0.58.~~

19
20 6-0605.5 Credit will not be provided for a development that is exempt from providing on-site
21 BMPs for water quality or ~~stormwater management~~ quantity reductions.

22
23 6-0605.6 Pro rata share assessment payment reduction. The total allowed credit is the
24 summation of both the credit for water quality and the credit for water quantity. The
25 ~~D~~developer's final pro rata share assessment will be an amount equal to the base pro rata share
26 assessment minus the total allowed credit received.