Stormwater Utility Fee Credit Manual for Non-Residential

KEEP IT CLEAN, HARRISONBURG
STOP POLLUTED RUNOFF

City of Harrisonburg, Virginia
Public Works Department
320 East Mosby Road
Harrisonburg, VA 22801
540·434·5928
www.harrisonburgva.gov/stormwater-utility

Adopted by City Council March 2015

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This credit manual is applicable only to non-residential properties defined as any property that does not have a single-family, duplex, or townhome dwelling and is used for multi-family residential, commercial, industrial, or other non-residential purpose.

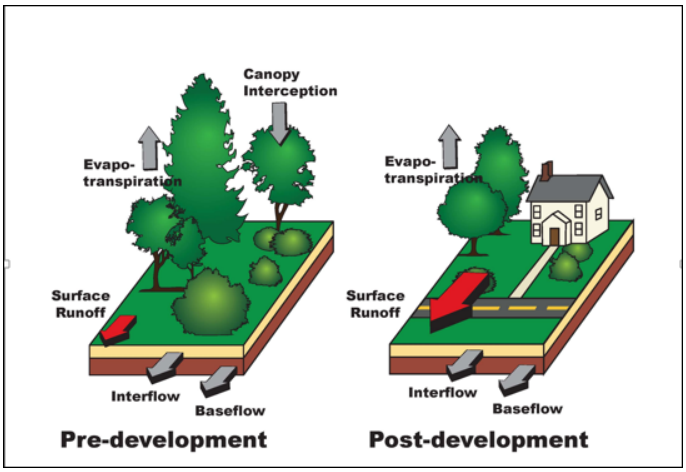
1 INTRODUCTION

Stormwater runoff is the rain and snowmelt that flows over the ground and into the city's storm sewer system or directly into Blacks Run and other waterways. In undeveloped areas such as grasslands and forests the surface flow of water is slowed by vegetation, allowing some of the water to seep into the ground. In urban areas, buildings, roads, parking lots, and other impervious surfaces do not allow for rain and snowmelt to soak into the ground. This results in faster flow of runoff. Stormwater runoff picks up pollutants such as oil, sediment, chemicals, and lawn fertilizers and carries them to Blacks Run and local waterways where they harm water quality.

2 STORMWATER UTILITY FEE

WHAT IS A STORMWATER UTILITY FEE?

The City of Harrisonburg has adopted a stormwater utility fee to provide an adequate and stable source of funding for its stormwater program. A stormwater utility fee is a fee for service based on the amount of impervious surface area on a property. Impervious means surface area composed of material that significantly impedes or prevents natural infiltration of water into soil such as roofs, driveways, walkways, etc.



This program is similar in concept to how the City distributes the cost for sanitary sewer and drinking water services. This approach has several advantages. First, it fairly distributes the cost of the city's stormwater services across all eligible properties based on the amount of impervious surface. Second, under the Code of Virginia, revenue from the stormwater utility must be placed in a special fund that can only be used for stormwater management; therefore, revenue is established as a dedicated funding source to accomplish the goals of the City's stormwater program. Finally, the Code of Virginia requires the City to provide credits to property owners who have implemented

stormwater management facilities to reduce their stormwater utility fees. Per the City Stormwater Utility Ordinance, the stormwater utility fee shall be billed so that half the fee is billed two times per year to the property owner with the real estate tax bill.

HOW WILL THE STORMWATER UTILITY FEE BE USED?

The stormwater utility fee is a dedicated fund source that shall only be used for the City's stormwater program. The stormwater program's primary purpose is to provide pollution reductions by effectively managing polluted runoff. The funds collected will be used to support the following:

- Development of a city-wide Stormwater Improvement and Polluted Runoff Reduction Plan to identify, select, and prioritize capital projects to manage stormwater, reduce pollution, and protect our drinking water sources
- Design and construction of stormwater capital projects including retrofits and community greening projects to reduce pollution and improve water quality. This includes projects on city owned properties and partnerships (such as grants or cost-share) with private property owners

- Coordination of pollution reduction efforts including staff training, pollution prevention and good housekeeping practices for municipal operations, pollution detection and elimination program, and public education and outreach
- Maintenance and operation of city-owned stormwater drainage and stormwater management facilities

3 STORMWATER UTILITY FEE CALCULATIONS

Impervious areas such as parking lots, rooftops, and driveways cannot absorb water. Stormwater moves quickly over these surfaces into nearby storm sewers and streams resulting in a greater flow of water (i.e. a greater demand) on the urban drainage system. Therefore, the greater the impervious surface on your property, the greater the demand on the system.

For all properties in the city, the stormwater utility fee is based on square footage of impervious surface. For billing purposes, the fee is based on each 500 square feet of impervious area identified on each parcel and rounded to the nearest whole number.

All calculations will be performed by the City of Harrisonburg and will be available for review by the property owner.

<u>Proposed ***Annual*** Utility Fee Calculation:</u>

For this example, the impervious area on this parcel is approximately 466,200 square feet (sf).

<u>Step 1</u>: Divide the parcel's impervious area in square feet by 500 sf to determine the number of billing units.

466,200 sf ÷ 500 sf = *932.4 billing units*

<u>Step 2</u>: Round the answer in step 1 to the nearest whole number of billing units.

466,200 sf ÷ 500 sf = 932.4 → **round to 932 billing units**

<u>Step 3</u>: Multiply the whole number of billing units found in step 2 with the billing unit rate.

932 x $10.50 = $9,786.00 **per year**

4 INSTRUCTIONS TO APPLY FOR A CREDIT

Owners of non-residential properties are encouraged to install approved stormwater Best Management Practices (BMPs) to reduce stormwater runoff volume and/or pollutant levels from their property. Refer to Section 8 for information regarding types and optimal locations for approved BMPs. BMPs can be constructed onsite or as regional facilities and/or treat off-site impervious areas; refer to Section 5 for additional information regarding credit calculations for regional and/or off-site treatment BMPs.

There are four (3) categories of BMPs eligible for a credit.

A. Virginia Stormwater Management Program (VSMP) Required On-Site BMPs Providing Water Quantity **OR** Quality Controls

   These are BMPs installed as required to comply with VSMP standards and specifications, the General VPDES Permit for Discharges of Stormwater from Construction Activities Regulations, and the City of Harrisonburg Stormwater Management Ordinance *effective at the time of the initial permit registration statement for the project*.

B. VSMP Required On-Site BMPs Providing Water Quantity **AND** Quality Controls

   These are BMPs installed as required to comply with VSMP standards and specifications, the General VPDES Permit for Discharges of Stormwater from Construction Activities Regulations, and the City of Harrisonburg Stormwater Management Ordinance *effective at the time of the initial permit registration statement for the project*.

C. Voluntary On-Site BMPs

   These stormwater BMPs were not/are not constructed as a requirement of the VSMP regulations, the General VPDES Permit for Discharges of Stormwater from Construction Activities Regulations, and/or the City of Harrisonburg Stormwater Management Ordinance. In order to receive a stormwater utility credit, the stormwater BMP must be installed to meet VSMP standards and specifications and/or Chesapeake Bay Program's Urban Stormwater Protocols (listed in Section 8) effective on the date of the start of

- ✓ There is no fee for a credit application.
- ✓ Properties with one billing unit are not eligible to apply for a credit.
- ✓ The maximum credit a property owner can receive is 50%.
- ✓ Credits are valid for 5 years before re-application is necessary.
- ✓ Property owners must enter into a maintenance agreement with the city, which includes periodic city inspections and a commitment from the property owner to maintain all components of the facility so it functions as designed.

construction and per the original construction plans and documents for the facility.

Credits may also be granted to property owners for holding a current Industrial Virginia Pollutant Discharge Elimination System (VPDES) permit; refer to Section 5 for additional information.

Property owners installing new stormwater BMPs have the option to complete the Stormwater Utility Fee Credit Application for Non-Residential prior to installation of the BMP for city review. This is a courtesy review offered by the Public Works Department to assist property owners. No stormwater utility fee credit will be given until the stormwater BMP is installed and a Stormwater Utility Fee Credit Application for Non-Residential is submitted and approved. For a courtesy review, property owners may:

1. Submit the Stormwater Utility Fee Credit Application for Non-Residential to the Public Works Department, checking the box for "Pre-Installation Review"; the Public Works Department will return comments within 45 days.

Following installation of the BMPs, applicants must complete and submit the following to apply for a credit:

1. Stormwater Utility Fee Credit Application Form for Non-Residential

2. Stormwater Utility Fee Non-Residential Maintenance Agreement

   For BMPs that fall under Categories A & B, the maintenance agreement must be coordinated with the City Engineer, recorded at the Rockingham County Clerk of Court's office, and copies submitted to the City Engineer's office and submitted with the Stormwater Utility Fee Credit Application for Non-Residential.

   A maintenance agreement template is available at: http://www.harrisonburgva.gov/dcsm. If there is a pre-existing maintenance agreement for the stormwater BMP, it must be on file with the Rockingham County Clerk of Court's office and submitted with the Stormwater Utility Fee Credit Application for Non-Residential.

   The maintenance agreement template is available in Appendix B of this manual. A completed form needs to be included in the application, but does not need to be recorded at the Rockingham County Clerk of Court's office.

   Refer to Section 6 for maintenance requirements.

3. Stormwater management calculations, original construction plans, and record drawings, as required.

4. Pictures of each stormwater BMP installed. Photos must be no more than 60 days old from date of application.

The property owner shall submit the application and the items listed above to the address below. Applications may be submitted by mail or email.

Stormwater Utility Credit
Harrisonburg Public Works Department
320 East Mosby Road
Harrisonburg, VA 22801
Email: stormwater@harrisonburgva.gov

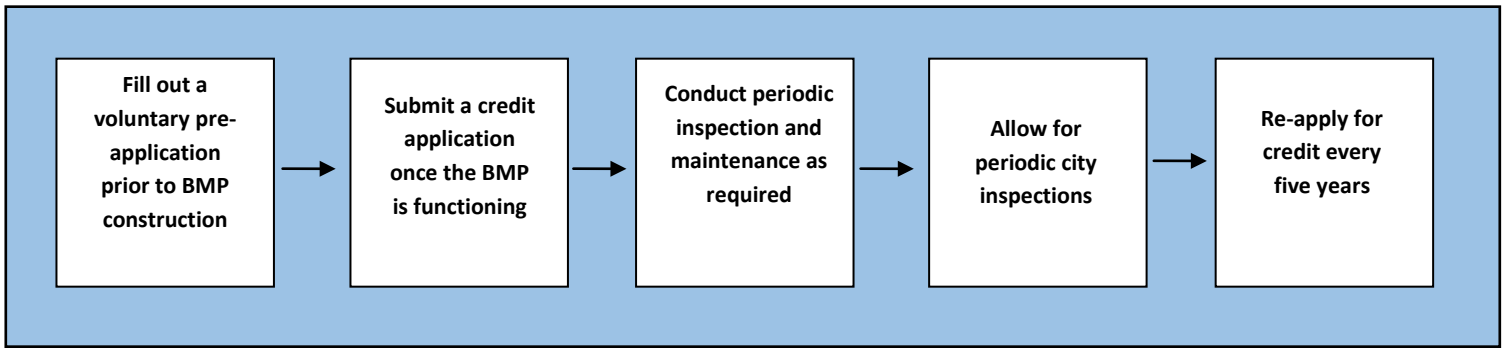
Upon receipt of the application, the Public Works Department staff will review all documentation and the applicant will be notified in writing when an application is approved or denied. If additional information is needed for review, city staff will contact the applicant.

The City shall approve or deny credit applications and reapplications within 45 days of submittal. Any credit denial shall include comments from the City within 45 days of submittal.

If the applicant is not satisfied with the response of the Public Works Department and/or an application is denied, an appeal may be submitted to the Director of Public Works using the Stormwater Utility Fee Petition for Adjustment Form. The Director shall make a determination within forty-five (45) days of receipt of a complete submittal for the petition for adjustment. The Director of Public Works' decision on a stormwater utility fee adjustment petition is a final decision from which the aggrieved party may appeal to the Rockingham County Circuit Court within 30 days of such decision.

The credit application and manual can be found at the website below: www.harrisonburgva.gov/stormwater-utility.

Table 1. Stormwater Utility Fee Credit – Property Owner Action Plan:



5 CREDIT CRITERIA

The amount of credit earned for a property is determined by the number and type of stormwater BMP(s) installed and is applied to the percentage of the site's total impervious surface area that is treated by (or draining to) the stormwater BMP, not the total amount of impervious area on the site.

CREDIT EARNED = [(XX% Credit) x (XX% of impervious area treated)] x (Original Stormwater Fee)

In no case shall the total credit exceed 50% of the annual stormwater utility fee charged to the parcel owner.

CREDITS FOR ON-SITE STORMWATER MANAGEMENT FACILITIES

A. VSMP Required On-Site BMPs Providing Water Quantity **OR** Quality Controls

If a stormwater BMP has been built as a requirement by the Virginia Stormwater Management Program (VSMP) and the City of Harrisonburg Stormwater Management Ordinance for new development or re-development (effective at the time of the initial permit registration statement for the project), *and* provides stormwater quantity **or** quality controls, then a **15% credit** is allowable.

B. VSMP Required On-Site BMPs Providing Water Quantity **AND** Quality Controls

If a stormwater BMP is built, or has been built, to meet the minimum VSMP and City of Harrisonburg Stormwater Management Ordinance requirements for new development or re-development (effective at the time of the initial permit registration statement for the project) *and* provides stormwater quantity **and** quality controls, then a **20% credit** is allowable.

If a stormwater BMP is built, or has been built, to meet VSMP and City ordinance requirements *and* has additional water quality pollutant removal beyond the required pollutant removal, **a 25% credit** is allowable. This includes retrofits to existing facilities. The 25% credit will be approved based on the following criteria:

Table 2. Pollutant Removal Overage – Credit Removal Percentages

Required Phosphorus (P) to be Removed (lbs. /yr.)	Minimum Percentage Increase of P Removal Above Required to Receive 25% Credit (%)
≤ 5	50%
5 < X ≤ 10	40%
10 < X ≤ 20	30%
Greater than 20	20%

C. Voluntary On-Site BMPs

If an on-site stormwater water quality BMP was installed voluntarily and *not* as a requirement of the City, VSMP, or other governmental agency, a **100% credit reduction** is allowable (as applied to the impervious surface area that is treated by the stormwater BMP).

CREDITS FOR ON-SITE SWM FACILITIES TREATING OFF-SITE IMPERVIOUS AREAS

The owner of an eligible stormwater BMP that treats an off-site impervious surface(s) may receive credit for treating the off-site impervious surface(s). For the purposes of this manual, off-site impervious surface is defined as stormwater runoff that originates outside of the subject property. The off-site impervious area must not be treated by another stormwater BMP. The off-site credit amount shall be calculated in the same manner as if the stormwater BMP was located on the on-site parcel. However, in no case shall the total credit exceed 50% of the annual stormwater utility fee charged to the parcel owner. Refer to Section 9c for an example calculation.

If the adjoining property owner installs an onsite BMP that treats the area previously credited to the neighboring owner, the credit for the neighboring property will be reduced accordingly.

CREDIT EARNED for On-Site BMPs Treating Off-Site Impervious Areas =
[(YY% BMP Credit) x (ZZ%)] x (Original Individual Parcel Stormwater Fee)

Where ***ZZ% = % of impervious area treated by (draining to) BMP*** =
(on and/or off-site impervious area treated by BMP) ÷
(total on-site impervious area)

CREDITS FOR REGIONAL BMPS

Credits may be provided to individual properties served by a regional stormwater BMP. In circumstances where an applicant is attempting to claim credit for a BMP that is owned by a separate entity, proof that the applicant shares in the maintenance obligations and costs must be submitted with the application in order for credit to be applied. To receive credit for a regional BMP, the owner of the BMP and all property owners of the properties contributing to the stormwater BMP must complete and sign a Regional Stormwater BMP Agreement Form, which can be found in Appendix F.

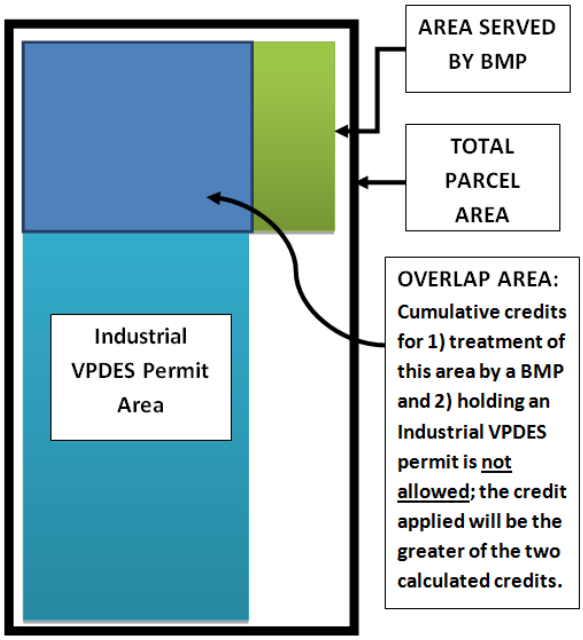
CREDIT EARNED for Regional BMP for Individual Properties =

[(YY% BMP Credit) x (ZZ% of impervious area on the individual parcel treated)] x (Original Individual Parcel Stormwater Fee)

CREDITS FOR INDUSTRIAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT

A **20% credit reduction** is allowable if a property owner has a current individual or general Industrial Virginia Pollutant Discharge Elimination System (VPDES) permit. The credit will be applied only to the area subject to the VPDES permit. The property owner must provide a copy of the VPDES permit, stormwater pollution prevention plan (SWPPP), and discharge monitoring reports (the latest submittal to DEQ in accordance with the semiannual reporting requirements) to be eligible for the credit.

If there is a BMP treating area within and/or outside the Industrial VPDES subject area and the property owner requests credit for the VPDES permit, the property owner shall not receive credit for the impervious area treated by the BMP within VPDES area. Credit will be given to whichever credit is greater.



6 MAINTENANCE REQUIREMENTS

In order for an applicant to continue to receive a stormwater credit, each stormwater BMP installed must be maintained to ensure continued function. The applicant is responsible for having all ongoing maintenance work completed in accordance with the appropriate Virginia DEQ Stormwater Design Specifications and/or Chesapeake Bay Program's Urban Stormwater Protocols (refer to Section 8) to ensure the facilities are functional and to maintain compliance with the Stormwater Utility Fee Non-Residential Maintenance Agreement. Maintenance work should be documented regularly in the attached Stormwater Utility Fee BMP Maintenance Record (Appendix E). (Refer to Section 4 for Stormwater Utility Fee Non-Residential Maintenance Agreement requirements).

As described in the attached maintenance agreement (Appendix B), city staff may inspect the stormwater BMP at any time.

If the stormwater BMP is not functioning as approved or has not been maintained, the City will notify the owner in writing outlining the deficiencies and recommended actions. If the deficiencies are not corrected by the owner within 90 days after notification is received, credit revocation will take effect immediately. BMPs may be subject to other penalties or fees as described in the attached maintenance agreements (Appendix B).

Instructions on how to reinstate credits are in Section 7.

7 CREDIT EFFECTIVE DATE AND RE-APPLICATION REQUIREMENTS

Once the stormwater BMP is installed and a credit application is approved by the Department, the credit will be applied to the stormwater utility fee for the next fiscal year following approval of the credit. For example, if a homeowner submits an application for a rain barrel on October 1, 2015 and is approved on October 30, 2015, then the credit will be applied to the fee on July 1, 2016. Be advised that review may take 45 days.

Credits will be valid for five (5) years from date of application approval or until transfer of ownership (i.e. sale of the property to another party), whichever is first. The owner will need to re-apply for the credit every five (5) years. Proper installation and maintenance is required to continue receiving credit. To re-apply, the applicant shall submit a completed Stormwater Utility Fee Credit Re-Application for Non-Residential (Appendix C).

The stormwater credit applies only to the applicant. Credits do not transfer with ownership changes. A new application and a copy of the maintenance agreement must be submitted by the new property owner to receive the credit. Upon transfer of ownership, the City encourages the current owners to share a copy of the application, maintenance records and photographs with the new owner. In the event this information is not provided to the new owner, the new owner may contact the Public Works Department to obtain previous records for the BMP (if available) and apply for the credit.

To reinstate a revoked credit, if within five (5) years of the original or most recent credit re-application, the applicant shall provide the Public Works Department with a completed copy of the Stormwater Utility Fee BMP Maintenance Record (Appendix E) and current photos (no more than 60 days old) of the BMP(s) showing the BMP deficiencies have been corrected as recommended by city staff.

If credits have been revoked or credits have expired (5) years after the latest approved application), the property owner must submit a new Stormwater Utility Fee Credit Application to reinstate the credits.

8 APPROVED STORMWATER BEST MANAGEMENT PRACTICES

Non-residential property owners that implement stormwater BMPs to reduce the stormwater flow rate (volume) and/or pollutant load of runoff from their properties to the stormwater system or surrounding bodies of water can qualify to receive a reduction in their stormwater fee. The stormwater BMPs cannot be owned and/or maintained by the City.

- ✓ Selecting more than one stormwater BMP is encouraged.
- ✓ The maximum credit allowed per parcel is fifty percent (50%).
- ✓ Other stormwater management practices may be approved on a case-by-case basis.

Approved BMPs are as per the Virginia Department of Environmental Quality (DEQ) Stormwater Design Specifications or the Chesapeake Bay Program's Urban Stormwater Protocols.

DEQ Stormwater Design Specifications
http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/Publications.aspx
(Click on 2013 BMP Standards & Specifications)

Chesapeake Bay Program's Urban Stormwater Protocol for Urban Stormwater Retrofit: Final CBP Approved Expert Panel Report on Stormwater Retrofit
http://chesapeakestormwater.net/bay-stormwater/baywide-stormwater-policy/urban-stormwater-workgroup/retrofits/

Chesapeake Bay Program's Urban Stormwater Protocol for Urban Stream Restoration: Final
http://chesapeakestormwater.net/bay-stormwater/baywide-stormwater-policy/urban-stormwater-workgroup/urban-stream-restoration/

9 CREDIT CALCULATIONS EXAMPLES

All credit calculations will be provided by the homeowner using the credit calculation worksheet (see Section 11) or as shown below. The calculations will be reviewed and approved by the City of Harrisonburg prior to receiving the credit.

The following examples illustrate the calculation of the annual credit for non-residential properties.

A: VSMP Required On-Site BMPs Providing Water Quantity **OR** Quality Controls Calculation:

For this example, the total impervious area on this parcel is approximately 466,200 square feet (sf), the original stormwater fee is $9,786, and BMP provides only water quantity benefits.

Step A1: Determine the percent of impervious area draining to the BMP. For this example, assume 350,000 sf of impervious area is draining to the BMP.

% of impervious area draining to BMP =
(Impervious area draining to the BMP) ÷ (total impervious area)

75% = 350,000 sf ÷ 466,200 sf

Step A2: Calculate the credit earned for a VSMP required on-site BMP built to provide only water quantity controls using the percent impervious treated found in step A1.

Credit Earned = [(15%) x (75%)] x ($9,786.00) = **$1,100.93 per year**

Step A3: Calculate the total reduced annual fee by subtracting the original fee by the credit earned (step A2).

Total Reduced Annual Fee = $9,786.00 - **$1,100.93 = $8,685.07 per year**

B: VSMP Required On-Site BMPs Providing Water Quantity **AND** Quality Controls Calculation:

For this example, the total impervious area on this new development parcel is approximately 60,000 square feet (sf), the original stormwater fee is $1,260, and a BMP was constructed and complies with the VSMP and the City's ordinance for new development. The BMP provides an additional 2 pounds per year of phosphorous reduction over the required amount of 3.5 pounds per year.

Step B1: Determine the percent of impervious area treated by the BMP. For this example, assume 40,000 sf of impervious area is treated by the BMP.

% of impervious area treated by (draining to) BMP =
(Impervious area treated by BMP) ÷ (total impervious area)

66.7% = 40,000 sf ÷ 60,000 sf

Step B2: Calculate the percentage increase of phosphorous removal above the required phosphorous removal.

% Increase = 2.0 ÷ 3.5 = ***57%***

As per the table in Section 5, since less than five (5) pounds per year of phosphorous was required to be removed and an additional 57% is provided over the required, a 25% credit is allowable.

Step B2: Calculate the credit earned for BMP that complies with the VSMP and the City's ordinance for new development using the percent impervious treated found in step B1.

Credit Earned = [(25%) x (66.7%)] x ($1,260) = ***$210.00 per year***

Step B3: Calculate the total reduced annual fee by subtracting the credit earned (step B2) from the original fee.

Total Reduced Annual Fee = $1,260.00 - $210.00 = **$1, 050.00 per year**

C: On-Site Stormwater Management Facilities Treating Off-Site Impervious Area Calculation:

For this example, the total impervious area on this parcel is approximately 100,000 square feet (sf), the original stormwater fee is $2,100, and BMP was voluntarily constructed providing both quality and quantity control and serves approximately 60,000 of off-site impervious area.

Step C1: Determine the percent of impervious area treated by the BMP. For this example, assume 60,000 sf of impervious area is treated by the BMP.

% of impervious area treated by (draining to) BMP =
(on- and/or off-site impervious area treated by BMP) ÷
(total on-site impervious area)

60% = 60,000 sf ÷ 100,000 sf

Step C2: Calculate the credit earned for BMP that serves approximately 60,000 sf of off-site impervious area using the percent impervious treated found in step C1.

Credit Earned = [(100%) x (60%)] x ($2,100) = **$1,260.00 per year**

Step C3: Calculate the total reduced annual fee by subtracting the credit earned (step C2) from the original fee.

Total Reduced Annual Fee = $2,100 - $1,260 = **$840 per year**

However, since the total reduced annual fee is less than 50% of the original fee ($2,100.00 x 0.5 = $1,050.00), the actual total reduced annual fee is $1,050.00.

10 DEFINITIONS

Billing unit means five hundred (500) square feet of impervious area.

BMP or "Best Management Practice" is defined as schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices used to prevent or reduce the pollution of surface waters and groundwater systems.

Developed property means real property that has been altered from its "natural" state by the addition of any improvements such as buildings, structures and other impervious surfaces.

Impervious means surface area composed of material that significantly impedes or prevents natural infiltration of water into soil.

Non- Residential Properties are defined as any property that does not have a single-family, duplex, or townhome dwelling and is used for multi-family residential, commercial, industrial, or other non-residential purpose.

Pervious Surface means a surface composed of material that allows water to be absorbed into the ground, reducing runoff and filtering pollutants.

Regional BMP means a BMP that accepts and treats runoff from multiple separate properties. Regional BMPs are often owned by a Property Association or other entity responsible for regular maintenance and inspections.

Stormwater Quality refers to the chemical, physical, and/or biological characteristics of surface water.

Stormwater Quantity refers to the flow rate or volume of surface runoff from a property.

Utility fees means any permit or local program fees as allowed by the Code of Virginia.

11 RESOURCES

City of Harrisonburg Stormwater Management Program
Public Works Department
540-434-5928
http://www.harrisonburgva.gov/stormwater-management-program

City of Harrisonburg Stormwater Utility Program
http://www.harrisonburgva.gov/stormwater-utility

City of Harrisonburg Ordinance, Title 6, Chapter 5, Stormwater Utility
<Insert link>

CleanStream.org
Local water quality information
http://www.cleanstream.org

Department of Forestry
Information on Water Quality and rain gardens
Rain garden Technical Guide
http://www.dof.virginia.gov
434-977-6555

Shenandoah Valley Soil & Water Conservation District
Watershed education, low impact development information, backyard conservation, lawn and tree care tips, rain garden and rain barrel information
http://svswcd.org/
540-433-5853 x 3

Virginia Department of Environmental Quality
Watershed education, lawn care and pet waste information, land conservation
http://www.dcr.virginia.gov
804-786-1712

Chesapeake Bay Foundation
Water Quality, Lawn care tips, Bay education, rain garden & rain barrel information
http://www.cbf.org
804-648-4011

Alliance for the Chesapeake Bay
Bay education, Clean Stream projects, rain barrel and native landscaping information
http://www.allianceforthebay.org
804-775-0951

12 NATIVE PLANT REFERENCES

The information below is provided as a resource to assist property owners with selection of trees and plants on their properties.

Fairfax County, Rain Garden Design & Construction: A Northern Virginia Homeowner's Guide, http://www.fairfaxcounty.gov/nvswcd/raingarden.htm

Northern Virginia Soil & Water Conservation District, 10 Common Rain Garden Plants, http://www.novaregion.org/index.aspx?NID=977

Northern Virginia Soil & Water Conservation District, et al., Residential Low Impact Landscaping Handbook, http://www.fairfaxcounty.gov/nvswcd/raingarden.htm

Virginia Cooperative Extension, Urban Water-Quality Management: Rain Garden Plants, http://pubs.ext.vt.edu/426/426-043/426-043.html

Virginia Department of Conservation & Recreation, Native Plants for Conservation, Restoration, and Landscaping, http://www.dcr.virginia.gov/natural_heritage/nativeplants.shtml.

Virginia Department of Forestry, Common Native Trees, Tree Identification Guide, http://www.dof.virginia.gov/print/edu/Common-Native-Trees.pdf

Virginia Department of Forestry, Rain Gardens Technical Guide, http://www.raingardensforthebays.org/wp-content/uploads/2013/04/pub-Rain-Garden-Tech-Guide_2008-05.pdf

US Fish & Wildlife Service, Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed, http://www.nps.gov/plants/pubs/Chesapeake/toc.htm

Plant Invaders of the Mid-Atlantic Natural Areas, http://www.nps.gov/plants/ALIEn/pubs/midatlantic/index.htm (Non-native/invasive plants are not recommended)

APPENDICES

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APPENDIX A. STORMWATER UTILITY FEE CREDIT APPLICATION FOR NON-RESIDENTIAL

Date Received: _____

Credit Application ID: _____

City of Harrisonburg, Virginia
Department of Public Works
320 East Mosby Road
Harrisonburg, VA 22801
540·434·5928
stormwater@harrisonburgva.gov

Stormwater Utility Fee Credit Application Form

For Non-Residential

Submit ONE Application Per BMP

☐ For Pre-Installation Review

☐ For Final Credit Application

☐ To Reinstate an Expired Credit *(For re-applications of credit not yet expired, see Appendix C.)*

General Information:

Parcel Information

Tax Map Parcel Number(s): _____

Parcel Street Address: _____

Owner Information

Owner Name (Last, First, M.I. or Business): _____

Owner Mailing Address (w/ Apartment Unit, if applicable): _____

City: _____ State: _____ Zip Code: _____

If Business, Contact Name (Last, First, M.I.): _____

Phone Number (w/Area Code): (_____)_____ Email: _____

Type of BMP Installed:

NOTE: Stormwater management calculations, original construction plans, record drawings, and a copy of the executed Maintenance Agreement for the stormwater BMP must be submitted with this credit application.

☐ Virginia Stormwater Management Program (VSMP) Required On-Site BMPs Providing Water Quantity OR Quality Controls

Type of BMP Installed: _____

Impervious Area Treated by BMP (sq. ft.):_____

BMP Certification: Certification is included as a part of this application to confirm that the facility was built in accordance with the standards and specifications identified in the original construction plans and documents for the facility?

Yes ☐ No ☐

Maintenance Agreement: Maintenance Agreement is recorded at the Rockingham County Clerk of Court's office and submitted to the City of Harrisonburg with a BMP certification statement? Yes ☐ No ☐

If not, a Maintenance Agreement shall be included with this application.

☐ VSMP Required On-Site BMPs Providing Water Quantity AND Quality Controls

Type of BMP Installed: _____

Impervious Area Treated by BMP (sq. ft.): _____

BMP Certification: Certification is included as a part of this application to confirm that the facility was built in accordance with the VSMP standards and specifications, the General VPDES Permit for Discharges of Stormwater from Construction Activities Regulations and the City of Harrisonburg Stormwater Management Ordinance effective at the time of the initial permit registration statement for the project?

Yes ☐ No ☐

Maintenance Agreement: Maintenance Agreement is recorded at the Rockingham County Clerk of Court's office and submitted to the City of Harrisonburg with a BMP certification statement? Yes ☐ No ☐ If not, a Maintenance Agreement shall be included with this application package.

☐ Voluntary On-Site BMPs

Type of BMP Installed: _____

Impervious Area Treated by BMP (sq. ft.): _____

BMP Certification: Certification is included as a part of this application to confirm that the facility was built in accordance with VSMP standards and specifications and/or Chesapeake Bay Program's Urban Stormwater Protocols effective on the date of the start of construction and as per the original construction plans and documents for the facility?

Yes ☐ No ☐

☐ On-Site BMPs Treating Off-Site Impervious Areas

Type of BMP Installed: _____

Off-site Impervious Area Treated by BMP (sq. ft.):_____

BMP Certification: Certification is included as a part of this application to confirm that the facility was built in accordance with VSMP standards and specifications and/or Chesapeake Bay Program's Urban Stormwater Protocols effective on the date of the start of construction?

Yes ☐ No ☐

Agreement with neighboring property owner(s) of impervious area treated? Yes ☐ No ☐

If not, attach the Regional Agreement Form.

☐ Regional BMPs

Type of BMP Installed:_____

On-Site Impervious Area Treated by BMP (sq. ft.): _____

BMP Certification: Certification is included as a part of this application to confirm that the facility was built in accordance with VSMP standards and specifications and/or Chesapeake Bay Program's Urban Stormwater Protocols effective on the date of the start of construction? Yes ☐ No ☐

The applicant provided documentation proving 1) the BMP provides treatment for the requested impervious area on the applicant's site.

Yes ☐ No ☐

☐ Virginia Pollutant Discharge Elimination (VPDES) Permit

Type of VPDES permit:_____

On-Site Impervious Area Covered by VPDES permit (sq. ft.): _____

Required Attachments:

For BMPs:

☐ Photographs of each BMP

Date Photos were taken: _____ (must be no more than 60 days old)

☐ Signed Maintenance Agreement

☐ Construction Plans and Record Drawings

☐ Stormwater Management Calculations

☐ Stormwater Utility Fee Regional BMP Agreement, if applicable

☐ Credit Calculations

For Industrial VPDES Permit:

☐ **Copy of Virginia DEQ General Permit Coverage Letter**

☐ **Copy of Stormwater Pollution Prevention Plan (SWPPP)**

☐ **Copy of latest Discharge Monitoring Report (DMR). Note: Copies of future DMRs shall be submitted to City at time of submittal to DEQ.**

☐ **Credit Calculations**

Signature of Agreement

I hereby certify the above information to be true and correct to the best of my knowledge. I agree that pollutant credits approved by the City of Harrisonburg as Stormwater Utility Fee Credits will no longer be available for any other use, including Virginia Stormwater Management Program requirements.

_____
Owner Printed Name

_____ _____
Owner Signature Date

FOR CITY USE ONLY

Application administratively complete ☐ Yes ☐ No

Reviewed by: _____ Date: _____

Application Status ☐ Approved ☐ Denied

If approved, amount of credit to be applied: $_____

Reviewed by: _____ Date: _____

Property Owner Contacted ☐ Yes

Contacted by: _____ Date: _____

If approved, Credit Applied ☐ Yes

Entered by: _____ Date: _____

APPENDIX B. STORMWATER UTILITY FEE NON-RESIDENTIAL MAINTENANCE AGREEMENT

Date of Submittal: _____

Credit Application ID: _____

City of Harrisonburg, Virginia
Department of Public Works
320 East Mosby Road
Harrisonburg, VA 22801
540·434·5928
stormwater@harrisonburgva.gov

Stormwater Utility Fee Maintenance Agreement

For use with Voluntarily Installed Non-Residential and Residential BMPs

This Agreement, made and entered into this ____ day of _____, by and between _____ ("Property Owner") and the City of Harrisonburg, a Virginia municipal corporation, ("City").

The City and the Property Owner(s) agree to the following terms and conditions as follows:

The Property Owner(s) is the owner of that certain parcel of land located within the City at (ADDRESS)_____, Harrisonburg, Virginia and designated on the Harrisonburg City Tax Map as parcel _____(the "Property"). The Property Owner(s) has submitted to the City a credit application pursuant to the City's Stormwater Utility Fee Credit Program for certain stormwater management BMP facilities located on the Property.

The City requires that any on-site stormwater management BMP, as outlined in the credit application, be adequately constructed, operated, and maintained by the Property Owner(s).

1. Location of the Facility. The on-site stormwater management BMP facility (check one) ☐ located on the Property or ☐ on Harrisonburg City Tax Map as parcel _____, has been constructed by the Property Owner(s) in accordance with the specifications identified in the appropriate Stormwater Utility Fee Credit Manual for Non-Residential or Residential.

2. Commitment to Operation and Maintenance of Facility. The Property Owner(s), including any homeowners association, shall adequately operate, inspect, and maintain the stormwater management BMP facilities in accordance with the specific operation, inspection, and maintenance requirements set forth in the attachment to the maintenance agreement.

3. Documentation. The Property Owner(s) shall document any maintenance, landscaping, and repairs performed to the on-site stormwater management BMP facilities on the City's Maintenance Record form and provide a copy of said Maintenance Record to the City or its representatives upon request. Regular inspection by the Property Owner(s) is encouraged, but submittal of inspection forms to the City is not required.

4. Right of Entry on Property. The Property Owner(s) grants permission to the City and its authorized agents and employees, to enter upon the Property at reasonable times and upon presentation of proper identification, to inspect the stormwater management BMP facilities whenever the City deems necessary. Except for emergencies, City representatives shall use reasonable efforts to provide at least a 24 hour

notice to the Property Owner(s) before entry upon the Property. The purpose of inspections is to assure safe and proper functioning of the facilities, follow-up on suspected or reported deficiencies, and/or to respond to citizen complaints. In the event any deficiency is observed during an inspection, the City shall provide the Property Owner(s) copies of the inspection findings and a directive with timeline to commence any necessary repairs.

5. Failure to Maintain. In the event the Property Owner(s) fails to operate and maintain the stormwater management BMP facilities in good working condition and in accordance with the attachment, the City will notify the Property Owner(s) in writing of deficiencies and required maintenance actions. If maintenance actions are not corrected by the Property Owner(s) within 90 days after notification is sent, the revocation of stormwater utility fee credits will take effect immediately and this maintenance agreement is voided. It is expressly understood and agreed that the City is under no obligation to maintain or repair said stormwater management BMP facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.

The Property Owner(s) may reinstate their credit by following the procedures and requirements outlined in the appropriate Stormwater Utility Fee Credit Manual for Non-Residential or Residential.

6. Credit Effective Dates. Credits will be valid for five (5) years from the date of application approval or until transfer of ownership (i.e. sale of the property to another party), whichever is first. The Property Owner(s) will need to re-apply for the credit every five (5) years. Credits do not transfer with ownership changes.

7. Release of City. The Property Owner(s), its successors and assigns, shall release the City, its elected officials, offices, employees and designated representatives, from all damages, accidents, casualties, occurrences, or claims or causes of action which might arise from or be asserted against said City, its elected officials, offices, employees, and representatives related to the construction, presence, existence, operative or maintenance of the stormwater management BMP facilities by the Property Owner(s) or City. In the event that such a claim is asserted, the City shall promptly notify the Property Owner(s) and the Property Owner(s) shall defend, indemnify, and hold harmless the City, its elected officials, City Officers or employees, and its associated individuals, in any suit or action based on the claim.

8. Attachments.

- ☐ Description of Operation, Inspection, and Maintenance Requirements (provided by property owner)

Upon signing this document, The City and the Property Owner(s) agree to the terms and conditions as outlined above and as described in the appropriate Stormwater Utility Fee Credit Manual for Non-Residential or Residential effective on the date signed.

_____
Owner Printed Name

_____ _____
Owner Signature Date

_____ _____
Witness Date

_____
City Official Printed Name and Title

_____ _____
City Official Signature Date

_____ _____
Witness Date

APPENDIX C. STORMWATER UTILITY FEE CREDIT RE-APPLICATION

Date Received: _____

Credit Application ID: _____

City of Harrisonburg, Virginia
Department of Public Works
320 East Mosby Road
Harrisonburg, VA 22801
540·434·5928
stormwater@harrisonburgva.gov

Stormwater Utility Fee Credit Re-Application

General Information:

Parcel Information

Tax Map Parcel Number(s): _____

Parcel Street Address: _____

☐ Residential ☐ Non-Residential

Owner Information

Owner Name (Last, First, M.I. or Business): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip Code: _____

If Business, Contact Name (Last, First, M.I.): _____

Phone Number (w/Area Code): (_____)_____ Email: _____

Credit Information:

1. Since the last application/re-application, has there been any new construction surrounding the stormwater BMP(s)?

   ☐ No ☐ Yes (If yes, please explain):

   _____

   _____

   _____

2. Since the last application/re-application, have any changes been made to the stormwater BMP(s)? Be sure to document all maintenance, landscaping, and repairs on the Maintenance Record form.

   ☐ No ☐ Yes (If yes, please explain):

   _____

_____
_____

3. Has any new impervious area been added or removed on your parcel?

☐ No ☐ Yes (If yes, please explain):

_____
_____
_____

Required Attachments:

☐ **Photographs of each stormwater BMP within 60 days of re-application**

Date Photos were taken: _____

If submitting photos of more than one stormwater BMP, label each photo with the type of BMP installed.

☐ **For Non-Residential, Category A or B stormwater BMP(s),** provide a copy of the Inspection Form that has been certified by a Professional Engineer. See the City's Design & Construction Standards Manual, Appendix J, http://www.harrisonburgva.gov/dcsm. The Stormwater BMP Post-Construction Inspection Policy in Appendix J references the required Inspection Form.

Signature of Agreement

I hereby certify the above information to be true and correct to the best of my knowledge.

_____
Owner Printed Name

_____ _____
Owner Signature Date

_____

FOR CITY USE ONLY

Application administratively complete ☐ Yes ☐ No
Reviewed by: _____ Date: _____

Re-application Status Determination ☐ Approved ☐ Denied
Reviewed by: _____ Date: _____

Property Owner Contacted ☐ Yes
Contacted by: _____ Date: _____

APPENDIX D. STORMWATER UTILITY FEE PETITION FOR ADJUSTMENT FORM

Date Received: _____

Credit Application ID: _____

City of Harrisonburg, Virginia
Department of Public Works
320 East Mosby Road
Harrisonburg, VA 22801
540·434·5928
stormwater@harrisonburgva.gov

Stormwater Utility Fee Petition for Adjustment Form

General Information:

Parcel Information

Tax Map Parcel Number: _____

Parcel Street Address: _____

Owner Information

Owner Name (Last, First, M.I. or Business): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip Code: _____

If Business, Contact Name (Last, First, M.I.): _____

Phone Number(w/Area Code): (_____)_____ Email: _____

Reason for Petition (Check Applicable)

- ☐ Error made regarding square footage of the impervious area of the property
- ☐ Property is eligible to be "fee waived" under provisions of City Code Section 6-5-4(g)
- ☐ Mathematical error in calculating the stormwater utility fee
- ☐ The party invoiced is not the owner of the property
- ☐ An approved credit was incorrectly applied

Application Checklist

- ☐ If the impervious area calculation is in question, a plot, plan, or map is provided showing dimensions of all impervious areas and identifying areas believed to be incorrect. If the areas are shown on city maps as impervious and the applicant believes these areas do not meet the impervious area definition, photo-documentation shall be provided.

Appeal Description and Statement (Please provide detailed information as to why you believe your Stormwater Utility Fee is in error. Include requested value, in the applicant's opinion, for the correct Stormwater Utility Fee associated with the property. Attach additional sheets if necessary.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

Signature of Agreement

I hereby certify the above information to be true and correct to the best of my knowledge.

_____
Owner Printed Name

_____ _____
Owner Signature Date

FOR CITY USE ONLY

Application administratively complete ☐ Yes ☐ No
Reviewed by: _____ Date: _____

Petition for Adjustment Determination ☐ Granted ☐ Denied
Reviewed by: _____ Date: _____

Property Owner Contacted ☐ Yes
Contacted by: _____ Date: _____

If approved, adjustment applied? ☐ Yes ☐ No
Entered By: _____ Date: _____

APPENDIX E. STORMWATER UTILITY FEE BMP MAINTENANCE RECORD

City of Harrisonburg, Virginia
Department of Public Works
320 East Mosby Road
Harrisonburg, VA 22801
540-434-5928

Maintenance Record

Stormwater Utility Fee BMP Maintenance Record

This form should be kept on file by the property owner(s). It is the responsibility of the property owner(s) to track all stormwater facility maintenance activities for the purposes of credit re-application and compliance with the Maintenance Agreement (which should have been signed and submitted during the initial credit application process). All professional services should be noted on this form and attach any additional documentation needed to identify, explain, and verify that all maintenance recorded on this form is accurate.

Type of BMP:		Date of Installation:	
Tax Map Parcel Number:		Street Address:	
Date of Maintenance:	**Maintenance Performed:**	**Voluntary Upkeep or As Recommended by City Staff?**	**Additional Notes:**

Maintenance Record

Stormwater Utility Fee BMP Maintenance Record

Date of Maintenance:	Maintenance Performed:	Voluntary Upkeep or As Recommended by City Staff?	Additional Notes:

APPENDIX F. REGIONAL STORMWATER BMP AGREEMENT FORM

Date Received: _____

Credit Application ID: _____

City of Harrisonburg, Virginia
Department of Public Works
320 East Mosby Road
Harrisonburg, VA 22801
540·434·5928
stormwater@harrisonburgva.gov

Regional Stormwater BMP Agreement Form

Parcel Information – Location of BMP

Tax Map Parcel Number: _____

Parcel Street Address: _____

Type of BMP: _____

Total Number of Property Owners Sharing Obligations & Costs: _____

Property Owner #1 Information*

(*This person is the primary point of contact regarding this application. The stormwater BMP described above is located on property owned by this person or business.)

Owner Name (Last, First, M.I. or Business): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip Code: _____

If Business, Contact Name (Last, First, M.I.): _____

Phone Number(w/Area Code): (_____)_____ Email: _____

I hereby certify that I share maintenance obligations and costs for the BMP listed above, and that the supplied information is true and correct to the best of my knowledge.

_____
Owner Printed Name

_____ _____
Owner Signature Date

Property Owner #2 Information

Owner Name (Last, First, M.I. or Business): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip Code: _____

If Business, Contact Name (Last, First, M.I.): _____

Phone Number(w/Area Code): (_____)_____ Email: _____

I hereby certify that I share maintenance obligations and costs for the BMP listed above, and that the supplied information is true and correct to the best of my knowledge.

_____
Owner Printed Name

_____ _____
Owner Signature Date

If there are more than 2 owners, attach additional sheets.

FOR CITY USE ONLY

Application administratively complete ☐ Yes ☐ No

Reviewed by: _____ Date: _____