

*City of Falls Church Stormwater Credit Policy Task Force*  
**Final Stormwater Utility Fee Credit Policy**

Adopted December 9, 2013

**OVERVIEW**

The Falls Church City Council adopted a stormwater utility fee on April 22, 2013, to provide a stable and adequate source of funding to meet the City's long-term stormwater management needs. This fee-for-service approach recognizes that public stormwater services benefit the community as a whole and distributes this public cost across eligible developed properties based on their amount of impervious area. Impervious area is used as a surrogate for the impact of development on the public drainage and stream systems as higher amounts of impervious area contribute greater amounts of stormwater and pollutants to the stormwater management system. Properties are charged in increments of 200 square feet (SF) of impervious area, known as billing units. The City Council established an initial utility rate at \$18 annually per billing unit (i.e.; 200 SF of impervious surface). The rate is reviewed annually as part of the budget process.

Stormwater utility credits are annual reductions to the stormwater utility fee that acknowledge and promote stormwater stewardship practices. They are a mechanism to recognize that certain actions can reduce the cost of public stormwater services in the long term. Credits are in addition to direct actions that can be taken by a property owner to reduce impervious surface area, thereby reducing the stormwater utility fee. The following credits are available for property owners in the City of Falls Church:

- Credit for a stormwater management facility in the following manner:
  - 20% credit for impervious areas draining to a stormwater management facility installed as a condition of development to meet the requirements of the Virginia Stormwater Management Program (VSMP) permit regulations or its predecessor regulations.
  - 40% credit for impervious areas draining to a stormwater management facility installed voluntarily that meets the technical standards contained in the Virginia Stormwater BMP Clearinghouse or other state-recognized design guidance.
- Up to 30% credit for impervious areas draining to a stormwater management facility that provides detention for off-site stormwater and/or on-site stormwater in excess of City of Falls Church Code requirements.
- 10% credit for an approved Stormwater Pollution Prevention Plan (SWPPP).

Credits may be added together subject to the requirements and maximum credit limitations provided in this document. The following sections present a summary of the legal basis for credits and the City's policies regarding credit amounts, eligibility, and the application process.

## **LEGAL BASIS OF CREDITS**

The Code of Virginia (§ 15.2-2114) *requires* a locality that has adopted a stormwater utility to provide for full or partial waivers of charges to "...any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings." The Code further states "The locality shall base the amount of the waiver in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility." The Code also *allows* a locality to provide for full or partial waivers of charges to "...public or private entities that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system." Section 42-246 of the Code of the City of Falls Church provides for an adjustment of the fee through the use of a system of credits adopted by the City Council in accordance with the Code of Virginia.

## **PURPOSE AND GOALS OF CREDITS**

The stormwater utility is a fee for service. As a result, there must be a rational nexus between the credit and the public program of services. The following goals were used in the development of this credit policy:

- Recognize that certain ongoing on-site activities can reduce the long-term cost of public stormwater services.
- Provide an incentive for property owners to make voluntary investments above minimum regulatory standards to help the City reduce known flood hazards and achieve water quality targets such as those identified in the Chesapeake Bay TMDL.
- Encourage residents and businesses to install practices or make changes to behavior that will result in a benefit to local water quality.

## **STRUCTURAL STORMWATER MANAGEMENT FACILITIES**

This section covers the criteria and requirements for achieving credit for a structural stormwater management facility.

### ***Stormwater Management Facility Credit***

The City will provide a 20% credit against the stormwater utility fee for impervious areas draining to a stormwater management facility installed as a condition of development to meet the requirements of the Virginia Stormwater Management Program (VSMP) permit regulations or its predecessor regulations. The City will provide a 40% credit against the stormwater utility fee for impervious areas draining to a stormwater management facility installed voluntarily that meets the technical standards contained in the Virginia Stormwater BMP Clearinghouse or other state-recognized design guidance. Credit applies only to the impervious areas draining to the structural stormwater management facility.

The policy of the City Council is to maintain the percent credit for a voluntary stormwater management facility for a minimum of 15 years.

### ***Stormwater Detention Credit***

The City will provide up to 30% credit against the stormwater utility fee for stormwater detention above that required in Chapter 35 “Stormwater” of the City Code. The credit applies only to the impervious areas draining to the stormwater detention facility. Once the Director of Public Works has determined that any statutory requirements have been met, the following credits will be available:

- 10% credit for detention of stormwater resulting from a one inch rainfall or greater and less than two inches.
- 20% credit for detention of stormwater resulting from two inches of rainfall or greater and less than three inches.
- 30% credit for detention of stormwater resulting from rainfall of three inches or greater.

The policy of the City Council is to maintain the percent credit for a detention facility installed in accordance with this section for a minimum of 15 years.

### ***Credit for Off-Site Impervious Surfaces***

Credit may be applied to off-site impervious areas that are not currently served by a structural stormwater management facility that are within the public right-of-way (e.g., City streets) provided that the facility has been approved by the Director of Public Works. The Director of Public Works will only approve a facility for off-site treatment credit if at his sole discretion it is determined that the stormwater management benefits achieved are in the best interest of the City.

**Eligibility Criteria for Structural Facilities**

To be eligible for a credit, a structural stormwater management facility must meet the following requirements:

<p>Technical Standards</p>	<ul style="list-style-type: none"> <li>• The facility must have been designed, installed, and accepted by the City in accordance with the technical standards required by the City at the time of construction.</li> <li>• For facilities built July 1, 2014, and after, the technical standards are those contained in the Virginia Stormwater BMP Clearinghouse <a href="http://vwrrc.vt.edu/swc/">http://vwrrc.vt.edu/swc/</a> or other state-approved design guidance documents.</li> </ul>
<p>Maintenance Agreement</p>	<ul style="list-style-type: none"> <li>• The facility must have a signed and properly recorded and executed maintenance agreement with the City.</li> <li>• The City may require an existing maintenance agreement to be updated to meet current standards for maintenance and inspections.</li> </ul>
<p>Function Verification</p>	<ul style="list-style-type: none"> <li>• The facility must currently function as designed. Functionality will be verified through periodic City inspections and through any reporting requirements contained in the properly executed maintenance agreement.</li> <li>• If the facility fails a City inspection or the owner fails to submit maintenance documents as required in the maintenance agreement, the City will revoke the credit if corrective actions are not taken within the time specified by the City.</li> </ul>

**Application Process**

A Structural Stormwater Facility Credit Application Form must be submitted by the owner of the stormwater management facility or his/her legal agent and approved by the City to receive a credit. The form must be received prior to January 1 of any given year to be considered for credit in the upcoming stormwater utility billing cycle. Credits will not be pro-rated. Special exceptions may be made by the Director of Public Works for the first year of credit implementation. The following documentation will be required:

<p>Structural Stormwater Facility Credit Application Form</p>	<p>This form is provided by the City.</p>
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Drainage Area Map	This is a to-scale map showing property lines, impervious areas, stormwater management facility drainage area boundaries, and the total impervious cover draining to the facility. The property owner should check with the City to determine whether this information is already on file with the City.
Stormwater Management Facility Description	This should reference type, date of installation, and any other details to be considered with respect to pollutant removal.
Narrative of Maintenance and Repairs	This is a history of facility maintenance and repair activities.
Photos	Provide at least two date-stamped images showing the facility within one month of the application date.
Stormwater Facility Maintenance Agreement	Include a copy of the agreement that allows the City access to the site and establishes enforceable maintenance and reporting requirements.

Once a credit has been approved, the property owner will remain eligible for the credit subject to any changes to this policy document as long as all conditions of the maintenance agreement are met and the facility passes periodic inspections by City staff. If the property owner fails to submit required documentation or correct deficiencies within the time specified by City staff, the facility will no longer be eligible for credit. If this occurs, the property owner will be required to reapply through the initial credit process.

**STORMWATER POLLUTION PREVENTION PRACTICES**

The City will provide a 10% credit against the stormwater utility fee for a property owner who implements a Stormwater Pollution Prevention Plan (SWPPP) that meets the requirements of this section. SWPPP credits may not be applied to off-site areas. Two categories of SWPPP credits are available:

- Individual Residential SWPPP Credit – This credit is available to any individual residential property owner, including single family detached homes, townhomes, duplexes, and condominium unit owners if they are separately billed the utility fee.
- General SWPPP Credit – This credit is available to all property owners, regardless of land use.

To receive the SWPPP credit, the property owner may choose from the “tool-box” of potential practices described below with each practice worth a designated number of points. A property owner achieving 10 points or more will receive the SWPPP credit of 10% of the annual stormwater fee.

***Individual Residential SWPPP Credit***

The following table presents practices and requirements for obtaining points toward the individual residential SWPPP credit. Refer to Technical Resources and References for cited technical manuals and specifications. All credits, except where noted, are ongoing provided that the property owner maintains the practice and submits an annual Residential SWPPP Application Form.

<b>Practice</b>	<b>Description</b>	<b>Points</b>	<b>Requirements</b>
Watershed Stewardship	Participate in a City-sanctioned volunteer event, including but not limited to stream clean-ups, storm drain stenciling projects, adopt-a-highway, and tree planting. Refer to the City’s web page for a list of sanctioned events.	1 point per hour volunteered. Multiple members of a household may participate and accumulate points.	Indicate hours worked on Residential SWPPP Application Form.
Rain Barrels	Install a rain barrel with a capacity of at least 50 gallons to capture stormwater from a downspout. Construction and installation guidance is provided on the Northern Virginia Soil and Water Conservation District web page.	2 points for each rain barrel that captures stormwater from a separate downspout.	Verify size and number of barrels on the Residential SWPPP Application Form. Include picture(s) with the initial application. Verify continued maintenance using the Residential SWPPP Application Form.
Rain Garden	Install a rain garden that meets the requirements of the Virginia Department of	5 points for a rain garden covering 50 square feet or greater;	City staff must be contacted to approve the design and inspect the final result.

<b>Practice</b>	<b>Description</b>	<b>Points</b>	<b>Requirements</b>
	Forestry Rain Gardens Technical Guide or the Northern Virginia Soil and Water Conservation District Rain Garden Design and Construction Guide.	10 points for a rain garden covering 100 square feet or greater.	Verify continued maintenance using the Residential SWPPP Application Form.
Tree Planting	Plant a tree through the City's Neighborhood Tree Program or privately plant a tree with approval from the City Arborist.	2 points per tree.	The City Arborist must review and approve the type of tree and placement prior to planting. Verify continued maintenance using the Residential SWPPP Application Form.
Conservation Landscaping	Convert turf grass to conservation landscaping in accordance with requirements of the Homeowner Guide for a More Bay-Friendly Property published by the Chesapeake Stormwater Network.	3 points for every 100 square feet of conservation landscaping that replaces turf.	City staff must be contacted to approve the design and inspect the final result. Verify continued maintenance using the Residential SWPPP Application Form.
Downspout Disconnection	Disconnect downspouts that currently drain to a public street or other impervious area. The downspout must be redirected to a pervious area that will not cause erosion or flooding problems.	1 point per disconnected downspout. Credit available for 5 years after disconnection.	City staff must be contacted to approve the disconnection and ensure that it will not cause erosion or flooding. Verify continued disconnection using the Residential SWPPP Application Form.
Permeable Pavers and Porous Pavement	Replace traditional driveway, patio, or other impervious areas with permeable pavers or porous pavement in accordance with {need standard to be used by the City}.	5 points for 250 square feet or greater; 10 points for 500 square feet or greater.	City staff must be contacted to approve the design and inspect the final result. Verify continued maintenance using the Residential SWPPP Application Form.
No Fertilizer Pledge	Sign a pledge to not apply fertilizer to your lawn or landscaped areas.	1 point.	Sign statement using the Residential SWPPP Application Form.

Green Streetscape	Allow the City to install stormwater management techniques as part of the streetscape in front of your home.	Number of points at the discretion of the DPW Director.	Requirements at the discretion of the DPW Director.
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**General SWPPP Credit**

The following table presents practices and requirements for obtaining points toward the general SWPPP credit. Refer to Technical Resources and References for cited technical manuals and specifications. All credits, except where noted, are ongoing provided that the property owner maintains the practice and submits an annual General SWPPP Application Form.

Practice	Description	Points	Requirements
Watershed Stewardship	Participate in a City-sanctioned volunteer event, including but not limited to stream clean-ups, storm drain stenciling projects, adopt-a-highway, and tree planting. Refer to the City's web page for a list of sanctioned events.	0.5 point per employee hour volunteered.	Indicate hours worked on General SWPPP Application Form.
Rain Barrels	Install a rain barrel with a capacity of at least 50 gallons to capture stormwater from a downspout. Construction and installation guidance is provided on the Northern Virginia Soil and Water Conservation District web page.	Divide 5 by total number of downspouts. The resulting fraction is the number of points per rain barrel that captures stormwater from a separate downspout.	City staff must approve the placement and maintenance plan for the rain barrels. Verify size and number of barrels on the General SWPPP Application Form. Include picture(s) with the initial application. Verify continued maintenance using the General SWPPP Application Form.
Tree Planting	Plant a tree through the City's Neighborhood Tree Program or privately plant a tree with approval from the City Arborist.	2 points per tree.	The City Arborist must review and approve the type of tree and placement prior to planting. Verify continued maintenance using the General SWPPP Application Form.

Conservation Landscaping	Convert turf grass to conservation landscaping in accordance with requirements of the Homeowner Guide for a More Bay-Friendly Property published by the Chesapeake Stormwater Network.	3 points for every 100 square feet of conservation landscaping that replaces turf.	City staff must be contacted to approve the design and inspect the final result. Verify continued maintenance using the General SWPPP Application Form.
Street Sweeping	Sweep all surface parking areas using a vacuum sweeper at least 26 times per year.	10 points.	Verify frequency of sweeping and total materials swept using the General SWPPP Application Form.
Pet Waste Stations	Install pet waste stations, including bags and receptacle along with waste collection schedule.	5 to 10 points.	Credit at the discretion of the Director of DPW based on an evaluation of the area to be considered and the severity of pet waste as a localized water quality problem. Number and placement of stations to be determined collaboratively, with final approval by City staff. Verify continued maintenance using the General SWPPP Application Form.
Certified Nutrient Management Plan	Nutrient management plan developed by a state-certified nutrient management planner.	10 points.	Provide the City with a copy of the certified nutrient management plan. Verify continued application of the plan using the General SWPPP Application Form.
Stormwater Pollution Prevention Plan for High Risk Facilities	Adopt and implement a SWPPP in accordance with the requirements established in 9VAC25-151-80 (industrial stormwater permits). The facility must meet the definition of a “high risk facility” in the City’s Municipal Separate Storm Sewer System (MS4) permit.	10 points.	Provide the City with a copy of the adopted SWPPP. Verify continued implementation using the General SWPPP Application Form.

<p>Watershed Education Credit (available to non-governmental pre-school or elementary schools)</p>	<p>Incorporate watershed education into pre-school or elementary school curriculum. Eligible programs include the Northern Virginia Soil and Water Conservation District EnviroScape model and other City-approved programs.</p>	<p>8 points if the program is designed to ensure that each student participates in the watershed education program at least once during a typical tenure at the school.</p>	<p>City staff must be contacted to approve the curriculum. Verify continued implementation using the General SWPPP Application Form.</p>
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***SWPPP Credit Application Process***

The Residential SWPPP Application Form or the General SWPPP Application Form, as appropriate, must be completed and submitted to the City on an annual basis to receive the individual residential SWPPP credit. The form must be received prior to January 1 of any given year to be considered for credit in the upcoming stormwater utility billing cycle. Credits will not be pro-rated. Special exceptions may be made by the Director of Public Works for the first year of credit implementation.

**CREDIT CALCULATION METHODOLOGY**

***Combination of Credits***

The Stormwater Management Facility Credit and the Stormwater Detention Credit are cumulative if a facility or combination of facilities provides treatment to stormwater from the same area of impervious cover. The maximum amount of credit that can be achieved for stormwater generated on-site is 70% (e.g 30% for water quality, 30% for water quantity, 10% for SWPPP). In addition, a property owner may, in accordance with the requirements of this policy document, apply credits for structural stormwater management facilities that control stormwater from impervious areas within the public right-of-way (e.g., City streets) to achieve an effective credit of greater than 70%. The 10% credit for an approved SWPPP is applied to the whole stormwater utility fee prior to application of the credit for structural stormwater management facilities. However, in all cases the maximum credit that can be achieved for any one property shall be 95%.

The following methodology will be used for all credit calculations:

- (A) Total Billable (On-Site) Impervious Area = \_\_\_\_\_ Square Feet
- (B) Billing Units = (A) / 200 Square Feet Rounded to Next Whole Number = \_\_\_\_\_
- (C) Initial Annual Stormwater Utility Fee = (B) \* \$18 = \$ \_\_\_\_\_
- (D) Impervious Area Draining to Condition of Development SWM Facility = \_\_\_\_\_ Square Feet
- (E) Impervious Area Reduction for Condition of Development SWM Facility = (D) \* 0.20 = \_\_\_\_\_ Square Feet
- (F) Impervious Area (On-Site and Off-Site) Draining to Voluntary SWM Facility = \_\_\_\_\_
- (G) Impervious Area Reduction for Voluntary SWM Facility = (F) \* 0.40 = \_\_\_\_\_
- (H) Impervious Area (On-Site and Off-Site) Draining to Detention Facility = \_\_\_\_\_
- (I) Impervious Area Reduction for Detention Facility = (H) \* (0.10, 0.20, or 0.30 Depending on Detention Volume) = \_\_\_\_\_
- (J) SWPPP Adjustment = (A) \* 0.10 = \$ \_\_\_\_\_
- (K) Total Impervious Area Reduction = (E) + (G) + (I) + (J) = \_\_\_\_\_ Square Feet
- (L) Adjusted Billable Impervious Area = (A) - (K) = \_\_\_\_\_ Square Feet, But Not Less Than Zero
- (M) Adjusted Billing Units = (L) / 200 Square Feet Rounded to Next Whole Number = \_\_\_\_\_
- (N) Adjusted Annual Stormwater Utility Fee = (L) \* \$18 = \$ \_\_\_\_\_
- (O) Minimum Stormwater Fee = (C) \* 0.05 = \$ \_\_\_\_\_
- (P) Final Annual Stormwater Utility Fee = (N) or (O), whichever is greater.

## **TECHNICAL RESOURCES AND REFERENCES**

Virginia Stormwater BMP Clearinghouse, Virginia Department of Environmental Quality <http://vwrrc.vt.edu/swc/>

Northern Virginia Soil and Water Conservation District (NVSWCD) Rain Barrel Program  
[www.fairfaxcounty.gov/nvswcd/rainbarrels.htm](http://www.fairfaxcounty.gov/nvswcd/rainbarrels.htm)

City of Falls Church Neighborhood Tree Program  
[www.fallschurchva.gov/content/government/departments/publicworks/urbanforestry/programs/neighborhoodtree.aspx](http://www.fallschurchva.gov/content/government/departments/publicworks/urbanforestry/programs/neighborhoodtree.aspx)

Rain Gardens Technical Guide, Virginia Department of Forestry  
[www.dof.virginia.gov/mgt/riparian/rain-gardens.htm](http://www.dof.virginia.gov/mgt/riparian/rain-gardens.htm)

Homeowner Guide for a More Bay-Friendly Property, Chesapeake Stormwater Network  
[chesapeakestormwater.net/wp-content/uploads/downloads/2013/10/Final-CSN-Homeowner-Guide\\_100113-NXPowerLite.pdf](http://chesapeakestormwater.net/wp-content/uploads/downloads/2013/10/Final-CSN-Homeowner-Guide_100113-NXPowerLite.pdf)

Rain Garden Design and Construction Guide, NVSWCD  
<http://www.fairfaxcounty.gov/nvswcd/raingardenbk.pdf>

EnviroScape Program, NVSWCD  
[www.fairfaxcounty.gov/nvswcd/enviroscape.htm](http://www.fairfaxcounty.gov/nvswcd/enviroscape.htm)

**RESIDENTIAL SWPPP APPLICATION FORM**

Applicant Name:

Date:

Property Information:

Owner:

Street

City, State, ZIP Code

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Watershed Stewardship	Activity	Date	Hours
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Total Hours

Total Points (1 Hour = 1 Point)

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Rain Barrels	Year Installed	Capacity	# Installed
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Total Barrels

Include a picture of new rain barrels installed this year.

Total Points (1 Barrel = 2 Points)

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Rain Garden	Area	City Approval Date
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Total Area

Total Points (5 Points for  $\geq 50$ SF

10 Points for  $\geq 100$ SF)

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Tree Planting	# Trees	City Approval Date
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Total Trees

Total Points (1 Tree = 2 Points)

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Conservation Landscaping	Area	City Approval Date
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Total Area

Total Points (Each 100SF = 3 Points)

Downspout Disconnection                      Year Disconnected      City Approval Date

Total Area

Note no credit for disconnection > 5 years.  
Total Points (1 Disconnection = 1 Point)

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Permeable Pavers

Area

City Approval Date

Total Area

Total Points (5 Points for  $\geq 250\text{SF}$   
10 Points for  $\geq 500\text{SF}$ )

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No Fertilizer Pledge

I pledge that I will not apply commercial fertilizer on  
my property during the credit year.

Total Points (Yes = 1 Point)

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Green Streetscape

City Approval Date

Total Points (Provided by City)

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### Total Residential SWPPP Points

- I certify that the above information, to the best of my knowledge and belief, is true, accurate and complete.
- I certify that practices installed on my property for which I am taking credit are functioning as intended and are being maintained in accordance with guidance provided by the City.
- I certify that I have received proper authorization from my homeowners or condominium association for the practices installed, if applicable.
- I agree that City staff may have access to my site for the sole purpose of verifying these practices. Should City staff find a deficiency, I also understand that I must correct the deficiency in the time frame provided by the City and that if corrective action is not taken in a timely manner, that I will no longer be able to take credit for the practice.

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Signature

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Date