



# City of Harrisonburg, Virginia

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STREET MAINTENANCE  
TRAFFIC ENGINEERING  
TRANSPORTATION PLANNING  
REFUSE/ RECYCLING  
CENTRAL STORES

TO: Kurt Hodgen, City Manager  
FROM: Jim Baker, Public Works  
DATE: April 28, 2016  
RE: Stormwater Utility Fee Credit Manuals

**Summary:** At the March 10, 2015 City Council meeting the Stormwater Utility Fee Ordinance, Credit Manuals, and Fee were adopted. Since that time, property owners have applied to receive a reduction in their fees through the Stormwater Utility Fee credit program. Interactions with property owners, City Departments, and regulatory personnel have made it necessary to update the Credit Manual for increased consistency with regulations and clarity for all applicants. Recommended amendments to the Stormwater Utility Fee Ordinance will be submitted for Council's consideration at a future meeting.

**Background:** The current Credit Manuals for Residential and Non-Residential properties establish specifications for the implementation of best management practices, credit amounts assigned to each of those practices, and information that the property owner needs to submit about those practices to apply for credits. The proposed changes will clarify citizen questions and regulatory guidance that staff has learned since the program's initial approval from Council. Notable changes are discussed below.

## Non-Residential Credit Manual Updates

**Maintenance Agreement:** At the July 15, 2015 Stormwater Advisory Committee meeting, SWAC members recommend that if a property owner is seeking stormwater utility fee credits for a pre-existing BMP installed to meet development regulations, but do not have recorded maintenance agreements, then the maintenance agreement required for the stormwater utility fee application would be recorded and conveyed with the land.

**Calculating Pollutant Removal Spreadsheets:** Staff proposes the addition of three spreadsheets for applicants to use in calculating and reporting pollutant removal rates for on-site required BMPs, retrofitted BMPs, and voluntary BMPs. These spreadsheets will be used by staff in MS4 permit reports to VA Department of Environmental Quality.

## Residential Credit Manual Updates

**Tree Canopy:** Since implementing the Stormwater Utility Fee Program, city staff has been approached by owners of large residential lots whose properties are mostly pervious (often grass fields), and who have concentrated tree canopy cover in portions of their properties. Given the large size of their total parcel, it is difficult for them to reach the 20% tree canopy

cover requirement for stormwater utility fee credits. For this reason, new criteria for residential tree canopy cover have been proposed to accommodate property owners with larger lots and was recommended by SWAC at their November 2015 meeting.

*Both Residential and Non-Residential Updates*

Appeals Process for Applicants: As it exists, if an applicant is not satisfied with the response of the Public Works Department regarding their credit application, they have to appeal directly to the Director of Public Works. Staff proposes that the Stormwater Advisory Committee (SWAC) act as the review team in the case of an appeal. After hearing from staff and the applicant, the SWAC would then make a recommendation to the Director of Public Works who would make the final decision within 45 days of receipt of a formal recommendation from the SWAC.

**Key Issues:** Staff believes the Credit Manual updates can help clarify the Stormwater Utility Fee Program.

**Environmental Impact:** None.

**Fiscal Impact:** None.

**Prior Actions:** None.

**Alternatives:**

- (a) Adopt changes recommended by staff; or
- (b) Adopt changes recommended by council; or
- (c) Do not adopt changes at this time

**Community Engagement:** These changes were identified throughout the past year based on feedback received from property owners, engineers, staff and SWAC members.

**Recommendation:** The Stormwater Advisory Committee has been made aware of all of the proposed changes and will conduct a final review of the proposed changes at the May 4 meeting. Any additional recommendations provided by SWAC will be presented at the May 10 council meeting. Staff recommends the proposed changes.

**Attachments:**

- Non-Residential Credit Manual and Appendices (only Appendices with proposed changes included)
- Residential Credit Manual (No proposed changes to Appendices included)
- Excerpts of SWAC Meeting Minutes

**Review:**

**The City With The Planned Future**

*The initiating Department Director will place in Legistar, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.*

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