



# **STORMWATER UTILITY FEE CREDIT MANUAL**

## **Multi-Family and Non-residential Properties**

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## CRITERIA FOR MULTY-FAMILY AND NON-RESIDENTIAL PROPERTIES

Criteria for multi-family and non-residential properties include multi-family dwellings, commercial, industrial, and institutional properties. Credit for the Stormwater Utility Fee falls into three categories that are explained more in-depth with code references below:

1. **Water Quantity/ Flood Control** structures are typical above ground and below ground facilities that hold stormwater and release it at a controlled rate.
2. **Water Quality** facilities were generally designed and constructed after 2006 and are designed to filter pollution from stormwater.
3. Properties with a compliant **VPDES Permit** that requires monitoring and control of stormwater as an industrial user.

Only on-site stormwater management facilities that achieve a permanent reduction in stormwater flow or pollutant loadings and meet the following criteria are eligible for a credit against the stormwater utility fee:

- a. The parcel owner must submit a credit application form provided by the Town in accordance with subsection (3) below.
- b. The parcel owner must maintain the structure and function of a stormwater management facility and operate the stormwater management facility.
- c. The parcel owner must have a properly executed maintenance agreement with the Town that has been properly recorded in the land records of the Office of the Clerk of the Circuit Court, Fauquier County, Warrenton, Virginia.
- d. The parcel owner must demonstrate to the Town's satisfaction that the facility is functioning as originally designed. The structure must be maintained to the satisfaction of the director in accordance with the properly executed maintenance agreement.
- e. The facility must have met the criteria in existence at the time of construction in at least one of the following sections of the regulations, or the predecessor sections of the Town Code as noted, if applicable:
  - i. **Water Quality:** [9VAC25-870-96](#), Virginia Administrative Code, as amended, water quality; or the applicable predecessor section of Town Zoning Ordinance, including section [ZO 5-10](#) (Adequate Drainage); or
  - ii. **Water Quantity:** Both [9VAC25-870-97](#), Virginia Administrative Code, as amended, stream channel erosion, and [9VAC25-870-98](#), Virginia Administrative Code, as amended, Flooding; or applicable predecessor sections of Town Zoning Ordinance, including section [ZO 4.8.3](#) (Approval Process).
- f. Facilities that do not meet the minimum criteria in subsection e. above may still be considered on a case-by-case basis at the discretion of the director if it is demonstrated that the facility achieves a permanent reduction in post-development stormwater flow and pollutant loading. The credit may be prorated based on an analysis of the benefits of the reduction.

## CREDIT AMOUNTS

- a. The maximum credit allowed is forty (40) percent of the total annual stormwater utility fee.
- b. For an on-site stormwater management facility, the credit amount is based on the amount of impervious surface located on the parcel draining to the facility, and not the total amount of impervious surface cover on the parcel.
- c. Credits for on-site stormwater management facilities are as follows if the facility was required under the provisions of Article 5, Stormwater Management, of the Town of Warrenton Zoning Ordinance.
  - i. A **ten percent** credit is allowed if the facility, or facilities, provide **water quality** benefits in accordance with [9VAC25-870-96](#), Virginia Administrative Code, as amended.
  - ii. A **ten percent** credit is allowed if the facility, or facilities, provide both **stream channel erosion control** benefits in accordance with [9VAC25-870-97](#), Virginia Administrative Code, as amended, **and flood control** benefits in accordance with [9VAC25-870-98](#), Virginia Administrative Code, as amended.
  - iii. A **ten (10) percent** credit, subject to the maximum credit above, is allowed for any parcel, or portion of a parcel, that is subject to, and in compliance with, an individual or general Virginia pollutant discharge elimination system (VPDES) industrial stormwater permit issued in accordance with [9VAC25-31-120](#), Virginia Administrative Code, as amended. The credit will expire on permit expiration unless the parcel owner provides proof to the director that the permit has been renewed.
- d. If an on-site stormwater management facility is part of a voluntary retrofit, the amount of credit the facility is eligible to receive in accordance with subsections c. above shall be doubled.

## STORMWATER UTILITY CREDIT ELIGIBILITY AND APPLICATION

There is no fee for a credit application.

To apply for the initial credit for an on-site stormwater management facility, the parcel owner must submit, at his or her own expense:

- A credit application form <sup>(1)</sup>.
- If applicant is not property owner of record, the [Affidavit of Representation](#) is required.

<sup>(1)</sup> a separate application must be submitted for each facility on a parcel, and the sum of the credit amounts shall not exceed forty (40) percent of the fee for the parcel.

Once approved, the parcel owner will continue to receive the credit as long as the facility continues to function as originally designed, and subject to reporting requirements established by the director. The Director may revoke the credit if an inspection by the Director or a designated representative determines that the facility is no longer being properly maintained or functioning as designed. Such revocation will be effective thirty (30) days after the Director has notified the parcel owner in writing of the deficiency(s) and if the problems are not resolved. The revocation may be delayed for an additional period, at the discretion of the Director, provided that the parcel owner is diligently pursuing work to eliminate deficiencies.

Any maintenance or functional deficiencies must be remedied at the owner's expense before a facility may qualify, or re-qualify (after revocation), for a credit.

### ***Application for an on-site stormwater management facility***

Following items must be submitted:

1. A description of the type of facility (or facilities), the storm water control standard met by the facility, and the year the facility was built;
2. A drainage area map, drawn to scale, for the facility showing the drainage boundaries and the impervious area treated by the facility in square feet;
3. As-built or other acceptable engineering plans for the facility;
4. A narrative of the known maintenance history of the facility, including routine maintenance and significant structural maintenance and repair;
5. A copy of the Town's standard maintenance agreement that has been executed by the Town and properly recorded in the land records of the Office of the Clerk of the Circuit Court, Fauquier County, Warrenton, Virginia. If there is no existing facility maintenance agreement, then one (1) must be completed and properly recorded;
6. Information on any public funds used to construct, repair, upgrade, or retrofit the facility, including the amount and the date(s);
7. Calculations to determine the monetary amount of the claimed credit; and
8. A completed inspection checklist certifying that the facility is functioning as originally designed. "*Functioning as originally designed*" means that the facility is operating in accordance with the original design specifications, regardless of the standard in effect at the time of the installation. The checklist must be signed and sealed by a professional engineer. The inspection checklist shall be no more than one year old at the time of application.

***Application for a credit under a VPDES permit***

Following items must be submitted:

1. Proof of permit coverage
2. The date of permit expiration
3. A cover letter affirming that the parcel is in full compliance with the permit requirements.

## STORMWATER CREDIT CALCULATION

### *Quality Credit Calculation*

To be eligible for a Stormwater Quality Credit of up to 10% for each Best Management Practice (BMP) it must be demonstrated to have been designed, constructed, and maintained with the intent of permanently reducing pollution being discharged to the Town stormwater system or surface waters. The Town references the [Virginia Stormwater BMP Clearinghouse Standards and Specifications](#) to determine which facilities are eligible for a stormwater quality credit. As stated previously, the credit will only be applied for the amount of impervious area draining to a BMP, not the total impervious area of the site. For a site with multiple BMP's, the calculation will need to be conducted for each individual facility, and the aggregate total will be applied to the fee.

#### Example of SW Quality Credit Calculation

##### *Step 1: Calculate Percentage of Fee Reduction*

Non-residential complex contains a bio-retention facility that treats buildings and paved areas. Base on the plans, calculations, and documentation bio-retention treats 75% of the property's impervious area, so it can receive a maximum credit of:

Maximum Credit Percentage	x	Impervious Area Treated	=	Percentage Fee Reduction
10%		75%		7.5%

##### *Step 2: Calculate Amount of Credit*

The non-residential complex receives an annual utility fee of \$3920.4. Based on the calculated credit percentage, the property stormwater utility fee credit for water quality will be:

Maximum Credit Percentage	x	Stormwater Utility Fee	=	Amount of Credit
7.5%		\$3920.4		\$294.03

The property's final stormwater utility fee after the credit is applied is \$3626.37.

### *Quantity Credit Calculation*

To be eligible for a Stormwater Quantity Credit of up to 10% for each Best Management Practice (BMP) it must have been demonstrated to have been designed, constructed, and maintained with the intent of permanently regulating the volume of stormwater being discharged to the Town stormwater system or surface waters.

As stated previously, the credit will only be applied for the amount of impervious area draining to a BMP, not the total impervious area of the site. For a site with multiple BMP's, the calculation will need to be conducted for each individual facility, and the aggregate total will be applied to the fee.

Example SW Quantity Credit Calculation

*Step 1: Calculate Percentage of Fee Reduction*

Non-residential complex contains a wet pond facility (a stormwater quantity BMP) that treats buildings and paved areas. Base on the plans, calculations, and documentation wet pond treats 100% of the property’s impervious area, so it can receive a maximum credit of:

Maximum Credit Percentage		Impervious Area Treated		Percentage Fee Reduction
10%	x	100%	=	10%

*Step 2: Calculate Amount of Credit*

The non-residential complex receives an annual utility fee of \$13068. Based on the calculated credit percentage, the property stormwater utility fee credit for water quality will be:

Maximum Credit Percentage		Stormwater Utility Fee		Amount of Credit
10%	x	\$13068	=	\$1176.12

The property’s final stormwater utility fee after the credit is applied is \$11891.88.



## APPROVED DESIGN SPECIFICATION PRACTICES

Compliance with the water quality, the post developed stormwater runoff from the impervious cover shall be treated by an appropriate BMP. The selected BMP shall be located, designed, and maintained to perform at the target pollutant removal efficiency. Design standards and specifications for the BMPs that meet the required target pollutant removal efficiency are available in the [1999 Virginia Stormwater Management Handbook](#). Other approved BMPs available on the [Virginia Stormwater BMP Clearinghouse Website](#) may also be utilized.

The following are the design specifications for 15 non-proprietary stormwater control measures (BMPs, or Best Management Practices) listed below for use in the Town of Warrenton:

- [Practice 1](#): Rooftop (Impervious Surface) Disconnection
- [Practice 2](#): Sheet Flow to Veg. Filter Strip/Conserved Open Space
- [Practice 3](#): Grass Channels
- [Practice 4](#): Soil Compost Amendment
- [Practice 5](#): Vegetated Roof
- [Practice 6](#): Rainwater Harvesting
  - [Cistern Design Excel Spreadsheet, v. 2.1](#) (March 2013; file size: 22 MB — Note: File is too large to preview. Download file to use it.)
  - [Technical Memorandum: Virginia Rainwater Harvesting](#) (March 25, 2013; pdf)
- [Practice 7](#): Permeable Pavement
- [Practice 8](#): Infiltration Practices
- [Practice 9](#): Bioretention (including Urban Bioretention)
  - [Bioretention Photo Tutorial](#) (pdf)
- [Practice 10](#): Dry Swales
- [Practice 11](#): Wet Swale
- [Practice 12](#): Filtering Practices
- [Practice 13](#): Constructed Wetlands
- [Practice 14](#): Wet Pond
- [Practice 15](#): Extended Detention (ED) Pond

### **ANNEX I – AFFIDAVIT OF REPRESENTATION**

Find attached or see below Town’s Affidavit of Representation form located on:

<https://cms.revize.com/revize/warrenton/Bioretenion%20Inspection%20Form%202020.pdf>

### **ANNEX II – SWM- BMP INSPECTION CHECKLIST**

Town’s Annual Stormwater Management Facility Operation & Maintenance Inspection forms located on:

[https://www.warrentonva.gov/government/departments/public\\_works/stormwater\\_management.php](https://www.warrentonva.gov/government/departments/public_works/stormwater_management.php)

### **ANNEX III – TOWN’S STANDARD MAINTENANCE AGREEMENT**

Find Attached.