

9. PUBLIC HEARING**C. ORDINANCE AMENDMENT – STORMWATER MANAGEMENT FEES**

This public hearing is held pursuant to § 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend Article III, Chapter 13.5 as it relates to fees associated with the Stormwater Management Program.

The notice of this public hearing was published in the Tidewater News on June 9 and June 16, 2013 as required by law. After conclusion of tonight's public hearing, the Board of Supervisors will consider the comments offered and may act upon the ordinance or defer action until such time as it deems appropriate.

MOTION REQUIRED: A motion is required to adopt the attached ordinance.

AN ORDINANCE TO AMEND THE SOUTHAMPTON COUNTY CODE
AS IT RELATES TO
STORMWATER MANAGEMENT FEES

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, as illustrated herein below:

Sec. 13.5-12. Fees.

~~Fees shall be paid to the County to defray the cost of plan review, program administration, and necessary inspections, as follows: An administrative fee of three hundred dollars (\$300.00) plus five dollars (\$5.00) per acre shall be paid to Southampton County at the time of submission of the stormwater management plan. Should the stormwater management plan be submitted in conjunction with the erosion and sediment control plan, a combined administrative fee of four hundred fifty dollars (\$450.00) plus five dollars (\$5.00) per acre shall be paid to Southampton County at the time of submission.~~

REVISE AS WRITTEN HEREIN BELOW:

Fees to cover costs associated with implementation of a Virginia Stormwater Management Program (VSMP) related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with Table 1. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the Applicant shall be subject to fees (“total fee to be paid by applicant” column) in accordance with the disturbed acreage of their site or sites according to Table 1. The following fees will be collected at the time the stormwater management plan or application is submitted:

Table 1: Fees for permit issuance

| <u>Fee type</u> | <u>Total fee to be paid by Applicant</u> |
|--|--|
| <u>General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)</u> | <u>\$290</u> |
| <u>General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)</u> | <u>\$2,700</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</u> | <u>\$3,400</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]</u> | <u>\$4,500</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</u> | <u>\$6,100</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</u> | <u>\$9,600</u> |

(1) Fees for the modification shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by Southampton County,

such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1.

Table 2: Fees for the Modification & Discharges of Stormwater from Construction Activities

| <u>Type of Permit</u> | <u>Fee Amount</u> |
|--|-------------------|
| <u>General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</u> | <u>\$20</u> |
| <u>General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)</u> | <u>\$200</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</u> | <u>\$250</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</u> | <u>\$300</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</u> | <u>\$450</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</u> | <u>\$700</u> |

(2) The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated.

Table 3: Permit Maintenance Fees

| <u>Type of Permit</u> | <u>Fee Amount</u> |
|--|-------------------|
| <u>General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</u> | <u>\$50</u> |
| <u>General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)</u> | <u>\$400</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</u> | <u>\$500</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</u> | <u>\$650</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</u> | <u>\$900</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)</u> | <u>\$1,400</u> |

General permit coverage maintenance fees shall be paid annually to Southampton County, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

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- (3) The fees set forth in Subsections (a) through (c) above, shall apply to:
- (a) All persons seeking coverage under the general permit.
 - (b) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
 - (c) Permit and permit coverage maintenance fees outlined under Section 1-15 (c) may apply to each general permit holder.
- (4) No general permit application fees will be assessed to:
- (a) Permittees who request minor modifications to general permits that does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.
 - (b) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.
- (5) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. Southampton County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

This ordinance shall become effective July 1, 2013.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted : June 24, 2013

Stormwater staffing plan

| Position | Activity | Hours per plan | Plans per year | Salary / hour (3) | Cost/year |
|---|---|----------------|------------------------------------|-------------------|-----------------|
| Stormwater Administrator \$75,000/yr | Oversight of stormwater plans in review by stormwater engineer | 3 | 21 | 36.00 | 2,268 |
| | Oversight of stormwater inspections performed by stormwater inspector | 5 | 31 New submissions and maintenance | | 5,580 |
| | Pre and post application meetings with applicants, including project closeout, confirmation of recorded instrument for long-term maintenance, and release of surety | 3 | 21 | | 2,268 |
| | | | | | \$10,116 |
| Stormwater Engineer \$55,000/yr | Original review of stormwater plans submitted -Commercial -Residential | 12 | 21 | 27.00 | 6,804 |
| | Subsequent review of stormwater plans submitted -Commercial -Residential | 8 | 21 | | 4,536 |
| | Pre and post application meetings with applicants | 4 | 21 | | 2,268 |
| | Coordination with stormwater inspector | 8 | 31 New submissions and maintenance | | 6,696 |
| | | | | | \$20,304 |
| Stormwater Inspector \$35,000/yr | Preconstruction meeting with applicant | 2 | 21 | 19.00 | 798 |
| | Review of new approved stormwater plans with stormwater engineer | 5 | 21 | | 1,995 |
| | Review of maintenance approved plans | 2 | 10 | | 380 |

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|-----------------------------------|---|---|----|-------|--|
| | Site visits while projects under construction (1) | 80 Two hours per week, 40 weeks average | 21 | | 31,920 |
| | Final inspection upon completion of project | 4 | 15 | | 1,140 |
| | Annual inspection of completed projects (2) | 2 | 10 | | 380 |
| | | | | | \$36,613 |
| Office Administration \$29,000/yr | | 1 hour per week | NA | 14.00 | 728 |
| | | | | | \$728 |
| Other expected costs (4) | Training, Inspector Training, Engineer Equipment/technology, inspector Equipment/technology, engineer Books, inspector Books, engineer | | | | \$2,000 3,000 4,000 4,000 600 600 |
| | | | | | \$14,200 |
| Total annual cost | | | | | \$81,961 |

1. Southampton County is 600 square miles in area, the City of Franklin is just under 10 square miles in area. The shared Community Development Department Office will be located in Franklin, at the far eastern edge of the shared area. Travel time to perform inspections is a significant element of the costs incurred to perform inspections in the shared area. The travel time from the Franklin office to a site under the shared services area averages 25 minutes each way, adding to the costs associated with the inspection function that is greater than those found in more densely-developed areas.
2. Since the regulations are new, it is assumed no maintenance inspections will occur until sometime in Year 2.
3. Salary does not include benefits.
4. Some of these are one-time costs, such as equipment. Some are recurring costs, such as training. Training costs are difficult to determine without knowing if overnight lodging and meals will be necessary.

Income

New Plans, anticipated 21 per year for shared services department

| Fee type | Total fee to be paid by Applicant (includes both VSMP authority and Department portions where applicable) | Department portion of "total fee to be paid by Applicant" (based on 28% of total fee paid*) | Anticipated plans per year for shared services department | Anticipated income for shared services department (72% of fee) |
|--|---|---|---|--|
| General / Stormwater Management - Small Construction Activity/Land Clearing, less than 1 acre | \$290 | \$81 | 2 | \$418 |
| General / Stormwater Management - Small Construction Activity/Land Clearing, equal to or greater than 1 acre and less than 5 Acres | \$2,700 | \$756 | 3 | \$5,832 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 5 acres and less than 10 acres | \$3,400 | \$952 | 5 | \$12,240 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 10 acres and less than 50 acres | \$4,500 | \$1,260 | 6 | \$19,440 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 50 acres and less than 100 acres | \$6,100 | \$1,708 | 2 | \$8,784 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 100 acres | \$9,600 | \$2,688 | 1 | \$6,912 |
| Total, 21 new plans per year for shared services department | | | | \$53,626 |

Amendments to plans

| Type of Permit | Fee Amount | Anticipated plans per year | Anticipated income to shared services department |
|--|------------|----------------------------|--|
| General / Stormwater Management – Small Construction Activity/Land Clearing, less than 1 acre | \$20 | 0 | 0 |
| General / Stormwater Management – Small Construction Activity/Land Clearing, equal to or greater than 1 and less than 5 acres | \$200 | 0 | 0 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 5 acres and less than 10 acres | \$250 | 1 | \$250 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 10 acres and less than 50 acres | \$300 | 3 | \$900 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 50 acres and less than 100 acres | \$450 | 3 | \$1,350 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 100 acres | \$700 | 1 | \$700 |
| Total per year | | | \$3,200 |

Annual Inspections, Year 2 (first year of annual inspections)

| | Fee | Anticipated projects per year | Anticipated income to shared services department |
|--|---------|-------------------------------|--|
| General / Stormwater Management – Small Construction Activity/Land Clearing, less than 1 acre | \$50 | 0 | 0 |
| General / Stormwater Management – Small Construction Activity/Land Clearing, equal to or greater than 1 acre and less than 5 acres | \$400 | 1 | \$400 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 5 acres and less than 10 acres | \$500 | 3 | \$1,500 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 10 acres and less than 50 acres | \$650 | 3 | \$1,950 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater than 50 acres and less than 100 acres | \$900 | 3 | \$2,700 |
| General / Stormwater Management – Large Construction Activity/Land Clearing, equal to or greater 100 acres | \$1,400 | 0 | 0 |
| Total per year (each year another 10 are added to the total projects) | | | \$6,550 |

| | |
|------------------------------|-----------------|
| Total income all functions | \$53,626 |
| | \$ 3,200 |
| | <u>\$ 6,550</u> |
| | \$63,376 |
| Total expenses all functions | <u>\$81,961</u> |
| Over/(under) | (18,585) |