

Comparison Between Town of Herndon Stormwater Management Ordinance and Fairfax County Stormwater Management Ordinance

Significant Differences

The Virginia Stormwater Management Regulations require localities to adopt specific requirements in order to administer the Virginia Stormwater Management Program (VSMP) at the local level. However, the regulations allow for some local flexibility with implementation. The regulations also allow localities to adopt more stringent criteria than required by minimum state standards. The table below highlights significant differences between Herndon Town Code (Chapter 26, Article VIII - Stormwater Management) and Fairfax County Code (Chapter 124 - Stormwater Management Ordinance).

Herndon	Fairfax County
<i>Single Family Residential</i>	
<p><u>No special exemptions:</u></p> <p>All single family residential and commercial land disturbing activities \geq 2,500 SF must comply with water quality and quantity technical criteria.</p>	<p><u>The follow are exempt from water quality and water quantity technical requirements:</u></p> <p>Land disturbing activities associated with additions to existing single-family residential detached projects < 1 acre, that are not part of common plan of development or sale, and new accessory structures, and demos of single family residential, are exempt if they meet one of the following:</p> <ul style="list-style-type: none"> • Total impervious < 2,500 SF or 18% of the lot, whichever is greater • Total lot \leq 1/2ac, with \leq 500 SF of new impervious • Water quality provided with original S/D • Served by existing regional facility
<i>Water Quality Offsite Compliance Options</i>	
<p>Sec. 26-329.(c)(4): In addition to the offsite options allowed by the County, all development within the Town's Intensely Developed Area (IDA) is allowed to use offset credits by right.</p>	<p>Operator is allowed to used offsite options under any of the following conditions:</p> <ul style="list-style-type: none"> • < 5 acres of land disturbed, • Phosphorus reduction is < 10 lbs, or • At least 75% of phosphorus met onsite, or the operator has demonstrated that all efforts have been made to achieve this level onsite
<i>Water Quality for Grandfathered and Time Limits (CGP)</i>	
<p>Shall meet 9VAC25-870-93 through 99, and more stringent existing Town Code.</p>	<p>For new development sites proposing to add \geq 18% impervious, must meet 40% phosphorus reduction</p>
<i>Water Quantity</i>	
<p>Sec. 26-329(a) Matches state minimum regulatory standards.</p>	<p>Goes beyond regulatory language and includes the additional following requirements:</p> <p>Sec. 124-4-4.B.3.c. Improvement Factor = 0.8 for sites > 1ac or 0.9 for site \leq 1ac</p>

	Sec. 124-4-4.B.6. Alternative Limits of Analysis
BMP Maintenance Certification	
Sec. 26-330(d): Private facilities must have a maintenance agreement.	Sec. 124-2-10 A. Private facilities must have a maintenance agreement.
Sec. 26-330(d)(4): Requires maintenance agreement to provide for inspection from owner of private facilities based on type of facility, but not less than once every five years.	Sec. 124-2-10 A. 4. Submission of inspection and maintenance reports to County annually.
Sec. 26-331 (e): Town will inspect at least once every five years.	Sec. 124-2-10 B. May utilize inspection reports if conducted by registered professional or under their oversight, or by a person with certificate of competence.
Sec. 26-330(b)(1): Town provides maintenance of above ground facilities for single-family attached and detached, and non-structural, underground facilities that serve more than one lot for single-family detached.	Sec. 124-2-10 C. County will inspect at least once every five years. No maintenance of private facilities.
Under Drain Requirements	
Sec. 26-329(a)(2): Underground facilities must have under drain connected to approved storm sewer or other approved drainage system, unless the Town determines insitu soils can accommodate stormwater runoff. If no under drain is included, then one observation well, consisting of perforated PVC pipe, four to six inches in diameter, with a removable cover, shall be installed for every 50 feet of basin length.	No specific under drain requirements.
Hearings	
Sec. 26-332. Conducted by Town Council at regular or special meeting.	Sec. 124-7-2. Officer appointed by Director. Issue a final order within 30 days.
Appeals	
Sec. 26-54. File with Town Manager within 30 days. Decision of Town Manager may be appealed to Town Council within 30 days. Final decision of the Council is subject to review by Circuit Court of the County, provided the appeal is filed 30 days from Council action.	Sec. 124-7-3. May appeal the final order of the hearing officer by appeal to the Circuit Court. To commence an appeal, file with Circuit Court of Fairfax County within 30 days of the final order issued by hearing officer.