

Fairfax County 2023 MS4 Program Plan and Annual Report

# Appendix P4

Stormwater Ordinance Stringency Table

VSMP Permit Number VA0088587  
9-29-2023

## Stormwater Management Ordinance Stringency Table

<i>Ordinance Section</i>	<i>County Ordinance Title</i>	<i>Virginia Law/Regulations</i>	<i>County Requirements More Stringent than State Law/Regulations</i>	<i>Pre-existing County Requirements that are More Stringent than the 2014 State Law/Regulations</i>
§ 124-1-7.3	Exemptions - Single Family Detached residential lots, separately built	§ 62.1-44.15:34C	The exemption for single-family residences that are not part of a common plan of development is more restrictive than the full exemption provided in the Stormwater Management Act but within the authority granted by the Act to Chesapeake Bay localities.	Land disturbances exceeding 2,500 square feet are currently required to provide a plan that addresses erosion, sedimentation, and stormwater drainage. Under the Chesapeake Bay Preservation Ordinance (Code Chapter 118, adopted 1993, revised 2003), if impervious area exceeds 18% of the property a water quality BMP is required.  Note: The proposed residential exemption that allows up to 2,500 total square feet of impervious area after construction, is less stringent than the County Chesapeake Bay Preservation Ordinance.
§ 124-4-2.	Water Quality Design Criteria Requirements.	9 VAC 25-870-63	The County's stormwater management requirements for development within the Water Supply Protection Overlay District (WSPOD) may be more stringent than minimum state requirements for redevelopment.	The WSPOD requirements have been in effect since 1980 and are derived from the Zoning Ordinance.
§ 124-4-3.	Water Quality Compliance.	9 VAC 25-870-65	The PFM limits the use and location of specific BMPs on single family residential lots and limits the maximum drainage area for grass channels and filtering practices.	The limitations are based on constraints within the PFM (adopted 2011), recommended limits within the state specifications, or are based on lessons learned from county experience with design and maintenance of certain BMP types.
§ 124-4-3.	Water Quality Compliance.	9 VAC 25-870-65	New BMPs approved by the Virginia BMP Clearinghouse must also be approved by the County prior to use.	The PFM (adopted June 2011) stated in Section 6-0402.4 that other innovative BMP measures may be permitted but, due to the design variables that could affect their appropriateness, requests for use of these techniques will be reviewed on a case by case basis and approved by the Director as appropriate.
§ 124-4-4.B	Water Quantity. Channel Protection	9 VAC 25-870-66	Requirements for channel protection and flooding (e.g. "adequate outfall") are more stringent than minimum requirements of the State Regulations.	These requirements are consistent with provisions in the PFM (adopted June 2011) in existence at the of and prior to adoption of the County's SWMO.

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§ 124-4-4.B.3.a	Water Quantity. Channel Protection	9 VAC 25-870-66.B.3	Pre-development is assumed to be "good forested condition" when utilizing the County's detention method, which reduces the post-development peak discharge to below state requirements and increases the required detention volume. The state only requires detention be provided assuming the pre-development condition, not "good forested". An option has been added that if an applicant can demonstrate that the outfall is adequate, then existing conditions can be used in lieu of "good forested condition" to determine detention requirements for the 1-year storm when discharge is to a natural channel.	These requirements are consistent with provisions in the PFM (adopted June 2011) in existence at the of and prior to adoption of the County's SWMO.
§ 124-4-4.B.3.a	Water Quantity. Limits of Analysis for Channel Protection	9 VAC 25-870-66	Outfall channels must be analyzed for erosion to the limits of analysis unless onsite detention is provided using the County's detention method and pre-development is assumed to be "good forested condition". Whether or not onsite detention is provided, the applicant must demonstrate that a "defined channel or man-made drainage facility" exists for the full limits of analysis. Under the state regulations, if onsite detention is provided such that the 1-year storm discharge meets the energy balance equation for pre-development conditions, no outfall analysis is required.	These requirements are consistent with provisions in the PFM (adopted June 2011) in existence at the of and prior to adoption of the County's SWMO.
§ 124-4-4.C.3	Water Quantity. Flood Protection	9 VAC 25-870-66	Definition of localized flooding added.	This is consistent with provisions in the PFM (adopted June 2011) in existence at the of and prior to adoption of the County's SWMO.
§ 124-4-4.C.5	Water Quantity. Limits of Analysis for Flood Protection	9 VAC 25-870-66	Outfall channels must be analyzed for flooding to the limits of analysis unless onsite detention is provided for the 2-year and 10-year storm event using the County's detention method and pre-development is assumed to be "good forested condition". Whether or not onsite detention is provided, the applicant must demonstrate that a "defined channel or man-made drainage facility" exists for the full limits of analysis and check for flooding of downstream structures during the 100-year event. Under the state regulations, if detention is provided such that the 10-year storm discharge is less than the 10-year pre-development peak discharge, no outfall analysis for flooding is required.	These requirements are consistent with provisions in the PFM (adopted June 2011) in existence at the of and prior to adoption of the County's SWMO.

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§ 124-4-4.C.5	Water Quantity. Flood Protection	N/A	Required detention of the post-development peak rate 100-year such that it does not exceed the pre-development 100-year peak discharge if an existing dwelling or a building constructed under an approved building permit is located within the limits of downstream analysis, is flooded.	These requirements are consistent with provisions in the PFM (adopted June 2011) in existence at the of and prior to adoption of the County's SWMO.
§ 124-4-4.D	Water Quantity.	9 VAC 25-870-66	Unless waived by the Director of DPWES, detention must be provided such that the 2-year and 10-year post-development peak discharge from the site does not exceed the pre-development 2-year and 10-year peak discharges.	These requirements are consistent with provisions in the PFM (adopted June 2011) in existence at the of and prior to adoption of the County's SWMO.
§ 124-4-4.D	Water Quantity.	9 VAC 25-870-66	In the Four Mile Run watershed, the post-development peak flow for the 100-year storm event must be equal to or less than the predevelopment peak flow rate from the 100-year storm unless it is contraindicated by the watershed model developed for the Four Mile Run Watershed Management Program.	This requirement is consistent with provisions in the PFM (adopted June 2011) in existence at the of and prior to adoption of the County's SWMO.