

# DRAFT

## ORD-FY-26-XX

### AN ORDINANCE ENACTED PURSUANT TO SECTION 62.1-44.15:27, OF THE 1950 CODE OF VIRGINIA, AS AMENDED, AMENDING CHAPTER 8 ENTITLED PLANNING AND DEVELOPMENT OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA ARTICLE III EROSION AND STORMWATER MANAGEMENT SECTION 8-87 IN ORDER TO INCREASE THE FEE SCHEDULE FOR PERMIT ISSUANCE (TABLE 1), FOR THE MODIFICATION OR TRANSFER OF REGISTRATION FOR THE GENERAL PERMIT FOR DISCHARGE OF STORMWATER FROM CONSTRUCTION ACTIVITIES (TABLE 2) AND PERMIT MAINTENANCE FEES (TABLE 3)

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that pursuant to Section 62.1-44.15:27, of the 1950 Code of Virginia, as amended, Chapter 8 entitled Planning and Development of the Code of the County of Montgomery, Virginia, Article III, Erosion and Stormwater Management Section 8-87 shall be amended and re-ordained as follows:

#### Sec 8-87 Fees

- (a) Fees to cover costs associated with implementation of a VESMP related to land disturbing activities and issuance of general permit coverage and County land disturbance permits shall be imposed in accordance with Table 1.
- (b) 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.

**Table 1: Fees for permit issuance**

<u>Fee type</u>	<u>Total fee to be paid by applicant (includes both VESMP authority and department portions where applicable)</u>	<u>DEQ portion of “total fee to be paid by applicant” (based on 30% of total fee paid*)</u>
Areas outside common plans of development or sale with land disturbance area equal or greater than 10,000 square feet and less than 1 acre.	\$ 450	\$0
General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$ 450	\$ 135

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>\$ 4,100</u>	<u>\$ 1,230</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>\$ 5,100</u>	<u>\$ 1,530</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>\$ 6,800</u>	<u>\$ 2,040</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>\$9,100</u>	<u>\$ 2,730</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>\$ 14,300</u>	<u>\$ 4,290</u>

\* If the project is completely administered by the department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the department.

(c) Fees for the modification or transfer of registration statements from the general permit issued by the department 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 the 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 or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities**

<b><u>Type of Permit</u></b>	<b><u>Fee Amount</u></b>
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>\$ 30</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>\$ 320</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>\$ 400</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>\$ 480</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>\$ 720</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>\$ 1,120</u>

(d) 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 general permit coverage is terminated.

**Table 3: Permit Maintenance Fees**

<b><u>Type of Permit</u></b>	<b><u>Fee Amount</u></b>
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas outside or within common plans of development or sale with land disturbance acreage less than 1 acre)	<u>\$ 80</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>\$ 650</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>\$ 800</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>\$ 1,050</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>\$ 1,450</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>\$ 2,250</u>

General permit coverage maintenance fees shall be paid annually to the County, by April 1<sup>st</sup> of the calendar year, or by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. The County Administrator or their designee may suspend or revoke the County LDP for non-payment of the required general permit fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

- (e) The fees set forth in Subsections (a) through (c) of this section, shall apply to:
  - (1) All persons seeking coverage under the general permit.
  - (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
- (f) Permit and general permit coverage maintenance fees outlined under Section 8-87 may apply to each general permit holder.
- (g) No general permit application fees will be assessed to:
  - (1) Permittees who request minor modifications to general permits as defined in Section 8-71 of this ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the County Administrator or their designee shall not be exempt pursuant to this Section.
  - (2) Permittees whose general permits are modified or amended at the initiative of the department, excluding errors in the registration statement identified by the County Administrator or their designee or errors related to the acreage of the site.
- (h) All incomplete payments will be deemed as nonpayment, 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. The County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

THIS FEE SCHEDULE CHANGE SHALL BE EFFECTIVE JULY 1, 2026.