



## DEVELOPMENT SERVICES CENTER



### DSC Information Notice #210

July 1, 2014

#### **Topic: Virginia Stormwater Management Program (VSMP)**

#### **Individual Single Family Residential projects (one detached single family dwelling on one lot)**

Beginning July 1, 2014, the new State regulations and Stormwater Management Ordinance apply to the construction of individual single-family residences and their accessory structures in addition to most other types of development projects.

However, the 2014 General Assembly passed key legislation making the application of these regulations to single family residences somewhat easier. They exempted some projects and reduced or eliminated some fees and requirements. The State Water Control Board is currently finalizing these regulations. Virginia Beach is already planning to follow these proposed regulations.

Two types of Single Family projects are exempt from the entirety of the Stormwater Management Ordinance. These are:

1. Single Family dwellings
  - a. Located in the Atlantic Ocean or Southern watersheds, and
  - b. Not on a lot or parcel within a Common Plan of Development (CPOD) [1], and
  - c. Which will disturb less than one acre of land
2. Single Family dwellings
  - a. Located in the Chesapeake Bay watershed and
  - b. Which will disturb less than 2,500 square feet of land

The two types of projects listed above must still comply with all other applicable City Codes and plan submittal requirements currently in place. These include provisions for adequately handling stormwater runoff without impacting neighboring properties or overwhelming streets and downstream drainage systems. Site plans for these types of projects are typically submitted to the DSC for review and approval prior to issuance of a Building Permit.

For all other Single Family dwelling projects, the Stormwater Management Ordinance will apply. **Refer to the DSC Plan, Review Fee and Permit Requirement Spreadsheet to determine when these provisions apply.**

The proposed regulations being finalized by the State Water Control Board will:

1. Enable the City to allow the use of an Agreement in Lieu of a Stormwater Management Plan [2] rather than require a detailed engineered Stormwater Plan be prepared and submitted to the DSC for review and approval. A Site Plan may still be required.
2. Provide that a permittee (builder or owner) of a single family detached dwelling, whether located in a CPOD or not, will not need to register for the State Construction General Permit (CGP) in order to have CGP coverage for the project. Coverage under the CGP for these types of projects is automatic, and the provisions of the CGP must still be followed. In many cases, this will include the preparation and use of a Stormwater Pollution Prevention Plan [3] (SWPPP).

The permittee (builder or owner) of a single-family dwelling located in a CPOD will be able to obtain zoning approval and building permit over-the-counter, as is currently the practice for homes in new subdivisions. In other words, no DSC review and approval will be necessary, unless there are other special circumstances that require a detailed review.

Builders of single-family projects not located in a CPOD must submit site plans to the DSC for review and approval prior to issuance of the building permit, as is currently the practice. However, the builder may utilize the Agreement in Lieu of a Stormwater Management Plan provision, thus replacing the requirement for a detailed, engineered stormwater management design. However the single-family site plan must still comply with all other applicable City Codes and plan submittal requirements currently in place. These include provisions for adequately handling stormwater runoff without impacting neighboring properties or overwhelming streets and downstream drainage systems.

In order to utilize the Agreement in Lieu of a Stormwater Management Plan provision, the following note must be placed on the face of the site plan:

*The complete provisions for a Stormwater Management Plan as required by the Stormwater Management Ordinance are not shown on this plan. The Permittee has chosen to utilize the "Agreement in Lieu of a Stormwater Management Plan." The location, types and sizes of proposed permanent stormwater management controls are shown on this plan for inspection purposes only.*

[1] "Common Plan of Development or Sale" (CPOD) means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules. DEQ has provided guidance that this means subdivisions platted on or after July 1, 2004. Single-family projects located in a CPOD are not exempt and have automatic coverage under the CGP. Since they must comply with the Stormwater Management Plan for the overall development, they do not need either a Stormwater Management plan or an Agreement in lieu, however they do need a SWPPP.

[2] An Agreement in Lieu of a Stormwater Management Plan is a statement signed by the builder and owner, affixed to the building permit that specifies methods that shall be implemented to comply with the requirements of the Virginia Stormwater Management Program. Use of this agreement is only allowed for the construction of an individual detached single-family residence. If the Agreement is not executed, a complete detailed Stormwater Management Plan must be prepared by an appropriately licensed professional and submitted to the DSC for review and approval. [Agreement in Lieu of Stormwater Management Plan](#)

[3] Stormwater Pollution Prevention Plan (SWPPP) is, for purposes of construction of a detached single family dwelling, a document that contains information about the construction activity and operator, stormwater discharges, erosion and sediment controls, potential sources of pollution and associated pollution prevention practices, stormwater management practices, and other information, including forms for documenting inspections and site activities. The SWPPP also contains a certification statement that must be signed by the operator. A SWPPP is required for construction of a single-family dwelling located in a Common Plan of Development and on sites that disturb 1 acre or more of land. SWPPPs are not submitted to the DSC for review. The City Inspector reviews SWPPPs during periodic on-site inspections. [SWPPP Template](#)

**Effective Date: July 1, 2014 (there is no transition period)**

**For More Information, Please Contact:**

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