



Albemarle County

Legislation Text

File #: 18-351, **Version:** 1

AGENDA DATE: 6/13/2018

TITLE:

Virginia Stormwater Management Program (VSMP) Signing Authority

SUBJECT/PROPOSAL/REQUEST: Resolution to authorize the County Executive to sign Virginia Stormwater Management Program (VSMP) applications submitted by the County on behalf of the County.

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Henry, Kamptner, Blair, Pohl, Abplanalp

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Virginia Department of Environmental Quality (VaDEQ) is responsible for regulating discharge from stormwater systems resulting from development and other land disturbing activities under the Virginia Stormwater Management Program (VSMP). On July 1, 2014, VaDEQ mandated that Albemarle County accept the responsibility for administering the VSMP within Albemarle County. The Community Development Department is responsible for ensuring that every new and existing construction project has a VSMP permit and is in compliance with the terms of that permit and Virginia code. A VSMP application must be approved as a prerequisite to the issuance of a land disturbance permit. The VSMP application must be signed by the property owner, who certifies compliance with all requirements of the approved plans and permits.

In limited circumstances when the County designs and constructs projects - building additions or new sidewalks - and is the property owner of the land being disturbed, the County acts as both permittee and permit issuer. As permittee, the County is required to submit a VSMP application. Under the current practice, the Board of Supervisors approves and authorizes the County Executive to sign these VSMP permits on a case-by-case basis.

Occasionally, a County project is located on private property on which the property owner has granted an easement to the County to complete the work. For those projects, landowners sometimes refuse to certify that the County will comply with the VSMP permit requirements because they do not have control over the project. The current requirement for the landowner to sign the application can result in extensive negotiations and significant delays or non-completion of a County project because of a requirement that makes a land owner potentially liable for County actions.

The County Attorney has determined that the County may sign and submit VSMP applications when the County is the easement holder on private property being disturbed in order to avoid these delays.

STRATEGIC PLAN: Natural Resources Stewardship: Thoughtfully protect and manage Albemarle County's ecosystems and natural resources in both the rural and development areas to safeguard the quality of life of current and future generations.

DISCUSSION:

To further streamline the VSMP application process, staff recommends that the Board authorize the County Executive or his designee to sign VSMP applications on behalf of the County for VSMP projects undertaken by the County on either County-owned property or on County-owned easements on private property. This would significantly improve the efficiency and success of County project development and decrease delays which negatively impact these project's budgets and schedules.

BUDGET IMPACT: There is no budget impact.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment A) authorizing the County Executive to sign VSMP applications on behalf of the County where the County is the property owner or the easement holder on private property.

ATTACHMENTS:

A - Proposed Resolution

B - Letter from Community Development Department to Development Applicants and Active Permit dated July 8, 2014

C - VSMP Permit Application