



## Page County

### Board of Supervisors

County Government Center • 103 South Court Street • Luray, VA 22835

[www.pagecounty.virginia.gov](http://www.pagecounty.virginia.gov)

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Agenda  
Work Session  
Board Room – 2<sup>nd</sup> Floor  
April 4, 2022 – 7:00 p.m.

#### Call to Order

- Invocation/Moment of Silence (District 1)
- Pledge of Allegiance
- Microphone Reminder

Presentation of Plaque to Woody Brown

Amity Moler

#### Public Hearing

Stormwater Management Ordinance Amendment

Kelly Butler (p. 2)

Adoption of the Stormwater Management Fee Schedule

Kelly Butler (p. 6)

Presentation on the Status of the Radio System

Cheryl Giggetts

Update on the Drug Interdiction Program

Sheriff Cubbage  
Josh Kopp

Update on Economic Development & Tourism

Nina Fox

Adjourn

Meeting Broadcast Via Zoom:

<https://us02web.zoom.us/j/8787477754?pwd=MkV6OTVudTdkempzZVUzQ2RRMU13QT09>

Dial by your location: (312) 626 6799

Meeting ID: 878 7477 7754

Passcode: 512334



County of Page, Virginia  
Planning & Community Development  
103 South Court St., Suite B  
Luray, VA 22835

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**TO:** Chairman Weakley and Board of Supervisors  
**FROM:** Kelly Butler, Stormwater Program Administrator  
**SUBJECT:** Page County Code Section 97-16 Stormwater Management Fees Amendment  
**DATE:** April 4, 2022

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**SUMMARY:**

Proposed amendment regarding Page County Code Section 97-16 Stormwater Management Fees.

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**BACKGROUND:**

The current Page County code *Chapter 97: Stormwater Management, Section 16: Fees*, includes the stormwater fee schedule in the text of the ordinance.

**ISSUES:**

Typically, fee schedules are included in the code by reference, to allow for changes to fees to be made without the need for a public hearing, but rather by resolution of the Board.

**RECOMMENDATIONS:**

Staff is proposing an amendment to § 97-16 as drafted in the attached document.

**FISCAL IMPACT:**

Removing the fee schedule from the text of the ordinance will have no fiscal impact.

**MOTION(S):**

I move that the Page County Board of Supervisors adopt the “Ordinance to Amend Chapter 97(“Stormwater Management”), Section 16 (“Fees”) of the Page County, Virginia Code as presented.

**ATTACHMENT:**

Draft amendment § 97-16

**ORDINANCE TO AMEND CHAPTER 97 (“STORMWATER MANAGEMENT”),  
SECTION 16 (“FEES”) OF THE PAGE COUNTY, VIRGINIA CODE**

**WHEREAS**, by Ordinance duly adopted, the Board of Supervisors of the County of Page, Virginia adopted Chapter 97, Stormwater Management, of the Page County Code, which chapter has been amended from time to time; and

**WHEREAS**, upon mature consideration, the Board of Supervisors has determined it is in the best interest of the County to further amend the ordinance.

**NOW THEREFORE**, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 97 (Stormwater Manager), Section 16 (Fees), is hereby amended as follows:

**§ 97-16 Fees.**

- A. Fees to cover costs associated with implementation of a VSMP related to land-disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with the schedule of fees adopted by the County of Page. [NOTE: Such fee attributes may include the costs associated with plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with land-disturbing activities as well as state program oversight costs.] 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 in accordance with the disturbed acreage of their site or sites according to the schedule of fees.<sup>1</sup>
- B. Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with the schedule of fees adopted by the County of Page. If the general permit modifications result in changes to stormwater management plans that require additional review by the County of Page, Virginia, such reviews shall be subject to the fees set out in the schedule of fees. 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.<sup>2</sup>
- C. The following annual permit maintenance shall be imposed in accordance with the schedule of fees adopted by the County of Page, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated.<sup>3</sup>
- D. The fees set forth in Subsections A through C above, 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.
  - (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an

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<sup>1</sup> Editor’s Note: Said schedules are on file in the County offices.

<sup>2</sup> Editor’s Note: Said schedules are on file in the County offices.

<sup>3</sup> Editor’s Note: Said schedules are on file in the County offices.

individual permit for discharges of stormwater from construction activities.

- (4) Permit and permit coverage maintenance fees outlined under § **97-16C** may apply to each general permit holder.
- E. No general permit application fees will be assessed to:
  - (1) Permittees who request minor modifications to general permits as defined in § **97-3** of this chapter. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator 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 Administrator or errors related to the acreage of the site.
- F. All incomplete payments will be deemed as nonpayments, 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 late payment fee of 10% shall be charged to any delinquent (over 90 days past due) account. The County of Page, Virginia, shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

This Ordinance shall be in full force and effect from and after the passage hereof as provided by Virginia law.

Dates of Publication: \_\_\_\_\_

\_\_\_\_\_

Date of Adoption of Ordinance: \_\_\_\_\_

\_\_\_\_\_  
Keith Weakley, Chairman-at-Large  
Board of Supervisors of the County of Page, Virginia

Attest:

\_\_\_\_\_

\_\_\_\_\_, Clerk

## CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of Page County, Virginia, hereby certifies that the foregoing Ordinance constitutes a true and correct copy thereof adopted by the Board of Supervisors at a regular meeting duly held and called on \_\_\_\_\_. A record of the roll-call vote by the Board of Supervisors is as follows:

<b>NAME</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Keith Weakley, Chairman-At-Large				
Mark Stroupe				
D. Keith Guzy, Jr.				
Larry Foltz				
Allen Louderback				
Jeff Vaughan				

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
Clerk, Board of Supervisors  
Page County, Virginia



County of Page, Virginia  
Planning & Community Development  
103 South Court St., Suite B  
Luray, VA 22835

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**TO:** Chairman Weakley and Board of Supervisors  
**FROM:** Kelly Butler, Stormwater Program Administrator  
**SUBJECT:** Stormwater Management Fee Schedule  
**DATE:** April 4, 2022

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**SUMMARY:**

Resolution to add proposed items to the stormwater management fee schedule.

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**BACKGROUND:**

The current stormwater management fee schedule provides base fees established by the Department of Environmental Quality for permit coverage. Pursuant to 9VAC25-870-700: “When establishing a VSMP, the VSMP authority shall assess the statewide fee schedule and shall have the authority to reduce or increase such fees...A VSMP authority may establish greater fees than those base fees specified by this part should it be demonstrated to the board that such greater fees are necessary to properly administer the VSMP.”

**ISSUES:**

As a VSMP authority, Page County must provide for inspections during construction for compliance with the approved erosion and sediment control plan; compliance with the approved stormwater management plan; development, updating, implementation of a pollution prevention plan; and development and implementation of any additional control measures necessary to address a TMDL.

Currently, our department does not have a certified stormwater inspector on staff. Our erosion and sediment control inspector, Michelle Long, has been completing stormwater inspections to date. However, she is only a part-time employee. Our office has seen an increase in stormwater plan reviews in the last year. With stormwater reviews, comes stormwater inspections. With the Dogwood Solar project in plan review, Luray Landing beginning construction activity, and the massive influx of people moving to our area, we need stormwater inspections provided by a third-party consultant as deemed necessary by the department.

**RECOMMENDATIONS:**

Staff is proposing to update the stormwater fees as drafted in the attached fee schedule. The entire fee schedule follows the statewide fee schedule down to the “Notes” at the bottom. They read as follows:

*Note 1: If stormwater plan review costs (plus 5%) exceed “Total fee to be paid by applicant” minus “Department portion of fee” applicant shall be responsible for the difference.*

*Note 2: If the VSMP authority (Page County) determines a third-party inspector is required due to size or nature of the construction activity, any inspection costs (plus 5%) incurred by the VSMP authority shall be the responsibility of the applicant and shall be invoiced and paid monthly.*



**FISCAL IMPACT:**

By making the fee schedule amendment, we will be passing any additional expenses on to the applicant for plan review. Right now, we are eating the cost overages. The Dogwood Solar 1<sup>st</sup> submittal plan review fee was \$14,900. Had the Planning Commission and Board of Supervisors not included paying for plan review and inspections in their SUP conditions, the County would have had to cover \$2,100 of that cost. That doesn't take into account any second and subsequent review fees, staff time for inspections and enforcement, and potential legal fees should the site be in violation.

Having stormwater inspections provided by a third-party consultant, at the applicant's expense, will hopefully keep our stormwater sites compliant and avoid the need for legal intervention.

**MOTION(S):**

I move that the Page County Board of Supervisors adopt, by resolution, the proposed changes to the Stormwater Fee Schedule as presented.

**ATTACHMENT:**

Draft Stormwater fee schedule

## STORMWATER FEE SCHEDULE

<b>Fees for individual permit coverage under the General Permit for Discharges from Construction Activities</b>		
<b>Fee type</b>	<b>Total fee to be paid by applicant</b>	<b>Department portion of fee (28%)</b>
General/Stormwater Management – Small Construction Activity/Land Clearing (Single-family detached residential structures within or outside of a common plan of development or sale with land-disturbance acreage less than five acres)	\$209	\$0
General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)	\$290	\$81
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 one acre and less than five acres)	\$2,700	\$756
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 five acres and less than 10 acres)	\$3,400	\$952
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)	\$4,500	\$1,260
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)	\$6,100	\$1,708
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas with common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	\$9,600	\$2,688

<b>Fees for the modification or transfer of individual permits or of registration statements for the General Permit for Discharges from Construction Activities</b>	
General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)	\$20
General/Stormwater Management – Small Construction Activity/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than five acres where the locality is the VSMP authority)	\$20
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 one and less than five acres)	\$200
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 five acres and less than 10 acres)	\$250
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)	\$300
General/Stormwater Management – Large Construction Activity/Land Clearing (Site 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)	\$450
General/Stormwater Management – Large Construction Activity/Land Clearing	\$700



(Sites or areas within common plans of development or sale with land-disturbance equal to or greater than 100 acres)	
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<b>Permit maintenance fees</b>	
General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)	\$50
General/Stormwater Management – Small Construction Activity/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than five acres where the locality is the VSMP authority)	\$50
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 one acre and less than five acres)	\$400
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 five acres and less than 10 acres)	\$500
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)	\$650
General/Stormwater Management – Large Construction Activity/Land Clearing (Site or areas within common plans of development or sale with land-disturbance or acreage equal to or greater than 50 acres and less than 100 acres)	\$900
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)	\$1,400

Note 1: If plan review costs (plus 5%) exceeds “Total fee to be paid by applicant” minus “Department portion of fee” applicant shall be responsible for the difference.

Note 2: If the VSMP authority (Page County) determines a third-party inspector is required due to size or nature of the construction activity, any inspection costs (plus 5%) incurred by the VSMP authority shall be the responsibility of the applicant and shall be invoiced and paid monthly.