



## DEVELOPMENT ADVISORY – 26

June 9, 2015

### New Land Disturbing Fee Schedule

The City of Chesapeake approved an Ordinance amendment of Chapter 26 Article III, which adopts the Virginia Stormwater Management Program (VSMP) effective July 1, 2014. At that time the City assumed responsibility for the administration of the state Virginia Department of Environmental Quality (DEQ) Construction General Permit (CGP) program including plan review, permitting, inspections, and enforcement. During the period leading up to July 1, 2014 the City opted to take a conservative approach with City fees and did not adopt the local fees authorized by the state for administration of the program as many Virginia localities did. Chesapeake instead monitored workloads and staffing levels to determine the additional staff needed to administer the program. It has been determined that additional Inspector positions are needed to administer the VSMP. On May 12, 2015, City Council approved adoption of the state recommended fee schedule for program administration. The new fees will replace the current City land disturbing permit fees, and will include increased fees for single family residential construction. Due to the workload associated with administration of both the Erosion and Sediment Control and CGP Programs, the fee for land disturbance permits for single family residential construction is proposed to increase from \$30 to \$209 in accordance with the state recommended fee schedule. The neighboring localities of Virginia Beach and Norfolk both adopted the state recommended fee schedule in 2014, with some minor differences in fees for small projects. The new City fee schedule is outlined below:

Project Type and Amount of Land Disturbance	Land Disturbing Permit Fee	Annual Maintenance Fee	Previous Fee
Commercial site < 1 acre within or outside a Common Plan of Development	\$209	\$50	\$150
Commercial site or subdivision $\geq$ 1 acre and < 5 acres	\$1944	\$400	\$150
Commercial site or subdivision $\geq$ 5 acres and < 10 acres	\$2448	\$500	\$150-225
Commercial site or subdivision $\geq$ 10 acres and < 50 acres	\$3240	\$650	\$225-310
Commercial site or subdivision $\geq$ 50 acres and < 100 acres	\$4392	\$900	\$325-1560
Commercial site or subdivision $\geq$ 100 acres	\$6912	\$1400	\$1575
Single Family Residential, per lot, < 5 acres	\$209	\$0	\$30

For those projects that obtained 2014 CGP coverage directly from DEQ and paid the full amount of the combined state and local fee, and have not received a land disturbance permit from the City prior to the adoption of the proposed fee schedule, the land disturbance permit fee will be waived if the applicant has proof of payment to DEQ.

Annual maintenance fees will also be required for those projects with state CGP coverage with construction activities lasting greater than a year. These fees will help to offset the costs of continued City inspections which are required by DEQ, and will also encourage permit holders to terminate state CGP coverage when it is no longer needed. While the fee increases will partially fund the City's administration of the VSMP, the increased fees do not fully cover the costs to administer the program. The City will continue to subsidize the state mandated Erosion and Sediment Control and Virginia Storm Water Management Programs through a combination of general funds and stormwater utility funds.

### **Land Disturbing Permit Threshold**

The City is lowering the threshold for single family residential land disturbing permits from 10,000 square feet of disturbance to 2500 square feet City-wide as authorized by the Virginia Erosion and Sediment Control Law § 62.1-44.15:51. The reason for lowering the threshold is to prevent sediment and other pollution from entering the City's storm drain system and local waterways. Chesapeake has many residential lots sized below 10,000 square feet that are currently not expressly regulated for Erosion and Sediment Control, however, these smaller land disturbing activities still have the same impacts on the City storm drain system and local waterways as any other land disturbing activity.

The ordinance amendment (Chapter 26 Article III) was approved by City Council on May 12, 2015 and is effective July 1, 2015.

If you have any questions, contact Barbara Brumbaugh at (757) 382-6919 [bbrumba@cityofchesapeake.net](mailto:bbrumba@cityofchesapeake.net) or Dave Dombroski at (757) 382-6304 [dombroski@cityofchesapeake.net](mailto:dombroski@cityofchesapeake.net).

### **Public Hearing Application Process**

The City periodically reviews various development processes to identify areas of potential improvement. As a result of a recent review, staff determined that rezoning and use-permit applications have been experiencing a high rate of continuances/delays prior to consideration by Planning Commission. This not only delays the applicants, but also can inconvenience residents when projects are continued after the advertisement.

The Planning Department currently provides a schedule for submittal dates, proffer submittal deadlines, and Planning Commission/City Council dates. This current schedule provides potential completion dates for a specific application submittal, but does not provide any intermediate milestones. It is staff's analysis that if intermediate milestones are provided and met, projects will remain on schedule and be advertised at the appropriate time. When additional

time is required as a result of application complexity, milestones will provide advanced notice of delays and avoid the need for post-advertisement continuances.

The following additional milestones have been added to the schedule to facilitate timely progression of application review and processing of proffers, PUD development criteria and stipulations:

1. Joint Applicant/Application Review Committee meeting- This meeting will occur approximately 3 weeks after submittal of an application, 9:00 a.m., the 1st Wednesday of the month following the submittal deadline. The purpose of the meeting is to allow for the department review staff to identify issues and methods for the applicant to address the issues in an open dialogue setting. This is a new opportunity for applicants to discuss issues with multiple review departments at one time early in the review process. Although the applicant's attendance would be voluntary, attendance is highly recommended to allow for a smoother review process.
2. Resolution of terms for proffers, PUD development criteria, and stipulations - This milestone should be satisfied approximately 3 weeks prior to the anticipated Planning Commission hearing to allow a reasonable time to finalize the "terms" of any proffers, PUD development criteria, and stipulations. If the terms are not settled by this time, it is unreasonable to anticipate the final language of the proffers, PUD development criteria and stipulations can be completed and the application certified for consideration by Planning Commission. Inadequate time to prepare and review these important documents carries significant risks to the City and the applicant.
3. Applications Certified for Public Hearing - The date on which applications are certified for public hearing is added to the calendar so that applicants have a target date to resolve any outstanding issues. If outstanding issues have not been resolved by this date, the application will not be advertised.

Attached is the revised schedule for your use. It will also be posted on-line for future reference and is available in the Planning Department.

If you have any questions, contact Tim Howlett at 382-6176 or [thowlett@cityofchesapeake.net](mailto:thowlett@cityofchesapeake.net).

### **New Building Code Effective Date**

Effective July 14, all building permits must comply with the 2012 USBC/IRC (Uniform Statewide Building Code and International Residential Code). The 2012 Code effective date was July 14, 2014, but the grace period for using the 2009 version expires July 13<sup>th</sup>, 2015. If you are planning to make use of the 2009 USBC/IRC, you will need approved plans and a permit obtained by the July 13<sup>th</sup> deadline, so please schedule your submittals accordingly.

## **Street Name Signs**

In July 2008, the developers became responsible for providing and installing street name signs. Unlike traffic control signs, each municipality tends to have their own unique standard. There have been conformance issues with the color, series, and font. Recently, the Federal guidelines in the Manual on Uniform Traffic Control Devices (MUTCD) revised the standards for street name signs. These changes include lettering sizing with lower case letters. The dimensions of the sign blade increase as well. A height of 6" is required on a standard residential street and 9" on a collector and greater. This has resulted in nonconforming signs and developers having to reinstall.

Effective July 1, 2015, the City will begin to transition back to the City making the street name signs. The signs are to be in place by utility activation. No less than 30 days prior to utility activation, the developer should contact Traffic Engineering at (757) 382-6300 to request and pay for street name blades. The developer will pick up the sign blades along with hardware and spacers from the Traffic Operations Sign Shop. The developer must install the signs prior to activation.

2015 Sign Costs are as follows:

Set (pair) of 6" D3 blades = \$65

Set (pair) of 9" D3 blades = \$77

## **Subdivision Design – Preliminary Exemption**

The requirement for preliminary subdivision plans was provided an exemption July 1, 2014 for subdivisions of 50 lots or less. The purpose of this exemption was to streamline development review requirements for small subdivision development, however, in practice the use of this exemption has resulted in additional time and cost to developers. Recently, a developer who chose not to have a preliminary plan review was required to do a complete redesign of their subdivision because their submittal was not in compliance with the Public Facilities Manual. Before the exemption for preliminary plan approval, applicants submitted a schematic plan/layout of the subdivision, and received approval before advancing to a more costly detailed design. By skipping the preliminary step, the developer assumes the risk of a layout change if the layout is determined to be not in compliance with Chapter 70 of the City Code and the Public Facilities Manual.

To avoid this unfortunate circumstance, developers may still elect to go through a preliminary subdivision process. Alternately, they may choose to do a pre-application submittal with the Department of Development and Permits. In the case of the latter, we will attempt to review submittals within a week and provide an approval that gives the designer reasonable assurance that they can proceed without the risk of a layout re-design.

If you have questions about this, please call Mark Curry at 382-6283 or email at [mcurry@cityofchesapeake.net](mailto:mcurry@cityofchesapeake.net)

# Chesapeake Planning Department

## 2015 PUBLIC HEARING SCHEDULE

(Rezoning, PUD's, Use Permits, Street Closures, Text Amendments, Long Range Plans, PUD Deviations, and Variances)

APPLICATION SUBMITTAL DEADLINE	APPLICANT APPLICATION REVIEW COMMITTEE	REVISION DEADLINE	PROFFER AGREEMENT ON TERMS	APPLICATION CERTIFIED FOR PUBLIC HEARING*	PRELIMINARY PROFFERS DUE	SIGN POSTING DEADLINE	PLANNING COMMISSION MEETING *	FINAL PROFFER STATEMENT DUE	CITY COUNCIL MEETING
Jul 6	August 5	Aug 12	Aug 14	<b>Aug 18</b>	Aug 26	Aug 26	Sep 9	Sep 21	Oct 20
Aug 10	Sept 2	Sep 9	Sep 11	<b>Sep 15</b>	Sep 30	Sep 30	Oct 14	Oct 26	Nov 17
Sep 8	Oct 7	Oct 14	Oct 16	<b>Oct 20</b>	Oct 28	Oct 28	Nov 12 (Thurs)	Nov 23	Dec 15
Oct 13	Nov 4	Nov 12	Nov 13	<b>Nov 17</b>	Nov 25	Nov 25	Dec 9	Dec 21	Jan 19, '16
Nov 9	Dec 2	Dec 9	Dec 11	<b>Dec 15</b>	Dec 30	Dec 30	Jan 13, '16	Jan 25, '16	Feb 16, '16
Dec 7	Jan 6, '16	Jan 13, '16	Jan 15, '16	<b>Jan 19, '16</b>	Jan 27, '16	Jan 27, '16	Feb 10, '16	Feb 22, '16	Mar 15, '16
Jan 11, '16	Feb 3, '16	Feb 10, '16	Feb 12, '16	<b>Feb 16, '16</b>	Feb 24, '16	Feb 24, '16	Mar 9, '16	Mar 22, '16	Apr 19, '16

**\*Application will be placed on the appropriate agenda once all outstanding issues have been addressed.**

**Prepared by Planning Department May 2015**