

LAND DISTURBANCE PERMIT APPLICATION PACKAGE

SITE PLANS

SUBDIVISION PLANS

**LAND DISTURBANCE NOT ASSOCIATED WITH SITE
OR SUBDIVISION PLANS**



*Department of Public Services
301 E. Cork Street
Winchester, VA 22601
(540) 773-1340 Telephone
(540) 662-5227 Fax
January 2024*

EROSION AND SEDIMENT CONTROL PLAN

SUBMISSION CHECKLIST

This application package is designed to ensure that regulated land disturbing activities occur only after approval of a site plan. The erosion and sediment control application is not considered complete unless all the required information listed below is present. If any part of the required information is missing, the application will not be accepted by the City of Winchester, Department of Public Services.

- 1. Completed Land Disturbance Permit Application (pages 10-11).
- 2. One (1) copy of the approved site plan complete with erosion and sediment control narrative and engineering calculations.
- 3. Completed checklist for commercial/industrial development or residential subdivision development (pages 7-8).
- 4. Each application shall be accompanied by a fee, according to the following schedule:

Site Plans	\$300 + \$50/disturbed acre or fraction thereof
Subdivision Plans	\$400 + \$50/disturbed acre or fraction thereof
Other Land Disturbance not associated with a Site Plan, Subdivision or Single Family Home	\$200

Note: There is an applicable fee required for all land disturbance permit applications. The fee is payable at the time the land disturbance permit application is submitted.

- 5. Completed bond estimate sheet provided in the land disturbance permit application package (page 16). The City will contact the applicant with confirmation that the bond amount is correct.
- 6. Application for Virginia Stormwater Management Permit and supporting documentation, if project is greater or equal to one acre of disturbed area.

ACTIVITIES REQUIRING AN EROSION AND SEDIMENTATION CONTROL PLAN

An Erosion and Sedimentation Control Plan must be submitted, reviewed, and approved before a land disturbance permit will be issued by the City of Winchester. A permit is required for any land disturbing activity. A land disturbing activity is defined as: Any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

Only those land disturbing activities specifically exempted by Chapter 9 of the City of Winchester Water Protection Ordinance may be conducted without first obtaining a permit. These exempted activities are:

- A. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;
- B. Individual service connections;
- C. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- D. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- E. Surface or deep mining;
- F. Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal area;
- G. Tilling, plant, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (sec. 10.1-604 et seq.), Chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Sec. 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Section 10.1-1163 of the Code of Virginia;

- H. Repair or rebuilding of the tracks, right-of-ways, bridges, communication facilities and other related structures and facilities of a railroad company;
- I. Disturbed land areas of less than 5,000 square feet in size;
- J. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- K. Shore erosion control projects on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; and
- L. Emergency work to protect life, limb or property, and emergency repairs; provided that if the land disturbing activity would have required an approved erosion and sediment control plan. If the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

PROCEDURES FOR OBTAINING A LAND DISTURBANCE PERMIT

COMMERCIAL/INDUSTRIAL DEVELOPMENT PLAN (SITE PLAN)

1. Submit information indicated on Page 2 of this application package.
2. Provide the “Responsible Land Disturber” (R.L.D.) information for the project which shall include, name, certificate number and date of expiration. Information on obtaining a RLD certification can be found online at <https://www.deq.virginia.gov/permits-regulations/training-certification/responsible-land-disturber>
3. Once all the required information has been submitted, reviewed, and approved by the program administrator, a land disturbance permit will be issued.
4. Prior to initiating any land disturbing activity, it will be necessary to schedule an on-site pre-construction meeting with the Engineering Division of the Department of Public Services staff to discuss the approved erosion and sediment control plan.
5. Phase one of erosion and sediment control measures will consist of performing only the land disturbing activity necessary to implement the erosion and sediment control measures in accordance with the approved plans.
6. Contact the Engineering Division of the Department of Public Services to schedule the required erosion and sediment control measures inspections as indicated by the program administrator.
7. If the erosion and sediment control measures have been installed in accordance with the approved plan, the Engineering Division of the Department of Public Services will grant approval to initiate land disturbing activity.
8. Periodic inspections will be performed by the Engineering Division of the Department of Public Services to ensure that the erosion and sediment control measures are maintained in accordance with the approved plan throughout the life of the project.
9. Once the project approaches completion, the area shall be final graded and stabilized in accordance with the approved plan. In addition, all temporary erosion and sediment control measures shall be removed, and the affected areas graded and stabilized.
10. The Performance Bond/Irrevocable Letter of Credit shall be refunded once the site complies with Chapter 9 of City of Winchester Erosion and Sediment Ordinance.

RESIDENTIAL SUBDIVISION DEVELOPMENT PLAN

1. Submit information indicated on Page 2 of this application package.
2. Provide the “Responsible Land Disturber” (R.L.D.) information for the project which shall include, name, certificate number and date of expiration. Information on obtaining a RLD certification can be found online at <https://www.deq.virginia.gov/permits-regulations/training-certification/responsible-land-disturber>
3. Once all the required information has been submitted, reviewed, and approved by the program administrator, a land disturbance permit will be issued.
4. Prior to initiating any land disturbing activity, it will be necessary to schedule an on-site pre-construction meeting with the Engineering Division of the Department of Public Services staff to discuss the approved erosion and sediment control plan. No pre-construction meetings will be scheduled prior to issuance of the land disturbance permit for the subject project.
5. Phase one of the erosion and sediment control measures will consist of performing only the land disturbing activity necessary to implement the erosion and sediment control measures in accordance with the approved plans.
6. Contact the Engineering Division of the Department of Public Services to schedule the required erosion and sediment control measures inspections as indicated by the program administrator. If the erosion and sediment control measures have been installed in accordance with the approved plan, the Engineering Division of the Department of Public Services will grant approval to initiate land disturbing activity.
8. Periodic inspections will be performed by the Engineering Division of the Department of Public Services to ensure that the erosion and sediment control measures are maintained in accordance with the approved plan throughout the life of the project.
9. The Developer shall schedule a final inspection for the subdivision prior to installation of water meters. The following items shall be completed:
 - a) Subdivision shall be stabilized in accordance with the approved plan (i.e., road surface, stormwater conveyance system, curb and gutter, sidewalks, channel linings, vegetative cover, etc.)
 - b) Submittal of certified as-built of the subdivision which contains the following items: stormwater conveyance systems, curb and gutter, drainage channels and ditches, stormwater pond. A letter from the engineer-of-record shall be included with the as-built which states that the subdivision has been constructed in accordance with the approved plan. (reference Chapter 9 of the City Code – Water Protection Ordinance)
 - c) See Appendix H - Subdivision Inspection Checklist for a guideline for expectations for acceptance of facilities (streets, sanitary sewer, storm sewer, water, etc.) for public maintenance.

PLAN CONTENT CHECKLIST

The Erosion and Sediment Control Plan must contain all the following information:

NARRATIVE:

- _____ **Project Description** – Briefly describe the nature and purpose of the land disturbing activity and the amount of grading involved.
- _____ **Existing Site Conditions** – A description of the existing topography, vegetation, and drainage.
- _____ **Adjacent Areas** – A description of neighboring areas such as streams, lakes, residential areas, roads, etc., which might be affected by the land disturbance.
- _____ **Soils** – A brief description of the soils on the site giving such information as soil names, mapping unit, erodibility, permeability, depth, texture, and soil structure.
- _____ **Critical Areas** – A description of areas on the site which have the potential for serious erosion problems.
- _____ **Erosion and Sediment Control Measures Phase Outline** – A delineation of the phases in which the erosion and sediment control measures will be implemented.
- _____ **Erosion and Sediment Control Measures** – A description of the methods which will be used to control erosion and sedimentation on the site.
- _____ **Temporary Stabilization** – A brief description, which includes specifications as to how the site will be stabilized after construction has been completed.
- _____ **Permanent Stabilization** – A brief description, including specifications, of how the site will be stabilized after construction is completed.
- _____ **Stormwater Management Consideration** – Will the development of the site result in increased peak rates of runoff? Will this result in flooding or channel degradation downstream? If so, considerations should be given to stormwater control structures on the site. Comply with minimum Standard 19 of the Erosion and Sediment Control Law and Regulations.
- _____ **Maintenance** – A schedule of regular inspections and repair of erosion and sediment control structures should be set forth.
- _____ **Calculations** – Any calculations made for the design of such items as sediment basins, diversions, waterways and calculations for runoff and stormwater detention basis design (if applicable).

SITE PLAN/SUBDIVISION PLAN:

_____ **Vicinity Map** – A small map locating the site in relation to the surrounding area.

_____ **Existing Contours** – The existing contours of the site should be shown on the map.

_____ **Existing Vegetation** – The existing tree lines, grassy areas, or unique vegetation should be shown on the map.

_____ **Soils** – The boundaries of the different soil types should be shown on a map.

_____ **Indicate North** – The direction of north relative to the site should be shown.

_____ **Critical Erosion Areas** – Areas with potentially serious erosion problems should be shown on the map.

_____ **Existing Drainage Patterns** – The dividing lines and the direction of flow for the different drainage areas should be shown on a map.

_____ **Final Contours** – Changes to the existing contours should be shown on a map.

_____ **Limits of Clearing and Grading** – Areas which are to be cleared and graded should be outlined on a map.

_____ **Location of Practices** – The locations of the erosion and sediment control and stormwater management practices used on the site should be shown on a map.

_____ **Variance Request** – A list of exemptions to any of the Minimum Standards of the Virginia Erosion and Sediment Control Law and Regulations.

_____ **Detail Drawing** – Any structural practices should be explained and illustrated with detail drawings.

_____ **Overall Lot Grading Plan** – A grading (site) plan for all lots in a subdivision and the proposed finished floor elevations (if applicable).

APPENDIX A
LAND DISTURBANCE APPLICATION
FORM

Public Services
301 E Cork Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 662-3351
TDD: (540) 722-0782
Website: www.winchesterva.gov

Application For Land Disturbance Permit

Land Disturbance Permit # _____ Date _____
(OFFICE USE ONLY)

Section 1	
General Information	
Project Name: _____	Plan Prepared By: _____
Project Address: _____	Approved Site Plan #: _____
Disturbed Area = _____ sq. ft./acres	Hydrologic Unit #: PU16 or PU17 <small>(OFFICE USE ONLY)</small>
Proposed Impervious Area= _____sq ft./acres	
Section 2	
Certification	
RLD Name: _____	Certification #: _____
Verified By: _____ <small>(OFFICE USE ONLY)</small>	Date Verified: _____ <small>(OFFICE USE ONLY)</small>
Section 3	
Landowner/Project Contact Information	
Landowner Name: _____	Day Phone Number: _____
Address: _____	City/St/Zip: _____
Applicant/Project Contact (if different from above)	
Contact Name: _____	Day Phone Number: _____
Address: _____	City/St/Zip: _____
Email Address: _____	

The applicant does hereby certify that they fully understand the provisions of the City of Winchester, Virginia Erosion and Sediment Control Ordinance and Program, and that they accept responsibility for carrying out the E & S plan for the above referenced project as approved.

The right-of-entry onto this property, as described above, is hereby granted to the designated personnel of the City of Winchester, Virginia for the purpose of inspecting and monitoring for compliance with the aforesaid ordinance.

The following general statements shall apply to all permits:

1. All projects shall conform to the standards and specifications and other criteria adopted by the City of Winchester unless the City has granted a variance in writing.
2. This Permit must be kept on the work site and shown on request.
3. The City must be notified when the work commences and when the project is completed.
4. Other work (grading, excavating, construction) on the project shall not commence until the appropriate erosion and sediment controls are in place as specified on the plan.
5. Applicant agrees to be responsible for any and all damages to any other conservation measures already in place as a result of work covered by this permit.
6. Applicant agrees to maintain the conservation measures in satisfactory operating condition until final permanent stabilization is achieved.
7. Applicant agrees to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste.
8. The Land Disturbance Permit may be revoked, should the City determine that the project is not in compliance with the conditions of the approved plan.

Section 9-9. (b) Of the Ordinance requires that a Performance Guarantee be submitted to the City in the amount determined by the City. Such Performance Guarantee shall be conditioned to conform any work to approved standards and specifications as specified in the approved Erosion and Sediment Control Plan.

Final inspection of the project shall be made by the City. The release of any Performance Guarantee is contingent upon the findings of such inspection. Release of the Performance Guarantee shall occur within 60 days after the project site is deemed adequately stabilized by the City. The amount of such Performance Guarantee is hereby set at \$_____. The fee for plan review and inspection of this project is hereby stated to be \$_____.

SUBMITTED:

Applicant Signature

Date: _____

APPROVED:

City Engineer

Date: _____

FINAL INSPECTION & APPROVAL:

Inspector

Date: _____

Copy of approved site plan shall be submitted with this permit request.

APPENDIX B
EROSION AND SEDIMENT CONTROL
BOND ESTIMATE FORM

**CITY OF WINCHESTER, VIRGINIA
EROSION AND SEDIMENT CONTROL
BOND ESTIMATE FORM**

PROJECT NAME: _____ **DATE:** _____

DESIGN FIRM: _____

CONTACT NAME: _____ **TELEPHONE #:** _____

<u>MINIMUM STANDARD#</u>	<u>SEDIMENT DEVICE</u>	<u>COST</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>COST</u>
3.01	Safety Fence	\$4.00	Linear Foot	_____	_____
3.02	Construction Entrance	\$1,500.00	Each	_____	_____
3.05	Reinforced Silt Fence	\$5.00	Linear Foot	_____	_____
3.07	Curb Inlet Protection	\$150.00	Each	_____	_____
3.08	Culvert Inlet Protection	\$200.00	Each	_____	_____
3.09	Diversion Berm	\$5.00	Linear Foot	_____	_____
3.10	Fill Diversion	\$2.00	Linear Foot	_____	_____
3.11	Right-of-Way Diversion	\$2.00	Linear Foot	_____	_____
3.12	Diversion	\$12.00	Linear Foot	_____	_____
3.13	Sediment Trap – 1 acre	\$2,000.00	Each	_____	_____
	Sediment Trap – 2 acres	\$2,500.00	Each	_____	_____
	Sediment Trap – 3 acres	\$3,000.00	Each	_____	_____
3.14	Sediment/Stormwater Basin (Lump Sum)*		LS	_____	_____
3.16	Paved Flume	\$35.00	Square Yard	_____	_____
3.17	Stormwater Conveyance Channel				
	Seeded	\$10.00	Square Yard	_____	_____
	Sodded	\$20.00	Square Yard	_____	_____
	Temporary Matting	\$30.00	Square Yard	_____	_____
	Permanent Matting	\$40.00	Square Yard	_____	_____
	Riprap	\$60.00	Square Yard	_____	_____
3.18	Outlet Protection				
	Riprap	\$60.00	Square Yard	_____	_____
	Grouted Riprap	\$70.00	Square Yard	_____	_____
	Concrete	\$50.00	Square Yard	_____	_____
3.20	Rock Check Dam	\$30.00	Square Yard	_____	_____
3.21	Level Spreader	\$12.00	Square Yard	_____	_____
3.22	Temporary Seeding/Mulch	\$2,500.00	Acre	_____	_____
3.23	Permanent Seeding/Mulch	\$3,000.00	Acre	_____	_____
OTHER				_____	_____
			TOTAL	_____	_____

Note: Items not listed will be checked on a per site basis. *Design firms will provide cost estimate and the City of Winchester will verify if costs are appropriate.

APPENDIX C

EROSION AND SEDIMENT CONTROL PERFORMANCE BOND

FORM

EROSION AND SEDIMENT CONTROL PERFORMANCE BOND

Bond number _____

KNOW ALL MEN BY THESE PRESENTS, that we _____ as principal, and _____ a corporate duly authorized as a Surety company to transact business in the Commonwealth of Virginia, as Surety, are held and firmly bound unto the City of Winchester, Virginia, a political subdivision of the Commonwealth of Virginia, as Obligee, in the sum of _____ Dollars (\$ _____) in lawful money of the United States, for the payment of which sum, well and truly to be made, we, the Principal and Surety, unconditionally bind ourselves and our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, the Principals desires to engage in land disturbing activity on property owned by: _____ and described as: _____.

AND WHEREAS, the Principal had submitted to the Erosion and Sediment Control Administrator of the City of Winchester for approval and Erosion and Sediment Control Plan prepared by _____, dated _____ and submitted to the City of Winchester for land disturbing activity on the above described property (the "Plan").

NOW, THEREFORE, the condition of this obligation is such that if the City of Winchester approves the Plan, and any revisions to the Plan, and if the Principal within the time specified and in accordance with the Plan and any revisions and in accordance with the City of Winchester Code, shall faithfully perform each and every conservation activity required by the City Code and specified in the Plan, and any revision thereof, then the above obligations shall terminate in accordance with the terms of this bond. Otherwise, they shall be and remain in full force and effect.

Whenever the Principal shall fail, and be declared by the Obligee to have failed to perform the required conservation activities, the Surety, within five (5) business days of a written demand by the Obligee, shall promptly pay to the Obligee the amount of this bond, which shall be used by the Obligee to perform or to arrange for performance of the Principal's obligation. No other action by the Obligee shall be necessary to receive such payment from the Surety. Any expended or unobligated portion of such bond shall be refunded to the Surety by the Obligee at the expiration of sixty (60) days from the successful stabilization and completion of the land disturbing activity. In no event shall the aggregate liability of Surety exceed the amount of the bond.

This bond shall terminate at the expiration of sixty (60) days from the date of written notice to the Surety from the City of Winchester of completion of the land disturbing activity; however, such termination shall not discharge the Surety from any liability previously accrued pursuant to this bond.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the term of the Plan shall in any way affect its obligation on this bond and the Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the plan.

ACKNOWLEDGEMENT FOR PRINCIPAL

State of _____

County/City of _____, to wit:

I, _____, a Notary Public in and for the County/City and State aforesaid, do certify that _____ whose name is signed to the foregoing bond, personally appeared before me in my County/City and State aforesaid and acknowledged the same to be his act and deed.

My commission expires _____.

Given under my hand and seal this _____ day of _____, 20_____.

Notary Public

ACKNOWLEDGEMENT FOR SURETY

State of _____

County/City of _____, to wit:

I, _____, a Notary Public in and for the County/City and State aforesaid, do certify that _____ whose name is signed to the foregoing bond, personally appeared before me in my County/City and State aforesaid and acknowledged the same to be his act and deed.

My commission expires _____.

Given under my hand and seal this _____ day of _____, 20_____.

Notary Public

IN WITNESS HEREOF, the Principal and Surety have hereunto affixed their names and seals this _____ day of _____, 20____.

PRINCIPAL

By:

Title:

SURETY

By:

APPENDIX D
IRREVOCABLE LETTER OF CREDIT
BANK AGREEMENT
FORM

**IRREVOCABLE LETTER OF CREDIT
BANK AGREEMENT**

BENEFICIARY:
TREASURER, CITY OF WINCHESTER
15 N. CAMERON STREET
WINCHESTER, VA 22601

**PERMITTEE:
ADDRESS:**

**ISSUING BANK:
ADDRESS:**

**DATE OF ISSUE:
AMOUNT: \$
EXPIRY DATE:**

ISSUING BANK ABA NO.:

PROJECT/SUBDIVISION: _____

PHASE(S): _____

We hereby issue our Irrevocable Letter of Credit No. _____ in favor of the Treasurer, City of Winchester, Virginia, for the account of _____ its agents, successors or assigns for a sum not exceeding _____ U.S. Dollars (\$) available by your sight draft on the above stated Issuing Bank and accompanied by documents stated below:

A certified statement signed by the Erosion and Sediment Control Program Administrator stating that (Permittee) _____ has not satisfactorily completed the construction of and/or satisfactorily maintained, all erosion and sediment control activity required by City Code and specified in the Plan for _____, the approved site plan/subdivision.

A statement signed by the Erosion and Sediment Control Program Administrator that: "The drawing is for the explicit purpose of providing for the completion or maintenance of a required facility or function pursuant to the requirements of Chapter 9 - Erosion and Sediment Control of the City Code and pursuant to the agreement of the Subdivider, Developer, or his agent to comply with said ordinance as a condition of the approval of the site plan/subdivision erosion and sediment control plan to the satisfaction of the Erosion and Sediment Control Program Administrator."

We hereby engage with drawers, endorsers, and bona fide holders that all drafts drawn in compliance with the terms of this credit shall be duly honored upon presentation and delivery of the above documents. This Irrevocable Letter of Credit shall remain in full force and effect for a minimum of one (1) year from the date hereof and shall be automatically extended for additional terms of six (6) months from the present or future expiration dates unless, sixty (60) days prior to such date or dates, the above named bank or financial institution issuing the instrument notifies the City in writing by certified mail that they elect not to renew the instrument for such additional period. During the last thirty (30) days while this Letter of Credit is in force and effect and after notice of termination has been given, the City may draw up to the full amount of the sum when accompanied by a document stating that (Permittee) _____ has failed to provide an acceptable substitute Irrevocable Letter of Credit or deposit in escrow, and a document stating that "The drawing will be held by the City for the sole purpose of providing for the completion and/or maintenance of the erosion and sediment control requirements to the satisfaction of the Erosion and Sediment Control Program Administrator." This credit shall be terminated upon the Erosion and Sediment Control Program Administrator giving written release to (Permittee or Developer) _____ stating that they have satisfactorily performed and fulfilled the obligations and requirements of the subject subdivision.

Attest: _____

Authorized Signature

Typed or Printed Name

Title

ACKNOWLEDGEMENT FOR SURETY

State of _____

County/City of _____, to wit:

I, _____, a Notary Public in and for the County/City and State aforesaid, do certify that _____ whose name is signed to the foregoing letter of credit, personally appeared before me in my County/City and State aforesaid and acknowledged the same to be his act and deed.

My commission expires _____.

Given under my hand and seal this _____ day of _____, 20____.

Notary Public