

LAND DISTURBANCE PERMIT APPLICATION PACKAGE

*SINGLE FAMILY
DWELLINGS*



***CITY OF WINCHESTER,
VIRGINIA***

*Department of Public Services
15 N. Cameron Street
Winchester, VA 22601
(540) 667-1815 Telephone
(540) 662-3351 Fax
February 2009*

EROSION AND SEDIMENT CONTROL PLAN

SUBMISSION CHECKLIST

This application package is designed to ensure that regulated land disturbing activities occur only after approval of an erosion and sediment control plan. The erosion and sediment control application is not considered complete unless all of 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, Engineering Division of the Department of Public Services.

- 1. Completed Agreement In Lieu of An Erosion and Sediment Control Plan form provided in the land disturbance permit application package.
- 2. Check for land disturbance permit fee (make check payable to City of Winchester, Virginia).

Each application shall be accompanied by a fee, according to the following schedule:

Site Plans	\$300 + \$50/disturbed acre
Subdivision Plans	\$400 + \$50/disturbed acre
Single Family Residences	\$50 per building unit
Land Disturbance not associated with a Site Plan, Subdivision Plan 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 is issued.

- 3. Proposed lot grading plan, including location of house, garage, easements, floodplain boundaries (if applicable).
- 4. Bonding is not required for single family dwellings.

ACTIVITIES REQUIRING AN EROSION AND SEDIMENT PLAN

An Erosion and Sedimentation Plan must be submitted, reviewed and approved before the City of Winchester will issue a land disturbance permit. 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 Definitions of the City of Winchester, Erosion and Sediment Control Ordinances, Chapter 9 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 areas;
- G. Tilling, planting, 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, rights-of-way, 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 with the exception of lots located within a subdivision (including rural subdivisions);
- J. Installation of fence and sign posts or telephones 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

SINGLE FAMILY REQUIREMENTS

1. Submit information indicated on Page 2 of this application package.
2. Provide the “Responsible Land Disturber” (R.L.D.) information for the project including the R.L.D. name, certificate number and date of expiration. See attached "FAQ on the 2001 General Assembly Revisions to the Virginia Erosion and Sediment Control Law".
3. 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.
4. Contact the Engineering Division of the Winchester Department of Public Services to schedule the required erosion and sediment control measures inspections as indicated by the program administrator.
5. 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.

APPENDIX A
AGREEMENT IN LIEU OF PLAN
FORM



CITY OF WINCHESTER, VIRGINIA

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
540-667-1815
TDD 540-722-0782
www.winchesterva.gov

AGREEMENT IN LIEU OF PLAN FOR EROSION AND SEDIMENT CONTROL OF LAND DISTURBING ACTIVITY ON AN INDIVIDUAL LOT OF A RESIDENTIAL SUBDIVISION

Land Disturbance Permit # _____

Date _____

Location: _____
(Subdivision and Lot #)

Address _____

Disturbed Area = _____ sq. ft.

Hydrologic Unit Number: PU16 or PU17
(Office use only)

RLD Name: _____
(Responsible Land Disturber)

Cert. # _____
(RLD)

Land Owner:

Name

Daytime Phone Number

Address

City, State & Zip

Applicant: (if not owner)

Name

Phone Number

Address

City, State & Zip

In lieu of submission of an erosion and sediment control plan for the construction of this single family dwelling, I agree to comply with any reasonable requirements determined necessary by the City Engineer or his/her designee. Such requirements shall be based on the conservation standards contained in the City of Winchester Erosion and Sediment Control Ordinance, and shall represent the minimum practices necessary to provide adequate control of erosion and sedimentation on or resulting from this project.

I further understand that failure to comply with such requirements following notice by the City, could result in citation for violation of the Erosion and Sediment Control Ordinance of the City of Winchester.

Typical erosion and sediment control measures for residential lot:

1. Perimeter Control: The disturbed area must be completely enclosed by a silt trapping device such as silt fence.
2. All drainage inlets and structures on site or adjacent to the site must be protected during construction.
3. Drainage patterns should not be affected to the detriment of neighboring lots.
4. Prevent transport of mud and sediment by vehicular tracking onto the paved public roadway.
5. All denuded areas on the lot shall:
 - a. Be stabilized within seven (7) days of final grading with permanent vegetation or a protective ground cover suitable for the time of year;
 - b. Receive temporary soil stabilization if not at final grade but will remain dormant for longer than 30 days;
 - c. Receive permanent stabilization if they are to be left dormant for more than one year.
6. Control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste.
7. Other additional measures may be required depending on the site-specific conditions.

NOTE:

All specified erosion and sediment control measures must be placed prior to or as the first step in construction.

The City Engineer or his/her designee will periodically inspect the site to insure compliance with the erosion and sediment control regulations.

The Contractor shall inspect all erosion control measures periodically and after each run-off producing rainfall event. Any necessary repairs or cleanup to maintain the effectiveness of the erosion control devices shall be made immediately.

The permit may be revoked if the project is found to not be in compliance with the conditions of the "Agreement" and corrective measures as set forth by the inspector, for the City of Winchester are not implemented in a timely manner.

A certified as-built plan must be submitted to the Engineering Division of the Public Services Department prior to the release of the final certificate of occupancy for the single family residence. The certified as-built plan shall indicate the following: properly annotated boundary lines, set-back lines, house footprint, existing grading with spot shots as necessary to show positive drainage, driveway, floor elevations to include basement, first floor and garage. The as-built plan shall be accompanied by a document prepared by a qualified professional certifying that the as-built conditions meet the intent of the approved site grading plan.

Applicant Signature: _____ Date _____

Agreement Approved: _____ Date _____

(City Engineer)

All questions pertaining to the City of Winchester erosion and sediment control requirements, inspections, and Land Disturbance Permits should be directed to:

City of Winchester
Department of Public Services/Engineering Division
15 North Cameron Street
Winchester, VA 22601
(540) 667-1815

APPENDIX B

**FREQUENTLY ASKED QUESTIONS (FAQ)
ON THE REQUIREMENT TO NAME A RESPONSIBLE LAND DISTURBER
ON THE LAND-DISTURBING PERMIT**

**FREQUENTLY ASKED QUESTIONS (FAQ) ON THE RESPONSIBLE LAND
DISTURBER PROGRAM AND
REVISIONS TO THE VIRGINIA EROSION & SEDIMENT CONTROL LAW**

Must erosion and sediment control plan, agreement in lieu of plan, and land-disturbing permit applicants name a Responsible Land Disturber?

Yes, the applicant must provide to the Plan-Approving Authority the name of an individual holding a valid Responsible Land Disturber Certificate who will be responsible for the land disturbing activity as a condition of approval for all erosion and sediment control plans, agreements in lieu of a plan, or land-disturbing permits.

Who is the Responsible Land Disturber and what does he/she do?

The Responsible Land Disturber can be anyone from the project team or development team holding a valid Responsible Land Disturber Certificate who will be in charge of and responsible for carrying out the land disturbing activity for the project.

Who is ultimately responsible for the land disturbing activity?

The landowner is still ultimately responsible for all land disturbing activities on a project.

Who ensures that the plan, agreement in lieu of plan, or land-disturbing permit applicant provides the name of a Responsible Land Disturber?

The Plan-Approving Authority (local government) shall ensure that the name of a Responsible Land Disturber is provided before approving the plan, agreement in lieu of plan or land-disturbing permit.

How can the Plan-Approving Authority ensure that the certification information given by an applicant is correct?

The Virginia Department of Conservation and Recreation (DCR) has made available on its website at www.dcr.state.va.us/sw/es_rld.htm a list of individuals recognized as Responsible Land Disturbers, their certificate numbers, and their certificate expiration dates.

How can I obtain a Responsible Land Disturber Certificate?

DCR has developed a certification program that provides learning materials and an examination to obtain a Responsible Land Disturber Certificate. This program is available via our website at www.dcr.state.va.us/sw/es_rld.htm.

Can I be considered a Responsible Land Disturber if I've already obtained a different certification from DCR?

Yes. Individuals holding valid Combined Administrator, Program Administrator, Plan Reviewer, Inspector, and Contractor certificates will be considered Responsible Land Disturbers without further training, certification, or fees. Their names and certificate expiration dates can be verified on DCR's website at www.dcr.state.va.us/sw/estr&crt2.htm#lists. Please note that the Responsible Land Disturber shall be a member of the project team or development team - not an employee of the Plan-Approving Authority or local government.

Can I be considered a Responsible Land Disturber if I have Virginia Professional Engineer, Land Surveyor, Landscape Architect, or Architect License?

Yes, an individual holding a valid Virginia Professional Engineer, Land Surveyor, Landscape Architect, or Architect License will be considered a Responsible Land Disturber without further training, certification, or fees. Their names, license numbers, and license expiration dates can be verified on the Virginia Department of Professional and Occupational Regulation website at

www.dpor.state.va.us/regulantlookup/.

What happens to erosion and sediment control plans, agreement in lieu of plans, or land-disturbing permits that don't provide a valid Responsible Land Disturber's name?

This would be deemed incomplete and not approved until the proper information is provided.