

City of Petersburg Land Disturbance Permit Application

(Revised: March 2021)

Department of Public Works and Utilities
Utilities Division
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I. Instructions

Listed below in priority order are the procedures for submitting a Land Disturbance Permit Application. These steps must be completed prior to any land-clearing activity. Items 1 and 2 must be completed prior to permit Application processing. Land Disturbance Permit Application processing is not a “walk-through” process. If you should have any questions regarding these procedures, please contact the Erosion and Sediment Control Administrator at the Department of Public Works and Utilities, Utilities Division.

Authority for the requirements of information listed as necessary for this application is contained within Title 62.1, Chapter 3.1, Article 2.4 (§ 62.1-44.15:51 et seq.) of the Code of Virginia, Virginia Administrative Code 9VAC25-840, and the City of Petersburg Erosion and Sediment Control Ordinance, Section 50-124 et seq. of the Code of the City of Petersburg (2001) as amended.

Attention:

The commencement of land clearing and land disturbance activities in the absence of an approved Erosion and Sediment Control Plan and an approved Land Disturbance Permit is a violation of the Erosion and Sediment Control Ordinance of the City of Petersburg, which carries a civil penalty of \$1,000 per day.

The construction of single-family residences is not exempt from the requirements of the erosion and sediment control regulations and law, but requires completion of an “Agreement In Lieu of a Plan.” The construction of individual single-family residences may require submission of a Land Disturbance Permit Application if the area disturbed is greater than 10,000 square feet, or if the property is within the Chesapeake Bay Preservation Area.

Please Complete These Steps:

1. Submit a Land Disturbance Application Fee:

- a. No fee for single-family residential projects with less than 10,000 square feet of disturbed land, not located in a subdivision. (Building Permit approval constitutes a Land Disturbance Permit);
- b. For all other projects: \$250.00, plus \$50.00 for every acre or part thereof in excess of one acre.
- c. No fee for Enterprise Zone projects

2. Submit the required plans:

- a. For a single-family house project, one (1) copy of an "Agreement In Lieu of a Plan."
- b. For other projects, six (6) copies of a site plan, including an erosion and sediment control plan; two (2) copies of the required stormwater management calculations; and one original, signed and notarized copy of the land disturbance application; and, in addition, one (1) set of documents to be returned to the applicants with an approval stamp.

All plans and plan sheets must be folded to 8.5" x 14" when submitted to allow filing. You may submit materials in 3-ring binders designed to hold 8.5" x 11" pages.

3. Submit to the City of Petersburg a performance bond, cash escrow, or an irrevocable letter of credit as surety for the erosion control measures. Applicants are required to estimate these costs, however, the City of Petersburg is not required to accept the applicant's costs estimates if these do not correspond to the standards contained in the current edition of the *Virginia Erosion and Sediment Control Handbook*.

Please Note That:

- The **owner of the property where land-disturbing activities are planned** is to sign the Land Disturbance Permit Application/Agreement. An out of state owner or any partnership or corporation must have a legally appointed resident Virginia agent to accept service of process.
- Once the permit application has been approved, the owner shall schedule an on-site pre-construction meeting between the erosion control contractor, owner, and the Erosion and Sediment Control Program Administrator.

- After a successful on-site pre-construction meeting, the Erosion and Sediment Control Program Administrator will issue a Land Disturbance Permit to be posted at the site, whereupon land disturbance, in accordance with the approved erosion control plan and narrative may immediately commence. A Building Permit Application will not generally be approved until after any required Site Plan is approved.
- The application must provide the name of a “Responsible Land Disturber” holding a Responsible Land Disturber certificate of competence from the Virginia Department of Environmental Quality, in accordance with the applicable provisions of Title 62.1, Chapter 3.1, Article 2.4 (§ 62.1-44.15:51 et seq.) of the Code of Virginia.

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II. Agreement

I, _____, hereby certify this ____ day of _____ Year _____.

that:

1. An Erosion and Sediment Control Plan (“Plan”) has been submitted with the site plan or subdivision plan to the City of Petersburg as required by the Erosion and Sediment Control Ordinance of the City of Petersburg.

2. I am the Owner/Developer of the following described property:

a. Project name: _____

b. Location: _____
(Street address/road frontage and distance to nearest intersection)

c. Tax Parcel Identification #: _____

3. I shall be responsible for the proper performance and maintenance of the Virginia Minimum Standards (MS-1 through MS-19), along with the erosion and sediment control measures included in the plan.

4. I shall conform to the provisions of Title 62.1, Chapter 3.1, Article 2.4 (§ 62.1-44.15:51 et seq.) of the Code of Virginia, as amended, and the Erosion and Sediment Control Ordinance of the City of Petersburg.

5. I, _____, (signature) hereby grant the Erosion and Sediment Control Administrator for the City of Petersburg, or his designated agents, the right to enter my property to inspect or monitor for compliance with the provisions of the permit on the above-referenced project/property.
6. In the event that measures for the control of siltation and/or erosion as provided for in the “Plan”, or in any approved revision thereof are not constructed at or prior to the occurrence of any rainstorm or other phenomena and siltation and erosion actually results, or are constructed, but fail (through overload and/or inadequate maintenance) to perform the function for which they are intended, the Erosion and Sediment Control Administrator of the City of Petersburg or his designated agent shall have the right to enter upon the property subject to such plan and shall be entitled to take such measures or to do other work as deemed necessary to prevent further siltation or erosion provided that the City shall first give notice in writing to the Owner/Developer or his/her designated agent of the City’s intent to do so.
7. In any event there occurs siltation and/or erosion from the property covered by the Land Disturbing Permit in sufficient quantity to adversely affect downstream properties, the City may hold the below signed responsible for satisfactory restoration.
8. In the event there occurs siltation and/or erosion from the property covered by the “Plan” in sufficient quantity to adversely affect downstream drainage, or travel on any street, road, highway or other public way, then the City may take such steps as may be necessary to restore functions to the affected drainage or travel way.
9. In the event City performs work of any nature, including labor, use of equipment, and materials, under the provisions of 6, 7 and 8 above, either by in-house forces or contract, the project owner or his/her designated agent, shall disburse to City on its order within five (5) days or receipt of written demand thereof, such sum or sums as may be supported by invoice attached to such demand, provided, however, that the owner’s and/or his/her agent’s liability so to disburse shall be limited to the undistributed balance in its hands of the escrow account. A copy of such demand and invoice shall be delivered or mailed by City to Developer.
10. In the event the owner or his/her designated agent makes disbursement pursuant hereto, owner and or his/her designated agent, agrees to deposit within ten (10) days of such disbursement, an amount sufficient to restore escrow amount to its original balance.
11. It is expressly agreed by all parties hereto that it is the purpose and intent of this agreement to ensure the installation, maintenance, and performance of measures provided for on approved plans or revisions thereof, for the control of siltation and erosion, and for the restoration of function of facilities for drainage or vehicular travel if such facilities are adversely affected in their function by siltation or erosion from property the subject of such plans. This agreement shall not be deemed to create or affect any liability of any party hereto for any damage alleged to result or be caused by erosion or siltation.

12. It is expressly agreed by the parties hereto that the escrow amount shall be held by the owner and/or his/her designated agent in accordance with 9 above, or paid to City as part of the cost of the completion of improvements required by ordinance and/or bond to be installed, or released in writing by City, through its agent, the Erosion and Sediment Control Administrator.
13. I shall provide the project contractor(s) with a copy of the approved erosion and sediment control plan/site plan.
14. I certify that I fully understand the provisions of the Erosion and Sediment Control Ordinance of the City of Petersburg and agree to carry out the approved Erosion and Sediment Control Plan on the above-referenced project.
15. I certify that there is an appropriate contractual agreement between:

Contractor Name: _____

Contractor Address: _____
(Street and Mailing)

Contractor Phone #: _____

Contractor Fax #: _____

and myself which establishes him/her as the person responsible for carrying out the erosion and sediment control plan and/or providing erosion and sediment control facility maintenance and/or dust control when requested by the City as specified in the narrative.

16. I certify that all other contractors who engage in land disturbance activity on my behalf will comply with the provisions of the Erosion and Sediment Control Ordinance of the City of Petersburg and approved Erosion and Sediment Control Plan, including not engaging in such activity without the existence of a Land Disturbance Permit.
17. I will authorize commencement of land disturbance activities on the project only when there is a valid Land Disturbance Permit displayed on the site.
18. I fully understand that I am subject to Civil Penalties when any contractors who engage in land disturbance on my behalf commence or continue to engage in land disturbance without the existence of the Land Disturbance Permit.

19. I, or _____ (Contractor), will notify the City of Petersburg Department of Public Works and Utilities and the Department of Planning and Code Compliance, at least one week in advance of the date of a requested pre-construction conference meeting.

20. The following is the name, address, telephone number, and certificate number for the “Responsible Land Disturber” certified by the Virginia State Water Control Board (Virginia Department of Environmental Quality), in accordance with Section 62.1-44.15:51 et seq. of the Code of Virginia, as amended.

Name of “Responsible Land Disturber”: _____

Address of “Responsible Land Disturber”: _____

Telephone Number: _____ Fax #: _____

Email: _____

Certificate Number: _____

21. I certify that to the best of my knowledge any/all applicable wetlands permits which are required by Federal, State, or local laws have been received. A copy of said permit(s) or certification(s) will be furnished to the Erosion and Sediment Control Administrator at the time of plan submission.

Owner’s Name (Please print): _____

Owner’s Signature (Required): _____

Title (Please Print): _____

Owner’s Address: _____
(Street and Mailing)

Notarization (Required):

State of _____ City of _____ , to wit:

I, _____ , a Notary Public in and for the City and State aforesaid, do hereby certify that _____ , whose name is signed to the foregoing and annexed writing bearing date on the _____ day of _____ (month), _____ (year) has acknowledged the same before me in my jurisdiction aforesaid. Given under my hand this _____ day of _____ (month), _____ (year).

My commission expires on: _____ (date)

Seal:

City Use Only

Application Received By:

(Name and Title)

Date Received:

Fee Received:

Form of Bond:

Estimated Cost of E&S Measures:

Surety Approved to Form By:

(City Attorney)

Plan Approved:

(Date)

Land Disturbing Permit Issued:

(Date)

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III. Erosion and Sediment Control Plan Narrative

All of the information required below must be printed in a legible manner or typed. You must use the number of additional pages necessary to provide adequate information. It is preferred that this information be submitted typed on 8.5" x 11" plain bond paper. **Do not state "see site plan." It is not assumed that you will be able to write or type your answers on this form.** Incomplete responses will be rejected. Submission of an incomplete application will not preclude your prosecution for doing work without a Land Disturbing Permit.

A. **You must provide the following narrative information:**

1. **Location of the Project**
(Provide the Tax Parcel number(s), and street address of the project site. The address cannot be a Post Office Box.)
2. **Project Description and Purpose**
(Fully and clearly describe the purpose and nature of the land disturbing activity.)
3. **Area of the site**
(State in acres.)
4. **Area of the site to be disturbed**
(State in acres.)
5. **Dates of construction**
(Provide a detailed schedule for all work to be performed, including the expected start date for land clearing, the date for installation of temporary and sediment control measures, the dates for installation of permanent control measures, and the dates for the installation of vegetative controls such as seeding and mulching.)
6. **Existing site conditions**
(Provide a full description of the existing topography, vegetation and drainage.)
7. **Adjacent property**
(Provide a full and detailed description of neighboring areas such as streams, lakes, natural features, residential areas, roads and man-made features that may be affected by the land disturbance.)
8. **Off-site areas**
(Describe any off-site land disturbing activities which will occur including borrow sites, or surplus areas, etc. Will any other areas be disturbed? If another property is to be graded, if cut material is to be placed on another property, or if material is to be excavated or "borrowed" from another property, a separate Land Disturbance Permit must be obtained for this property.)

9. **Soils**
(Provide a complete description of the soils on the site, giving such information as the soil name, mapping unit, erodibility, permeability, depth, texture, and soil structure.)
10. **Critical erosion areas**
(Give a full description of areas on the site which have potentially serious erosion problems; e.g. steep slopes, channels, wet weather or underground springs, etc.)
11. **Erosion and sediment control measures**
(Fully describe temporary and permanent measures such as silt fencing, inlet protection, sediment traps, construction entrances to be installed, retention/detention basins, seeding and mulching. All measures must be designed in accordance with the Virginia Minimum Standards as set forth in the Virginia Erosion and Sediment Control Handbook. Provide a schedule for the implementation of all measures.)
12. **Permanent Stabilization**
(Provide descriptive information, including specifications, of how the site will be stabilized after construction is completed.)
13. **Calculations**
(Provide detailed calculations for the design of all temporary sediment basins, permanent detention/retention basins, diversion channels, etc. Include calculations for pre-and post-development runoff with regard to water quantity and quality. Most development projects other than speculative land clearing, single-family residence construction, and projects in which land disturbance is less than 10,000 square feet; 2,500 square feet if in a Chesapeake Bay preservation Area, will require preparation of a site plan, and the preparation of stormwater management calculations in accordance with the Stormwater Management Regulations of the State of Virginia and the Petersburg Stormwater Management Policy. You must state the method used; i.e. the Rational method, the peak Discharge Method, the Tabular Method/TR-55 or the Unit Hydrograph Method, to estimate runoff.)

B. A Site Plan/Plat Must Be Attached:

The Erosion and Sediment Control Plan/Site Plan must contain the information set forth in Section IV. For development projects involving the construction of buildings, roadways, or parking areas, the standards contained in the pages entitled "Site Plan Review" must be met and that information provided on the plan sheet or sheets. The Site Plan must be submitted under the seal of an Architect, Landscape Architect, Engineer, or Certified Land Surveyor licensed to do business in the Commonwealth of Virginia.

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IV. Erosion and Sediment Control Site Plan

The following items must be included on the site plan (map/plat) to be submitted as part of an erosion and sediment control plan (Development Plans/Construction Plans should also include these items). Site plan review will be conducted by the Department of Public Works and Utilities, and the Department of Planning and Code Compliance (et al.).

- _____ Vicinity Map - a small map locating the site in relation to the surrounding area. Include any landmarks which might assist in locating the site.

- _____ Indicate north - The direction of north in relation to the site.

- _____ Limits of clearing and grading - Areas which are to be cleared and graded.

- _____ Existing contours - The existing contours of the site.

- _____ Final contours - Changes to the existing contours, including final drainage patterns. A grading plan showing existing and final (proposed) contours at minimum two (2) foot intervals. Include top of curb and pavement spot elevations at critical locations. Profile proposed roadways.

- _____ Soils - The boundaries of different soil types. Soils tests and CBR information with an appropriate pavement design should be provided prior to approval of plan. No construction shall be permitted until an appropriate pavement design has been provided.

- _____ Existing drainage patterns - The dividing lines and the direction of flow for the different drainage areas. Include the size (acreage) of each drainage area. Show the size and location of all existing drainage structures.

- _____ Drainage plan outlining all on-site and off-site drainage areas and including all drainage computations. Include in the drainage plan the complete drainage outfall design to include an outfall profile and ditch design computations. Provide a minimum one hundred fifty (150') feet of profile and minimum of three cross sections. Outfall must discharge to an adequate receptor. Adequacy of the downstream receiving channel is to be assessed for consistency with the requirements of Virginia Minimum Standard MS-19.

- _____ Show size, length, class, inverts, and percent of grade and terminal treatment for all storm and sanitary pipes.

- _____ Curbing, paving, and related drainage improvements required on all public rights-of-way, around interior drives and parking areas.

- _____ Cross sections at minimum twenty-five (25') foot intervals for all improvements in public rights-of-way. Show typical sections for road improvements and pavements.

- _____ Entrances shall be CG-9D or CG-11, labeled as such on the plan. Entrances shall be in accordance with VDOT Minimum Standards for Driveways Entrances.

- _____ Critical erosion areas - Areas with potentially serious erosion problems. (See Chapter 6 of the current edition of the Virginia Erosion and Sediment Control Handbook for criteria.)

- _____ Site development - Show all improvements such as buildings, parking lots, access roads, utility construction, etc.

- _____ Location of practices - The location of erosion and sediment control and stormwater management practices used on the site. Use the standard symbols and abbreviations found in Chapter 3 of the current edition of the Virginia Erosion and Sediment Control Handbook.

- _____ Off-site areas - Identify any off-site land disturbing activities (e.g. borrow sites, waste areas, etc.). Show location of erosion controls. (Is there sufficient information to assure adequate protection and stabilization?)

- _____ Show sight distances at intersections and on proposed roadways.

- _____ Meets and bounds on all property lines certified by a surveyor licensed in the Commonwealth of Virginia.

- _____ Tax Parcel number, lot number and zoning designation for all land parcels.

- _____ Existing and proposed rights-of-way (name, width and route number).

- _____ Proposed building off-sets/setbacks, finished floor elevations, and floor areas.

- _____ Existing and proposed utilities (sanitary sewer, water, gas, etc.)

- _____ Pavement repair detail included for all excavations in existing public streets.

- _____ A minimum offset of three (3') feet shall be provided between the face of curb on-site and the right-of-way line where parking is proposed to eliminate vehicular overhang into right-of-way.

- _____ A sidewalk adjacent to parking spaces shall be a minimum of five-(5') feet in width.

- _____ Elevation of 100-year and 500-year flood plain must be delineated on the site plan.

_____ Chesapeake Bay Preservation Areas, as applicable, must be delineated on the site plan. If a portion of the property is within a Resource Management Area, the entire property is deemed a portion of the Resource Management Area. The applicant must demonstrate compliance with the Chesapeake Bay Preservation Ordinance if any portion of the subject property is within the Resource Management Area (RMA) or the Resource Protection Area (RPA).

_____ Show the owner, tax parcel number, zoning designation and use of all adjacent properties.

_____ Location and detail of ramps and/or other structural facilities associated with ADA requirements and handicapped accessibility.

_____ Detail drawings - Any structural practices used that are not referenced to the E & S handbook or local handbook should be explained and illustrated with detail drawings.

_____ Maintenance - A schedule of regular inspections and repair of erosion and sediment control structures should be set forth.

_____ The minimum size of lettering on any site plan/construction plan shall be 1/8 inch.

_____ Seal - professional certification of the plan's accuracy and completeness by an Architect, Landscape Architect, Engineer, or Certified Land Surveyor.

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V. General Erosion and Sediment Control Notes

The following notes and procedural measures are required for Erosion and Sediment Control Plans:

ES-1: Unless otherwise indicated, all vegetative and structural erosion and sediment control practices will be constructed and maintained according to minimum standards and specifications of the Virginia Erosion and Sediment Control Handbook and Virginia Regulations 9VAC25-840, Erosion and Sediment Control Regulations.

ES-2: The plan approving authority must be notified one week prior to the preconstruction conference, one week prior to the commencement of land disturbing activity, and one week prior to final inspection.

ES-3: All erosion and sediment control measures are to be placed prior to or as the first step in clearing.

ES-4: A copy of the approved erosion and sediment control plan shall be maintained on the site at all times.

ES-5: Prior to commencing land disturbing activities in areas other than indicated on these plans (including, but not limited to, off-site borrow or waste areas), the contractor shall submit a supplementary erosion control plan to the owner for review and approval by the plan approving authority.

ES-6: The contractor is responsible for installation of any additional erosion control measures necessary to prevent erosion and sedimentation as determined by the plan approving authority.

ES-7: All disturbed areas are to drain to approved sediment control measures at all times during land disturbing activities and during site development until final stabilization is achieved.

ES-8: During dewatering operations, water will be pumped into an approved filtering device.

ES-9: The contractor shall inspect all erosion control measures periodically and after each runoff-producing rainfall event. Any necessary repairs or cleanup to maintain the effectiveness of the erosion control devices shall be made immediately.