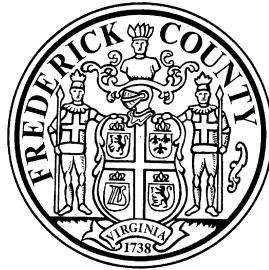


REVISED

***COMMERCIAL/INDUSTRIAL
&
SUBDIVISION (RESIDENTIAL/RURAL)***

LAND DISTURBANCE

PERMIT APPLICATION PACKAGE



***FREDERICK COUNTY,
VIRGINIA***

***Department of Public Works
107 North Kent Street, Suite 200
Winchester, Virginia 22601
(540) 665-5643 Phone
(540) 678-0682 Fax***

<http://www.co.frederick.va.us/Engineering/EngineeringHome1.htm>

***Appendix 1
Frederick County code, Chapter 79***

**REVISED VERSION APPROVED: August 10, 2005
EFFECTIVE: 9/12/06**

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 the required information listed below is present. If any part of the required information is missing, the application will not be accepted by the Frederick County Public Works Department.

- _____ 1. Completed Land Disturbance Permit Application.
- _____ 2. Completed Erosion and Sediment Control Measures Guarantee Estimate form (provided in the land disturbance permit application. Please use the format for the Irrevocable Letter of Credit or Performance Bond located in the Monetary Guaranty Procedure Package available online at <http://www.co.frederick.va.us/Engineering>).
- _____ 3. Two (2) copies of the approved erosion and sediment control plan complete with narrative and engineering calculations.
- _____ 4. Completed checklist for commercial/industrial development or residential subdivision development.
- _____ 5. Written approval from the Frederick County Sanitation Authority as applicable.
- _____ 6. Written approval from the Virginia Department of Transportation (V.D.O.T.) consisting of a letter and/or the V.D.O.T. temporary construction entrance permit.
- _____ 7. Copies of all applicable local, state and federal environmental permits.

Note: The applicable fee will be determined during review of the plans/application for all land disturbance permits. The fee shall be payable at the time the land disturbance permit is issued. Do not submit any fees at the time of permit submittal.

ACTIVITIES REQUIRING AN EROSION AND SEDIMENTATION PLAN

An Erosion and Sedimentation Plan must be submitted, reviewed and approved before a land disturbance permit will be issued by Frederick County. 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 Section 79-2. Definitions, of the Frederick County Code, Erosion and Sediment Control Ordinance, Chapter 79 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 10,000 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) CHECKLIST

- ___ 1. Submit information indicated on Page 2 of this application package.
- ___ 2. Submit a copy of the Virginia Department of Transportation's (VDOT) temporary construction entrance permit.
- ___ 3. Copies of all applicable local, state and federal environmental permits.
- ___ 4. **Submit the completed erosion and sediment control measures guarantee estimate form.**
- ___ 5. Provide the "Responsible Land Disturber" (R.L.D.) information on the submitted plans for the project which shall include, name, certificate number and date of expiration.
- ___ 6. Once all of the required information has been submitted, reviewed and approved by the program administrator, a land disturbance permit will be issued. Frederick County shall complete the Alternate Inspection worksheet.
- ___ 7. Once the land disturbance permit has been issued and, prior to initiating any land disturbing activity, it will be necessary to schedule an on-site pre-construction meeting with public works 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.***
- ___ 8. 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.
- ___ 9. Contact the public works department to schedule the required erosion and sediment control measures inspections as indicated by the program administrator.
- ___ 10. If the erosion and sediment control measures have been installed in accordance with the approved plan, the Department of Public Works will grant approval to initiate land disturbing activity.
- ___ 11. Periodic inspections will be performed by the Department of Public Works to ensure that the erosion and sediment control measures are maintained in accordance with the approved plan throughout the life of the project.
- ___ 12. 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.
- ___ 13. The Performance Bond/Irrevocable Letter of Credit shall be refunded once the site complies with Section 79-5.E, Chapter 79 of the Frederick County Code, Erosion and Sediment Control ordinance.

RESIDENTIAL SUBDIVISION DEVELOPMENT PLAN

- 1. Submit information indicated on Page 2 of this application package.
- 2. Submit copies of the subdivision approval letters from the VDOT and the Frederick County Sanitation Authority.
- 3. **Submit the completed erosion and sediment control measures guarantee estimate form.**
- 4. Provide the “Responsible Land Disturber” (R.L.D.) information for the project which shall include, name, certificate number and date of expiration.
- 5. Once all of the required information has been submitted, reviewed and approved by the program administrator, a land disturbance permit will be issued. Frederick County shall complete the Alternate Inspection worksheet.
- 6. Once the land disturbance permit has been issued and, prior to initiating any land disturbing activity, it will be necessary to schedule an on-site pre-construction meeting with public works 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.***
- 7. 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.
- 8. Contact the public works department to schedule the required erosion and sediment control measures inspections as indicated by the program administrator.
- 9. If the erosion and sediment control measures have been installed in accordance with the approved plan, the Department of Public Works will grant approval to initiate land disturbing activity.
- 10. Periodic inspections will be performed by the Department of Public Works to ensure that the erosion and sediment control measures are maintained in accordance with the approved plan throughout the life of the project.
- 11. Prior to release of building permits, the following infrastructure shall be completed and stabilized within the subdivision, subsection or phase as shown on the approved plan:
 - a) Stormwater conveyance systems, including but not limited to culverts, road surface, curb and gutter, stormwater structures, drainage swales and ditches, channel linings and all cleared areas shall be stabilized, etc.
 - b) Submittal of a certified as-built plan of the subdivision, subsection or phase, which includes but is not limited to stormwater conveyance systems, curb and gutter, drainage swales and ditches, stormwater/sediment ponds, graded areas, etc. A letter from the engineer-of-record shall be included with the as-built plan which states that the subdivision has been constructed in accordance with the approved plan.

- c) A proposed overall lot grading plan is required by Frederick County prior to the release of building permit(s) for subdivisions. This plan shall meet the intent of the original site plan submitted by the developer. It is required that the developer provide the builder/owner a copy of the original engineered site grading plan for the particular subdivision.
 - d) It will be necessary to submit a certified as-built plan for all lots on which proposed lot grading plans were required. This certified as-built plan shall indicate the following: properly annotated boundary lines; setback lines; proposed house footprint; offsets to house; existing grading; spot shots as necessary to show positive drainage; proposed driveway; proposed floor elevation to include basement, first floor and garage; and erosion and sediment controls, if required. The as-built plan shall be accompanied by a document prepared by a professional engineer or a certified land surveyor certifying that the as-built conditions meet the intent of the approved site grading plan. The proposed lot grading plan and the as-built survey shall be submitted to the Public Works Department prior to release of the final certificate of occupancy.
- 12. 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.
- 13. Individual subdivision lot grading plans shall be submitted by the builder at the time of the building permit application for each lot proposed for construction.
- 14. Vehicular Sediment Tracking:
- a) Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from roads by shoveling or sweeping and transported to a sediment disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land disturbing activities.
 - b) In subdivisions, the owner/developer of the subdivision shall be responsible for compliance with this minimum standard until the streets are taken into the Virginia Department of Transportation's Secondary Road System for maintenance, and the plan submitted for approval shall include a detailed plan or narrative to ensure transport of sediment onto subdivision streets does not occur during any phase of construction, including, but not limited to, construction of all infrastructure, utilities, and building construction. In addition, if individual lots or sections in a subdivision are being developed by a different owner, such owner shall be jointly and severally responsible with the owner/developer of the subdivision for achieving compliance with this minimum standard, and the erosion and sediment control plan, or "Agreement in Lieu of a Plan", submitted for approval shall include a detailed plan or narrative to ensure transport of sediment onto the applicable roads does not occur during any phase of construction, including, but not limited to, construction of all infrastructure, utilities, and building construction.

LAND DISTURBANCE PERMIT APPLICATION

DATE: _____ APPLICANT: _____

PROPERTY OWNER: _____

ADDRESS: _____

TELEPHONE: _____

DESIGN FIRM/DESIGNER: _____

ADDRESS: _____

TELEPHONE: _____

CONTRACTOR: _____

ADDRESS: _____

TELEPHONE: _____ / _____ (24 HOUR EMERGENCY CONTACT

PROJECT NAME: _____

MAGISTERIAL DISTRICT: _____

PROPERTY IDENTIFICATION NUMBER: _____

TOTAL AREA OF PROPERTY: _____

AVERAGE OF AREA TO BE DISTURBED: _____

(Rounded up to nearest acre i.e., 1.2 round up to 2, fee shall be based on this acreage.)

ZONING OF PROPERTY: _____

TYPE OF PROJECT:

___ COMMERCIAL/INDUSTRIAL/SITE PLAN

___ SUBDIVISION PLAN

RESIDENTIAL/RURAL (CIRCLE ONE)

___ HYDROLOGIC UNIT (TO BE COMPLETED BY FREDERICK COUNTY)

PLAN CONTENT CHECKLIST

The Erosion and Sediment Control Plan must contain all of 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 basin 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 a 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 a 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).
- _____ **Construction Entrance** - A detailed plan or narrative to ensure that the transport of sediment onto subdivision streets does not occur during any phase of construction.

Appendix 2

**FREDERICK COUNTY, VIRGINIA
EROSION AND SEDIMENT CONTROL MEASURES
GUARANTEE ESTIMATE FORM**

PROJECT NAME: _____

DATE: _____

DESIGN FIRM: _____

CONTACT PERSON: _____

PHONE #: _____

<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	_____	_____
3.12	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	<i>(Lump Sum)*</i>		_____	_____
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	\$50.00	Square Yard	_____	_____
	Concrete	\$40.00	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	_____	_____
			SUBTOTAL	_____	_____
<i>Contingency</i>	<i>25 percent of total Required</i>		<i>Contingency Amount</i>	_____	_____
			GRAND TOTAL	_____	_____

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

Appendix 3

TABULAR CLASSIFICATION SYSTEM EROSION AND SEDIMENT CONTROL FREDERICK COUNTY, VIRGINIA

PURPOSE:

The alternative inspection program described herein for Frederick County is designed to provide for oversight of urban land disturbing activities by effectively utilizing local staff to meet specific urbanization trends while addressing specific environmental conditions within the locality.

AUTHORIZATION:

§10.1-566 of Title 10.1 Chapter 5, Article 4 of the Code of Virginia and §4VAC50-30-60 of the Erosion and Sediment Control Regulations.

POLICY:

To most effectively utilize local staff and protect the resources of Frederick County and the Commonwealth of Virginia, Frederick County will implement an alternative inspection program based on a tabular system of priorities. The tabular system of priorities will be based upon the amount of disturbed project area, site conditions, stages of construction, and site conditions noted on previous inspections.

IMPLEMENTATION:

1. The erosion and off-site environmental impact potential of regulated projects shall be determined by an evaluation of the topography, soil characteristics, disturbed acreage, proximity of water resources, and proximity to adjacent property lines.
2. After plan review and a site visit, the **Frederick County Public Works Staff** will assign an inspection frequency for the project based on the tabular rating chart.
3. The inspection frequency for the project may be adjusted to a higher or lower degree by the **Public Works Staff** based upon complaints, violations, inspections and stages of construction.
4. The inspection frequency shall be documented with the project database. Also, all inspections shall be documented on an inspection log and maintained as part of each file. Project owners shall receive copies of inspection reports with noted violations.

**TABULAR RATING SYSTEM - EROSION AND SEDIMENT CONTROL
FREDERICK COUNTY, VIRGINIA**

<table border="1"> <thead> <tr> <th><u>Total Disturbed Acreage</u></th> <th><u>Check</u></th> <th><u>Rating</u></th> </tr> </thead> <tbody> <tr> <td>Less than ½ acre</td> <td align="center">___</td> <td align="center">0</td> </tr> <tr> <td>½ acre to one acre</td> <td align="center">___</td> <td align="center">3</td> </tr> <tr> <td>1 to 2 acres</td> <td align="center">___</td> <td align="center">5</td> </tr> <tr> <td>> 2 acres- ___ Must inspect every two weeks.</td> <td></td> <td></td> </tr> </tbody> </table>	<u>Total Disturbed Acreage</u>	<u>Check</u>	<u>Rating</u>	Less than ½ acre	___	0	½ acre to one acre	___	3	1 to 2 acres	___	5	> 2 acres- ___ Must inspect every two weeks.			<table border="1"> <thead> <tr> <th><u>Distance to Watercourse</u></th> <th><u>Check</u></th> <th><u>Rating</u></th> </tr> </thead> <tbody> <tr> <td>0 - 50 feet</td> <td align="center">___</td> <td align="center">5</td> </tr> <tr> <td>50 - 100 feet</td> <td align="center">___</td> <td align="center">3</td> </tr> <tr> <td>150 - 300 feet</td> <td align="center">___</td> <td align="center">1</td> </tr> <tr> <td>Greater than 300 feet</td> <td align="center">___</td> <td align="center">0</td> </tr> </tbody> </table>	<u>Distance to Watercourse</u>	<u>Check</u>	<u>Rating</u>	0 - 50 feet	___	5	50 - 100 feet	___	3	150 - 300 feet	___	1	Greater than 300 feet	___	0
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**OVERALL RATING
(TOTAL OF THE ABOVE CATEGORIES)**

If ___ is 26 - 33 then
 If ___ is 20 - 26 then
 If ___ is 13 - 19 then
 If ___ is 12 or less then

INSPECTION RETURN FREQUENCY

___ Once every two (2) weeks.
 ___ Once every four (4) weeks.
 ___ Once every six (6) weeks.
 Frequency based on criteria below.

Note: Inspection return frequency is not limited to the above scheduler and will increase in frequency due to run-off producing storm events or documented violations. Also, an inspection will be performed at the beginning and completion of all projects, regardless of rating.

Project Name: _____ **Approved by:** _____ **Date:** _____

LAND DISTURBANCE PERMIT FEE

COMMERCIAL/INDUSTRIAL/SITE DEVELOPMENT PROJECT

\$500 plus \$100 per acre of disturbed area of fraction thereof (i.e., if there are 2.25 acres to be disturbed, it's automatically rounded up to three acres).

RESIDENTIAL SUBDIVISION, TOWNHOUSE, APARTMENTS AND CONDOMINIUMS

\$600 plus \$100 per acre of disturbed area of fraction thereof (i.e., if there are 2.25 acres to be disturbed, it's automatically rounded up to three acres).

NOTE: *The applicable fee will be determined during review of the plans/application for all land disturbance permits. The fee shall be payable at the time the land disturbance permit is issued. Do not submit any fees at the time of permit submittal.*

Single Family Residence	\$100 per building unit
Multi-family Residences <i>(i.e., townhouse, apartment and condominium)</i>	\$20 per unit

(Agreement in lieu of erosion control plan)

NOTE: *The applicable fee will be determined during review of the plans/application for all land disturbance permits. The fee shall be payable at the time the land disturbance permit is issued. Do not submit any fees at the time of permit submittal.*

STOP WORK ORDERS

If a Stop Work Order is issued for any project, no land disturbing activity may resume until the following issues have been addressed:

- 1) All Erosion and Sediment Control violations shall be corrected.***
- 2) Reapply for and obtain reissued land disturbance permit for the subject project.***
- 3) Pay fee for reissued land disturbance permit ((this amount is the original land disturbance permit fee amount) in addition to a \$50 per project reinspection fee.***

A land disturbance permit shall be obtained for all land disturbing activities. The applicable land disturbance permit fees shall be rendered regardless of the status of the project with other county, state or federal entities and, in addition to the fees imposed by the said entities.

***Structures used for fire and rescue services are exempt from design review fees.**

CONTRACTOR'S DAILY LOG ENTRY

Date: _____

Time: _____

Project: _____

Stage of Project: _____

Condition of Site: _____

Verbal Comments (Violations, potential problems, etc.):

Initialed: _____