

# LAND DISTURBANCE APPLICATIONS

## What is a land disturbance?

A land-disturbing activity is “any land change on private or public land that 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.”

## What types of land disturbances require a permit?

Land-disturbing activities equal to or exceeding 10,000 square feet in area outside of a Chesapeake Bay Preservation Area (CBPA) require a land disturbance permit approved by the Middlesex County Department of Planning and Community Development. In addition, land disturbing activities equal to or exceeding 2,500 square feet in area inside of a CBPA require a land disturbance permit.

*If you are unclear whether your project requires a land disturbance permit, please consult the Department of Planning and Community Development at (804) 758-4305 prior to the commencement of work.*

## What are erosion and sediment control practices?

Perhaps the most environmentally destructive stage of the construction cycle is the period when vegetation is cleared and a site is graded to create a buildable landscape. Trees and topsoil are removed, soils are exposed to erosion, natural topography and drainage

patterns are altered, and sensitive areas are often disturbed. Thus, erosion and sediment control practices, such as silt fencing and construction entrances, seek to reduce sediment loss during construction and to ensure that conservation areas, buffers, and forests are not cleared or otherwise disturbed during construction.

All erosion and sedimentation control practices must conform to the Department of Conservation and Recreation’s (DCR) Virginia Erosion and Sediment Control Handbook (1992 edition). This Handbook is the primary guidance document for all land disturbance activities. An electronic version of the handbook is available for free download by chapter/section via the DCR website at <http://www.dcr.state.va.us/sw/e&s.htm>.

## What must I provide to obtain a land disturbance permit?

The following information should be submitted for a land disturbance permit:

- A completed “Land Disturbance Application” signed and dated by the applicant and the property owner.
- An erosion and sediment control plan.
- The application fee in accordance with the Middlesex County Fee Ordinance.
- The bond amount for the project as established by the Department of Planning and Community Development.

## What is an agreement in lieu of a plan?

When a land disturbance results in the construction of a single-family residence, the property owner may obtain an “agreement in lieu of a plan” instead of a land disturbance permit. An “agreement in lieu of a plan” is a contract between Middlesex County and the property owner that specifies that certain erosion and sediment control measures will be implemented in the construction of a single-family residence. This contract is an expedited process that establishes that a formal erosion and sediment control plan will not have to be submitted by the property owner.

## Who is a “Responsible Land Disturber” and what does he/she do?

The Responsible Land Disturber (RLD) can be anyone 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.

## Must permit applicants name a Responsible Land Disturber?

Yes. The applicant must provide to Middlesex County 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 plans, or land-disturbing permits. Please note that although a RLD must be designated for the project, the property owner is still ultimately responsible for all land disturbing activities on a project.

## How can I obtain a Responsible Land Disturber Certificate?

The Department of Conservation and Recreation (DCR) has developed a certification program that will provide

learning materials and an examination to obtain a Responsible Land Disturber Certificate. The training program is available via the DCR website at <http://www.dcr.state.va.us/sw/e&s.htm>. Please note that an individual holding a valid Virginia Professional Engineer, Land Surveyor, Landscape Architect, or Architects License will be considered a Responsible Land Disturber without further training or certification from DCR.

**What is the fee for a land disturbance permit or agreement in lieu of a plan?**

A fee of \$50 plus \$100 per acre (over the first acre of disturbed land) is required for all land disturbance permits, and a fee of \$25 is required for an agreement in lieu of a plan. Applications will not be reviewed until this fee has been provided. This fee is applied to the cost of expenses incidental to reviewing and processing the application. Such fee is not returned whether the application is granted, denied or withdrawn.

In addition, a bond is required for all land disturbance permits. Once the project and the requirements of the approved land disturbance permit have been completed to the satisfaction of the Erosion and Sedimentation Inspector, this bond will be returned to the applicant. If the applicant does not initiate, maintain or complete requirements of the approved land disturbance permit, this bond will be forfeited to Middlesex County and will be used to complete the activities outlined in the erosion and sediment control plan.

**For further information on land disturbance permits, contact the Middlesex County Planning Department at (804) 758-3382.**

**Planning Department Staff**  
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## NOTICE

This guide is for information only. Please refer to the applicable laws and regulations for specific technical and procedural requirements. In some cases, you will need professional help in such areas as land survey, engineering and law.

Although every effort has been made to ensure accuracy and completeness, the procedures contained in this guide are not guaranteed to be inclusive. Permitting procedures, fees and times are subject to periodic review and change.

Any errors and omissions in this guide will not relieve any applicant or property owner of the responsibility, obligation or liability in fulfilling all of these legal requirements. Fees quoted in this document are accurate as of August 2005 and are subject to change. Please check with the Department of Planning and Community Development to confirm all fees.

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