



Loudoun County, Virginia
www.loudoun.gov

Department of Building and Development
1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000
703-777-0220
FAX Numbers: Permits (703)771-5522 Engineering (703)737-8993
Zoning & Administration (703)771-5215

TECHNICAL MEMORANDUM

January 14, 2013

TO: Members of the Land Development Community

FROM: Jim Brown, Program Manager, Erosion and Sediment Control
Department of Building and Development

SUBJECT: New County Policy Effective January 3, 2005
"Winter-Waiver" Requirements for Zoning Occupancy Permit

The purpose of this memorandum is to inform the Land Development, Engineering and Building Community of Loudoun County's requirements in regard to issuing Occupancy Permits for residential lots during winter months when weather conditions prevent the final grading and stabilization of the lot. Please take time to review this information and kindly distribute to applicable personnel within your organization.

In Loudoun County, the Department of Zoning inspects and issues permits for occupancy for residential lots. Inspections that occur after individual Single-Family House lots within a subdivision are sold, are in most cases, only those given winter-waivers for occupancy by the Zoning Department. Typically, the Zoning Department will not issue an occupancy permit for a lot, which has not been final graded and stabilized. However, during winter months, ending on the 1st day of April each year, a winter-waiver for occupancy permit may be granted if weather conditions prevent the final grading and stabilization of the lot. The County has developed the attached form, "Winter-Waiver" Form for Zoning Occupancy Permit and Agreement in Lieu of an Erosion and Sediment Control Plan" for these specific lot scenarios.

The homeowner shall be provided this form at the time of occupancy and instructed to complete the form and return to the County for recordkeeping. This form shall accompany the submission of the Final House Location Survey Plat. Once received by the County, the two documents will be maintained together and the winter-waiver granted by the Zoning Department.

Erosion Control inspections of these lots shall continue at the regular frequency until adequate stabilization has occurred. In cases which enforcement may be necessary for adequate stabilization of the lot, then the proper documentation shall be forwarded to the owner of the lot although other parties may be charged with a violation.

This policy is the result of Commonwealth of Virginia, Department of Conservation and Recreation, Local Urban Program Review Results dated March 27, 2002 and the subsequent County Corrective Action Agreement with the State to develop an effective Erosion Control Program which meets all State laws and regulations and County requirements.

Specific language on this subject may be found in the Virginia Erosion and Sediment Control Law § 10.1-563(A), Virginia Erosion and Sediment Control Regulations 4VAC50-30-70 (B), and VESCR 4VAC 50-30-70(C), which describes the obligations and responsibilities of local programs regarding single-family home construction.

The winter-waiver form will be made available through the Department of Building Development Website under Forms and Engineering Files.

If you have any questions, please contact me at 703-731-8728.

**Cc: Terrance Wharton, Director, Building and Development
Nicole Dozier , Zoning Administrator**



Loudoun County, Virginia

Subdivision: _____

Grading Permit No. _____

Building Permit No. _____

Lot No. _____

DEPARTMENT OF BUILDING & DEVELOPMENT
1 Harrison St., SE, Third Fl, PO Box 7000
Leesburg, VA 20177-7000
(703)777-0220 Fax: 703-771-5215
Attention: Roger Carroll, Zoning Department

"WINTER WAIVER" FORM
For
ZONING OCCUPANCY PERMIT
For
SINGLE FAMILY RESIDENTIAL CONSTRUCTION

I, THE Undersigned, do certify that I shall comply with the Virginia Erosion and Sediment Control Handbook and the Codified Ordinances of Loudoun County to ensure that **ADEQUATE EROSION AND SEDIMENT CONTROLS ARE INSTALLED AND MAINTAINED** on the subject property during the construction of the residential structure. All required control practices shall be installed prior to any land disturbing activity and maintained until adequate stabilization has been achieved. The following measures shall be used on each property in accordance with the Codified Ordinances of Loudoun County, Chapter 1220, and the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, as amended. Winter-Waiver criteria shall expire on the 1st day of April after the present winter. Mandatory stabilization is required for occupancy after the April 1st date, to wit:

- ❖ Silt fence shall surround the entire lot perimeter and be maintained until effective permanent stabilization has developed, or the lot has been sodded.
- ❖ Seed and mulch, or sod placed on the total disturbed area within seven (7) days of final grading to ensure proper stabilization of the disturbed soils.
- ❖ Other additional measures may be required during construction depending on site conditions, such as construction entrance, check dams, diversion dikes, sediment traps, and culvert inlet and outlet protection to ensure protection of sensitive areas and waterways.
- ❖ Lot shall be final graded in accordance with the specifications on the approved plan.

Through the transfer of ownership and accepting occupancy at this time, prior to the final establishment of permanent vegetative cover, I also agree to accept the responsibility of meeting the requirements of the approved plan, as described in the Virginia Erosion and Sediment Control State Law, Section VESCL 10.1-563 (A), and the Virginia Erosion and Sediment Control Regulations, VESCR 4VAC50-30-70 (B) and (C).

Additionally, I understand that if the aforementioned state and local erosion and sediment control requirements are not followed on the subject property, I shall be deemed in violation of State Erosion and Sediment Control Law, and will be required to submit proof of Virginia Responsible Land Disturber Certification for any land-disturbing project as described in VESCL 10.1-561.

OWNER to Complete and Sign: Please return to Department of Building & Development at above address.

Property Owner Signature: _____	
Printed Property Owner Name: _____	
Date: _____	Daytime Telephone #: () _____
Property Street Address: _____	
City: _____	State: _____ Zip Code: _____
PIN (Property ID Number): _____	