



Loudoun County, Virginia

Department of Building and Development

1 Harrison Street, S. E., P. O. Box 7000, Mailstop #60A, Leesburg, VA 20177-7000
(703) 777-0220 Fax Engineering (703) 737-8993

Technical and Procedural News Letter

December 4, 2018

To: Members of the Land Development and Home Building Community

From: Jim Brown, Natural Resources Division Manager

The purpose of this correspondence is to inform the Land Development and Home Building Community of technical and procedural updates that have recently transpired. Please distribute this information to applicable personnel within your organization.

IN THIS EDITION:

Construction Plan and Profiles for “Early” Grading of Commercial/ Industrial Pad Sites.

Background:

In the past, concerns have been raised related to the current site plan process and the ability to have marketable commercial or industrial sites available in a timely manner. In order to meet business developers’ timelines, it is sometimes necessary to begin site preparation/grading as soon as possible, before the time period required to fully design a site and obtain approvals of a fully designed site plan. The site plan process as administered requires that all such infrastructure (building location, parking, travelways, utilities, stormwater structures, uses, etc.) be included in the submission, reviewed and ultimately approved by the county.

In the fall of 2017, staff had reviewed the site plan review process to determine if the current regulations would allow for the submission of an engineered plan, generally for the purpose of grading a site without knowing/showing the specific user or location of associated infrastructure. Such a process could also serve as a competitive advantage for Loudoun County in attracting commercial and industrial users.

The Loudoun County Zoning Ordinance Chapter 6-701 requires a site plan prior to any land development activities in all commercial and industrial zoned parcels. This subsequently encumbers a site to a chosen use. There are currently three criteria for “conditional” approval of such a site plan:

1. All VSMP requirements must be met.
2. The E&SC plan must be approved.
3. There are no outstanding zoning/proffer comments to be addressed.

(Please continue to the next page)

Such a “conditionally” approved site plan would then qualify for the ultimate issuance of a Phase I Grading Permit as long as all other Federal State and local permits have been obtained and the site has been bonded for erosion and sediment control.

This being the case, a number of applicants have raised concerns that this process requires a final design of a building or buildings that may well change in configuration, size and allowable use during the initial stages of the project based on marketing circumstances putting them at somewhat of a competitive disadvantage based on the process described above.

On October 13, 2017, staff prepared an Information Item and presented the issue to the Board of Supervisors Transportation and Land Use Committee. The item concluded that provided that requirements associated with stormwater management, zoning, proffers and erosion and sediment control are met, the regulations do not appear to preclude the issuance of a grading permit prior to the establishment of the specific use on the parcel.

Over the past 12 months, staff has met with several different property owners interested in pursuing land disturbing activities and grading permits without formally submitting a site plan. There was no formal process established since each case appeared to be different. However, based upon the cases to date, staff has identified a procedure that appears to accommodate requests for grading permits prior to establishment of a use or formal submission of a site plan. The procedure is as follows:

- **Pre-submission Discussion** - Contact Jim Brown, Natural Resources Division Manager by phone (703)737-8728 or email jim.brown@loudoun.gov in order to discuss the initial scope of the proposed plan. A face to face meeting may be required to help sort out the details. Information provided prior to or at the meeting should include a concept plan exhibit, total disturbed area calculation, depiction of “Zoned Sensitive” areas (Floodplain, Steep Slopes, Mountainside, Limestone, etc.) Wetlands present onsite, Significant Historical or Cultural Features and the presence of any easements on site (utility, conservation, open space, etc.)
- **If the proposal is acceptable to the Director and is determined to be consistent with the Zoning regulations, then proceed with the steps below in order to file the CPAP as determined for application for “early grading”.**
- **Submit the CPAP approved per the pre-submission meeting with the label of “Construction Plans for Early Grading of Commercial/ Industrial Pad Site”** (provided that parcel lies wholly within such an appropriate zoning district.) This plan should show proposed grading contours, E&SC controls, stormwater designs and calculations to satisfy the VSMP and necessary Zoning data and setbacks. This plan does not need to show building footprints, parking, landscaping, utilities, signage, permanent entrance(s) nor other such “ultimate” features that will likely appear on plans to follow at a later date.
- In addition to grading for the predicted pad itself, the surrounding areas required for parking, travel-ways, equipment storage, drainage features and other components may also be included in the overall limits of disturbance. **Note: Careful consideration should be given to promoting tree save areas that may serve well in later required canopy calculations.**

(Please continue to the next page)

- The stormwater management measures proposed on the plan may be for the ultimate buildout, for the initial stage only (stabilized) or for some interim condition. Regardless of the stage shown, all designs must conform to the VSMP requirements in effect at the time of submission. Future submissions for the actual and ultimate buildout will be subject to separate VSMP review and the appropriate applicable requirements.
- Such plans submitted will receive a review by the Zoning Division and by Fire and Rescue, but not by unaffected referral agents such as Loudoun Water.
- Plans of this type may not be in conflict with another *active application* for the site, such as a legislative rezoning application (ZMAP) which may well propose proffers that the CPAP application for early grading would render impossible.
- **Such plans are subject to the same fee schedule as other CPAP applications or plan types.** Subsequent plan applications that reflect the ultimate buildout would be subject to a separate and new fee as well as all standards in effect at the time of submission. Site Plans (STPL) for an encumbered specified use can indicate “phased” construction, but this is a totally different category and should not be confused with the CPAP for early grading. Site Plans must conform with the requirements to obtain “conditional approval” as previously described.
- **All CPAP plans for early grading are approved at the discretion of the Director of Building and Development.** Any applicants that are currently subject to a Stop Work Order(s) (SWO) or who have previously defaulted on a performance bond will be excluded from this process and will be required to submit ultimate condition only Site Plan applications with posted performance bonds in order to proceed with new land disturbing activities.