


Technical and Procedural Newsletter

June 25, 2021

TO: Members of the Land Development and Engineering Design Community

FROM: Alan Brewer, Director 

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

IN THIS EDITION:

1. *Timing of Preliminary Street Acceptance Packages (PSAPs)*
2. *Retaining Wall Categories*

1. **Timing of Preliminary Street Acceptance Packages (PSAPs):**

Projects that must be completed by the County because a developer defaulted on their performance agreement are some of the most time consuming and expensive actions that the Department undertakes. In most of these instances the performance agreement has been extended at least one time and in some cases a portion of the work was completed and the bond amount reduced, yet the PSAP for these projects are rarely complete and sometimes missing altogether. The work contained within the PSAP is critical to the completion of the project and represents a significant time investment for County staff, as well as a considerable expense. While B&D staff works diligently to ensure bond amounts are correct to complete a project, there are times when this is not possible and public funds are necessary to complete the work. It is critical that the work contained in a project's PSAP is completed at the earliest possible point in the process to minimize the use of public funds if a bond must be called.

Facilities Standards Manual (FSM) Sections 8.305.A, B, and D demonstrate that judgment is used both by the Bond Committee in their recommendations and the Director in approving extensions and reductions.

The acceptance and approval of the documents submitted to fulfill the PSAP requirement is determined by the stage of construction and approved by the Director or designee. Depending on the timing of the performance bond extension, specific components of the PSAP, such as VDOT Land Use Permits, may or may not be obtainable. Therefore, such future decisions shall take into consideration that the County expects the complete PSAP to be submitted prior to the first bond extension, but understands that this may not be feasible due to the stage of construction. At the

time of the performance bond reduction request, the PSAP previously submitted with the first bond extension will be reviewed, and further documentation, such as VDOT Land Use Permits or other outstanding items, may be required prior to approval of the performance bond reduction based on the stage of construction. The same review shall apply to all future bond extensions.

APPLICABLE STANDARDS:

Loudoun County Facilities Standards Manual (FSM), Chapter 8, Sections 8.305.A, 8.305.B, and 8.305.D.

2. Retaining Wall Categories

Some degree of confusion exists among applicants and their consultants concerning what retaining wall heights trigger more thorough design and review. Wall heights and required reviews are as follows:

- a. Retaining walls under two (2) feet in height do not require plans or permits. However, the applicant should note that such retaining walls cannot encroach upon easements or required buffers and setbacks without prior authorization from the appropriate official(s).
- b. Retaining walls greater than or equal to two (2) feet in height require a zoning permit.
- c. Retaining walls greater than or equal to three (3) feet in height require a zoning permit and a building permit.
- d. Retaining walls greater than or equal to four (4) feet in height require a zoning permit, a building permit, and a site plan sealed by a Professional Engineer (PE) licensed in Virginia. In accordance with the Tech Memo dated May 5, 2019, the site plan in this case may take the form of an Individual Lot Grading Plan if the application is for a residential lot less than one acre in size, or a Site Plan Amendment (SPAM) for all other uses (i.e., a retaining wall four feet or greater in height requires a zoning permit, a building permit, and either a PE-sealed Individual Lot Grading Plan for residential lots less than one acre in size or a SPAM for all other uses).
- e. Retaining walls integral to the structure and proposed in conjunction with a new home building permit application may be approved as a single package by the Building Official, provided the design is prepared by an appropriate professional licensed in the state of Virginia (i.e., building permit and zoning permit only).

APPLICABLE STANDARDS:

Loudoun County Facilities Standards Manual (FSM), Chapter 8, Sections 8.110 and 8.112 and Section 1807 of the International Building Code (IBC), as adopted by the 2018 Virginia Uniform Statewide Building Code (VUSBC).