



**County of Powhatan,  
Virginia**  
Agreement in Lieu of a Plan

For Office Use Only	
Permit #	
Date of Submittal	
Approval Status / Date	

Powhatan County requires that a *Land Disturbance Permit* be secured prior to disturbing more than 10,000 square feet of land. The disturbed area includes areas cleared for septic systems and any entrances/driveways.

A specific *Erosion and Sediment Control Plan* is typically required to be submitted and approved in conjunction with a *Land Disturbance Permit*. The construction of single-family dwellings may be exempt from this requirement, if certain conditions are met. An *Agreement in Lieu of a Plan* may be accepted, if the property owner agrees in writing to meet standards established by the Virginia Erosion and Sediment Control Law.

To determine whether or not a project is eligible for a permit with an *Agreement in Lieu of a Plan*, answer the questions listed below.

Question	Yes	No
<p><b>Question #1:</b> <b>Is the amount of land being disturbed more than one (1) acre?</b></p> <p>If more than one (1) acre is disturbed, a Virginia Stormwater Management Program Permit must be obtained from the Virginia Department of Environmental Quality (DEQ). Documentation of approval from DEQ must be submitted prior to approval of an Agreement in Lieu of a Plan. Failure to obtain this permit could result in strict enforcement from DEQ.</p> <p>For more information, visit <a href="http://www.deq.virginia.gov">www.deq.virginia.gov</a> or contact DEQ at (804) 698-4000.</p>		
<p><b>Question #2:</b> <b>Does the property have steep slopes?</b></p> <p>If yes, a site visit with the applicant and/or Registered Land Disturber (RLD) may be required prior to approval.</p>		
<p><b>Question #3:</b> <b>Does the property have an intermittent stream, a perennial stream, and/or wetlands?</b></p> <p>If yes, a permit may be required from the U.S. Army Corps of Engineers (USACOE).</p> <p>If streams and/or wetlands will be disturbed, the applicant is required to submit verification of permit approval from USACOE <u>or</u> verification stating that no permit is required. Streams and/or wetlands must be flagged prior to construction and confirmed by USACOE.</p>		
<p><b>Question #4:</b> <b>Are any secondary culverts being installed?</b></p> <p>If yes, pipe inlet and outlet protection shall be provided around all culvert inlets and outlets. A letter from a certified surveyor/engineer stating specifications of secondary culvert size must be provided prior to approval.</p>		
<p><b>Question #5:</b> <b>Will fill material be utilized on the site?</b></p> <p>If yes, identify where fill material is coming from and the quantity used on site.</p>		

If you answered **YES** to any of the questions listed on Page 1, you **may not** be eligible for an *Agreement in Lieu of a Plan* and may need to prepare an *Erosion and Sediment Control Plan*. Contact Powhatan County's Environmental Coordinator at (804) 598-5623 to verify whether the project is eligible to be implemented in accordance with an *Agreement in Lieu of a Plan* (rather than a full *Erosion and Sediment Control Plan*).

If you answered **NO** to each of the questions listed on Page 1, the project is eligible to utilize an *Agreement in Lieu of a Plan*. Complete the remaining items on this application and submit it to the Powhatan County Permit Center prior to disturbing the site.

Project Description	
Tax Map Number	
Physical Address	
General Description of Property Location	
Acreage to be Disturbed (Including Building Site, Entrances/ Driveways, Septic Systems, and Any Other Areas Graded/Disturbed)	
Brief Description of Work Planned (Ex. Building and 100' Driveway)	
Estimated Completion Date for Construction	
Contact Person	
Contact Person: Phone Number	
Contact Person: Email Address	
Sketch Plans (Attach 2 Copies to Application)	<p>On an official survey/plat of the property, sketch the location of:</p> <ul style="list-style-type: none"> <li>• Limits of Clearing and Grading;</li> <li>• Streams and/or Wetlands (if any);</li> <li>• Site Driveway and Entrance; and</li> <li>• Any Erosion and Sediment Control Measures Used</li> </ul>

**Certification/Agreement**

Application is hereby made for a *Land Disturbance Permit* in accordance with the following:

- Project Description (Application: Page 2)
- Sketch Plans (Attached to Application)
- Powhatan County Erosion and Sediment Control Ordinances (County Code: Chapter 42)

In lieu of submission of an *Erosion and Sediment Control Plan* for the construction of this single-family dwelling, I agree to comply with all applicable requirements of the Powhatan County Erosion and Sediment Control Ordinances and minimum standards for erosion and sediment control established by the Commonwealth of Virginia (Section 4VAC50-30-40 of the Virginia Erosion and Sediment Control Regulations).

Prior to the start of construction:

- Natural vegetative buffers along streams and wetlands shall be flagged;
- A stone construction entrance shall be installed on the property. Refer to Section 68-175(e)(8)(b) of the Powhatan County Subdivision Ordinance for driveway standards; and
- Entrenched silt fence or other acceptable perimeter controls shall be established downslope of the disturbed area to prevent sediment from leaving the site.

In addition, all denuded areas on the lot will be seeded and mulched within seven (7) days of final grading with permanent vegetation or a protective ground cover suitable for the time of year.

**I hereby authorize representatives from the Powhatan County Planning Department to enter my property for the purpose of conducting erosion and sediment control inspections. I understand the erosion and sediment control inspection is the first inspection required and that this inspection must be scheduled prior to the scheduling of any building inspections for the project.**

**In addition, I waive my right to future building inspections in the event that inspection of the property reveals that it is not in compliance with minimum standards established by the Commonwealth of Virginia for erosion and sediment control. I understand that any erosion and sediment control deficiencies identified by Powhatan County must be fully addressed before building inspections of the property may resume. Further, I understand, covenant, and agree that if the property has not been stabilized, Powhatan County may require that a bond be posted until final construction stabilization can be achieved and that a final occupancy permit shall not be issued. Additional state and federal permits may also be required. If an Erosion and Sediment Control Plan is required, it must be posted on the site at all times with the building permit. If it is not posted at the time of the first inspection, the inspection will fail. Failure to provide accurate site conditions will result in a *Stop Work Order* placed on the site.**

Property Owner	
Name	
Street Address	
City and State	
Zip Code	
Phone #	
Signature	

Responsible Land Disturber	
Name	
Certificate #	
Expiration Date	
Phone #	
Signature	

**Questions?**

Contact Environmental Management at (804) 598-5623.

### Erosion and Sediment Control Measures Used On-Site

Place a checkmark next to the control measures that will be used on the site.

Control Measure	Handbook Reference	Check if Applicable
<p><b>Temporary Stone Construction Entrance</b></p> <p>A stabilized stone pad of 2—3” of stone with a filter fabric underliner located at vehicular ingress and egress on a construction site.</p>	3.02	
<p><b>Silt Fence</b></p> <p>A temporary sediment barrier of synthetic filter fabric that is entrenched at least 4” deep, stretched across and attached to supporting posts located 5—7’ beyond the base of disturbed slopes.</p>	3.05	
<p><b>Storm Drain Inlet Protection</b></p> <p>A sediment filter used to prevent sediment from entering storm drainage systems prior to stabilization of the disturbed area.</p>	3.07	
<p><b>Culvert Inlet Protection</b></p> <p>A sediment filter located at the inlet to a culvert.</p>	3.08	
<p><b>Stormwater Conveyance Channel</b></p> <p>A permanent designed waterway that is shaped, sized, and lined with vegetation or structural material, such as a jute mat, and used to safely convey stormwater runoff within or away from the site.</p>	3.17	
<p><b>Outlet Protection</b></p> <p>Structurally-lined aprons or other acceptable energy dissipating devices placed at outlets of pipes and culverts or paved channel sections (Example: Rip Rap).</p>	3.18	
<p><b>Temporary Seeding</b></p> <p>The establishment of a temporary vegetative cover on any disturbed areas by seeding with appropriate rapidly-growing annual plants when the site will not be brought to final grade within 14 days.</p>	3.31	
<p><b>Permanent Seeding</b></p> <p>The establishment of perennial vegetative cover on disturbed areas by planting seed within 7 days of final grading.</p>	3.32	
<p><b>Sodding</b></p> <p>Stabilizing fine-graded disturbed areas by establishing permanent grass stands with sod.</p>	3.33	
<p><b>Mulch</b></p> <p>Application of straw or other suitable materials to the soil surface to prevent erosion and runoff damage to seeded areas. Mulch <u>must</u> accompany the application of temporary or permanent seeding.</p>	3.35	

<b>Other Measures (If Applicable)</b>

**Office Review**

This checklist is to be completed by the Powhatan County: Environmental Coordinator.

Question	Yes	No	Comments
Has the Responsible Land Disturber's certification been confirmed?			
Does this project require an Erosion and Sediment Control Plan?			
Has the floodplain been verified?			
Have the wetlands been verified?			
Has the site been inspected?			Inspection Date: _____
Were stream buffers and wetlands flagged on-site?			
Was the culvert sizing verified?			
Are there any required/proffered perimeter buffers on the site?			
Are any photos of the site on file?			

Additional Notes

County Approval of Agreement in Lieu of Plan	
Signature	
Date	

Form Last Updated: Sept. 1, 2023