

City of Virginia Beach
Development Services Center
DSC INFORMATION NOTICE #110
October 15, 2004

Topic: Erosion & Sediment Control Enforcement Procedures for Planning/Permits and Inspections

Over the last year, several situations and issues have arisen involving Erosion and Sediment Control (E & S) enforcement as it pertains to private development, specifically residential subdivisions.

In 1992, the City established the policy to establish “an agreement in lieu of a plan” for erosion and sediment control and any subsequent land disturbing permits, but only for the construction of single-family residences and duplexes. As a condition of the building permit, the applicant assumes responsibility for complying with all applicable codes and regulations, including erosion and sediment control. This has been further compulsory with the inclusion of the Registered Land Disturber (RLD).

As the proper implementation and enforcement of E & S regulations is critical due to the type and nature of current residential developments, there have been more and more problems arising. A Divisional investigation of this issue found a gap between what is approved on the subdivision plan and what information is being taken from that plan and indicated on the individual site plan. Currently different groups of inspectors within the Planning Department (Civil – subdivisions; Building – individual lots) enforce sequential phases of the development/construction. Since there was no shared knowledge of the project, there was no continuity in the process from development to build out.

To establish a more coordinated E & S enforcement, several policy and procedure changes are being implemented.

1. Whenever possible, the building inspector will join the civil inspector at the pre-construction meeting. As necessary, the building and civil inspectors will meet with the individual builders during the project before issues arise or as they are identified.
2. Enforcement action for violations will be initiated by a civil or building inspector.
Condition Action Response Time
General Maintenance - verbal or 1st written notice 3 working days
Necessary Maintenance - written 2nd notice 3 working days
Immediate Maintenance- written notice to comply 24 hours
E&S Minimum Standard Violation- stop all inspections and releases
3. In accordance with the Virginia E & S Handbook and amendments, a silt fence shall be installed at 16 inches minimum and 34 inches maximum height above ground. A properly supported and entrenched silt fence at a height of 24 to 34

inches above grade, specifically a 36 inch heavy duty fence embedded 8 inches in the ground, tends to promote the most effective sediment control. Wooden stakes shall have a 2-inch diameter for oak and a 4-inch diameter for pine and shall be a minimum of 5 feet in length and shall be spaced no further than 6 feet apart. All required E&S measures shall be installed no later than the footing inspection. It will be at the inspector's discretion as to waive and/or require additional E & S, based on the site, as well as notifying the builder of these changes in the requirements. Unless otherwise noted, each builder is responsible for checking for damages or failures after storm events and maintaining the effectiveness the silt fence at all times on lots under their control, with or without building permits. NOTE: The right of way will be stabilized prior to any release. If the silt fence is to be removed, properly installed alternatives shall be required.

- 4. Storm Drainage structures are to be protected throughout the duration of the development and/or construction. Unless City staff is otherwise notified, the developer shall be the point of contact for the purposes of enforcement. Additionally, builders will be responsible for the protection of drainage structures in front of their own lots.
- 5. Construction entrances for single-family residences will be site specific and at the discretion of the inspector.

To schedule an inspection or find out inspection results – call the IVR system @ 427-4YOU (4968)

Contacts:

Chuck Sutton (csutton@vbgov.com)	427-4211
Phil Pulido (ppulido@vbgov.com)	427-4558
Jeff Costa (jcosta@vbgov.com)	427-8060

These inspectors are responsible for development construction in the areas detailed below and can be contacted at the numbers referenced above between 8am and 9am Monday through Friday.

<u>Oceanfront</u>	Chris Hladky 427-4558	<u>Bayside</u>	Mike Porsche 427-4558
	Keith Allen 427-8060		Jim Tyer 427-8060
<u>Kempsville</u>	Mike Lannon 427-4558	<u>Great Neck</u>	Bill Turner 427-4558
	Rex Russell 427-8060		John Dean 427-8060
<u>Blackwater</u>	Todd Bowler 427-4558	<u>Town Center</u>	Doug Smith 427-4558
	Jim Hanson 427-8060		Charles Hayes 427-8060
<u>Courthouse/ West Neck</u>	Joe Scott 427-4558	<u>Oceana/ Sandbridge</u>	Mark Neuhoff 427-4558
	Phil Pulido 427-4558		Charlie Bowden 427-4558
	Bob Williams 427-8060		Jeff Costa 427-8060