



**Agreement-in-Lieu-of an Erosion & Sediment Control Plan  
for a Single-Family Residence**

Site Address: \_\_\_\_\_

Subdivision: \_\_\_\_\_ Site Area (Acres): \_\_\_\_\_ Disturbed Area (Acres): \_\_\_\_\_

\*VSMP required? \_\_\_\_\_ (yes/no)

- \* If Disturbed Area ≥ 1 acre or if Disturbed Area ≥ 2500 SF within the Chesapeake Bay Preservation Area, a Virginia Stormwater Management Permit (VSMP) is required from the Virginia Department of Conservation & Recreation (DCR). Single family residences less than 1 acre that are not part of a larger plan of development are exempt.**
- \* If a VSMP permit is required, Permittee must provide evidence to the City that a VSMP permit application has been submitted to DCR.**
- \*Where the City of Portsmouth enters into an agreement to demolish a single-family structure, and the property owner is not available for signature; one of the following shall be attached to the “Agreement in Lieu of Plan”:**
  - An official document (letter, PO, contract, etc.) indicating that the City has instructed the contractor to demolish the building**
  - Notice of condemnation/demolition from the Building Dept**

In lieu of submission of an Erosion and Sediment Control (E&SC) Plan for the construction or demolition of this single-family residence, I agree to comply with the limitations and conditions of this agreement to prevent soil erosion and off-site sedimentation. In addition, should the selected measures employed on-site prove to be ineffective in controlling soil erosion and preventing off-site sedimentation, I agree to comply with any corrective requirements deemed necessary by City of Portsmouth Erosion Control Inspection staff. Such requirements shall be based on the conservation standards contained in the Virginia Erosion and Sediment Control Handbook (VESCH), latest edition, and shall represent the minimum practices necessary to provide adequate control of erosion and sedimentation resulting from this project.

**Requirements**

1. The site, work, materials, and plans shall be available at all times for inspections by the City's Erosion Control Inspector or any other duly authorized officials of the City of Portsmouth.
2. Clearing or grading is permitted only in areas so designated on a submitted plat, sketch or survey and as approved by the City. No storage of materials or land disturbance is permitted outside of the limits of clearing. Areas not to be disturbed shall be protected by fencing, and such fencing shall be maintained throughout construction. Acceptable fencing methods are presented in the VESCH, Std. & Spec. 3.38, and include snow fence, board fence, cord fence, plastic fence, earth berms, and silt fence.
3. The owner/developer shall, in all cases, install sediment control structures at the time of initial land disturbance to prevent off-site sedimentation. Such sediment control structures may include silt fences, gravel filter berms, mulch berms, sediment traps, perimeter berms or other structures that trap sediment on the property. These structures shall be placed at the limit of clearing in the locations shown on the approved plat, sketch or survey. The location of the structures may be adjusted to ensure that all runoff from the disturbed area is directed to the control structures.
4. All erosion and sediment control structures shall be maintained in an effective, operating condition.
5. All soil stockpiles shall be protected by a sediment control measure or shall be seeded and covered with a mulch material as presented in the VESCH, Std. & Spec. 3.35.

- 6. A construction entrance made of VDOT No. 1 or No. 3 size stone placed on a filter fabric underlayment shall be installed as a first step, prior to lot clearing. All vehicle ingress and egress shall be directed over the installed construction entrance to prevent the tracking of mud onto public roads. As an alternate to the stone entrance, **and if approved by the City Erosion Control Inspector**, a 6" thick bark mulch entrance over filter fabric may be used that meets the dimensional requirements in the VESCH, Std. & Spec. 3.02. Note that any mud that is inadvertently tracked onto public streets must be cleaned at the end of each day.
- 7. All cut and/or fill slopes greater than three (3) feet in vertical height shall be graded to a 3:1 or flatter slope.
- 8. This agreement does not authorize the use of any decomposable materials as fill.
- 9. Development shall not impair existing surface drainage or constitute a potential sediment hazard. Stormwater runoff shall not be conveyed or discharged onto adjacent properties in a manner that may cause flooding, concentrated runoff, or property damage.
- 10. All disturbed areas on the lot shall be stabilized within seven days of final grading with permanent vegetation or a protective ground cover suitable for the given time of year.
- 11. Topsoil, meeting the requirements in the VESCH, Std. & Spec. 3.30, shall be placed on the lot following fine grading and prior to seeding. Topsoil must be friable, loamy and free of debris, trash, rocks, roots, etc.
- 12. Temporary soil stabilization shall be applied within 7 days to denuded areas that may not be at final grade, but which will remain dormant for between 30 days and one year.
- 13. Permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is a) uniform in height, b) mature enough to survive, and c) thick enough to inhibit erosion.
- 14. All downstream drainage inlets near the site shall be protected from sediment-laden runoff.
- 15. The Permittee shall ensure adequate vegetation is established prior to ending their commitment on site. An inspection by the City's Erosion Control Inspector shall be required for final signoff of Permittee's responsibilities.
- 16. Within 30 days of achieving the adequate establishment of permanent stabilization, the Permittee shall remove all temporary erosion and sediment controls.

I further understand that, following notice of violation by City of Portsmouth staff for any of the above requirements, I have three days to make the corrective repairs. My failure to comply may result in a STOP WORK ORDER for all construction activities. I also understand that noncompliance may result in revocation of this "Agreement-in-Lieu-of-a-Plan" and revocation of the associated Building Permit.

**Signature of Landowner:**

\_\_\_\_\_

**\*Responsible Land Disturber (Print Name):** \_\_\_\_\_

**Certificate No:** \_\_\_\_\_ *\*As certified by the VaDCR*      **Expiration Date:** \_\_\_\_\_

**Responsible Land Disturber (Signature):** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Responsible Land Disturber shall either:**

- 1. **Sign this Agreement in person and provide proper identification (such as a Driver's License) OR**
- 2. **Notarize & submit the attached form along with this signed Agreement**

**Approved By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(City Staff)

**RESPONSIBLE LAND DISTURBER ACKNOWLEDGMENT**

STATE OF VIRGINIA  
CITY OF PORTSMOUTH, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City and State aforesaid, do hereby certify that \_\_\_\_\_, RESPONSIBLE LAND DISTURBER for the project located at \_\_\_\_\_, whose name is signed to the foregoing Agreement, bearing date the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me in my City and State aforesaid. He/She is personally known to me.

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_

STATE OF VIRGINIA  
CITY OF PORTSMOUTH, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City and State aforesaid, do hereby  
certify that \_\_\_\_\_, LANDOWNER for the project located at  
\_\_\_\_\_, whose name is signed to  
the foregoing Agreement, bearing date the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me in my City  
and State aforesaid. He/She is personally known to me.

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_