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Application for Erosion Control Plan Approval and Land-disturbing Permit
Statement of Ownership and Financial Responsibility

Erosion Control Division
Orange County Planning and Inspections Department
131 W. Margaret Lane Post Office Box 8181
Hillsborough, NC 27278
Carrboro/Chapel Hill 968-4501 Durham 688-7331 Hillsborough 732-8181 Mebane 227-2031 Telephone Extension 2586
Fax 919-644-3002 Direct Line 245 -2586

1. **Name of Project:**

2. **Location Description:**
   Parcel Identification Number (PIN):

   Planning Jurisdiction: If **Orange County** has Jurisdiction and the proposed project is a **Subdivision** attach the signed *Resolution of Approval* from the Planning & Inspections Department.

3. **Size of Tract:** acres; Area Disturbed: sq. ft., acres

4. **Fees:**

Plan Review Required with Application	$	
Land Disturbance Permit Optional with initial application	$	
Total	$	0.00

FOR OFFICE USE

Date Paid _____ Receipt # _____
Date Paid _____ Receipt # _____
Date Paid _____ Receipt # _____
Stormwater/Nitrogen reduction_____

5. **Approximate Date Land Disturbance Will Begin:**
6. **Landowner(s) of Record:** (Use additional pages if necessary and attach to application.)

Name	Name
Street Address	Street Address
Current Mailing Address	Current Mailing Address
City / State / Zip	City / State / Zip
Telephone / Fax	Telephone / Fax

7. Future Landowner(s), If Applicable: (Use additional pages if necessary and attach to application.)

Name

Street Address

Current Mailing Address

City State Zip

Telephone Fax

Name

Street Address

Current Mailing Address

City State Zip

Telephone Fax

8. List Book and Page Where Deed or Instrument Is Filed in Orange (or Durham) County:
Book _____, Page ____; Book ____, Page _____

9. Person(s) or Firm(s) Financially Responsible for this Land- Disturbing Activity:

Name

Street Address

Current Mailing Address

City State Zip

Telephone Fax

Name

Street Address

Current Mailing Address

City State Zip

Telephone Fax

10. Registered Agent, if Any, for the Person(s) or Firm(s) Financially Responsible:
(NOTE: a North Carolina agent is required if the applicant is not a resident of North Carolina.)

Name

Street Address

Current Mailing Address

City State Zip

Telephone Fax

Email

11. Description of Land Disturbance/Construction:

12. If the site is in the Neuse River basin (includes the Flat River, Little River and Upper & Lower Eno) include letter from DWQ for stream crossings and/or show calculations for Nitrogen reduction (see http://www.co.orange.nc.us/planning/dept/erosion control/stormwater ordinance).
Add $150.00 to plan review fee for Nitrogen reduction/Stormwater management review fee.

13. Plans Prepared By:

Name of Person or Firm

City State Zip

Mailing Address

Telephone Fax

Contact Person

Email

14. Signature and Witness: The above information is true and correct to the best of my knowledge and belief and was provided by me while under oath.

Signature of Person Financially Responsible

Type or Print Name Legibly

Title or Authority

Date

I, _____ , a Notary Public of the County of _____ , hereby certify that _____ personally before me this day and under oath acknowledged that this Application for Erosion Control Plan Approval/ Statement of Ownership and Financial Responsibility was executed by him or her.

Witness my hand and notarial seal, this ____ day of _____ , 200__ .

Signature of Notary

My commission expires

SEAL

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Instructions and Fee Schedule for Completing an Application for Erosion Control Plan Approval and Land-disturbing Permit and Statement of Ownership and Financial Responsibility

The following must be submitted as a package for a request to review an Erosion Control Plan for land-disturbing activities regulated under the Orange County or Chapel Hill Erosion Control Ordinances:

1. One completed signed, and notarized *Application for Erosion Control Plan Approval and Land- Disturbing Permit/ Statement of Ownership and Financial Responsibility* form. Use an original form or good copy; DO NOT FAX.

2. Two copies of the proposed sediment and erosion control plan drawings, prepared according to the standards in the Orange County Soil Erosion & Sediment Control Manual.

3. One copy of any calculations and other supporting documents.

4. Application fee. (The *Land-Disturbing* Permit fee may also be paid at the time of submittal so that the Permit can be obtained when the Plan Approval is given, or the fee can be paid at a later time as long as the Plan has been approved and is still valid. The expiration dates of the approvals, stated below, should be considered when making this decision so that the Land-disturbing permit does not expire and the fee lost before construction can begin.)

All of the above items must be received before the Erosion Control Plan will be reviewed. The review period (30 days) provided be the Erosion Control Ordinance does not begin until all of these items have been received by the Erosion Control Division.

The review process will be delayed if: incomplete or out-of-date forms are used; if the form is not signed and notarized; or the fees are not included or are calculated incorrectly.

Expiration of Plan Approval and Land-disturbing Permit

Erosion control plan approval expires after 18 months if work has not begun (based on the definition of the start of construction in the Ordinance). The land-disturbing permit expires two (2) years after the start of construction. If construction extends beyond two years, another permit must be purchased. Purchasing a Land-disturbing permit does not prevent the plan approval from expiring after 18 months if construction has not begun.

Instructions for Completing the Application Form

Before you begin: You may be able to complete the application without reading all of the instructions. If you are familiar with the property, skip the instructions and go to the application on the first page. Refer to the instructions if you have a question or are uncertain about what information is being requested.

Please type or print in ink. *Please Do Not Use a Pencil!*

1. **Name of Project** Give the name of the development , subdivision, shopping center, road, sewer line, etc. for which the plan approval and land-disturbing permit are required. Use the same name used for other approvals.

2. **Location Description** Give a brief description, such as street address, road number, road name, etc. **Parcel Identification Number (PIN)** What is the PIN assigned to this property? Township Which township is the site located in? Bingham, Cedar Grove, Chapel Hill, Cheeks, Eno, Hillsborough, or Little River in Orange County. (We no longer use the tax map, block, and lot number. **Planning Jurisdiction** What local government has planning jurisdiction over this project: Carrboro, Chapel Hill, Hillsborough, Mebane or Orange County?

3. **Size of Tract** How many acres are in the whole site? **Area Disturbed** How much area will be uncovered and/or disturbed? Give the area in both square feet and acres. (There are 43,560 square feet in an acre.)

   If more than 5 acres will be disturbed or uncovered the project comes under the conditions of the General Permit of the Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge, which is administered be the Division of Environmental Management. Contact the Erosion Control Division for details if you come under this General Permit and have questions about it.

4. **Fees** Calculate the Plan Review Fee and the Land-Disturbing Permit Fee using the disturbed acreage figure from #3 above. The fees are based on the total disturbance involved including the main part of the project and any off-site disturbances such as utility extensions, road improvements, borrow and waste areas, soil stockpiles, storage yards, etc.
   If in the Neuse River basin (Upper and lower Eno, Flat River and Little River) an additional fee of 150.00 is added to the Plan Review fee

   The Plan Review Fee must accompany the Application in order for the review process to begin. Land-Disturbing Permits may be paid at the time of application or obtained at a later date provided Plan Approval has been granted and has not expired. However, the land disturbance cannot begin until the appropriate fee has been paid, the Land-disturbing Permit is obtained, a preconstruction conference held with Erosion Control Personnel, and any other conditions of approval met or permits required for development obtained. Payment by check is preferred, and checks should be made out to Orange County, NOT Orange County Erosion Control.

Fees are subject to change; if in doubt or you have not submitted a plan recently, contact erosion control personnel to ensure this is the current fee schedule. The following schedule was current with the date of printing shown in the bottom left hand corner on this form. Fees are not refundable, even if the plan is never approved, the approval or permit expires, or the proposed disturbance is never carried out. **Round off the fee to the nearest whole dollar.**

Fee Schedule as of July 1, 2001

Erosion Control Plan Review Fee: THERE IS NO MAXIMUM FEE!

Rural Disturbance:	$158.00 per acre of disturbance
Urban Disturbance:	$272.00 per acre of disturbance
Intense Urban Disturbance:	$507.00 per acre of disturbance

Land-disturbing Permit Fee: THERE IS NO MAXIMUM FEE!

Rural Disturbance:	$310.00 per acre of disturbance
Urban Disturbance:	$646.00 per acre of disturbance
Intense Urban Disturbance:	$1,241.00 per acre of disturbance

Notes: Fees are doubled is the land-disturbing activity is begun before permits are approved. In addition, starting a land disturbance before obtaining the necessary plan approval and land disturbance permit is a violation that is subject to a $5,000 penalty.

Definitions for Determining Erosion Control Fees: Differences over which category a land-disturbing activity belongs will be resolved by the Erosion Control Supervisor.

Rural Disturbances are: those outside of the jurisdiction of the municipalities in Orange county (Carrboro, Chapel Hill, Hillsborough, and Mebane); those tracts where only a small portion of the site or a right-of-way into the tract will be disturbed; disturbances that involve only removal of underbrush, not trees, and no clearing or grading; and those involving storm drains no more complicated than road culverts.

Examples: Private, unpaved roads where only a portion of the right-of-way width will be cleared; storage yards; recreational ponds; agricultural services; and other construction disturbing less than 50% of the total tract or lot where the disturbance is located in the central portion of the lot leaving a wide undisturbed buffer around the areas being developed. Construction of a paved road to NCDOT standards or one that requires clearing of the right-of-way is NOT a rural disturbance.

Urban Disturbances are: those that do not clearly meet the definition of a rural disturbance; those located within the jurisdictional limits of a municipality; less than 50% of total tract is disturbed; and subdivisions in rural areas with a paved road to NCDOT standards.

Examples: subdivisions (including streets and utilities), urban utilities such as sewer and water lines, small building additions (less than 30,000 square feet of disturbance) to existing commercial or institutional uses, and utility extensions.

Intense Urban Disturbances are: those where 50% or more of the tract is to be uncovered; and subdivisions where house construction will occur before the streets and utilities are completed and the site permanently stabilized resulting in more than 50% of the tract being disturbed.

Examples: multifamily projects, office projects, shopping centers, other commercial developments.

Examples of fee calculations:
For private road construction: Classified as a rural disturbance. The road will be approximately 1,250 feet long; the average width of disturbance will be 30 feet. (Base on observations and measurements, 30 feet is considered average clearing width for a private road.) 1,250' x 30' = 37,500 square feet of 0.86 acres. The **PLAN REVIEW FEE** is 0.86 acres x $158.00 per disturbed acre = $135.88, rounded to the nearest whole dollar is $136.00. **This amount must be included with the application for the review process to begin**. The **LAND-DISTURBING PERMIT FEE** is 0.86 acres x $310.00 per acre = $266.60, rounded to the nearest whole dollar is $267.00. This amount can be included with the application (if construction of the project is certain) or paid prior to the start of construction.

For road construction to NC DOT standards : Classified as a urban disturbance (less than 50% of the site will be disturbed). The road will be approximately 1,250 feet long; since the entire right-of way must be cleared, the average width of disturbance will be 50 feet. 1,250' x 50' = 62,500 square feet of 1.44 acres. The **PLAN REVIEW FEE** is 1.44 acres x $272.00 per disturbed acre = $391.68, rounded to the nearest whole dollar is $392.00. **This amount must be included with the application for the review process to begin**. The **LAND-DISTURBING PERMIT FEE** is 1.44 acres x $646.00 per acre = $930.24, rounded to the nearest whole dollar is $930.00. This amount can be included with the application (if construction of the project is certain) or paid prior to the start of construction.

For a commercial site: A 0.75 acres lot involving 0.85 acres of disturbance (0.1 acre is the street right-of-way that will be disturbed) and classified as an intense urban disturbance because more than 50% of the tract will be disturbed. The **PLAN REVIEW FEE** is 0.85 acres x $507.00 per disturbed acre = $430.95, rounded to the nearest whole dollar is $431.00. **This amount must be included with the application for the review process to begin**. The **LAND-DISTURBING PERMIT FEE** is 0.85 acres x $1,241.00 per acre = $1,054.85, rounded to the nearest whole dollar is $1,055. This amount can be included with the application (if construction of the project is certain) or paid prior to the start of construction.

5. **Approximate Date Land Disturbance Will Begin** Give the best estimate possible when the work will begin. "As soon as the plans are approved and a land-disturbing permit is issued" (abbreviated "ASAP") is an acceptable answer.

6. **Landowner(s) of Record** Give the requested information for all of the current owners listed on the deeds and/or instruments listed in answer to question number 8 below. Give all of the information, including both street and current mailing address, requested for each owner.

7. **Future Landowner(s), *If Applicable*** If another person(s) or firm(s) will take possession of the property and initiate and conduct the land disturbance, give the requested information for all of the future owner(s) to be listed on the deeds and/or instruments to be recorded. Give all of the information, including both street and current mailing address, requested for each owner. This does not apply to subdivisions where individual lots may be sold to builders or homeowners and it is unrealistic for the person financially responsible to know or involve these owners in advance. Example: Where a tract is under a purchase option, show the current owner as the Landowner and the future Landowner as the developer holding the option and developing the property (applying for subdivision approval, erosion control plan approval, etc.).

8. **List Book and Page Where Deed or Instrument Is Filed in Orange (or Durham) County** List the reference for this site as found in the Orange (or Durham) County Register of Deeds Office. If more than one lot, deed, or instrument is involved, list all the appropriate references.

9. **Person(s) or Firm(s) Financially Responsible for the Disturbance** This will be the owner, developer, the person or firm holding a lease or option on the property. It is the party paying the bills for the development, disturbance, and construction of the property. It is not the building or grading contractor who will be hired to perform the clearing and implement the erosion control plan even though there is a contract agreement stating that the contractor is responsible for implementing the erosion control plan. The contractor is liable to the owner/developer; the owner/developer, the person financially responsible, is liable to the County or Town for both the implementation and success of the approved erosion control plan. Statements on the plan that the contractor is responsible for erosion control do not remove responsibility for compliance with the Ordinance or for enforcement actions from the person(s) or firm(s) financially responsible.

10. **Registered Agent, If Any, for the Person Financially Responsible**, if the applicant is not a North Carolina resident, as required by the Erosion Control Ordinance. This may be an attorney, engineer, etc. acting as an agent for the owner of this site.

11. **Description of Land Disturbance/Construction** What is being built: office buildings, apartments, street, parking lot, sewer line, etc.? List all the various components of the project.

12. **Plans Prepared By** Name, mailing address, and telephone number of the person or firm that prepared the Erosion Control Plan. **Contact** Give the name of an individual to contact concerning the plans. In the interest of time and effort, erosion control personnel will contact this person about revisions to the proposed plan instead of contacting the owner/developer.

13. **Signature and Witness** This application and statement of ownership must be signed under oath by the financially responsible person, if an individual, or by an officer, director, partner, attorney-in-fact, or other person with authority to execute instruments for the financially responsible person if not an individual. This form must be signed in the presence of a Notary Public and signed and sealed by that Notary.

When and Where to Submit the Application

At least 30 days before the start of work, submit the completed, signed, and notarized application together with the plans and a check for the plan review fee (plus the Land-disturbing permit fee if you decide to include it) to the address at the top of the first page of the application. Mailing the plans is recommended;

hand delivery does not expedite the review process. Please check with us as we are accepting Cad designs as “DWF” files and “TIG” files via E-mail. The review can be conducted electronically and upon approval a paper copy sealed and mailed for our files.
Any timbering, demolition, clearing, grading, or land-disturbing activity before the plan is approved is a violation subject to doubling of the fees.

Problems or Questions?

If you have any questions about completing the application, current fees, etc. contact erosion control personnel at the telephone number and extension at the top of the first page of the application.

Review and Response to the Erosion Control Plan

The Erosion Control Ordinance allows 30 days to review and respond to the plan. It may not take 30 days but you should allow at least this much time (or in some cases more) before the planned start of work. The approval process may take considerably more than 30 days on complex sites or when revisions to the plans are necessary.

The plan will be reviewed and the designer contacted if there are questions or if revisions are needed. A site investigation is normally a part of the review process. The Ordinance gives erosion control personnel the authority to enter the site to conduct investigations and to ensure compliance with the approved plan and the Ordinance once work begins.

The plan will be approved, approved with conditions of approval, or, if it cannot be approved staff will discuss the needed revisions with the designer in an effort to resolve the problems so that it can be approved. If these efforts are unsuccessful, the plan will be disapproved. Disapproval of the plan or conditions applied to the approval can be appealed.

Once approved, a permit will be issued and is usually sent to the designer since they often need it to get other approvals, such as zoning compliance, from the planning jurisdiction. A letter will also be sent to the person(s) or firm(s) financially responsible for the land-disturbing activity explaining expectations, their responsibilities, inspection procedures, enforcement actions, etc.

Before Any Demolition, Timbering or Clearing Begins

At a minimum, before any demolition, timbering, clearing or other land-disturbing activity begins, a preconstruction conference must be held with the owner/developer, the contractor implementing the plan and erosion control personnel. Note that while neither Hillsborough or Mebane currently require a preconstruction conference, Chapel Hill and Carrboro do and the County does on specific types of development. If your project is in the County's jurisdiction, contact the Planning Department to ascertain if their presence is required.