

Instructions for Completing Applications for Erosion Control Plan Approval and Statement of Ownership and Financial Responsibility

Submittal Information

The following must be submitted as a package for a request to review an erosion control plan for land-disturbing activities that are regulated under the Orange County Unified Development Ordinance (UDO):

1. One completed signed, and notarized *Application for Erosion Control Plan Approval, Stormwater Management Plan Approval and Land Disturbing Permit with the Statement of Ownership and Financial Responsibility* form. Use an original form or good copy; Please DO NOT fax.
2. One copy of the proposed sediment and erosion control plan drawing, prepared according to the standards outlined in the North Carolina Division of Energy, Mineral, and Land Resources (NCDEMLR) *Erosion and Sediment Control Design Manual*
<https://deg.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permit-guidance/erosion-sediment-control-planning-design-manual>.
3. One copy of any supporting calculations and other applicable documents.
4. Application fee - Note, 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 application will be reviewed. The review period (30 days) provided by UDO does not begin until all items have been received by the Erosion Control / Stormwater Division.

Expiration of Plan Approval and Land Disturbing Permit (LDP)

An approved Erosion Control Plan approval expires after three (3) years if work has not begun (based on the definition of the start of construction in the UDO). The LDP must be renewed every two (2) years, from the start of activity as defined below.

- Start of Activity: For the purpose of determining the expiration date of the Erosion and Sedimentation Control Plan approval and/or the associated LDP, the Land-Disturbing Activity is considered to have started when the pre-construction conference has been held, the necessary erosion control practices have been properly installed, and the site clearing or grading has begun.

Instructions for Completing the Application Form

If completing by hand, please use black or blue ink.

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. Parcel Identification Numbers (PINs): What are the current PINs assigned to this property?
3. Planning Jurisdiction: What local government has planning jurisdiction over this project (e.g. Carrboro, Chapel Hill, Hillsborough, or Mebane) or is the project contained within Orange County's jurisdiction?

4. Size of Tract: How many acres are in the entire site?
5. 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 one (1) acre or more 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 by the North Carolina Division of Energy, Mineral, and Land Resources (NCDEMLR). In addition, the NCDEMLR Self-Inspection Program applies to projects disturbing 1 or more acres. Contact the Erosion Control / Stormwater Division for details concerning the General Permit and Self-Inspection Program.

6. Fees: Calculate the plan review fee and the land disturbing permit fee using the disturbed acreage total from #5 above. The fees are based on the total disturbance involved including any off-site disturbances such as utility extensions, roadway improvements, borrow and waste areas, soil stockpiles, storage yards, etc.

If the project is over the land-disturbance thresholds for the specific watershed in which the project is located; located in either the Falls Lake Watershed (Neuse Basin); or Jordan Lake Watershed (Cape Fear Basin); and the project is within Orange County's planning jurisdiction, a Stormwater Management Plan (SMP) is required for the project.

If the project is located within the planning jurisdiction of one of the municipalities, a SMP may be required, but is administered by the specific municipal jurisdiction.

The plan review fee must accompany the application in order for the application to be considered complete and review process to begin. LDP fees 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 LDP is obtained, a Pre-construction Conference held with Erosion Control / Stormwater personnel, and any other applicable conditions of approval or required permits are met.

Payment by phone is preferred, once the case number is assigned and the correct fee confirmed, call Building Inspections at 919-245-2600 to make your payment. Note, please ensure that you reference the case number when making the payment.

If paying by check, 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 / stormwater personnel to ensure this is the current fee schedule. Fees are not refundable, even if the plan is never approved, the approval or permit expires, or the proposed disturbance is never carried out.

7. Approximate Date Land Disturbance Will Begin: Give the best estimate possible regarding when the anticipated work will begin. Per the Unified Development Ordinance, staff has 30-days for initial review following receipt of a complete application package. Staff has 15-days to review revised plans. Therefore, for complex plan submittals, we recommend adding 60 calendar days

to your initial submittal date as a realistic expectation. This allows you and/or your designer 15-days to turn around any required plan revisions, assuming only one round of corrections are necessary.

8. 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 10 below. Give all of the information, including the current mailing address, requested for each owner.
9. Future Landowner(s) (if applicable): If another person(s) or firm(s) will take possession of the property, initiate and conduct the land disturbance, give the requested information for all of the known future owner(s) to be listed on the deeds and/or instruments to be recorded. Give all of the information, including the 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.).
10. Person(s) or Firm(s) Financially Responsible for the Disturbance: This can be the current owner, the developer, the person or firm holding a lease or option on the property. This the party paying the fees for the development, land disturbance, and construction of the property, 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 ultimately liable to the owner/developer; the owner/developer. The person financially responsible is liable to the County for both the implementation and success of the approved plan. Statements on the plan that the contractor is responsible do not remove responsibility for compliance with the UDO, and/or for enforcement actions and/or fines and penalties.
11. Registered Agent (if any) for the Person Financially Responsible: A North Carolina agent is required if the applicant if the applicant is not a resident of North Carolina. This may be an attorney, engineer, etc. acting as an agent for the owner of this site.
12. 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.
13. Plans Prepared By: Name, mailing address, and telephone number of the person or firm that prepared the plan. In the interest of time and effort, erosion control/stormwater personnel will contact this person about revisions to the proposed plan instead of contacting the owner/developer.
14. 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 60-days prior to the desired start of construction, 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. Make checks payable to Orange County. You may ship, mail or hand deliver the plans. Please note that hand delivery does not expedite the review process. Our policy is to review the plans in the order as they are received and deemed sufficient.

If interested in electronic plan submittal and review, please check with us as we will soon be accepting Land Disturbing Permit applications, online payment and electronic plans via our new Citizen Self Service (CSS) portal. The review can be conducted electronically and, upon approval, we would require a paper copy for our files.

Review and Response to the Application

The Orange County UDO allows up to 30 days for initial review and response to the erosion control/stormwater management plan, followed by up to 15 day re-submittal reviews if 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 / stormwater personnel the authority to enter the site to conduct investigations and to ensure compliance with the approved plan and Ordinance once work begins.

The plan will be approved, approved with conditions of approval, or if disapproved, staff will discuss the needed revisions with the designer in an effort to resolve the issues so that it can be approved. If these efforts are unsuccessful, the plan will remain as disapproved and can be appealed at that time.

If approved, an approval packet will be sent to the financially responsible party or registered agent as supplied on the application.

Erosion Control, Stormwater, and Engineering (ECS&E) Contacts

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