

CHAPTER 8.000**ADMINISTRATIVE PROCEDURES**

This chapter establishes certain criteria which must be met to allow a systematic approach to a comprehensive review process. In addition to the information below, it is the developer's responsibility to provide all necessary information to allow reviewing agencies to adequately determine if all requirements of pertinent ordinances and provisions of this manual have been met.

The information in this chapter includes:

- 8.000 Pre-Submission Requirements for Preliminary Subdivision, Site Plans and Certain Construction Plans and Profiles Applications
- 8.100 Details of Plat and Plan Requirements
- 8.101 General
- 8.102 Preliminary Plan of Subdivision
- 8.103 Plats for Subdivision and Other Plats
- 8.103.1 Record Plat
- 8.103.2 Boundary Line Adjustment
- 8.103.3 Preliminary/Record Subdivision
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- 8.106 Construction Plans and Profiles
- 8.107 Site Plan
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- 8.109 Plan Revisions
- 8.110 Plan Amendments
- 8.200 Requirements for Start of Any Construction
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8.000 PRE-SUBMISSION REQUIREMENTS FOR PRELIMINARY SUBDIVISION, SITE PLANS AND CERTAIN CONSTRUCTION PLANS AND PROFILES APPLICATIONS

- An Environmental and Cultural Resource Existing Conditions Plat shall be prepared in accordance with Chapter 7 of this manual, accompanied by a sketch plan and narrative of the proposed land use proposal, and submitted to the County prior to the submission of Preliminary Subdivision and Site Plan applications and, where an Existing Conditions Plat has not been submitted and reviewed as part of the preliminary subdivision process, this requirement shall be applicable to Construction Plans and Profiles applications.

- Upon receipt of the Existing Conditions Plat, the County will schedule an Existing Conditions Review meeting to be held within ten (10) working days. During the Existing Conditions Review meeting, the County and applicant shall collaborate and share design options to meet the proposed land use objectives while preserving and protecting the environmental and cultural resources identified on the subject site. Conclusions and agreements made at the pre-application meeting shall be documented for future reference by the applicant and the County during the land development application preparation, review and approval process.

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8.100 DETAILS OF PLAT AND PLAN REQUIREMENTS

The information contained in the following subsections is required to be included on plats and plans reviewed by the Department of Building and Development.

8.101 GENERAL

The information in this section gives an explanation of standard plat and plan requirements. See the specific requirements of each plat or plan for the requirements of each document.

A. Standards:

1. Scale: The scale of the plat or plan shall be shown in feet or meters. If meters are provided, an equivalency to feet must be shown.
2. Proposed name of subdivision or development: No proposed names of subdivisions or developments shall duplicate or closely resemble the name of any existing or currently proposed subdivision or development in Loudoun County. Name should include Phase or Section Number, as applicable.
3. Revision Block: A revision block shall be shown on the first sheet of the plat or plan set in substantially the following form and shall contain a summary of all revisions made to any part of the plat or plan.

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| | | |
| | | |
| | | |
| No. | Sheet Number and Revision Description | Date |

4. Source of Title: The source of title should be shown by listing the deed book and page of the last

instrument in the chain of title for all included property.

5. Zoning Requirements: F.A.R. or lot coverage calculations as required by the Zoning Ordinance (i.e. construction plans and site plans). In tabular form show the specific zoning requirements, in accordance with the Zoning Ordinance including proffered or special exception conditions, for the subject property and the existing zoning districts, to include but not limited to: applicable version of the Zoning Ordinance (i.e. 1972 or 1993), Zoning district; overlay zoning districts; minimum lot area; minimum lot width; maximum length/width ratio; minimum front, side and rear yards; maximum floor area ratio; maximum building coverage; maximum building heights, parking spaces required and provided (including standard and handicap accessible); open space requirements; proposed uses; proposed number of lots; and if applicable, density transfer rights.
6. Zoning, variance, special exception, subdivision, subdivision exception, floodplain study and alteration information: Reference to application numbers and corresponding approval dates for land development applications preceding the subject application submission and relevant to the subject property.
7. Vicinity Map: The plat or plan shall show the location of the proposed subdivision by an insert vicinity map, drawn to a scale 1 inch equals not more than 2000 feet or other appropriate scale as permitted by the Director. The boundaries of the insert map shall be in intervals evenly divisible by 1000 of the Coordinate Grid System and shall be so labeled and indicated thereon:
 - a. The existing boundary lines of the proposed subdivision and/or site plan and of any larger tract of which the subdivision and/or site plan forms a part.
 - b. Adjoining roads and private access easements with their names and route numbers.
 - c. Town boundary lines, and other landmarks, if any, within one mile of the proposed subdivision.
 - d. North arrow.
8. Coordinate Grid Lines: Approximate coordinate grid lines and values reflecting the NAD 27 Virginia State Plane with at least four ticks or intersection points shall be shown on each plan sheet, for informational purposes, in intervals of no less than 250 foot increments and no more than 1,000 foot increments. For record plats, grid system coordinates of at least two adjacent corners shall be included, if any point in the subdivision is within 1/2 mile of an NGS or equivalent triangulation or traverse station established within the standards for a second order geodetic monument.
9. Adjoining property information: The names of adjoining property owners; or adjoining tax map references; or, if a subdivision, the name, section and lot number of adjacent properties. Also adjacent zoning district and departing property lines shall be shown. For preliminary plats, construction plans and profiles, and site plans the existing adjacent land use shall be indicated for the purpose of determining buffer requirements per the Zoning Ordinance.
10. Zoning district and jurisdictional boundaries: The zoning district boundaries and overlay district boundaries shall be shown when a property contains more than one zoning or overlay district. Jurisdictional boundaries shall be shown for property located in Loudoun County and a town, another County and which falls under the subdivision control of a town.
11. Yard and Setback Lines: Front, side and rear yard and setback lines required by the Zoning Ordinance and/or proffers shall be shown as dashed lines or in tabular form. The dimension from each lot line and the length of the front yard line shall be clearly illustrated and identified. A note may be added to the

plat stating that the yards are for depiction of current ordinance requirements only and may be subject to change.

12. Stakeout and plan: Either of the following shall be provided:

- a. A stakeout plan shall show all parcel outer tract corners and the approximate location of proposed entrances from State-maintained roads which are staked. The stakeout plan and field stakes will have a corresponding reference system. The plan will include the following statement: "Those points shown on this plan have been field staked". It is the developer's responsibility to do necessary clearing and provide stakes high enough to make them visible for a reasonable distance.

or

- b. In lieu of providing a plan, the approximate location of proposed entrances from State-maintained roads will be staked, and the name, address and telephone number of the party who will respond to the Director's request for field assistance, when required, to identify specific areas of proposed development as related to existing site conditions.

13. Approval block: An approval block shall be provided per the following with appropriate application number provided within:

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|---|-----------------------|
| <p>APPROVAL BLOCK</p> <p>LAND DEVELOPMENT APPLICATION NUMBER _____</p> | |
| <p>_____ Director, Department of Building & Development</p> | <p>_____ Date</p> |

14. Fee Check: A fee check, payable to the County of Loudoun, shall be attached to the plat or plan submission. Fee schedules are available from the Director.
15. Land Development Application Form: A complete and executed Land Development Application Form with original signatures, as provided by the Director.
16. Tax Map Reference: The MCPI number is required for all properties that are a part of the application. The tax map and parcel numbers are optional. Such references may be made in tabular form or shown on the plat or plan.
17. Topography: Topographic information, indicating when and by what means it was made, having contour intervals of 2 feet or less, showing all the area covered by the site, including a 50 foot overlap, and related to the National Geodetic vertical datum of 1929.
18. Seal and Signature: The seal, signature, and date of the professional engineer or surveyor who prepared this plat or plan shall be shown on each sheet.

8.102 PRELIMINARY PLAT OF SUBDIVISION

The purpose of the preliminary plat of subdivision is to conceptually show the probable lot layout and location of streets and other necessary infrastructure to demonstrate geometric locations of all lots and improvements of such proposed subdivision.

A. The preliminary plat of subdivision shall contain the following data, legibly drawn, on sheets of 24 inches by 36 inches in size, with appropriate matchlines, (if necessary). The failure to depict the following items on the preliminary plat of subdivision, shall not relieve the developer of any requirement to depict such items on subsequent application.

1. The title "Preliminary Plat of Subdivision".
2. Scale. (See 8.101)
 - a. Lots less than or equal to 3 acres: 1 inch equals no more than 100 feet.
 - b. Lots greater than 3 acres 1 inch equals no more than 200 feet.
3. North arrow.
4. Date. A date shall be shown on the cover sheet
5. The proposed name of the subdivision. (See 8.101)
6.
 - a. The name and address of the owner of record.
 - b. The name of the subdivider.
 - c. The professional engineer or surveyor who prepared the plat.
7. The number of sheets comprising the plat.
8. A revision block. (See 8.101)
9. Source of title. (See 8.101)
10. Zoning requirements. (See 8.101)

In addition to the applicable zoning requirements, as stated in Section 8.101.5, the following note shall be provided on preliminary plats of subdivision which are preceded by a rezoning or special exception application:

"All development within this subdivision shall be in substantial conformance with (A) the requirements of the applicable concept development plan, proffers and special exception conditions in accordance with (insert specific reference to County application numbers), pursuant to which such concept development plan, proffers and special exception conditions were approved, and (B) any conditions set forth as conditions of approval of this preliminary plat."

11. Zoning, variance, special exception, subdivision, or subdivision exception information. (See 8.101)

12. Election District and Loudoun County, Virginia in Title Block.
13. Vicinity map. (See 8.101)
14. Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any.
15. Proposed lot lines, (showing approximate dimensions), proposed block and lot numbers, and the approximate area of each lot.
16. Coordinate Grid lines. (See 8.101)
17. Adjoining property information. (See 8.101)
18. The Zoning District and jurisdictional boundaries. (See 8.101)
19. Tax map reference. (See 8.101)
20. The approximate location of existing buildings within the subdivision.
21. The proposed location, width, centerline and projected Average Daily Traffic (ADT's) of each road or other public or private way within the subdivision. Pedestrian circulation paths shall be shown, including proposed trails and sidewalks, if such improvement is required.
22. The approximate location, width, ADT's and centerline of adjoining roads, and access easements with their names and/or route numbers.
23. Proposed roads shall include approved and/or reserved road names and road sign locations per the Codified Ordinances of Loudoun County.
24. Proposed yard and setback lines. (See 8.101)
25. The approximate location and approximate area of any land to be dedicated or reserved for public use, road right-of-way use, or common use of future property owners in the subdivision.
26. Approximate watercourse locations and names, if any, and floodplain delineation per the Floodplain Map of Loudoun County or per a floodplain study performed in accordance with Chapter 5 of this manual which has been approved by the County or which has been submitted and accepted by the County for review; or per a vertical field survey in accordance with Chapter 5 of this manual. A note stating the source of the floodplain delineation shall be included.
27. General location of existing drainage ways, ponds, on site sewage disposal, on site water supply systems and existing and proposed public water and sewer lines.
28. Archeological, natural e.g., Champion trees, etc., and historical features, cemeteries and historic landmarks on the site, as identified in adopted Federal and State documents.
29. Current topographic information, indicating when and by what means it was made, having contour intervals of 5 feet or less, showing all the area covered by the subdivision not including residue parcel(s) and related to the National Geodetic vertical datum of 1929.

30. Stakeout and plan. (See 8.101)
31. Graphically shown on the plan, 65 and 60 LDN Limits and any areas within one mile of the 60 LDN line, as defined by the Zoning Ordinance of Loudoun County.
32. Approval block. (See 8.101)
33. Proffered preservation areas shall be clearly delineated (e.g., trees, structures, etc.).
34. For lots less than 3 acres in size a typical lot detail shall be provided at a scale of not less than 1 inch = 50 feet.
35. A tabulation of lot yield for those properties being developed pursuant to the Cluster Subdivision Option or Principal/Subordinate Option in the AR-1 or AR-2 Zoning Districts.

B. Items to Accompany Preliminary Plat of Subdivision

The following items shall accompany the submission of a preliminary plat of subdivision:

1. For any subdivision to be served in accordance with the requirements of the LSDO section relating to on site sewage disposal systems, written approval of the proposed locations of sewage disposal systems shall be obtained from the Health Director or his designee and submitted with the preliminary plan. For any subdivision proposed to be served by on site wells, the developer shall submit with the preliminary plan written verification from the Health Director, or his designee, that the Hydrogeologic Report has been reviewed and approved in accordance with Chapter 6 of this manual.
2. Fee check.
3. Land Development Application Form.
4. A Phase 1A Reconnaissance-Level Archaeological Survey prepared in accordance with the standards set forth in this Manual.
5. Documentation of the submission of an application for, or the submission of a private, Preliminary Soils Review in accordance with Chapter 6 of this manual.

C. Additional Documents

Prior to the earlier of the second submission or the final approval of the Preliminary Plat, a Phase I Archaeological Study (the "Phase I") as defined in the Virginia Department of Historical Resources Guidelines for Archaeological Investigations in Virginia must be submitted for review and approval to the Director; provided, however, that the Phase I shall not be required if:

- (1) The Phase IA Reconnaissance-Level Archaeological Survey submitted pursuant to this section 8.102 recommends that no Phase I is necessary within the limits of the proposed disturbance and the Director concurs with the recommendation; or
- (2) The Director waives or modifies the requirement after determining that there is little or no potential for cultural resources on the site based on a finding such as (a) that the site has been subject to prior significant grading or ground disturbance beyond normal agricultural use, or (b) that the site contains environmental

characteristics (such as slopes, wetlands, hydric soils) that would have rendered previous human occupation reasonably unlikely; or

(3) The application proposes development of lots all of which are 20 acres or greater, and the applicant obtains a locational clearance from the County for the site of each building and driveway.

D. Preliminary Plat Review

Following the first review by the County, the Preliminary Plat may be conditionally approved. After the first review, the Director shall prepare and provide an Official Comment Letter setting forth the corrections and revisions that are required or recommended, including, by attachments, the referral comments from the referral agencies. When the Official Comment Letter is received by the applicant, applicant may submit a written response to the Director that it will comply with all County and referral comments as part of its Construction Plans and Profiles and record plat submissions. The Director will consider this response, and if the Director finds that the revision of the Preliminary Plat in accordance with the Official Comment Letter will not substantially alter the conceptual layout of the Preliminary Plat, such Preliminary Plat shall be conditionally approved.

8.103 PLATS FOR SUBDIVISION AND OTHER MISCELLANEOUS PLATS

A. The plats shall be prepared by a professional surveyor or engineer. These plats shall contain the data listed below, legibly drawn, on sheets of 18 inches by 24 inches in size, with appropriate matchlines (if necessary). The following shall be included for each plat as appropriate.

1. Scale.
 - a. Lots less than 1/4 acre 1 inch equals no more than 50 feet.
 - b. Lots 1/4 to 3 acres 1 inch equals no more than 100 feet.
 - c. Lots greater than 3 acres 1 inch equals no more than 200 feet.
2. North arrow.
3. Date.
4. The name of the subdivision.
5.
 - a. The name of the owner(s) of record.
 - b. The name and address of the engineer or surveyor who prepared the plat.
6. Number of sheets comprising the plat.
7. A revision block.
8. Tax map reference(s) 8-9 12/06/06
9. Seal and signature.
10. A certificate, endorsed by the engineer or surveyor, setting forth the source of title of the land

subdivided and the place of record of the last instrument(s) in the chain of title, in accordance with Section 15.2-2262 of the Code of Virginia, as amended.

11. The boundary survey with an error of closure within the limits established by the Commonwealth of Virginia.
12. Coordinate grid lines.
13. The original tracings and paper copies submitted for signature and recordation shall be drawn legibly and accurately per Virginia State Library and Archives Standards for plats.
14. Zoning requirements.
15. Zoning district and jurisdictional boundaries.
16. Zoning, variance, special exception, subdivision, or subdivision exception information.
17. Election District and Loudoun County, Virginia in the Title Block.
18. Vicinity Map.
19. The plat shall show parcel and lot lines, showing dimensions, block and lot numbers, and the area of each parcel or lot including area outside of major floodplain. Dimensions shall be shown in feet and decimals of a foot to the closest one-hundredth of a foot, and bearings in degrees, minutes, and seconds. The data for curves shall be shown in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord, and chord bearing. Acreage shall be shown to the ten thousandth decimal place and square footage to the nearest whole foot and all of the remaining area in the original tract/residue parcels to the nearest one hundredth of an acre.
20. Roadways shall include approved and/or reserved names per the Codified Ordinances of Loudoun County. Existing public roadways shall include route numbers and road names.
21. The location, dimensions of easements, dimensions and area of roadways, public sites (schools, fire and rescue facilities, etc.), parks and other public areas shall be included.
22. Adjoining property information.
23. Graphically shown on the plan, 65 and 60 LDN Limits and any area within one mile of the 60 LDN line, as defined by the Zoning Ordinance of Loudoun County.
24. Yard and setback lines.
25. If land is being dedicated or reserved for public use for roads, parking areas for public use, or for common use of the future property owners of the subdivision, the record plat shall so state and illustrate such.
26. As applicable, the location, width, and centerline of existing/proposed roads, easements, parking areas, and public or private rights-of-way within or immediately abutting the property. Deed book and page numbers shall be provided, as applicable.
27. If not otherwise contained within the deed accompanying the plat, the plat shall contain a statement to

the effect that the subdivision is with the free consent and in accordance with the desire of the undersigned owners and trustees of the property and shall be duly acknowledged in accordance with Section 15.2-2264 of the Code of Virginia of 1950, as amended.

28. The plat shall indicate Health Director approved sewerage disposal systems and water supply systems, as specified in the Loudoun County Codified Ordinances.
29. The plat shall contain a statement setting forth the persons or entities responsible for maintenance of stormwater detention, drainage facilities, easements, sidewalks, trails, lighting and other facilities, as required.
30. In the RR, AR-1, AR-2, A-10 and A-3 Zoning Districts, record plats shall contain the following statement:

"In all areas within the RR-1, RR-2, AR-1, AR-2, A-3 or A-10 Zoning Districts, agricultural and rural economy activities are the preferred land uses. Owners of land within RR-1, RR-2, AR-1, AR-2, A-3 or A-10 Zones are hereby notified that agricultural and rural economy activities shall be given preference by the County when conflicts arise concerning the compatibility of such farm or rural economy uses with adjacent or nearby non-farm or non-rural economy uses. The County shall not restrict or interfere with farming and rural economy activities in RR-1, RR-2, AR-1, AR-2, A-3 or A-10 Zones. The farming and rural economy activities, including such effects as noise, odors, and machinery traffic, shall not be recognized or accepted by the County as valid or proper cause for complaints from adjacent or nearby residential neighbors."
31. Watercourses and names, if any, and a floodplain easement in accordance with Chapter 5 of this manual.
32. All restrictive covenants or reference thereto.
33. An Approval Block.
34. If private roads or access easements are proposed, the following notes shall be added as appropriate:
 - a. Construction of the access easement shown hereon shall conform to the standards set forth in the Loudoun County Land Subdivision and Development Ordinance.
 - b. Construction of the Class III road shown hereon shall conform to the standards set forth in Chapter Four of this manual.
 - c. The access road or access easement shown hereon is private and its maintenance, including snow removal is NOT a public responsibility. It shall not be eligible for acceptance into the State secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision roads current at the time of such request. Any costs required to cause this road to become eligible for addition to the State system shall be provided from funds other than those administered by the Virginia Department of Transportation and Loudoun County.
35. The location of structures to be retained, including stone walls within areas to be dedicated for public use.
36. Designation of ADU lots in accordance with Zoning Ordinance.

37. If the property is being developed pursuant to the Principal/Subordinate Subdivision Option, the following as appropriate:
- a. Tabulations showing the lot yield originally calculated for the Originating Tract, all prior subdivisions from the Originating Tract, and all resulting Principal Lots and number of Subordinate Lots created pursuant to each such subdivision.
 - b. Labels clearly identifying the Principal and Subordinate lot (s).
 - c. A note stating that "Subordinate lots are ineligible for further subdivision."
38. If the property is being developed pursuant to the Cluster Subdivision Option in the AR-1, AR-2, RR-1 or RR-2 Zoning District, the following as appropriate:
- a. Inclusion of a note on the record plat and documentation within the deed that agricultural operations enjoy the protection of the Right to Farm Act.
 - b. A tabulation of density for such cluster subdivision.
 - c. Inclusion of note on the record plat and documentation within the deed stating that all lots are ineligible for further subdivision.

B. Documents to Accompany Plats

The following items shall accompany the submission of the plat.

1. Verification of Water Supply and Sewage Disposal.
 - a. (i) A letter signed by the Health Director evidencing conformance with applicable requirements of the County Health Department. (ii) If public water or public sewerage is to be provided, a letter signed by an authorized official of the appropriate public authority shall be submitted indicating that service can and will be provided. (iii) In cases where a communal supply is proposed, approved plans for the water distribution and treatment facility shall also be included.
2. Fee check.
3. Land Development Application Form.
4. Application Form Certification.

"I hereby acknowledge 8-13 12/06/06 approved plat within 6 months of the date of approval will make the plat null and void. Furthermore, monuments, as required by the Loudoun County Land Subdivision and Development Ordinance, shall be set prior to release of performance guarantee(s) or in the case where performance guarantee(s) are not established, prior to recordation of the plat."

Property Owner

Date

C. Final Documents

Prior to plat approval, the following items must be submitted for review and approval to the Director:

1. If improvements required under these regulations are not completed, a financial guarantee in the form of a cash bond, certified check, or surety performance bond and agreement as required by Section 8.300 of this chapter. Such guarantee must be accepted by the Board of Supervisors or designee prior to plat approval.
2. An unexecuted copy of the deed, accompanied by a Certificate of Authenticity signed by the developer and duly acknowledged before an officer authorized to take acknowledgments of deeds, to the effect that this is a true copy of the proposed deed which will be presented for recordation, unless revisions are required by the Director, in which case such deed will be recorded in the form as approved by the Director or designee. Such deed shall:
 - a. Contain a correct description of the land subdivided or adjusted and state that such subdivision or adjustment is with the free consent and in accordance with the desire of the undersigned owners and trustees of the property and shall be duly acknowledged in accordance with Section 15.2-2264 of the Code of Virginia, as amended.
 - b. Contain language such that, when the deed is recorded, it shall operate to transfer in fee simple to the Board of Supervisors such portion of the platted premises as is on such plat set apart for roads, easements, or other public use and to create a public right-of-passage over the same.
 - c. Contain protective or restrictive covenants, if applicable.
 - d. Contain, when applicable, provisions for maintenance and indemnification by the property owner with respect to any structure, including permanent fences and stone walls, within the proposed and future right-of-way.
3. In cases where land is dedicated to and held in perpetuity by a homeowner's association, copies of homeowner's association documents shall be submitted.
4. A letter from the obligor acknowledging that a maintenance and indemnification agreement satisfactory to the Board of Supervisors to provide for public facilities maintenance must be executed and delivered to the Director prior to final release of the financial guarantee.
5. Certificate by subdivider that structures subject to Zoning Ordinance minimum yard requirements, which are not shown on the plat, will be removed, unless satisfactory alternate arrangements have been approved by the Director.
6. The submitted mylar and paper copies shall be at the scale of the original plat, without enlargement or reduction to change the size of the plat. If the plat contains lots served by well or septic drainfields, a second reproducible mylar copy of the plat shall be submitted.
7. If not included in the deed, a Deed of Release if there are deed of trust trustees who did not enter into the application or a letter or other documentation from the owner which certifies that there is no deed of trust lien on the property.
8. A letter from the owner which states that a performance bond or check adequate to insure the installation

of required water or sewerage facilities in a manner which will satisfy the requirements of the County Health Department, the town, or the Authority, as applicable, has been furnished to such public authority.

9. When the developer is required to establish an owners' association prior to approval of the plat to satisfy proffer or other zoning or regulatory requirements, documentation evidencing the creation and legal existence of the association.
10. A copy of the document establishing the funding mechanism providing maintenance of the common facilities in accordance with the Zoning Ordinance (AR and RR Districts only).
11. A copy of a minimum two year maintenance contract if communal and/or sewage disposal system is to be maintained by an entity other than LCSA (AR and RR Districts only).

D. Standard Process

The following process is required for plat applications ("Plats") that are based on construction plans and profiles or site plans ("Plans"). It does not apply to easement, boundary line adjustment, family subdivision, subdivision waiver or preliminary/record plat applications that do not involve construction plans. Any application that fails to provide all the information required in this section will be returned without review and, upon resubmission, placed after all other applications that have been submitted prior to such resubmission.

1. The first submission of the Plat shall not be submitted prior to the second submission of the Plans. The first submission of the Plat shall address, as appropriate, all of the County's first review comments on the Plans. The first submission of the Plat shall be submitted without Legal Documents. The first submission of the Plat shall be accompanied by a signed "Certification of Plat Preparer" form (on colored paper) from the submitting firm. The certification submitted by the firm shall be in the general form which is posted on the Loudoun County Website.
2. The second submission of the Plat shall address all of the first submission Plat referral comments. The second submission of the Plat shall be accompanied by the first submission of the Legal Documents which shall have been prepared based upon the second submission revised plat in conformance with any applicable proffers or conditions. For the purpose of this process, Legal Documents shall include, as applicable, Deed of Subdivision, Dedication and Easements, Deed of Open Space Easement, ADU Covenants, and Declaration of Covenants or Supplementary Declaration of Covenants. The first submission of the Legal Documents shall be accompanied by a signed "Certification of Document Preparer" (on colored paper) from the document preparer, stating that the documents have been prepared based on a review of the applicable proffers and based on the revised plat which plat shall be identified in the Certification by its most recent revision date, in the general form which is posted on the Loudoun County Website. Legal Documents shall be forwarded by the project planner to the Office of the County Attorney for review. Review comments regarding the Legal Documents shall be provided to the project planner by the Office of the County Attorney. The review comments associated with the second submission Plat and first submission Legal Documents will be forwarded to the applicant upon completion.
3. The third submission of the Plat and second submission of the Legal Documents shall address all of the second submission Plat and first submission Legal Documents referral comments. The third submission Plat and second submission Legal Documents shall be accompanied by updated Certifications. The second and all subsequent submissions of the Legal Documents shall each be highlighted by the document preparer to reflect all revisions to the immediately prior submission. It is also encouraged that,

where appropriate, Plats be highlighted to reflect all revisions to the plat. The third submission Plat and second submission Legal Documents shall not be submitted until the Plans upon which the Plat is based have been approved and the bond amount approved. A copy of the County staff bond estimate approval letter shall be submitted with the third submission of the plat (second submission of Legal Documents).

4. Staff will complete review of the third submission Plat and second submission Legal Documents within 3 weeks and forward comments on both Plat and documents within 5 working days after receipt of comments from the Office of the County Attorney.
5. Required associated documents such as Bonds, Letter of Credit, Cash Contribution Agreements, and State and Privately Maintained Road Agreements, shall be submitted separately. These documents should be submitted at least four weeks prior to the anticipated Plat approval. The review of these documents will follow the current procedures and timelines. In any event, bonding documents, when required, must be posted and accepted prior to formal Plat Approval.

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6. After review of the third submission Plat and second submission Legal Documents, both plat and documents should be able to be approved or near approval. However, if the applicant fail properly to address previous comments such that a subsequent submission of either the plat or the documents is necessary, subsequent submissions will be reviewed after all other applications that have been submitted prior to such subsequent submission.
7. The primary review agencies may include the Loudoun County Sanitation Authority (LCSA) and the Loudoun County Health Department (LCHD). The County does not exercise direct control over LCSA, which is a separate Authority, or LCHD, which is a State Agency, and cannot therefore commit LCSA or LCHD to any time line or comment period. Regardless of whether or not the County has received LCSA or LCHD comments, County comments will be forwarded as soon as they are completed. LCSA and LCHD referral comments will not be required prior to resubmission of an Application (but will ultimately need to be addressed in order to obtain final approval).

8.103.1 RECORD PLATS

- A. In addition to the plat requirements within Section 8.103, a record plat shall also include the following:
 1. The title "Record Plat".

8.103.2 BOUNDARY LINE ADJUSTMENT

- A. In addition to the plat requirements within Section 8.103, a boundary line adjustment plat shall also include the following:
 1. The title "Boundary Line Adjustment".
 2. Exterior boundary dimensions shall be shown and may be taken from existing surveys of record or new surveys. In all cases, new interior boundary lines shall include the dimensions shown in feet and decimals of a foot to the closest one-hundredth of a foot, and all bearings in degrees, minutes, and seconds. The data for curves shall be shown in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord, and chord bearing. Old property lines will be shown as dashed lines, and labeled "Old Property Line Hereby Deleted". New property lines shall be shown as bold lines and labeled "New Property Line Hereby Created".

3. Old acreages prior to the boundary line adjustment and new acreages clearly identified and differentiated.
4. The requirement of Section 8.103.A.35 is modified as follows: Building footprints within the area of adjustment or whose proximity to the area of adjustment is less than or equal to the applicable minimum yard requirement for the Zoning district of the subject property. If the yard requirement has been modified or varied, state the application number and approval date.
5. Where appropriate, proposed/existing septic, on-site sewage disposal and water supply systems, sanitary, storm sewer and water lines, or the appropriate plat note as required by Chapter 1243 of the LSDO.
6. The requirement of Section 8.103.A.33 is modified as follows: "Approved in accordance with Chapter 1243 of the Loudoun County Land Subdivision and Development Ordinance to which reference is hereby made for limitations of such review and approval."

Director

Date

B. Documents to Accompany Boundary Line Adjustments

1. Where boundary adjustments are being made to properties under separate ownership, an unexecuted deed shall be provided which contains a correct description of the land being adjusted, and a statement of the owners, proprietors and trustees (if any), in accordance with Section 15.2-2264 of the Code of Virginia.
2. Certification of Application Submission
"I hereby state that to the best of my knowledge and belief the information required by the Facilities Standards Manual is included in the attached boundary line adjustment application. Further, I have included on the plat a reference to known conditions required by proffers of an approved zoning, special exception or variance, special agreements or covenants."

Engineer/Surveyor Signature

Firm Name

Date

3. When necessary, the appropriate documentation as required by Chapter 1243 of the LSDO.

8.103.3 PRELIMINARY/RECORD SUBDIVISION

In accordance with LSDO, Chapter 1243, a preliminary/record plat shall contain all required detail as specified for both a preliminary plat of subdivision and a record plat.

- A. The preliminary/record plat, which is intended to be recorded in the land records of Loudoun County, shall include those plat requirements of Section 8.103, and shall include the following:
 1. The title "Preliminary/Record Plat".

- B. On separate sheets, for informational purposes only and not for recordation, the applicant shall submit the appropriate required information for a preliminary plat of subdivision as required by Section 8.102.

8.103.4 FAMILY SUBDIVISION

- A. In addition to the plat requirements in Section 8.103, a family subdivision plat shall also include the following:

1. The title "Family Subdivision Plat".
2. The requirement of Section 8.103.A.33 is modified as follows:

"Approved for recordation as a FAMILY SUBDIVISION under the Land Subdivision and Development Ordinance of Loudoun County, Virginia which provides for such subdivision ONLY for the purpose of sale or gift to certain eligible family members specified in the Ordinance and not for the purpose of circumventing the Land Subdivision and Development Ordinance or any other ordinance of Loudoun County. This approval shall automatically terminate if this plat and the approved deed or deeds referenced in Note _____ on this plat have not been recorded within six (6) months of the date written below, and thereafter, this plat shall be NULL and VOID:

Director

Date

3. The following notes shall appear on the plat:

- a. "This plat shall be NULL and VOID unless this plat and the deed or deeds conveying lot(s) _____ to _____ shall have been recorded within six (6) months after the date of approval of this plat by the County as indicated hereon."
- b. "The lots shown hereon are being conveyed to members of the immediate family of the owner. If any grantee of any such lot conveys such lot within one (1) year after the date of approval of this plat, such conveyance may subject this subdivision to be vacated in whole or in part."

If in accordance with Section 1243.04(2) of the LSDO, the applicant elects not to extend public water to all lots or to provide an approved location on each lot for a well, then one of the following notes, whichever is applicable, shall be placed on the plat:

- c. "The lots on this plat have **NOT** been tested or approved for wells and there is no guarantee that an approvable well can be located on any lot. No zoning permit or building permit will be issued for any lot until a well has been approved for such lot by the Health Director."

OR

"The lots on this plat are required to be served by public water. However, such service has **NOT** been extended to such lots. No zoning permit or building permit will be issued for any lot until public water has been extended to such lot in accordance with regulations and specifications of the Facilities Standards Manual and the Loudoun County Sanitation Authority or other applicable federal, state, or local agency. The owner of each lot on this plat shall grant, without compensation, such reasonable easements as are necessary to permit such extension of public water to all lots."

If the public water note is required on the plat, then the deeds of conveyance, or a separate deed of subdivision, must create and establish appropriate easements to permit the future extension of public water to all lots.

B. Documents to Accompany Family Subdivisions

1. A copy of the deed(s) of conveyance and an affidavit certifying the division is being made for the purpose of a family subdivision under the Land Subdivision and Development Ordinance.
2. An executed and notarized Affidavit of Family Subdivision shall accompany each deed.
3. A copy of the recorded Deed or other document of title which establishes that the current owner of record has held fee simple title to the property for more than one (1) year.
4. On a separate sheet for informational purposes only and not for recordation, topographic information at 5 foot intervals with the proposed development layout, including proposed driveway locations, site entrances, opposing entrances, and median breaks on adjacent roads. The plan shall also illustrate that adequate sight distance requirements can be achieved where on-site roads/easements will intersect existing roads.

8.103.5 SUBDIVISION WAIVER/LOW DENSITY WAIVER**A. In addition to the plat requirements within Section 8.103, a subdivision waiver plat shall also include the following:**

1. The title "Subdivision Waiver Plat" or "Low Density Waiver Plat", whichever is applicable.
2. For Subdivision Waiver plats, a note similar to the following:

"Both lots are ineligible for further waiver subdivision for a period of one year after approval in accordance with Section 1243.05.1 of the LSDO."

3. When applicable, designation of the residue lot on low-density waiver plats only.

B. Documents to Accompany Subdivision Waiver/Low Density Waiver

1. In addition to the document requirements within 8.103, a subdivision low-density waiver shall also include a Deed of Open Space Easement. (Low Density Waiver only).
2. On a separate sheet for informational purposes only and not for recordation, topographic information at 5 foot intervals with the proposed development layout, including proposed driveway locations, site entrances, opposing entrances, and median breaks on adjacent roads. The plan shall also illustrate that adequate sight distance requirements can be achieved where on-site roads/easements will intersect existing roads.

8.103.6 EASEMENT AND VACATION PLATS**A. The plats shall be prepared by a professional engineer or surveyor. These plats shall contain the data listed below, legibly drawn.**

1. Titled with type of easement(s).
2. North arrow.

3. Date.
4. The name of the subdivision.
5. The name of the owner of record and land record reference for source of title.
6. The name of the engineer or surveyor who prepared the plat.
7. Number of sheets comprising the plat.
8. Tax map reference.
9. Sheet size and scale. The original tracings and paper copies submitted for signature and recordation shall be drawn legibly and accurate per Virginia State Library and Archives Standards for plats.
10. Election District and Loudoun County, Virginia within the Title Block.
11. The plat shall show parcel and lot lines, including dimensions. Dimensions shall be shown in feet and decimals of a foot to the closest one-hundredth of a foot, and bearings in degrees, minutes and seconds. The data for curves shall be shown in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord, and chord bearing. If land is being dedicated or reserved for public use for roads, parking areas or for common use of the future property owners, the plat shall so state and dimension such.

12. The location and dimensions of new easements with dimensions to appropriate boundary, parcel or lot lines.
13. The plat shall contain a statement setting forth the persons or entities responsible for maintenance of stormwater detention and drainage facilities and easements.
14. A revision block.
15. A vicinity map.
16. As applicable, the location, width and/or centerline of existing/proposed roads, easements, parking areas, and public or private rights-of-way within or immediately abutting the property. Deed book and page numbers shall be provided, as applicable.
17. If private roads or access easements are proposed, the notes set forth in Section 8.103.A.34 shall be added as appropriate.
18. Seal and signature.

B. Documents to Accompany Easement Plats

1. An unexecuted copy of the Deed of Easement, with maintenance agreement language per Chapter 1245 of the Land Subdivision and Development Ordinance where applicable, shall be submitted for review and recommendation concurrent with the associated easement plat.

8.103.7 DEDICATION PLATS

- A. Any plat other than one covered by Section 8/103:1-5 upon which property is dedicated to the County for public street purposes shall be considered as a dedication plat. In addition to the plat requirements within Section 8.103, a dedication plat shall also include the following:

1. The title "Dedication Plat".

8.103.8 AR-1 AND AR-2 DIVISION PLATS

- A. The plats shall be prepared by a professional engineer or surveyor. These plats shall contain the data listed below, legibly drawn.

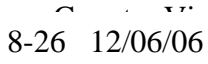
1. Title.
2. North arrow.
3. Date.
4. The name of the Division.
5. The name of the owner of record and land record reference for source of title.
6. The name of the engineer or surveyor who prepared the plat.

7. Number of sheets comprising the plat.
8. Tax map reference.
9. Sheet size and scale. The original tracings and paper copies submitted for signature and recordation shall be drawn legibly and accurate per Virginia State Library and Archives Standards for plats.
10. Election District and Loudoun County, Virginia within the Title Block.
11. The plat shall show parcel and lot lines, including dimensions. Dimensions shall be shown in feet and decimals of a foot to the closest one-hundredth of a foot, and bearings in degrees, minutes and seconds. The data for curves shall be shown in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord, and chord bearing. If land is being dedicated or reserved for public use for roads, parking areas or for common use of the future property owners, the plat shall so state and dimension such.
12. If not otherwise contained in the deed accompanying the plat, the plat shall contain a statement to the effect that the Division is with the free consent and in accordance with the desire of the undersigned owners of the property and shall be duly acknowledged in accordance with Section 15.2-2264 of the Code of Virginia of 1950 as amended.
13. Seal and signature.
14. If private access easements are proposed, the following notes shall be added as appropriate:
 - a. Construction of the access easement shown hereon shall conform to the standards set forth in the Loudoun County Land Subdivision and Development Ordinance.
 - b. Construction of the Class III road shown hereon shall conform to the standards set forth in Chapter Four of this manual.
 - c. The access road or access easement shown hereon is private and its maintenance, including snow removal is NOT a public responsibility. It shall not be eligible for acceptance into the State secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision roads current at the time of such request. Any costs required to cause this road to become eligible for addition to the State system shall be provided from funds other than those administered by the Virginia Department of Transportation and/or Loudoun County.

B. Documents to accompany Division Plats

1. If applicable, a 8-25 12/06/06 Private Roads Maintenance Agreement with maintenance agreement language per Chapter 1245 of the Land Subdivision and Development Ordinance where applicable, shall be submitted for review and recommendation concurrent with the associated Division plat.
2. A letter signed by the Health Director evidencing conformance with applicable requirements of the County Health Department.
3. If applicable, an unexecuted Deed of Easement establishing ingress/egress rights, maintenance and construction responsibilities including snow removal.

8.104 FLOODPLAIN STUDY

- A. Floodplain studies shall be prepared by a professional engineer or surveyor. The plans shall contain the following data, legibly drawn, on sheets of 24 inches by 36 inches in size, with appropriate match lines (if necessary).
1. Title "Floodplain Study".
 2. Scale.
 3. North arrow.
 4. Date.
 5. Name of subdivision or development.
 6.
 - a. Name and address of owner of record.
 - b. Name of the engineer or surveyor who prepared the plan.
 7. Number of sheets comprising the plan.
 8. A revision block.
 9. Election District and  in the Title Block.
 10. Tax map reference.
 11. Vicinity map.
 12. Coordinate grid lines.
 13. Seal and signature.
 14. A note describing the origin of the floodplain boundary, e.g. "This boundary is based on (select one) [a site-specific engineering floodplain study,] [latest adopted FEMA maps,] [actual site-specific survey of either SCS or FEMA adopted flood elevations (include date of report)], or [County base maps with floodplain overlay], [or other information] (described)."
 15. Approval block, as shown below:

APPROVED IN ACCORDANCE WITH THE ZONING ORDINANCE AND THE FACILITIES STANDARDS MANUAL OF LOUDOUN COUNTY.

Director, Building and Development (Date)

Zoning Administrator (Date)

16. A minimum 1:12,000 (1"=1,000') scale exhibit showing drainage divides, subwatershed(s), hydrologic soil group, and land use per the Loudoun County General Plan for the entire watershed draining to the site.
17. A minimum of 1:1200 (1"=100') scale exhibit of the plan view and other scale exhibits of the plan and profiles showing:
 - a. The boundary of the study is submitted and an approximate floodplain acreage for each parcel. 8-27 12/06/06
 - b. Topography, including scale and source of information.
 - c. The location of streams, ponds, prominent existing land features pertinent to the study or survey (e.g. existing and new road crossings, manholes).
 - d. Location of cross-sections and/or vertical traverse points with annotations of the cross-section and/or point identifiers, and the base flood elevation.
 - e. The boundaries of the floodplain consistent with County approved floodplain information and calculated water surface elevations at and between each cross section.
 - f. In areas where major and minor floodplains overlap, the maximum elevation reflected in the Loudoun County Floodplain Map revision.

Other information may be supplied at the discretion of the developer.

18. A minimum of 1:120 (1"=10') vertical scale and a minimum 1:1200 (1"=100') horizontal scale exhibit of the profile view showing the following:
 - a. Stream invert and computed water surface elevation.
 - b. Cross-section stations annotated with 100-year water surface elevation.
 - c. Existing and new road crossing.
19. Delineation of floodplain easements which contain the floodplain area.
20. Hydrology documentation and calculations, as specified in Chapter 5 of this Manual.

B. Documents to Accompany Floodplain Studies

1. FEMA submission materials are required coincident with a Flood Insurance Rate Map Amendment in

accordance with Chapter 5 of this manual.

2. Upon recommendation for approval, the developer shall submit two legible reproducible mylar copies of the plan view with cross section locations annotated with the 100-year water surface elevations at a scale of 1" equals 200'. The reproducible shall contain the project name, land development application number, and three Virginia Coordinate Grid ticks evenly divisible by 1000. If the review material was submitted on multiple plan view sheets, the mylar shall be a compilation of end matched study sheets. In addition, a DXF file diskette shall be submitted which contains the previously referenced information. The County may provide release of liability, if requested.

8.105 FLOODPLAIN ALTERATION

A. In addition to the application requirements within the Floodplain Study section of this chapter, 8.104.A, a floodplain alteration application shall also include the following:

1. Title "Floodplain Alteration".
2. Detailed description and drawings of the proposed alteration.
3. Hydraulic model that shows how the 100-year flows will be conveyed and hydraulic effects on the existing conditions floodplain. Measures shall be provided to maintain pre-alteration discharge velocities.
4. The hydraulic model will need to be supported with engineering computations in areas where the model cannot adequately address the hydraulic effects.
5. Documentation to illustrate that the floodplain alteration will not result in an off site increase in the water surface elevation of the base flood. In watersheds of greater than 640 acres, alterations in the floodway result in no rise in the water surface elevation of the base flood.
6. The pre-alteration and post-alteration flood elevations shall be illustrated on plan view, profile view and cross section view.
7. Detailed construction plans of the proposed alteration.
8. Detailed stream rehabilitation program and erosion and sediment control plan for the stream alteration.
9. A narrative assessing the need for any State or Federal permits required for the proposed activity.
10. The developer shall provide a certification by a professional surveyor or engineer within the floodplain alteration application stating that to the best of his knowledge and belief all applicable federal, state and local laws relative to the protection of the environment, historical or archaeological features have been or will be met.

B. Documents to accompany a floodplain alteration application.

1. FEMA submission materials are required coincident with a Flood Insurance Rate Map Amendment in accordance with Chapter 5 of this manual.

2. Upon recommendation for approval, the developer shall submit two legible reproducible mylar copies of the plan view with cross section locations annotated with the 100-year water surface elevations at a scale of 1" equals 200'. The reproducible shall contain the project name, land development application number, and three Virginia Coordinate Grid tics evenly divisible by 1000. If the review material was submitted on multiple plan view sheets, the mylar shall be a compilation of end matched study sheets. In addition, a DXF file diskette shall be submitted which contains the previously referenced information.

8.106 CONSTRUCTION PLANS AND PROFILES

- A. The construction plans and profiles shall be prepared by a professional engineer or surveyor. The plans shall contain the following data, legibly drawn, on sheets of 24 inches by 36 inches in size, with appropriate match lines (if necessary).
 1. Title "Construction Plans and Profiles".
 2. Scale.
 3. North arrow.
 4. Date
 5. Proposed name of subdivision or development.
 6.
 - a. Name and address of the owner of record.
 - b. Name of the engineer or surveyor who prepared the plan.
 7. The number of sheets comprising the plan.
 8. A revision block.
 9. Source of title.
 10. Zoning requirements.
 11. Zoning, variance, special exception, subdivision or subdivision exceptions and flood plain study and alteration information.
 12. Election District and Loudoun County, Virginia within the Title Block.
 13. Tax map reference(s).
 14. Vicinity map.
 15. Topography.
 16. Seal and signature.
 17. A soils map certification in accordance with Chapter 6 of this manual.

18. Roadway and utility improvement plans are to consist of plan and profile, drawn to a minimum scale of 1 inch to not more than 50 feet horizontally and 1 inch to not more than 5 feet vertically. The plan portion of the roadways shall include the location of roads, lots, storm drainage, sanitary sewerage, and water distribution systems. The profiles shall show the existing and proposed roadway improvements and profiles of sanitary sewer, waterline and storm improvements. Details of standard road sections, curb and gutter type, and miscellaneous construction items shall appear on the sheets, as well as any construction notes pertaining to the proposed improvements. Plans shall conform to the following:
- a. Average Daily Trip (ADT) projections for all existing and proposed roadways.
 - b. Stations indicated every 100 feet on centerline; at points of curvature, points of intersection and points of tangency; at centerline of entrances and intersections, at subdivision or section limits, and at turnaround radius points.
 - c. The profile of the building restriction lines. Where there are none, show profile 25 feet from the right-of-way or easement line.
 - d. When a proposed roadway or entrance intersects with an existing roadway, the centerline profile of the existing roadway shall be shown for adequate sight distance, to the right and the left of the proposed connection, per VDOT standards. Sight distance shall be shown at entrances onto the road system and for intersections on both plan and profiles. Where the line of sight departs the established right-of-way or private roadway easement, a separate sight distance easement shall be provided. The profile along the line of sight shall be shown reflecting existing and proposed grades as well as any obstacles that may obstruct the driver's vision (e.g., plantings, utility structures, entrance features, fences, etc.)
 - e. The centerline and building restriction line profiles shall extend 300 feet beyond the property line or boundary on roadways that may provide access to adjoining property.
 - f. A grade line of road construction to include:
 - i. Percent of grade.
 - ii. Elevations at the beginning and the end of all vertical curves.
 - iii. The length of vertical curves with sight distances and stations of vertical points of intersection.

- iv. Elevations computed every 50 feet on all tangent sections and every 25 feet on vertical curves.
- v. Elevations at:
 - (a) centerline intersections of roads
 - (b) road centerline intersections with the boundaries of a subdivision
 - (c) curb returns
 - (d) culvert and storm sewer crossings
 - (e) curb inlets
 - (f) beginning and ending of superelevation transition sections.
- vi. The point of finished grade on typical section (i.e., centerline, top of curb, etc.).
- g. The locations of curb-cut ramps for the handicapped.
- h. The proposed location of multiple mailbox groupings and other uses requiring a vehicle staging area.
- i. Proposed roadside ditches indicated in the profile where the ditch varies from running parallel to the road centerline.
- j. The horizontal and vertical location of proposed and existing culverts, storm sewer crossings, sanitary sewer crossings and utility crossings shown on roadway profiles.
- k. Utility easements and proposed relocations.
- l. When a proposed roadway parallels or is located near an existing stream or open drainageway, profiles of the top of the bank of the stream, computed water elevations and invert (or flowline) of the stream or drainageway shall be provided. The relationship of the proposed roadway grade to existing profiles of the stream or drainage way shall be shown. Road construction shall not encroach on the approved floodplain limit of the stream, except as permitted by applicable floodplain requirements of Chapter 5 of this manual.
- m. Grade profiles of curb and gutter construction in cul-de-sacs are to be computed along the face of the curb starting at the beginning of the curb return, following the face of curb around the cul-de-sac and thence to the end of return or curve on the opposite side of the cul-de-sac:
 - i. Grade ties of the road, before entering the cul-de-sac grade, shall be shown on each end of the cul-de-sac grade profile.
 - ii. Other acceptable methods may be used subject to the approval of the Director and the Virginia Department of Transportation.
 - iii. Building Restriction Line profiles for cul-de-sacs shall be concentric with the profile at face of curb.

- n. If a difference exists in elevations on proposed curb grades, curb elevations showing top of curb right and top of curb left shall be shown on the plans.
 - o. Landings shown on plans and profiles.
 - p. Driveway locations (both individual and common).
 - q. Traffic control signage and structures (e.g., road delineators, barricades, and stop signs), and road signs, shall be shown on the plans. Signage shall conform to VDOT requirements.
 - r. Off-site right-of-way required for construction shall be identified. Temporary construction and permanent maintenance easements for slope grading, drainage, erosion and sediment control shall be shown.
 - s. Typical roadway cross sections shall be provided on the plans.
 - t. Sidewalks, trails, and any other proffered improvements shall be shown and maintenance responsibilities shall be indicated.
 - u. For road sections consisting of more than two lanes, a pavement striping plan indicating the travelways, tapers, turn lanes and directional markings (e.g., turn and through arrows, solid and dashed line delineators, etc.) shall be provided. Pedestrian crosswalks shall be included on this plan.
 - v. The following standard notes shall appear on all construction plans:
 - i. "Subbase depth is based on a CBR value of _____, based on an actual determination per soil tests (or) an estimate which will be revised once the soil tests of subgrade are performed."
 - ii. "A smoothing grade shall be maintained from the centerline of the existing road to the curb and gutter, to preclude the forming of false gutters and/or the ponding of any water on the roadway."
 - iii. "Standard guardrail and handrail shall be installed at those locations as designated during final field inspections by Loudoun County or VDOT."
 - iv. "The approval of these plans shall in no way relieve the owner of complying with other applicable local, State and Federal requirements."
19. Grading and drainage plans, drawn to a scale of 1 inch to not more than 50 feet and showing the proposed road and lot layout, including dimensions. The existing topography shall be shown at no more than 2-foot contour intervals supplemented with spot elevations. Grading shall be shown by proposed contour lines, supplemented with spot elevations. In addition, elevations of the finished grade at the building and all lot corner elevations shall be shown. Storm drainage pipes and structures and their sizes and top and invert elevations shall be indicated.
20. Overlot grading plans in accordance with Chapter 5 of this manual.

21. An erosion and sediment control plan in accordance with the most recently adopted Virginia Erosion and Sediment Control Handbook and Chapter 7 of this manual.
22. A tree conservation and landscape plan, in accordance with the Zoning Ordinance and Chapter 7 of this manual.
23. Location, type, and dimensions of vehicular ingress and egress to the site, and clear zones as applicable.
24. Storm drainage calculations, with a statement as to the basis of design, and drainage area map showing individual and cumulative drainage area contributing to each point of concentration.
25. Lighting plans, regulatory signage and road name signs, in accordance with Chapter 7 of this manual.
26. Watercourses and names, if any, and floodplain easement(s) in accordance with Chapter 5 of this Manual.
27. Adjoining property information and use.
28. Coordinate grid lines.
29. Roads shall include approved and/or reserved road names and sign locations per the Codified Ordinances of Loudoun County.
30. Note(s) on plans where land or facilities are to be dedicated to and held in perpetuity by a lot-owner's association, condominium association, or similar organization.
31. Zoning, variance, special exception, subdivision, or subdivision exception information.
32. Approval block.
33. For single family attached and semi-detached developments, the following shall be shown:
 - a. Location, type, size, and height of fencing, screening, and retaining walls.
 - b. Off-road parking and parking bays, loading spaces, walkways, and bike paths, indicating type of surfacing, size, angle of stalls, width of aisles, and number of parking and loading spaces provided.
 - c. The number of floors, floor area, height, exterior dimensions, location, and proposed use of each building.
34. Design speed for all proposed roadways.

B. Items to Accompany Construction Plans and Profiles

1. Fee check.
2. Land Development Application Form.
3. A Performance Bond estimate, in accordance with Section 8.300 of this manual.

4. A geotechnical study in accordance with the requirements Chapter 6 of this manual.
5. If the construction plans and profiles are being submitted pursuant to Section 1243.10(1) of the Land Subdivision and Development Ordinance, subsequent to the first submission comments on the preliminary plat but prior to approval or conditional approval of the preliminary plat, a copy of such first submission comments.

8.107 SITE PLANS

- A. The site plan shall be prepared by a professional engineer or surveyor. The site plan shall contain the following applicable data, legibly drawn, on sheets of 24 inches by 36 inches in size, with appropriate matchlines, (as necessary).
1. The Title "Site Plan".
 2. Construction drawings, notes, and specifications per the requirements of Section 8.106.A, Items 2 thru 32, if applicable, and for improvements substantially in accordance with the approved preliminary subdivision plan, if applicable.
 3. Zoning district and jurisdictional boundaries.
 4. Location, type, size, and height of fencing, screening, and retaining walls.
 5. Off-road parking and parking bays, loading spaces, walkways, and bike paths, indicating type of surfacing, size, angle of stalls, width of aisles, and number of parking and loading spaces provided.
 6. The number of floors, floor area, height, exterior dimensions, location, and proposed use of each building.
 7. Designation of ADU units in accordance with Zoning Ordinance.
 8. Proffers and conditions of approval associated with rezoning and special exception applications, if applicable. This information may either be included as part of the plans or as an attachment.

B. Documents to Accompany Site Plans

1. A letter signed by the Health Director evidencing conformance with all applicable requirements of the County Health Department. If public water or public sewerage is to be provided, a letter signed by an authorized official of the appropriate public authority shall be submitted indicating that service(s) can and will be provided. Such letter shall, in addition, state that a performance bond or check adequate to insure the installation of such water and/or sewage facilities in a manner which will satisfy the requirements of the County Health Department, the town, or Authority, as applicable, has been furnished to such public authority.
2. If public improvements required under this ordinance are not completed, a financial guarantee in the form of a cash bond, certified check, or surety performance bond and agreement, as required by Section 8.300 of this Chapter shall be submitted for review. Such guarantee shall be accepted by the Board of Supervisors or designee prior to site plan approval.
3. A geotechnical study in accordance with the requirements of Chapter 6 of this Manual.
4. Prior to site plan approval, if applicable, an unexecuted copy of the deed of dedication or deed of easement, accompanied by a certificate signed by the developer and duly acknowledged before an officer authorized to take acknowledgments of deeds, to the effect that this is a true copy of the proposed deed which will be presented for recordation, unless revisions are required by the Director, in which case such deed will be recorded in the form as approved by the Director or designee. Such deed shall:
 - a. Contain a correct description of the land developed and state that such development is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.
 - b. Contain language such that, when the deed is recorded, it shall transfer in fee simple to the Board of Supervisors such portion of the premises as is set apart on such site plan for roadways, easements, or other public use and to create a public right-of-passage over the same, with reference to the plat required under Subparagraph 5.
 - c. Contain protective or restrictive covenants, if applicable.

5. A plat of dedication or easement for those areas on the site plan as set apart for roads, easements, or other public use and to create public right-of-passage over the same.
6. A fee check.
7. Land Development Application.
8. If not included in the deed of dedication or deed of easement, a Deed of Release if there is any deed of trust trustee who did not enter into the application or a letter or other documentation from the owner which certifies that there is no deed of trust lien on the property.

8.108 RECORD DRAWINGS

A. Filing Requirements:

Upon satisfactory completion of the installation of the required improvements shown on the approved site plan or construction plans and profiles, whichever is applicable, the developer shall submit to the Director two (2) copies of the completed record drawings, prepared and signed by a professional engineer or surveyor, of such plans. Such record drawings shall be submitted at least two (2) weeks prior to the anticipated date of occupancy of any building for site plan applications. In the case of construction plans and profiles, the record drawings shall accompany the request for bond release in accordance with Section 8.300 of this manual or be submitted prior to record plat approval per Section 8.300.H of this manual, whichever is applicable. Such record drawings shall be reviewed for conformance with the approved plans and the ordinances and regulations of County and State agencies.

B. Record Drawings

The term "record drawings" shall be deemed to include what is sometimes referred to as "as built" drawings and shall be prepared in accordance with this Subparagraph. The following items shall be surveyed to determine actual field conditions, and the approved site plans or construction plans and profiles as annotated to reflect such actual field conditions shall constitute the record drawings.

1. Storm Sewer Systems

- a. The general location of drainage structure(s) within their easements shall be observed and noted if the structure is outside the easement. Included in this location requirement are inlet or outlet end sections. Manholes wherever located shall have at least two measurements to permanent physical features provided.
- b. The structure top and pipe invert elevations, including end sections, shall be provided.
- c. Pipe size and the percent grade between inverts from structure to structure shall be noted.
- d. Spot elevations of the invert of manmade drainage ditches shall be provided on 100-foot centers.

2. Pavement

- a. The width of pavement shall be verified once for each width and at transitions.

3. Storm Water Management

- a. The elevations and lengths of dams and spillways shall be noted.
- b. The width of dams and spillways shall be noted.
- c. Stand pipe structure sizes and heights shall be noted.
- d. The volume of the detention impoundment area shall be calculated.

4. Buildings Shown on Site Plan

- a. Exterior dimensions of buildings shall be noted.
- b. Setback dimensions to buildings shall be noted.

C. Checklist

The developer submitting the record drawings shall also submit a letter with the record drawings certifying that the following items have been inspected and found to be in general conformance with the approved construction plans and profiles or site plans, as applicable.

1. Curb and Gutter. Confirm that the curbs are the proper type.

2. Sidewalk/Trail. Confirm that the sidewalk/trail is correctly situated with relation to the rights-of-ways or easement. Confirm that the sidewalk/trail maintenance responsibilities have been adequately provided for and specify the entity or entities that will bear such responsibilities. Verify that the construction material used is as approved.
3. Drainage. Confirm that the drainage patterns have been established in conformance with the grading plans. Confirm that slopes and swales are properly located and graded. Confirm that positive drainage exists.
4. Pavement. Provide a copy of the approved pavement design. Confirm that all pavement was placed in accordance with the approved pavement design. Confirm that all material was compacted to required standards. Provide a copy of the approved striping and signage plan.
5. Sight triangle and clear zones. Confirm that there are no encroachments.
6. Utility placement within roads. Provide a statement that all utilities located within roads are within recorded easements, or if in public right-of-way, located as approved and per the VDOT permit manual.
7. Landscaping and Buffering
 - a. Developer certifies that the landscaping is in general conformance as to location with the approved landscape plan. Confirm plantings conform to correct category (canopy, understory, shrub, or evergreen) in required quantities. If not, a redline landscape plan shall be submitted for review and approval.

8.109 PLAT AND PLAN REVISIONS

A. Revisions to Plats or Plans Under Review/Pending Approval

1. Minor revisions to the plats or plans which are not prompted by County and/or referral review comments may be made at the same time as the application is being revised to address outstanding comments transmitted by the Director. Such revisions shall be highlighted on the plats or plans and identified within the resubmission narrative.
2. Major revisions to plans pending approval by the Director which are not prompted by County and/or referral review comments shall require withdrawal of the plan under review and a new land development application submission. For the purposes of this manual, a major revision shall be defined as changes to the original plan which alter the infrastructure configuration and design to the extent which will require a complete re-review of the project.

B. Revisions to Previously Approved Construction Plans and Profiles

1. Revisions to previously approved plans requires a formal submission process comprised of the initial plan submission components as stated within this chapter.
2. The cover sheet and revision block shall indicate that such plans are revisions to a previously approved land development application and shall indicate the case number of and date of approval of the said application.

3. The revisions shall be highlighted and identified within the resubmission narrative.

8.110 SITE PLAN AMENDMENTS

- A. Site plan amendment applications are intended to provide a means of making minor revisions to previously approved site plan applications within an abbreviated land development application process. The site plan amendment application may be utilized for minor revisions as listed below. Revisions beyond the scope of the following shall require a new site plan application for review and approval by the Director and shall follow the parameters of 8.109.B above:
 1. The improvements shall be minor in nature and not change the external traffic flow patterns; or
 2. The gross floor areas shall not be increased by more than 5,000 square feet or 75 percent of the gross building area, whichever is less; or
 3. The proposed additional disturbed area shall not exceed 10,000 square feet or 25 percent whichever is less; or
 4. The proposed revision shall only require review by the Director and will not require review and concurrence by external review agencies (i.e. LCSA, VDOT, Health Department). However, associated review by the County Attorney's office may be provided within the site plan amendment process for minor easement revisions.
- B. The plan submission requirements and accompanying documents for the site plan amendment application shall be consistent with the final site plan requirements as identified in this chapter.
 1. Zoning tabulations shall be revised, as required.
 2. Reference shall be provided on the plan denoting the original site plan number and approval date associated with the site plan amendment.
- C. Revisions shall be highlighted on the original site plan and explained in detail within a project narrative.

8.111 GRADING PERMIT APPLICATION

The following items shall be required as part of the grading permit application:

1. Completed Grading Permit Application Form.
2. Erosion and Sediment Control Plan.
3. Overlot Grading Plan.
4. Erosion and sediment control bond estimate reflecting the quantity of various control devices, unit cost per device and the extended cost of the same.
5. Fee to be determined and paid prior to issuance of permit.

8.200 REQUIREMENTS FOR START OF ANY CONSTRUCTION

The developer shall have accomplished or provided the following applicable items prior to the start of any construction:

A. **Approved Plans**

The developer shall have obtained County approval of construction plans and profiles or site plan. At least one copy of the approved plans, with revisions, must be kept on-site at all times.

B. **Inspection Agreement**

For public improvements to be constructed for a proposed subdivision, the developer shall provide a statement that VDOT or a third-party inspector will perform testing and inspections for the construction and must have received the Director's written approval of the proposed inspection arrangement.

C. **Grading Permit**

The developer shall have received a permit to conduct land-disturbing activities in accordance with the Loudoun County Codified Ordinances, and shall have submitted a financial guarantee pursuant thereto and in compliance with the Bonding Policy as set forth in this chapter, except that upon the request of the developer, a conditional permit for clearing, grubbing and preliminary site preparation only may be obtained prior to construction plans and profiles or site plan approval once all technical issues associated with such plans have been resolved to the satisfaction of the Director.

D. **Highway Permit**

The developer shall have obtained permits from VDOT for work within the right-of-way of an existing state road.

E. **Sewer and Water Requirements**

The developer shall have coordinated separately with the appropriate public authority for approval of plans, issuance of required permits, and inspection of installation work with respect to sewer and water installations.

F. **Off-site Construction Agreements**

The developer shall have obtained a recorded easement, or a letter of permission for clearing and grading, whichever is applicable, from abutting property owners for off site construction. A letter of permission is satisfactory only for off-site clearing and grading which shall be completed and certified by the developer as completed prior to record plat or easement plat approval.

G. **Health Department Certification**

When applicable, the developer shall have obtained verification from the Health Department that the abandonment of wells and/or drainfields has been accomplished in accordance with Health Department requirements.

H. **Demolition Permit for Existing Structures**

When applicable, the developer shall have obtained from the Director the necessary permit for demolition of existing structures.

8.300 BONDING POLICY

A. Purpose and Authorization

To provide for acceptable guarantees of performance to assure timely construction and completion of improvements in accordance with approved site plans or construction plans and profiles, as follows:

1. The County is authorized to require performance bonds in conjunction with the approval of subdivisions, in accordance with the Land Subdivision and Development Ordinance, and to accept performance bonds in conjunction with special exceptions, site plans, and proffer conditions, in accordance with the Zoning Ordinance, all pursuant to Virginia Code Sections 10.1-565, 15.2-2241, 15.2-2286, 15.2-2299 and 15.2-2309.
2. Performance bonds shall be required for public and other physical improvements as shown upon approved construction plans and profiles for record plats and as shown upon site plans, or the approved construction plans and profiles for site plans, for condominium residential developments. Such improvements shall include, without limitation, road, curb, gutter, sidewalk, trails, storm drainage, traffic signalization and control, and any other site-related improvements required by Loudoun County Ordinances for vehicular ingress and egress, for public access roadways, for structures necessary to insure stability of critical slopes and for stormwater management facilities. Notwithstanding the foregoing, the Director may waive the requirement for a performance bond for a site plan which does not contain any improvements eligible for public maintenance if the Director determines that the satisfactory completion of construction of improvements shown upon such site plan can be enforced pursuant to ordinances regulating building permits and occupancy permits.

B. Authority for Accepting/Monitoring Bonds

The Bond Committee shall review and recommend for approval or disapproval, and monitor, bonds for construction of improvements as identified within this Section 8.300.

1. Bond Committee Members (or their designees)
 - a. County Administrator
 - b. Director of Financial Services
 - c. Director of Building and Development
2. Authority of the Bond Committee
 - a. Review new bonds, bond extensions, bond substitutions, bond reductions/releases, and action resulting from defaults; and send recommendations to the Board of Supervisors or designee for final action.
 - b. Establish/update standard bond and agreement forms.
3. Submission to the Bond Committee shall be made to the Director.

8.301 BOND SUBMISSION REQUIREMENTS

- A. A construction/performance agreement (Performance Agreement) between the Board of Supervisors and the owner/subdivider.

- B. A surety in an amount equal to the approved Bond Estimate, or in such lesser amount as is provided for in the Bond Estimate section of this manual, guaranteeing completion of the Performance Agreement.
- C. Letter from the Director approving the plans and Bond Estimate amount.
- D. Release of Lien from the contractor, if applicable.

8.302 TERM OF PERFORMANCE AGREEMENT

The maximum period for completion of the initial Performance Agreement shall be two (2) years, and the minimum period shall be twelve (12) months; provided, however, that the Bond Committee, upon recommendation of the Director, may recommend and the Board or designee may approve a period of up to three (3) years, at the request of the developer, for a Performance Agreement covering improvements to be publicly maintained, if the Bond Committee determines that such longer period for completion is reasonably justified due to the magnitude of the project to be bonded, the establishment of a reasonable construction schedule, a reasonable estimate of the time necessary to satisfy Virginia Department of Transportation public need requirements, and such other factors as may be deemed relevant by the Bond Committee. If construction of the subject project is not commenced within the initial Performance Agreement timeframe, the bond amount may require adjustment and subsequent reconsideration and review by the Bond Committee.

8.303 ACCEPTABLE FORMS OF SURETY OR SECURITY

A. Corporate Surety Bond: This surety shall be furnished by an insurance company licensed to transact fidelity and surety insurance in Virginia and will guarantee the full amount of the bond. The ability of the insurance company to provide satisfactory performance guarantee will be assessed by the Director in accordance with criteria reported in the most recent edition of the Best's Key Rating Guide (Best's) and the most recent annual revision of the U.S. Department of Treasury Fiscal Service Circular 570 (the Treasury Circular). Performance Bonds will be accepted only from sureties listed in Best's:

1. with a rating of Level A or better,
2. in a financial size category of Class VIII, or higher, unless otherwise agreed by the Board of Supervisors or designee, and such bonds shall be in amounts not exceeding:
3. those limitations identified in the Treasury Circular, nor
4. 1.5% of the minimum Adjusted Policyholders' Surplus for the financial size category as listed in Best's.

Such ratings and other qualifications must be maintained for the life of the Bond or the Bond must be replaced by adequate replacement surety at the request of the Director.

B. Cash Escrow: An amount equal to the approved bond estimate in the form of a cashier's check or certified check, accompanied by a W-9 or Substitute W-9 form, shall be submitted to the Director, to be deposited with the County Treasurer, in an interest bearing account with full financial accountability provided by the Director of Financial Services through a separate Performance Bond Fund. All cash escrows held shall be maintained by individual bond as to principal and accumulated interest but may be pooled for investment purposes with accrued interest allocated to each bond in accordance with County allocation policies. The Treasurer shall be entitled to retain a reasonable amount, not exceeding 5% of the interest accrued, to cover the cost of administering the account. Upon approval for release of the bond as provided herein, the Director of Financial Services shall be authorized to release the cash escrow (principal plus accrued interest less allowable cost of administration) and disburse the funds.

C. Letter of Credit. A letter of credit meeting the following minimum conditions will be accepted:

1. The lending institution must be insured by the Federal Deposit Insurance Corporation (FDIC) and shall have offices and license to practice banking in Virginia, Maryland or the District of Columbia, with a Sheshunoff national rating of at least 35 and with total letter of credit exposure of the County at the lending institution limited to no more than 50 percent of the institution's equity capital, unless otherwise agreed to by the Board of Supervisors or designee. The Board of Supervisors or designee may, upon the unanimous recommendation of all of the members of the Bond Committee, accept a letter of credit from an institution whose rating is lower than 35 provided that such rating shall be no less than 30 and shall be maintained at or above such lower level until such letter of credit has been completely released. Such ratings and other qualifications must be maintained for the life of the letter of credit, as amended, or the letter of credit must be replaced by adequate replacement surety at the request of the Director.
2. The expiration date in the Letter of Credit shall be at least 6 months after the date by which the Performance Agreement must be performed. For example, a 12-month Performance Agreement requires an 18-month Letter of Credit. This 6-month requirement is in addition to the 6-month automatic extension that is required below.
3. The letter of credit shall contain the conditions of automatic renewal providing that the letter of credit will automatically be extended for additional periods of six months unless the Director, is notified in writing, by certified mail, with return receipt requested, at least ninety (90) days in advance of the present or future expiration date, that the issuing bank does not intend to extend such letter of credit.
4. All extensions of time of the Performance Agreement completion date will be granted only upon corresponding extension of the letter of credit expiration date to comply with Subparagraph 2 above.
5. Any new letter of credit or letter of credit amendment is subject to all the minimum requirements outlined in items 1 through 4.

D. Multiple Sureties

Where two or more sureties are provided in conjunction with one Performance Agreement, the agreement shall identify and incorporate each surety separately.

E. Additions to Previously Bonded Improvements

When a record plat is submitted for a subdivision containing public improvements that are extensions of public improvements dedicated upon a previously approved record plat for which a Performance Agreement and Surety have already been accepted, the construction of such proposed extension improvements may be guaranteed under the previously existing surety in accordance with the following conditions:

1. The surety instrument or agreement (Surety) must be capable of being modified, and any modifications must be accepted as satisfactory by the Board of Supervisors or designee upon recommendation of the Bond Committee before they shall become effective.
2. Modifications to the Surety must be in writing and must indicate that such Surety covers both the improvements shown upon the proposed record plat and the improvements dedicated upon the previously approved plat.
3. A separate Performance Agreement covering such proposed extension improvements and referencing the modified Surety must accompany the record plat.
4. The Bond Committee may recommend an extension of the completion date under the Performance Agreement covering the previously approved plat in conjunction with the approval of the record plat, if requested by the developer, in order to establish a common date of completion under the Performance Agreements secured by the same Surety; provided that such extension of completion date shall not be for more than one (1) year and provided that the appropriate bond extension fee shall have been paid if such extension is for more than five (5) months.
5. Such separate Performance Agreement and modified Surety shall not be approved or accepted until the bonded and extension improvements have been inspected and found satisfactory and the Director has determined, in writing, that the amount of such Surety, as modified, is adequate to guarantee completion of both the previously approved record plat improvements and the proposed extension improvements.

8.304 BOND ESTIMATE

- A. The Bond Estimate shall be based on the estimated cost of construction of all items shown upon the approved plans (labor and material), plus a 20 percent Contingency Factor to cover administrative and engineering costs in the event of default and potential damage to existing roads or utilities. The cost estimates shall reflect the current unit costs as published and distributed by the Director and shall be increased by an inflation factor equal to the annual percentage change in the Construction Index Code, as published weekly in the Engineering News Record. This inflation factor is to be applied over the life of the bond, using the equation $C = (P)(I)(E) + E$; where P = the period of the bond (years); I = annual inflation factor; and E = the estimated cost of construction (including the 20 percent Contingency Factor); C = total Bond Estimate.
- B. The Bond Estimate shall be prepared and sealed by a professional engineer or surveyor and submitted to the Director for approval.
- C. Where partial construction has already occurred, the amount of the surety may be less than the Bond Estimate to allow for work completed prior to establishing the original bond, subject to the Director's approval, in consultation with the Virginia Department of Transportation where applicable; provided, however, that after such original surety has been accepted by the Board or designee, any Bond Reduction requested shall be based upon the original Bond Estimate and not upon the original amount of such surety.

- D. For site plans only, the Director shall publish a policy permitting the original surety for a site plan bond to be in an amount equal to a specific percentage of the approved Bond Estimate, such percentage being set forth in the written policy, and the amount of any such surety submitted thereafter for any site plan may be equal to or greater than the amount of such percentage, rounded up to the nearest \$1000; provided, however, that the submission and acceptance of such surety shall be, and shall be treated as, a waiver of any and all right of the developer to obtain any partial release or reduction of the Bond Amount; and provided further that the acceptance of such surety shall not preclude the Director from thereafter requiring an increase in the amount of the surety pursuant to the approval of an Extension of the Performance Agreement.

8.305 BOND PROCEDURES AND REQUIREMENTS

A. Performance Agreement

A Performance Agreement which shall be supported by an acceptable form of surety or security, shall be required on projects which obligate the developer to construct required improvements pursuant to approved subdivisions, site plans, special exceptions or proffer conditions in a timely manner. Such Agreement shall specify the manner and date by which the required improvements shall be completed. An agreement format approved by the Bond Committee will be provided by the Director to all developers requesting same for use in preparation of the Performance Agreement. If the owner/subdivider acts, or fails to act, in a manner which would constitute a breach of the agreement, or all the noted improvements are not completed within the specified time period and no extension has been obtained or replacement agreement and bond submitted and approved with a new expiration date, the Agreement shall be in default.

B. Extensions and Rebonding of Agreements

It shall be the sole responsibility of the developer to keep the Performance Agreement current.

Approximately sixty (60) days prior to the expiration of an Agreement, the Director may review the project records to determine if the developer has initiated the process for final bond release and to determine if the bond may reasonably be eligible for release within sixty (60) days. If it is determined that the project bond is not reasonably expected to be released within such sixty (60) days, the developer and surety may be notified in writing, and may be required to provide for the extension of the Agreement and surety or security within such sixty (60) days. If the bond cannot be released or if no extension agreement and bond extension have been submitted in approved form by the agreement expiration date, the Agreement shall be in default.

1. The developer can make a formal request to the Director for an extension of the completion date for a maximum period of 1 year. The developer must indicate the reasons and conditions which have prevented completion of the required improvements. The developer shall furnish to the Director an Extension Agreement, the surety's written consent to the extension and an extension of the surety or security. All signatures must be notarized.
2. Bond Extension Submission Requirements
 - a. Fee check.
 - b. Letter of request with justification from the developer.
 - c. Extension Agreement executed by the owner/subdivider, Consent to Extension executed by the owner/subdivider and surety, and extension of, or confirmation of continuation of, performance guarantee.

- d. Extension Agreement and Consent to Extension must be prepared on forms approved by the Bond Committee.
3. In situations where the developer has requested an extension or a new agreement and surety, the Bond Committee will review the Director's report on the project and the reasons supplied by the developer. The following are some of the factors to be considered by the Bond Committee:
 - a. Percentage of project already completed.
 - b. Number of homes or buildings completed, occupied, and served by public facilities.
 - c. Rate of construction activity.
 - d. Owner/subdivider/developer's history relating to completion of public improvements in the County and in neighboring jurisdictions.
 - e. Current projected completion cost: Dependent upon the amount of work yet to completed and the currently estimated cost to complete construction of the project, the Bond Committee may require an increase in the amount of the existing bond to cover the completion of such outstanding improvements and obligations.
 - f. Current rating of the bank or corporate surety providing the security for the Performance Agreement. (See subsection IV above.)
 4. In the event the developer does not respond to the letter sent by the Director cautioning of potential default or in the event the agreement is in default, the matter will be referred to the County Attorney's office for guidance and possible legal action.
 5. No Extension Request for a bonded Stormwater Management Agreement shall be accepted for processing until the Bond Committee has determined that such Agreement is qualified for an extension. If such Agreement is not determined to qualify for extension, no extension shall be granted.

C. Effects of Bond Default

It shall be the sole responsibility of the developer to keep the Performance Agreement current.

While the Performance Agreement is in default, the owner/subdivider/developer shall not be entitled to any bond reduction, bond release, permits or inspections for the project covered by that Performance Agreement. If default can be cured by the approval of an extension of the agreement, then, upon fulfilling the Bond Extension Submission Requirements set forth above, including payment of the appropriate fees for bond extension and, if applicable, bond reduction, the inspections necessary for such bond extension and, if applicable, bond reduction, will be performed. The denial of permits and inspections by the Director shall be in addition to any other remedy available to the Board of Supervisors under the Performance Agreement.

D. Bond Reductions

1. Bond Reduction Requirements: Partial releases of bonds, referred to herein as Bond Reductions, shall be granted based upon Completion of specific, identifiable portions of the project and shall be subject to the following limitations:
 - a. No bond shall be reduced until Completion of at least thirty (30) percent of the physical improvements secured by such bond.

- b. The Board of Supervisors or designee shall not be required to consider more than three (3) Bond Reductions within any twelve (12) month period during the life of the bond.
 - c. No bond shall be reduced to an amount less than ten (10) percent of the original Bond Estimate.
 - d. For the purposes of this subsection D, Bond Reductions, "Completion" shall mean construction of any identifiable section of a specified improvement or facility in accordance with the approved site plans, construction plans, profiles and specifications, and the provisions of this manual. For example, for a specific section of public roadways to be eligible to be considered for Bond Reduction, the grading, subbase, base paving, curb and gutter, including all compaction and lab tests, and all other aspects of construction, with Exceptions as defined herein, shall be completed and all work in place must be in good condition. The "good condition" requirement shall not be deemed satisfied for any such section where there exists any failing pavement.
 - e. "Exceptions" to the Completion requirement may include final surface pavement and any other ancillary, uncompleted improvements such as sidewalks, driveway aprons and lot grading which the Director determines would probably suffer excessive damage during construction upon the property abutting the bonded improvement or facility.
 - f. The reduction of any bond shall not be considered acceptance of the improvements for which such reduction has been requested, and the owner/subdivider shall have a continuing responsibility for maintaining such improvements in good condition, including without limitation the repair of deterioration and damage, until they have been formally accepted by the County, VDOT, or other appropriate agency. Failure to perform such maintenance within sixty (60) days of being so directed by the Director or his agent shall constitute default of the Performance Agreement.
 - g. When any Exception to the Completion requirement is permitted, the amount of the bond as reduced shall include the cost of constructing or repairing such final surface pavement or other uncompleted improvements. In no event shall any bond be reduced to an amount less than the amount deemed necessary by the Board of Supervisors or designee to cover (i) the total estimated cost of achieving total completion of the project without exceptions, plus (ii) the entire twenty_(20) percent Contingency Factor included in the original approved Bond Estimate, plus (iii) the inflation factor referenced above in Section 8.304.A, applied to (i) and (ii).
 - h. When a developer has completed construction of a portion of a bonded project, and such portion has been accepted into the state system for maintenance by VDOT, such developer may revise the approved plans to exclude such accepted portion and submit such revised plans to the Director along with a revision of the original Bond Estimate to cover only the portion not yet accepted. The Board of Supervisors or designee, may, upon recommendation of the Bond Committee, approve such revised Bond Estimate and any consequent Bond Reduction in accordance with the foregoing Bond Reduction regulations as applied to such revised Bond Estimate.
 - i. No bond shall be reduced for a Performance Agreement that is in default.
2. Bond Reduction Procedures: A request for a reduction of the bond amount shall be deemed to have been made when the developer has provided notice to the Director. Such notice must include:
 - a. A written request for reduction of the bond amount, signed and acknowledged by the owner/subdivider who executed the Performance Agreement. When applicable, such written

request shall include a certification by the owner or developer that the installation of all underground utilities located within the bounds of any public or private roadway covered by such bond has been inspected and approved by the utility provider.

- b. An estimate prepared and certified as being accurate by a professional engineer that shows the quantities of all bonded improvements in place, complete, and in good condition.

- c. Written consent, signed and acknowledged by a duly authorized officer or agent of the corporate surety, banking institution, or other approved surety which provided the surety or security.
 - d. The applicable processing fee; and
 - e. Inspection reports in accordance with Section 8.500 of this manual.
3. After a Bond Reduction is approved, an amendment to the Surety instrument shall be submitted to reflect the reduced amount.

E. Bond Release Procedures

1. A request for final and complete release of a bond and agreement shall be deemed to have been made when the developer has provided notice to the Director by certified mail. Such notice must include:
 - a. A written request for final release from the bond and agreement, signed and acknowledged by the owner/subdivider who executed the Performance Agreement.
 - b. To the extent not previously submitted pursuant to bond reduction request, copies of inspection and test reports if work was inspected and tested by a third-party inspector.
 - c. Certification that all bonded improvements, other than improvements accepted by VDOT, have been completed in accordance with the approved plans, profiles, and specifications and the requirements of this manual. For improvements to be accepted for maintenance by VDOT, such certification shall state that the improvements have been installed and inspected in accordance with VDOT requirements.
 - d. The applicable processing fee(s).
 - e. A copy of the County approval of the record drawings as required for facilities within public rights-of-way or easements submitted pursuant to Section 8.108 of this manual.
 - f. For subdivisions, a letter from a professional engineer or surveyor certifying that property corners have been set.

or his agent, that such repairs are needed. If repairs are not accomplished within that time, the owner/subdivider shall be deemed to be in default of the Agreement and Bond, and the Director may take any appropriate action provided for in such Agreement, including calling upon the Bond securing such Agreement in order to perform the repairs.

G. Vacation of Plat as Alternative to Subdivision Default

Failure by the owner/subdivider to perform its obligations under a Performance Agreement constitutes a default. This section provides an option that may allow the parties to avoid or correct a default situation where completion of the project is inappropriate or not feasible.

1. The option of total or partial vacation is available with the consent of the Board of Supervisors if accomplished by a written instrument in accordance with the provisions of Sections 15.2-2270, 15.2-2271 or 15.2-2272 of the Code of Virginia. Such written instrument, together with any plat of vacation necessary to clarify the nature of the vacation, shall be submitted to the Director along with a written explanation of the reason for seeking such vacation or partial vacation, and the Director shall submit such vacation request to the Board for approval.
2. Portions or sections of the subdivision in which construction has commenced or in which lots have been occupied or house construction has begun may not be vacated and must be completed and public improvements therein accepted by the appropriate public body or association. Under appropriate circumstances, as determined by the Board of Supervisors or designee, and in accordance with the policy stated herein relating to maintenance agreements and bonds, such completed improvements may be placed under security of a maintenance bond pending acceptance.

H. Construction of Road Improvements Prior to Approval of Plat or Plan

If the developer elects to construct the public road improvements prior to obtaining approval of a record plat or site plan, the following requirements shall apply:

1. Before beginning construction, the developer shall submit construction plans and profiles to the Director, as provided in the Land Subdivision and Development Ordinance and this manual. The Director shall submit such plans and profiles to VDOT for review and approval. After such plans and profiles have been approved by the Director, the developer shall obtain the required grading permits from the Director and all other required permits before commencing construction.
2. The developer shall then construct the road according to the approved plans and profiles and all applicable VDOT regulations existing at the time of construction. During construction the developer shall be responsible for obtaining all necessary inspections by VDOT or by third party inspectors in accordance with the requirements of this manual.
3. After the construction is completed, the developer shall submit to the Director:
 - a. A set of Record Drawings certified as to construction by a professional engineer in accordance with Section 8.108 of this manual.
 - b. Third party inspection reports in accordance with Section 8.500 of this manual.
 - c. A request, in writing, that a joint inspection be made by VDOT and the Director.
4. The Director shall schedule an inspection with VDOT, with all representatives present. Subsequent to such inspection, a punch list of those items requiring correction will be prepared. The Director shall

notify the developer, in writing, of the items requiring correction or revision by providing a copy of such punch list within 30 days of the inspection date.

5. The developer shall complete all of the corrective work shown on the punch list within 30 days. This punch list shall not relieve the developer of any latent defects which might become apparent prior to roadway acceptance by VDOT. If punch list corrections are not completed within the allotted time, the entire project may be subject to reinspection.
6. The developer shall notify the Director, in writing, upon completion of the punch list items and shall request final inspection. The Director shall set a date for joint inspection with VDOT and the developer within 30 days of the request. Subsequent to final inspection, the Director shall await written notification from VDOT as to whether the road, as constructed, meets the applicable construction standards of VDOT as of the date of inspection. If not, the procedures of paragraph 5. and this paragraph 6. may be repeated, as applicable.
7. If all criteria for acceptance by VDOT have been met, the Board of Supervisors or designee shall cooperate with the developer to obtain acceptance into the State system, as provided in this Section 8.300.
8. If final inspection indicates that the developer has fully performed as to construction, but that the road (s), due to factors other than quality of construction, are not acceptable into the state system, the owner/subdivider shall enter a maintenance agreement with surety, in form approved by the County Attorney and executed by the Board of Supervisors or designee, guaranteeing that the owner/subdivider will maintain the roads in the same condition as existed at final inspection until such time as VDOT road acceptance occurs. Such surety shall be in an amount as recommended by the Bond Committee and approved by the Board of Supervisors or designee. Maintenance responsibility for the road(s) shall remain with the owner/subdivider until such time as the road(s) are accepted by VDOT.
9. When the road(s) have been accepted by VDOT or when the maintenance agreement required in paragraph 8 is approved by the Board of Supervisors or designee, the Bonding requirements, except for any ancillary improvements outside the right of way, for such road(s) shall be deemed satisfied for the purposes of record plat approval.

8.400 CERTIFICATE OF OCCUPANCY OR USE

No certificate of occupancy or use shall be issued for residential, commercial, institutional, or industrial uses until required improvements as specified by the Board of Supervisors or designee, Planning Commission, or Board of Zoning Appeals are installed, inspected, and approved by the Director and the Zoning Administrator. Concurrent with the final inspection, it shall be verified that the developer has fulfilled the conditions of approval/proffers which are applicable to an occupancy within the development.

Upon a request for issuance of a certificate, a final inspection shall be made within ten (10) working days of the request. Prior to the issuance of an occupancy permit, all required improvements not installed shall be bonded in accordance with Section 8.300 of this manual.

8.500 INSPECTIONS

Inspections are required for infrastructure improvements, as shown upon approved site plans or construction plans and profiles, for bond release, acceptance of such improvements into the State system, or issuance of Certificate of Occupancy or Use. Inspections shall be sufficient to insure that the improvements have been installed in accordance with the approved site plans or construction plans and profiles and applicable VDOT standards and specifications.

A. Types of Inspections

Inspection reports shall address the following items, as applicable:

1. Compaction of embankments, compaction of trench and structure backfill, compaction of sub-grade, sub-base and base for roads and the compaction of base for walks and curbs.
2. Roller patterns and control strips and theoretical and actual densities for base and final pavement.
3. Appropriate concrete tests for concrete structures and facilities.
4. Independent structural inspections for both precast and cast-in-place concrete structures.
5. Overpasses and bridges.
6. Such additional items as the nature of the construction and the Director shall reasonably require.

B. Third Party Inspections

1. Applicability

Third party inspections are acceptable for public roadways and are required for private roadways, alleys, and all stormwater management facilities, including structures and impoundment embankments, associated with such public or private roadways or alleys.

2. Personnel Qualifications and Supervision

Tests must be performed by a certified soil, asphalt or concrete technician as appropriate. Technicians holding certifications other than those issued by the Materials Division of VDOT must provide evidence that VDOT accepts the certification as an equivalent. These technicians must be operating under the direct supervision of a professional licensed in the state to perform such work.

3. Reporting and Submission Requirements

Tests required hereunder must be available upon request to County or VDOT personnel after construction commences and must be part of the final submission to the County at project completion in conjunction with the Record Drawings, as specified in Section 8.108 of this manual. The final submission must be accompanied by a cover letter signed and sealed by the supervising professional certifying that the project has been tested in accordance to VDOT specifications and the construction of the project meets the criteria set forth by the County and VDOT.