

**CHAPTER 3
REGULATED LAND-DISTURBING ACTIVITIES AND APPLICABLE
REQUIREMENTS**

3.1 INTRODUCTION

As discussed in Chapter 1, development in Henrico County is subject to numerous environmental programs required by various state laws and regulations. Application of these requirements occurs during the plan review process for proposed subdivisions, plans of development (PODs), construction of single-family dwellings, and other activities that will result in land-disturbance.

Virginia state laws and regulations contain varying definitions of land-disturbing activities that include different exemptions. Therefore, the first step in developing a plan for environmental compliance is an evaluation of a proposed development project to determine the applicable requirements.

3.2 REGULATED LAND-DISTURBING ACTIVITIES

Sec. 10-28 of the Henrico County Code includes the following types of land-disturbing activities:

1. Any land-disturbing activity that disturbs 2,500 square feet or more, is less than one acre, not in a designated Chesapeake Bay Preservation Area, and not part of a common plan of development or sale, is subject to the erosion and sediment control plan requirements found in Chapter 8 of this manual.
2. Any land-disturbing activity that disturbs 2,500 square feet or more, is less than one acre, and in a designated Chesapeake Bay Preservation Area is subject to the environmental compliance plan requirements found in Chapter 5 of this manual. Any land-disturbing activity for a single-family detached residential structure that disturbs 2,500 square feet or more, is less than one acre, and in a designated Chesapeake Bay Preservation Area must provide an Agreement in Lieu of a Plan.
3. Any land-disturbing activity that disturbs less than one acre but is part of a larger common plan of development or sale that disturbs one acre or more, is subject to the environmental compliance plan requirements found in Chapter 5 of this manual.
4. Any land-disturbing activity that disturbs one acre or more is subject to the environmental compliance plan requirements found in Chapter 5 of this manual.

These types of land-disturbing activities are regulated by the County's environmental programs. The differences between these activities are explained by the exemptions and criteria found in the tables below.

3.3 APPLICABLE REQUIREMENTS

An Environmental Compliance Plan (ECP) in accordance with the requirements of Chapter 5 must be developed for all regulated land-disturbing activities. As explained in Chapter 5, an ECP has many components and some components are applicable to all regulated land-disturbing activities. However, there are several components that are only applicable to certain types of land-disturbing activities. For instance, the general information, Chesapeake Bay Preservation Area requirements, and the Environmental Site Assessment requirements must be provided for all regulated *land-disturbing activities*. Additionally, a Stormwater Pollution Prevention Plan (SWPPP) and accompanying Pollution Prevention Plan and Total Maximum Daily Load (TMDL) information is only required for land-disturbing activities where the proposed disturbance is one acre or more or part of a common plan of development that disturbs one acre or more. The ECP components that are applicable to the types of land-disturbing activities are summarized in Table 3.1.

HENRICO COUNTY ENVIRONMENTAL COMPLIANCE MANUAL

TABLE 3.1 ECP COMPONENTS AND PERMIT REQUIREMENTS APPLICABLE LAND-DISTURBING ACTIVITIES

ECP Component	Land Disturbance ≥ 2,500 ft ² and < 1 ac Not in a CBPA	Land Disturbance ≥ 2,500 ft ² and < 1 ac In a CBPA	Land Disturbance < 1 ac and Part of a Common Plan of Development that disturbs ≥ 1 ac	Land Disturbance ≥ 1 ac	Environmental Compliance Manual Reference
General Information*	✓	✓	✓	✓	Chapter 5
CBPA Requirements	✓	✓	✓	✓	Chapter 6
ESA Requirements**	✓	✓	✓	✓	Chapter 7
ESC Plan	✓	✓	✓	✓	Chapter 8
SWM Plan		✓	✓	✓	Chapter 9
Pollution Prevention Plan			✓	✓	Chapter 10
TMDL Information			✓	✓	Chapter 11
GCP			✓	✓	Chapter 12
SWPPP			✓	✓	Chapter 13
MS4 Program Requirements	✓	✓	✓	✓	Chapter 15

* Some of the general information items are not applicable to the construction of separately built, single-family residential structures (see section 10-32(f) of the Henrico County Code)

** The ESA requirements are not applicable to the construction of a single-family residential structure (see section 10-32(f) of the Henrico County Code)

HENRICO COUNTY ENVIRONMENTAL COMPLIANCE MANUAL

These applicable requirements are also depicted in Table 3.2 for single-family residential construction and Table 3.3 for other construction projects and are grouped by various characteristics of the development project.

HENRICO COUNTY ENVIRONMENTAL COMPLIANCE MANUAL

TABLE 3.2 – IMPLEMENTATION MATRIX FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE

Development Scenarios			Applicable Requirements								
Land Disturbance	In a CBPA?	Part of a Common Plan of Development or Sale?	ECP General Information	CBPA Requirements	ESA Requirements	ESC Plan	SWM Plan	GCP	SWPPP	Pollution Prevention Plan	TMDL Measures
≥ 2,500 ft² and < 1 ac.	NO	NO	✓		✓	✓					
	NO	YES	✓		✓	✓	✓	✓	✓	✓	✓
	YES	NO	✓	✓	✓	✓					
	YES	YES	✓	✓	✓	✓	✓				

