

Kent Conservation District Sediment & Stormwater Program Plan Review Policy

It is the desire of the Kent Conservation District Sediment & Stormwater Program to provide fair and consistent plan review, ensuring that land development projects implement good soil and water conservation practices and meet the requirements of the Delaware Sediment & Stormwater regulations.

Pre-application Meeting:

A pre-application meeting between applicant and the Kent Conservation District (KCD) is required for all projects during the conceptual phase of design for projects unless specifically waived. The preliminary meeting will allow a more in depth technical discussion than what is normally covered in the State's Preliminary Land Use Service (PLUS) or Development Advisory Committee (DAC) meetings.

The purpose of the pre-application meeting is to discuss design strategy, available best management practices and project specific concerns, such as known drainage concerns. Possible waivers and/or variances may be discussed at the time of a pre-application meeting, but no waiver or variance can be granted until all required information is submitted to support the granting of any waiver or variance. The pre-application meeting can happen at any time prior to submittal.

Preliminary Submittal

In order to expedite the review process a two step submittal is encouraged. A two step submittal is not required, but is especially encouraged for large projects or projects with unusual site conditions. KCD will review and provide preliminary comments for a preliminary submittal consisting of pre-development or pre & post-development hydrologic and hydraulic computations and plans. The preliminary review process will allow an earlier review of hydrologic computations and design concept, identifying issues earlier in the process while the construction plans and details are being completed. The preliminary submittal must be marked as such and contain all items listed in the Stormwater Management section of the Kent Conservation District Detailed Plan Checklist as they apply.

Formal Submittal Requirements

An applicant, when filing for a Sediment and Stormwater Management Plan Approval from the Kent Conservation District, shall as a minimum submit the following information to ensure a timely review:

- One set of construction plans signed and sealed by a Professional Engineer, Professional Land Surveyor or Registered Landscape Architect. A design report signed and sealed by the registered professional with narrative, supporting calculations, and any waivers or variances requested.
- One set of record plans (Plat plan) if a letter of "No Objection to Recordation" is being requested.
- Review fee payable to the Kent Conservation District. (See fee schedule for amount)
- Completed and signed Application for a Detailed Plan.
- A signed and sealed Kent Conservation District Sediment and Stormwater Management Plan Review checklist. Sediment and Stormwater Management Plans shall include all pertinent information from Plan Checklist.

All standard forms must bear an original signature in ink of the owner, designer, and/or their authorized agent(s).

Incomplete Submittals:

Application packages found to be incomplete or grossly lacking, will not be reviewed; the applicant will be sent a list of items required by the District to conduct a complete review.

Exemptions, Waivers, and Variances:

Questions arising over the exempt status of a particular project should be verified in writing by the Kent Conservation District. Requests for waivers from the Delaware Sediment & Stormwater Regulations and/or variances the requirements of this Plan Review Policy must be made in writing to the Kent Conservation District at the time of application. As a minimum, the applicants shall cite the relevant reference in Section 3 of the Regulations and provide justification for the waiver or variance and supporting documentation in the form of construction plans, official maps, and engineering computations.

Review Period:

Upon receipt of a complete application packet for sediment and stormwater management, the Kent Conservation District will complete its review of that submission within 30 calendar days, and have either the approval or review comments transmitted to the applicants. If that 30 day time frame cannot be met, the Kent Conservation District will notify the applicants of the reasons for delay, and an expected time frame (not to exceed an additional 30 days) when that review will be accomplished.

Plans will be reviewed in the order in which they are received, based on available staff. An exception will be for plans submitted for final approval, which will be reviewed and approved as soon as time permits.

Resubmittals

The revision package should include an item by item response to all review comments clearly indicating how each review comment was addressed. The resubmittal should also discuss changes to the plan as a result of other agencies reviews.

If the District does not receive a response to a review within six months, the application will be considered withdrawn and all new information and review fees must be resubmitted for further review. If extenuating circumstances or review by other agencies which will prevent a response within six months is expected, the Sediment & Stormwater Program Manager may grant an additional six month grace period upon written request.

Number of Plan Reviews

The Kent Conservation District will review no application more than three times. If after the third review the plan is still not found to be approvable, the application will be denied, and the reasons for plan denial will be sent to the applicants. Any applicant, who has been denied, may have the opportunity to appeal in writing to the Kent Conservation District Board of Supervisors.

In order for a plan to be reconsidered, the Kent Conservation District may, at its discretion:

- 1) Require a new application package and review fee in order to continue to review the application. The second application will be review no more than three additional times.

- 2) The application package will be forwarded to an outside private consultant of the Kent Conservation District's choosing to complete the review. All costs of the private consultant review plus Kent Conservation District administrative costs will be the responsibility of the applicant. Once the private consultant has determined that the plan meets the requirements of the State of Delaware Sediment & Stormwater Regulations and Kent Conservation District guidelines, they will forward a recommendation of approval to the Kent Conservation District. KCD will then perform a verification review prior to plan approval.

The decision to continue to review the plan or to forward the plan to an outside private consultant will be based on District workload, the expected review effort by the Kent Conservation District, and the cooperation of the developer and the design consultant.

Plan Approval

Upon notification that the plans are acceptable, five sets of signed and sealed plans must be submitted for approval (six sets if the project is located in a municipality.) Additional copies or Mylar plans may be submitted for approval as well. The plans must bear an original signature of the owner, designer, and/or their authorized agents. Two copies will be kept by the District; two copies will be returned to the owner, unless otherwise requested; one copy will be returned to the consultant, and one copy will be sent to the municipality in which the project is located.

The Kent Conservation District is required to verify that a *Notice of Intent (NOI)* for Stormwater Discharges Associated with Construction Activity under a National Pollutant Discharge Elimination System (NPDES) *General Permit* has been received by the Delaware Department of Natural Resources and Environmental Control (DNREC.) Plans can not be approved by the Kent Conservation District until verification that a NOI is on file with DNREC.

The plans shall not be considered approved without the inclusion of an approval stamp on the plans by the Kent Conservation District. Approved plans remain valid for three years from the date of the approval, unless specifically extended or renewed. Plans will not be renewed until all outstanding violations and/or punch list items of the previous approval have been satisfied. Additional construction inspection fees based on the remaining disturbed area of the project will be assessed at the time of plan renewal.