



## MEMORANDUM

**Date:** June 14, 2021  
**To:** Designers, General Contractors and Land Owners  
**From:** Tom Coghill, Director of Building Safety and Permits  
**Subject:** Retaining Walls

---

In accordance with USBC Sections 108.1 and 108.2, a **building permit** must be obtained to construct any retaining wall when any of the following conditions exist:

1. Supports 3 feet or more of unbalanced fill, including those used for stormwater BMPs, or
2. Is constructed for the purpose of impounding Class I, II, or III-A liquids, or
3. Supports a surcharge other than ordinary unbalanced fill, including those used for stormwater BMPs, or
4. Will be constructed in a flood risk area.

Retaining walls shall comply with the performance standards listed in [Section 23-9.1](#) of the James City County (JCC) Code.

In accordance with USBC Section 109.3, **Construction documents** shall be provided with the application for permit. The construction documents shall include:

1. A site development plan, prepared by a licensed surveyor or registered design professional licensed in Virginia. The site plan shall show the location of the proposed retaining wall on the lot. All dimensions, contour lines, elevations and easements shall be shown. Top of wall and bottom of wall elevations shall also be provided.
2. Construction drawings, sealed by a registered design professional licensed in Virginia. The construction drawings shall include plan view and wall section details. Dimensions, material specifications, and drainage system details shall be included.
3. A geotechnical report prepared by a registered design professional licensed in Virginia.
4. A Statement of Special Inspections prepared by the registered design professional of record.
5. For proprietary segmental block retaining walls (SBR), a copy of the manufacturer's installation instructions and a copy of an evaluation report from an accredited and nationally recognized evaluation service shall be provided.
6. [Notarized Maintenance Agreement](#).

In accordance with USBC Section 111.2 and when required by USBC Section 1704, a **Statement of Special Inspections** shall be provided by the registered design professional of record, within seven days of the inspections being performed.

The Statement of Special Inspections shall include a schedule of special inspections specifying special inspections for soil compaction, geo-grid installation, concrete, masonry and steel as applies per USBC Section 1704.3.1. Special inspections shall comply with the *Hampton Roads Regional Special Inspection Guidelines and Procedures* policy (note: a pre-construction meeting is required, in accordance with the HRRSIG policy).

In accordance with USBC Section 113.3 and 113.4 the following **inspections** are required:

- Footings - reinforcing steel in place and prior to placement of concrete or stone (by JCC Building Safety and Permit (BS&P) Inspector).
- Stem construction at maximum 4-foot lifts.
- Drainage system.
- Final - backfill completed with a portion exposed showing drainage system.

These inspections must be requested via our Permit Link system and will be performed by JCC BS&P Inspectors. The work may not be concealed prior to the scheduled inspection. Third-party inspections that have not been pre-approved, in accordance with our Third-Party Inspections Approval Policy will NOT be accepted.

In addition, the **Special Inspections** listed on the approved Schedule of Special Inspections must be performed by a JCC approved Special Inspector Agent. When the Special inspections have been completed the Special Inspector shall submit a completed **Final Report of Special Inspections** to the JCC Building Official.

A. Documents Required to be Submitted and Approved Prior to Requesting a Final Inspection

1. Final Report of Special Inspections and a completed Schedule of Special Inspections.
2. Upon completion of the wall construction and prior to the issuance of any final inspections by the Office of Building Safety and Permits, certifications of the soil compaction and drainage system by an appropriate licensed design professional and a certification that an appropriate licensed design professional has overseen construction of the wall shall be provided to the Director of Building Safety and Permits.
3. The design of the retaining wall system shall include a maintenance plan, which has been prepared by an appropriate licensed design professional. A copy of the retaining wall system maintenance plan shall be submitted to the Office of Building Safety and Permits prior to the issuance of any final inspections.
4. Copy of restrictive covenants and easements, as required by [Section 23-9.1](#) of the James City County Code, filed with the Clerk of the Court, in a form acceptable to the County Attorney.

Director of the Building Safety & Permits Division – Policy guidance when an application is submitted to repair or replace an older, existing retaining wall

The designer of record shall affirm that the retaining wall was in place prior to May 11, 2011, the date of adoption of Section 23-9.1 of the James City County Code. Further, the designer of record shall affirm that the scope of work covered by the application constitutes, and is limited to, either routine maintenance, minor alterations, cosmetic modifications, repair, and/or replacement of the existing structure.

Should the director of Building Safety & Permits determine that the scope of work covered by the application : (a) substantively changes the location, extent, or height of the existing retaining wall; or (b) is designed to substantively increase the developable acreage of the lot; or (c) is intended to circumvent Section 23-9.1 of the James City County Code; the design of the retaining wall shall meet the requirements of Section 23-9.1 of the James City County Code.