

City of Berea Land Disturbance Permit information

Application for a City of Berea Land Disturbance Permit (LDP):

bereaky.viewpointcloud.com

The fee for an LDP is \$425. A demolition permit is \$30, if needed for your project.

Contractors will need a current City Business License, and an up-to-date GL and WC Certificate of Insurance filed with the City of Berea Codes Department.

Note that only the pertinent checklist items need to be submitted. LDP Application checklist item descriptions are below. Major checklist items:

Notice of Intent (NOI):

First, the applicant will apply for, and receive local Berea LDP. Applicant will then submit online NOI application and scan of approved Berea LDP to KY Division Of Water. State NOI application must be filled out and submitted online (dep.gateway.ky.gov/eForms/Main/Forms.aspx?FormId=48). When NOI is approved, you will receive a KY Stormwater Construction Permit, also known as a KYR10.

Bond:

Amount must be twice the estimated cost of EPSC (erosion control), with a minimum bond of \$1,500. A letter of credit will also work for this requirement. LDP bond or letter of credit needs to be made out to "City of Berea". Original copy of surety must be submitted or mailed to Codes office before LDP application is approved. Cost of erosion control is figured as materials + labor.

LDP bond/letter of credit needs to be for the duration of disturbance, until the site is stabilized, and erosion control measures are no longer needed. From our experience, most bonds don't have an expiration date, and most letters of credit are for one year. If you obtain a 12-month letter of credit, please make sure that you renew the letter if your site will remain unstabilized for over a year.

We don't have a specific form for bonds or letters of credit; I've included several examples at the end of this document to show the common format. There will be signature blocks at the bottom of the document, signed by the principal and the representative of the surety company. The principal will be the landowner, developer, or contractor, depending on the situation.

Another page or pages will be attached from the surety company, detailing the power of attorney granted to your surety agent/broker to issue sureties on behalf of the surety company.

See Berea Stormwater Ordinance § 34.204 FISCAL SURETY:

codelibrary.amlegal.com/codes/bereaky/latest/berea_ky/0-0-0-41052

Stormwater Maintenance Agreement:

If required, this form must be completed, recorded at Madison County Courthouse, and copy of recorded agreement submitted to Berea Codes Office.

Download form at: bereaky.gov/wp-content/uploads/2023/07/GIS-Berea-Stormwater-Maintenance-Agreement.pdf

For criteria and other information, see Stormwater Ordinance, [§ 34.304, Maintenance Agreements](#) for more information: codelibrary.amlegal.com/codes/bereaky/latest/berea_ky/0-0-0-41167#JD_34.304

Land Management Development Ordinance (LMDO):

bereaky.gov/wp-content/uploads/2023/07/GIS-Berea-LMDO-Appendix-D-and-E.pdf

Also download “Appendix A-N (PDF)” and check Appendix D, Stormwater Drainage Systems, pg. 47, and Appendix E Grading & Fill Ordinance, pg. 54.

If you have **not** yet submitted a Development Plan, please check LMDO sections pertaining to Development Plans, including requirements, checklists, and plan certificate block text:

- Requirements: Section 401.3
- Checklists & Certificate text: LMDP Appendix H

Stormwater Manual and Ordinance:

bereaky.gov/wp-content/uploads/2023/07/GIS-Berea-Stormwater-Manual.pdf

Check Ordinance, section 34.201-34.206 (pg. 11-14) for Land Disturbance info. Section 34.204 (pg. 13) pertains to bonding.

Land Disturbance Permit Workflow:

- If a Development Plan is required for the project, the Development Plan must be approved before applying for an LDP. However, the applicant may begin submitting required LDP checklist items before the Development Plan is approved, in order to save time. See LDP checklist guide at the end of this document.
- If a Stormwater Maintenance Agreement is required as part of the LDP application, complete the form, record at Madison Co. Clerk, and submit recorded copy as part of your LDP Application.
- If the LDP Application is approved by City of Berea, the applicant will submit the approved LDP to KY Division of Water as part of their Notice of Intent (NOI).
- If KYDOW approves the NOI, the applicant will receive a KY Stormwater Construction Permit, or KYR10.
- Send a copy of KYR10 Permit to City Codes & GIS staff. A digital copy is OK.
- There is no City of Berea NOI, only a State Division of Water NOI.

Have More Questions?

- Visit our website: bereaky.gov/government/city-departments/gis/storm-water-flooding/
- Email Amanda Haney (ahaney@bereaky.gov) or Matthew Thomas (mthomas@bereaky.gov)
- Call the City of Berea Department of Codes and Planning at (859) 986-8528.

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Land Disturbance Permit (LDP) Submittal Checklist:

The applicant is only required to submit checklist items that apply to their project.

_____ **Stormwater Pollution Prevention Plan (SWPPP)** *Can be a bound document with standard drawings of Erosion C controls (EC)/BMPs (Best Management Practices) or can be a DP (development plan) or other drawing, showing silt fence and const. entrance. If it's all on a drawing, specs for EC/BMPs must be on drawing.*

_____ **KY Stormwater Construction Permit (KYR10 or Individual)** *An approved **KYR10** Permit from KY Division of Water is the result of the applicant submitting an Notice of Intent (**NOI**). The NOI is the application; a KYR10 is the approval of the application. Applicant must submit the approved Berea LDP with an NOI.*

ORDER OF EVENTS: Applicant will first apply & be approved for the local Berea LDP, then will submit an NOI to KYDOW, then will receive a KYR10 back from KYDOW.

_____ **Copy of Approved Kentucky DOW NOI** ***also known as KYR10.** Applicant will apply at the following website: <https://dep.gateway.ky.gov/eForms/Main/Forms.aspx?FormId=48>*

_____ **KY DOW 401 Water Quality Certificate** *only if applicant will be working in a stream, pond, wetland, etc.*

_____ **KY Stream construction Permit** *only if applicant will be working in a stream, pond, wetland, etc.*

_____ **US Corps of Engineers 404 Permit** *only if applicant will be working in USACE jurisdictional waters*

_____ **FEMA LOMR or CLOMR** *only if applicant will be working in FEMA SFHA (floodplain)*

_____ **KY Transportation Cabinet Encroachment Permit** *only if applicant will be working in State Right of Way*

_____ **Planning and Zoning Approval** *if project requires a Development Plan, the DP will be approved by Codes Director (approving authority), or Planning Commission before LDP is applied for*

_____ **Site Plan Review Checklist** *only if needed, checklist that Codes + GIS uses to review DPs, Major & Minor plats, etc*

_____ **Set of Finalized Construction Plans and Specs** *...for clearing & grading plan, construction of temporary silt dams, detention ponds, etc. For small scale LDPs, the plan included as part of the SWPPP will usually suffice*

_____ **Application Fee** *\$425.00*

_____ **Completed Maintenance Agreement** *if needed, this takes over when the project is complete or dumping is no longer taking place on the site, and the site has been stabilized (usually by seed & straw + permanent EC/BMP, if any).*

Note: If seeking an LDP for FILL, volume of fill must be ≥ 100 cy or approximately 10 dump truck loads total

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Examples of Bond / Letter of Credit:

BOND NO. [REDACTED]

Know All Men By These Presents,
That we, [REDACTED]
of [REDACTED]
and [REDACTED] as Principal.
[REDACTED] a corporation organized under the laws of the State of
[REDACTED] having its principal office in the City of [REDACTED] as Surety, are held and firmly
bound unto City of Berea
in the sum of [REDACTED] Dollars (\$ [REDACTED]) lawful money of the
United States, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators,
successors and assigns, jointly and severally, firmly by these presents.

Whereas, the above bounden Principal has been granted a
City of Berea land disturbing permit for [REDACTED] project, Madison County, KY

Now, Therefore, the Condition of this Obligation is Such, that if the above Principal shall indemnify and save
harmless the City of Berea against loss to
which the City of Berea
may be subject by reason of said Principal's breach of any ordinance, rule or regulation relating to the above described
license or permit, then this obligation shall be null and void, otherwise to remain in full force and effect.

This obligation may be canceled by said Surety by giving thirty (30) days notice in writing to:
City of Berea, 121 Chestnut Street, Berea KY 40403

and the said Surety shall be relieved of any further liability under this bond thirty (30) days after receipt of said notice by
the said City of Berea.

No cause of action shall lie against the surety unless commenced within two years from the date the cause of action
accrues against the principal.

Regardless of the number of years this bond shall continue in force and the number of premiums which shall be payable
or paid, the surety's total limit of liability shall not be cumulative from year to year or period to period.

Signed, sealed and dated this [REDACTED] day of [REDACTED], 20[REDACTED].

Bond No. [REDACTED]

Public Improvement Bond

KNOW ALL MEN BY THESE PRESENTS, that we, [REDACTED]
as Principal, and [REDACTED] as Surety,
are held and firmly bound unto City of Berea, Berea, Kentucky 40403, as Obligor,
in the penal sum of [REDACTED] Dollars (\$ [REDACTED]),
for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our
executors, administrators, successors, and assigns, firmly by these presents.

WHEREAS, the Principal has agreed to perform the various improvements as detailed by either the
plan(s) / specification(s) / agreement, prepared by [REDACTED] to the project
known as Erosion Sediment Control for [REDACTED]

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that, if said Principal shall
perform and complete said improvements to said project in accordance with either the plan(s) /
specification(s) / agreement, then this obligation shall be void, otherwise to be and remain in full force
and effect.

THIS BOND WILL TERMINATE upon written acceptance of the improvements by the Obligor to the
Principal and/or Surety.

Sealed with our seals and dated this [REDACTED] day of [REDACTED], 20[REDACTED].