



THE City OF
Martinsburg

| For Official Use Only | |
|-----------------------|----|
| Application #: | |
| Zoning: | |
| Code: | |
| Amount Due: | \$ |
| Date Paid: | |

Planning Department * 232 N. Queen Street * Martinsburg, WV 25401 * 304.264.2131

APPLICATION FOR LAND DISTURBANCE PERMIT

WHEN REQUIRED: For development that involves one (1) or more of the following:

1. New development or redevelopment that involves:
 - a. The creation of 5,000 square feet or more of Impervious Cover, or;
 - b. Involves other land disturbance activities of one (1) acre or more.
2. Redevelopment that includes:
 - a. The creation, addition, or replacement of 5,000 square feet or more of impervious cover, this includes redevelopment that results in increasing impervious surface on a site to 5,000 square feet or more, or;
 - b. Involves other land disturbance activity of one (1) acre or more or activity that results in increasing land disturbance to one (1) acre or more.
3. Land disturbance activities that are smaller than the minimum applicability criteria set forth in items (a) and (b) above, if such activities are part of a larger common plan of development, which cumulatively meet the criteria set forth in items (a) and (b) above, even though multiple, separate, and distinct land disturbance activities may take place at different times on different schedules.

ADDITIONAL SUBMITTALS FOR REVIEW AND APPROVAL:

This application is part of a site registration process to demonstrate how a site will meet land development standards contained within the Storm Water Ordinance of the City of Martinsburg and Article 937 of the Martinsburg City Code. Please contact the Planning Department office at the phone number above to determine what other reviews and approvals may be required.

Development that requires a Land Disturbance Permit will generally also require site plan approval by the Martinsburg Planning Commission before any permits can be issued. A deposit is required upon submittal of this application. Prior to issuance of an approved Land Disturbance Permit, a performance bond from the developer will be required.

**No land disturbance activities may begin until approved by the City of Martinsburg.
All state and federal regulations for development activities still apply.**

Please legibly print or type the following application in its entirety. Incomplete applications will not be accepted.

1. PROJECT INFORMATION

Project Name: _____

Street Address: _____

Lot: _____ Block: _____ Subdivision: _____

Type of Development (select one):

Residential Commercial Industrial Utility Other _____

Total Project Acres: _____ (Square Feet if area is less than 1 Acre)

Total Disturbed Acres: _____ (Square Feet if area is less than 1 Acre)

Number of Lots and/or Units (Residential only): _____

Name of receiving stream: _____

Does the project require an NPDES Permit (select one): Yes No

→ Type of Permit (select one): Individual General

2. PROJECT DESCRIPTION

3. PROPERTY OWNER

Owner Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Responsible Official Name: _____

→ Telephone (Work): _____ (Cell): _____

→ Email: _____

4. DEVELOPER

Developer Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Responsible Official Name: _____

→ Telephone (Work): _____(Cell): _____

→ Email: _____

5. ENGINEERING FIRM

Engineering Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Responsible Engineer Name: _____

→ Telephone (Work): _____(Cell): _____

→ Email: _____

6. PARTY RESPONSIBLE FOR EROSION & SEDIMENT CONTROL

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Responsible Engineer Name: _____

→ Telephone (Work): _____(Cell): _____

→ Email: _____

7. SUBMITTALS ATTACHED
(REQUIRED PER STORMWATER MANAGEMENT ORDINANCE, ART.III)

- Erosion & Sediment Control Plan in accordance with Article III.B.
- Stormwater Management Plan in accordance with Article III.C.
- Maintenance requirements in accordance with Article III.D.

8. DEPOSITS REQUIRED UPON SUBMITTAL
(PER STORMWATER MANAGEMENT ORDINANCE)

- For projects on two acres or less: \$1,500 deposit
- For projects over two acres: \$2,000 plus \$150 for every additional acre

I hereby certify that I have read and examined this application and that all statements are true and correct; furthermore, I certify that I am the Owner or Lessee of the property, or Agent of either, or the licensed Engineer or Architect employed in connection with the proposed work and that the proposed work is authorized by the Owner in fee and I am authorized to make such application.

Applicant's Name (please print) _____

Applicant's Signature _____

Daytime Telephone _____

SPECIAL CONDITIONS

EROSION AND SEDIMENT CONTROL PLANS

REQUIREMENTS FROM STORMWATER ORDINANCE, ARTICLE III

B. EROSION AND SEDIMENT CONTROL PLANS

- (1) Any owner or developer engaged in clearing, grading, and excavating activities that disturb one (1) acre or more, including smaller sites in a larger common plan of development or sale, are required to obtain a West Virginia NPDES General Water Pollution Control Permit for their stormwater discharges. Construction Sites that result in land disturbance of one (1) acre or greater will require the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) meeting the requirements of the General Permit.
- (2) Review and Approval of Erosion and Sediment Control Plans
 - (a) No changes shall be made in the contour of the land and no grading, excavating, removal or destruction of topsoil, trees, or other vegetative cover shall be commenced until an erosion and sediment control plan for stabilizing disturbed areas has been reviewed and approved by the City of Martinsburg Planning Department or authorized representative
 - (b) The applicant shall submit the Erosion and Sediment Control Plans and any supporting computations to the City of Martinsburg Planning Department for review and approval. The Erosion and Sediment Control Plans shall contain sufficient information and notes to describe how soil erosion and off-site sedimentation will be minimized. The City of Martinsburg Planning Department or their authorized representative shall review the plan to determine compliance with the *West Virginia Erosion & Sediment Control Best Management Practices Manual* and these regulations. The plan shall serve as a basis for all subsequent grading and stabilization.
 - (c) All plans must meet the requirements of the West Virginia Department of Environmental Protection's Construction Stormwater NPDES regulations, as applicable. In the event of conflict between the City of Martinsburg Stormwater Management Ordinance requirements and WVDEP requirements, WVDEP requirements shall prevail.
 - (d) Particular control device design requirements:
 - (i) Silt fence shall be placed on the contour and shall have a maximum slope above it of 110 feet.
 - (ii) Regular silt fence is not acceptable for concentrated flow.
 - (iii) Sediment traps and sediment basins are to contain 3,600 cubic feet per drainage acre. Half of the required storage shall be in wet storage and the other half in dry storage.
 - (e) If a storm water management basin is used for sediment control during construction, details must be provided showing that it can meet the sediment and erosion control requirements.
 - (f) In approving the Erosion and Sediment Control Plans, the City of Martinsburg Planning Department may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this Ordinance, the standards of the *West Virginia Erosion & Sediment Control Best Management Practices Manual*, or the preservation of public health, safety, and the

environment. Approval of the application for Land Disturbance Permit by the City of Martinsburg Planning Department shall constitute approval of the Erosion and Sediment Control Plan.

(3) Exemptions:

- (a) An "Agreement in Lieu of an Erosion and Sedimentation Control Plan/Stormwater Pollution Prevention Plan" is permissible for any Land Disturbance Activity associated with the construction of a single-family or duplex residential lot not part of a subdivision. Such an agreement requires the owner or developer to implement and maintain, at minimum, a stone construction entrance, a Silt Fence as needed, and all denuded areas on the lot shall be stabilized within seven (7) days of final grading or after the site becomes idle with permanent vegetation or protective ground cover suitable for the time of year.

(4) Contents of Erosion and Sediment Control Plans

- (a) The applicant is responsible for submitting Erosion and Sediment Control Plans which meet the requirements of the City of Martinsburg Planning Department, these regulations, and the *West Virginia Erosion & Sediment Control Best Management Practices Manual*. The plans shall include sufficient information to evaluate the potential impacts of the proposed grading on water resources and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation.
- (b) The Erosion and Sediment Control Plans shall be submitted as a part of the Land Disturbance Permit approval. The Erosion and Sediment Control Plans shall include, at a minimum, the following information:

A plan at an appropriate scale indicating at least:

- (i) Name, address, and telephone number of:
- 1) The owner of the property where the grading is proposed;
 - 2) The developer;
 - 3) The applicant;
 - 4) The person responsible for the preparation of the plan.
- (ii) North arrow and graphic scale
- (iii) The existing and proposed topography.
- (iv) The proposed grading and earth disturbance including:
- 1) Surface area involved;
 - 2) Limits of grading including limitation of mass clearing and grading whenever possible.
 - 3) Limits of areas where bedrock is to be removed by blasting or hydraulic hammer whenever possible.
 - 4) Total estimated cut and fill volumes
- (v) Storm drainage provisions, including:
- 1) Velocities and quantities of the Q10 flow at outfalls; and
 - 2) Site conditions around points of all surface water discharge from the site;

- (vi) Erosion and sediment control provisions to minimize erosion and prevent off-site sedimentation including:
 - 1) Provisions to preserve topsoil and limit disturbance;
 - 2) Details of grading practices;
 - 3) Design details for structural controls; and
- (vii) Details of temporary and permanent stabilization measures including placement of the following statement on the plan: "Following initial soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within:
 - 1) Seven calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); and
 - 2) Seven days as to all other disturbed or graded areas upon reaching final grade or the site being idle."
- (viii) Computations as may be necessary to show adequate sizing of erosion and sediment control measures.
- (x) Details of all required NPDES inspections.
- (c) Temporary and permanent seeding specifications, including:
 - (i) Type of seed (mixture) and application rate;
 - (ii) Type of lime and fertilizer and the associated application rates;
 - (iii) Type of mulching, application rate and type of anchoring.
- (d) Sequence of construction describing the relationship between the implementation and maintenance of controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, as minimum, include a schedule and timeframe for the following activities:
 - (i) Clearing and grubbing for those areas necessary for installation of perimeter controls;
 - (ii) Construction of perimeter controls (i.e. dikes, silt fence, sediment traps, sediment basins, etc.);
 - (iii) Remaining clearing and grubbing;
 - (iv) Road grading;
 - (v) Utility installation;
 - (vi) Grading for the remainder of the site;
 - (vii) Final grading, landscaping or stabilization;
 - (viii) Maintenance schedule for all control devices; and
 - (ix) Removal of temporary controls.
- (e) A statement placed on the plan indicating that the developer shall request that the City of Martinsburg Planning Department approve the work completed in accordance with the approved erosion and sediment control plan, the grading permit, and this Ordinance.
 - (i) On all sites with disturbed areas in excess of one (1) acre, approval by the City of Martinsburg Planning Department shall be requested upon completion of installation of the perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading.
 - (ii) Approval shall be requested upon final stabilization of all sites with disturbed areas in excess of one (1) acre before removal of controls.

- (f) Certification by the owner or developer that any clearing, grading, construction, or development, or all of these, will be done pursuant to the approved plan and that responsible personnel involved in the construction shall be made aware of such requirements and have a copy of the approved plan at the construction site.
 - (g) The City of Martinsburg Planning Department may waive the inclusion of any specific information required by this Section that is considered by the Department to be not required or not applicable for the affected site.
- (5) **Modifications to Erosion and Sediment Control Plan**
The City of Martinsburg Planning Department may require modifications to an approved plan, require additional items or cause new plans to be submitted as a result of field inspection revealing the approved plans do not provide adequate protection. Modifications may also be requested by the owner or developer due to unforeseen field conditions.

END OF SECTION

STORMWATER MANAGEMENT PLAN REQUIREMENTS

REQUIREMENTS FROM STORMWATER ORDINANCE, ARTICLE III

C. STORMWATER MANAGEMENT PLAN REQUIREMENTS

- (1) All Stormwater Management Plans shall be appropriately sealed and signed by a Professional Engineer in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with West Virginia Code Chapter 30, Professions and Occupations, and attendant regulations certifying that the plan meets all submittal requirements outlined in this Ordinance and is consistent with good engineering practice.
- (2) The developer is responsible for submitting a Stormwater Management Plan that meets the design requirements of this Ordinance. The plan shall be accompanied by a report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing storm water runoff. The developer or builder shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the approved plan. The minimum information submitted for support of a Stormwater Management Plan or application for a waiver shall be as follows:
 - (3) The Stormwater Management Plan shall include the following:
 - (a) Name, address, and telephone number of all entities and persons having a legal interest in the property
 - (b) Tax reference number and parcel number of the property or properties affected, including all adjacent properties.
 - (c) Existing and proposed buildings, roads, and parking areas
 - (d) Existing and proposed drainage areas, including areas necessary to determine downstream analysis for proposed stormwater management facilities
 - (e) Existing and proposed utilities, easements, and structural stormwater management and sediment control facilities
 - (f) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses
 - (g) Clearing and grading limit boundaries
 - (h) A 1" = 200' topographical base map of the Site, which extends a minimum of 200 feet beyond the limits of the proposed development
 - (i) Existing surface water drainage including streams, ponds, culverts, ditches, drainage patterns, and wetlands
 - (j) Hydrologic and hydraulic design calculations for the Pre-development and Post-development conditions for the Design Storms specified in this Ordinance. Such calculations shall include the following:
 - i. Description of the Design Storm Frequency, intensity, and duration
 - ii. Time of concentration

- iii. Soil Curve Numbers (CNs) or Runoff Coefficients
 - iv. Peak Runoff rates and total Runoff volumes for each Watershed
 - v. Infiltration rates, where applicable
 - vi. Culvert and/or channel capacities
 - vii. Flow velocities
 - viii. Data on the increase in rate and volume of Runoff for the specified Design Storms
 - ix. Documentation of sources for all computation methods and field test results
- (k) A written or graphic inventory of the natural resources at the site and surrounding area including, forest cover, wetlands, and other native vegetative areas, as it exists prior to the commencement of the project and a description of the Watershed and its relation to the project Site
 - (l) Environmentally sensitive features (e.g., wetlands, 100-year floodplains, steep slopes, Karst Terrain, threatened and/or endangered species, etc.) that provide particular opportunities or constraints for development
 - (m) A stable access route to all SWM features.
 - (n) All necessary construction specifications, including manufacturer details and specifications;
 - (o) SWM features to meet all NRCS-378 pond design criteria, including embankment width, core trench, anti-seep collars, emergency spillway, etc. as described in the following documents as recommended by the West Virginia Stormwater Management and Design Guidance Manual:
 - (i) West Virginia Erosion and Sediment Control Best Management Practice Manual
 - (ii) Virginia Stormwater BMP Clearinghouse
 - (iii) Maryland Stormwater Design Manual
 - (iv) Pennsylvania Stormwater Best Management Practices Manual
 - (p) Analysis of the impacts of stormwater flows downstream - the design release rate of the structure shall be modified if there is a risk that any increase in flooding or stream channel erosion will occur at any point;
 - (q) A sequence of construction;
 - (r) A plan and profile view through the centerline of each SWM feature including the forebay area, micropool area, embankment and outlet showing existing and proposed grades and all pertinent features at accurate elevations;
 - (s) Geotechnical properties for the hydrologic and structural properties of soils, especially for dam embankments, shall be described in a soils report. The submitted report shall include boring depth, sampling frequency and types, and associated laboratory testing with results and conclusions, and follow the criteria in the Appendix B of the *West Virginia Stormwater Management and Design Guidance Manual*. Soil properties for Infiltration facilities shall also conform to the

guidance and specification outlined in the *West Virginia Stormwater Management and Design Guidance Manual*;

- (t) Outlet protection information including: dimensions, depth, geotextile, and stone sizing;
- (u) Tabular summary of all SWM facilities provided in spreadsheet format (Microsoft Excel or equivalent) with the following details:
 - (i) Facility location based upon West Virginia State Plane Coordinate System.
 - (ii) Description of type of system
 - (iii) Total area the facility is providing stormwater management services for.
- (v) Digital data submissions of the same information found on the printed sets of plans are required in addition to the printed sets of plan submission requirement. Printed sets of plans remain mandatory and will continue to be recognized as the official document.

The following digital formats are acceptable:
DXF: AutoCAD Drawing Exchange Format, release 13 or later
DWG: AutoCAD Drawing File, release 13 or later

Data formats that are native to GIS (i.e., shapefiles and geodatabases) are also acceptable, though not required. Additional formats will only be accepted if they are compatible with GIS and increase the efficiency for data capture and integration.

The following coordinate system, horizontal datum and mapping units are required for all digital data submissions:
Coordinate System: State Plane, West Virginia North, FIPS Zone 4701
Horizontal Datum: NAD83
Mapping Units: US Survey Feet
- (w) Any other information required by the City of Martinsburg Planning Department or representative thereof.

END OF SECTION

MAINTENANCE REQUIREMENTS
REQUIREMENTS FROM STORMWATER ORDINANCE, ARTICLE III

D. MAINTENANCE REQUIREMENTS

- (1) The design and planning of all stormwater management facilities shall include detailed maintenance procedures to ensure their continued function. These maintenance procedures will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance procedures and the need for revisions or additional maintenance procedures shall be included in the Land Disturbance Plan.
- (2) The applicant must ensure access to all stormwater management facilities at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded and will remain in effect even with the transfer of title to the property.
- (3) Prior to the approval of any Land Disturbance Permit that has a stormwater management facility as one (1) of the requirements, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facilities. Reference to this agreement shall be noted on plats and plans and a copy provided for recordation at the Berkeley County Office of the Clerk.
- (4) All maintenance, inspections, and cleaning of stormwater management facilities shall be the responsibility of the Property/Homeowners Association or property owner. The responsible party(ies) shall be specified in the recorded maintenance agreement.
- (5) The City of Martinsburg Planning Department or an authorized representative shall ensure that preventative maintenance is performed by reviewing all inspection reports and conducting inspections on stormwater management systems at its discretion.
- (6) The City of Martinsburg Planning Department or an authorized representative shall provide forms for the conduction of such inspections.
- (7) Inspection and maintenance agreement
 - (a) Prior to the approval of any Land Disturbance Permit for which stormwater management is required, the City of Martinsburg shall require the applicant or owner to execute an Inspection and Maintenance Agreement (see Attachment B) binding on all subsequent owners of land served by a private Stormwater Management Facility. Reference to this agreement shall be noted on plats and plans and a copy provided for recordation at the Berkeley County Office of the Clerk. Such agreement shall confirm that the applicant or owner will have inspections conducted according to the schedule in Section D(8)(d) of this Article, by a certified engineer, performed on stormwater management facilities to ensure that the facility is maintained in proper working condition to meet design standards. The applicant or owner is responsible for costs associated with these inspections. Inspection reports (see attachment C) are then to be submitted to the City of Martinsburg Planning Department, within 30 days of the inspection, for recordation.

The agreement shall also provide for access to the facility at reasonable times by the City of Martinsburg Planning Department or an authorized representative to ensure that the facility is maintained in proper working condition to meet design standards and that inspections are being conducted on an annual basis or as otherwise required. Scheduled access to the facility by the City of Martinsburg Planning Department or representative shall also be permitted to inspect facilities after the occurrence of significant events which may have compromised the facility such as flooding, sink holes, or other unforeseen events.

- (b) The agreement shall be recorded by the applicant and/or owner in the land records of the Berkeley County office of the Clerk and the City of Martinsburg as required.
 - (c) The agreement shall also provide that, if after notice by the City of Martinsburg to correct a violation found during inspection or requiring maintenance work, satisfactory corrections are not made by the owner(s) within a period of 90 days from the date of the inspection or as agreed to by the City of Martinsburg Planning Department, the City of Martinsburg may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties, which shall include administrative and legal fees/costs incurred. This may be accomplished by, but is not limited to, placing a lien on property or properties containing or served by stormwater management facilities.
 - (d) The Inspection and Maintenance Agreement shall be reviewed and approved by the City of Martinsburg Planning Department prior to approval of the Land Disturbance Permit .
- (8) Inspection and maintenance of stormwater facilities
- (a) The owner and/or party responsible for the maintenance of stormwater management facilities constructed pursuant to this Ordinance shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
 - (b) A maintenance schedule shall be developed for the life of any Stormwater Management Facility. This maintenance schedule shall be printed on the approved Stormwater Management Plan. All stormwater maintenance schedules must be adhered to by the owner, Property/Homeowners Association or other responsible entity and included on the deed, Inspection and Maintenance Agreement, plans, offer of sale of real property, and purchase agreement.
 - (c) The party responsible for the maintenance of the stormwater management system shall provide written records of all maintenance and repairs within 30 days of work completion, to the City of Martinsburg Planning Department.

- (d) The City of Martinsburg Planning Department or authorized representative shall ensure that preventative maintenance is performed by reviewing all inspection reports for all stormwater management systems. Inspections shall occur according to the following schedule:

Stormwater Facility Inspection Schedule

1. After the first year of operation
2. Once every year after the first year of operation
3. After any structural maintenance or maintenance in response to a violation takes place (within 30 days)
4. Within 30 days after a 3-inch rainfall within a 24-hour period storm event (2-year, 24-hour storm event)
5. As requested by the City of Martinsburg in response to complaints or other notice of possible violations.

- (9) Inspection report requirements (see Attachment C)
- (10) Any homeowners' or business owners' association or property owner, either individual or in concert with others who are responsible for stormwater facility maintenance, must include in their recorded declaration or charter acknowledgement that it cannot dissolve without another entity accepting maintenance responsibility for stormwater facilities. If no other entity accepts responsibility then all property owners who now or in the future possess properties which utilize the stormwater facilities cited in the declaration or charter, shall be jointly and severally liable for compliance with the ordinance in order to be compliant with the stormwater management ordinance. If maintenance and/or inspections are required at the City's expense, the property owners will be charged equally by the City for the cost of such activities.
- (11) Any and all applicable inspection and maintenance requirements under NPDES regulations shall be adhered to.

END OF SECTION