



Community Development

Building Codes

Land Disturbance Guidelines

A Land Disturbance Permit (LDP) is a local permit required by the City of Shawnee for any land disturbance occurring in a given area. "*Land Disturbance*" means any activity that changes the physical conditions of land form, vegetation and hydrology, creates bare soil, or otherwise may cause Erosion or Sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.

The Clean Water Act of 1987 mandated that any activities regarding stormwater discharges including those issuing from properties encountering construction activities comply with regulations involving pollution of a storm sewer system. A storm sewer system may include curbs, gutters and streets as well as storm water pipes and the water ways that they drain into.

City of Shawnee Ordinance 11.20 was passed to implement and provide for enforcement of a program to regulate land disturbance activities and construction activities related to grading and to control erosion and sedimentation resulting from these activities.

LDPs are required when any of the following are to be performed on a property:

1. The total area being disturbed is one acre or more.
2. The disturbance is part of a larger planned project that will total one acre or more.
3. The disturbance will include more than 50 cubic yards of fill or cut.
4. Any disturbance within 50 feet of natural or improved channel or drainage way.
5. Any disturbance that involves construction of a new roofed structure of more than 1000 square feet on a site with less than one acre of land disturbance.

An LDP is not required for the following:

1. Work to correct or remedy emergencies, including situations that pose an immediate danger to life or property.
2. Agricultural uses except that the Director of Public Works determines that erosion or sediment controls are needed per United States Department of Agriculture Standards or that an LDP is required.

Permit application and submittals include the following:

1. A completed Standard Land Disturbance Permit application form



Community Development

Building Codes

2. Grading and erosion control plans showing property lines, existing and proposed contours, existing and proposed structures, and proposed Best Management Practices (BMPs) for all phases of construction.
3. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted for projects involving one acre or more or part of a larger project involving one acre or more. The documents must be prepared by a Qualified Erosion Control Specialist. A guide for developing a SWPPP is available online at www.epa.gov/npdes/swpppguide.
4. Plan review fee in accordance with City of Shawnee Comprehensive User Fee Schedule PS-56.
5. Surety bond.

More detail and design guidelines for Standard LDPs are described in Shawnee Municipal Code Chapter 11.20 and Shawnee Design Manual. Both of these documents are available at the City Hall or online at www.CityofShawnee.org.

Requirements for Grading, Excavation and Earthwork:

Land Disturbance Permits require that grading and earthwork construction be accomplished in compliance with the Shawnee Municipal Code including the 2018 International Building Code and the Shawnee Design Manual.

Low Impact Land Disturbance Permits:

Land disturbance activities involving less than one acre of land may require that a low impact land disturbance permit be obtained. A Land Disturbance Permit application form along with a site plan is required to be submitted for any grading projects involving more than 50 cubic yard of cut or fill, construction of a structure having more than 1,000 square feet of roofed area, or any land disturbance occurring closer than fifty (50) feet from a natural or improved drainage way.

New Single or Two Family Dwelling projects require that a One and Two Family Residential Low Impact Permit be obtained along with the building permit. Design standards for Low Impact residential LDPs are required to comply with the "Single Family Residential Standard Design Booklet" published by the Kansas City Metropolitan Chapter American Public Works Association. A copy of this standard will be with the Low Impact Land Disturbance Application packet available at the Building Codes office or online at <http://www.cityofshawnee.org>.

Permits shall be submitted to and obtained from the City of Shawnee Building Codes office. Contact the Building Codes Department at (913) 742-6010.

A third type of Land Disturbance Permit is required for General Utility installations involving less than one acre. Work within the public Right-of-Way also requires a "Work within the Right-of-Way" Permit. These permits are obtained through the City of Shawnee Public Works Department. Contact Public Works at (913) 742-6009.



Community Development

Building Codes

Fees for Land Disturbance Permits:

Standard Land Disturbance Permit applicants are required to pay a fee of \$100.00 plus \$100.00 per acre of the proposed disturbed land before the permit is issued. Fees are also assessed for the quantity of earth more than 100 cubic yards that is moved for grading of the site. A plan review fee is to be paid when the permit application is submitted and a grading fee is to be paid when the permit is issued. The grading fees are assessed according to a table published as The City of Shawnee Comprehensive User Fee Schedule PS-56. The fee schedule can be found in the LDP permit package available at the Building Codes office or online at <http://www.cityofshawnee.org>.

The fee for low impact land disturbance and one and two family land disturbance permits are \$150.00 per lot.

Performance Bond:

A surety in the form of a performance and maintenance bond, must be provided to the City for an amount to cover the cost of maintaining erosion and sediment control devices as shown in the SWPPP and plan submittal and for removal of mud from the public rights-of-way and at a minimum of amount of \$5000 prior to issuance of a Land Disturbance Permit.

For further information please contact the Building Codes Division at the Shawnee City Hall, 11110 Johnson Drive or call (913) 742-6010.



Community Development Building Codes

Standard Land Disturbance Permit Application

This completed form shall be submitted and a land disturbance permit shall be obtained prior to beginning any land disturbance activity having a cumulative area equal to greater than one acre. Land disturbances for construction of land disturbance of less than one acre and new single family residences shall complete a Low Impact Land Disturbance Permit Application. Forms are available from the Building Codes Division. (Refer to division 4100 of the Shawnee Design Manual for a detailed description of the type of permit required for land disturbance activities)

1. Project Information

Project Name: _____ Date: _____

Project Address: _____

Note: The project location shall be as indicated in the SWPPP and project plans.

Type of Project: ☐ Residential Subdivision ☐ Commercial Development ☐ Capital Improvement Project
☐ Grading Project ☐ Utility Extension

Description of project: _____

Project time limits: Project is to be completed _____ months from date of issuance of permit.

Area of land disturbed (acres): _____ Quantity of cut/fill (cubic yards) _____

Total cost of erosion and sediment control devices and installation: \$ _____

Is any work to occur within a public right of way? ☐ Yes ☐ No

If yes, obtain permit through Public Works (913) 742-6009

Does work include any site work, filling or construction in the FEMA regulated Flood plain? ☐ Yes ☐ No

If yes a floodplain development permit is required from the Development Engineering Division (913) 742-6223

Document submittals:

This application, the submitted Storm Water Pollution Prevention Plan (SWPPP), and the Grading Plan and Erosion and Sediment Control Plan shall have been prepared under the supervision of a Kansas licensed Engineer or Landscape Architect. Required documents shall be in compliance with the Shawnee Municipal Code, State and Federal Laws and the Shawnee Design Manual as applicable.

SWPPP dated: _____ Grading Plan and Erosion Control Plans dated: _____

Name of Preparer: _____

2. Applicant Information

The Owner or the Owner's authorized representative if applicant is not the owner of the property

Name of applicant (owner/developer) _____

Address _____ State _____ Zip _____

Phone: () _____ Fax: () _____ E-Mail: _____

Contact Name: _____ Phone: () _____

☐ Contractor ☐ Owner E-Mail: _____



Community Development Building Codes

Standard Land Disturbance Permit Application

The Owner of the property if not shown above

Name of owner (owner/developer) _____

Address _____ State _____ Zip _____

Phone: () _____ Fax: () _____ E-Mail: _____

Contact Name: _____ Phone: () _____

☐ Contractor ☐ Owner E-Mail: _____

3. Qualified Erosion Control Specialist

A Qualified Erosion Control Specialist (QECS) is a Kansas licensed engineer or landscape architect having received minimum training or certification in Erosion and Sediment Control.

Company: _____ Address: _____

Phone: () _____ Fax: () _____ E-Mail: _____

Name of contact: _____ Phone: () _____

Name of Inspector (QECS): _____ Phone: () _____

Inspectors e-mail _____ Cell Phone: () _____

4. Construction Site Operator

The construction site operator is the person who has day to day operational control of compliance with the provisions of the SWPPP and Erosion and Sediment Control Plan for the project, including grading, storm & sanitary sewer, paving & utilities work.

Company: _____ Address: _____

Type of work: _____

Phone: () _____ Fax: () _____ E-Mail: _____

Name of contact: _____ Phone: () _____ Cell: () _____

5. Submittal Checklist

- ☐ Performance Bond, Escrow Account, or Letter of Credit Issued to Owner
- ☐ Storm Water Pollution Prevention Plan
- ☐ Site Specific Erosion and Sediment Control Plan
- ☐ Site Specific Grading Plan
- ☐ Copy of Soils Report if required
- ☐ Special Inspection Program
- ☐ Letter from Special Inspector (Agency hired to perform special inspections)
- ☐ Copy of NOI
- ☐ Notarized Owner Authorization of Responsible Representative (if applicant is other than owner)
- ☐ Copy of applicant's drivers license



Community Development Building Codes

Standard Land Disturbance Permit Application

6. Certification and Acknowledgement

- The undersigned applicant certifies and acknowledges that **(1)** the above described work shall be constructed in accordance with Shawnee ordinances and codes and the approved plans, specifications and supporting document; **(2)** the undersigned applicant is authorized to execute the application either as the owner or as a designated agent of the owner (attach completed Land Disturbance Permit Owner Authorization form) and as such shall be jointly and severable responsible for compliance with all codes regulating the described work, including the abatement of any sited violations and shall accept service of process and of all notices; **(3)** this Application does not authorize work prior to issue of the requested permit; **(4)** the requested permit conveys to the Director the right to enter upon property described in this Application, as necessary to enforce the provisions of Chapter 11 of the Shawnee Municipal Code; and **(5)** NO LAND DISTURBANCE ACTIVITY SHALL COMMENCE until (a) the Notice to Proceed is issued to the Applicant, (b) all initial Erosion and Sediment Control Measures are installed and certified by the Qualified Erosion Control Specialist, (c) the installation is approved by the City, and (d) the Land Disturbance Notice of Approval is provided by the Director to the Applicant. Failure to comply could result in fines to the Applicant and/or the termination of the Land Disturbance Permit.

Applicant Signature: _____

Print Name: _____

Name of Company/Corporation: _____

Title: _____

Date: _____

NOTARY INFORMATION

County of: _____ State of: _____

Subscribed and sworn to before me this day of: _____

Notary's Signature: _____

Notary Seal

Land Disturbance Permit Approval

This section to be completed by the City

Construction Documents Approved: _____ SWPPP _____

Erosion and sediment control plans _____ Grading plans _____

This form shall serve as the permit upon authorization by the Director

Permit Issuance Authorized: (date) _____ By: _____

Permit Issued: (date) _____ Permit No. _____



Community Development Building Codes

Land Disturbance Permit Fees

- 1) Regulated Land Disturbance Activity of less than one acre and for or related to one to two family dwellings (effective for the term of the Building Permit). \$150/lot
- 2) Regulated Land Disturbance Activity of more than one acre with a fee based on rounding area to nearest whole acre of the proposed land disturbance. \$100 + \$100/acre

Additional Grading Fee for Excavation / Fill over 100 Cubic Yards

(Excavation authorized by a valid building permit are excluded from additional Grading fee calculations.)

Plan review fees. (When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review in addition to the Land Disturbance Permit Fee. Plan review fee shall be as set forth in this article. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.)

Grading Plan Review Fees:

0 to 100 cubic yards	No Fee
100 or more cubic yards	\$100.00

Grading Fees. When excavations or fills exceed 100 C.Y. a fee shall be paid in addition to the Land Disturbance Permit fee. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

0 to 100 cubic yards	No Fee
101 to 1,000 cubic yards	\$22.50 for the first 100 cubic yards plus \$10.50 for each additional 100 cubic yards or fraction thereof.
1,001 to 10,000 cubic yards	\$117.00 for the first 1,000 cubic yards, plus \$9.00 for each additional 1,000 cubic yards or fraction thereof.
10,001 to 100,000 cubic yards	\$198.00 for the first 10,000 cubic yards, plus \$40.50 for each additional 10,000 cubic yards or fraction thereof
100,001 or more	\$562.50 for the first 100,000 cubic yards, plus \$22.50 for each additional 10,000 cubic yards or fraction thereof.

CITY OF SHAWNEE, KANSAS

LAND DISTURBANCE PERFORMANCE BOND

BOND NO._____

_____, as surety ("Surety"), and _____, as principal ("Principal"), enter into and execute this Bond ("Performance Bond"), and bind themselves in favor of the City of Shawnee, as obligee ("Beneficiary"), in the initial amount of _____ Dollars, (\$_____), or such greater amount as may be adjusted from time to time in accordance with the terms of this Bond, (the "Penal Sum").

WHEREAS, the Principal has submitted to the Beneficiary an application for a Land Disturbance Permit, to timely and fully provide all labor, tools, equipment and materials or supplies in conformance with generally accepted standards for quality, skill and construction of similar projects in a workmanlike manner, as designated, described and required by the plans submitted by the Principal or agent with the application and approved by the Beneficiary, the Stormwater Pollution Prevention Plan submitted by the Principal or agent and approved by the Beneficiary, the City of Shawnee Manual of Technical Specifications and Design Criteria for Public Improvement Projects, and any other written conditions issued by the Beneficiary to the Principal for approval of the Land Disturbance application and issuance of a Land Disturbance Permit by the Beneficiary to the Principal, all as may be reasonably related to the

development project, (hereinafter all such plans, Technical Specifications, documents, conditions of approval, and terms of approval of the Land Disturbance Permit issued in writing by the Beneficiary to the Principal, are collectively referred to and known as the "Conditions of Approval" and the work required by such Conditions of Approval is referred to and known as the "Project Work").

WHEREAS, the Beneficiary has further required the Principal to guarantee timely restoration of any public or private improvements damaged, disturbed, or harmed by the Project Work, including restoration of improved or unimproved surfaces to a neat and presentable condition, and removal of debris, excess dirt, or materials, all as required by the Conditions of Approval, (hereinafter collectively referred to and known as the "Required Restoration").

WHEREAS, the Beneficiary has required the Principal to furnish this Performance Bond as a condition to the issuance of a Land Disturbance Permit to the Beneficiary to guarantee the performance of the Project Work and Required Restoration.

It is agreed if the Principal shall in all particulars promptly and faithfully perform each and every covenant, condition, and part of the Project Work and Required Restoration in accordance with the Conditions of Approval, and to the true intent and meaning in each case, then this obligation shall be and become null and void upon the issuance of a final written certificate by the Beneficiary approving the Project Work; otherwise this obligation shall remain in full force and effect.

The Surety and the Principal, both jointly and severally, and for themselves, their heirs, administrators, executors, successors and assigns agree:

- 1) The Conditions of Approval are incorporated by reference and made a part of this Bond. The Surety and the Principal are bound for the full and timely performance of the Project Work and Required Restoration as designated and described in the Conditions of Approval, both express and implied.
- 2) If the Beneficiary shall provide to Surety the written notice of the Beneficiary stating that the Principal is in breach or default of the Conditions of Approval or the timely completion of the Project Work or Required Restoration, and that such breach or default remains uncured by the Principal, then upon delivery of such written notice to the Surety in the method for providing notices as set forth in Paragraph 7 below, Surety must promptly notify the Beneficiary in writing which action it will take as permitted in Paragraph 3.
- 3) Upon the delivery of the Beneficiary's written notice of breach or default by the Principal as provided in Paragraph 2 above, the Surety may promptly remedy the breach or default or must, within ten (10) days, proceed to take one of the following courses of action:
 - a. **Proceed Itself.** Complete performance of the Project Work and Required Restoration in accordance with the Conditions of Approval, including correction of defective and nonconforming Project Work and Required Restoration through its own contractors or employees, approved as being acceptable to the Beneficiary, in the Beneficiary's sole discretion, provided, however, that Principal will not be retained to complete such Project Work and Required Restoration, and provided further that Beneficiary's discretion to approve Surety's contractor will not be unreasonably withheld as to any contractor who would have qualified to complete the Project Work and Required Restoration who is not affiliated with the Principal; or
 - b. **Tender the Full Penal Sum.** Tender to the Beneficiary the full Penal Sum of this Performance Bond. The Beneficiary will refund to the Surety without interest any unused portion not spent by the Beneficiary procuring and paying a completing contractor or completing the Project Work and Required Restoration, plus the cost allowed under Section 4, after completion of the Project Work; or
 - c. **Other Acts.** Take any other acts mutually agreed upon in writing by the Beneficiary and the Surety.
- 4) In addition to those duties set forth herein above, the Surety must promptly pay the Beneficiary (i) all losses, costs and expenses resulting from the Principal's failure to timely complete the Project Work and Required Restoration in accordance with the Conditions of Approval, including, without limitation, fees, expenses and costs for architects, engineers, consultants, testing, surveying and attorneys, plus (ii) procurement costs and fees and expenses, plus (iii) costs incurred at the direction, request, or as a result of the acts or omissions of the Surety; provided that in no event shall Surety's liability exceed the Penal Sum of this Bond.
- 5) The Surety waives notice of any modifications to the Conditions of Approval or the amount of Project Work to be performed. The parties expressly agree that this Bond shall be deemed amended automatically and immediately, without formal and separate

amendments hereto, upon amendment to the Conditions of Approval or the Project Work, so as to bind the Principal and the Surety to the full and faithful performance of the Project Work so amended. The term "*amendment*" or "*modification*" wherever used in this Bond shall include any alteration, addition, extension, or modification of any character whatsoever.

- 6) The Surety provides this Land Disturbance Performance Bond for the sole and exclusive benefit of the Beneficiary and, if applicable, any dual obligee designated by attached rider, together with their heirs, administrators, executors, successors, and assigns. No other party, person or entity has any rights against the Surety.
- 7) All notices to the Surety, the Principal or the Beneficiary must be delivered in person or otherwise given in writing to such party at the following address set forth below:

SURETY

Name: _____
Attention: _____
Street: _____
City, State, _____
ZIP: _____

PRINCIPAL

Name: _____
Attention: _____
Street: _____
City, State, _____
ZIP: _____

BENEFICIARY

City of Shawnee, Kansas
City Hall
Attn: _____
11110 Johnson Drive
Shawnee, Kansas 66203

with a copy to:

Office of the City Attorney
City Hall
Attn: Ellis Rainey
11110 Johnson Drive
Shawnee, Kansas 66203

- 8) The recitals contained in this Land Disturbance Performance Bond are incorporated by reference herein and are expressly made part of this Performance Bond.

- 9) This Performance Bond shall be governed by, and construed in accordance with, the laws of the State of Kansas without regard to its conflict of laws provisions.
- 10) In the event any legal action shall be filed upon this Performance Bond, venue shall lie exclusively in the District Court of Johnson County, Kansas.

IN TESTIMONY WHEREOF, said Principal has hereunto set his/her hand, and said Surety has caused these presents to be executed in its name; and its corporate seal to be hereunto affixed by its attorney-in-fact duly authorized thereunto so to do at

_____ ,

on this, the _____ day of _____, 200_.

Principal

Surety

(Typed Firm Name)

(Typed Firm Name)

(Seal)

(Seal)

By:

By:

(Signature)

(Signature)

(Printed Name)

(Printed Name)

(Title)

(Title)

(Address)

(Address)

(Phone Number)

(Phone Number)

(Date of Execution)

(Date of Execution)

(Accompany this bond with Attorney-in-Fact's authority from the Surety Company certified to include the date of the bond.)

NOTES:

1. Date of bond must be prior to date of any land disturbance work on the property.
2. The amount of the bond shall be \$5,000 or 100% of the project cost, whichever sum is greater
3. If Principal is partnership, all partners should execute bond.
4. The owner of the property to be disturbed is required to be the Principal who executes this bond.
5. Surety companies executing bonds must appear on the Treasury Departments most current list (Circular 570 as amended) and be authorized to transact business in the state of Kansas.
6. Accompany this bond with Attorney-in-Facts Authority from the surety company certified to include the date of the bond.