

Chapter 455. Natural Resource Protection

Section 455.010 Land Disturbance and Erosion Control

A. Applicability

All land disturbances, including residential, commercial and industrial development projects, must provide adequate erosion control to protect public streets, public storm sewer systems, adjacent property and streams from being polluted with mud and silt.

B. Land Disturbance Permit *(Amendment 4 – Ordinance 29137 11.9.2009)*

1. A land disturbance permit is required for any entity, including all public or private entities, that intends to cause or causes a condition that allows for erosion including, but not limited to, stripping vegetation, clearing and grubbing land or creating any type of land disturbance. The contractor, permittee or owner that intends to cause or causes a condition that allows for erosion must apply for a land disturbance permit. A land disturbance permit may only be issued by the City after a preliminary plat or site plan has been approved by the Planning and Zoning Commission and, when required, a land disturbance permit has been issued by the Missouri Department of Natural Resources.
2. All applications for a land disturbance permit must be submitted to the Director of Public Works. Applications for a land disturbance permit must be accompanied by an erosion control plan, a preliminary grading plan, and other information required by the permit application. Where practical, drawings may be combined to contain all the required plans.
3. A permit fee approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the City Clerk's office must be submitted with the land disturbance permit application.
4. The following exceptions do not require a land disturbance permit:
 - a. any grading or excavation for basements, footings, retaining walls or other structures authorized by a valid building permit;
 - b. any land disturbance activity of 2,000 square feet or less;
 - c. refuse disposal sites controlled by other regulations;
 - d. agricultural activities in connection with the production, harvesting, storage, drying or raising of agricultural products and livestock; and
 - e. mining, quarrying, excavating, processing, stockpiling of rock, sand, aggregate or clay where established and provided by law.
5. Nothing in this section may be deemed to supersede permitting requirements imposed by any law, rule or regulation of other Federal, State or local agencies or of the City. In the event of conflict between these requirements and any other such law, rule or regulation, the more restrictive laws, rules or regulations apply.

C. Grading Plan

The grading plan must contain all of the information set forth below.

1. Existing and proposed contours of the entire site taken at two foot intervals to define existing and proposed topography of the entire site. The maximum allowable slope is one foot of vertical rise for three feet of horizontal run (3:1).

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2. Contour lines that extend a minimum of 100 feet off site or sufficient to show on- and off-site drainage.
3. Property lines shown in true location with respect to the plan's topographic information.
4. Location and graphic representation of all existing and proposed natural and manmade drainage facilities including both piped and overland facilities. Overland swales must have a minimum grade of two percent.
5. Name(s), address(es) and telephone number(s) of the person(s) responsible for the preparation of the site plan and grading plan.
6. Location of final surface runoff, erosion and sediment control measures.
7. Location and elevation of any building or structure located within 50 feet of the property boundaries.
8. Other information required by the Director of Public Works or their designee.
9. Show any significant natural resources as identified in the Growth Management Plan.
10. Demonstrate compliance with any natural feature preservation requirements of the Growth Management Plan.

D. Erosion/Sediment Control Plan

1. Erosion and sediment control must be an integral component of any construction project. Erosion and sediment control devices must be installed and functional prior to site clearing and grading.
2. The contractor, permittee or owner must at all times maintain all erosion and sediment control measures in good order and compliance with erosion and sediment control plan for the site and with the City's adopted standards for the duration of the permit. Products resulting from erosion, such as silt and mud, must be contained within the individual lot boundaries or project boundaries.
3. Best management practices (BMP) must be performed throughout the life of the project to prevent water pollution. This work must consist of furnishing, installing, maintaining and removing temporary erosion and sediment control measures as shown on the plans or ordered by the Director of Public Works and/or their designee. The control of water pollution through the use of berms, slope drains, ditch checks, sediment basins, seeding and mulching, straw bales, silt fences and other erosion control devices or methods must be used in accordance with the Missouri Department of Natural Resources, Division of Environmental Quality. Construction of permanent drainage facilities as well as performance of other work that may effectively limit siltation must be accomplished at the earliest practicable time. The Director of Public Works and/or their designee may require the immediate implementation of permanent or temporary erosion and sediment control measures to prevent pollution of adjacent streams or other watercourses, streets, storm sewer systems, lakes, ponds or other areas of water impoundment.
4. The surface area of earth material exposed at one time by clearing and grubbing, by excavation, by fill or by borrow operations may not exceed 750,000 square feet (17.2 acres) without separate written approval of the Director of Public Works. Clearing and grubbing operations must be scheduled and performed so that grading operations and permanent erosion control features will follow immediately thereafter.

5. Additional erosion prevention control measures must be used to correct conditions that develop during construction which were not foreseen during the design stage; that are needed prior to installation of permanent pollution prevention features; or that are needed temporarily to control erosion that develops during normal construction practices but are not associated with permanent erosion and sediment control features on the project.
6. All material stockpiles and storage areas will be subject to all erosion and sediment control provisions in accordance with the Missouri Department of Natural Resources, Division of Environmental Quality.
7. The following information must be provided as part of the erosion and sediment control plan:
 - a. a description of, specifications and detailed plans for surface runoff and erosion control devices;
 - b. a description of vegetative measures and timetable for restoring all disturbed areas;
 - c. a graphic representation of the location of all specified erosion and sediment control measures;
 - d. an implementation schedule for installing and subsequently removing devices described above;
 - e. a maintenance schedule for all sediment and erosion control measures specified; and
 - f. a list of parties responsible for constructing and maintaining the erosion control measures as shown on the plan and as approved by the Director of Public Works and/or their designee. The list must have the phone numbers and addresses of at least two persons indicating how they may be contacted at all times (days, nights, weekends, etc.) regarding repairing and maintaining the erosion control measures.
8. The erosion control plan and calculations must be prepared using Best Management Practices adopted by the Missouri Department of Natural Resources. The plan shall minimize any adverse flood impact. Stormwater detention/retention must be provided to comply with the City's adopted stormwater regulations and to the extent possible to correct any existing on-site stormwater issues.
9. Erosion control measures such as silt fencing shall be removed from the property when no longer necessary to provide erosion control.

E. Implementation of Erosion Control Plan

Prior to the start of earthwork activities, the permittee must have in place and functional all erosion controls as outlined on the approved plan and any additional controls that may be required as directed by the Director of Public Works and/or their designee. No earthwork activities may commence until the erosion controls have been field inspected by the City of Raymore. All erosion control measures must be maintained by the permittee in a functioning and acceptable condition until turf is established and/or structural surfaces are constructed to protect the soil from erosion.

F. Financial Security (*Amendment 4 – Ordinance 29137 11.9.2009*)

Prior to issuance of a permit, the permittee must provide financial security approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the City Clerk's office for performance of the work. The form of the securities must be one or a combination of the following to be determined by the City of Raymore:

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1. The first \$5,000.00 of the financial security must be by cash deposit to the City of Raymore. If at any time during the course of the work this amount falls below the original amount of the deposit, the permittee must deposit the necessary funds to return the cash deposit to a balance of \$5,000.00.
2. The remaining financial security balance may be in the form of cash deposit, letter of credit or bond.
3. The financial security will be released:
 - a. at the time turf is established; and
 - b. all temporary erosion control measures have been removed.

Section 455.020 Erosion Control Enforcement

A. Erosion and Sediment Control *(Amendment 24 - Ordinance 2017-004 2.13.17)*

1. The Department of Public Works, Engineering and the Department of Development Services will handle erosion control/tracking of mud and debris enforcement through the normal routine activities that include inspecting the site, communicating with the contractor, permittee or owner, and issuing written warnings to the contractor, permittee or owner to resolve issues of non-compliance.
2. Upon the Director of Public Works or the designee's determination that erosion control measures are deficient, but not hazardous, or that the contractor, permittee or owner did deposit, spill, drop or track any dirt, earth, mud, rock, sand, shale, debris, rubbish or other material on any right-of-way, the Director of Public Works will notify the contractor, permittee or owner to take remedial action to correct the deficiencies. Notification shall be done by at least one of the following methods:
 - a. personal contact with the contractor, permittee or owner;
 - b. telephone contact with the contractor, permittee or owner;
 - c. email contact with the contractor, permittee or owner; or
 - d. posting notice on the property.

If the deficiencies have not been corrected by 5:00 p.m. the day contact was made, if contact was made between 7:00 a.m. and 12:00 noon, or by 9:00 a.m. the following day contact was made, if contact was made between 12:00 noon and 5:00 p.m., the Director of Public Works or the designee may:

- e. issue a stop work order for the site;
 - f. suspend land disturbance permit(s);
 - g. remedy the deficiencies and bill the contractor, permittee or owner for the actual and administrative costs. If the contractor, permittee or owner fails to reimburse the City for correcting the deficiencies within 30 days, the City of Raymore will draw upon any and all financial securities to cover the actual and administrative costs; and/or
 - h. refer the case to the City Attorney for prosecution.
3. If erosion attributable to deficient erosion control measures or the tracking, depositing or spilling of mud dirt or debris poses an immediate danger to life or property or substantial

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flood or fire hazards, the Director of Public Works or the designee will cause the City to immediately abate the hazardous condition. The contractor, permittee or owner must pay all actual and administrative costs incurred by the City in correcting the hazardous condition within 30 days. If the contractor, permittee or owner fails to pay the City for correcting the hazardous condition, the Director of Public Works may take any or all of the actions listed above.

4. Conviction of any violation enumerated in this section will be subject to the penalties contained in Section 480.030 I.

Section 455.030 Dams, Retention Basins and Siltation Control

Where dams are proposed in any subdivision, they must be designed by a professional engineer registered in the State of Missouri. A preliminary engineering report including soil investigations and design procedures must be submitted to the Director of Public Works for review. When a dam is planned on private property, the engineer must certify that the dam is constructed according to the approved plans and specifications.

Section 455.040 Stream Buffer Protection *(Amendment 19 – Ordinance 2014-063 9.8.14)*

A. Applicability

1. This section applies to all streams within the jurisdiction of the U.S. Army Corps of Engineers except those streams located upon land which:
 - a. is on land covered by an approved, unexpired final plat; or
 - b. is on land covered by an approved, unexpired preliminary plat or preliminary plan; or
 - c. is on land covered by a development agreement containing provisions for post development water quality mitigation and best management practices; or
 - d. is on land being used for agricultural operations.
2. To identify those stream segments to which this section applies, a letter of jurisdictional determination shall be provided from the U.S. Army Corps of Engineers for any property proposed for development.
3. No development shall be approved that proposes disturbance on any parcel of land wholly or partially within the defined stream corridor unless the proposed development is in compliance with the applicable provisions of this section.
4. Except as otherwise provided by this section, the Director of Public Works shall administer, implement and enforce the provisions of this section. The director may delegate any powers or duties granted by this code to other City personnel or authorized representatives.
5. The City is authorized to develop administrative policies and guidelines to implement this section.
6. Stream buffers, as required by this section, are a part of the City's Storm Water Management Program.
7. If a development obtains a CWA Section 404 permit allowing a stream to be relocated or otherwise altered, this section shall apply to the new stream location and order.

B. Buffer and Stream Setback Requirements

Stream buffers required by this section shall meet the following requirements: