CS&I BUILDING SAFETY DULUTHmn.gov

Construction Services & Inspections

411 W 1st St Rm 100 ▪ Duluth MN 55802 ▪ 218 730 5240 ▪ permittingservices@duluthmn.gov

Doc 005-B-0419

Filling and Grading Permit Requirements and Checklist

No permit is required when:

1. The volume of fill to be placed is less than 10 cubic yards; and
2. Fill is less than two feet in depth and placed on natural terrain flatter than 5 to 1 (20% slope); or
3. When approved by the building official, grading in an isolated, self-contained area if there is no danger to public or private property; and
4. Work does not obstruct a drainage course

Permit Process Requirements

Application is made to the permit counter in the Construction Services' office. Once submitted, plans are reviewed and a site visit made by Construction Services' staff. When a soils report is required it must be submitted before a permit is issued.

All applications for Filling/Grading Permits require the following:

- ☐ A site plan prepared according to the requirements set forth in the 2015 *Minnesota State Building Code*. Acceptable site plans will be drawn to scale, show the size and location of the proposed fill or grading work, show existing structures on the site, the established street grade and shall be drawn according to an accurate boundary line survey and shall include dimensions for property lines. In addition, existing grade on adjoining properties shall be shown.
- ☐ Contours with intervals of a maximum of 10 feet indicating existing and proposed grades shall be included on the site plan. Cross sectional diagrams shall be provided drawn vertically and horizontally to scale and of sufficient clarity and number to portray existing and proposed conditions. The depth of proposed fill and the maximum existing and finished slopes must be clearly indicated. Drainage ways shall be clearly indicated.
- ☐ A completed Filling and Grading Permit Application Form.
- ☐ A completed Contractor's Haul Route Application approved by Duluth Engineering.
- ☐ For work affecting wetlands, complete a Landowner Statement and Contractor Responsibility for Work in Wetlands or Public Waters form. Follow the instructions on the form. Provide a copy of the completed form with the fill and grading permit application.
- ☐ A soils report prepared by a Minnesota license geotechnical engineer shall be provided except where the building official determines that the nature of the work applied for is such that a report is not necessary. Similarly, special inspections for site preparation, placement of material and compaction are required unless the building official determines otherwise.
- ☐ For projects with a land disturbance area of up to one acre an Erosion and Sediment Control Application and Permit is required, available in the Construction Services' office.
- ☐ For projects with a land disturbance area of over 3,000 square feet and in a shoreland zone or for other projects over 10,000 square feet, an MS4 Statement of Compliance from the city engineer is required.

- For projects with a land disturbance area of one acre or more a Minnesota Pollution Control Agency General Permit Authorization to Discharge Stormwater Associated with Construction Activity under the National Pollutant Discharge Elimination Permit No. MNR100001 is required.
- For projects in a shoreland zone, a shoreland permit is required in addition to a fill, grading and excavation permit.
- Additional requirements apply to land disturbance activities in shoreland or floodplain zones or in wetlands. See Duluth *Unified Development Chapter* Sections 50-18.B, C and D.

The following requirements are applicable to all filling and grading projects:

Surface Preparation
The surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable material and scarifying (creating irregularities in the surface of existing soil) to provide a bond with the fill material.

Compaction
All fill shall be compacted to 90 percent of maximum density as determined by ASTM D 1557, Modified Proctor, in lifts not exceeding 12 inches in depth.

Maximum Slope
The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 to 1 (50% slope) shall be justified by soils reports or engineering data. Slopes of 1.5 to 1 are permitted only if approved by the building official.

Fill Material
Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches in any dimension shall be included.

Benching
Where existing grade is at a slope steeper that 5 to 1 (20% slope) and the depth of the fill exceeds 5 feet, benching shall be provided in accordance the attached diagram. A key shall be provided which is at least 10 feet wide and 2 feet deep.

Setback
Cut and fill slopes shall be set back from the property line as shown in the attached figure.

Drainage Across Property Lines
Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices. Grading shall not create drainage patterns or routes that will adversely affect down-gradient properties.

Restoration
All exposed soils shall be fully restored with vegetation, mulch and/or a permanent non-erodible surface.

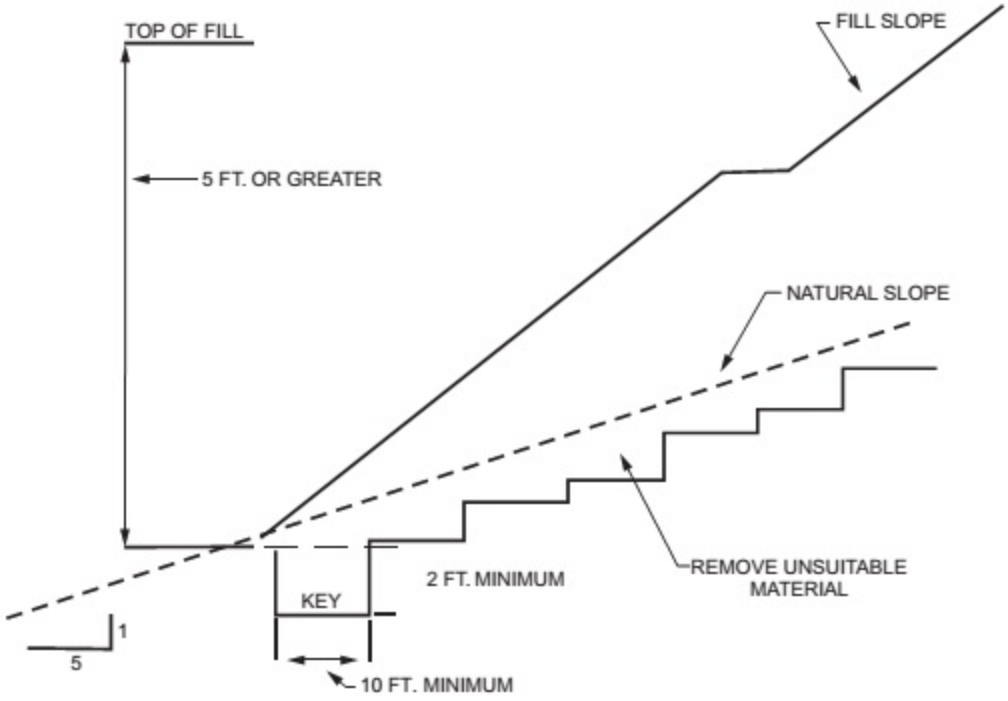

FIGURE J107.3
BENCHING DETAILS

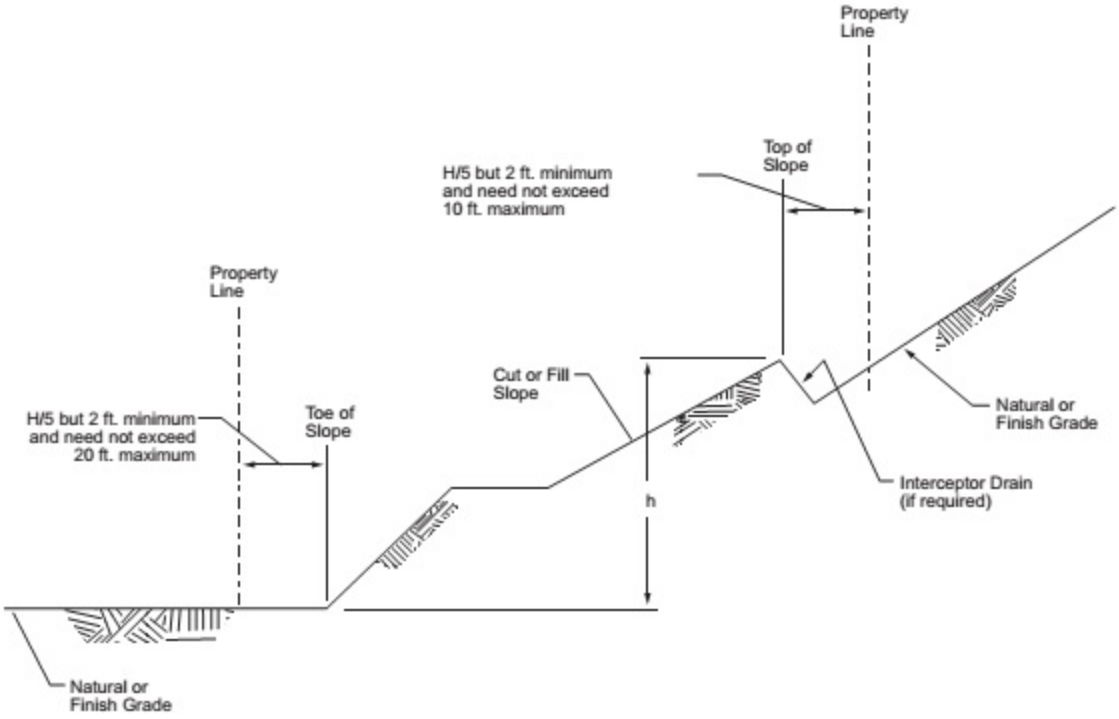

FIGURE J108.1
DRAINAGE DIMENSIONS

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Filling and Grading Permit Application

Applicant Name: Applicant email: Applicant Daytime Phone:

Applicant Address

Property Owner Name: Owner email: Property Owner Daytime Phone:

Property Owner Address:

Address of Proposed Work or Parcel ID Number:

Volume of soil or other material to be moved in Cubic Yards: **Area of disturbance in Square Feet:**

Value of proposed work:

Describe the project and its purpose in detail:

Does the project affect wetlands? (circle) **NO** **YES** **If YES, complete the Landowner Statement and Contractor Responsibility For Work in Wetlands or Public Waters form.**

Does the project lie in (circle all applicable): **Shoreland** **Floodplain** **Floodway** **?**

Attach plans and other required documentation as described on the Fill and Grading Permit Instructions.

Grading shall not create drainage patterns or routes that will adversly affect down gradient properties.

All exposed soils shall be fully restored with vegetation, mulch and/or a permanent non-erodible surface.

The information provided on this form and in attached plans and other documentation is true, complete and accurate to the best of my knowledge. I acknowledge that work shall comply with Minnesota State Building Code, Duluth *Unified Development Chapter* and other applicable regulations and that as the permit applicant I am responsible for compliance.

Signature of Applicant Date

#fill; #grading; # excavating; #shoreland; #sitework

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Doc 006-A-0518

Contractor's Haul Route Application

In accordance with the City Charter we ask that you provide the following information about the proposed haul routes for your project. We will send you a written confirmation that these routes are acceptable to the City or an alternate within a week.

Work Site: _____

Dates when work is scheduled: _____

Disposal site for excess material: _____

Route proposed for this trucking (attach a map or sketch): _____

_____

_____

Source of Material (granular, blacktop, etc.): _____

_____

Route proposed for this trucking (enclose a map or sketch): _____

_____

_____

Contractor's Name: _____

Signature: _____

Date: _____

If you have any questions regarding the nearest truck route, please contact Engineering at
(218) 730-5200

Approved: _____

Date: _____

#wrecking; #haulroute; #engineeringreq; #moving

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DEPARTMENT OF NATURAL RESOURCES

BOARD OF WATER AND SOIL RESOURCES

Landowner Statement and Contractor Responsibility

For Work in Wetlands or Public Waters

MN Statutes Sections 103G.2212 and 103G.241 stipulate that an agent or employee of another may not:

1) drain, excavate, or fill a wetland, wholly or partially; or
2) construct, reconstruct, remove, or make any change in any reservoir, dam, or the course, current, or cross-section of any public water;

unless the agent or employee has obtained a signed statement from the property owner stating that any permit or wetland replacement plan required for the work has been obtained, or that a permit or replacement plan is not required; **AND** this statement is mailed to the appropriate office with jurisdiction over the wetland or public water prior to initiating the work (see next page for information on where to send this notification).

This form is a notification only and is not an application or authorization for any activities described in it.

1. PROJECT INFORMATION

Project will affect (check all that apply):

☐ Lake, Watercourse, or Public Waters Wetland ☐ Non-Public Waters Wetland ☐ Wetland of Unknown Jurisdiction

Address or description of project location (attach map if necessary):

Legal address						
County	Gov't Lot(s)	Quarter Section(s)	Section(s)	Township(s)	Range(s)	Lot, Block, Subd.

Description of proposed work (include sketch and/or attach additional pages if needed):

2. LANDOWNER STATEMENT

I certify that, as the owner of the property listed on this form (check one):

☐ I have obtained all permits or approvals required to perform the work described above.
☐ No permits or approvals are required for this work.

Property Owner (Print Name)	Address	
Signature	Date	Phone Number and E-mail Address (Optional)

3. CONTRACTOR VERIFICATION

By signing below, I verify that I have received a signed copy of this form and will be performing the indicated work as described above.

Company and Individual Performing Proposed Work (Print)	Address	
Signature	Date	Phone Number and E-mail Address (Optional)

Note: The contractor is responsible for ensuring this form is mailed to the appropriate office when complete.

This statement is invalid if any of the above information is not supplied or is inaccurate. Work in violation of this notification requirement is a separate and independent offense from other violations of Minnesota Statutes chapter § 103G and is a misdemeanor punishable by fines up to $1,000 and/or 90 days in jail. The State Department of Natural Resources (DNR) Commissioner also has the authority to require restoration of any work done without the necessary permits or approvals or work that is beyond what was authorized.

4. INFORMATION AND RESOURCES

A Wetland Conservation Act (WCA) replacement plan is required for any wetland draining, excavation, or filling activity that is not exempt under Minnesota Rules Chapter 8420.0420. A DNR Waters permit is required for any work in public waters.

National wetland inventory maps are available for review at the County Soil and Water Conservation District (SWCD) office and online at http://www.fws.gov/wetlands/Data/Mapper.html. Many wetlands are not identified on the maps but are still restricted from draining, excavating, or filling. If you are unsure the proposed work will affect a wetland, contact your local government unit (LGU) or SWCD for assistance.

Public Waters of the State of Minnesota include the channel to the top of the channel bank for watercourses and the basin from the ordinary high water level waterward for public waters (i.e. lakes) and public waters wetlands. Public waters inventory maps are available for review at the County Auditor's office, DNR Division of Waters regional offices, and online at http://www.dnr.state.mn.us/waters/watermgmt_section/pwi/download.html.

General information about public waters, wetlands, and related regulations are available on the DNR website at http://mndnr.gov and the MN Board of Water and Soil Resources (BWSR) website at http://www.bwsr.state.mn.us.

5. WHERE TO SEND THIS NOTIFICATION

- For work in public waters (lake, watercourse, or public waters wetland), send this completed form to the DNR Regional Enforcement Office serving the project's area. See below for DNR regional office information. A map of DNR regions can be found on the DNR website at: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf
- For work in any wetland that is not a public waters wetland, send this completed form to the WCA LGU with jurisdiction over the project area. The LGU is usually the County or SWCD, except in urban areas the City is often the LGU. Contact any of these local governments or BWSR for assistance. BWSR also maintains a list of LGUs on its website at: http://www.bwsr.state.mn.us/directories/WCA.pdf.
- If it is not known if the wetland is a public waters wetland, send the completed form to both the DNR Regional Enforcement Office and the WCA LGU.

Department of Natural Resources Regional Offices

Northwest Region:	Northeast Region:	Central Region:	Southern Region:
2115 Birchmont Beach Rd. NE Bemidji, MN 56601 Phone: 218-308-2700	1201 E. Hwy. 2 Grand Rapids, MN 55744 Phone: 218-327-4455	1200 Warner Road St. Paul, MN 55106 Phone: 651-259-5800	21371 State Highway 15 New Ulm, MN 56073 Phone: 507-359-6000

Keep a copy of this form for your records!