

Chapter 13.190**CLEARING AND GRADING CODE**

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13.190.010 Purpose.

A. This chapter is intended to regulate clearing and removal of vegetation, excavation, grading and earthwork construction including cuts and fills, gravel pits, dumping, quarrying and mining operations within City of SeaTac in order to protect public health, safety and welfare by:

1. Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;
2. Protecting water quality from the adverse impacts associated with erosion and sedimentation;
3. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;
4. Protecting sensitive areas from adverse clearing and grading activities;
5. Facilitating and encouraging long-term forest practice and agricultural production operations where appropriate;
6. Minimizing the adverse impacts associated with quarrying and mining operations;
7. Preventing damage to property and harm to persons caused by excavations and fills;
- ~~8. Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of clearing and grading operations; and~~
- ~~9-8.~~ Providing penalties for the violation of this chapter.

B. This chapter establishes administrative procedures that supplement those contained in SMC 13.100 for issuance of clearing and grading permits.

B-C. Conflicts. In case of a conflict between these provisions and those relating to clearing and grading found in any of the other technical codes adopted by this title, these provisions shall apply.

13.190.060 Applications – Complete applications.

See SMC Chapter 16A.07, Determination of Completeness.

~~A. For the purposes of determining the application of time periods and procedures adopted by this chapter, applications for permits authorized by this chapter shall be considered complete as of the date of submittal upon determination by the Director that the materials submitted comply with SMC Title 16A and contain the following:~~

~~1. For clearing and grading permits:~~

- ~~a. A legal description and boundary sketch of the property;~~
- ~~b. A one to two thousand (1:2,000) scale vicinity map with a north arrow;~~
- ~~c. Grading plans on a sheet no larger than twenty four (24) inches by thirty six (36) inches and including:

 - ~~i. A horizontal scale no smaller than one (1) inch equals thirty (30) feet;~~
 - ~~ii. Vertical scale;~~
 - ~~iii. Size and location of existing improvements within fifty (50) feet of the project, indicating which will remain and which will be removed;~~
 - ~~iv. Existing and proposed contours at two (2) foot intervals, and extending for one hundred (100) feet beyond the project edge;~~
 - ~~v. At least two (2) cross sections, one (1) in each direction, showing existing and proposed contours and horizontal and vertical scales;~~
 - ~~vi. Temporary and permanent erosion sediment control facilities;~~
 - ~~vii. Permanent drainage facilities prepared per SMC 12.10.010;~~
 - ~~viii. Structures to be built or construction proposed in landslide hazard areas; and~~
 - ~~ix. Proposed construction or placement of a structure.~~~~

~~2. A completed environmental checklist, if required by Chapter 15.700 SMC, Critical Areas.~~

~~3. Satisfaction of all requirements for grading permits under SMC 13.190.070.~~

~~B. Applications found to contain material errors shall not be deemed complete until such material errors are corrected.~~

~~C. The Director may waive specific submittal requirements determined to be unnecessary for review of an application.~~

13.190.070 Permit requirements.

A. Except as exempted in SMC 13.190.040, no person shall do any clearing or grading without first obtaining a clearing and grading permit from the Director. A separate permit shall be required for each site and may cover both excavations and fills.

B. Application. ~~To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. The Director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter and the requirements of SMC Title 16A, Development Review Code.~~

In addition to the requirements of SMC Chapter 16A.07 Title 16A, every application shall:

1. Identify and describe the work to be covered by the permit for which application is made;

2. Describe the land on which the proposed work is to be done, by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed site;
3. Identify and describe those environmentally sensitive areas, as defined in SMC Title 15, on or adjacent to the site;
4. Indicate the estimated quantities of work involved;
5. Identify any clearing restrictions contained in SMC 13.190.140, wildlife habitat corridors pursuant to SMC Title 15, critical drainage areas established by administrative rule or property-specific development standards pursuant to SMC Title 15;
6. Be accompanied by plans and specifications as required in subsections (B) and (C) of this section;
7. Designate who the applicant is, on a form prescribed by the Department, except that the application may be accepted and reviewed without meeting this requirement when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three (3) requirements are met:
 - a. The name of the agency or public or private utility is shown on the application as the applicant;
 - b. The agency or public or private utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the Department; and
 - c. The form designating the applicant is submitted to the Department prior to permit issuance; and
8. Give such other information as may be required by the Director.

C. Plans and Specifications. When required by the Director, each application for a grading permit shall be accompanied by four (4) sets of plans and specifications and other supporting data as may be required. The plans and specifications shall be prepared and signed by a civil engineer registered to practice in the State of Washington when required by the Director; provided, the Director may require additional studies prepared by a qualified geotechnical engineer. If the plans and specifications are returned as a result of permit denial or any other reason, they shall be returned to the applicant.

D. Information on Plans and in Specifications. Plans shall be drawn to an engineer's scale upon substantial paper or mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all other relevant laws, rules, regulations and standards. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared. The plans shall include the following minimum information:

1. General vicinity of the proposed site;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage;
3. Limiting dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction;
4. Location of all proposed cleared areas, including areas for soil amendment;
5. Location of any open space tracts or conservation easements if required pursuant to:
 - a. SMC 13.190.140;
 - b. SMC Title 15;
 - c. Critical drainage area; or

- d. Property-specific development standards pursuant to SMC Title 15;
- 6. Calculations of the total proposed area cleared on site as a percentage of the total site area;
- 7. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;
- 8. A determination of whether drainage review applies to the project pursuant to Chapters 12.05 and 12.30 SMC, and, if applicable, all drainage plans and documentation consistent with City of SeaTac Surface Water Design Manual (SMC 12.10.010) requirements;
- 9. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifty (50) feet of the property or which may be affected by the proposed grading operations;
- 10. Landscape and rehabilitation plan as required by SMC 13.190.100;
- 11. Other information as may be required by the Director; and
- 12. If the clearing or grading is proposed to take place in or adjacent to a sensitive area as regulated in SMC Title 15, provide information as required by that title.

E. Granting of Permits.

- 1. The Director shall determine if the proposed grading will adversely affect the character of the site for present lawful uses or with the future development of the site and adjacent properties for building or other purposes as indicated by the Comprehensive Plan, the Shoreline Master Program, and the Zoning Code.
- 2. After an application has been filed and reviewed, the Director shall also ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, the Director may issue to the applicant a grading permit. ~~A grading permit shall be valid for the number of days stated in the permit but in no case shall the period be more than two (2) years; provided, that when operating conditions have been met, the permit may be renewed every two (2) years, or less if a shorter approval and/or renewal period is specified by the Director.~~
- 3. No grading permit shall be issued until approved by Federal, State and local agencies having jurisdiction by laws or regulations.
- 4. Upon approval of the application and issuance of the grading permit, no work shall be done that is not provided for in the permit. The Director is authorized to inspect the premises at any reasonable time to determine if the work is in accordance with the permit application and plans.
- ~~5. The permits from the Director shall be required regardless of any permits issued by any other department of City government or any other governmental agency who may be interested in certain aspects of the proposed work. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the violator shall be subject to such civil penalties as provided in Chapter 1.15 SMC. However, the payment of such civil penalties shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed thereon.~~

13.190.140 Clearing standards.

A. For clearing and grading permits issued under this chapter, the current clearing standards contained in this section and in the following regulations shall apply:

- 1. Environmentally sensitive areas, SMC Title 15, and its adopted administrative rules;
- 2. Property-specific development standards pursuant to SMC Title 15;

3. Critical drainage area designations identified by adopted administrative rule;
4. Wildlife habitat corridors pursuant to SMC Title 15; and
5. Stormwater management, including LID principles and LID BMPs, as identified in the Surface Water Design Manual.

[6. Title 18, Environmental Code](#)

B. Within environmentally sensitive areas designated pursuant to SMC Title 15, uses shall be limited to those specified in that chapter. Within any other areas subject to clearing restrictions referenced or contained in this section, the following uses are allowed under a clearing permit:

1. Timber harvest in accordance with a timber harvest management plan and clearing permit approved by the Director. Administrative rules specifying the contents of, and the submittal requirements and approval criteria for, timber harvest management plans shall be promulgated in consultation with the City of SeaTac Department of Community and Economic Development prior to any permit approvals for timber harvest within these tracts or easements;
2. Passive recreation uses and related facilities, including pedestrian, equestrian community and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, if either cleared areas or areas of compacted soils, or both, associated with these uses and facilities do not exceed eight percent (8%) of the area of the tract or easement. Within wildlife habitat corridors, trail widths shall be the minimum allowed under adopted trail standards and no other recreation uses shall be permitted in the one hundred fifty (150) foot minimum width of the corridor;
3. Utilities and utility easements, including stormwater facilities, if the uses are within or adjacent to existing road or utility easements whenever possible. Within wildlife habitat corridors, existing or multiple utility uses within established easements shall be allowed within the one hundred fifty (150) foot minimum setback from the habitat corridor. Vegetated LID BMPs are allowed within the wildlife corridor buffer setback. Development of new utility corridors shall be allowed within wildlife habitat corridors only when multiple uses of existing easements are not feasible and the utility corridors are sited and developed using City-approved BMPs to minimize disturbance; and
4. Removal of either dangerous trees or damaged trees, or both.

Chapter 13.200

OFF-SITE AND ON-SITE IMPROVEMENTS¹

Sections:

13.200.010 Purpose and administration. – CHANGES PROPOSED

13.200.020 Off-site improvements. - CHANGES PROPOSED

13.200.030 Bonds and other security for off-site and on-site improvements.

13.200.010 Purpose and administration.

A. The purpose of this chapter is to identify when and what type of off-site improvements are required as a condition of development, and bonding requirements for both off-site and on-site improvements. Specific [regulations and construction standards](#) for off-site improvements are generally set forth in Chapter 11.05 SMC.

B. This chapter shall be administered by the Public Works Director or designee.

[C. The review of off-site and on-site improvements shall be through SMC 11.10.080, Right-of-way use permits and SMC 13.190.040 Clearing and grading permit required - Exceptions, as applicable.](#)

13.200.020 Off-site improvements.

A. The installation of off-site improvements is required as a condition of development in order to incorporate transportation improvements that are reasonably necessary to mitigate the direct impacts of the following types of development:

1. Creation of a subdivision, short subdivision, or binding site plan;
2. Construction of a duplex or multi-family building (as defined in Chapter 15.105 SMC);
3. Construction of a building to be used for public assembly, commercial purposes, or industrial purposes;
4. Expansion of an existing building encompassing more than fifty percent (50%) of the gross floor area (GFA), or by increasing the GFA by more than one thousand (1,000) square feet. However, this subsection does not apply to construction or expansion of a single-family dwelling or accessory dwelling unit (as defined in Chapter 15.105 SMC);
5. Construction of a new “parking lot” or “parking lot, public/private” (as defined in Chapter 15.105 SMC), where the project value is in excess of ~~seventy-five ninety~~ thousand dollars (~~\$75,00090,000~~); or
6. Expansion of an existing “parking lot” or “parking lot, public/private” (as defined in Chapter 15.105 SMC), where the project value is in excess of ~~seventy-five ninety~~ thousand dollars (~~\$75,00090,000~~).

B. Off-site improvements shall be installed along the entire street frontage of the property at the sole cost of the applicant as directed by the Director. Off-site improvements may include, but not be limited to, curb, gutter, sidewalk, storm drainage, street lighting, public utility relocation, franchise utility relocation, landscaping strip, street trees and landscaping, irrigation, on-street parking, street pavement widening, bicycle lanes, safety railings, street signs, pavement marking, and channelization. Beyond the property frontage, the applicant shall provide ramps or other appropriate transition from the new sidewalk or walkway to the existing shoulder, and pavement and channelization tapering back to the existing pavement and channelization as needed for safety. The off-site improvements shall be continued beyond the street frontage of the property if and to the extent necessary to provide a safe, accessible transition.

C. Required off-site improvements shall be complete prior to the earlier of:

1. Issuance of any certificate of occupancy (including any phased occupancy); or
2. Finalization of a development permit in which the off-site improvements are a requirement;

unless financial security has been established as allowed by this chapter.

D. If the Director determines that the off-site improvements required by this section cannot or should not be constructed concurrent with the proposed development, the applicant shall, prior to issuance of a building permit or final approval for subdivisions, short subdivisions, or binding site plans:

1. Pay to the City an amount equal to the applicant's cost of installing the required off-site improvements, as authorized by and in a manner consistent with RCW 82.02.020. The cost of installing the required off-site improvements shall be based on engineering cost estimates, as approved by the Director.

¹ **Prior legislation:** Ord. 04-1008.