

DPD

Director's Rule 17-2011

Applicant: City of Seattle Department of Planning & Development	Page: 1 of 7	Supersedes: 3-2002
	Publication: 9/15/2011	Effective: 10/5/2011
Subject: Requirements For Allowing Grading In ECA Between October 31st And April 1st (Grading Season Extension Application)	Code and Section Reference: SMC 25.09.060.G and SMC 22.170	
	Type of Rule: Procedural	
	Ordinance Authority: SMC 3.06.040	
Index: Regulations For Environmentally Critical Areas	Approved Date	
	(Signature on file) <u>10/3/2011</u> Diane M. Sugimura, Director	

PURPOSE

The purpose of this rule is to set forth the process and criteria for obtaining the Director's approval for grading in an Environmentally Critical Area (ECA) between October 31st and April 1st. Approval of a Grading Season Extension application will result in the issuance of a "Grading Season Extension Letter" authorizing grading outside of the grading season and specifying the conditions under which grading may continue.

AUTHORITY

Chapter 25.09.060.G of the Seattle Municipal Code provides that "All grading in environmentally critical areas shall be completed or stabilized by October 31st of each year unless the applicant demonstrates to the satisfaction of the Director based on approved technical analysis that no environmental harm or safety problems would result from grading between October 31st and April 1st. This provision does not apply to grading in liquefaction-prone areas and abandoned landfill environmentally critical areas unless the parcel contains another environmentally critical area."

The Director may also require approval of a Grading Season Extension application for grading between October 31st and April 1st for other projects as allowed by the Grading Code (SMC 22.170.110). Grading season restrictions for non-ECA sites are typically applied to projects with large areas or large volumes of grading.

RULE

Grading on sites subject to ECA standards between October 31st and April 1st is limited to those grading operations approved in writing by the Director in a Grading Season Extension Letter. Such letters will only be approved and issued if after submission of an application and the supporting documentation outlined in this Rule, the Director determines that no safety problems or environmental harm will occur from the grading work that is proposed to be done during the period of October 31st to April 1st. Requests should be limited to the minimum work necessary to allow construction to continue or proceed during the October 31st to April 1st period.

ANY GRADING BETWEEN OCTOBER 31st AND APRIL 1st ON SITES SUBJECT TO ECA STANDARDS IS PROHIBITED BY SMC 25.09.060G UNLESS A GRADING SEASON EXTENSION LETTER HAS BEEN OBTAINED. SUCH WORK WITHOUT A GRADING SEASON EXTENSION LETTER IS SUBJECT TO FINES AND PENALTIES AS PROVIDED IN SMC 25.09.460 & SMC 25.09.470 AND TO HAVING A STOP WORK ORDER AND/OR EMERGENCY ORDER TO STABILIZE THE SITE ISSUED FOR THE SITE.

Grading operations between October 31st and April 1st must comply with all conditions imposed by the Director in the Grading Season Extension Letter. In such letters, the Director will include conditions necessary so that site stability is maintained during the grading operation.

Typical conditions imposed by the Director include the following:

- Submission at specific intervals of written documentation by the geotechnical engineer or the geotechnical special inspector documenting that the temporary erosion and sedimentation control plans are in place and are being complied with;
- "Continuous" monitoring inspections by the geotechnical engineer while grading activities are occurring, and weekly or bi-weekly follow up monitoring reports after grading is completed and the site stabilized but before the geotechnical engineer has submitted the certification that final erosion control measures have been installed and to confirm that the grading and project are in compliance with all conditions; and
- Written field report documentation from the geotechnical engineer after every rainfall in excess of one-half (0.5) inch in a 24-hour period to confirm that the grading and site soils remain in a stable condition.

Failure to adhere to the required conditions may result in revocation of the Grading Season Extension Letter, issuance of stop work or emergency orders, and imposition of fines and penalties as discussed above.

1. Permits Issued Prior to October 31st and Subject to the Grading Season Restriction--Submission of Project Status and Grading Season Extension Application

If the geotechnical engineer for the project has not previously submitted to DPD a statement that all grading work on the project has been completed and the site is stable,

the geotechnical engineer shall submit to DPD the contractor's schedule for completion of all grading activities on the project and stabilization of the site, along with the geotechnical engineer's approval of the proposed schedule and activities. **Statements received later than October 15th may not be reviewed before October 31st.**

- a) If the submitted grading completion schedule shows that all of the grading and site stabilization will not be completed by October 31st, a Grading Season Extension application must be submitted to the Public Resources Center (PRC) or via e-Plan (when available) for review by the DPD Geotechnical Engineering Section. It is strongly encouraged that this application be submitted no earlier than September 15th and no later than October 15th so that DPD review may be completed by October 31st.

The earlier the application is submitted (i.e., late September to early October), the more likely that a Grading Season Extension Letter may be issued prior to October 31st. **If a Grading Season Extension Letter is not issued by October 31st, the contractor must have the grading work stopped and the site stabilized by October 31st.**

- b) If the grading completion schedule indicates that all of the grading will be completed and the site stabilized by October 31st, the geotechnical engineer must submit to DPD, by close of business October 31st a written statement that the grading was completed per the approved plans and the site stabilized by the October 31st deadline.
- c) If the grading completion schedule indicates that all grading will be completed or the site stabilized prior to October 31st, but the geotechnical engineer does not submit the written statement by close of business on October 31st verifying that the grading was completed and/or the site stabilized by the October 31st deadline, all grading work shall stop until April 1st or until a Grading Season Extension Letter is issued pursuant to this Rule. A stop work order may be issued on November 1st and remain in effect for all grading work until April 1st, or until one of the following occurs: 1) a written statement is submitted verifying that the grading was completed per the approved plans and the site stabilized by October 31st, or 2) the Grading Season Extension Letter is issued. If the site is unstable, an emergency order also may be issued requiring immediate stabilization of the site in accordance with a site stabilization plan to be approved by DPD.

2. Permits Issued Between October 31st and April 1st and Subject to the Grading Season Restriction

- For permits issued between October 31st and April 1st for projects subject to a grading season restriction, no grading work shall occur between October 31st and April 1st unless a Grading Season Extension Letter is obtained.

3. Grading Season Extension Application Process

- a) **Application.** A Grading Season Extension application must be submitted to DPD through the Public Resources Center at 700 5th Avenue, Suite 2000, P.O. Box 34019 (20th Floor), Seattle, WA 98124-4019 or through e-Plan (when

available) at <http://www.seattle.gov/dpd/online services/>. The application must include the following:

- 1) A completed signed copy of the Grading Season Extension application form attached to this Rule as Exhibit A.
- 2) For paper applications, a check made out to the City of Seattle for one hour of minimum review time. If you submit the Grading Season Extension application through e-Plan, one hour minimum of review time will be due when your request is processed after submittal. Hourly review fees will be applied in accordance with the applicable fee ordinance for review time in excess of one hour, and these fees will be due prior to release of the Grading Season Extension letter.

The minimum fee is non-refundable. Please confirm that your project is subject to a grading season restriction prior to submitting an application for a grading season extension.

- 3) A detailed site plan showing where the proposed grading activities and/or site stabilization activities during the extension period will occur. The site plan must also show all additional measures, including erosion control systems and measures to control stormwater runoff from the site, that are proposed so that the grading and/or site stabilization activities will not result in safety problems or environmental harm or adverse environmental impacts to the ECA area, the site or neighboring properties.
- 4) A schedule of the proposed grading and/or site stabilization work. The schedule must include specific dates when excavations and backfilling will occur as well as the dates when the locations for stormwater collection will be completed and ready for use. The proposed monitoring and special inspection dates must also be included, as well as all other significant proposed dates.
- 5) A signed confirmation from the project's geotechnical engineer stating that the engineer has reviewed and approved the proposed site plan and schedule and that, in the geotechnical engineer's opinion, no safety problems, environmental harm or adverse environmental impacts to the ECA area, the site or neighboring properties will occur from allowing grading activities or site stabilization activities to occur on site in accordance with the submitted site plan and schedule. The geotechnical engineer shall include any recommendations the engineer believes are necessary so that the proposed work can be safely accomplished given the increased seasonal potential for severe weather.

The grading season extension application will be assigned a Post-Submittal number. You can track the progress of the application review online at www.seattle.gov/dpd/ using the Post-Submittal number.

- b) Review and Approval.** The DPD Geotechnical Engineering Section will review the application and evaluate the hazards associated with the proposed work to determine whether the geotechnical analysis and recommendations are sufficient to address any safety problems, environmental harm or adverse environmental impacts to the ECA area, the site or neighboring properties that would occur if the request is granted. DPD will process the application as quickly as possible, but applicants

should not expect a response before ten business days after the submission is received by DPD.

- 1) No such request shall be granted if environmental harm or adverse environmental impacts cannot be avoided or if safety problems are likely to occur even after required conditions are imposed and complied with.
- 2) If the application is incomplete, DPD may return the application for additional information.
- 3) If the application is sufficient to show that no environmental harm or safety problems will occur if the request is granted, DPD may approve the request as submitted or may approve a modified request, and may include in the approval letter conditions to help ensure that no adverse environmental impacts, environmental harm or safety problems will occur if the work is done in accordance with the approval letter.

All work must be done in accordance with the approval letter. Any work done in excess of that approved in the Grading Season Extension Letter or in violation of the conditions of the Grading Season Extension Letter will be subject to stop work or emergency orders and fines and penalties as outlined above.

EXHIBIT A
THE DEPARTMENT OF PLANNING AND DEVELOPMENT
GRADING SEASON EXTENSION APPLICATION

Site Information

Site Address: _____

DPD Permit Number: _____

Date of Application for Grading Season Extension: _____

Type of Environmentally Critical Area (Check the ones that apply to the site):

- ☐ Potential Slide due to Steep Slope
- ☐ Potential Slide due to Geologic Conditions
- ☐ Known Slide Area
- ☐ Wetland
- ☐ Riparian Corridor
- ☐ None: Restriction applied through Grading Code

Applicant Information

Contractor: _____

License Number: _____

Address: _____

Phone Number: _____

24-hour Emergency Number: _____

Email address: _____

Owner/Owner's Representative: _____

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Geotechnical Engineer of Record: _____

Site Representative: _____

Address: _____

Phone Number: _____

Email address: _____

Application

- 1. Request.** Explain in detail exactly what is being requested, i.e., the length of the extension requested, the work to be done during the extension, measures to avoid environmental harm and safety problems, the justification for the extension request and any extenuating circumstances why the October 31st code deadline could not be met.
- 2. Site plan.** Attach a detailed site plan showing where the proposed grading activities and/or site stabilization activities during the extension will occur. The site plan must also show all additional measures, including erosion control systems and measures to control stormwater

runoff from the site, that are proposed so that the grading and/or site stabilization activities will not result in adverse impacts.

3. **A schedule of the proposed grading and/or site stabilization work.** The schedule must include specific dates when excavations and backfilling will occur as well as the dates when the locations for stormwater collection will be completed and ready for use. The proposed monitoring and special inspection dates must also be included, as well as all other significant proposed dates.
4. **Statement from Project Geotechnical Engineer.** Attach a confirmation from the **geotechnical engineer** stating that the engineer has reviewed and approved the proposed site plan and schedule and that, in the geotechnical engineer's opinion, no adverse environmental impacts, environmental harm or safety problems will occur to the ECA, on site, or to neighboring properties from allowing grading activities or site stabilization activities to occur on site in accordance with the submitted plan and schedule. The geotechnical engineer shall include any recommendations the engineer believes are necessary so that the proposed work can be safely accomplished given the increased seasonal potential for severe weather.

5. Agreements to Comply with Conditions in Extension Letter.

a. Contractor. I, _____, General Contractor on this Project agree to comply with all conditions imposed by the Director in granting a Grading Season Extension Letter and agree to require all my employees and subcontractors to also comply with those conditions.

Dated: _____ Signed: _____
Contractor
Printed Name: _____

b. Geotechnical Engineer. I _____, Geotechnical Engineer on this Project, agree to comply with all conditions imposed by the Director in granting a Grading Season Extension Letter and in my required monitoring and reporting agree to monitor and report on compliance with those conditions and to evaluate the status of the project in relation to those conditions.

Dated: _____ Signed: _____
Geotechnical Engineer
Printed Name: _____

c. Owner/Agent for Owner. I, _____, Owner/Agent for the Owner of the property for this Project agree to comply with all conditions imposed by the Director in granting a Grading Season Extension Letter and agree to require my Contractor and any subcontractors to also comply with those conditions.

Dated: _____ Signed: _____
Property Owner/Agent for Owner
Printed Name: _____