

**DPD****Director's Rule 26-2015**

<b>Applicant:</b>  City of Seattle Department of Planning & Development	<b>Page:</b>	<b>Supersedes:</b>  17-2011
	<b>Publication:</b>	<b>Effective:</b>
<b>Subject:</b>  Grading Season Extension	<b>Code and Section Reference:</b>  SMC 25.09.060.G and SMC 22.170	
	<b>Type of Rule:</b>  Procedural	
	<b>Ordinance Authority:</b>  SMC 3.06.040	
<b>Index:</b>  Regulations For Environmentally Critical Areas	<b>Approved</b>	<b>Date</b>
	<hr/> <b>Diane M. Sugimura, Director</b>	

**PURPOSE**

For some projects, grading is restricted during the “wet season” between October 31<sup>st</sup> and April 1<sup>st</sup> of the following year. This Rule outlines the procedures and criteria for obtaining the Director’s approval for grading during this period, known as a Grading Season Extension.

**AUTHORITY**

Chapter 25.09.060.G of the Seattle Municipal Code states 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” or the grading season restriction is applied pursuant to the Grading Code (SMC 22.170.110).

The Director may also require approval of a Grading Season Extension application for grading between October 31st and April 1st for sites **not** located in an ECA, 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 between October 31st and April 1st on sites subject to ECA standards and non-ECA sites restricted by the Grading Code 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 GRADING SEASON RESTRICTIONS PER SMC 25.09.060.G OR SMC 22.170.110 IS PROHIBITED 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 ISSUED TO STABILIZE THE SITE.**

If a Grading Season Extension Letter is not issued by DPD by October 31<sup>st</sup>, the contractor must stop grading work and stabilize the site by October 31<sup>st</sup>. For permits issued between October 31<sup>st</sup> and April 1<sup>st</sup> for projects subject to a grading season restriction, no grading work shall occur between October 31<sup>st</sup> and April 1<sup>st</sup> unless a Grading Season Extension Letter is obtained.

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 to maintain site stability during the extended grading season.

Typical conditions imposed by the Director include the following:

- Daily inspections by the geotechnical special inspector while grading activities are occurring to confirm that the grading and project are in compliance with all conditions of the permit and Grading Season Extension Letter;
- Submission of field reports by the geotechnical special inspector at regular intervals (e.g., weekly) documenting that the temporary erosion and sediment control plans are in place and functioning as intended;

- Written field report documentation from the geotechnical special inspector 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; and
- Weekly or bi-weekly follow up monitoring reports after grading is completed and the site is stabilized, but before the geotechnical special inspector has submitted the certification that final erosion control measures have been installed.

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.

### **Grading Season Extension Application Process<sup>1</sup>**

**A) Application.** Apply for a Grading Season Extension using the DPD Project Portal (<http://web6.seattle.gov/dpd/eplan/>), and provide all documents in an electronic format, preferably in Portable Document Format (PDF).

A fee for 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 by checking your geotechnical special inspection authorization letter prior to submitting an application for a grading season extension.**

Documents to be submitted at the time of application include the following:

- 1) A completed signed copy of the Grading Season Extension application form, attached to this Rule as Exhibit A.
- 2) 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 that are proposed--including erosion control systems and measures to control stormwater runoff from the site--so that the grading and/or site stabilization activities will not result in safety problems, environmental harm, or adverse environmental impacts to the ECA area, the site or neighboring properties.
- 3) A construction schedule for 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, if applicable. The proposed

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<sup>1</sup> You can apply for a grading season extension only after the building permit has been issued. We recommend that applications be submitted on or after September 15 of each year so that the letter from the geotechnical engineer describing current site conditions and project status is relevant for review.

monitoring and special inspection dates must also be included, as well as dates for significant project milestones.

- 4) 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 and/or site stabilization activities to occur on site, in accordance with the submitted site plan and schedule. The geotechnical engineer shall include a description of the current project status and any recommendations the engineer believes are necessary so that the proposed work can be safely accomplished despite the increased potential for severe weather during the wet season.

The grading season extension application will be assigned a Post-Submittal project number. You can track the progress of the application review via the DPD Project Portal (<http://web6.seattle.gov/dpd/eplan/>) 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 request for Grading Season Extension will 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 Grading Season Extension application is incomplete, DPD will contact the primary applicant to request 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. You will receive an approval in the form of a Grading Season Extension Letter that may include specific conditions to help prevent adverse environmental impacts, environmental harm or safety problems that could develop as a result of proposed grading operations. The Grading Season Extension letter will be emailed by the DPD Geotechnical Engineering section to the primary applicant of the grading season extension application. *The primary applicant should forward the letter to the contractor, geotechnical special inspector, and other members of the design team.*

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:

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DPD Permit Number:

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Date of Application for Grading Season Extension:

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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:**

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License Number:

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Address:

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Phone Number:

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24-hour Emergency Number:

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Email address:

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**Owner/Owner's Representative:**

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Name:

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Address:

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Phone Number:

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Email Address:

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**Geotechnical Engineer of Record:**

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Site Representative:

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Address:

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Phone Number:

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Email address:

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**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 for why the October 31<sup>st</sup> 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 to adjoining properties.
- 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 dates for significant project milestones.
- 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, so long as work is performed 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: \_\_\_\_\_