

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land disturbing activity; updating the Grading Code to align with updates to other codes; and amending Sections 22.170.020, 22.170.050, 22.170.060, 22.170.070, 22.170.080, 22.170.110, and 22.170.190 of the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.170.020 of the Seattle Municipal Code, enacted by Ordinance 123107, is amended as follows:

22.170.020 Scope

This code applies to all grading and other land disturbing activity, including addition and replacement of ~~((impervious))~~ hard surface, within the City of Seattle; to the maintenance and protection of grades, slopes, and soil stability; and to the correction of hazards related to any of the foregoing.

Section 2. Section 22.170.050 of the Seattle Municipal Code, last amended by Ordinance 125248, is amended as follows:

22.170.050 Definitions

* * *

"Development" means land disturbing activity or the addition or replacement of ~~((impervious))~~ hard surface.

* * *

~~(("Impervious surface" means any surface exposed to rainwater from which most water runs off. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, formal planters, parking lots or storage areas, concrete or asphalt paving,~~

1 ~~permeable paving, gravel surfaces subjected to vehicular traffic, compact gravel, packed earthen~~
2 ~~materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of~~
3 ~~stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious~~
4 ~~surfaces for the purposes of determining whether the thresholds for application of minimum~~
5 ~~requirements are exceeded. Open, uncovered retention/detention facilities shall be considered~~
6 ~~impervious surfaces for purposes of stormwater modeling.))~~

7 “Hard surface” means “hard surface” as defined in Section 22.801.090.

8 * * *

9 "Land disturbing activity" means any activity resulting in a movement of earth, or a
10 change in the existing soil cover, both vegetative and nonvegetative, or the existing topography.
11 Land disturbing activities include, but are not limited to, clearing, grading, filling, excavation, or
12 addition of new or the replacement of (~~impervious~~) hard surface. Compaction, excluding hot
13 asphalt mix, that is associated with stabilization of structures and road construction shall also be
14 considered a land disturbing activity. Vegetation maintenance practices are not considered land
15 disturbing activities.

16 * * *

17 "Potentially hazardous location" includes:

18 1. (~~All sites on the Hazardous Sites List compiled by the Washington State~~
19 ~~Department of Ecology pursuant to WAC 173-340-330 or any successor rule, or listed on the~~
20 ~~National Priorities List by the U.S. Environmental Protection Agency pursuant to the federal~~
21 ~~Comprehensive Environmental Response, Compensation and Liability Act (CERCLA),~~
22 ~~commonly known as the Superfund statute. When a site is no longer on either list, or when the~~
23 ~~owner otherwise establishes contamination does not pose a present or potential threat to human~~
24 ~~health or the environment, the site will no longer be considered a potentially hazardous~~

1 Section 3. Section 22.170.060 of the Seattle Municipal Code, enacted by Ordinance
2 123107, is amended as follows:

3 **22.170.060 Grading (~~(Permit Required)~~) permit required**

4 A. Grading (~~(Permit Required)~~) permit required. Except as otherwise specifically
5 provided in this code, a grading permit shall be obtained from the Director before commencing
6 any activity for which a permit is required as specified in subsection 22.170.060.A. The required
7 grading permit may be a component of a building permit, and, in this case, a separate grading
8 permit is not required. The provisions of this (~~chapter~~) code apply to both a separate grading
9 permit and a grading permit that is a component of a building permit except as expressly
10 otherwise stated. Actions exempt from the requirement for a grading permit are specified in
11 subsection 22.170.060.B.

12 1. General. A grading permit is required prior to any of the actions in subsection
13 22.170.060.A.1, whether or not the site is subject to any other provision of subsection
14 22.170.060.A:

15 a. Changing existing grade at any location more than 4 feet measured
16 vertically, if the combined volume of excavation, filling, and other movement of earth material
17 on a site is more than 50 cubic yards;

18 b. Changing the existing grade at any location more than 4 feet measured
19 vertically, if the grading will result in a permanent slope steeper than 3 horizontal to 1 vertical;

20 c. Changing the existing grade at any location more than 4 feet measured
21 vertically, if there will be a temporary slope steeper than 1 horizontal to 1 vertical;

22 d. Any grading if the combined volume of excavation, filling, and other
23 movement of earth material exceeds 500 cubic yards;

1 e. (~~One acre~~) 5,000 square feet or more of land disturbing activity on a
2 site;

3 f. (~~Two thousand~~) 750 square feet or more of new plus replaced
4 ((impervious)) hard surface.

5 g. Extracting groundwater from a well dewatering system.

6 2. Shoreline District. In the Shoreline District as established in Section
7 23.60A.010 a grading permit is required:

8 a. If there will be any grading of lands covered by water;

9 b. If there will be any land disturbing activity within 100 feet of the
10 ordinary high water mark; or

11 c. If the combined volume of excavation, filling, and other movement of
12 earth material is more than 25 cubic yards in the area between 100 and 200 feet of the ordinary
13 high water mark.

14 3. Environmentally (~~Critical Areas~~) critical areas and (~~Buffers~~) buffers. A
15 grading permit is required for:

16 a. Any land disturbing activity in riparian corridors, wetlands, wetland
17 buffers, and shoreline buffers;

18 b. Land disturbing activity in liquefaction-prone areas, abandoned
19 landfills, seismic hazards areas, peat settlement-prone areas, and volcanic hazard areas, if any
20 threshold in subsection 22.170.060.A.1 is met or exceeded;

21 c. Land disturbing activity in any (~~Environmentally Critical Area~~)
22 environmentally critical area not listed in subsections 22.170.060.A.3.a and 22.170.060.A.3.b, if

1 the combined volume of excavation, filling, and other movement of earth material is more than
2 25 cubic yards or grading reaches any threshold in subsection 22.170.060.A.1.

3 4. Potentially (~~(Hazardous Locations)~~) hazardous locations. A grading permit is
4 required for any volume of excavation, filling, or other movement of earth material in potentially
5 hazardous locations as defined in Section 22.170.050.

6 5. (~~(In-Place Ground Modification)~~) In-place ground modification. A grading
7 permit is required for any in-place ground modification. The Director may waive the requirement
8 for a grading permit if the Director determines the in-place ground modification will be
9 insignificant in amount or type.

10 6. Temporary (~~(Stockpiles)~~) stockpiles. A grading permit is required for temporary
11 stockpiles that meet or exceed any applicable threshold of subsection 22.170.060.A.1 through
12 22.170.060.A.5 and that are not located on sites for which a valid grading permit has been
13 issued.

14 7. Grading (~~(Near Public Places)~~) near public places. A grading permit is required
15 to excavate or fill in excess of 3 feet, measured vertically, on private property within any area
16 between the vertical prolongation of the margin of a public place, and a 100 percent slope line
17 (45 degrees from a horizontal line) from the existing elevation of the margin of a public place to
18 the proposed elevation of the private property. See Sections 15.44.020 and 15.44.030.

19 B. Exemptions. A grading permit is not required for the activities listed in this subsection
20 22.170.060.B.

21 1. Activity conducted in the public right of way by a City agency, or under a street
22 use permit that specifically authorizes the activity;

23 2. Excavation and filling of cemetery graves;

1 3. Exploratory excavations that comply with the requirements of subsection
2 22.170.190.N;

3 4. Operation of sewage treatment plant sludge settling ponds;

4 5. Operation of surface mines for the extraction of mineral and earth materials
5 subject to the regulations and under a permit of the State of Washington;

6 6. Stockpiling and handling of earth material when the earth material is consumed
7 or produced in a process that is the principal use of the site and that complies with the
8 requirements of subsection 22.170.190.M;

9 7. Maintenance or reconstruction of active tracks and yards of a railroad in
10 interstate commerce within its existing right-of-way;

11 8. Maintenance or reconstruction of the facilities of parks and playgrounds
12 including work required for the protection, repair, replacement, or reconstruction of any existing
13 paths, trails, sidewalks, public improvement or public or private utility, and the stockpiling of
14 material for these maintenance and reconstruction activities;

15 9. Excavation and filling of post holes;

16 10. Trenching and backfilling for the ~~((installation,))~~ reconstruction or repair of
17 existing utilities on property other than a public right-of-way that includes replacing the ground
18 surface with in-kind material or materials with similar runoff characteristics;

19 11. Trenching and backfilling the installation of utilities on property other than a
20 public right-of-way or an environmentally critical area that includes replacing the ground surface
21 with in-kind material or materials with similar runoff characteristics, except that installation of
22 drainage systems and facilities for short plats and subdivisions that are subject to subsection
23 22.805.010.D are not exempt;

1 12. Grading done as part of a City public works project (see also Section
2 22.800.070);

3 ~~((12.))~~ 13. Public works and other publicly funded activities on property owned
4 by public entities, when all of the following conditions are satisfied:

5 a. Stormwater discharges from the property do not enter the public
6 drainage control system or the public combined sewer system;

7 b. The project will not undercut or otherwise endanger adjacent property;
8 and

9 c. The Director has waived grading permit requirements by interagency
10 agreement.

11 ~~((13. Underground storage tank removal and replacement that is subject to
12 regulation by a state or federal agency, unless any grading is done on a potentially hazardous
13 location. See subsection 22.170.060.A.))~~

14 14. Development undertaken by the Washington State Department of
15 Transportation in state highway right-of-way that complies with standards established pursuant
16 to ~~((Chapter))~~ chapter 173-270 ~~((Washington Administrative Code, the Puget Sound Highway
17 Runoff Program))~~ WAC;

18 15. On-site work required for construction, repair, repaving, replacement, or
19 reconstruction of an existing road, street, or utility installation in a public right-of-way.

20 16 . Pavement maintenance practices with no change to drainage patterns or existing
21 discharge points limited to the following activities;

22 1) Pothole and square cut patching;

23 2) Overlaying existing asphalt or concrete or brick pavement with asphalt
24 or concrete without expanding the area of coverage;

25 3) Shoulder grading;

1 4) Reshaping or regrading drainage ditches;

2 5) Crack sealing; and

3 6) Vegetation maintenance.

4
5 C. Compliance (~~(Required)~~) required. All grading and other land disturbing activity,
6 whether or not it requires a grading permit, shall comply with the provisions of this code, the
7 Stormwater Code, and all other applicable laws.

8 Section 4. Section 22.170.070 of the Seattle Municipal Code, enacted by Ordinance
9 123107, is amended as follows:

10 **22.170.070 Application (~~(Requirements for Grading Permits)~~) requirements for grading**
11 **permits**

12 * * *

13 B. Plans and (~~(Information Required.)~~) information required

14 1. Projects (~~(Requiring Plans)~~) requiring plans. The information listed in
15 subsection 22.170.070.B.2 shall be provided on plans submitted with each application for a
16 grading permit.

17 Exceptions:

18 a. When the only grading included in an application is for an approved
19 drainage control plan (~~(the information required in subsection 22.170.070.B is not required)~~) , a
20 separate grading plan is not required if all information in subsection 22.170.070.B.2 is shown on
21 the drainage control plan.

22 b. When the only grading included in an application for a building permit
23 is excavation and replacement of earth material within an area 4 feet or less from the footing
24 lines of a building or structure, (~~(plans are)~~) the grading plan is not required, except that the

1 applicant shall show the location of temporary stockpiles and the slope of temporary cuts on the
2 site plan.

3 c. A separate grading plan may be omitted if all information in subsection
4 22.170.070.B.2 is shown on the site plan and drainage control plans and preparation by a civil
5 engineer or stamping by a geotechnical engineer is required.

6 d. The work will be permitted by the Seattle Department of Transportation
7 and a separate grading plan may be omitted if the work is in the right-of-way and all information
8 in subsection 22.170.070.B.2 is shown on the right-of-way plans.

9 2. Requirements for ~~((Plans))~~ plans. The following information shall be submitted
10 with applications for grading permits requiring plans.

11 a. A general vicinity map and legal description of the site;

12 b. A site plan ~~((showing:))~~ as required by the director of the department
13 that will issue the permit;

14 ~~((1) location of existing buildings and structures, easements,~~
15 ~~utilities and other surface and above ground improvements on the site;~~

16 ~~2) the approximate location of all buildings, structures, impervious~~
17 ~~surface and other improvements on adjacent land;~~

18 ~~3) the location of existing and planned temporary and permanent~~
19 ~~drainage control facilities, existing and proposed drainage discharge points, watercourses,~~
20 ~~drainage patterns, environmentally critical areas, and areas of standing water;~~

21 ~~4) the approximate location, type and size of trees and other~~
22 ~~vegetation on the site;~~

1 9) Environmentally critical areas and associated setbacks and

2 buffers;

3 10) Non-disturbance areas;

4 11) The approximate location, type, and size of trees and other
5 vegetation on the site;

6 12) Designation of trees and vegetation to be removed, and the
7 minimum distance between tree trunks and the nearest excavation and/or fill; and

8 13) Areas where equipment traffic will be permitted and excluded;

9 d. A drainage control plan as set forth in ~~((SMC))~~ Chapter 22.807(~~(,~~
10 ~~except when the grading is limited to the area providing for vehicular and pedestrian access to~~
11 ~~the building or to the temporary stockpiling of excavated material)).~~

12 3. ~~((Number Required. If a grading permit is sought as a component of another~~
13 ~~permit, the minimum number of plan sets required for the grading permit application shall be the~~
14 ~~same as the number of plan sets required for the other permit application. If only a grading~~
15 ~~permit is sought, the applicant shall submit at least 3 sets of plans. Additional sets may be~~
16 ~~required by the Director.~~

17 4. ~~Clarity of Plans.~~) Clarity of plans. Plans shall be drawn to a clearly indicated
18 and commonly accepted scale ~~((upon substantial paper such as blueprint quality or standard~~
19 ~~drafting paper. Tissue paper, poster board or cardboard will not be accepted)) and shall include a
20 bar scale. The plans shall be of ~~((microfilm))~~ legible print quality and limited to a minimum size
21 of ~~((18))~~ 11 inches by ~~((18))~~ 17 inches and a maximum size of 41 inches by 54 inches.~~

22 ~~((5. Preparation by Civil Engineer.))~~ 4. Preparation by civil engineer. The grading
23 plans shall be prepared by, or under the direction of, a licensed civil engineer for all applications

1 where the total amount of materials graded is more than 2,500 cubic yards. The Director may
2 require that grading plans for lesser quantities be prepared by or under the direction of a licensed
3 civil engineer for sites such as, but not limited to, those in geologic hazard areas and areas with
4 known erosion problems.

5 ~~((6. Stamping by Geotechnical Engineer.))~~ 5. Stamping by geotechnical engineer.

6 When required by the Director in accordance with the provisions of this code, the grading plans
7 shall be reviewed and stamped by the geotechnical engineer who performed the geotechnical
8 investigation to indicate that the plans conform to the conclusions and recommendations of the
9 investigation.

10 * * *

11 Section 5. Section 22.170.080 of the Seattle Municipal Code, enacted by Ordinance
12 123107, is amended as follows:

13 **22.170.080 Financial ~~((Assurance and Covenants))~~ assurance and covenants**

14 As a condition precedent to issuance of any grading permit provided for in this code, the Director
15 may require an applicant to submit financial assurances and a covenant as provided in this
16 Section 22.170.080.

17 A. Insurance.

18 1. The Director may require the owner(s) or contractor to carry liability and
19 property damage insurance against bodily injury, death, disability, property damage, and/or loss
20 from or related to land disturbing activities or resulting conditions, or operation of equipment on
21 or about the property, naming the City as an additional insured, covering any occurrence prior to
22 determination by the Director that the requirements of the grading permit have been met. The
23 amount and policy terms shall be commensurate with the risks as determined by the Director.

1 1. If the Director finds that an application for a grading permit complies with the
2 requirements of this code and rules promulgated hereunder, that the fees specified in the Fee
3 Subtitle have been paid, and that the applicant has satisfied all other conditions precedent
4 imposed by or pursuant to this code, the Stormwater Code, and rules promulgated under those
5 codes, the Director shall issue a permit to the applicant. A permit may be granted with or without
6 conditions. Conditions may include, but are not limited to: restricting grading work to specific
7 seasons, months or weather conditions; limiting vegetation removal; sequencing of work;
8 requiring that recommendations contained in the geotechnical investigation are followed;
9 requiring observation by a licensed civil or geotechnical engineer; requiring special inspection
10 pursuant to Section 22.170.130; requiring structural safeguards; specifying methods of erosion,
11 sedimentation, and drainage control; specifying methods for maintenance of slope stability;
12 retaining existing trees; requiring revegetation and grass seeding and/or long term maintenance
13 activities; requiring compliance with Chapter 25.09, Regulations for Environmentally Critical
14 Areas, Chapter 23.60A, Shoreline Master Program, and other regulations of the City or other
15 agencies with jurisdiction.

16 2. The Director may require that plans and specifications be stamped and signed
17 by a licensed civil engineer or geotechnical engineer to indicate that the grading and proposed
18 structure comply with the conclusions and recommendations of any required investigation or
19 report.

20 3. Minimal risk. In geologic hazard areas and steep slope erosion hazard areas as
21 identified in Chapter 25.09, the geotechnical/civil engineer who prepared the soils analysis and
22 report may be required to submit a letter stating that:

1 a. The plans and specifications conform to the recommendations of the
2 soils analysis and report; and

3 b. So long as conditions stated in the soils report are satisfied, areas
4 disturbed by construction will be stabilized, the risk of damage to the proposed development or
5 to adjacent properties from soil instability will be minimal, and the proposed grading and
6 development will not increase the potential for soil movement.

7 * * *

8 Section 7. Section 22.170.190 of the Seattle Municipal Code, last amended by Ordinance
9 124952, is amended as follows:

10 **22.170.190 General requirements**

11 * * *

12 I. Amendment with organic matter. Areas that have been cleared, graded, or compacted
13 and that have not been covered by ((~~impervious~~)) hard surface, incorporated into a drainage
14 facility, or engineered as structural fill or slope shall be amended with organic matter prior to
15 final inspection.

16 * * *

