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JEFFERSON COUNTY
CHAPTER 18A-30
CLEAR AND GRADE ORDINANCE

Chapter 18A-30.10 Purpose and General Provision

18A-30.10.010 Purposes

The purpose of this chapter is to establish clearing and grading within Jefferson County that achieve the following:

A. To promote the public health, safety, and general welfare of the citizens and protect public and private resources of Jefferson County without preventing the reasonable use, development, and maintenance of land.

B. To avoid or minimize impacts of clearing and grading, as a component of land disturbance activities to adjacent and downstream public or private property.

C. To encourage site development on public and private property, including clearing, excavation, and filling in such a manner as to minimize hazards to life, health, and property.

D. To preserve and enhance the Jefferson County physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees and ground cover.

E. To preserve, replace, or enhance the natural qualities of lands, watercourses, and aquatic resources; preserve and protect priority fish and wildlife habitats; minimize water quality degradation and the sedimentation of creeks, streams, ponds, lakes, wetlands, marine waters, and other water bodies; and preserve and enhance beneficial uses.

F. To minimize surface water runoff and diversion which may contribute to flooding.

G. To reduce siltation in Jefferson County streams, lakes, storm sewer systems, and public roadside improvements.

H. To reduce the risk of slides and the creation of unstable building sites.

I. To promote building and site planning practices that are consistent with Jefferson County's natural topography, soils, and vegetative features while at the same time recognizing that certain factors such as disease, danger of fallings, proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover.

J. To ensure prompt development, restoration, and replanting and effective erosion control of property after land clearing and grading.

K. To implement the goals and policies of the Jefferson County comprehensive plan.

L. To promote low impact development site planning and building practices that provide for managing surface water runoff on-site and are consistent with Jefferson County's natural topography, vegetation cover, and hydrology.

M. It is also the purpose of this code to establish a Jefferson County review process for larger, potentially more impactful, land disturbing projects to ensure these regulations are met.

18A-30.10.020 Applicability

All clearing and grading activity within Jefferson County shall be subject to the provisions of this chapter. No clearing and grading approval shall be issued by Jefferson County prior to the applicant's meeting the submittal requirements as set forth in these regulations and only when in compliance with federal, state, and local regulations.

18A-30.10.030 Review Threshold Established

Jefferson County has determined that there is a threshold of clearing and grading activity where the likelihood of impact to land and resources is sufficiently high to require permit review and approval of the activity by the administrator prior to commencement. Threshold criteria contained in 18A-30.10.040 and 18A-30.10.050 shall be applied.

18A-30.10.040 Clearing and Grading Activity Requiring Approval – Permit Required

Clearing and grading approval is required for any project involving any of the following:

A. Any clearing, filling, excavation, or grading in a protected area, environmentally sensitive area, or environmentally sensitive area buffer.

B. Clearing and grading of 5,000 square feet or greater.

C. Fill and/or excavation of fifty (500) cubic yards or more, even if excavated material is used as fill on the same site. [Quantities of fill and excavation are separately calculated and then added together, even if excavated material is used as fill on the same site.]

D. Clearing or grading that will likely penetrate the ground water table, including the construction of ponds and reservoirs.

E. An excavation which is more than five (5) feet in depth or which creates a cut slope greater than five (5) feet in height and steeper than one and one-half units horizontal in one unit vertical (1.5:1).

F. Any re-grading or paving of an area used for stormwater retention or detention or as an existing drainage course.

G. The cutting down or topping by more than one quarter of any trees that are required to be preserved by a city code, plat condition, or other requirement.

18A-30.10.050 Exemptions

A. Class I, II, and III Forest Practices Activities, regulated under RCW 76.09, are not covered under this ordinance.

B. Clearing and grading approval is not required for any of the following activities, provided that clearing and grading activity authorized to be undertaken without a formal approval shall be subject to the minimum requirements contained in 18A-30.040 of this ordinance:

1. Activity needed to place building foundations and retaining walls requiring an approval when in compliance with the Washington State Building Code. The state building code is the International Building Code with amendments adopted by Washington State.

2. Land clearing, grading, filling, sandbagging, diking, ditching, or similar work during or after periods of extreme weather or other emergency conditions which have created situations such as toxic releases, flooding, or high fire danger that present an immediate danger to life or property.

3. Digging of individual graves in a permitted graveyard.

4. Refuse disposal sites controlled by other regulations.

5. Mining, quarrying, excavation, processing, or stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

6. Agricultural crop management of existing and ongoing farmed areas as defined per RCW 84.34.020.

7. Routine landscape maintenance of existing landscaped areas on developed lots, including pruning, weeding, planting annuals, and other activities associated with maintaining an already established landscape. For lots developed prior to the adoption of the Jefferson County Environmentally Sensitive Areas regulations (Chapters 18.15.185 through .400 JCC) with landscaping in what are now protected areas, routine landscape maintenance can occur without a Clearing and Grading Permit provided the soil level is not changed.

8. Routine drainage maintenance of existing, constructed stormwater drainage facilities located outside of a protected area, including, but not limited to, detention/retention ponds, wetponds, sediment ponds, constructed drainage swales, water quality treatment facilities, such as filtration systems, and regional storm facilities that are necessary to preserve the water quality treatment and flow control functions of the facility. This exemption does not apply to any expansion and/or modification to already excavated and constructed stormwater drainage facilities.

9. Roadway repairs and overlays within public street rights-of-way for the purpose of maintaining the pavement on existing paved roadways. This exemption does not apply to curbs, gutters, sidewalks, utilities, new traffic calming devices, new roadways, or the widening of the paved surface of existing roadways.

10. The removal of dead trees or of diseased or damaged trees which constitute a hazard to life or property except with in environmentally sensitive areas and buffers.

C. An exemption from a Clearing and Grading Permit does not exempt the person doing the work from meeting all applicable codes of the Jefferson County.

18A-30.10.060 Authority

A. As provided herein, the administrator is given the authority to interpret and apply, and the responsibility to enforce this chapter to accomplish the stated purpose.

B. The administrator may withhold, condition, or deny development permits or activity approvals to ensure that the proposed action is consistent with this chapter.

18A-30.10.070 Relationship to Other Codes, Regulations, and Practices

A. These clearing and grading regulations shall apply in addition to zoning and other regulations adopted by the Jefferson County.

B. These clearing and grading regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA). Any conditions required pursuant to this chapter shall be included in the SEPA review and threshold determination.

C. In order to be in compliance with the provisions of this chapter, the applicant shall comply with the Jefferson County engineering standards. In addition, the applicant shall comply with those minimum requirements for temporary erosion and sedimentation control and associated best management practices set forth in the Ecology *Stormwater Management Manual for Western Washington, as amended.*

D. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required. The responsibility for determining the existence and application of these requirements rests solely with the applicant; provided, that to the extent known, the administrator will inform the applicant of other agency requirements or permits that may apply to a site (for example, Shoreline Substantial Development permits, Critical Area and Resource Lands regulations, Hydraulic Permit Act permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, and National Pollution Discharge Elimination System permits). The applicant is responsible for making application for said permits and complying with the requirements.

E. It is encouraged that, where appropriate, all clearing and grading activities within Jefferson County utilize principles of low impact development (LID) to reduce site impacts created by clearing and grading for land development.

18A-30.10.080 Severability

If any provision of this chapter, or its application to any person or circumstance, is found to be invalid for any reason, the remainder of this chapter or its application to any other person or circumstance shall not be affected.

Chapter 18A-30.20 Definitions

Applicant: The individual, partnership, association, or corporation applying for a permit to do work under this chapter, including the property owner, and any employee, agent, consultant, or contractor acting on behalf of the applicant, and any successor in interest.

Best Management or Development Practices (BM/DPs), Best Management Practice (BMP): The schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

Bioretention: On-lot retention of stormwater through the use of vegetated depressions engineered to collect, store, and infiltrate runoff.

Buffer or Buffer Zone, Buffer: The zone contiguous with a sensitive area that is required for the continued maintenance, function, and structural stability of the sensitive area. The critical functions of a riparian buffer (those associated with an aquatic system) include shading, input of organic debris and coarse sediments, uptake of nutrients, stabilization of banks, interception of line sediments, overflow during high water events, protection from disturbance by humans and domestic animals, maintenance of wildlife habitat, and room for variation of aquatic system boundaries over time due to hydrologic or climatic effects. The critical functions of terrestrial buffers include protection of slope stability, attenuation of surface water flows from stormwater runoff and precipitation, and erosion control.

Clean Water Act (CWA): Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217,95-576, 96-483, and 97-117; USC 1251 et seq.

Clearing: Destruction and removal of vegetation by manual, mechanical, or chemical methods resulting in exposed soils.

Clearing Activity: Clearing that takes place on a single parcel of record or as part of a single project. A clearing activity will be considered to be complete when the site has been fully converted to its intended use and soil stabilization has been achieved through permanent measures.

Clearing and Grading Permit: The written permission of the director to the permittee to proceed with the act of clearing and grading within the provisions of this chapter. The Clearing and Grading Permit includes the associated approved plans and any conditions of approval as well as the permit form itself.

Cluster Development: Buildings concentrated in specific areas to minimize infrastructure and development costs while achieving the allowable density. This approach allows the preservation of natural open space for recreation, common open space, and preservation of environmentally sensitive features.

Colluvium or Colluvial Deposits: A soil deposit derived from downslope movement of material from other soil formations as the result of one or more small earth slides. These deposits are typically found on steep hillsides or at the base of slopes.

Degradation: Degradation of an area includes, but is not limited to, impacts such as sedimentation, erosion, and loss of shading, light, and noise.

Design Storm: A prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities, or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.)

Detention: The temporary storage of stormwater to control discharge rates, allow for infiltration, and improve water quality.

Development: Any activity that requires federal, state, or local approval for the use or modification of land or its resource. These activities include, but are not limited to, subdivision and short subdivisions; binding site plans; planned unit developments; variances; shoreline substantial development; clearing activity; excavation; embankment; fill and grade work; converting fallow land or undeveloped land to agricultural purposes; activity conditionally allowed; building or construction; revocable encroachment permits; and septic approval.

Drainage Plan: A plan for receiving, handling, and transporting surface water or groundwater runoff within the site.

Drip Line Boundary: The circle that can be drawn on the ground below a tree directly under its outermost branch tips.

Dry Season: The months of May 1 through September 30.

Dry Well: Small excavated trenches filled with stone to control and infiltrate rooftop runoff.

Ecology: Washington State Department of Ecology.

Engineered Fill: Soil fill, which is wetted or dried to near its optimum moisture content, placed in lifts of 12 inches or less and each lift compacted to a minimum percent compaction as specified by a geotechnical engineer.

Environmentally Sensitive Area: Any area designated as an environmentally sensitive area pursuant to RCW 36.70A.170 and Chapters 18.15.185 through .400 JCC (Jefferson County Environmentally Sensitive Areas).

EPA: Environmental Protection Agency.

Erosion: The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Also, the detachment and movement of soil or rock fragments by water, wind, ice, or gravity. The following terms are used to describe different types of water erosion:

- Accelerated erosion – Erosion much more rapid than normal or geologic erosion, primarily as a result of the influence of the activities of humans or, in some cases, of the animals or natural catastrophes that expose bare surfaces (e.g., fires).
- Geological erosion – The normal or natural erosion caused by geological processes acting over long geologic periods and resulting in the wearing away of mountains, building up of floodplains, coastal plains, etc. Synonymous with natural erosion.

- Gully erosion – The erosion process whereby water accumulates in narrow channels and, over short periods, removes the soil from this narrow area to considerable depths, ranging from one (1) to two (2) feet to as much as seventy-five (75) to one hundred (100) feet.
- Natural erosion – Wearing away of the earth's surface by water, ice, or other natural agents under natural environmental conditions of climate, vegetation, etc., undisturbed by humans. Synonymous with geological erosion.
- Normal erosion – The gradual erosion of land used by humans, which does not greatly exceed natural erosion.
- Rill erosion – Erosion processes in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils.
- Sheet erosion – The removal of a fairly uniform layer of soil from the land surface by runoff.
- Splash erosion – The spattering of small soil particles caused by the impact of raindrops on wet soils. The loosened and spattered particles may or may not be subsequently removed by surface runoff.

Erosion Control Plan: A plan indicating the specific measures and sequencing to be used for controlling sediment and erosion on a development site before, during, and after construction.

Excavation: The removal of material such as earth, sand, gravel, rock, or asphalt.

Fill: Earth, sand, gravel, rock, asphalt, or other solid material used to increase the ground surface elevation or to replace excavated material.

Filling: The act of placing fill material (earth, sand, gravel, rock, asphalt, or other solid material) on any soil surface, natural vegetative covering, or other fill material to raise the ground elevation or to replace excavated material.

Filter Strips: Bands of closely growing vegetation, usually grass, planted between pollution sources and downstream receiving waterbodies.

Fine-grained Soils: Any soil association that is classified in Hydrologic Soil groups C or D as mapped in the Jefferson County Soil Survey, or as determined by a qualified soil scientist.

Geotechnical Engineer: A professional engineer currently registered in the state of Washington, qualified by reason of experience and education in the practice of geotechnical engineering, and designated by the owner as the geotechnical engineer of record for the project.

Grading: The movement of earth material through mechanical or other means to create the finished surface and contour of a project site.

Ground Water: Water in a saturated zone or stratum beneath the land surface or a surface water body.

Habitat: An area or type of area that supports plant or animal life.

Hydrology: The science dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, flow to the seas, etc.

IMP: Integrated management practice. An LID practice or combination of practices that are the most effective and practicable (including technological, economic, and institutional considerations) means of controlling impacts to the predevelopment site hydrology.

Impervious Area: A hard surface area (e.g., parking lot or rooftop) that prevents or retards the entry of water into the soil, thus causing water to run off the surface in greater quantities and at an increased rate of flow.

Infiltration: The downward movement of water from the land surface into the soil.

Land Disturbance Activity: Any activity that results in a change in the existing soil cover and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, and excavation.

Landscaping or Landscaped Areas: Land that has been modified by altering soil levels and/or vegetation for aesthetic or practical purposes.

Landslide Deposit: A large mass of earth and/or rock that has moved physically downslope by gravity and broken into discrete fragments.

Level Spreader: An outlet designed to convert concentrated runoff to sheet flow and disperse it uniformly across a slope to prevent erosion.

Low Impact Development (LID): A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

Nonpoint Source Pollution: Pollution that enters a water body from diffuse origins on the watershed and does not result from discernible, confined, or discrete conveyances.

Modular Block Wall: A wall constructed of manufactured modular wall units acting as a protective facing for an exposed soil face or as a gravity retaining wall.

National Pollutant Discharge Elimination System (NPDES): The national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307,402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Department of Ecology.

Open Space: Land set aside for public or private use within a development that is not built upon.

Permanent Erosion Control: Permanent improvements, such as landscaping or drainage control structures, which cover the soil such that no erosion can occur.

Permeable: Soil or other material that allows the infiltration or passage of water or other liquids.

Permit: Unless noted otherwise, refers to the Clearing and Grading Permit; see Clearing and Grading Permit.

Permittee: The property owner to whom the Clearing and Grading Permit is issued. The property owner may be a person(s), partnership, association, or corporation.

Potential Slide Block (Failure Envelope): The area near the surface of a slope between the toe of the slope and a line drawn upward at two (2) feet horizontal to one (1) foot vertical from the toe to the surface of the ground above the slope, or as otherwise determined by a geotechnical engineer.

Recharge Area: A land area in which surface water infiltrates the soil and reaches the zone of saturation or groundwater table.

Reinforced Fill or Reinforced Soil: Soil fill designed by an engineer that includes reinforcement consisting of metal or synthetic materials in bars, trips, grids, or sheets.

Retaining Wall: A wall designed to resist the lateral displacement of soil or other materials.

Riparian Area: Vegetated ecosystems along a water body through which energy, materials, and water pass. Riparian areas characteristically have a high water table and are subject to periodic flooding.

Rockery or Rock Wall: One or more courses of large rocks stacked near vertical in front of an exposed soil face to protect the soil face from erosion and sloughing. A rockery or rock wall is not considered a retaining wall.

Root Protection Zone (RPZ): A buffer, established by Jefferson County, that provides protection against root compaction or construction damage.

Routine Landscape Maintenance: Pruning, weeding, planting annuals, mowing turf lawns, and other activities associated with maintaining an already established landscaped area. This definition does not include felling or topping of trees or removal of invasive plants resulting from lack of regular maintenance.

Runoff: Water from rain, melted snow, or irrigation that flows over the land surface.

Rural: Those lands located outside of an incorporated area or an established urban growth area (UGA) that are not resource lands of long-term significance and which are consistent with the Washington Growth Management Act.

SCS: U.S. Department of Agriculture Soil Conservation Service; renamed the Natural Resources Conservation Service (NRCS).

Sedimentation: The process of gravity-induced settling and deposition of fragmented rock, soil, or organic particles displaced, transported, and deposited by erosive water-based processes.

SEPA (State Environmental Policy Act): The Washington State Law, RCW 43.21C.020, intended to prevent or eliminate damage to the environment.

Site: A lot or parcel or a group of contiguous lots or parcels associated with a certain application, building or buildings, or other development.

Slide: The movement of a mass of rocks and/or earth down a slope.

Soil: Unaggregated or uncemented deposits of mineral and/or organic particles or fragments derived from the breakdown of massive rocks or decay of living matter.

Soil Erosion: The removal of soil from its original location by the action of water, ice, gravity, or wind.

Stormwater Management Manual for Western Washington (Manual): The technical manual prepared by Ecology for use by local governments, which contain descriptions of and criteria for BMPs to prevent, control, or treat pollutants in stormwater.

Swale: An open drainage channel designed to detain or infiltrate stormwater runoff.

Technical Guidance Document: The Technical Guidance Document for Clearing and Grading In Western Washington by the Washington State Department of Community Trade and Economic Development and published in 2005.

Uncontrolled Fill: Fill which has been placed under unknown conditions or without any controls such as geotechnical inspection or monitoring.

Unstable Slopes: Those sloping areas of land that have in the past exhibited, are currently exhibiting, or will likely exhibit mass movement of earth.

USGS: U.S. Geological Survey, an agency within the Department of the Interior.

Vegetation Maintenance: Lawn maintenance, brush and tree pruning, and other normal land maintenance activities involving cutting, removal, or planting of vegetation by manual, mechanical, or chemical methods.

Wall Drain: A drainage system behind retaining walls, rockeries, rock walls, or modular block walls used to collect water moving through the soil or rock behind the wall or rockery.

Watershed: The topographic boundary within which water drains into a particular river, stream, wetland, or body of water.

Wetponds and Wetvaults: Drainage facilities for water quality treatment that contain permanent pools of water that are filled during the initial runoff from a storm event. They are designed to optimize water quality by providing retention time in order to settle out particles of fine sediment to which pollutants such as heavy metals absorb. They also allow biologic activity to occur that metabolizes nutrients and organic pollutants.

Wet Season: The period of the year between October 1 and April 30.

Chapter 18A-30.30 Administration

18A-30.30.010 Permit Application – Process and Submittal Requirements

A. An application for a Clearing and Grading Permit shall be submitted on a form provided by Jefferson County. Accompanying such form shall be a general plot plan, which shall minimally include the following information:

1. General vicinity map.

2. A site plan, drawn to scale (a recent survey and topographic map may be required for some projects) that includes streets, proposed access, existing and proposed structures, extent and location of proposed clearing and grading activities, major physical features of the property (i.e., streams, ravines, etc.) and sensitive areas on or near the site, drainage channels, sewer and water lines (if possible), and existing and proposed easements.

3. Location and dimensions of buffer areas to be maintained or established, and location and description of proposed erosion-control devices or structures.

4. Identification of areas to be revegetated and/or restored. Provide plant types and methods.

5. As determined at the discretion of the administrator, other information as deemed appropriate to this chapter may be required in instances related to geological hazard, shoreline protection, stream protection, tree protection and replacement, or project scope.

B. Upon receipt of a clearing and grading application, the administrator or his/her designee shall confer with other Jefferson County personnel as may be appropriate, and make a decision within twenty (20) working days from the date of submission of a completed application, unless an extension is authorized by the applicant.

C. Approved plans shall not be amended without authorization of the administrator or his/her designee. The permit may be suspended or revoked by the administrator because of incorrect information supplied or any violation of the provisions of this chapter.

D. An application penalty fee triple that assessed under the Jefferson County Fee Schedule shall be assessed for any grading or clearing conducted prior to issuance of a Clearing and Grading Permit required by this chapter.

E. If the grading involves 500 or more cubic yards, a SEPA (State Environmental Policy Act) review shall be required.

F. Grading in excess of 1,000 cubic yards shall be performed in accordance with an approved erosion control and drainage plan prepared by a licensed professional engineer in the state of Washington.

1. An erosion control plan should include erosion and sedimentation control, a vegetation management plan, a landscape plan, a restoration plan, etc., including sequencing of construction and permanent measures.

2. A drainage plan drainage requirements, systems, and techniques must comply with the Ecology *Stormwater Management Manual for Western Washington (2005)*, as amended and adopted by Jefferson County.

G. Medium Project Minimum Requirements. Medium Project development meeting the criteria of subsection (1)(a) of this section shall be required to control erosion and sediment during construction and to permanently stabilize soil exposed during construction. Such development shall:

1. Comply with the minimum requirements 1-4 for small parcels in Section I-2.3 of the SMM, and shall employ the Medium Project best management practices (BMPs) of Section II-5.10;

2. Applicants for all Medium Project development meeting the criteria for subsection (1)(a) of this section, except for detached single-family residences and duplexes creating or adding less than 2,000 square feet and land disturbing activities of less than 5,000 square feet, shall prepare a medium project erosion and sediment control plan (or, show on other diagrams being prepared for the project, if appropriate) showing:

   a. Vicinity map;

   b. Location of the structure and its access;

   c. All applicable setback requirements;

   d. Location of all applicable erosion and sediment control BMPs; and

   e. Existing site features and sensitive areas.

18A-30.30.020 Conditions of Approval/Project Denial

A. The administrator may impose conditions on permit approval as needed to mitigate identified project impacts and shall deny permit applications that are inconsistent with the provisions of this chapter.

B. All clearing and grading projects shall be subject to the following conditions:

1. All clearing and grading, as a component of land disturbance projects, shall be subject to inspection by the Jefferson County.

2. Prior written permission from the administrator shall be provided for modification of any plan.

3. The applicant shall maintain an up-to-date, approved copy of the plans on-site.

4. The applicant shall provide owner permission for the Jefferson County to enter the site for purposes of inspecting compliance with the plans, for performing any work necessary to bring the site into compliance with the plans, or for emergency corrective measures.

C. When a SEPA environmental checklist is required:

1. A determination of non-significance (DNS), a mitigated determination of non-significance (MDNS), or a determination of significance (DS) shall be issued by the Jefferson County environmental official prior to the issuance of a clearing and grading approval by the administrator.

2. Provisions contained in the DNS, MDNS, or DS shall be considered when approving the clearing and grading activity and conditions of the approval shall not be less restrictive than those in the DNS, MDNS, or DS.

18A-30.30.030 Expiration of Applications and Permits

A. An application for clearing and grading approval will be canceled if an applicant fails, without reasonable justification, to respond to the Jefferson County's written request for revisions or corrections within sixty (60) days. The administrator may extend the response period beyond sixty (60) days if the applicant provides and adheres to a reasonable schedule for submitting the full revisions.

B. When a permit is ready to be issued, the applicant shall be notified and must pick up the permit within sixty (60) days of notification or it shall be canceled.

C. Clearing and grading permits expire when:

1. The authorized work is not begun within six (6) months from the date of approval issuance.

2. Work is abandoned for over one-hundred-eighty (180) consecutive days.

3. If authorized work is performed in a consistent and progressive manner, the approval shall expire one (1) year from the date of issuance unless an alternate time frame is specified on the permit or an extension is granted.

4. Upon a showing of good cause, up to two (2), six (6) month extensions may be granted by the administrator provided that conditions that were relevant to issuance of the permit have not changed substantially and no material detriment to the public welfare will result from the extension.

18A-30.30.040 Inspections

A. Each site shall be inspected as necessary to ensure that required sediment control measures are installed and effectively maintained in compliance with the permit requirements. Where applicable, the applicant must obtain inspection by the Jefferson County at the following stages:

Stage 1 - Following the installation of sediment control measures or practices and prior to any other clearing and grading activity, including during the construction of sediment traps or ponds.
Stage 2 - During rough grading, including hauling imported or waste materials.
Stage 3 - Upon completion of final grading, including the establishment of ground covers and planting, and installation of all landscaping.

B. The administrator shall specify inspection, testing, and monitoring requirements applicable to a given project prior to permit issuance. However, the administrator may require additional inspection, testing, monitoring, or professional analysis and recommendations when conditions exist that were not covered in the permit application documents or were not sufficiently known at the time of permit issuance.

C. The permittee must give the Jefferson County at least 24 hours of advance notice prior to needed inspections. Inspections will be scheduled for the next working day after receiving the request, except if the notice is received on Friday, the inspection will be scheduled for Tuesday.

D. Where applicable, inspections may be conducted by a licensed professional engineer who must file an inspection report with the administrator.

18A-30.30.050 Appeal

Any person or persons aggrieved by any action of the administrator may, within fourteen (14) calendar days of such action, file a notice of appeal according to the provisions for Type I permits (Chapter 18.40.360 JCC).

18A-30. 30.060 Financial Assurance of Performance

A. The administrator may require surety in such form and amounts as may be deemed necessary to ensure that the work shall be completed in accordance with the permit. The property owner, or other person or agent in control of the property, if required, shall furnish surety bonds.

B. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with Jefferson County in an amount equal to that which would be required in the surety bond.

C. To ensure proper performance and repair of degraded site conditions relating to the activity, financial assurance shall be required in an amount of 200 percent of the greater of either:

1. The estimated cost of constructing all erosion and sediment control measures or other BMPs specified in the approved plans.

2. The estimated cost, as determined by the administrator, of monitoring BMP performance plus the estimated cost of designing and constructing any corrective work or mitigating measures that might be necessary to correct the effects on-site and off-site of inadequate or failed workmanship, materials or design.

18A-30.30.070 Fees

When a plan or other data are required to be submitted, plan review fees shall be paid at the time of submittal of plans and specifications for review. Permit fees shall be paid at the time of permit issuance. Additional fees may be required to be paid prior to final Certificate of Occupancy. Plan review and permit fees shall be set forth by Jefferson County.

18A-30.30.080 Responsibility to Have Permit

Every person working or directing work that requires a permit under this chapter must:

A. Have a copy of the permit before starting and during all phases of the work. The permit, approved plans, and applicable terms and conditions of approval shall be kept on site at all times.

B. Be familiar with and comply with the terms and conditions of the permit.

18A-30.30.090 As-Built Plans

For clearing and grading undertaken to develop plat or short plat infrastructure, the permittee shall submit a copy of the as-built plans to the administrator. Such plan(s) shall be submitted prior to final approval.

18A-30.30.100 Final Approval

The administrator shall give final approval that clearing and grading has been carried out in compliance with the permit once all work is completed per the permit.

Chapter 18A-30.40 Clearing and Grading Standards

18A-30.40.010 Minimize Potential Impacts

All grading and clearing activities shall be conducted so as to minimize potential adverse effects of these activities on forested lands, surface water quality and quantity, groundwater recharge, fish and wildlife habitat, adjacent properties, and downstream drainage channels. Whenever possible, the permittee shall attempt to prevent impacts and minimize the clearing of naturally occurring vegetation, retain existing soils, and maintain the existing natural hydrological functions of the site.

18A-30.40.020 Stormwater Consistency of Standards

All standards under this code will be consistent with the Ecology *Stormwater Management Manual for Western Washington (2005)*, as amended.

18A-30.40.030 Mark Clearing and Grading and Land Disturbance Limits

Prior to commencing activity, the applicant shall establish and mark on-site clearing and grading limits and other critical site features as appropriate.

18A-30.40.040 Natural Features and Vegetation Retention

Wherever possible, vegetation, drainage, and other natural features of the site shall be preserved, and the grading and clearing should be performed in a manner that attempts to limit areas of impact to the building, road, and utility footprints. Groundcover and tree disturbance shall be minimized, and root zones shall be protected. Land disturbance activities shall be conducted so as to expose the smallest practical area to erosion for the least possible time. Projects shall be phased, where practical, to decrease exposed soils and minimize adverse impacts to natural features and vegetation resulting from land disturbance activities. No ground cover or trees which are within a minimum of fifteen (15) feet of the ordinary high water mark of creeks, streams, lakes, and other shoreline areas or within ten (10) feet of the top of the bank of the same shall be removed, nor shall any mechanical equipment operate in such areas, provided that conditions deemed by the administrator to constitute a public nuisance may be removed, and provided that a property owner shall not be prohibited from making landscaping improvements where such improvements are consistent with the aims of this section, and where the owner can convincingly demonstrate such consistency to the administrator *(See Technical Guidance Document, Section 3.1.1)*.

18A-30.40.050 Aesthetics

Land disturbance activity shall be undertaken in such a manner so as to preserve and enhance the Jefferson County's aesthetic character. Important landscape characteristics that define the aesthetic character, such as large landmark trees, important vegetation species, and unique landforms or other natural features shall be preserved to every extent practical.

18A-30.40.060 Site Containment

Erosion, sediment, and other impacts resulting from any clearing and grading activity shall be contained on the site. Containment of such impacts may require temporary erosion/ sedimentation control measures during and immediately following clearing and grading activities. The faces of slopes shall be prepared and maintained to control erosion. Check dams, riprap, plantings, terraces, diversion ditches, sedimentation ponds, straw bales, or other devices or methods shall be employed where necessary to control erosion and provide safety. Devices or procedures for erosion protection shall be initiated or installed as soon as possible during grading operations and shall be maintained in operable condition by the owner *(See Technical Guidance Document, sections 3.1.3 through 3.1.10)*.

18A-30.40.070 Protection of Adjacent Properties

Adjacent and downstream properties, storm drain inlets, and the downstream natural and built drainage system shall be protected from sediment deposition and erosion by appropriate use of BMPs such as vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of soil stabilization measures. If protection is inadequate and deposition occurs on the adjoining property, public right-of-way, or drainage system, the permittee shall immediately remove the deposited sediment and restore the affected area to its original condition. Downstream properties and waterways shall be protected from erosion and sedimentation during construction due to temporary increases in the volume, velocity, and peak flow rate of runoff from the site *(See Technical Guidance Document, sections 3.1.4, 3.1.5, and 3.1.7)*.

18A-30.40.080 Construction Access

Construction vehicle access shall be, whenever feasible, limited to one route. A temporary access road shall be provided at all sites. Access surfaces shall be stabilized to minimize the tracking of sediment onto adjacent roads by utilizing appropriate BMPs. Other measures may be required at the discretion of the administrator in order to ensure that sediment is not tracked onto public streets by construction vehicles, or washed into storm drains. Sediment deposited on the paved right-of-way shall be removed in a manner that prevents it from entering the drainage system *(See Technical Guidance Document, Section 3.1.2).*

18A-30.40.090 Stabilization of Disturbed Areas

All exposed soil shall be stabilized by application of suitable BMPs and soil stabilization measures, including but not limited to sod or other vegetation, plastic covering, mulching, or application of base course(s) on areas to be paved. All BMPs shall be selected, designed, and maintained according to the approved manual by the administrator. From October 1 through April 30, no unworked soils shall remain exposed for more than two days. From May 1 through September 30, no unworked soil shall remain exposed for more than seven days. Jefferson County may permit extension of these times or require reduction of these times based on current or projected weather conditions with prior approval of the administrator *(See Technical Guidance Document, sections 3.1.3 and 3.1.4).*

18A-30.40.100 Dust Suppression

Dust from clearing, grading, and other construction activities shall be minimized at all times. Impervious surfaces on or near the construction area shall be swept, vacuumed, or otherwise maintained to suppress dust entrainment. Any dust suppressants used shall be approved by the administrator. Petrochemical dust suppressants are prohibited. Watering the site to suppress dust is also prohibited unless it can be done in a way that keeps sediment out of the drainage system (*See Technical Guidance Document, Section 3.1.4*).

18A-30.40.110 Erosion and Sedimentation Control

The property owner shall design and implement erosion and sedimentation control BMPs appropriate to the scale of the project and necessary to prevent sediment from leaving the project site, including but not limited to, the standards and requirements described in this chapter, in the Ecology *Stormwater Management Manual for Western Washington (2005)*, as amended.

A. In addition to the measures in this and other codes and ordinances, the administrator may impose the following erosion control measures, or other additional measures, as appropriate for the project:

1. Performance monitoring to determine compliance with state water quality standards, or more stringent standards if adopted by the city.

1. Funding additional city inspection time, up to a full-time inspector.

2. Stopping work if necessary to control erosion and sedimentation.

3. Construction of additional siltation/sedimentation ponds (*See Technical Guidance Document, Section 3.1.4*).

4. Use of a series of portable sedimentation tanks or temporary filter vaults (*See Technical Guidance Document, Section 3.1.10*).

5. Use of high quality catch basin inserts to filter runoff.

6. Use of erosion control blankets, nets, or mats in addition to or in conjunction with straw mulch (*See Technical Guidance Document, Section 3.1.4*).

B. The following additional requirement applies to projects that are not construction of an individual, single-family home:

1. Temporary on-site stormwater conveyance systems shall be designed, constructed, and stabilized to prevent erosion from leaving the site and impacting properties, streams, and wetlands downstream of the clearing and grading activity. Stabilization measures shall be provided that comply with local BMPs at stormwater conveyance system outlets to prevent erosion of outlets, adjacent stream banks, slopes, and downstream reaches or properties.

2. If the initially implemented erosion and sedimentation BMPs do not adequately control erosion and sedimentation, additional BMPs shall be installed, including but not limited to the extraordinary BMPs described in subsection (A) of this section. It is the permittee's responsibility to ensure sediment does not leave the site in an amount that would violate applicable state, county, or city water quality standards. The Jefferson County has the authority to enforce state water quality standards, or, if adopted by the Jefferson County, more stringent water quality standards.

C. The timing/sequencing requirements for implementing/removing erosion and sedimentation control measures are as follows:

1. The permittee must install the temporary erosion and sedimentation control BMPs prior to all other clearing, grading, or construction.

2. The permittee must remove all temporary erosion and sediment control BMPs within thirty (30) days after final site stabilization or after the BMP is no longer needed, per agreement of the administrator. Before removing such BMPs, the permittee must remove trapped sediment or stabilize on-site. Any soils disturbed during sediment removal must be permanently stabilized by the permittee.

3. The permittee must complete the required permanent erosion control within seven (7) days of completed grading unless the weather is unsuitable for transplanting. In that case, the permittee must maintain temporary erosion control until permanent restoration can be completed. The period between work completion and final planting shall not exceed one year without written authorization from the administrator.

18A-30.40.120 Protection of Environmentally sensitive areas

The function and values of all environmentally sensitive areas, including all stream types, geologically unstable areas, critical aquifer recharge areas, frequently flooded areas, wetlands, and fish and wildlife conservation areas or habitats, and their buffers located on or adjacent to the site shall be protected from clearing and grading activities that result in sedimentation, erosion, and degradation. Such impacts shall be avoided by appropriate use of setbacks, erosion, and sediment control measures and other appropriate best development and management practices consistent with Chapters 18.15.185 through .400 JCC (Jefferson County Environmentally Sensitive Areas).

18A-30.40.130 Avoidance of Hazards

Land disturbance activities shall not result in off-site physical damage, nor pose a danger or hazard to life or property. Neither shall such activities contribute to or create landslides, accelerated soil creep, or settlement of soils.

18A-30.40.140 Cut and Fill Slopes

Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. In addition, slopes shall be stabilized in accordance with the requirements of this section. The applicant/permittee shall:

A. Submit a geotechnical report, prepared by a geotechnical engineer, when required pursuant to Chapter 18.15.270 through .280 JCC. The clearing and grading development standards specify when a subsurface investigation is required and the level of investigation and information required in the report.

B. Minimize clearing and grading on slopes fifteen (15) percent or greater and meet any sensitive earth conditions performance standards set forth in Chapters 18.15.185 through .400 JCC (*See Technical Guidance Document, Section 3.1.6*).

C. Comply with the Land Use Code restrictions applicable to slopes forty (40) percent or greater and to areas of colluvial or landslide deposit on slopes of fifteen (15) percent or greater (*See Technical Guidance Document, Section 3.1.6*).

D. Limit the maximum gradient of artificial slopes to no steeper than 2:1 [two (2) feet of horizontal run to one (1) foot of vertical fall] unless a geotechnical engineering report and slope stability analysis is provided and shows that a factor of safety of at least 1.5 for static loads and 1.1 for pseudostatic loads can be met, as demonstrated per the methodology in the clearing and grading development standards.

E. Do no clearing, excavation, stockpiling, or filling on the potential slide block of an unstable or potentially unstable slope unless it is demonstrated to the administrator's satisfaction that the activity would not increase the load, drainage, or erosion on the slope (*See Technical Guidance Document, Section 3.1.6*).

F. Do no clearing, excavation, stockpiling, or filling on any unstable or potentially unstable areas (such as landslide deposits) unless it is demonstrated to the administrator's satisfaction that the activity would not increase the risk of damage to adjacent property or natural resources or injury to persons.

G. Intercept any ground water, subsurface water, or surface water drainage encountered on a cut slope and discharge it at a location approved by the administrator (*See Technical Guidance Document, Section 3.1.6*).

H. Follow the procedures and standards in the clearing and grading development standards related to slopes (*See Technical Guidance Document, Section 3.1.6*).

I. Design and protect cut and fill slopes to minimize erosion (*See Technical Guidance Document, Section 3.1.6*).

18A-30.40.150 Rockeries

Rockeries may be used for erosion protection of cut or fill slopes. The primary function of a rockery is to protect the slope face from soil erosion and sloughing.

A. Rockeries used to protect uncontrolled fill slopes may be no higher than four (4) feet, as measured from the bottom of the base rock.

B. Rockeries used to protect cut slopes or reinforced or engineered fill slopes may be up to a maximum height of twelve (12) feet, as measured from the bottom of the base rock, with the approval of the administrator. Any rockery that is over four (4) feet high, as measured from the bottom of the base rock (cut slopes and reinforced or engineered fill slopes only) shall be designed by a geotechnical engineer.

C. A wall drain must be provided for all rockeries greater than four (4) feet in height as measured from the bottom of the base rock. The drains shall be installed in accordance with applicable standards from the Ecology *Stormwater Management Manual for Western Washington (2005)*, as amended.

D. The procedures and requirements in the clearing and grading development standards related to rockery design and construction must be followed. Rockeries exceeding eight feet in height shall be considered structures and comply with the height restrictions of the underlying zone.

E. The geotechnical engineer must provide construction monitoring and/or testing as required by the permit conditions, and submit construction inspection reports to the department for all rockeries that require design by a geotechnical engineer. For each project, or phase of a project, the geotechnical engineer must provide a final letter or report summarizing the results of the construction monitoring for each rockery, verifying that the rockery construction meets the geotechnical recommendations and design

guidelines. The final letter or report must be submitted to the department prior to the final clearing and grading inspection.

18A-30.40.160 Control of Other Pollutants

The permittee must properly handle and dispose of other pollutants that are on-site during construction so as to avoid possible health risks or environmental contamination. Direct and indirect discharge of pollutants to the drainage system, environmentally sensitive areas, wetlands, streams, or any other adjacent properties is prohibited (See Technical Guidance Document, Section 3.1.9).

18A-30.40.170 Dewatering Devices

A. Foundation, vault, and trench dewatering water shall be discharged into a controlled conveyance system prior to discharge to a sediment pond. Channels must be stabilized [as specified in Element #8 of the Ecology *Stormwater Management Manual for Western Washington, Volume 2 (2005)*].

B. Clean, non-turbid dewatering water, such as well-point ground water, can be discharged to systems tributary to state surface waters, as specified in Element #8, provided the dewatering flow does not cause erosion or flooding of receiving waters. These clean waters should not be routed through stormwater . sediment ponds.

C. Highly turbid or contaminated dewatering water from construction equipment operation, clamshell digging, concrete tremie pour, or work inside a cofferdam shall be handled separately from stormwater.

D. Other disposal options, depending on site constraints, may include:

1. Infiltration.

2. Transport off site in a vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters.

3. On-site treatment using chemical treatment or other suitable treatment technologies.

4. Sanitary sewer discharge with local sewer district approval.

5. Use of a sedimentation bag with outfall to a ditch or swale for small volumes of localized dewatering (See Technical Guidance Document, Section 3.1.10).

18A-30.40.180 Slash Removal

Slash from clearing shall preferably be chipped and spread across the site within one (1) year of project completion. If necessary, burning of slash may be permitted based on local regulatory, climatic, and site conditions.

18A-30.40.190 Revegetation

The site shall be revegetated and landscaped as soon as practical, in accordance with a revegetation plan, approved by the administrator.

A. A permanent revegetation plan, utilizing vegetation native to Western Washington that is known to have a high natural survival rate, shall be implemented consistent with the Jefferson County landscaping, tree protection and replacement, and permanent revegetation regulations.

B. Selectively salvage the upper six to 12 inches of topsoil, stockpile it, and respread it over all disturbed areas to be revegetated. Excess excavated material, if not retained on-site, must be disposed of at a permitted site approved by the administrator.

C. Where permanent revegetation measures are not in place within seven (7) days in the dry season and two (2) days in the wet season, the permittee shall provide temporary revegetation or stabilization measures in accordance with the recommendations of the Ecology *Stormwater Management Manual for Western Washington (2005)*, as amended, and maintain such measures in good condition until the permanent revegetation measures are installed and inspected by Jefferson County.

1. Temporary revegetation during the dry season for all disturbed areas of the site (exposed and unworked) that are not covered by permanent improvements such as buildings, parking lots, and decks shall be hydro-seeded and irrigated within seven (7) days until vegetation has been successfully established or the site otherwise revegetated or stabilized using straw mulch, or other approved methods on an interim basis.

2. Temporary revegetation during the wet season for disturbed areas of the site (exposed and unworked) that are not covered by permanent improvements such as buildings, parking lots, and decks shall be hydro-seeded, otherwise revegetated, or stabilized using plastic sheeting or other approved methods, on a temporary basis within two (2) days until vegetation has been successfully established.

18A-30.40.200 Construction Phasing

Staged construction is allowed only if each phase complies with the code, and if the administrator approves a phasing plan (See Technical Guidance Document, Section 3.1.12).

18A-30.40.210 Seasonality – Temporary Restrictions

Seasonality: Wet season (defined as the period from October 1 through April 30) clearing, grading, and other land disturbing activities may be approved by the administrator for proposals that have minimal disturbance of soils and are on sites with predominant soils that have low runoff potential, and are not hydraulically connected to sediment/erosion-sensitive features. The following criteria also apply:

A. Wet season clearing, grading, and other land disturbing activities may be approved provided an erosion and sediment control plan is prepared by a professional engineer that specifically identifies methods of erosion control for wet weather conditions to control erosion/sedimentation, surface water run off, and safeguard slope stability. In a situation where erosion or sediment is not contained on site, construction activity shall cease immediately and notification of the administrator shall be made within twenty-four (24) hours.

B. When approval is issued in the dry season (defined as the months of May 1 through September 30), and work is allowed to continue in the wet season, Jefferson County may require additional measures to limit erosion/sedimentation for slope stability. The administrator may prohibit land-disturbing activities during certain days of the wet season. Determinations shall be made on a site-specific basis and evaluation of the following:

1. Average existing slope on the site.

2. Quantity of proposed cut and/or fill.

3. Classification of the predominant soils and their erosion and runoff potential.

4. Hydraulic connection of the site to features which are sensitive to erosion impacts.

5. Storm events and periods of heavy precipitation.

C. If a clearing and grading approval is issued for work during the wet season and the administrator subsequently issues a "Stop Work" order or correction notice for insufficient erosion and sedimentation control, the approval will be suspended until the dry season, or until the administrator determines that weather conditions are favorable and effective erosion and sedimentation control is in place.

D. Certain activities are exempted from seasonal restrictions [See Ecology *Stormwater Management Manual for Western Washington, Construction SWPPP Element 12, Vol. II, pages 3-15. (2005)*, as amended].

18A-30.40.220 Maintenance

All temporary and permanent erosion and sedimentation control devices shall be maintained so that they function as intended until the site has been permanently stabilized and successfully revegetated, and the potential for on-site erosion has passed. Erosion control devices that are damaged or not working properly shall be returned to operating condition within twenty-four (24) hours of identifying they are not working properly or receiving notice from the inspector, or as otherwise directed by the administrator (See Technical Guidance Document, Section 3.1.12).

The permittee shall:

A. Regularly inspect (weekly or after any runoff producing storm event during the dry season, and daily including on weekends during the wet season) all temporary and permanent erosion and sedimentation BMPs and maintain them per the development standards so that they function as intended until the site has been permanently stabilized, and the potential for on-site erosion has passed.

B. Submit a schedule for operation and maintenance of all construction-related BMPs if the project is not an individual single-family home and involves more than 5,000 square feet of clearing and/or more than fifty (500) cubic yards of excavation and/or fill. The operation and maintenance schedule must identify the responsible parties and provide their day and evening phone numbers.

C. Return any BMPs that are damaged or not working properly to normal operating conditions as directed by the inspector or within twenty-four (24) hours of receiving notice from the administrator. BMPs that must be addressed include: stream buffers/setbacks, stormwater/pollutant protection, natural feature preservation/vegetation retention, environmentally sensitive areas protection, setbacks/buffers, wetlands, fish habitat, avoidance of hazards, revegetation, erosion and sediment control, and permanent retention/detention facilities. The responsibility for maintaining site stability and maintenance objectives for buffer vegetation and permanent erosion, sedimentation, and runoff control structures for the original permit requirements is the responsibility of the property owner once the work is complete and final restoration measures have been installed as per the plans or approved permit requirements.

18A-30.40.230 Ponds and Reservoirs

Grading and excavation to construct ponds and reservoirs shall:

A. Meet all applicable setbacks specified in this code, except for stormwater detention facilities authorized by the administrator.

B. Maintain in-stream flows of natural drainage courses.

C. Protect adjacent property from damage.

18A-30.40.240 Site-Specific Requirements

Additional, site-specific requirements may be established after a site visit by the inspector. These requirements shall be based on specific site conditions and are limited to additional temporary erosion and sedimentation control and the mitigation of hazardous or potentially hazardous conditions that pose a threat off site or habitat preservation.