

Department of Development and Environmental Services (DDES)

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Clearing and Grading Permits

DDES Customer
Information Bulletin #**28****• FREQUENTLY ASKED QUESTIONS •**

**Visit the DDES Web site at
www.kingcounty.gov/permits
for more information**

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

For alternate formats, call 206-296-6600.

Clearing and grading permit requirements

This bulletin explains when customers must obtain a Clearing and Grading Permit and identifies the information required in order to submit a complete permit application. Applications that are not completed according to these requirements will not be accepted for review. Clearing and grading regulations are outlined in Chapter 16.82 of the King County Code (KCC). The entire King County Code is available online at www.kingcounty.gov/council/legislation/kc_code.aspx.

When is a clearing and grading permit necessary?

Property owners will need to obtain a Clearing and Grading Permit before doing any of the following land clearing, filling, and/or grading activities on their property:

1. Cumulative filling and/or excavation exceeding 100 cubic yards; or
2. Filling to a depth of three feet or more in any one location; or
3. Excavating to a depth of five feet or more in any one location; or
4. Grading an area that produces more than 2000 square feet of new impervious surface; or
5. Clearing within the Urban Growth Boundary; or
6. Cumulative clearing of more than 7000 square feet on rural zoned properties. If your site already exceeds 7000 square feet of cleared area, any additional clearing requires a permit;
7. Any clearing, filling, or excavating on: Steep Slopes, Landslide Hazard Areas, Channel Migration Hazard Zones, Wetlands, Aquatic Areas, Wildlife Habitat Conservation Areas, Wildlife Habitat Networks, or any other critical area as defined in Chapter 21A.24 of the King County Code (KCC);
8. Clearing, filling, or excavating within special district overlays, (SO-220 and SO-210), or in the Soos Creek Basin, Issaquah Creek Basin and Bear Creek Basin as specified in Chapter 16.82 of the King County Code (KCC); or
9. Class IV Forest Practice work.

If property owners do not obtain a permit, they may be in violation of King County Code. Penalties for violations include fines, doubled permit fees, denial of development applications for up to six years, and/or prosecution.

Whether or not a permit is required, all clearing, filling, or grading must conform to King County Code requirements and must control erosion and protect adjacent properties. With regard to fill, only earthen material with a maximum dimension of less than 12 inches is acceptable.

If proposed plans include any of the clearing, excavation, or fill activities described above, or if customers have additional questions that are not answered by the information presented in this bulletin, contact the DDES Land Use Services Division at 206-296-6600.

Exceptions

Chapter 16.82.050 of the King County Code (KCC) lists exceptions to the requirements for a Clearing and Grading Permit. Refer to the Clearing and Grading Permit Exception Table in KCC 16.82 and the Allowed Alterations of Critical Areas table in KCC 21A.24 to determine if an activity requires a permit. **If an activity is exempt it must be exempt on both tables and the work must be completed in compliance with applicable development standards.** (The entire King County Code is available online at www.kingcounty.gov/council/legislation/kc_code.aspx.)

A separate clearing and grading permit is not required under the following circumstances:

1. Maintenance of lawns, landscaping and gardening for personal use;
2. Maintenance of public and private roadways (with some limitations adjacent to aquatic areas and wetlands);
3. Construction and maintenance of farm field access roads, subject to an approved farm management plan;
4. Certain agricultural practices including tilling, planting and seeding, and related activities;
5. Construction and maintenance of manure storage facilities, and maintenance of ponds and drainage facilities subject to an approved farm management plan.
6. Clearing or grading that has been approved by the department as a part of another development proposal. A separate permit shall be required for each site unless the activity is approved to occur on multiple sites under a programmatic permit. However, fill made up of materials from the excavation, or any excavation having an unsupported height of more than five feet after completion of the structure, is not included in this exception.
7. Grading within a public-owned road Right-of-Way.
8. Cemetery graves, if activity is completed in accordance with standards.
9. When clearing and grading is performed as Class II, III, or IV Special Forest Practice in an F (Forestry) Zone and is conducted in accordance with Chapters RCW 76.09 and WAC 222.

When is a proposed project eligible for a short form clearing or grading permit?

Once property owners have determined that a clearing and/or grading permit is necessary, they should then conduct further review to decide if a short form clearing or grading permit is appropriate. The short form is a field-issued permit that generally meets the following criteria:

1. The proposal cannot include any proposed alteration of a critical area as defined in Chapter 21A.24 of the King County Code (KCC);
2. The project is exempt from State Environment Policy Act (SEPA) review or was covered under a prior determination; and
3. The proposal does not include any permanent drainage facilities or exceed thresholds triggering drainage review.

Submitting a short form clearing and grading permit: If property owners believe a proposed project meets the criteria for a short form permit, the following steps are required:

1. Complete the Affidavit for Application form, which is available via the **DDES Web site at www.kingcounty.gov/permits**.
2. Prepare a simplified site plan including property boundaries, location and description of the proposed activity; the site plan should include access and existing structures.
3. Call 206-296-6780 to schedule an onsite meeting with a Site Development Specialist.
4. Permit fees will be assessed during the onsite meeting and mailed to the department in an envelope provided. Work will not be authorized until fees are paid.

When is a proposed project eligible for a standard clearing or grading permit?

If you do not qualify for a short form permit, a standard permit application will be required. All application materials are available via the **DDES Web site at www.kingcounty.gov/permits**. Fees and specialized submittal requirements for a proposed project will be determined during the initial review of your application or at a pre-application meeting.

When is a pre-application meeting required for a clearing or grading permit?

A pre-application meeting is required for some standard clearing and grading permits. This requirement may be waived if your development proposal does not involve any of the following:

1. Permit review at three or more DDES review stations;
2. SEPA review; or
3. Shoreline review.

Please note that verification of the applicant is now required per Chapter 20.20 of the King County Code (KCC). The Certification of Applicant Status Form is used to ensure that the property owner is aware that an application has been made to develop his/her property and to document the name of the legal applicant, as well as any project consultants. The legal applicant is the individual or group authorized to receive plans and correspondence from King County. When the applicant is someone other than the property owner, the Certification and Transfer of Applicant Status Form is used to transfer applicant status to an agent. This form must include authorization from the legal property owner.

To expedite the process, applicants should bring the following documents to the pre-application review meeting:

- A complete Affidavit for Application Form: Obtain an application form and fill it out completely prior to the pre-application review meeting.
- An Environmental Checklist: If the project was covered under a prior determination, provide one copy of the determination and the associated checklist or environmental impact statement, along with any written decisions regarding appeals.

One of the main purposes of a pre-application meeting is to determine everything that must be submitted for the standard application to be considered complete. Review of a standard application will not begin until all application materials have been submitted. Additional information on pre-application meetings is available in Customer Information Bulletin #54, *Project Management for Land Use Permits*, available via the **DDES Web site at www.kingcounty.gov/permits**.

Submitting a standard clearing and grading permit

Standard grading applications may be submitted by hand to the DDES Cashier, or by mail at the following address:

King County DDES
Site Development Services Section
900 Oakesdale Ave. SW
Renton, WA 98057

Prospective permit applicants may also call 206-296-6780. Customers will then be assigned to a Site Development Specialist to discuss requirements and to schedule a pre-application meeting.

Complete grading applications require:

1. A completed Affidavit of Application Form;
2. A completed Certification of Applicant Status or a completed Certification and Transfer of Applicant Status form;
3. A completed Clearing and Grading Permits Application Worksheet;
4. A completed State Environmental Policy Act (SEPA) Checklist or a copy of a SEPA determination for projects involving:
 - More than 500 cubic yards of earthwork
 - More than 100 Cubic Yards of Earthwork within a Critical Area
 - Clearing more than 5000 board feet of merchantable timber
5. A completed Clearing and Grading Application Fee Worksheet. The fee sheet will be reviewed for accuracy prior to deeming your application complete;
6. Payment of Fees;
7. Other requirements that may be defined during a pre-application meeting; and
8. A site plan drawn in accordance with the guidelines outlined below.

Site Plan Guidelines for Clearing and Grading Permits:

The first sheet on the plans must show the vicinity map and legal description of the property. Plans must be folded to fit into an 8½ x 14-inch folder and must include the following information:

1. A legal description of the property. Customers can get this from the King County **Department of Assessments, or online at: www.kingcounty.gov/assessor**;
2. A North Arrow;
3. A vicinity map drawn to a scale of approximately one inch equals 2,000 feet. The vicinity map must be in sufficient detail to clearly locate the project in relation to arterial streets, natural features, landmarks, and municipal boundaries;
4. Grading plan scale (horizontal and vertical);
5. The size and location of existing improvements within 50 feet of the project, indicating which will be retained and which will be removed;
6. Property boundaries, easements, setback requirements, and clearing limits (e.g., floodplains, shorelines, etc.);
7. Existing and proposed contours (maximum five-foot intervals) that extend 100 feet beyond the edge of the project (this may be waived if not applicable to scope of project);
8. At least two cross-sections, one in each direction, showing existing and proposed contours and the horizontal and vertical scales (this may be waived if not applicable to scope of project);
9. The location of areas affected by clearing restrictions if such areas are contained within a Special District overlay or in an adopted community plan.
10. Clear marking of any open space tract or conservation easement [(per Chapter 21A.24 of the King County Code (KCC))];
11. The total area to be cleared on site as a percentage of the total site area;
12. Temporary and permanent erosion-sediment control facilities must be shown. Temporary facilities (i.e., silt fence, mulching, netting, sediment ponds, etc.) must be designed to control runoff during clearing and grading. Permanent facilities (i.e., revegetation, detention ponds, biofiltration swales, etc.) must be designed to control erosion after grading is complete. All facilities must be designed in accordance with the current King County *Surface Water Design Manual*;
13. Two copies of the soils report or geotechnical evaluations prepared for the site must be provided. This provision may be waived for certain permits if the proposed grading is not intended to provide structural support, is not located in a hazard area (landslide, seismic, steep slope, or coal mine), and a covenant is placed in the Title advising of the nature of any fill;
14. Illustrate how you will have the soil moisture capacity restored to areas of your site that are not covered by an impervious surface, incorporated into a drainage facility or are engineered as structural fill or slope (see King County Code 16.82.100.F & G);
15. A stamp and signature from a registered Civil Engineer, licensed to practice in the State of Washington, must appear on the following information:
 - Plans that include permanent drainage facilities; Consult Chapter 9.04 of the King County Code (KCC) and the current *Surface Water Design Manual* for specific design criteria;
 - Plans for work in landslide hazard areas; and
 - Plans prepared in conjunction with the proposed construction or placement of a structure.

Once your application has been assigned to a Site Development Specialist, that staff member will complete an initial review of the application materials for completeness.

Other requirements

Once your application is deemed complete, review of your proposal can begin. Additional information may be requested in order to approve your proposal. Other important requirements may include:

1. Plan review fees must be paid at the time of permit application. Before permit issuance, the remaining fee balance, any bonds or insurance, and verification that property taxes are current will be required;
2. If access to the property is from a State Highway, a State Highway Access Permit must be obtained from the Washington State Department of Transportation. If access to the property is from a King County road, the access must comply with the *King County Road Standards*. The Standards include requirements for entering site distance, landings, and other issues that may need to be reviewed;
3. Copies of any correspondence with King County regarding the project or site must be provided;
4. Copies of any approvals or permits granted by other agencies, such as the Washington State Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Natural Resources, Washington State Department of Ecology, etc., must be provided;
5. Earthwork calculations must be submitted with the application if the earthwork quantities are greater than 3,000 cubic yards or the disturbed area is greater than one acre.
6. If the project is located in a no-burn zone, or if clearing is intended outside the normal burning season, or building demolition will be completed as part of the initial site development, a clearing/demolition waste disposal plan must be provided;

If customers have any questions regarding clearing or grading permits, please contact the Land Use Services Division at 206-296-6780.

Summary of submittal requirements

For applications not subject to prior land use action:

1. When an environmental review is necessary, but is not yet complete, submit the following:
 - One completed Affidavit for Application Form;
 - One completed and signed fee worksheet;
 - Fifteen copies of the Environmental Checklist and associated documents;
 - Ten complete sets of plans;
 - Two copies of the soils report or geotechnical evaluation;
 - Two copies of supporting calculations; and
 - Two copies of supporting erosion control calculations.
2. When the environmental review is completed, or being processed through another permit, or the property is categorically exempt, submit the following:
 - One completed Affidavit for Application Form;
 - One completed and signed fee worksheet;
 - One copy of the Environmental Checklist, previous SEPA determination, and associated File Numbers;
 - Four sets of complete plans;
 - Two copies of the soils report or geotechnical evaluation; and
 - Two copies of supporting erosion control calculations.

Applications subject to prior land use action (rezone, unclassified use, conditional use, shorelines, or special use, etc.):

- One completed application and form to verify the legal applicant;
- One copy of the Environmental Checklist, determination, and associated documents;
- One copy of the Hearing Examiner's Land Use Decision;
- Four sets of complete plans;
- Two copies of the soils report or geotechnical evaluation;
- Two copies of the supporting erosion control drainage calculations (if applicable);
- One copy of supporting calculations, as required; and
- One affidavit concerning critical areas compliance.

Other bulletins and telephone numbers that may be helpful

Bulletin 1	Building and Development Permit Telephone Numbers
Bulletin 8	Commercial and Multi-family Building Permits
Bulletin 9	Obtaining a Residential Building Permit
Bulletin 12	Residential Building Permit Process
Bulletin 17A	Zoning Code: Overview and Summary
Bulletin 21	Critical Areas Review
Bulletin 26	SEPA Process
Bulletin 29	Drainage Review
Bulletin 54	Project Management for Land Use Permits

These and other DDES bulletins are available via the department Web site at www.kingcounty.gov/permits.

206-296-6600	DDES customer service
206-296-6600	DDES Land Use Services Division
206-296-6797	DDES pre-application review appointment scheduling
206-296-6600	DDES Land Use Services Division's - State Environmental Protection Act (SEPA) Section

Be sure to visit our Web site at:
www.kingcounty.gov/permits



King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks' notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6600 or TTY 206-296-7217.

