

**Chapter 16.82
CLEARING AND GRADING
(Formerly GRADING)**

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16.82.010 Purpose.

A. This chapter is intended to regulate clearing and removal of vegetation, excavation, grading and earthwork construction including cuts and fills, gravel pits, dumping, quarrying and mining operations within King County in order to protect public health, safety and welfare by:

1. Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;
2. Protecting water quality from the adverse impacts associated with erosion and sedimentation;
3. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;
4. Protecting sensitive areas from adverse clearing and grading activities;
5. Facilitating and encouraging long term forest practice and agricultural production operations where appropriate;
6. Minimizing the adverse impacts associated with quarrying and mining operations;
7. Preventing damage to property and harm to persons caused by excavations and fills;
8. Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of clearing and grading operations; and
9. Providing penalties for the violation of this chapter.

B. This chapter establishes the administrative procedure for issuance of permits, provides for approval of plans and inspection of clearing and grading operations, and provides for penalties for the violation of this chapter. (Ord. 11618 § 3, 1994: 9614 § 97, 1990: Ord. 1488 § 2, 1973).

16.82.020 Definitions. Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows:

A. "Applicant" means a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement in accordance with RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

B. "Bench" means a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.

C. "Civil engineer" means an engineer who is licensed as a professional engineer in the branch of civil engineering by the state of Washington.

D. "Clearing" means the cutting, killing, grubbing or removing of vegetation or other organic material by physical, mechanical, chemical or any other similar means.

E. "Compaction" means the densification of a fill by mechanical means.

F. "Cutting" means the severing of the main trunk or stem of woody vegetation at any point.

G. "Department" means the department of development and environmental services.

H. "Director" means the director of the department of development and environmental services or the director's designee.

I. "Earth material" means any rock, natural soil or any combination thereof.

J. "Erosion" means the wearing away of the ground surface as the result of the movement of wind, water or ice.

K. "Excavation" means the removal of earth material.

L. "Fill" means a deposit of earth material or recycled or reprocessed waste material consisting primarily of organic or earthen materials, or any combination thereof, placed by mechanical means.

M. "Geotechnical engineer" means an engineer who is licensed as a professional engineer by the state of Washington and who has at least four years of relevant professional employment.

N. "Grade" means the elevation of the ground surface.

1. "Existing grade" means the grade before grading.

2. "Finish grade" means the final grade of the site that conforms to the approved plan as required in K.C.C. 16.82.060.

3. "Rough grade" means the stage at which the grade approximately conforms to the approved plan as required in K.C.C. 16.82.060.

- O. "Grading" means any excavating, filling, or removing of the duff layer, or combination thereof.
- P. "Grading and clearing permit" means the permit required by this chapter for grading and clearing activities, including temporary permits.
- Q. "Reclamation" means the final grading and restoration of a site to establish the vegetative cover, soil surface water and groundwater conditions appropriate to accommodate and sustain all permitted uses of the proposed zone appropriate for the site.
- R. "Shorelines" means those lands defined as shorelines in the state Shorelines Management Act of 1971.
- S. "Site" means a single lot or parcel of land two or more contiguous lots that are under common ownership or documented legal control, used as a single parcel for a development proposal in order to calculate compliance with the standards and regulations of this chapter. For purposes of this definition:
1. "Documented legal control" includes fee simple or leasehold rights, or an easement retained at the time of transfer over lands previously owned by the holder of the easement, or any combination thereof, which allows uses associated with the overall development proposal; and
 2. Lots that are separated only by a public road right-of-way shall be considered to be contiguous.
- T. "Slope" means inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
- U. "Structural engineer" means an engineer who is licensed as a professional engineer in the branch of structural engineering by the state of Washington.
- V. "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts jointed together in some definite manner.
- W. "Tree" means a large woody perennial plant usually with a single main stem or trunk and generally over twelve feet tall at maturity.
- X. "Understory" means the vegetation layer of a forest that includes shrubs, herbs, grasses and grass-like plants, but excludes native trees.
- Y. "Vegetation" means any organic plant life growing at, below or above the soil surface. (Ord. 15053 § 1, 2004: Ord. 12196 § 5, 1996: Ord. 11700 § 10, 1995: Ord. 9614 § 98, 1990: Ord. 7990 § 19, 1987: Ord. 3108 § 1, 1977: Ord. 1488 § 5, 1973).

16.82.030 Administration. The director is authorized to enforce the provisions of this chapter.

A. INSPECTIONS. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

B. RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director has reasonable cause to believe that any land, building, structure, premises, or portion thereof is being used in violation of this chapter, the director may enter such land, building, structure, premises, or portion thereof at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such building, land, structure, premises or portion thereof is occupied, he shall first present proper credentials and demand entry; and if such land, building, structure, premises, or portion thereof be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the land, building, structure, premises, or portion thereof and demand entry.

No owner or occupant or any other person having charge, care or control of any building, land, structure, premises, or portion thereof shall fail or neglect, after proper demand, to promptly permit entry thereon by the director for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection is guilty of a misdemeanor. (Ord. 3108 § 2, 1977: Ord. 1488 § 3, 1973).

16.82.040 Hazards. Whenever the director determines that an existing site, as a result of clearing or grading, excavation, embankment, or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the clearing, grading, excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the director, shall within the period specified therein restore the site affected by such clearing or grading or repair or eliminate such excavation or embankment or fill so as to eliminate the hazard and be in conformance with the requirements of this chapter. (Ord. 9614 § 99, 1990: Ord. 3108 § 3, 1977: Ord. 1488 § 4, 1973).

16.82.050 Clearing and grading permit required - exceptions.

A. An activity physically altering a site, including clearing or grading activities and forest practices, shall be consistent with and meet the standards in this chapter unless preempted under chapter 76.09 RCW.

B. Unless specifically excepted under K.C.C. 16.82.051, a person shall not do any clearing or grading without first having obtained a clearing and grading permit issued by the department or having all clearing and grading reviewed and approved by the department as 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 issued in accordance with K.C.C. 16.82.053.

C. The permits or approvals issued under this chapter shall be required regardless of permits or approvals issued by the county or any other governmental agency and do not preclude the requirement to obtain all other permits or approvals or to comply with the operating standards in sections K.C.C. 16.82.095, 16.82.100, 16.82.105 and 16.82.130. Exceptions from permits under this chapter do not preclude the requirement to obtain other permits or approvals or to comply with the operating standards in K.C.C. 16.82.095, 16.82.100, 16.82.105 and 16.82.130. (Ord. 15053 §2, 2004: Ord. 14259 § 3, 2001: Ord. 12878 § 3, 1997: Ord. 12822 § 2, 1997: Ord. 12020 § 51, 1995: Ord. 12016 § 2, 1995: Ord. 12015 § 2, 1995: Ord. 11896 § 2, 1995: Ord. 11886 § 2, 1995: Ord. 11618 § 4, 1994: 11536 § 1, 1994: 11393 § 1, 1994: Ord. 11016 § 14, 1993: Ord. 10152 § 1, 1991: Ord. 9614 § 100, 1990: Ord. 7990 § 20, 1987: Ord. 3108 § 4, 1977: Ord. 1488 § 6, 1973).

16.82.051 Clearing and grading permit exceptions.

A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06 apply to the activities described in this section.

B. The following activities are excepted from the requirement of obtaining a clearing or grading permit before undertaking forest practices or clearing or grading activities, as long as those activities conducted in critical areas are in compliance with the standards in this section and in K.C.C. 21A.24.045. In cases where an activity may be included in more than one activity category, the most-specific description of the activity shall govern whether a permit is required. For activities involving more than one critical area, compliance with the conditions applicable to each area is required. Clearing and grading permits are required when a cell in this table is empty and for activities not listed on the table.

KEY
"NP" in a cell means no permit required if conditions are met.
A number in a cell means the Numbered condition in subsection C. applies.
"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network

U T E R A L O F C R I T I C A L	A M I N E B U F F E R H A Z A R D	C O A L M I N E H A Z A R D	E R O S I O N H A Z A R D	F L O O D H A Z A R D	C H A N N E L M I G R A T I O N	L A N D S L I D E H A Z A R D	A N D B U F F E R H A Z A R D	S E I S M I C H A Z A R D	V O L C A N I C H A Z A R D	S T E E P S L O P E A N D B U F F E R	H A Z A R D A N D B U F F E R	C R E C H A R G E A Q U E A B U F F E R	W E T L A N D S A N D B U F F E R	A Q U A T I C A R E A	A N D B U F F E R A R E A	W I L D L I F E N E T W O R K A R E A
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ACTIVITY														
Grading and Clearing														
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	NP 1, 2		NP 1, 2				
Clearing	NP 3 NP 24	NP 3	NP 3	NP 3			NP 3	NP 3		NP 3	NP 4 NP 23	NP 4 NP 23		
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7		NP 7	NP 8	NP 8	NP 8	NP 8
Non conversion Class I, II, III, IV-S forest practice	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
Roads														
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11				NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17

(King County 3-2005)

Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15

Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP 13	NP 13	NP 13	NP 13	NP 13

C. The following conditions apply:

1. Excavation less than five feet in vertical depth, or fill less than three feet in vertical depth that, cumulatively over time, does not involve more than one hundred cubic yards on a single site.
2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005. For purposes of this subsection C.2., "new impervious surface" is defined in K.C.C. 9.04.020.
3. Cumulative clearing of less than seven thousand square feet including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals:
 - a. regulated as a Class IV forest practice under chapter 76.09 RCW;
 - b. in a critical drainage areas established by administrative rules;
 - c. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or
 - d. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156 and 21A.38.230.
4. Cutting firewood for personal use in accordance with a forest management plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.
5. Limited to material at any solid waste facility operated by King County.
6. Allowed to prevent imminent danger to persons or structures.
7. Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan, forest management plan or rural stewardship plan.
8. Cumulative clearing of less than seven thousand square feet and either:
 - a. conducted in accordance with a farm management plan, forest management plan or a rural stewardship plan; or
 - b. limited to removal with hand labor.
9. Class I, II, III or IV forest practices as defined in chapter 76.09 RCW and Title 222 WAC.
10. If done in compliance with K.C.C. 16.82.065.
11. Only when conducted by or at the direction of a government agency in accordance with the regional road maintenance guidelines and K.C.C. 9.04.050 and is not within or does not directly discharge to an aquatic area or wetland.
12. Limited to clearing conducted by or at the direction of a government agency or by a private utility that does not involve:
 - a. slope stabilization or vegetation removal on slopes; or
 - b. ditches that are used by salmonids.
13. In conjunction with normal and routine maintenance activities, if:
 - a. there is no alteration of a ditch or aquatic area that is used by salmonids;
 - b. the structure, condition or site maintained was constructed or created in accordance with law; and
 - c. the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert or other improved area being maintained.

14. If a culvert is used by salmonids or conveys water used by salmonids and there is no adopted farm management plan, the maintenance is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the area within three feet of the culvert where the maintenance disturbed or damaged the bank or bed and does not involve the excavation of a new sediment trap adjacent to the inlet.

15. If used by salmonids, only in compliance with an adopted farm plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

- a. The King Conservation District;
- b. King County department of natural resources and parks;
- c. King County department of development and environmental services; or
- d. Washington state Department of Fish and Wildlife.

16. Only if consistent with an adopted farm plan in accordance with K.C.C. Title 21A.

17. Only if:

- a. consistent with a farm plan in accordance with K.C.C. Title 21A; or
- b. conducted in accordance with best management practices in the Natural Resource Conservation Service Field Office Technical Guide.

18. In accordance with a franchise permit.

19. Only within the roadway in accordance with a franchise permit.

20. Allowed if:

- a. conducted by a public agency;
- b. there is no linear extension of the facility from the existing conditions;
- c. there is no waterward extension of the facility from the existing conditions;
- d. done in accordance with the Regional Road Maintenance Guidelines;
- e. done in accordance with the adopted King County Flood Hazard Reduction Plan and Washington state Integrated Stream Protection Guidelines; and

f. monitoring is conducted for three years following maintenance or repair and an annual report is submitted to the department.

21. Only if:

a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation; and

b. the activity is sponsored or co-sponsored by a public agency that has natural resource management as its primary function or a federally-recognized tribe, and the activity is limited to:

(1) revegetation of the critical area and its buffer with native vegetation or the removal of noxious weeds or invasive vegetation;

(2) placement of weirs, log controls, spawning gravel, woody debris and other specific salmonid habitat improvements;

(3) hand labor except:

(a) the use of riding mower or light mechanical cultivating equipment and herbicides or biological control methods when prescribed by the King County noxious weed control board for the removal of noxious weeds or invasive vegetation; or

(b) the use of helicopters or cranes if they have no contact with or otherwise disturb the critical area or its buffer.

22. If done with hand equipment and does not involve any clearing.

23. Limited to removal of vegetation for forest fire prevention purposes in accordance with best management practices approved by the King County fire marshal.

24. Limited to the removal of downed trees.

(Ord. 15053 § 3, 2004).

16.82.052 Temporary permits. The director shall have the authority to issue temporary permits for excavations, processing, quarrying and mining, and removal of sand, gravel, rock and other natural deposits, together with the necessary buildings, apparatus or appurtenances incident thereto for specific jobs on application for highway, road, street, airport construction, flood control and other public works projects. In conjunction with such operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants and asphalt-batching plants may be authorized by this temporary permit. The director shall also have the authority to issue temporary permits for the removal of existing stockpiles of previously mined materials for the reclamation of land to its best use, consistent with the underlying zoning.

A. The department of development and environmental services shall consider the effect of the proposed operation on the county road system and any effect it may have on surface or groundwater drainage and flood control, and shall make such recommendations as are necessary to protect the public interest in this regard.

B. The department of development and environmental services shall also consider the effect of the proposed operation on the current and future land use in the area affected by the proposed operation and shall condition permits as necessary to protect the public interest in this regard. Temporary permits are good for the life of the contract of the specific job but must be reviewed annually. Each temporary permits site shall be fully restored during the term of the temporary permit, unless the site is subsequently designated with an M zone classification, or included in an unclassified use permit.

C. Development proposals will be subject to two levels of review standards based on occupancy types, critical facilities and standard structures. The review standards for critical facilities will be based on larger earthquake reoccurrence intervals than the earthquakes considered for standard occupancy structures. The review standards will be set forth in the administrative rules. (Ord. 14259 § 4, 2001).

16.82.053 Programmatic permits. The department may issue programmatic clearing and grading permits as follows:

A. For any clearing or grading, excluding mineral extraction:

1. That is repetitive and part of a maintenance program or other similar program;
2. That has the same or similar identifiable impacts, as determined by the department, each time the activity is repeated at all sites covered by the permit; and
3. For which standard permit conditions suitable to any and all sites can be developed and implemented;

B. For a forest practice conducted under a county-approved forest management plan;

C. The department shall uniformly apply conditions to each activity authorized under the programmatic permit at all locations covered by the permit. The department may require that the applicant develop and propose such uniformly applicable permit conditions as part of the permit application and may approve, modify or reject any of the applicant's proposed conditions. The department shall not issue a programmatic permit until applicable permit conditions are developed and approved;

D. Activities authorized under a programmatic clearing and grading permit shall be subject to inspection by the department. The applicant may be required to notify the department each time work subject to the permit is undertaken for the department to schedule inspections. In addition, the department may require the applicant to submit periodic status reports. The frequency, method and contents of the notifications and reports shall be specified as conditions to the programmatic permit; and

E. The department may require permit revision, impose new permit conditions or otherwise modify the programmatic permit or withdraw the permit and require that the applicant apply for a standard clearing and grading permit, if the department determines that the:

1. Programmatic clearing and grading permit or activities authorized under the permit no longer comply with law;
2. Programmatic clearing and grading permit does not provide adequate regulation of the activity;
3. Permit conditions or the manner in which the conditions are implemented are not adequate to protect against the impacts resulting from the activity; or
4. Site requires site-specific regulation. (Ord. 15053 §4, 2004).

16.82.055 Applications - Complete applications.

A. For the purposes of determining the application of time periods and procedures adopted by this chapter, applications for permits authorized by Chapter 16.82 shall be considered complete as of the date of submittal upon determination by the department that the materials submitted contain the following:

1. For clearing and grading permits:
 - a. A legal description of the property,
 - b. A 1:2000 scale vicinity map with a north arrow,
 - c. Grading plans including;
 - (1) Horizontal and vertical scale,
 - (2) Size and location of existing improvements within 50 feet of the project, indicating which will remain and which will be removed.
 - (3) Existing and proposed contours at maximum five foot intervals, and extending for 100 feet beyond the project edge,
 - (4) At least two cross-sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales, and
 - (5) Temporary and permanent erosion-sediment control facilities,
 - d. The following plans must be stamped and signed by a registered civil engineer, licensed to practice in the State of Washington,
 - (1) Permanent drainage facilities,
 - (2) Structures to be built or construction proposed in land slide hazard areas, and
 - (3) Proposed construction or placement of a structure.
2. A completed environmental checklist, if required by K.C.C. chapter 20.44, County Environmental Procedures;
3. Satisfaction of all requirements for grading permits under K.C.C. 16.82.060.

B. Applications found to contain material errors shall not be deemed complete until such material errors are corrected.

C. The director may waive specific submittal requirements determined to be unnecessary for review of an application. (Ord. 11622 § 4, 1994).

16.82.060 Permit application requirements.

A. To obtain a permit, the applicant shall first file an application in writing on a form prescribed by the department that, in addition to the requirements of K.C.C. 20.20.040, shall include, at a minimum:

1. Identification and description of the work to be covered by the permit for which application is made;
2. An estimate of the quantities of work involved by volume and the total area cleared or graded as a percentage of the total site area;
3. An identification and description of:
 - a. all critical areas on the site or visible from the boundaries of the site; and
 - b. all clearing restrictions applicable to the site in K.C.C. 16.82.150, critical drainage areas requirements established by administrative rules or property-specific development standards and special district overlays under K.C.C. chapter 21A.38;
4. Location of any open space tracts or conservation easements if required under:
 - a. K.C.C. 16.82.152;
 - b. K.C.C. chapter 21A.14;
 - c. K.C.C. chapter 21A.37;
 - d. critical drainage areas; or
 - e. property-specific development standards or special district overlays under K.C.C. chapter 21A.38;
5. Plans and specifications that, at a minimum, include:
 - a. property boundaries, easements and setbacks;
 - b. a 1:2000 scale vicinity map with a north arrow;
 - c. horizontal and vertical scale;

- d. size and location of existing improvements on and within fifty feet of the project, indicating which will remain and which will be removed;
- e. location of all proposed cleared areas;
- f. existing and proposed contours at maximum five foot intervals, and extending for one hundred feet beyond the project edge;
- g. at least two cross sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales; and
- h. a proposed erosion and sediment control plan as required by K.C.C. 16.82.095.

B. Materials in addition to those required in subsection A. of this section may be necessary for the department to complete the review. The following materials shall be submitted when required by the department.

- 1. Higher accuracy contours and more details of existing terrain and area drainage, limiting dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction;
- 2. If applicable, all drainage plans and documentation consistent with King County Surface Water Design Manual;
- 3. Restoration plan if required under K.C.C. 16.82.110*; and
- 4. Studies prepared by qualified specialists, as necessary to substantiate any submitted materials and compliance with this chapter or other law, particularly if clearing or grading is proposed to take place in or adjacent to a critical area.

C. Plans and specifications shall be prepared and signed by a civil engineer if they are prepared in conjunction with the proposed construction or placement of a structure, include permanent drainage facilities or, if required by the department, propose alterations in steep slope or landslide hazard areas.

D. The department shall determine the number of copies of the required plans, specifications and supporting materials necessary to expedite review and may require submittal of materials in alternative formats.

E. The director may waive specific submittal requirements if they are determined to be unnecessary for the acceptance and subsequent review of an application.

F. Any plans, specifications or supporting materials that are returned as a result of permit denial or any other reason shall be returned to the applicant. (Ord. 15053 § 5, 2004: Ord. 13190 § 3, 1998: Ord. 12822 § 3, 1997: Ord. 12196 § 6, 1996: Ord. 11700 § 11, 1995: Ord. 11618 § 5, 1994: 9614 § 101, 1990: Ord. 7990 § 21, 1987: Ord. 6173 § 1, 1982: Ord. 5194 § 1, 1981: Ord. 3108 § 5, 1977: Ord. 1488 § 7, 1973).

*Reviser's note: K.C.C. 16.82.110 was recodified as K.C.C. 21A.22.081 by Ord. 15032 § 31 (2004).

16.82.065 Emergency actions. Unless otherwise specifically provided in this chapter, an action that does not comply with this chapter and taken in response to an emergency will not be considered a violation if the following steps are taken:

- A. The department is notified before the activity is undertaken, or, if prior notification is not possible, not later than forty-eight hours after the action. Within forty-eight hours of receiving the emergency notification, excluding weekends and holidays, the department shall schedule a preapplication meeting to occur within the following thirty days. Tribal notice, when required by K.C.C. 21A.01.025, shall also be provided;

B. The department shall confirm in a written decision, that the activity was an emergency action, including that:

1. There was imminent danger or risk to the public health, safety and welfare or to persons or property;
2. The emergency was unanticipated and not caused by the inaction or action of the applicant;
3. Immediate emergency action was necessary; and
4. The emergency action was in direct response to and did not exceed the dangers and risks posed by the emergency;

C. At the preapplication meeting, the department shall establish the date by which all required permit applications and other materials or information, including any critical area reports, shall be submitted;

D. Corrective action, as determined by the department, shall be completed in compliance with the corrective action requirements of K.C.C. chapter 21A.24 for any alterations made during the emergency that are not in compliance with this chapter or other law; and

E. Mitigation, as determined by the department, shall be completed in compliance with the mitigation requirements of K.C.C. chapter 21A.24. (Ord. 15053 §6, 2004).

16.82.075 Permit review and final decision.

A. The department shall review permit applications and may impose conditions on permit approval as needed to mitigate identified project impacts and shall deny applications that are inconsistent with this chapter and any other applicable regulations. For permit applications that are within a shoreline of the state or require a shoreline management substantial development permit, the conditions necessary to comply with the King County shoreline management program, including but not limited to, the shoreline management substantial development permit conditions, shall be incorporated into the conditions of any permit issued under this chapter and shall be subject to the inspection and enforcement procedures authorized under this chapter and K.C.C. Title 23.

B. Consistent with permit process and procedures provisions of K.C.C. chapter 20.20, including public notice procedures, the department shall review and provide a final decision to approve, condition or deny permits based on compliance with this title and any other applicable regulations.

C. Any decision to approve, condition or deny a development proposal based on this title and any other applicable regulations may be appealed according to and as part of the appeal procedure for the permit or approval involved as provided in K.C.C. 20.20.020. (Ord. 15053 s 7, 2004).

16.82.085 Permit duration and renewal.

A. A clearing and grading permit shall be valid for the number of days stated in the permit but the period shall not be more than two years, except in the case of a programmatic permit which may have a duration of up to five years. A permit shall not remain valid after the permitted activity has been completed, the site has been permanently stabilized and all required mitigation or restoration has been completed, monitored and accepted.

B. If the department determines that operating conditions and performance standards have been met and that the permit conditions are adequate to protect against the impacts resulting from the permitted activity, the permit may be renewed in two-year increments or five-year increments for a programmatic permit, or less if a shorter approval or renewal period is specified by the department. The additional requirements applicable to renewal of programmatic permits in K.C.C. 16.82.053 also apply.

C. If the department determines that activities regulated under a permit issued for mineral extraction in accordance with K.C.C. chapter 21A.22 does not comply with permit conditions or operating standards during a renewal review, it may conduct a periodic review. (Ord. 15053 s 8, 2004).

16.82.090 Liability insurance required - Exception. The permittee shall maintain a liability policy in the amount of one hundred thousand dollars per individual, three hundred thousand dollars per occurrence, and fifty thousand dollars property damage, and shall name King County as an additional insured. EXCEPTION: Liability insurance requirements may be waived for projects involving less than ten thousand cubic yards. Liability insurance shall not be required of other King County departments. (Ord. 1488 § 10, 1973).

16.82.095 Erosion and sediment control standards – seasonal limitation period.

A. A person who clears, grades or otherwise disturbs a site shall provide erosion and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in the King County Surface Water Design Manual adopted in accordance with K.C.C. chapter 9.04.

B. From October 1 through April 30, which is the seasonal limitation period, clearing and grading shall only be permitted if shown to the satisfaction of the director that runoff leaving the construction site will comply with the erosion and sediment control measures and performance criteria and implementation requirements in the King County Surface Water Design Manual adopted in accordance with K.C.C. chapter 9.04 through a combination of the following:

1. Site conditions including vegetative coverage, slope, soil type and proximity to receiving waters;
2. Proposed limitations on activities and the extent of disturbed areas; and
3. Proposed erosion and sedimentation control measures.

C. Based on the information provided under subsection A. of this section, the director may expand or restrict the seasonal limitations on site disturbance. The director shall set forth in writing the basis for approval or denial of clearing or grading during the seasonal limitation period.

D. During the seasonal limitation period, clearing and grading will be allowed only if there is installation and maintenance of an erosion and sedimentation control plan approved by the department that defines any limits on clearing and grading or specific erosion and sediment control measures required during the seasonal limitation period. The department may require or approve alternate best management practices.

E. If, during the course of construction activity or soil disturbance during the seasonal limitation period, silt-laden runoff violating standards in the King County Surface Water Design Manual leaves the construction site or if clearing and grading limits or erosion and sediment control measures shown in the approved plan are not maintained, a citation and stop work order shall be issued in accordance with K.C.C. chapters 23.20 and 23.28, respectively.

F. If the erosion and sediment control problem defined in the citation or stop work order is not adequately repaired within twenty-four hours of issuance, then a notice and order may be issued in accordance with K.C.C. chapter 23.24 to install adequate erosion and sediment control measures to stop silt-laden runoff from leaving the site. The notice and order may also require the property owner to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following April 30.

G. The following activities are exempt from the seasonal limitations of this section:

1. Routine maintenance and necessary repair of erosion and sediment control facilities;
2. Routine maintenance of public facilities or existing utility structures that do not expose the soil or result in removal of the vegetative cover to the soil;
3. Activities where there is one hundred percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;
4. Typical landscaping activities of existing single family residences that do not require a permit;
5. Class I, II III and IV special forest practices in accordance with chapter 76.09 RCW;
6. Mineral extraction activities on sites with approved permits; and
7. Response to emergencies that threaten the public health, safety or welfare, consistent with K.C.C. 16.82.065. (Ord. 15053 § 9, 2004).

16.82.100 Grading standards. A person conducting a grading activity shall comply with the following standards:

A. Cuts and fills shall conform to the following provisions unless otherwise approved by the department:

1. A slope of cut and fill surfaces shall not be steeper than is safe for both the intended use and soil type and shall not exceed two horizontal to one vertical;

2. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with K.C.C. 16.82.095;

3. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, brush, car bodies and other materials as determined by the department;

4. Except in an approved sanitary landfill or as part of engineered fill, fill material shall meet the following standards:

a. Fill material shall consist of earthen material, organic material or recycled or reprocessed materials that are not categorized as dangerous waste under Title 173 WAC and that were produced originally from an earthen or organic material;

b. Fill material shall have a maximum dimension of less than twelve inches;

c. Recycled concrete shall be free of rebar and other materials that may pose a safety or health hazard;

d. Recycled asphalt shall not be used in areas subject to exposure to seasonal or continual perched ground water, in a critical aquifer recharge area or over a sole-source aquifer; and

e. Recycled materials that have not been reprocessed to meet the definition of common borrow shall be intermixed with well-graded, natural, earthen materials in sufficient quantities and of a suitable size to assure filling of all voids and to assure that the fill can be compacted to ninety percent of the maximum density;

5. Provisions shall be made to:

a. prevent any surface water or seepage from damaging the cut face of any excavation or the sloping face of a fill; and

b. address any surface water that is or might be concentrated as a result of a fill or excavation to a natural watercourse in accordance with K.C.C. chapter 9.04 and the Surface Water Design Manual;

6. Benches and any swales or ditches on benches shall be designed in accordance with the King County Surface Water Design Manual;

7. The tops and the toes of cut and fill slopes shall be set back from property boundaries and structures as far as necessary:

a. for the safety of the adjacent properties;

b. for adequacy of foundation support;

c. to prevent damage resulting from water runoff or erosion of the slopes; and

d. to preserve the permitted uses on the adjacent properties; and

8. All fill shall meet the following:

a. Fill greater than three feet in depth shall be engineered and compacted to accommodate the proposed use unless a notice on title documenting the location of the fill is recorded and the fill is sufficiently stable to not pose a hazard; and

b. Any fill in the floodplain shall, from the face of the fill to a horizontal distance of six feet back from the face, meet the compaction requirements for pond embankments in the Surface Water Design Manual, unless determined by the department that inundation is not a threat to fill integrity or that other requirements necessary for compliance with the King County Guidelines for Bank Stabilization (Surface Water Management 1993) are met.

B. Access roads to grading sites shall be:

1. Maintained and located to the satisfaction of the King County department of transportation to minimize problems of dust, mud and traffic circulation;

2. Located where the permanent access to the site is proposed in the permit application to minimize site disturbance; and

3. Controlled by a gate when required by the department.

C. Signs warning of hazardous conditions, if determined by the department to exist on a particular site, shall be affixed at locations as required by the department.

D. Where required by the department, to protect life, limb and property, fencing shall be installed with lockable gates that must be closed and locked when not working on the site. The fence shall be no less than six feet in height and the fence material shall have no opening larger than two inches.

E. Rocks, dirt, mud, vegetation and any other materials used or produced on-site in the course of permitted activities shall not be spilled onto or otherwise left on public roadways or any off-site property not specifically authorized as a receiving site under a valid permit.

F. The duff layer and native topsoil shall be retained in an undisturbed state to the maximum extent practicable. Any duff layer or topsoil removed during grading shall be stockpiled on-site in a designated, controlled area not adjacent to public resources and critical areas. The material shall be reapplied to other portions of the site where feasible.

G.1. Except as otherwise provided in subsection G.2. of this section, areas that have been cleared and graded shall have the soil moisture holding capacity restored to that of the original undisturbed soil native to the site to the maximum extent practicable. The soil in any area that has been compacted or that has had some or all of the duff layer or underlying topsoil removed shall be amended to mitigate for lost moisture-holding capacity. The amendment shall take place between May 1 and October 1. Replaced topsoil shall be a minimum of eight inches thick, unless the applicant demonstrates that a different thickness will provide conditions equivalent to the soil moisture-holding capacity native to the site. Replaced topsoil shall have an organic matter content of between eight to thirteen percent dry weight and a pH suitable for the proposed landscape plants.

2. This subsection does not apply to areas that:

- a. Are subject to a state surface mine reclamation permit; or
- b. At project completion are covered by an impervious surface, incorporated into a drainage facility or engineered as structural fill or slope. (Ord. 15053 § 10, 2004; Ord. 13190 § 4, 1998; Ord. 3108 § 8, 1977; Ord. 1488 § 11, 1973).

16.82.105 Clearing and grading activities — hours of operation — variations.

A. Hours of operation for clearing and grading activities, unless otherwise specified by the director, shall be between seven a.m. and seven p.m. Monday through Saturday and between ten a.m. and five p.m. Sunday.

B. Before approving any variation of the hours of operation, the department of development and environmental services, in consultation with the Seattle-King County department of public health, shall:

1. Determine whether the development proposal can comply with nighttime noise standards in accordance with K.C.C. chapter 12.88;
2. Determine whether the development proposal will cause significant adverse noise effects to the community; and
3. Require mitigation for any identified impacts before the department of development and environmental services approves a variation in the hours of operation.

C. The department of development and environmental services's decision to approve a variation in the hours of operation shall be in writing and shall include a specific finding of compliance with the noise standards, the facts and conclusions supporting that finding and any mitigation, conditions or limitations imposed. All decisions made under this section shall be compiled by the department of development and environmental services and made available for public inspection. (Ord. 15053 § 11, 2004).

16.82.120 Shorelines.

A. Any fill placed upon land adjacent to or beneath any stream or water body shall be contained and placed so as to prevent adverse effect upon other lands.

B. No permit required by this chapter shall be issued for grading upon the shorelines until approved by the appropriate federal, state and local authority.

C. For grading which requires a shoreline management substantial development permit, the conditions of the shoreline management substantial development permit shall be incorporated into the conditions of any permit issued pursuant to this chapter and shall be subject to the inspection and enforcement procedures authorized by this chapter. (Ord. 3108 § 10, 1977).

16.82.130 Violations - corrective work required.

A. If clearing or grading inconsistent with the purposes and requirements of this chapter in effect at the time of the action has occurred on a site the department shall not accept or grant any development permit or approval for the site, except any permit or approval necessary for the correction of code violations, until the applicant:

1. Completes restoration of the site or the appropriate corrective actions to bring the site into compliance; or
2. Obtains department approval of a permit for the appropriate restoration or corrective action and posts any required financial guarantee.

B. The department shall require appropriate restoration of the site under an approved restoration or corrective work plan that includes a time schedule for compliance. If restoration has not been completed within the time established by the department, the director may order restoration using funds from the department's contingency accounts and seek restitution from the property owner through liens or other available legal methods.

C. This section does not limit corrective action requirements or other remedies or penalties applicable to K.C.C. Title 23. (Ord. 15053 § 12, 2004: Ord. 14498 § 25, 2002: Ord. 9614 § 104, 1990: Ord. 2910 § 4 (part), 1976: Ord. 1488 (part), 1973).

16.82.140 Class IV-G forest practices—six-year moratorium.

A. Under a Class IV-G forest practice, all clearing not otherwise exempted under this chapter shall be subject to this chapter. All such clearing subject to the state Environmental Policy Act, chapter 43.21C RCW, and King County shall accept or assume lead agency status. The department shall consolidate its review of the Class IV-G application with its SEPA review and its review of associated King County development permits or approvals.

B. Except as otherwise provided in subsections D. and E. of this section, for six years after the forest practice commenced, the department shall deny a development proposal on a site when the activity was:

1. A Class II, III or IV special forest practice, as defined in chapter 76.09 RCW;
2. A nonconversion Class IV-G forest practice, as defined in K.C.C. chapter 21A.06: or
3. Undertaken without forest practices or county authorization.

C. Subsection B. of this section applies to a development proposal for:

1. The subdivision of land;
2. The preparation or construction of a new residential or commercial structure; and
3. Any other development proposal that is not related to ongoing forestry.

D. The department may approve a development proposal on a site subject to subsection B. of this section if:

1. The applicant demonstrates that the clearing on the harvested portion of the site was consistent with the Conversion Option Harvest Plan reviewed and approved by King County and incorporated as a condition of the state's forest practice permit; or

2. The director of determines that:

- a. the applicant was the unknowing subject of criminal trespass, timber theft or fraud;
- b. the applicant has demonstrated to the satisfaction of the department that:

- (1) those portions of the clearing not in compliance with the applicable King County regulations can be fully restored to the extent that functions shall be improved over those existing before the clearing; and

- (2) the unharvested portion of the property is not required to satisfy tree retention or other mitigation requirements; and

- c. the applicant has an approved mitigation plan to restore the areas cleared without complying with applicable King County regulations.

E. The department may approve a development proposal on the unharvested portion of a site subject to subsection B. of this section if:

1. The applicant demonstrates that the clearing on the harvested portion of the site was conducted consistent with a forest management plan approved by King County and the forest management plan excluded the area proposed for development; and

2. The forest practice is conducted as a:

a. Class IV-G nonconversion forest practice, as defined in K.C.C. chapter 21A.06, that has been approved by the county;

b. Class II, III or IV-S forest practice pursuant to a Washington state Department of Natural resources forest practices permit; or

c. Class I forest practice, as defined in chapter 76.09 RCW, only for purposes of precommercial thinning and pruning.

F. In all cases, lifting or waiving of the six-year moratorium is subject to compliance with all county ordinances. (Ord. 15053 § 13, 2004: Ord. 12878 § 1, 1997: Ord. 11618 § 6, 1994: 9614 § 102, 1990).

16.82.150 Clearing standards for individual lots in the rural zone.

A. Except as otherwise provided in this section, in the RA zone the following standards apply to clearing on individual lots:

1. For lots one and one-quarter acre or smaller:

a. clearing shall not exceed the greater of:

(1) the amount cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations;

(2) fifty percent of the lot area; or

(3) seven thousand square feet.

b. any clearing required for the construction of access, utilities and septic systems shall not be counted towards the amount of clearing allowed under this subsection;

2. For lots greater than one and one-quarter acres and up to five acres in area, clearing shall not exceed the greater of:

a. the amount legally cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations; or

b. fifty percent of lot area;

3. For lots greater than five acres, clearing shall not exceed the greater of:

a. the amount legally cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations;

b. two and one-half acres, or

c. thirty-five percent of lot area; and

4. For lots greater than one and one-quarter acre in either the Bear Creek basin, the Issaquah Creek basin and the May Creek basin, clearing shall not exceed the greater of:

a. the amount legally cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations; or

b. thirty-five percent of lot area;

B. The standards in subsection A. of this section shall not apply if more restrictive standards apply through:

1. The Critical Areas Code, K.C.C. chapter 21A.24, and its adopted public rules;

2. Property-specific development standards or special district overlays under K.C.C. chapter 21A.38; or

3. Critical drainage area designations identified by adopted public rule.

C.1. If there is an approved and current rural stewardship plan or farm management plan under K.C.C. chapter 21A.24, the maximum amount of clearing allowed under this section is established by the rural stewardship plan or the farm management plan;

2. Subsection A. of this section does not apply to a lot within a subdivision or short subdivision:

a. Approved with clearing restrictions in accordance with K.C.C. 16.82.152; or
 b. In the Bear Creek, Issaquah Creek or May Creek basins that was approved with clearing restrictions in accordance with this section as it existed prior to January 1, 2005;

3. On a lot within a subdivision or short subdivision that is not covered by subsection C.2. of this section, any land located in an open space tract created as part of the subdivision or short subdivision shall be credited to the individual lots in the subdivision or short subdivision on a prorated basis according to the size of each lot in relation the entire area of the subdivision or short subdivision;

4. The area within critical areas and critical area buffers, except for critical aquifer recharge areas, may be counted towards meeting the requirements of subsection A. of this section;

5. Clearing in areas encumbered by a utility corridor, or easement for a public road or trail rights-of-way or an access easement shall not be counted toward the cleared area limit;

6. Clearing standards for mining uses shall be determined through the clearing and grading permit review process; and

7. Clearing that is the minimum necessary to provide for the relocation of equestrian community trails shall not be counted towards the cleared area limit.

D. The director may modify or wave subsection of this section for a development proposal that meets the following conditions:

1. The development proposal consists of one or more of the following uses:

a. government services listed in K.C.C. 21A.08.060;
 b. educational services listed in K.C.C. 21A.08.050;
 c. parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or proposed school;

d. libraries listed in K.C.C. 21A.08.040; and

e. road projects that are not part of a larger development proposal;

2. The development proposal site is not located in a designated regionally significant resource area, except for utility or road corridors for which the applicant demonstrate that there is no feasible alternative or that the development proposal is within an existing maintained corridor. If only a portion of the project is located within a designated regionally significant resource area, this subsection applies to that portion of the project located outside of the designated regionally significant resource area; and

3. To the maximum extent practical, the project locates structures in already cleared areas of the site and clears the minimum necessary to accommodate the proposed use which includes all the allowed ballfields, playfields, other facilities, and spaces proposed by the public agency to carry out its public function.

E. The standards of this section shall be established at the time of permit application. The area required to remain uncleared shall be designated on the site plan approved by the department.

F. Areas that are required to remain uncleared under this section shall be maintained by the property owner as a resource area. The uses permitted in the resource area shall not prevent the long-term purpose of the resource area to promote forest cover and shall include uses such as:

1. Except in areas regulated by a source described in subsection B.3. of this section, forest practices in accordance with a county-approved forest management plan;

2. Passive recreation uses and related facilities, including pedestrian, equestrian community and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, if:

a. clearing and soil compaction associated with these uses and facilities does not exceed eight percent of the area of the resource area; and

b. within wildlife habitat corridors, trail widths shall be the minimum allowed under adopted trail standards and no other recreation uses shall be permitted in an area of the corridor at least one hundred fifty feet in width;

3. Utilities and utility easements, including surface water facilities, if the facilities are within or adjacent to existing road or utility easements to the maximum extent practical;
4. Pruning or removing hazard trees or removing downed trees;
5. Reducing the danger from wildfire by following best management practices approved by the King County fire marshal;
 - a. removal of limbs within ten feet of the ground to prevent movement of fire from ground level to treetops; and
 - b. removal of dead trees or branches overhanging a residence; and
6. Removal of noxious or invasive vegetation.
- G. Before approving a development permit application for a parcel that has been cleared in violation of the clearing standards in effect at the time of the clearing, the department shall require the applicant submit to the department and implement a restoration plan to restore trees, understory vegetation and soil to support and maintain the native vegetative cover on the percentage of the site that was to remain uncleared under this section. If the clearing is in violation of the six-year moratorium on permitting established in K.C.C. 16.82.140, the department may determine whether the restoration plan is sufficient to mitigate for the impacts resulting from the clearing violation. (Ord. 15053 § 14, 2004: Ord. 14199 § 224, 2001: Ord. 14259 § 5, 2001: Ord. 14091 § 2, 2001: Ord. 13190 § 5, 1998: Ord. 12822 § 4, 1997: Ord. 12380 § 7, 1996: Ord. 12016 § 3, 1995: Ord. 12015 § 3, 1995: Ord. 11886 § 3, 1995: Ord. 11618 § 7, 1994: Ord. 9614 § 103, 1990).

16.82.152 Clearing standards for subdivisions and short subdivisions in the rural residential zone.

- A. Except as otherwise provided in this section, the following standards apply to clearing allowed in subdivisions and short subdivisions in the RA zone:
 1. Clearing shall not exceed thirty-five percent of the area of the subdivision and short subdivision; and
 2. The area remaining uncleared shall be:
 - a. shown on the face of the recorded plat map to delineate where the uncleared area is to remain on each lot; and
 - b. marked with at least one sign per buildable lot adjoining the area indicating that the area is a permanent resource management area.
- B. The standards in subsection A. of this section shall not apply if more restrictive standards apply through:
 1. Property-specific development standards pursuant to K.C.C. chapter 21A.38; or
 2. Critical drainage area designations identified by adopted administrative rule.
- C. If sixty-five percent or more of the site is in critical areas and critical area buffers, this section does not apply.
- D. Clearing to provide for the relocation of equestrian community trails shall not be counted towards the cleared area limit.
- E. The department may allow an increase in the amount of clearing up to fifty percent of the site area of a subdivision or short subdivision if the area to remain uncleared:
 1. Is placed in a separate resource tract that is:
 - a. separately identified from critical area tracts on the face of the recorded plat map; and
 - b. retained by the subdivider, conveyed to residents of the subdivision, or conveyed to a third party;
 2. Is situated in a manner that minimizes fragmentation of wildlife habitat or that maximizes protection of critical areas and prevention of flooding, erosion, and groundwater impacts based on site characteristics, including topography and soils; and

3. Complies with either of the following:
- a. A reforestation plan for the tract is approved and implemented, if the tract has been legally harvested, or
 - b. One or more of the following habitats is preserved that is not contained within another critical area or critical area buffer:
 - (1) cave;
 - (2) old-growth forest;
 - (3) mature forest;
 - (4) area that has an abundance of snags;
 - (5) talus slope;
 - (6) breeding habitat for a species that the county should protect under the King County Comprehensive Plan;
 - (7) foraging habitat for any species that the county shall protect or should protect under the King County Comprehensive Plan; or
 - (8) a vegetated corridor that connects critical areas, priority habitat areas, designated regionally or locally significant resource areas, and other areas of high wildlife value.
- F. The approval of a subdivision or short subdivision application for a parcel that has been cleared in violation of the regulations in effect at the time of the clearing shall require the restoration of trees, understory vegetation and soil to support and maintain native vegetation cover on the percentage of the site that was to remain uncleared under this section. The applicant shall submit to the department a restoration plan. If the clearing is in violation of the six-year moratorium on permitting authorized in K.C.C. 16.82.140, the department may determine whether the restoration plan is sufficient to mitigate for the impacts resulting from the clearing violation.
- G. The uses permitted within a resource land tract shall be limited as provided in K.C.C. 16.82.150.F. (Ord. 15053 § 15, 2004).

16.82.154 Clearing - modification of limits through farm management and rural stewardship plans. The clearing limits of K.C.C. 16.82.150 and 16.82.152 may be modified through a farm management plan or rural stewardship plan approved in accordance with K.C.C. 21A.24.051 and 21A.24.055. (Ord. 15053 § 16, 2004).

16.82.156 Significant trees. Within the urban growth area:

- A. Except when replacement trees are used as provided in subsection E. of this section, significant trees, as defined in K.C.C. chapter 21A.06, shall be at a minimum retained as follows:
1. Exclusive of the area required for site access by vehicles, pedestrians, or utility infrastructure, significant trees shall be retained within required perimeter landscape areas at the following rates:
 - a. one hundred percent for the interior perimeters.
 - b. seventy-five percent for the street perimeter, though this standard may be reduced to fifty percent for retail commercial developments if:
 - (1) the combined landscaping and tree retention requirement is shown by the applicant to result in:
 - (a) the loss of the line-of-sight necessary for identification of the retail commercial development; and
 - (b) a vegetative buffer exceeding the screening characteristics of a Type III landscape screen; or
 - (2) The average width of the street perimeter landscape area is increased by fifty percent, only if, within the additional landscape area, significant trees are retained at the rate consistent with subsection A.2. of this section;
 2. Significant trees located in the interior of the development proposal, including critical areas or their buffers, shall be retained in a residential subdivision in UR or R-1 zones at the rate of twenty trees per acre or ten percent of the trees, whichever is greater;

3. Significant trees located in the interior of the development proposal, excluding critical areas or their buffers, shall be retained in an apartment or townhouse development at the rate of ten trees per acre or five percent of the trees, whichever is greater;

4. Significant trees located in the interior of the development proposal, excluding critical areas or their buffers, shall be retained in commercial or industrial development or a residential subdivision in the R-4 through R-48 zones at a rate of ten trees per acre or five percent of the trees, whichever is greater;

5. Significant trees located in the interior of the development proposal, excluding critical areas or their buffers and areas designated for sport fields, playfields or other recreational facilities, shall be retained in institutional developments at a rate of ten trees per acre or five percent of the trees, whichever is greater;

6. Utility developments and mineral extraction operations are exempt from the significant tree retention requirements of this section; and

7. Project sites with twenty-five percent or greater of the total gross site area in critical areas, critical area buffers and other areas to be left undisturbed, such as wildlife corridors, shall be exempt from the significant tree retention requirements of this chapter;

B. The applicant shall submit tree retention plans as follows:

1. A significant tree inventory shall be submitted for review before or with submittal of development permit applications. The tree inventory may be conducted by any method that reflects general locations, numbers and grouping of significant trees on-site; and

2. A detailed tree retention plan shall be submitted for review before or with submittal of grading permit applications or other permit applications incorporating grading plans. This plan shall identify the exact location, size, species and condition of the significant trees proposed to be retained, transplanted or replaced to comply with this chapter;

C. The retention requirements shall be met as follows:

1. Except as provided in subsection C.2. of this section, the applicant shall determine that the final tree retention plan does not include significant trees unable to survive more than ten years after the date of project completion due to:

- a. damage or disease;
- b. safety hazards due to potential root, trunk or primary limb failure;
- c. windfall; or
- d. age in relation to the normal lifespan of the tree species;

2. At the discretion of the county, damaged or diseased or standing dead trees, not classified as a danger tree, may be counted toward the significant tree requirement if the applicant demonstrates that such trees will provide important wildlife habitat; and

3. A significant tree may be credited as two trees when it meets one or more of the following characteristics:

- a. the tree is eighteen inches or greater in diameter;
- b. the tree is located in a grouping of at least five trees with canopies that touch or overlap;
- c. the tree provides energy savings through winter wind protection or summer shading as a result of its location relative to buildings;
- d. the tree belongs to a unique or unusual species;
- e. the tree is located within twenty-five feet of any critical area or required critical area buffers;

or

- f. the tree is listed on a historical register;

D. To provide the best protection for significant trees designated for retention, the development shall comply with the following:

1. Tree removal for a project action shall not be allowed before county approval;
2. Before clearing for a project action, trees to be retained shall be flagged;
3. Before grading for a project action and throughout construction, a temporary chain link or plastic net fence shall be used to identify the protected area of any significant tree designated for retention. The height of the fencing shall be adjusted according to the topographic and vegetative conditions of the site to provide clear visual delineation of the protected area. The size of protected area around the tree shall be equal to one foot diameter for each inch of tree trunk diameter measured four feet above the ground; and
4. At any time during and after construction, the following shall not be permitted within the area described in subsection D.3. of this section:
 - a. impervious surfaces, fill, excavation or storage of construction materials; or
 - b. grade level changes, except in limited circumstances where proposed improvements using permeable materials are determined by an arborist to be nondetrimental to the trees root system; and
5. Alternative or additional protection methods may be proposed and be used if determined by the director to provide equal or greater protection for trees designated for retention;

E. Plan modifications and tree replacement are permitted as follows:

1. Any significant tree in the interior may be replaced by another significant tree in the interior;
2. If the required number of significant trees cannot be retained, then nonsignificant-sized trees may be retained or new trees may be planted to meet significant tree requirements. A significant tree to be replaced by the new or existing replacement tree shall be assigned a diameter of twelve inches. In addition:
 - a. when using replacement trees measuring three inches in diameter or greater, as measured by caliper, one-half inch diameter of replacement tree shall be provided for every one inch diameter of significant tree to be replaced; and
 - b. when using replacement trees measuring less than three inches in diameter, as measured by caliper, one inch diameter of replacement tree shall be provided for every one inch diameter of significant tree to be replaced;
3. An approved tree retention plan shall be modified to reflect any changes made in accordance with subsection E.1 and 2. of this section; and
4. If the department determines that retaining or replacing significant trees on site is impractical or contrary to the overall objectives of the underlying zone classification, alternative off-site locations may be used in accordance with the following:
 - a. within the same subbasin in a location that also affords wildlife habitat protection or enhancement at a ratio of one-to-one;
 - b. within the same subbasin but without wildlife habitat protection or enhancement, at a ratio of one-and-one half-to-one;
 - c. within the same basin in a location that also affords wildlife habitat protection or enhancement at a ratio of two-to-one;
 - d. within the same basin but without wildlife habitat protection or enhancement, at a ratio of three-to-one;
 - e. within the same drainage in a location that also affords wildlife habitat protection or enhancement at a ratio of three-to-one; and
 - f. within the same drainage but without wildlife habitat protection or enhancement, at a ratio of four-to-one;

F. The following provisions apply to significant trees where applicable:

1. All significant trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. This requirement shall not be interpreted to allow:
 - a. topping of primary stems;
 - b. pruning that results in the loss of twenty percent of vegetative mass; and
 - c. cutting of major roots, except in preparation for transplantation or as deemed necessary or acceptable by a certified arborist; and

2. With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat; other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and

G. The development standards in this section do not apply to institutional development proposals that consist of one or more of the following uses:

1. Government services listed in K.C.C. 21A.08.060;
2. Educational services listed in K.C.C. 21A.08.050;
3. Parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or proposed school;

or

4. Libraries listed in K.C.C. 21A.08.040. (Ord. 15053 § 17, 2004).

16.82.158 Hazard and damage. A person conducting clearing or grading shall protect adjacent property, public resources including surface and groundwaters, set-aside areas, rights-of-way and drainage systems from hazards and damage resulting from activities allowed under this chapter. (Ord. 15053 § 18, 2004)

16.82.160 Agricultural production district standards. Utilities or other public facilities crossing a portion of an agricultural production district shall be required to demonstrate to the satisfaction of the department that:

- A. Alternatives to crossing the agricultural production district are not feasible;
- B. Timing of installation of facilities will minimize impacts to seasonal agricultural practices; and
- C. Facilities are sized, constructed and placed in the agricultural product district to minimize disruption of agricultural activity and to take the least amount of area out of agricultural production. (Ord. 15053 § 19, 2004: Ord. 11618 § 8, 1994).

16.82.170 Financial guarantees authorized. The department is authorized to require all applicants issued permits or approvals under the provisions of the title to post financial guarantees consistent with the provisions of Ordinance 12020. (Ord. 12020 § 35, 1995).

16.82.175 Vesting period for lots in final short plats. Unless the department finds that a change in conditions creates a serious threat to the public health or safety in the short subdivision, for a period of five years after recording, a lot within a short subdivision shall be governed by the provisions of this chapter in effect at the time a fully completed application for short subdivision approval was filed in accordance with K.C.C. chapter 20.20. (Ord. 15053 § 21, 2004).