

## Chapter 16.15 CLEARING AND GRADING

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**16.15.010 Purpose.**

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(1) This chapter is intended to regulate clearing and removal of vegetation, excavation, grading, and earthwork construction including cuts and fills, gravel pits, and dumping operations within the City of Sammamish in order to protect public health, safety, and welfare by:

- (a) Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;
- (b) Protecting water quality from the adverse impacts associated with erosion and sedimentation;
- (c) Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;
- (d) Protecting sensitive areas from adverse clearing and grading activities;
- (e) Preventing damage to property and harm to persons caused by excavations and fills;
- (f) Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of clearing and grading operations; and
- (g) Providing penalties for the violation of this chapter.

(2) 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. O2003-132 § 2)

**16.15.020 Definitions.**

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

- (1) "Applicant" is 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 pursuant to 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.
- (2) "Bench" is a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.
- (3) "Berm" is a mound or raised area used for the purpose of screening a site or operation.
- (4) "Civil engineer" means a professional engineer registered in the state of Washington to practice in the field of civil works.
- (5) "Clearing" means the cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical, or any other means.
- (6) "Compaction" is the densification, settlement or packing of soil in such a way that permeability of the soil is reduced. Compaction may also refer to the densification of a fill by mechanical means.
- (7) "Cutting" is the severing of the main trunk or stems from close to or at the soil surface or at a point up to 25 percent of the total vegetation height.
- (8) "Director" means the director of the department of community development.
- (9) "DBH" means the diameter of a tree as measured from breast height (54 inches above the ground).
- (10) "Earth material" is any rock, natural soil, or any combination thereof.
- (11) "Erosion" is the wearing away of the ground surface as the result of the movement of wind, water and/or ice.
- (12) "Excavation" is the removal of earth material.
- (13) "Fill" is a deposit of earth material placed by mechanical means.
- (14) "Grade" means the elevation of the ground surface.
  - (a) "Existing grade" is the grade prior to grading.

- (b) "Rough grade" is the stage at which the grade approximately conforms to the approved plan as required in SMC [16.15.070](#).
- (c) "Finish grade" is the final grade of the site that conforms to the approved plan as required in SMC [16.15.070](#).
- (15) "Grading" is any excavating, filling, removing of the duff layer, or combination thereof.
- (16) "Grading and clearing permit" means the permit required by this chapter for grading and clearing activities, including temporary permits.
- (17) "Pruning" means cutting or removal of branches and leaving at least two-thirds of the existing tree branch structure. Topping and removal of more than one-third of the existing limbs shall only be permitted under the supervision of a certified arborist.
- (18) "Reclamation" means the final grading and land restoration of a site.
- (19) "Shorelines" means those lands defined as shorelines in the State Shorelines Management Act of 1971.
- (20) "Site" is any lot or parcel of land or contiguous combination thereof where projects covered by this chapter are performed or permitted where a public street or way may intervene.
- (21) "Slope" is an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.
- (22) "Soil engineer" means a person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.
- (23) "Structure" is 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.
- (24) "Terrace" is a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.
- (25) "Tidelands" means that portion of the land that is covered and uncovered by the ebb and flood tide.
- (26) "Tree" is a large woody perennial plant usually with a single main stem or trunk and generally over 25 feet tall at maturity.
- (27) "Understory" is the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass

like plants, but excludes native trees.

(28) "Vegetation" means any and all organic plant life growing at, below, or above the soil surface. (Ord. O2016-429 § 1 (Att. A); Ord. O2005-193 § 2, 2005; Ord. O2004-149 § 1; Ord. O2003-132 § 2)

#### **16.15.030 Administration.**

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

(1) Inspections. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

(2) 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 or she shall first present proper credentials and demand entry; and if such land, building, structure, premises, or portion thereof be unoccupied, he or she 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. O2003-132 § 2)

#### **16.15.040 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. O2003-132 § 2)

#### **16.15.050 Clearing and grading permit required – Exceptions.**

For development or clearing and grading activity located within critical areas and associated regulatory buffers as defined by Chapter 21A.50 SMC, no person shall do any clearing or grading without first having obtained a clearing and grading permit. For development or clearing and grading

activity located outside of critical areas and associated regulatory buffers as defined by Chapter 21A.50 SMC, no person shall do any clearing or grading without first having obtained a clearing and grading permit except for the following:

(1) An on-site excavation or fill for basements and footings of a building, retaining wall, parking lot, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than four feet after the completion of such structure;

(2) Maintenance of existing driveways or private access roads within their existing road prisms; provided, that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality;

(3) Any grading within a publicly owned road right-of-way;

(4) Clearing or grading by a public agency for the following routine maintenance activities:

(a) Roadside ditch cleaning, provided the ditch does not contain salmonids;

(b) Pavement maintenance;

(c) Normal grading of gravel shoulders;

(d) Maintenance of culverts;

(e) Maintenance of flood control or other approved surface water management facilities;

(f) Routine clearing within road right-of-way;

(5) Cemetery graves;

(6) Any clearing or grading that has been approved by the director as part of a commercial site development permit and for which a financial guarantee has been posted;

(7) The following activities are exempt from the clearing requirements of this chapter and no permit shall be required:

(a) Normal and routine maintenance of existing lawns and landscaping, including up to 50 cubic yards of top soil, mulch, or bark materials added to existing landscaped areas;

(b) Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms subject to the limitations on the use of pesticides in critical areas as set out in Chapter 21A.50 SMC. This does not include clearing or grading in order to develop or expand such activities;

- (c) Normal and routine maintenance of existing public park properties and private and public golf courses;
  - (d) Pruning and limbing of vegetation for maintenance of above-ground electrical and telecommunication facilities;
- (8) The cutting and removal of any coniferous tree of less than eight inches DBH or any deciduous tree of less than 12 inches DBH;
- (9) The pruning, limbing, and general maintenance of trees outside of environmentally critical areas and buffers, consistent with the requirements of Chapter 21A.37 SMC;
- (10) An excavation that is less than two feet in depth or does not create a cut slope greater than four feet in height and steeper than one unit vertical in two units horizontal (66.7 percent slope), that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course;
- (11) A fill less than one foot in depth and placed on natural terrain with a slope flatter than one unit vertical in five units horizontal (20 percent slope), or less than three feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course;
- (12) Normal routine maintenance of existing single-family drainage systems, including but not limited to excavation to replace existing pipes, catch basins and infiltration trenches, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course; and
- (13) Installation of sanitary septic systems with King County health district approval and inspection. (Ord. O2019-482 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2005-193 § 2, 2005; Ord. O2005-175 § 1; Ord. O2004-149 § 2; Ord. O2003-132 § 2)

**16.15.060 Applications – Complete applications.**

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- (1) For the purposes of determining the application of time periods and procedures adopted by this chapter, applications for permits authorized by this chapter shall be considered complete as of the date of submittal upon determination by the department that the materials submitted contain the following:
- (a) For clearing and grading permits:
    - (i) A legal description of the property;
    - (ii) A 1:1,000 scale vicinity map with a north arrow;
    - (iii) Grading plans including:

- (A) Horizontal and vertical scale;
  - (B) Size and location of existing improvements within 50 feet of the project, indicating which improvements will remain and which improvements will be removed;
  - (C) Existing and proposed contours at maximum five-foot intervals, and extending for 100 feet beyond the project edge;
  - (D) At least two cross-sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales; and
  - (E) Temporary and permanent erosion-sediment control facilities;
- (iv) The following plans must be stamped and signed by a registered civil engineer, licensed to practice in the state of Washington:
- (A) Permanent drainage facilities;
  - (B) Structures to be built or construction proposed in landslide hazard areas; and
  - (C) Proposed construction or placement of a structure.
- (b) A completed environmental checklist, if required by Chapter 20.15 SMC, State Environmental Policy Act Procedures.
- (c) Satisfaction of all requirements for grading permits under SMC [16.15.070](#).

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

(3) The director may waive specific submittal requirements determined to be unnecessary for review of an application. (Ord. O2003-132 § 2)

#### **16.15.070 Permit requirements.**

Except as exempted in SMC [16.15.050](#), no person shall do any clearing or grading without first obtaining a clearing and grading permit from the director. A separate permit shall be required for each site and may cover both excavations and fills.

(1) Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter and the permit process and procedures chapter of SMC Title 20. In addition to the requirements of SMC 20.05.040 every application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made;
- (b) Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed site;
- (c) Identify and describe those critical areas as defined in Chapter 21A.50 SMC on or adjacent to the site;
- (d) Indicate the estimated quantities of work involved;
- (e) Identify any clearing restrictions contained in SMC [16.15.120](#), wildlife habitat corridors pursuant to Chapter 21A.30 SMC, critical drainage areas established by administrative rule or property-specific development standards pursuant to SMC 21A.50.225;
- (f) Be accompanied by plans and specifications as required in subsections (2) and (3) of this section;
- (g) Designate who the applicant is, on a form prescribed by the department, except that the application may be accepted and reviewed without meeting this requirement when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:
  - (i) The name of the agency or public or private utility is shown on the application as the applicant;
  - (ii) The agency or public or private utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and
  - (iii) The form designating the applicant is submitted to the department prior to permit issuance; and
- (h) Give such other information as may be required by the director.

(2) Plans and Specifications. When required by the director, each application for a grading permit shall be accompanied by six sets of plans and specifications and other supporting data as may be required. The plans and specifications shall be prepared and signed by a civil engineer or landscape architect registered to practice in the state of Washington when required by the director; provided, the director may require additional studies prepared by a qualified soils specialist. If the plans and specifications are returned as a result of permit denial or any other reason, they shall be returned to the applicant.

(3) Information on Plans and in Specifications. Plans shall be drawn to an engineer's scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the plans will conform to the provisions of this chapter and all other relevant laws, rules, regulations, and standards. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the name of the person by whom the plans were prepared. The plans shall include the following minimum information:

- (a) General vicinity of the proposed site;
- (b) Property limits and accurate contours of existing ground and details of terrain and area drainage;
- (c) Limiting dimensions, elevations, or finished contours to be achieved by the grading, proposed drainage channels, and related construction;
- (d) Location of all proposed cleared areas;
- (e) Location of any open space tracts or conservation easements if required pursuant to:
  - (i) SMC [16.15.120](#);
  - (ii) Chapter 21A.30 SMC;
  - (iii) Critical drainage area; or
  - (iv) Property-specific development standards pursuant to Chapter 21A.85 SMC;
- (f) Calculations of the total proposed area cleared on site as a percentage of the total site area;
- (g) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds, and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;
- (h) A determination of whether drainage review applies to the project pursuant to Chapter 9.04 KCC as adopted by SMC Title 13, and, if applicable, all drainage plans and documentation consistent with King County surface water design manual requirements;
- (i) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 50 feet of the property or that may be affected by the proposed grading operations;
- (j) Other information as may be required by the director; and

(k) If the clearing or grading is proposed to take place in or adjacent to a sensitive area as regulated in Chapter 21A.50 SMC, provide information as required by that chapter.

(4) Granting of Permits.

(a) The director shall determine if the proposed grading will adversely affect the character of the site for present lawful uses or with the future development of the site and adjacent properties for building or other purposes as indicated by the interim comprehensive plan, the shoreline master program, and the development code.

(b) After an application has been filed and reviewed, the director shall also ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, the director may issue to the applicant a grading permit. A grading permit shall be valid for the number of days stated in the permit but in no case shall the period be more than two years; provided, that when operating conditions have been met, the permit may be renewed every two years, or less if a shorter approval and/or renewal period is specified by the director.

(c) No grading permit shall be issued until approved by federal, state, and local agencies having jurisdiction by laws or regulations.

(d) Upon approval of the application and issuance of the grading permit, no work shall be done that is not provided for in the permit. The director is authorized to inspect the premises at any reasonable time to determine if the work is in accordance with the permit application and plans.

(e) The permits from the director shall be required regardless of any permits issued by any other department of City government or any other governmental agency who may be interested in certain aspects of the proposed work. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the violator shall be subject to such civil penalties as provided in Chapter 23.40 SMC. However, the payment of such civil penalties shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed thereon. (Ord. O2009-249 § 1; Ord. O2003-132 § 2)

**16.15.080 Liability insurance required – Exception.**

The permittee shall maintain a liability policy in the amount of \$100,000 per individual, \$300,000 per occurrence, and \$50,000 property damage, and shall name the City of Sammamish as an additional insured.

Exception: Liability insurance requirements may be waived for projects involving less than 10,000 cubic yards. Liability insurance shall not be required of other public agencies. (Ord. O2003-132 § 2)

**16.15.090 Operating conditions and standards of performance.**

(1) Any activity that will clear, grade, or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, 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 ESC measures and performance criteria and implementation requirements in the City's erosion and sediment control standards.

(2) Cuts and fills shall conform to the following provisions unless otherwise approved by the director:

(a) Grading.

(i) Excavation. Excavation shall not exceed 10 feet.

(ii) Fill. Fill shall not exceed five feet.

(iii) Deviations. Deviation from excavation and fill limits shall be allowed as part of the review of a Type 1, Type 2 or Type 3 permit application to accommodate instances where driveway access would exceed 15 percent slope if additional fill is not permitted; where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized undulations or variations in existing topography; where necessary to achieve a balance of excavation and fill associated with a project; or where a building foundation, access grade, drainage, or other necessary component of a proposed structure or infrastructure is determined infeasible. Deviations from the excavation and fill limits shall be subject to the following limitations:

(A) The proposed deviation is the minimum necessary to resolve the design conflict or allow a balance of excavation and fill as demonstrated through written engineering analysis prepared by a qualified consultant and verified by the City;

(B) The proposed deviation will not result in impact to the root zone and tree protection areas required for retained significant trees under SMC 21A.37.270;

(C) All excavation or fill deviations shall be located outside of required structure setbacks; and

(D) All fill in excess of four feet shall be engineered.

(iv) Exceptions. The excavation and fill limitations of this subsection shall not apply to road construction, necessary underground infrastructure, and structures that do not change the surface elevation (e.g., vaults, utility trenches, foundations, basements, etc.).

(b) Permit Approval. On sites where development is proposed or anticipated, land clearing shall not take place until a construction permit is approved, addressing all land use requirements and presenting final engineering design consistent with applicable development standards and adopted Public Works Standards.

(c) Slope. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director.

(d) Erosion Control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection (1) of this section.

(e) Preparation of Ground. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, brush, and car bodies.

(f) Fill Material. Except in an approved sanitary landfill, only earth materials that have no rock or similar irreducible material with a maximum dimension greater than 18 inches shall be used.

(g) Drainage. Provisions shall be made to:

(i) Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;

(ii) Carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the City engineer.

(h) Bench/Terrace. Benches, if required, at least 10 feet in width shall be back-sloped and shall be established at not more than 25 feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

(i) Access Roads – Maintenance. Access roads to grading sites shall be maintained and located to the satisfaction of the City engineer to minimize problems of dust, mud, and traffic circulation.

(j) Access Roads – Gate. Access roads to grading sites shall be controlled by a gate when required by the director.

(k) Warning Signs. Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the director.

(l) Fencing. Fencing, where required by the director, to protect life, limb, and property, shall be installed with lockable gates that must be closed and locked when not working the site. The fence must be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

(m) Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

Slopes and setbacks shall be determined by the director.

(n) Excavations to Water-Producing Depth. All excavations must either be made to a water-producing depth or grade to permit natural drainage. The excavations made to a water-producing depth shall be reclaimed in the following manner:

(i) The depth of the excavations must not be less than two feet measured below the low water mark.

(ii) All banks shall be sloped to the water line no steeper than three feet horizontal to one foot vertical.

(iii) All banks shall be sloped from the low-water line into the pond or lake with a minimum slope of three feet horizontal to one foot vertical to a distance of at least 25 feet.

(iv) In no event shall the term "water-producing depth" as herein used be construed to allow stagnant or standing water to collect or remain in the excavation.

(v) The intent of this provision is to allow reclamation of the land that will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes.

(o) Hours of Operation. Hours of operation, unless otherwise authorized by the director, shall be between 7:00 a.m. and 7:00 p.m. (Ord. O2019-482 § 1 (Att. A); Ord. O2003-132 § 2)

#### **16.15.100 Shorelines.**

(1) 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.

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

(3) For grading that 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. O2003-132 § 2)

#### **16.15.110 Enforcement.**

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(1) The director of community development is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Title 23.

(2) If clearing inconsistent with the purposes and requirements of this chapter has occurred on a site, the City shall not accept or grant any development permits or approvals for the site unless the applicant adequately restores the site. The director shall require appropriate restoration of the site under an approved restoration plan that shall include a time schedule for compliance if significant resource damage has or may occur. If restoration has not been completed within the time established by the department, the director shall order restoration using funds authorized by the City council for this purpose and seek restitution from the property owner through liens or other available legal methods. (Ord. O2003-132 § 2)

#### **16.15.120 Clearing standards.**

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(1) For clearing and grading permits issued under this chapter, the current clearing standards contained in this section and in the following regulations shall apply:

- (a) The sensitive areas code, Chapter 21A.50 SMC, and its adopted administrative rules;
- (b) Property-specific development standards pursuant to Chapter 21A.85 SMC;
- (c) Critical drainage area designations identified by adopted administrative rule;
- (d) Wildlife habitat corridors pursuant to Chapter 21A.30 SMC;
- (e) Shoreline Management Plan, SMC Title 25; and
- (f) Development Standards – Landscaping and Irrigation, Chapter 21A.35 SMC.

(2) Within sensitive areas designated pursuant to Chapter 21A.50 SMC, permitted alterations, development standards, mitigation requirements, activities and uses shall be limited to those specified in that chapter or elsewhere in the SMC.

(3) In addition to the uses otherwise allowed in areas subject to the native vegetation retention requirements in subsections (1)(b) through (f) of this section, the following activities or permitted alterations are allowed under a clearing permit:

- (a) Passive recreation uses and related facilities, including pedestrian and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses. Cleared areas shall be the

minimum necessary, and all other applicable standards shall be required consistent with the standards and requirements in Chapters 21A.30 and 21A.85 SMC and any other requirements in the SMC. Within wildlife habitat corridors, trails shall be designed and constructed according to the trail design standards in Chapter 21A.30 SMC and no other recreation uses shall be permitted in the 150-foot minimum width of the corridor;

(b) Utilities and utility easements, including surface water facilities; provided, that such uses are within or adjacent to existing road or utility easements whenever possible. Within wildlife habitat corridors, existing or multiple utility uses within established easements shall be allowed within the 150-foot minimum width of the corridor. Development of new utility corridors shall be allowed within wildlife habitat corridors only when multiple uses of existing easements are not feasible and the utility corridors are sited and developed using City-approved best management practices to minimize disturbance; and

(c) Removal of dangerous and/or damaged trees.

(4) Construction projects can be a significant contributor of pollution to streams and wetlands. Therefore, from October 1st through March 31st:

(a) Clearing and grading shall only be permitted if shown to the satisfaction of the director that silt-laden runoff exceeding standards in the applicable City-adopted stormwater requirements will be prevented from leaving the construction site through a combination of the following:

- (i) Site conditions including vegetative coverage, slope, soil type and proximity to receiving waters;
- (ii) Limitations on activities and the extent of disturbed areas; and
- (iii) Proposed erosion and sedimentation control measures.

(b) The director shall set forth in writing the basis for approval or denial of clearing or grading during this period.

(c) 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 shall define any limits on clearing and grading or specific erosion and sediment control measures required during this period. Alternate best management practices may be approved or required on-site by the inspector.

(d) If, during the course of construction, silt-laden runoff exceeding standards in the applicable City-adopted stormwater requirements 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 notice of violation shall be issued.

(e) If the erosion and sediment control problem defined in the violation is not adequately repaired within 24 hours of the notice of violation, then a notice and order may be issued by the inspector 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 contractor to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following March 31st.

(f) The following activities are exempt from the seasonal clearing and grading requirements of this subsection:

(i) Routine maintenance and necessary repair of erosion and sediment control facilities;

(ii) Routine maintenance of public facilities or existing utility structures as provided by SMC 21A.50.050;

(iii) Activities where there is 100 percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;

(iv) Typical landscaping activities of existing single-family residences that do not require a permit; and

(v) Public agency response to emergencies that threaten the public health, safety, and welfare. (Ord. O2005-175 §1; Ord. O2005-172 § 1; Ord. O2003-132 § 2)