

Chapter 30.63B

LAND DISTURBING ACTIVITY

30.63B.010 Purpose and objectives.

(1) The purpose of this chapter is to regulate land disturbing activities as defined in SCC 30.91L.025.¹

(2) Specific objectives of this chapter are:

(a) To promote sound, practical, and economical development practices and construction activities that prevent or minimize adverse impacts to adjoining properties and to waters of the state within Snohomish County; (b) To prevent or minimize degradation of water quality to protect human health, recreational opportunities and fish and wildlife habitat; (c) To control soil movement on land that is subject to new development or redevelopment; (d) To maintain stable earth during land disturbing activity for structures and to maintain stable earth foundations for structures; (e) To protect public safety by reducing slope instability and the potential for landslides or erosion; and (f) To maintain the safety of county roads and rights-of-way.

30.63B.020 Applicability.

This chapter applies to all land disturbing activity as defined in SCC 30.91L.025.

30.63B.030 Land disturbing activity permits required.

(1) A land disturbing activity permit is required for all land disturbing activity and must be obtained prior to the commencement of any land disturbing activity unless the activity is exempted in SCC 30.63B.070, or the activity is conducted as part of a project administered by the department of public works or the county engineer under the requirements of SCC 30.63B.100(1)(b) and (2).

(2) If a person or entity determines that a proposed land disturbing activity is exempt from obtaining a land disturbing activity permit under SCC 30.63B.070, the person or entity may consult with the department to confirm the determination or to ensure compliance with other applicable requirements of title 30 SCC. A consultation may be requested by following the pre-application process described in SCC 30.70.020. The appropriate consultation fee established in SCC 30.86.510(2)(c) shall be paid at the time of the request.

30.63B.040 Land disturbing activity permit fees.

(1) Land disturbing activity permit fees shall be paid pursuant to SCC 30.86.510.

(2) If utility facilities and any related underground drainage systems must be relocated as a direct result of a project performed under the authority of the director of the department of public works or the county engineer and such relocation work is included in that departments plans, the relocation of the utility facilities and any SCC Title 30 Page 588 related underground drainage systems shall be exempt from the land disturbing activity fee requirements of SCC 30.86.510.

30.63B.050 Permit approval criteria.

(1) A land disturbing activity permit shall only be issued after:

(a) The project complies with the requirements of this chapter;

(b) Stormwater site plan approvals and all other permits and approvals required by the county for site development have been obtained;

(c) Written evidence has been submitted that approvals required from other jurisdictions and agencies will be issued;

(d) Clearing limits have been marked on the land disturbing activity site plan;

(e) A land disturbing activity site plan and specifications have been approved;

(f) Bonding and insurance securities have been accepted by the department pursuant to chapter 30.63A SCC, when applicable;

(g) Environmental review under chapter 30.61 SCC has been completed, if applicable; and

(h) The project complies with all other applicable requirements of title 30 SCC. (2) A land disturbing activity permit shall not be issued for land disturbing activity in shorelines until all required permits and approvals have been granted pursuant to chapter 30.44 SCC.

30.63B.060 Authority to require more stringent standards and requirements and to impose mitigation.

(1) Before and after the issuance of a land disturbing activity permit, the director may impose additional or more stringent standards and requirements than those specified in this chapter or impose mitigation requirements to the extent necessary to:

- (a) Protect the public health, safety and welfare; or
- (b) Mitigate any significant adverse impact from the land disturbing activity.

(2) The director's decision to require additional or more stringent standards and requirements or mitigation requirements under SCC 30.63B.060(1) shall be in writing and shall include findings of fact and conclusions that demonstrate how the decision meets the following criteria:

- (a) The decision eliminates or substantially reduces a specific public health, safety and welfare concern or a significant adverse impact;
- (b) The decision is based on sound engineering practices;
- (c) The decision will not adversely impact off-site properties; and
- (d) The decision is the least possible change from the requirements of this chapter.

30.63B.070 Land disturbing activity permit exemptions.

A land disturbing activity permit is not required for activities exempted in this section. Exemption from obtaining a land disturbing activity permit is not an exemption from compliance with this chapter, nor from any other applicable provision in title 30 SCC. Land disturbing activity exempted in this section shall comply with SCC 30.63A.445 through 30.63A.510, unless specifically exempted from those provisions by SCC 30.63A.200.

(1) Land disturbing activities are exempt from obtaining a land disturbing activity permit when:

- (a) The land disturbing activity occurs outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination;
- (b) The land disturbing activity is set back at least two feet from all property lines;
- (c) The land disturbing activity does not obstruct or alter an existing drainage course or pattern;
- (d) The land disturbing activity disturbs less than 7,000 square feet of land;
- (e) The land disturbing activity creates or replaces less than 2,000 square feet of new, replaced, or new plus replaced impervious surface;
- (f) The property on which the land disturbing activity will occur collects or concentrates stormwater from 5,000 square feet or less of drainage area; and
- (g) The amount of land disturbing activity is consistent with one of the following thresholds: (i) 100 cubic yards or less of grading on a site in any 18 consecutive months (except fills and associated compaction intended to support structures or private roads); (ii) 500 cubic yards or less of excavation in any 18 consecutive months for a basement foundation, or for improvements to a single-family dwelling and/or accessory structures, provided that excess excavated material shall be disposed of at a permitted site approved by the director and provided further that the activity shall only commence after a building permit is secured by the applicant; or (iii) 500 cubic yards or less of grading in any 18 consecutive months for construction of underground drainage systems, provided that the construction shall only commence after a right-of-way use, utility, single-family or commercial building permit is obtained by the applicant.

(2) The following land disturbing activities are exempt from obtaining a land disturbing activity permit when the activity is at least two feet from all property boundary lines. For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination:

- (a) Operation of a solid waste disposal site subject to a solid waste permit pursuant to chapter 70.95 RCW, except that expansion, relocation, closure, or capping of a solid waste disposal site is not exempt;
 - (b) Mineral resource operations including commercial mining, quarrying, excavating, or processing of rock, sand, gravel, aggregate, or clay and associated stockpiling when such operations are authorized by a conditional use permit or an administrative conditional use permit for expansion of a nonconforming use as required by chapters 30.22, 30.42C or 30.43A SCC, except that the following are not exempt: (i) Reclamation pursuant to SCC 30.63B.170;
 - (ii) An operation which the director determines may destabilize or undermine any adjacent or contiguous property; and
 - (iii) An operation which the director determines may result in an adverse downstream drainage impact;
 - (c) Site investigative work necessary for land use application submittals pursuant to title 30 SCC, such as surveys, soil borings, test pits, percolation tests, non-mechanical survey monument placement, data collection by non-mechanical means and other related activities, if performed in accordance with state-approved sampling protocols or sections 7 and 10 of the Federal Endangered Species Act (ESA) (16 U.S.C. §§ 1536 and 1539), provided that the land disturbing activity is no greater than is necessary to accomplish the site investigative work;
 - (d) Drilling or excavation of a well for a single family dwelling;
 - (e) Digging, excavating, or filling cemetery graves; and
 - (f) Repair or installation of underground or overhead utility facilities that replace ground surfaces with in-kind materials or materials with similar runoff characteristics.
- (3) The following land disturbing activities are exempt from obtaining a land disturbing activity permit:
- (a) Repair or installation of underground or overhead facilities performed by a utility that only replaces ground surfaces with in-kind materials or materials with similar runoff characteristics. For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination;
 - (b) Facility maintenance and repairs performed by a utility that that replace ground surfaces with in-kind materials or materials with similar runoff characteristics, that do not add impervious surface, and that do not adversely impact any critical areas, critical area buffers or upstream or downstream properties;
 - (c) Remodeling or tenant improvements that do not meet the definitions of new development or redevelopment;
 - (d) Forest practice Classes I, II, III and Class IV special non-conversion forest practices regulated by title 222 WAC;
 - (e) Oil and gas field activities or operations, including the construction of drilling sites, waste management pits, access roads, and transportation and treatment infrastructure (such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations and crude oil pumping stations); and
 - (f) The following road maintenance activities: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the coverage area, shoulder grading, reshaping and/or re-grading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism and vegetation maintenance.
- (4) The following commercial agricultural activities that are conducted on land designated riverway commercial farmland, upland commercial farmland, or local commercial farmland by the comprehensive plan and future land use map (FLUM) are exempt from obtaining a land disturbing activity permit:
- (a) Tilling, soil preparation, fallow rotation, planting, harvesting and other commercial agricultural activities involving working the land. For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination;
 - (b) Maintenance or repair of existing commercial agricultural facilities including drainage facilities, ponds, animal stock flood sanctuaries, animal waste management facilities, agricultural buildings, fences, roads and bridges; and
 - (c) New construction of drainage ditches (including enlargement of existing drainage ditches) that requires 500 cubic yards or less of grading. Such ditches shall not adversely impact critical areas or upstream or downstream properties, be located within 100 feet of streams, wetlands, lakes, marine waters, fish and wildlife

habitat conservation areas, and erosion hazard areas, or contain water on-site for retention, infiltration or evaporation. For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination.

(5) Agricultural activities defined in chapter 30.32B SCC, SCC 30.91A.090 or 30.62.015 are exempt from obtaining a land disturbing activity permit, provided that:

(a) The activity occurs on property on which agriculture is a legal use of the property;

(b) The activity requires no other permit or project approval from Snohomish County except for a flood hazard permit under chapter 30.43 SCC; and

(c) The activity does not occur in a wetland as defined by state law, unless:

(i) The activity is exempt from wetlands regulations under section 404(f) of the federal Clean Water Act;

(ii) The activity occurs on designated agricultural or rural lands and the wetland area is no greater than 5,000 square feet of non-riparian Category 2 or 3 wetlands or 10,000 square feet of non-riparian Category 4 wetlands, pursuant to chapter 30.62 SCC; or

(iii) The activity occurs in a UGA or on designated forest lands, and the wetland is an area of no greater than 5,000 square feet of non-riparian wetland Categories II or III or 10,000 square feet of non-riparian Category IV wetlands, pursuant to SCC 30.62A.230(2).

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30.63B.090 Compliance with other laws.

Approvals of construction and land disturbing activity site plans and the issuance of a land disturbing activity permit under this chapter, and any rules, policies and procedures promulgated hereunder, do not constitute waivers of the requirements contained in any other laws or regulations. Compliance with all applicable federal, state, and local laws and regulations is required.

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30.63B.100 Projects performed under authority of the director of public works or county engineer.

(1) For projects performed under the authority of the director of the department of public works or the county engineer that require a land disturbing activity permit, the director of the department of public works or the county engineer may:

(a) Submit a land disturbing activity permit application and the applicable fee payment to the department of planning and development services pursuant to SCC 30.63B.030 and 30.63B.040; or

(b) The director of the department of public works may adopt a rule, in accordance with the rulemaking provisions in chapter 30.82 SCC, that is intended to ensure compliance with the substantive requirements of chapters 30.63A, 30.63B, and 30.63C SCC. The rule may be administered either by the director of the department of public works or the county engineer. The rule shall:

(i) Establish administrative procedures and tools under which the department of public works will achieve and document compliance with the substantive requirements of chapters 30.63A, 30.63B and 30.63C SCC and other applicable provisions of title 30 SCC during project planning, design, environmental review and throughout construction administration and acceptance;

(ii) Require identical or functional equivalents of plans and reports required by chapters 30.63A, 30.63B and 30.63C SCC or other applicable chapters of title 30 SCC; and

(iii) Implement the provisions of SCC 30.63A.830 through 30.63A.842 without amendment, except that such provisions may be administered by either the director of the department of public works or the county engineer.

(2) If the director of the department of public works or the county engineer chooses to administer any project according to the rule described in SCC 30.63B.100(1)(b) and consultation with the department of planning and development services is desired to ensure compliance with title 30 SCC, the department of public works shall follow the pre-application process described in SCC 30.70.020 to arrange the consultation. The department of public works shall pay the appropriate consultation fee established in SCC 30.86.510(2)(c).

30.63B.110 Standards for cuts and excavations.

Cuts or excavations shall conform to the provisions of this section, unless the department approves the alternative recommendations contained in a soils engineering report or engineering geology report required under SCC 30.63B.230 or 30.63B.240. A cut that is less than four feet in height shall not be required to meet the requirements of this section.

(1) The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than one unit vertical to two units horizontal (50 percent slope), unless the applicant furnishes a soils engineering report or an engineering geology report, or both, stating that the site has been investigated and determining that a cut at a steeper slope will be stable and will not create a hazard to public or private property. (2) Slopes shall be stabilized after being cut or excavated. The soils engineering report or the engineering geology report, or both, shall verify that the slopes shall not be subject to on-going erosion that would adversely impact public safety or public or private property. Erosion hazard areas and landslide hazard areas, as defined in SCC 30.62.015 or subtitle 30.9 SCC, shall be described and shown in the soils engineering report. (3) Cuts or excavations within streams, wetlands, lakes, marine waters, fish and wildlife habitat conservation areas, erosion hazard areas, landslide hazard areas or the buffers of or setbacks from any of these areas shall not occur unless a critical area study is prepared and mitigation is provided consistent with the applicable requirements of chapters 30.62, 30.62A and 30.62B SCC.

30.63B.120 Standards for fills and embankments.

Fills shall conform to the provisions of this section, unless the department approves the recommendations contained in a soils engineering report required under SCC 30.63A.230. The requirements of this section shall not apply to fills that are less than four feet in height and which are not intended to support structures. (1) Fill slopes shall not be constructed on natural slopes steeper than one unit vertical to two units horizontal (50 percent slope). The slope of fill surfaces shall be no steeper than is safe for the intended use. The slope shall be protected pursuant to SCC 30.63A.480. Fill slopes steeper than 33 percent shall require a geotechnical engineering report pursuant to chapter 30.62 or 30.62B SCC, as applicable. (2) Fill material. (a) Deleterious amounts of organic material shall not be permitted in fills. Except as permitted by the department under SCC 30.63B.120(2)(b), no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills. (b) The department may allow rock greater than 12 inches in diameter to be buried or placed in fills when the soils engineer properly devises a method of placement, inspects the site during the placement of the rock, and approves the fill stability. The following conditions shall also apply: (i) Prior to issuance of the land disturbing activity permit, potential rock disposal areas shall be delineated on the land disturbing activity site plan; (ii) Rock greater than 12 inches in diameter shall be located no less than ten feet or more below the finish grade, measured vertically; and (iii) Rocks or other similar irreducible material shall be placed so as to assure filling of all voids with well-graded soil. (3) All fills intended to support structures or private roads shall be compacted to a minimum of 90 percent of maximum density. All fills within public rights-of-way, private tracts and easements shall be compacted in accordance with the EDDS. All fills in the floodplain shall be designed to resist or prevent scour and erosion from floodwaters. Fills in the floodplain shall be regulated pursuant to chapters 30.43C and 30.65 SCC. If fill is allowed in the floodplain, a zero-level rise analysis shall be performed and provided in the land disturbing activity permit application.

(4) Fill shall not be placed in streams, wetlands, lakes, marine waters, fish and wildlife habitat conservation areas, erosion hazard areas, landslide hazard areas or in the buffers of or setbacks from any of these areas unless a critical area study is prepared and mitigation is provided consistent with the applicable requirements of chapters 30.62, 30.62A and 30.62B SCC.

30.63B.130 Standard setbacks for cuts and fills.

(1) Before performing any land disturbing activity subject to a land disturbing activity permit, the applicant shall mark on the site and show on the land disturbing activity site plan the limits of all proposed land disturbing activities, trees and native vegetation to be retained, and drainage courses, so that setbacks can be determined. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

(2) The top of cut slopes shall not be nearer to a site boundary line than 20 percent of the vertical height of cut, and in no event nearer than two feet from the boundary line. The setback shall be increased when necessary to

stabilize any required subsurface drainage or surcharge, as determined by the geotechnical engineering report, soils engineering report or engineering geology report pursuant to SCC 30.63B.220 through 30.63B.240. (3) The toe of fill slopes shall not be made nearer to the site boundary line than 50 percent of the height of the slope, but in no event nearer than two feet from the boundary line.

(4) Cuts and fills shall be set back a minimum of two feet from the property line unless the following is provided:

(a) A construction easement, written agreement or letter of authorization from all of the affected property owners allowing a setback of less than two feet; or

(b) A survey by a land surveyor licensed in Washington State that ensures compliance with construction and land disturbing activity site plans prior to construction of cut, fill, rockery, or a retaining wall proposed within six inches of a property line.

30.63B.140 Standards for drainage and terracing.

(1) Cut or fill slopes steeper than one unit vertical to three units horizontal (33 percent slope) shall be designed to comply with the following criteria:

(a) Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at mid-height of the slope. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by a civil engineer. Suitable access shall be provided to permit proper cleaning and maintenance of drainage facilities, if any;

(b) Swales or ditches on terraces shall have a minimum gradient of 0.5 percent;

(c) Cut or fill slopes shall be provided with subsurface drainage as necessary to ensure slope stability and proper conveyance of groundwater;

(d) All drainage facilities shall be designed to carry waters to the nearest practicable drainage way in a safe manner and shall comply with chapter 30.63A SCC. Outfalls or points of discharge shall be designed using BMPs and construction procedures that prevent or minimize erosion pursuant to volumes II and III of the Drainage Manual;

(e) Building pads located on cuts or fills shall have a drainage gradient of two percent toward approved drainage facilities except that the gradient from a building pad may be one percent if all of the following conditions exist throughout the project site: (i) No proposed fills are greater than ten feet deep; (ii) No proposed finish cut or fill slope faces have a vertical height more than ten feet; and (iii) No existing slope faces that are steeper than one unit vertical to ten units horizontal (ten percent slope) have a vertical height more than ten feet; and (f) Paved interceptor drains shall be installed if the drainage flow path is greater than 40 feet above the cut slope. Interceptor drains, if required, shall be paved with a minimum of three inches of concrete or gunite and may be reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches, measured horizontally across the drain.

(2) The department may approve an alternative slope or retaining structure when it is determined that the documentation on the construction plans and land disturbing activity site plan demonstrates that the alternative slope or retaining structure will be stable and will not adversely impact downstream properties.

30.63B.150 Standards for soil erosion control.

All land disturbing activity shall provide soil erosion control pursuant to this section and chapter 30.63A SCC.

(1) The faces of cut and fill slopes shall be prepared and maintained to control erosion. Soil erosion control may consist of effective planting, hydro-seeding or mulching. Soil erosion control protection for the slopes shall be installed as soon as practicable in accordance with SCC 30.63A.480 and prior to calling the department to request final land disturbing activity inspection. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protective measures may not be required, as determined by the department. (2) Where necessary to provide erosion protection to adjoining properties, check dams, cribbing, riprap, silt fences or other devices and methods shall be employed.

30.63B.160 Standards for tree and vegetation retention and replacement.

Land disturbing activity site plans and SWPPPs required pursuant to chapter 30.63A SCC shall show all on-site tree and vegetation retention areas required by any applicable provisions of title 30 SCC. Tree replacement areas shall also be shown on the land disturbing activity plan, when applicable.

30.63B.170 Standards for reclamation of quarry or mining sites.

Upon completion or abandonment of a quarry or mining operation, the owner or operator of sites not regulated by the Washington State Department of Natural Resources pursuant to chapter 78.44 RCW shall obtain a land disturbing activity permit for reclamation, which shall include an approved full stormwater site plan pursuant to Chapter 30.63A SCC and comply with the following reclamation standards:

- (1) Grading or backfilling shall be done with clean earth material (i.e., non-noxious, non-flammable, non-combustible and non-putrescible solids);
- (2) Graded or backfilled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the immediately surrounding land areas, and to a depth equal to that of the topsoil of immediately surrounding land areas, provided that all sod and soil shall be at least eight inches in depth consistent with soil quality and depth BMPs in volume V of the Drainage Manual;
- (3) Final grading shall result in finished grades which would allow development of the land uses permitted within the underlying zone classification;
- (4) Bare topsoil shall be stabilized by planted trees, shrubs, legumes, and grasses indigenous to the region and compatible with the surrounding area;
- (5) Graded or backfilled areas shall be reclaimed in a manner that will not allow water to collect, nor permit stagnant water to remain, and will not adversely affect the groundwater aquifer or maximum seasonal high groundwater table; and
- (6) Non-harmful tailings, which consist of earth material and soil piles, shall be graded to near-level contour, matching the surrounding natural topography. The leveled and graded area shall be sodded or surfaced and planted as required by SCC 30.63B.170(2) and (4).

30.63B.180 Land disturbing activity permit submittal requirements.

The land disturbing activity permit application shall comply with the submittal checklist established by the department pursuant to SCC 30.70.030. The permit application shall contain the following plans and reports, when applicable:

- (1) Land disturbing activity site plan pursuant to SCC 30.63B.190;
- (2) Engineered construction plans pursuant to SCC 30.63B.200;
- (3) Geotechnical engineering report pursuant to SCC 30.63B.220;
- (4) Soils engineering report pursuant to SCC 30.63B.230;
- (5) Engineering geology report pursuant to SCC 30.63B.240;
- (6) Liquefaction report pursuant to SCC 30.63B.250;
- (7) Zero-rise analysis pursuant to SCC 30.63B.120(3);
- (8) Plans and reports necessary for compliance with chapter 30.63A SCC; and
- (9) Haul route agreements related to the land disturbing activity.

30.63B.190 Land disturbing activity site plan and reports.

- (1) A land disturbing activity site plan, including a stormwater site plan consistent with the land disturbing activity site plan, shall be submitted with the land disturbing activity permit application. Engineered construction plans shall be submitted when required under SCC 30.63B.200. The land disturbing activity site plan shall depict, but not be limited to, the following items, when applicable:
 - (a) Existing and finished grade contours including natural drainage courses;
 - (b) Critical areas and their buffers;
 - (c) The amount of proposed fill, measured in acres, in critical areas;
 - (d) Landscape and open space areas and tree and native vegetation retention and replacement areas;
 - (e) Clearing limits and clearing operations;
 - (f) Quantity of cut or excavations and fill or embankments in cubic yards;

- (g) Soils specifications for compaction;
- (h) Cut and fill areas and stockpile areas;
- (i) Setbacks from property boundaries;
- (j) Terracing, keyways and benches; and
- (k) A description of construction specifications, operations and scheduling pursuant to requirements in the EDDS.

(2) Pursuant to chapter 30.52A SCC and SCC 30.63B.210 through 30.63B.250, reports on geotechnical engineering, soils engineering, engineering geology, and liquefaction shall be submitted when required by this chapter and chapter 18 of the IBC.

30.63B.200 Land disturbing activities and projects requiring engineered construction plans.

(1) The following land disturbing activities require the submittal of construction plans prepared by and stamped by an engineer licensed in the State of Washington: (a) All land disturbing activity in excess of 5,000 cubic yards;

(b) All land disturbing activity located within public or private roads and their rights-of-ways, tracts or easements; (c) All land disturbing activity that is subject to environmental review under chapter 30.61 SCC or is related to development activity that is subject to environmental review under chapter 30.61 SCC; and (d) All land disturbing activity projects that require civil engineering, as determined by the department pursuant to subtitle 30.5 SCC and IBC sections 1802.4, 1802.6 and 1803.4(2).

(2) Engineered construction plans for the land disturbing activities identified in SCC 30.63B.200(1) shall also comply with chapter 30.52A SCC and the EDDS.

30.63B.210 Reports.

(1) The applicant shall submit reports on geotechnical engineering, soils engineering, engineering geology, and liquefaction when required by this chapter or chapters 16, 18 or 33 of the IBC as part of the land disturbing activity permit application. Reports shall be prepared and stamped by an engineer licensed in Washington State. The department shall review the reports and ensure that all appropriate recommendations in the reports are reflected on the land disturbing activity site plans.

(2) During review of the land disturbing activity permit application, if the department determines that geologic, hydrologic, or soil conditions may present special grading or drainage conditions which may damage a public right-of-way or county property, or that may pose a substantial threat to public health, safety or welfare, the department may require the applicant to submit a geotechnical engineering report that includes a soils engineering report and/or an engineering geology report pursuant to SCC 30.63B.230 and 30.63B.240 and chapters 16, 18 and 33 of the IBC.

30.63B.220 Geotechnical engineering report.

If a geotechnical engineering report is required by SCC 30.63B.210 or chapter 18 of the IBC, the applicant's geotechnical engineer, civil engineer or engineering geologist shall inspect and determine the suitability of the prepared ground to receive fills and the stability of cut slopes with respect to soil, hydrologic, and geologic conditions. This information shall be incorporated in the engineering report. The geotechnical engineering report shall also evaluate the need for subdrains or other groundwater drainage devices. To verify safety, the department may require testing for required compaction, soil bearing capacity, stability of all finished slopes and the adequacy of structural fills as a condition of permit approval. The required content of the geotechnical engineering report is contained in section 1802.6 of the IBC.

30.63B.230 Soils engineering report.

When required by chapters 16, 18 and 33 of the IBC for expansive soils, questionable soils and the potential for soils near high groundwater, a soils engineering report shall be required. The required content of the soils engineering report is contained in sections 1613, 1802.6 and 3304 of the IBC. The report also shall include the following:

- (1) Data regarding the nature, distribution, site classification and strength of existing soils;
- (2) Conclusions and recommendations for land disturbing activity procedures identified in the reports required by SCC 30.63B.210 or chapters 16, 18 and 33 of the IBC;

- (3) Design criteria for corrective measures, including structural fills, when necessary due to subsurface soils or groundwater conditions; and
- (4) An analysis of the adequacy of affected soils for the intended use of the site as affected by soils engineering factors.

30.63B.240 Engineering geology report.

When required by chapters 16 and 18 of the IBC to analyze soil characteristics due to the location of on-site faults, an engineering geology report shall be required. The report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and an analysis of the adequacy for the intended use of sites to be developed by the proposed land disturbing activity, as affected by geologic factors. The required content of the engineering geology report is contained in sections 1613 or 1802 of the IBC as applicable.

30.63B.250 Liquefaction report.

Based on the soil strength identified in the soils engineering report, the department may require a geotechnical or geologic investigation and report in accordance with section 1802.4 of the IBC, which shall address the potential for liquefaction.

30.63B.270 Time limitation of application.

- (1) An application for a land disturbing activity permit shall be deemed to have been abandoned 18 months after the date the applicant filed a complete application, unless the applicant has pursued the submittal of all necessary information and revisions requested by the department in good faith, or a permit has been issued.
- (2) The director is authorized to grant one extension of the permit application if abandoned. Such extension shall not exceed an additional 18 month period. The application extension shall be requested in writing and the applicant shall demonstrate a justifiable cause for the extension. A renewal fee shall be paid at the time of the renewal request pursuant to SCC 30.86.510(2)(a) and (b).

0.63B.280 Permit expiration and renewal.

- (1) Land disturbing activity permits shall expire 24 months from the date of issuance, provided that the director may set an earlier expiration date for a permit, or issue a permit that is non-renewable, or both, if the director determines that soil, hydrologic, or geologic conditions on the project site necessitate that land disturbing activity and drainage improvements and site stabilization be completed in less time.
- (2) If a permit has expired, the applicant shall obtain a renewed permit before starting work authorized under the expired permit.
- (3) A permit may be renewed only once for up to 24 additional months, and a request for renewal shall be made no later than 30 days after the date of expiration of the original permit, except as provided for in this section.
- (4) Requirements under this chapter that are not expressly temporary during land disturbing activity operations, including but not limited to, requirements for erosion control, drainage, and slope management, do not terminate with expiration of the land disturbing activity permit.
- (5) Until April 29, 2011, an applicant may request an extension of time for all chapter 30.63B SCC permits without requirement to demonstrate justifiable cause or good faith, provided that:
 - (a) The permit is necessary to complete improvements approved under or necessitated by a preliminary subdivision, short subdivision, site plan or commercial development permit;
 - (b) A renewal fee as shown in SCC Table 30.86.510(2) is paid;
 - (c) No permit nor any rights under this section may be transferred, assigned or sublet, except by operation of law;
 - (d) The permit has not expired;
 - (e) Unless provided an extension of time, the permit would expire within 12 months of April 29, 2010; and
 - (f) If extended, the permit shall expire simultaneously with the associated approved preliminary subdivision, short subdivision, site plan or commercial development permit.

30.63B.290 Requests for modification or waiver of requirements.

The county may approve modifications or waivers of the requirements of this chapter pursuant to SCC 30.63A.170.

30.63B.300 Person responsible.

(1) The county is not responsible for the accuracy of land disturbing activity site plans submitted for approval. The county expressly disclaims any responsibility for the design or implementation of a land disturbing activity site plan. The design and implementation of a suitable land disturbing activity site plan is the responsibility of the applicant and property owner. (2) The applicant and owner shall ensure that all land disturbing activity work is performed in accordance with an approved land disturbing activity site plan and construction specifications that comply with the provisions of title 30 SCC. Any person performing land disturbing activity subject to a land disturbing activity permit shall ensure that a copy of the approved land disturbing activity permit, approved land disturbing activity site plan, and construction plans are available on the work site at all times. Such person shall be responsible for compliance with all approved plans, specifications and permit conditions.

30.63B.310 Inspections – general.

Land disturbing activity inspections required by this chapter may be conducted together with any inspections required by chapter 30.63A SCC.

30.63B.320 Site inspection for clearing limits.

Upon submittal of a complete land disturbing activity permit application, the county must perform a preliminary site inspection prior to any land disturbing activity to confirm that the clearing limits, if applicable, are marked in the field, and that natural drainage courses are not blocked or altered.

30.63B.330 Pre-construction meeting and inspection prior to land disturbing activity.

After a land disturbing activity permit is issued, but prior to any land disturbing activity, the applicant or owner shall call the department to arrange a pre-construction meeting and inspection with the department to review clearing limits, inspection and project management procedures.

30.63B.340 Inspections after permit issuance.

(1) During construction and land disturbing activity, the county shall inspect all land disturbing activity operations for which a permit is issued pursuant to SCC 30.63B.350. The county shall inspect the site at various stages of work including before construction, during construction, at construction completion and at final acceptance of a subdivision or issuance of a certificate of occupancy. The county shall determine if the SWPPP required by chapter 30.63A SCC is implemented and the construction undertaken by the owner, contractor and certified erosion and sediment control lead (CESCL) complies with the approved SWPPP, land disturbing activity site plan and construction plans.

(2) When required on an approved land disturbing activity site plan, the applicant shall provide professional inspection of land disturbing activity by a civil and/or a soils engineer, or an engineering geologist retained by the owner or applicant to provide such services for engineered land disturbing activity as follows:

(a) The civil engineer shall review and observe the establishment of line, grade, surface drainage and erosion control of the development area. If revisions to any approved land disturbing activity or stormwater site plan, right-of-way plan or other construction plans are required during the course of the land disturbing activity, they shall be prepared by the civil engineer.

(b) The soils engineer shall observe the land disturbing activity and test for compaction. The types of soils inspections and standards shall be consistent with sections 1802.6 and 1803.5 of the IBC.

(c) The soils engineer shall provide sufficient observation during the preparation of the ground and during placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plans identified in SCC 30.63B.340(2)(a) and the appropriate requirements of this chapter and chapter 30.63A SCC. These observations shall be set forth in a written report as required by SCC 30.63B.360(1)(b) that shall be submitted to the department prior to the final inspection. Revised

recommendations relating to conditions differing from the soils engineering, engineering geology, geotechnical engineering and liquefaction reports submitted as part of the land disturbing activity permit application shall be submitted to the department and the civil engineer responsible for the project as soon as they are available.

(d) The engineering geologist shall inspect all excavation to determine if geologic conditions encountered are in conformance with the engineering geology report completed under SCC 30.63B.240. If conditions differ from the approved engineering geology report, the geologist shall submit revised recommendations to the county and soils engineer regarding changes to the land disturbing activity site plan or other construction plans as soon as they are available.

(e) If the civil engineer, CESCL, the soils engineer, or the engineering geologist finds that the work was not performed in conformance with this chapter or the land disturbing activity permit, the individual who discovered the discrepancies shall report this information immediately, in writing, to the applicant or owner and to the county.

(3) The county shall notify the applicant or owner of any discrepancies that would necessitate land disturbing activity site plan or construction plan revisions or corrections by the professional consultants.

(4) If the civil engineer, the soils engineer, CESCL, or the engineering geologist of record is changed during land disturbing activity, the work shall be stopped until a replacement has agreed in writing to accept their responsibilities under this chapter. It shall be the duty of the applicant or owner to notify the county in writing of such change in contacts prior to resuming land disturbing activity.

30.63B.350 Inspection schedule after permit issuance.

Following issuance of a land disturbing activity permit, inspections of all land disturbing activity subject to the permit shall be conducted pursuant to, but not limited by, the following inspection schedule:

(1) After the land disturbing activity pre-construction meeting, the applicant shall request from the county a drainage inspection prior to any land disturbing activity.

(2) All permitted development sites involving land disturbing activity that meet the thresholds for drainage review shall be inspected for compliance with applicable minimum requirements pursuant to chapter 30.63A SCC.

(3) All permitted development sites involving land disturbing activities that meet the thresholds for drainage review pursuant to chapter 30.63A SCC shall be inspected upon completion of all land disturbing activity and construction and prior to final approval or issuance of a certificate of occupancy to verify proper installation of permanent erosion controls and storm water facilities/BMPs, if applicable. The county shall determine that all land disturbing activity and construction is complete or identify all land disturbing activity and construction items that are incomplete.

(4) When the county determines that a special inspection is required pursuant to chapter 17 of the IBC for water quality monitoring on land disturbing activity projects, the applicant or owner shall engage consultants to conduct professional inspections and to prepare and submit periodic inspection reports to the county on a timely basis. The county shall respond within seven working days as to the acceptability of the report. The applicant or owner shall act as a coordinator between the consultant, the contractor and the county inspector.
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30.63B.360 Final reports and other documents required at the completion of work.

(1) When engineered construction and land disturbing activity site plans are required pursuant to SCC 30.63B.190 and 30.63B.200, or professional inspection is required pursuant to SCC 30.63B.340 for land disturbing activity, the following final reports, plans, drawings and supplements are required at completion of all land disturbing activity and construction:

(a) A record drawing of land disturbing activity site plan prepared by the civil engineer or surveyor showing original ground surface elevations, finished grade ground surface elevations, lot drainage patterns, and the locations and elevations of stormwater drainage facilities and outlets of subsurface drains. Details of subsurface drains shall be shown on the record drawing as reported by the soils or civil engineer or land surveyor. Upon completion of all land disturbing activity and construction, the civil engineer shall sign a statement on the plan stating that to the best of their knowledge, the land disturbing activities were completed in accordance with the approved land disturbing activity site plan and permit; (b) A report prepared by the

soils engineer, retained pursuant to SCC 30.63B.340(2), which shall include locations of field density tests, summaries of field and laboratory tests, other substantiating data, and a description of any changes to the approved land disturbing activity site plan made during the land disturbing activity and their effect on the recommendations made in the approved soils engineering investigation report. The report shall include a signed statement by the soils engineer that, to the best of their knowledge, the land disturbing activity work within their area of responsibility was completed in accordance with the approved soils engineering report and applicable provisions of this chapter; and (c) A report prepared by the engineering geologist retained pursuant to SCC 30.63B.340(2) that shall include a final description of the geology of the site, any new information disclosed during the land disturbing activity, and the effect of that information on recommendations incorporated in the approved land disturbing activity site plan. The final geology report shall include a signed statement by the engineering geologist that, to the best of their knowledge, the work within their area of responsibility was completed in accordance with the approved engineering geology report and applicable provisions of this chapter. (2) The applicant or owner shall notify the county when the disturbed land is ready for final inspection. Final approval shall not be given by the county until all land disturbing activity and construction, including installation of all drainage facilities and their protective devices and all erosion-control measures, have been completed in accordance with the final approved land disturbing activity and stormwater site plans, and the required reports have been submitted and approved.

30.63B.370 Bonds or performance security.

(1) The department may require bonds or a performance security pursuant to chapter 30.84 SCC to ensure that the land disturbing activity, if not completed in accordance with the approved land disturbing activity site plan and construction plans, will be corrected.

(2) For drainage facilities and improvements required pursuant to this chapter and chapter 30.63A SCC, the department may require security and insurance in accordance with chapter 30.63A SCC, part 900.

30.63B.380 Emergency land disturbing activities and required permits.

(1) Land disturbing activity that requires a land disturbing activity permit may be undertaken to perform an emergency action, without first obtaining a permit, when insufficient time exists to obtain a land disturbing activity permit. An emergency action is only allowed when: (a) One of the following circumstances exists:

(i) Damage is occurring as a result of flood waters at or exceeding flood stage as defined by the county's departments of emergency management or public works, and land disturbing activity is necessary to protect existing property, maintain an existing utility facility function, or to prevent channel impairment;

(ii) Maintenance performed by a utility is necessary to repair a utility facility or line which has been damaged as a direct result of an emergency; or (iii) Removal and relocation of material deposited onto commercial farmland by flood waters is necessary to protect farming operations; and

(b) All of the following criteria are met:

(i) Circumstances causing the emergency developed suddenly;

(ii) The emergency constitutes an imminent threat to public health, safety, welfare, property or the environment and emergency land disturbing activities are necessary to prevent an imminent threat of serious environmental degradation; and

(iii) The land disturbing activity is the minimum necessary to alleviate the emergency.

(2) Prior to undertaking any emergency land disturbing activity to remedy the emergency, the proponent of such activity must notify the department in writing by providing a summary of the intended activity. If prior notification is not feasible, the project proponent shall provide such notification in writing to the department within 48 hours of initiating the emergency land disturbing activity.

(3) The department shall notify the property owner or person who conducted the emergency land disturbing activity in writing that:

(a) The person responsible for the emergency action shall comply with soil erosion and sedimentation control practices required pursuant to minimum requirement 2 (SCC 30.63A.445 through 30.63A.510) as soon as practicable; and

(b) Applications for project permits necessary to satisfy compliance with this chapter shall be submitted to the department within 120 days from the date the emergency land disturbing activity was initiated; and

(c) Whether the land disturbing activity meets the criteria of SCC 30.63B.380(1) and (2).

(4) If the director determines that land disturbing activity was performed that did not meet the criteria in this section, then in addition to requiring that a land disturbing activity permit application be submitted to the department within 120 days of the land disturbing activity, code enforcement may be pursued.

30.63B.390 Hazards.

(1) When the department determines that any existing cut, excavation, fill, embankment or other land disturbing activity or a condition resulting from land disturbing activity on private property creates a present or imminent hazard, or is likely to create a hazard, the department may issue an emergency order pursuant to SCC 30.85.240.

(2) Where the director determines that hazardous conditions exist, warning signs shall be affixed at locations as required by the director, and the site shall be enclosed by fencing that shall be closed and locked when personnel are not present at the site. The fence shall be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

END NOTES

ⁱ **30.91L.025 Land disturbing activity.**

“Land disturbing activity” means any activity that will result in movement of earth or a change in the existing soil cover or the existing soil topography (both vegetative and non-vegetative), including the creation and/or replacement of impervious surfaces. Land disturbing activities include, but are not limited to, clearing and grading. Land disturbing activities do not include agricultural plowing and tilling exempt from storm water regulations pursuant to SCC 30.63A.200. Compaction that is associated with stabilization of structures and road construction also is a land disturbing activity. Vegetation and drainage facility maintenance practices are not land disturbing activities, provided that the maintenance is performed according to standards adopted by Snohomish County.