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DGA94-001, Clearing &
Grading Code and Ground
and Surface Water Management
Code Revised

ORDINANCE NO. 1877

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING CHAPTER 20E.70 OF THE
REDMOND COMMUNITY DEVELOPMENT GUIDE
RELATING TO CLEARING, GRADING AND STORM WATER
MANAGEMENT.

WHEREAS, the Storm Water Division of the Public Works Department has recommended that certain provisions of Chapter 20E.70 of the Redmond Community Development Guide be amended relating to clearing, grading and storm water management; and

WHEREAS, the City Council has determined to follow the recommendation of the Storm Water Division; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Amendment. Chapter 20E.70 of the Redmond Community Development Guide relating to the Clearing, Grading and Storm Water Management Code is hereby amended to read as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

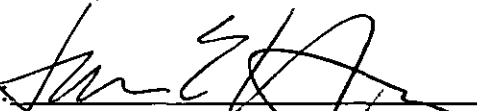
CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	February 29, 1996
PASSED BY THE CITY COUNCIL:	March 5, 1996
SIGNED BY THE MAYOR:	March 11, 1996
PUBLISHED:	March 13, 1996
EFFECTIVE DATE:	March 18, 1996
ORDINANCE NO. <u>1877</u>	

**20E.70.000 CLEARING, GRADING AND
STORMWATER MANAGEMENT**

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20E.70.010 **PURPOSE AND INTENT**

The purpose of the Clearing, Grading, and Stormwater Management code is to: safeguard life, property, public health, and general welfare; minimize water quality degradation; prevent excessive sedimentation of or erosion by surface waters; and prevent the creation of public nuisances such as fouling of surface or groundwater. Furthermore, this section is intended to reduce impacts from land development; preserve and enhance wildlife habitat in and along surface waters; enhance the aesthetic quality of the area waters; minimize erosion; preserve trees; and preserve natural topographic features. These regulations focus on prevention of adverse impacts associated with clearing, grading and stormwater activities rather than remediation of adverse impacts after they have occurred.

This Chapter replaces previous sections 20E.70, 20E.75 and Appendix Q of the Redmond Community Development Guide.

20E.70.020 **DESIGN, CONSTRUCTION AND MAINTENANCE: GENERAL REQUIREMENTS**

(10) The design, construction, and maintenance of all clearing, grading and stormwater management construction activities shall comply with the requirements and design standards contained in all the following documents:

- (a) This chapter
- (b) The Department of Ecology *Stormwater Management Manual for the Puget Sound Basin*, dated February 1992 or its successor when approved by the City's Technical Committee.
- (c) Any applicable construction specifications, design standards and details approved under the authority of subsection 20E.70.020(20).

(20) The Public Works Director shall prepare and shall adopt construction specifications and design standards and details for clearing, grading, and stormwater management. The specifications, design standards and details shall be based on the Department of Ecology *Stormwater Management Manual for the Puget Sound Basin*, dated February 1992. The Public Works Director has the authority to make changes as local conditions warrant with approval of the Technical Committee. The specifications, design details, and any changes shall be made available to the public. A fee set by the Public Works Director may be charged for these documents.

(30) In the case of conflicts between the documents listed in subsection (10), conflicts shall be resolved by applying the following order of precedence: (a) this chapter; (b) the standard specifications and details referred to in subsection 20E.70.020(20); and (c) the *Stormwater Management Manual for the Puget Sound Basin*.

20E.70.030 DEFINITIONS

Unless the context of the proposed language clearly indicates otherwise, the following words, phrases and terms used in this section shall be defined and have the meanings indicated below:

(03) **Agricultural Crop Management** is the cultivating of soil to produce crops. For the purposes of this section, the activity shall be on a minimum of two (2) acres. This definition is not intended to include gardening or construction of drainage or irrigation ditches.

(05) **As Graded** is the soil surface, shape and condition upon the completion of grading.

(10) **Bedrock** is the solid rock immediately underlying unconsolidated material, such as soil.

(15) **Bench** is a relatively level step-like excavation into earth material.

(20) **BMPs (Best Management Practices)** are the physical, structural, and/or managerial practices that have been approved by City of Redmond, and that when used singly or in combination, provide the most effective means of preventing or reducing pollution of water or other undesirable effects.

(25) **Borrow** is earth material acquired from an off-site location for use in grading on a site.

(27) **Building Work Areas** include: all areas within 15 feet of a structure footprint; parking areas, access roads, and streets plus 8 feet; and utility lines plus 8 feet. All distances shall be measured horizontally. These areas are subject to setbacks, buffers and critical areas where no grade changes or other disturbance shall occur.

(30) **Catch basin** is an underground structure, shaped like a box or cylinder, which is used to connect storm drainage pipe and where the outlet pipe is at least 12 inches above the bottom of the structure. The volume of the structure from its bottom up to the outlet pipe is used to collect sediment and is known as the catch.

(35) **Certification** is a professional, written engineering or geological opinion concerning the design, progress or completion of the work.

(40) **City** is the City of Redmond.

(45) **Clearing** is any actions that disturb, injure, or directly destroy the root structure of existing vegetation or any actions that disturb the existing ground surface. This definition applies only to section 20E.70. In other sections of the Redmond Community Development Guide, clearing may be defined to include any impact to vegetation. See the definitions applicable to those specific sections.

(50) **Compaction** is the densification of earth material by mechanical means, intended or otherwise.

(55) **Detention system** is a stormwater facility that is designed to accept runoff from a developed site and discharge it at a limited rate. Flows exceeding the limited rate are stored until they can be released at the limited rate (after the runoff rate into the system drops below the limited rate). This type of system can drain completely following a storm.

(60) **Director** is the director of the Public Works Department or his/her designee.

(65) **Drainage Facilities** (see Stormwater facilities)

(70) **Earth Material** is any rock, natural soil or fill and/or any combination thereof.

(75) **Engineer** is a professional engineer licensed by the State of Washington, who is qualified to practice those aspects of engineering reviewed in this section.

(85) **Erosion** is the wearing away of the ground surface as a result of the movement of wind or water.

(90) **Excavation** is the mechanical removal of earth material.

(95) **Existing Grade** is the land surface elevation prior to grading.

(97) **French Drains** are perforated storm drain pipes used to collect water under ground.

(100) **Fill/Filling** is a deposit of earth material placed by artificial means.

(115) **Grade** is the vertical elevation of the ground surface.

(120) **Grading** is any action which changes the elevation of the ground surface; grading includes, but is not necessarily limited to: dredging, landfills, excavations, filling, earth work, embankments, etc.

(125) **Impervious surface** is any material or ground treatment that prevents or substantially reduces absorption of stormwater into the ground (i.e., concrete, asphalt, sidewalks, buildings, highly compacted earth, etc.).

(127) **Inlet** is an underground structure that allows surface water to enter the storm drain system. Typically, it is a small catchless box-shaped structure with a slotted metal grate that does not contain a catch (see catch basin).

(130) **Inspector** is the person(s) designated by the Director of Public Works to evaluate construction activities for compliance with City of Redmond codes, policies, standards and approved plans.

(137) **Manhole** is a cylindrical shaped structure used to connect or access storm drain pipe where the outlet pipe is less than 12 inches above the bottom of the structure (typically the outlet pipe is at the bottom of the structure and has no catch).

(140) **Manual** is the Department of Ecology Stormwater Management Manual for the Puget Sound Basin dated February 1992 and any revisions or updates from Ecology that are approved by the City's Technical Committee.

(145) **New Development** is a project proposed on vacant land or a project that is a modification or expansion to any existing improvements where the value of the proposed modification is of equal or greater value than the existing improvements. If a project is considered a new development the entire site shall be brought into compliance with the current code. See also re-development.

(150) **Post-Development** is the project that the applicant is proposing to build.

(155) **Pre-Development** is the land use condition prior to any development (in Redmond this condition would typically be meadow, forest and/or wetlands).

(156) **Pre Project Conditions** are the land characteristics and ecological values which existed prior to any work on the proposed project.

(157) **Quality control systems** are stormwater facilities that are intended to reduce the pollutants in runoff.

(159) **Quantity control systems** are stormwater management facilities that are intended to reduce the rate of runoff.

(160) **Re-Development** is the expansion or modification that is of lesser value than the existing improvements. If a project is considered a re-development only the proposed improvements and an equal percentage of the existing improvements shall be brought into compliance with the current code.

(165) **Restoration** is the re-establishment of the land characteristics and ecological values to pre-development conditions that were lost by alteration, development or catastrophic events.

(170) **Retention system** is a stormwater facility that is designed to accept runoff from a developed site and discharge it at a limited rate. Flows exceeding the limited rate are stored until they can be released at the limited rate (when the runoff rate into the system drops below the limited rate). A specified volume is stored indefinitely (retained) until it is displaced by runoff from another storm.

(180) **Riprap** is a facing layer or protective mound of broken stones placed to prevent erosion or sloughing of a structure or embankment.

(185) **Rough Grade** is the stage at which the grade is modified to approximately conform to the proposed final grade. It is a prelude to and shall be based on a known development proposal.

(190) **Runoff** is water originating from rainfall and/or other precipitation that flows from a site during or immediately after a storm.

(195) **Sediment** is material that originates from weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.

(200) **Sedimentation** is the deposit or accumulation of sediment.

(205) **Sheet erosion** is the relatively uniform removal of soil from an area without the development of conspicuous water channels.

(210) **Sheet flow** is a runoff that flows over the ground surface as a thin, relatively even layer, not concentrated in a water channel.

(215) **Significant Trees** are trees which have a trunk diameter of 6 inches or more measured 4 feet above the ground and are of a preferred species as defined in Section 20C.20.090(25).

(220) **Site** is any lot or parcel of land or combination thereof, where clearing and/or grading is performed or permitted under a single development proposal.

(225) **Slope** is a degree of deviation of a surface from the horizontal, measured as a numerical ratio, percentage, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second is the vertical distance (rise), as 2:1. Expressed as a percentage, the vertical distance (rise) is divided by the horizontal distance (run) and is then multiplied by 100. A 2:1 slope is a 50 percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90 degree slope being vertical and 45 degrees being a 1:1, or 100 percent slope. In this section, horizontal is designated as (H) and vertical is designated as (V).

(230) **Soil** is the natural or processed, unconsolidated mineral and organic material on the immediate surface of the earth that does or is suitable to serve as a natural medium for the growth of land plants.

(245) **Speculative Clearing and Grading** is clearing or grading without an approved, viable site development concept consisting of a site layout and other appropriate documents as determined by the City's Technical Committee.

(250) **State Environmental Policy Act (SEPA)** is contained in RCW Chapter 43.21C. This Washington State law is intended to minimize environmental damage. SEPA requires that state agencies and local governments consider environmental factors when making decisions on activities, such as development proposals over a certain size and comprehensive plans. As part of this process, environmental checklists are prepared to disclose impacts and propose mitigation. This process also provides an opportunity for public comment.

(255) **Steep slopes** are slopes of 40 percent gradient or steeper.

(260) **Storm drain pipe** (storm sewer) is the enclosed conduits that transport surface water, ground water and/or runoff toward points of discharge.

(265) **Storm drain system** is a network of storm drain pipes, ditches, catch basins, inlets, manholes and other facilities.

(270) **Storm frequency** is the statistically based time interval between storms of predetermined intensity and duration for which storm drain pipes and other facilities are designed and constructed (e.g., a 2-year, 10-year, or 100-year storm).

(280) **Stormwater facilities** are constructed or natural systems that are designed to provide stormwater management.

(285) **Stormwater management** is the collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, ground water and/or runoff together with applicable managerial (non-structural) measures.

(290) **Ultimate Development** is the condition of potential maximum development based on Redmond's current zoning and Comprehensive Plan.

20E.70.040 **ISSUANCE OF PERMITS**

Regulated clearing, grading and/or stormwater activity as defined in 20E70.050, below, requires City approval and the issuance of the appropriate permit(s) before initiating any of the regulated activities.

Speculative clearing and grading shall be prohibited.

For regulated activities, City approval means approval of appropriate plans, prepared by the applicant's engineer(s), indicating compliance with the requirements and design standards specified in this chapter under 20E.70.020. Approval shall be evidenced by the signature of the Public Works Director or designee. Once plans are approved, a permit may be issued by the City. Fees for plan review and permit processing may be charged as establish by separate ordinance. Issued permits shall be posted on the construction site at all times when work is underway. To ensure that the actual work in the field conforms with the approved plans, permitted activities shall be inspected by the City during construction.

20E.70.050 **ACTIVITIES REQUIRING PERMITS**

All clearing, grading or stormwater management construction activities listed below require approved plans and a permit(s). Activities that include any of the following require City approved Clearing, Grading and Stormwater Management plans or permits, but still must meet the requirements and design standards provided in section (20E.70.020).

The thresholds are cumulative during a one year period for any given site.

1. **Clearing of 5,000 square feet of land area or more**
2. **Earthwork of 50 cubic yards or more** - This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.
3. **Removal of 11 or more trees that are six inch diameter or larger** - The tree diameter is measured 4 feet from the ground. The removal of 10 or fewer trees is regulated in Section 20C.20.090.(25).
4. **Any clearing or grading within a sensitive area or buffer of a sensitive area** - Sensitive areas are defined in chapter 20C.40. Any disturbance to vegetation within sensitive areas and their corresponding buffers is also regulated by 20C.40, the Sensitive Area Ordinance (SAO). Note that under the SAO, a Clearing/Grading permit for work on steep slopes must first receive a variance from the Hearing Examiner and must address criteria in the SAO which include considerations of alternatives that avoid any disturbance of steep slopes.
5. **Any change of the existing grade by 4 feet or more** - This criterion applies to all permanent changes in grade and grade changes for extended periods of time (60 days or longer) located outside structure footprints.
6. **Any work within a public easement, City owned tract or City right-of-way** - Any clearing, grading or landscaping must be approved by the Dept. of Public Works prior to construction.
7. **The creation or addition of impervious surface in the amount of 5,000 square feet or more**
8. **Any construction of public drainage facilities to be owned or operated by the City.**
9. **Any construction of private storm drainage pipes 12 inch in diameter or larger.**
10. **Any modification of, or construction which affects, the private quantity or quality control system** - (Does not include maintenance or repair to the original condition).

20E.70.055 ACTIVITIES THAT DO NOT REQUIRE A CLEARING, GRADING, STORMWATER PERMIT

20E.70.055(10) All clearing, grading and stormwater management construction activities that do not involve any of the thresholds listed above do not require City approved Clearing, Grading and Stormwater Management plans or a permit, but still must meet the requirements specified in section 20E.70.020.

20E.70.055(15) Activities defined above shall provide BMPs as necessary to control water quality. Any surface intended for vehicular traffic shall provide a floatables separator. Minimum requirements for other activities may be obtained by written request to the Natural Resources Division, accompanied by an adequate description of proposed work.

20E.70.055(20) The following activities are unregulated by this chapter (20E.70) even if the criteria in 20E.70.050 are exceeded:

1. Agricultural crop management of existing farmed areas.
2. Cemetery graves involving less than 50 cubic yards of excavation, and related filling per each cemetery plot.

20E.70.060 CLASSIFICATION OF CLEARING, GRADING AND STORMWATER MANAGEMENT CONSTRUCTION ACTIVITIES

A clearing, grading and stormwater management permit may be considered as a component of a building permit or other permit, rather than as a separate permit, if City-approved drawings for such activities are included under the other permit.

The Director shall specify what submittal and application materials are required for a complete application, including the type of submittals, the required level of detail, the minimum qualifications of preparers of technical documents, and the number of copies that must be submitted.

Clearing, grading and stormwater management activities are classified based on type, location and timing of development activity proposed. Table 1 outlines the classifications for clearing, grading and stormwater management activities and briefly reviews processing. Other City processes, approvals and permits may also be required for projects. The Director may adjust classifications and permit processing steps for proposed projects which are shown to be in multiple classifications or are otherwise not appropriately classified under the criteria shown in Table 1 (20E.70.060(10)) and may adjust processing steps and fees as appropriate.

20E.70.060(10) **Project classification and processing table**

TABLE 1.

PROJECT CLASSIFICATION	TYPICAL TYPE OF DEVELOPMENT ACTIVITY	CITY PERMIT WHICH ALLOWS CLEARING, GRADING AND STORMWATER MANAGEMENT CONSTRUCTION *	SUMMARY OF PERMIT PROCESS FOR CLEARING, GRADING AND STORMWATER MANAGEMENT CONSTRUCTION
Building projects	Single-family, duplex construction, commercial, industrial and multi-family construction, additions.	Building Permit	Clearing, grading and stormwater management activities are reviewed in conjunction with the Building Permit plans. Single family and duplexes are reviewed by the Construction and Building Divisions, all other projects are reviewed by the Stormwater Division
Development Projects	Subdivision, utility construction outside city right-of-way, Clearing and grading only projects including landscaping projects.	No permit issued at this time.	Clearing, grading and stormwater management activities are reviewed by the Stormwater Division as all or part of the site improvement plans.
Right-of-way projects	Construction activities all or partly within the city right-of-way .	Street use permit	Clearing, grading and stormwater management activities are reviewed by the Stormwater Division as part of the project
Rough Grading projects	Clearing and/or grading of a site before all final approvals of the entire project.	Rough Grading Permit	Clearing and grading activities are reviewed by the Stormwater Division prior to other site improvements plans. Special conditions shall be met for issuance of Rough Grading plans (see section 20E 70.070).

* Construction is allowed only when approved plans for clearing, grading and stormwater management construction are issued with the appropriate permit listed in the table.

20E.70.070 ROUGH GRADING PROJECTS

20E.70.070(10) Rough Grading Prerequisites

The Technical Committee shall determine whether rough grading will be permitted for a project. At a minimum, to obtain a Rough Grading permit approval for a project all the following shall have been processed and have received approval:

1. Site Plan approval including conceptual utility layout
2. SEPA review for the entire project completed (if required).
3. Clearing, Grading and Temporary Erosion Control construction plans.
4. Resolution of all project feasibility issues (i.e., required offsite easements, significant utility design issues, etc.)

20E.70.070(20) Rough Grading Application

Upon completion of the prerequisites listed above, the following information shall be submitted, if applicable, for a Rough Grading application to be considered complete:

1. 7 sets of Rough Grading drawings and supporting information stamped and signed by a Professional Civil Engineer.
2. Clear identification of all work proposed under the rough grading application.
3. Clear identification of existing and proposed grades.
4. Clear identification of all areas that will be disturbed
5. Identification of proposed quantity of earthwork.
6. Identification of proposed erosion control measures.
7. An erosion control plan designed in accordance with the City Design Specifications.
8. Payment of the appropriate plan review fees

9. Prior to issuance of Rough Grading permits, acceptable site restoration assurance (bonding, cash deposits, etc. as specified by the Technical Committee) shall be posted with the City.

20E.70.080 **DESIGN AND CONSTRUCTION REQUIREMENTS**

20E.70.080(05) The design and construction standards found in this section are the minimum requirements. The Director may require additional or modified standards for specific projects or areas based on approved interlocal agreements, identified capacity limitations, significant erosion potential, seasonal factors, or other applicable factors.

20E.70.080(10) The Director of Public Works shall maintain a checklist of Project Requirements that will be available at the Stormwater Division. For those activities that require preparation of plans (see regulated activities section 20.E70.050) the applicant shall prepare plans that, at a minimum, include the following:

1. **Erosion and Sediment Control** - All clearing, grading and stormwater management activities shall be designed and constructed to minimize erosion and the transport of sediment.
2. **Drainage facilities** - drainage facilities shall be provided with site improvements as needed to meet the intent of this section. As a minimum, conveyance systems shall be designed to convey the 10 year storm. Culvert crossings of public rights of way shall be designed for at least the 25 year storm. Additional analysis may be required and if excessive flooding, erosion and other damage would occur, the design storm may be increased by the Director.
3. **Water Quality Control** - All projects that create or add 5,000 square feet of impervious area shall provide treatment of runoff from the added impervious area. Treatment shall, at a minimum, be sized to capture and treat the water quality design storm, defined as the 6 month, 24 hour return period storm (64% of the 2-year storm). Flows exceeding the water quality design storm shall bypass water quality control systems. The Director may exempt trails and other linear types of construction projects if not used by motor vehicles and no significant impacts are identified.
4. **Water Quantity Control** - All projects that create or add 5,000 square feet of impervious area shall control runoff from the added impervious area. The maximum allowable discharge rate(s) depend on the downstream conveyance system. Where downstream systems contain streams, other channels susceptible to erosion, or special local conditions as determined by the Director, peak

discharge rates shall be controlled for the 2-year storm to limit release to 50% of the pre-development 2-year storm runoff rate and shall be controlled for the 10-year and the 100-year storms to the pre-development runoff rates respectively. If downstream analyses show flooding, erosion, and other damage would still occur, the allowable discharge rates may be decreased by the Director. For other downstream systems, the peak discharge rate shall not be increased due to the proposed development over that for natural conditions for the 10-year design storm. In some cases direct discharge without detention may be permitted as determined by the Director. Trails and other linear types of construction activities may be exempt if not used by motor vehicles and no significant impacts are identified with approval by the Director.

5. **Stabilization of disturbed areas** - All exposed soil shall be stabilized by suitable application of BMPs, including but not limited to sod or other vegetation, plastic covering, mulching, or application of base course(s) on areas to be paved. All BMPs shall be selected, designed and maintained according to the approved Manual. From October 1 through April 30, no unworked soil shall remain exposed for more than 2 days. From May 1 through September 30, no unworked soil shall remain exposed for more than 7 days. The City may permit extension of these times or require reduction of these times based on current and projected weather with prior approval and/or direction by the City inspectors.
6. **Protection of Adjacent Properties** - adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate BMPs.
7. **Maintenance** - All erosion and sediment control BMPs shall be regularly inspected (minimum once a week and after each storm) and maintained to ensure continued performance of their intended function.
8. **Identification of Sensitive Areas and Associated Buffers** - No clearing or grading activity shall take place without first delineating sensitive area and buffers. All sensitive areas shall be delineated and clearly marked on the plans for permits. Onsite and offsite sensitive areas that may be affected by the proposed activity shall be identified. All such onsite areas shall be fenced before any clearing or grading whether a permit is required or not

required. These areas shall not be cleared and the vegetation shall not be disturbed per the Sensitive Areas Ordinance (20C.40).

9. **Identification of Easements** - Native growth protection easements (NGPE), utility easements etc. and corresponding setbacks shall be delineated and clearly marked on the plans. These areas shall not be cleared and the vegetation shall not be disturbed without proper approval.
10. **Accurately Describe Work Area** - Provide a plan showing location of the property where the activity is proposed. Show areas to be cleared and graded, stockpile areas, staging areas, etc.
11. **Control of Pollutants Other Than Sediment on Construction Sites** - All potential pollutants in addition to sediment that occur on-site during construction shall be handled and disposed of in a manner that does not cause contamination of stormwater.
12. **Source Control of Pollution** - Source Control BMPs shall be applied to all projects to the maximum extent practicable. Source control BMPs shall be selected, designed, and maintained according to the approved Manual.
13. **Controlling Off-Site Erosion** - Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the site to the maximum extent practicable.
14. **Other BMPs** - Shall be applied as appropriate to mitigate the effects of potential increased runoff and/or decreased runoff water quality to the maximum extent practicable.
15. **Separate Public and Private Drainage** Stormwater facilities for public land and city rights of way shall be separate from private onsite facilities to the maximum extent practicable.
16. **Limit Topographic Change**
 - a. Within structure footprints, this chapter does not limit cuts or fills (even with the presence of significant trees).
 - b. Within Building Work Areas the maximum permitted vertical depth or height of a cut or fill is a total of 8 vertical feet based on finished grades.

- c. Outside Building Work Areas and where significant trees are not present the maximum permitted vertical depth or height of a cut or fill is a total of 8 vertical feet.
- d. Outside Building Work Areas and where significant trees are present grades shall not be changed.
- e. Cut or fill slopes may not exceed 33 percent (3H:1V). Cut and fill slopes for roadways may, however, be designed at (2H:1V) upon review and approval by the Director.

17. **Tree Preservation Plan** information in accordance with the City's Tree Preservation Regulations shall be incorporated into the clearing and grading drawings and shall become part of all construction documentation. This information shall define spatial limits for tree protection and include detailed drawings of tree protection measures and all required mitigation plantings. The tree preservation information must be prepared by a certified arborist or a certified landscape architect in conjunction with a registered civil engineer. (Note: In most instances, the tree survey will serve as the basis for the tree preservation information.)

20E.70.90 **RELIEF FROM GENERAL DESIGN STANDARDS**

The process for requesting relief from the general design standards specified in 20E.70.80 shall be through the application of a General Development Permit and approval through the Technical Committee. One of the following shall be clearly demonstrated to consider granting of relief.

- 1. There are no feasible and reasonable alternatives to the clearing, grading and /or stormwater activity being proposed
- 2. The proposed activity will result in significantly less impacts than meeting the standards;
- 3. Meeting the requirements creates an unacceptable life safety concern; and
- 4. No reasonable use with less impacts is feasible and reasonable.

The Technical Committee may determine that a public hearing is necessary because of the nature of the clearing and grading request. If such a determination is made, the Hearing Examiner shall hold the hearing and take final action on the request.

20E.70.100 **ENFORCEMENT**

20E.70.100(10) Authorization

The Director is authorized and directed to enforce all the provisions of this section. For such purpose, the director may appoint officers,

inspectors, assistants and other employees as needed from time to time. The Director may authorize such employees, as may be necessary, to carry out the duties and functions of that office.

20E.70.100(20) Inspection

The Director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this Chapter or whenever the Director has reasonable cause to believe that any land is being used in violation of this Section. Inspections shall be made as follows:

- (a) As a condition of any permit issued for activity covered by this Chapter, the property owner shall be required to consent to entry upon the land by the Director at all reasonable times to inspect the same or to perform any duty imposed upon the Director by this Section. If the land is occupied, the Director shall first present proper credentials and request entry. If the land is unoccupied, a reasonable effort shall be made to locate the owner or other persons at the site who are in apparent charge or control of the land and demand entry. If no person is located, the Director may enter said property and shall, with due diligence, make attempts to notify the owner, occupant, or other person having charge within a reasonable amount of time.
- (b) Where the Director has reasonable grounds to believe that activities for which a permit is required by the Section are being conducted without a permit on land within the City, the Director may seek to inspect the land and such activity. If the land is occupied, the Director shall first present proper credentials and request entry for inspection. If the land is unoccupied, a reasonable effort shall be made to locate the owner or other persons at the site in apparent charge or control of the land and request entry for inspection. If no person is located, or if entry is refused, the Director may request the assistance of the city Attorney, City Prosecutor or Police Department regarding access.

20E.70.100(40) Stop Work Orders

Whenever any activity is being done contrary to the provisions of this section, the Director may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the director to proceed with the work.

The Director may suspend work on any project during periods of inclement weather to reduce actual or potential erosion and/or sedimentation. Such a period may involve days or weeks during storm events or may, at the discretion of the Director, involve the entire rainy season.

The Director may order work stopped because of inadequate on-site erosion/sedimentation controls. In such cases, a revised and improved erosion/sediment control plan (including, but not limited to addition of or additional phasing) shall be submitted to the City for review. Once approved, the Director shall lift the stop work order and work can continue. If the revised and improved erosion/sediment control plan is found to be inadequate and work is again ordered stopped, then the following shall be required:

1. If it is the rainy season, work will be suspended until the end of the season (until April 1, or later if weather conditions warrant, and work shall not continue beyond October 1 or earlier if weather conditions warrant).
2. A revised plan shall be required to be submitted to the City Public Works Department. Once approved, work can continue between April 1 - October 1.
3. An on-site, full-time erosion control inspector (provided by developer) shall be required to monitor all work involving land disturbance. All costs for this inspector shall be paid by the contractor. The inspector shall provide weekly reports to the City regarding all clearing and grading work; monitor all erosion control features; and be a direct contact for the City inspectors.

20E.70.100(60) Suspension or Revocation of Permit

The Director may suspend or revoke a permit whenever the permit is issued on the basis of incorrect information supplied, approved plans are not accurately reflective of actual field conditions, or the work is being done contrary to, or in violation of, any pertinent ordinance, regulation, procedure or permit. Upon receipt of a timely appeal under Section 20F.20.200, suspension or revocation shall be stayed pending decision on the appeal, provided that such a stay shall not affect any stop work order issued by the Director.

20E.70.100(70) Penalty for Violation

All violations of the Section, including hazards and failure to comply with terms of the clearing/grading permit and conditions, are determined to be detrimental to the public health, safety, and welfare and declared to be public nuisances. All such violations are also criminal gross misdemeanors and punishable as provided in Section 1.01.110 of the

Redmond Municipal code. All conditions that, after inspection, have been determined by the Director to render any site or portion thereof to be used or maintained in violation of the Section, shall be abated.

20E.70.100(80) Restoration

Any work not done in compliance with this section or any permit issued pursuant thereto or with any other section of the Redmond Community Development Guide may be required by Director to be removed or restored to as near pre-project original condition as possible in the sole opinion of the Director. Such restoration may include, but shall not be limited to, the following:

- a. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cuts or fills;
- b. Planting and maintenance of trees of a size that will reasonably assure survival and that replace functions and values of removed trees; and
- c. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

20E.70.100(90) Notification of Noncompliance

If, while fulfilling their responsibility under this section, the inspector, the engineer, the soil engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Director. Recommendations for corrective measures, if necessary, shall be submitted.

The appropriate Clearing/Grading or Stormwater Management permit (see section 20E.70.060) shall be required regardless of any permit issued by any other department or agency that may be interested in certain aspects of the proposed work. Where work for which a permit is obtained by this section is started or proceeding before obtaining such a permit, the work shall be stopped, and the violator shall be subject to such penalties as provided in this section. However, the payment of such penalties shall not relieve any person from fully complying with the requirements of this section in the execution of the work nor any other penalties prescribed thereon.

The Director may require that the approved activity, operations and project designs be modified if delays occur which incur weather-generated problems not apparent at the time the permit was issued.

20E.70.100(100) Penalties

Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the work shall be stopped, and special investigation shall be made before a permit may be issued for such work. Work shall not commence during the investigation other than restoration or stabilization approved by the Public Works Director. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the code. The minimum investigation fee shall be the same as the minimum fee set forth in the standard Clearing and Grading fee for permit application. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

20E.70.110 **FEES**

20E.70.110(10) Processing Fees

Clearing and Grading and Stormwater Management fees shall be determined by the Director, and upon approval by the City Council shall be made available to the public.

Before accepting a set of plans and specifications for checking, the director shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures as required by the Uniform Building Code. There shall be no separate charge for standard terrace drains and similar facilities. The amount of the plan-checking fee for clearing/grading plans shall be as set forth in the schedule of fees adopted pursuant to Section 20F.20.035.

20E.70.110(20) Permit Fees

A fee for each Clearing/Grading or Stormwater Management permit shall be paid to the director as set forth in the fee schedule adopted pursuant to Section 20F.20.035

Permits may be extended, before their expiration, for up to a total of one year. Inspection fees shall be paid before the start or extension of work and are required for the duration of the project. An additional fee may be charged for processing of a permit extension.

20E.70.110(30) Inspection Fees

A fee for each Clearing/Grading or Stormwater Management construction inspection shall be paid to the director as set forth in the fee schedule adopted pursuant to Section 20F.20.035

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