

City of Kenmore



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City of Kenmore
City Council Study Session Agenda
7:00 p.m., Monday, July 16, 2012
Kenmore City Hall
18120 68th Avenue NE, Kenmore, WA 98028

AGENDA ITEMS ARE SUBJECT TO CHANGE up to and including the time of the meeting; items may be added or dropped. Please call the City Clerk if you have any questions or to confirm the agenda items prior to the meeting at (425) 398-8900, or stop by City Hall at 18120 68th Avenue NE, Kenmore. The agendas are also available for viewing on our website at: www.cityofkenmore.com. We are trying to make our public meetings accessible to all members of the public. If you require special accommodations, please call the City Clerk at least three (3) business days prior to the meeting.

- I. CALL STUDY SESSION TO ORDER
- II. BUSINESS AGENDA
 - A. Cityworks & ESRI GIS Server Software - Kris Overleese, City Engineer; Richard Sawyer, Surface Water Program Specialist; and Matt Harman, Cityworks
 - B. Paperless Council Agenda Packets - Joanne Gregory, Finance Director
 - C. Proposed Amendments to the City's Grading and Land Alteration Chapter (KMC Chapter 15.25) - Bryan Hampson, Director of Land Development and Permitting
- III. COUNCILMEMBER COMMENTS/REPORTS
- IV. ADJOURNMENT

Upcoming Meetings:

Monday, July 23, 2012 7:00 p.m. Regular Council Meeting
Tuesday, July 24, 2012 7:00 p.m. Kenmore Village Public Forum - Kenmore City Hall
Monday, July 30, 2012 7:00 p.m. Kenmore Village Special Study Session



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Demonstration of Cityworks
& ESRI GIS Software.

For Council Meeting Agenda of: July 16, 2012

Department: Engineering

Prepared by: Richard Sawyer

To Be Presented By: Richard Sawyer & Matt Harman
(Cityworks)

Proposed Council Action/Motion: This is a
software demonstration. No action or motion
is proposed.

Initial & Date
Approved by Department Head: KHO 7/16/12
Approved by City Attorney: N.A.
Approved by Finance Director: One 7/16/12
Approved by City Manager: [Signature]

Exhibits/Attachments: NA

Expenditure Required \$47,000

Amount Budgeted \$ 50,000

Appropriation Required \$ 0

INFORMATION/BACKGROUND:

The City manages a surface and storm water system consisting of 272 storm water facilities (i.e. ponds, vaults, etc...), over 6,000 catch basins and 113 miles of conveyance which outfall into approximately 23 miles of streams and 3 miles of lake shoreline. The City's National Pollution Discharge Elimination System (NPDES) permit requires an inventory and monitoring of the system. City staff proposed and the City Council authorized \$50,000 for the acquisition of software to manage the inventory, inspection, work orders, and citizen action requests as part of the 2011-12 Mid Biennium budget. The system being proposed involves two software packages that operate jointly; Cityworks and ESRI ArcGIS.

Cityworks provides an efficient asset, work and customer care management system that will assist staff in maintaining compliance with surface and storm water regulatory requirements. Cityworks requires the use of ESRI ArcGIS software which will provide the City with the capability to distribute Cityworks and Geographical Information System (GIS) data to staff, council, citizens, contractors and consultants. Cityworks will replace the City's current Citizen Action Request software IWorq which costs \$3,000 annually.

Cityworks representative, Matt Harmon, is going to do a live demonstration of the software and then answer any questions that Council may have.

S:\Surface Water\CONTRACTS\CITYWORKS\Agenda Bill July 16 2012

IIA. Cityworks & ESRI GIS Server Software - Kris Overleese,
City Engineer; Richard Sawyer, Surface Water Program

FISCAL CONSIDERATION:

The purchase price for the software packages being discussed are: Cityworks \$35,000 and ESRI ArcGIS \$7,000 . The Cityworks contract will provide the Cityworks software, customization, and training. The City intends to utilize a Cloud based server system and the up-front costs are anticipated to be \$5,000. Staff believes that Cloud server space has advanced technologically to the point where it is an efficient option compared to purchasing and maintaining in-house servers. The City will utilize funding from the Department of Ecology for \$35,000 that exists within the SWM budget.

Expenditure:

CityWorks	\$ 35,000	purchase of software
ESRI/GIS Software	\$ 7,000	purchase of software
Cloud Server	\$ 5,000	setup and 1 year service
	\$ 47,000	

Revenue:

Ecology Grant	\$ 35,000
SWM Budget	\$ 12,000
	\$ 47,000

Ongoing costs begin one year after installation (starting in 2013) of the software and are estimated to be \$13,000 per year for Cityworks and ESRI/GIS (licenses and cloud server space). The City will save \$3,000 a year from cancellation of iWorq software. The annual costs will be paid for by the SWM budget. This increased annual cost (\$13,000 annual cost - \$3,000 iWorq savings = \$10,000 per year) is balanced by the costs savings of transitioning the Surface Water Inspection program from King County to in-house.

Several months ago the anticipated cost for the software purchases was higher. Cityworks had included two years of maintenance in their cost estimate and this has been removed from the installation cost. Also, the ESRI/GIS Software costs are lower than estimated and staff is not including a contingency at this time.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Consistent with 2011-12 Mid Biennium Budget

Consistent with Kenmore Mission Statement to provide effective and efficient services.

depending on wireless capability.

2. Is a wireless data plan needed or is WiFi capability sufficient?

Staff does not recommend wireless data plans. The WiFi option should suffice and is readily available at City Hall and in this region. Wireless data plans are about \$30 per month or \$2,520 annually for the 7 Council iPads.

3. Which software method and application is preferred for the read/review/mark/comment features?

Staff recommends Council members experiment with several different products such as GoodReader, AgendaNotes, pdf-notes, iAnnotate before making a decision. The cost of the various applications are negligible. As an example GoodReader is \$4.99 per iPad.

Mayor David Baker will provide a demonstration of the iPad using AgendaNotes and GoodReader apps to review and annotate a meeting agenda.

FISCAL CONSIDERATION:

The initial cost of acquiring 14 iPads and obtaining the "Apps" would be approximately \$11,000 on the high end. This is almost the same cost as the production of paper packets for one year as shown on the attached analysis. Beyond the first year of initial implementation, the cost savings are considerable if paper agenda packets are no longer produced. Replacement of the iPads will likely need to be considered and budgeted after the third year.

This program has not been provided for in the current budget; a budget amendment ~~for \$11,000~~ will be brought forward for approval by the City Council at a later date.) IF NEEDED,

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

2012-2013 City Council goal number 4: Establish a contemporary Information Technology Program

Memorandum

TO: Joanne Gregory, Finance Director
FROM: Lynn Suskin, City Clerk
DATE: May 30, 2012
RE: Hard Copy vs. Paperless Council Packets

Per your request, I have researched the issue of the Kenmore City Council, and perhaps the Department heads, switching from "hard-copy" Council packets to "paperless" Council packets.

"HARD COPY" CITY COUNCIL PACKETS:

Currently the agenda and packet attachments are provided to the City Council/Department heads/public in a hard copy version. The agendas and packets are posted to the city's website and are distributed via a listserve to approximately 250 subscribers.

Below is a break-down of the associated costs to generate "hard-copy" Council packets:

Costs by Type	Estimated Cost Savings (some figures are rounded) - SEE ATTACHED TABLE FOR DETAIL	
	Cost per Meeting	Annual Cost
Staff Time	173	5,536
Copier	140	4,480
Postage	27	864
Other	4	128
Total Costs:	\$ 343	\$ 11,000

"PAPERLESS" COPY CITY COUNCIL PACKETS

Below is a break-down of the associated costs to purchase and generate "paperless" Council packets:

Approximate Cost to Purchase iPad	Council (7)	Department Heads (8, includes Clerk)	Extra (1)	Total Cost
Cost of tablet & accessories	\$4,200	\$4,800	\$600	\$9,600

* Estimated life of iPad - 3 years

Approximate Cost to Purchase iCompass AgendaNotes App (comparable to Annotations)	\$0
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The AgendaNotes App is software created by our current "website" software provider - iCompass. AgendaNotes is an App that is only available for download through Apple. Due to the exclusive agreement with Apple, the App requires an iPad, not another brand of tablet.

AgendaNotes software App will be downloaded to your iPad home-page, where it will remain until you decide to delete the App. Clicking on the AgendaNotes App will take you directly to the City of Kenmore Meeting Agenda Packets. By opening a certain meeting, you can highlight/mark/draw/comment on the version you opened. This version is your individual version that can be saved, printed and/or emailed. Similar as to when you write on your hard-copy version.

NOTE: Individually marked agenda packets are **subject to public disclosure**.

Approximate Cost to Access the Current Wireless City Hall Internet	\$117 month (no additional cost) - City is currently participating in this plan with Comcast.
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NOTE: Comcast wireless is also accessible through a modem/router and at various Wi-Fi "Hot Spots."

Approximate Cost to Purchase Wi-Fi Wireless "HOT SPOT" Data Plans	
Sprint/Nextel	Device - \$99 each - one time purchase (Current special-99 cents ea.) 3 gigabyte - \$34.99 month 6 gigabyte - \$44.99 month 12 gigabyte - \$79.99 month
Comcast Internet Data Plan	Not available (Currently only available in the Northeast U.S.)
Verizon - Pre-paid Service Plan	1 gigabyte - \$20 month 2 gigabyte - \$30 month 5 gigabyte - \$50 month 10 gigabyte - \$80 month

POSSIBLE COST SAVINGS BENEFIT FOR NEXT 3 YEARS (ESTIMATE DOES NOT INCLUDE PURCHASE OF A WIRELESS DATA PLAN):

YEAR 1 - \$1,400

YEAR 2 - \$11,000

YEAR 3 - \$11,000

Estimated savings over first three years: \$23,400

Additional benefits: Continue to support Kenmore's emphasis on sustainability by being good stewards of the environment in reducing paper usage and reallocating staff time to work on other projects.

RECOMMENDATION:

Several cities have already gone "paperless", and Kenmore becoming one of these pioneers will help lead the way and encourage other municipalities to join us in our efforts for sustainable city governments.

ESTIMATED COSTS FOR PRODUCING HARD COPY COUNCIL AGENDA PACKETS

STAFF TIME		
City Clerk - prepare packet for printing - does not including scanning & uploading to website	1 hour/Council meeting	\$40.00
Office Asst. II - not including scanning	4 hours avg./Council mtg.	\$90.00
Receptionist - disassembling binders after mtg.	1 hour/Council meeting	\$19.87
Office Asst. II - upkeep on binders - 3 hrs/yr ÷ 30 reg. mtgs. = .1 hr/mtg.		\$22.50
TOTAL STAFF TIME/AVG. MTG.		\$172.37

COPYING COSTS *		
11x17 copy paper (avg. 5 pages)	\$.01538/page	\$0.08
8-1/2x11 copy paper (avg. 145 pages)	\$.0073/page	\$1.06
Copier avg. charge/color page (avg. 100 pages)	\$.05735/page	\$5.74
Copier avg. charge/B&W page (avg. 50 pages)	\$.00905/page	\$0.45
	SUBTOTAL - PER PACKET	\$7.33
SUBTOTAL x 19 PACKETS/COUNCIL MTG. = TOTAL COPYING/AVG. MTG.		\$139.27

OTHER		
Postage for 5 packets/Council meeting	\$5.30 average/packet	\$26.50
Binders for Council & staff - \$5 ea ÷ 45 mtg. life (3 yrs) = \$.11/binder/mtg x 32 ** =		\$3.52
TOTAL OTHER/AVG. MTG.		\$30.02

TOTAL ALL COSTS/AVG. REGULAR MTG.	\$341.66
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The following yearly cost for producing hard copy Council packets is based on an average of 30 regular meetings per year plus 2 Council retreats at the full per average meeting cost (Total All Costs/Avg. Regular Mtg.), plus 12 special Council meetings per year, which all together cost about as much as 2 average regular meetings.*** This represents an estimate of savings by switching to electronic agenda packets. However, if we would continue to do some hard copies, such as for the library, the savings would have to be reduced proportionately in staff time and copying costs.

AVERAGE YEARLY COST FOR HARD COPY COUNCIL AGENDA PACKETS	\$11,616.44
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* NOTE: Toner costs are not added, as they are included in the copier maintenance contracts.

** We produce 19 packets, but only use 16 binders per meeting, alternating between white and blue binders, so 32 binders total, each used for an average of 15 regular meetings per year. (We also very occasionally use larger binders, but because they are so infrequently used, they last for many years.)

*** Based on estimated staff time and numbers of pages for retreat and special meeting materials. Retreats generally have fewer pages, but require more staff time. Special meetings average 8 pages (2 color) per meeting, and a smaller amount of staff time.



City Council Business Agenda Items
City of Kenmore, WA

Subject/Topic: Discussion of Changes to the City's Grading and Land Alterations Chapter, (KMC Chapter 15.25)	For Council Meeting Agenda of: July 16, 2012 Department: Land Development and Permitting Prepared by: Bryan Hampson Approved by Department Head: <u>Initial & Date</u> <u>BH 7/6/12</u> Approved by City Attorney: Approved by Finance Director: <u>me 7/6/12</u> Approved by City Manager: <u>RJK 7/6/12</u> Exhibits/Attachments: 1. KMC Chapters 15.05 & 15.25 (clean versions) 2. KMC Chapters 15.05 & 15.25 (with tracked changes)
Proposed Council Action/Motion: Council to provide input to the proposed land alteration code revisions.	
Expenditure Required N/A	Amount Budgeted N/A Appropriation Required N/A

INFORMATION/BACKGROUND:

This is the first Council study session regarding staff recommendations for grading and land alteration Code amendments. These amendments were identified through the development codes amendment project in the beginning of 2010 and were initiated by Council and staff last year as part of the overall development code update. The purpose of this initiative is to align the development codes with the vision and direction of the City of Kenmore.

The City's current land alteration development code models King County standards, procedures and requirements. Preparing comprehensive codes and standards for land alterations within the City requires a great deal of forethought and analysis. A handful of individuals from the City's development review team drafted the proposed changes based on the City's standards, requirements, and direction. The proposed changes result in a 30% reduction in regulations and non-applicable sections (reduced from 13 pages to 9). These changes will provide clarity to developers and property owners and simplify the process. The proposed amendments are summarized as follows (significant changes are underlined):

1. Allow the City Manager the authority to administer and interpret the code and establish applicable procedures and materials as needed. This is the same language used in the zoning code amendment.
2. Changed the title of the chapter from Grading to Land Alterations. Because the chapter covers more than just grading, it includes clearing, tree removal, surface drainage and impervious surfaces.
3. Deleted obsolete sections and terms throughout the chapter that pertained to King County (i.e. quarries, gravel pits, forests and cemeteries). Ensured terms and definitions aligned with other sections or chapters of the code.
4. Identified the applicable standards necessary to support this code.
5. Revised and reworded the exempt permits. This makes it clear and easier to understand and aligns with other

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IIC. Proposed Amendments to the City's Grading and Land Alteration Chapter (KMC Chapter 15.25) - Bryan Hampson,

requirements throughout this code, critical areas code, zoning code, and the building codes.

6. Added a new permit for impervious surface. This will allow the City to regulate the surface water and allowable paving limits on sites.
7. Added an emergency activities section. This will allow people to stabilize a hazardous situation (such as a slide or flooding) before obtaining a permit.
8. Revised the time frame for land alteration permits associated to a land-use permit to expire along with the land-use permit. Land-use permits such as subdivision and site plans are valid for a period between 3 and 9 years. They vary depending on circumstance and situation. With a land-use permit the codes and standards for the land alteration construction is vested. This allows the land alteration permit to be valid as long as the land-use permit is valid.
9. Added regulations for tree removal on vacant property. Currently properties with a structure or house on them are limited to the amount of trees that can be removed. However, currently vacant lots are exempt from the regulations. This will allow the City to use the same regulations for properties with or without a structure or house located on the property.

FISCAL CONSIDERATION:

None

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Continue to improve the effectiveness and efficiency of City services and to make economic development a top priority for the City

Chapter 15.05

GENERAL PROVISIONS

Sections:

- 15.05.010 Relationship to comprehensive plan and Growth Management Act.
- 15.05.015 Copies of codes on file.
- 15.05.018 Purpose.
- 15.05.019 City Manager authority
- 15.05.020 Interpretation.
- 15.05.025 Penalty for violation.

15.05.010 Relationship to comprehensive plan and Growth Management Act.

This title is hereby enacted to be consistent with and implement the comprehensive plan in accordance with Chapter 36.70A RCW. [Ord. 04-0201 § 1; Ord. 98-0021 §§ 1, 2 (KCC 17.02.010).]

15.05.015 Copies of codes on file.

A. Pursuant to state law (Chapters 19.27 and 19.27A RCW) the Kenmore Building Code is the Washington State Building Code as modified in this title. The Washington State Building Code is composed of the following elements, and the city shall at all times keep on file with the city clerk, for reference by the general public, a copy of the codes and resolutions, or parts thereof, as herein adopted by reference, together with the amendments and supplements thereto herein made a part of this title:

1. International Building Code, issued by the International Code Council, Inc., 2009 Edition;
2. International Residential Code, issued by the International Code Council, Inc., 2009 Edition;
3. International Mechanical Code, issued by the International Code Council, Inc., 2009 Edition;
4. International Fire Code, issued by the International Code Council, Inc., 2009 Edition;
5. Uniform Plumbing Code, issued by the International Association of Plumbing and Mechanical Officials, 2009 Edition;
6. National Fuel Gas Code (NFPA 54), issued by the National Fire Protection Association, 2009 Edition;
7. Liquefied Petroleum Gas Code (NFPA 58), issued by the National Fire Protection Association, 2008 Edition;
8. International Fuel Gas Code, issued by the International Code Council, Inc., 2009 Edition;
9. Uniform Housing Code, issued by the International Conference of Building Officials, 1997 Edition;
10. Uniform Code for the Abatement of Dangerous Buildings, issued by the International Conference of Building Officials; 1997 Edition;
11. National Electrical Code, issued by the National Fire Protection Association, 2008 Edition;
12. International Existing Building Code, issued by the International Building Code Council, Inc., 2009 Edition;
13. All amendments, supplements, modifications, exclusions, exemptions and additions to the codes identified in subsections (A)(1) through (8) of this section adopted by the Washington State Building Code Council and published in WAC Title 51, including, but not by way of limitation, Chapters 51-11, 51-50, 51-51, 51-52, 51-54, 51-56 and 51-57 WAC.

B. The copies of codes on file may be placed by the city clerk in the custody of the office of the building official in order to make them more readily available to inspection and use by the general public. [Ord. 10-0310 § 1; Ord. 07-0261 § 1; Ord. 04-0201 § 1.]

15.05.018 Purpose.

The purpose of these codes as adopted in KMC Title 15 is to provide for and promote the health, safety and welfare of the general public, and not to create or to otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these codes. [Ord. 04-0201 § 1.]

15.05.019 City Manager authority.

The City Manager shall have the authority and discretion to administer the provisions of this title, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this title, and to enforce requirements.

15.05.020 Interpretation.

A. Whenever the following words appear in the codes adopted by reference in this title, they are to be interpreted as follows:

1. "Administrative authority" as "building official";
2. "Chief or director of fire services" as "fire chief";
3. "Corporation counsel" as "city attorney or designee";
4. "Local zoning code" as the "city of Kenmore Zoning Code," Title 18 of the Kenmore Municipal Code;
5. "Municipality" and "the jurisdiction" as "the city of Kenmore."

B. Whenever reference is made to local authority, codes, jurisdiction and similar concepts within the codes adopted by reference in this title, interpretations rendered by such reference shall apply to the city jurisdiction and authority. [Ord. 04-0201 § 1.]

15.05.025 Penalty for violation.

A. In addition to the administrative remedies provided for in this title, any person found by a court of competent jurisdiction to be in violation of or to have violated any mandatory provision of this title shall be guilty of a misdemeanor. Each day that a violation is found to exist shall be deemed a separate offense.

B. A person who has previously been convicted of a crime for violation of this title shall be guilty of a gross misdemeanor for any subsequent violation. [Ord. 04-0201 § 1.]

Chapter 15.25

LAND ALTERATIONS

Sections:

- 15.25.010 Purpose.
- 15.25.020 Scope.
- 15.25.030 Definitions.
- 15.25.040 References adopted.
- 15.25.050 Administration.
- 15.25.060 Hazards.
- 15.25.070 Permit required - Exception.
- 15.25.080 Emergency repair or activities
- 15.25.090 Application requirements.
- 15.25.100 Time limitations of applications.
- 15.25.110 Validity of permit.
- 15.25.120 Permit expiration.
- 15.25.130 Suspension or revocation.
- 15.25.140 Liability insurance required – Exception.
- 15.25.150 Restrictions.
- 15.25.160 Standards.
- 15.25.170 Land restoration.
- 15.25.180 Shorelines.
- 15.25.190 Enforcement.
- 15.25.200 Financial guarantees authorized.

15.25.010 Purpose.

This chapter is intended to regulate *clearing* and *removal* of *vegetation*, *excavation*, *grading* and *land alterations* including cuts, fills, and alterations to *stormwater* runoff within the city in order to protect public health, safety and welfare by:

1. Minimizing adverse *stormwater* impacts generated by the *removal* of *vegetation* and *land alterations*;
2. Protecting water quality from the adverse impacts associated with erosion and sedimentation;
3. Minimizing aquatic and terrestrial wildlife habitat loss caused by the *removal* of *vegetation*;
4. Protecting critical areas from adverse clearing and *grading* activities;
5. Preventing damage to property and harm to persons caused by *land alterations*;
6. Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of *clearing*, *grading* and *land alteration* operations; and
7. Providing penalties for the violation of this chapter.

15.25.020 Scope.

The provisions of this chapter apply to *clearing*, *grading*, *excavation*, and *land alterations* including cuts, *fills*, and alterations to *stormwater* runoff, and infrastructure installation within the city except work located in a public right-of-way. Where conflicts occur between the technical requirements of this chapter and the geotechnical report, the geotechnical report shall govern.

15.25.030 Definitions.

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

A. "Applicant" means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

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

C. "City manager" means the city of Kenmore City Manager or his or her designee(s).

D. "Clearing" means the cutting or *removal* of *vegetation* or other organic plant material by physical, mechanical, chemical or any other means.

E. "Department" means the *department* designated by the *city manager* to administer this chapter.

F. "Director" means the director of the *department* designated by the *city manager* to administer this chapter.

G. "Earth material" is any rock, natural soil or any combination thereof.

H. "Erosion" is the wearing away of the ground surface as the result of the movement of wind, water and/or ice.

I. "Excavation" is the *removal* of *earth material*.

J. "Fill" is a deposit of *earth material* placed by mechanical means.

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

1. "Existing grade" is the *grade* prior to *grading*.

2. "Rough grade" is the stage at which the *grade* approximately conforms to the approved plan.

3. "Finish grade" is the final *grade* of the *site* which conforms to the approved plan.

L. "Grading" is any excavating, filling, removing of the duff layer, or combination thereof.

M. "Hazard tree" means any *tree* with any structural defect, disease, damage, or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property. A "hazard tree" includes, but is not limited to, any isolated *tree(s)* that have a high probability of failure due to low *wind-firmness* in post-construction conditions as determined by a *qualified tree protection professional*.

N. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common *impervious surfaces* include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and *stormwater*. Open uncovered flow control or water quality treatment facilities shall not be considered as *impervious surfaces*.

O. "Land alteration" means any alteration to the surface of the land or the surface drainage including improvements to a storm water tract; *land alterations* include but are not limited to: *excavations*, *fills*, *clearing*, *grading*, and *tree removal* or any combination; placing or removing *impervious surfaces*, including *structures* and pavement; compacting the earth surface; changes to the existing *grade*; or any change to the surface which results in any change in the way surface water leaves the *site* including changes to flow path, flow rate, or flow volume.

P. "Removal" with regard to *trees* means the act of removing a *tree* by digging up, cutting down, or any act which causes a *tree* to die within a period of three years from such act.

Q. "Shorelines" means those lands defined as *shorelines* in the state Shorelines Management Act of 1971.

R. "Significant tree" means an existing healthy *tree* that is not a *hazard tree* (i.e., a *tree* that does not have a high probability of imminently falling due to a debilitating disease or structural defect) and that, when measured four and one-half feet above *grade*, has a minimum diameter of:

A. Eight inches for *evergreen trees*; or

B. Twelve inches for *deciduous trees*.

S. "Site" is any lot or parcel of land or contiguous combination thereof where projects covered by this chapter are performed or permitted.

T. "Slope" is an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.

U. "Storm drain system" means the system of gutters, pipes, or ditches used to carry surface and *stormwater* from the surrounding lands to drainage facilities, critical areas, streams or lakes.

V. "Stormwater" means water originating from rainfall and other precipitation that ultimately flows into drainage facilities, rivers, streams, lakes and wetlands. As applied in this Chapter, *stormwater* is synonymous with the term surface water.

W. "Structure" means anything permanently constructed in or on the ground, or over the water; excluding *fences* eight feet or less in height, decks less than 18 inches above *grade*, paved areas, and structural or nonstructural *fill*.

X. "Terrace" is a relatively level step excavated or constructed on the face of a graded *slope* surface for drainage and maintenance purposes.

Y. "Tree" means a self-supporting woody perennial plant characterized by one main stem or trunk of at least six inches d.b.h., or a multiple stemmed or trunk system with a definite *crown*, maturing at a height of at least 12 feet above ground level. The *department* shall determine whether any specific woody plant shall be considered a *tree*.

Z. "Vegetation" means any and all organic plant life growing at, below, or above the soil surface.

15.25.040 References Adopted.

The following codes and standards shall be considered part of the requirements of this chapter to the prescribed extent of each such reference. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall apply.

- A. The street standards currently adopted and amended by the city per KMC 12.50;
- B. The appropriate version of the Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction as referenced in the road standards as amended by the city;
- C. The King County Surface Water Design Manual (KCSWDM) currently adopted and amended by the city per KMC 13.35;
- D. The current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).

15.25.050 Administration.

The *city manager* is authorized to enforce the provisions of this chapter.

A. Inspections. The *city manager* is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

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

No owner or occupant or any other person having charge, care or control of any building, land, *structure*, premises, or portion thereof shall fail or neglect, after proper demand, to promptly permit entry thereon by the *city manager* for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection is guilty of a misdemeanor.

15.25.060 Hazards.

Whenever the *city manager* determines that an existing *site*, as a result of *clearing* or *grading*, *excavation*, embankment, or *fill* has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the *clearing*, *grading*, *excavation* or *fill* is located, or other person or agent in control of said property, upon receipt of notice in writing from the *city manager*, shall within the period specified therein restore the *site* affected by such *clearing* or *grading* or repair or eliminate such *excavation* or embankment or *fill* so as to eliminate the hazard and be in conformance with the requirements of this chapter.

15.25.070 Permit required - Exception.

No *clearing*, *grading* or *land alteration* shall be performed without first having obtained a permit therefore from the city. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this city. Regardless if a permit is required or not best management practices must be utilized to limit *erosion* and sedimentation. Permits shall not be required for the following:

A. Grading.

1. *Excavation* for construction of a *structure* authorized by a valid building permit;
2. *Excavations* for trenches for utilities not within a critical areas, shorelines or associated buffers;
3. Exploratory *excavations* performed under the direction of a registered design professional; provided, that any disturbance of the area shall be the minimum necessary to carry out the work or studies and disturbed area shall be immediately restored;
4. *Excavation* or *fill* less than four feet in vertical depth not involving more than 100 cubic yards of earth or other material on a single *site* and not within a critical areas, shorelines or associated buffers;

B. Clearing and tree removal.

1. *Clearing* and *removal* of *trees* for the construction of a *structure* authorized by a valid building permit;
2. *Removal* of *significant trees* on lots that contain existing single-family detached dwellings, not within critical areas, shorelines or associated buffers, native growth protection areas, wildlife protection zones, or not previously designated for protection (e.g. as part of a plat) and based on the following table.

Lots up to 10,000 sq. ft.:	2 <i>trees</i> per year
Lots 10,001 sq. ft. to 20,000 sq. ft.:	4 <i>trees</i> per year
Lots 20,001 sq. ft. to 30,000 sq. ft.:	6 <i>trees</i> per year
Lots 30,000 sq. ft. and greater:	8 <i>trees</i> per year

3. *Clearing* by a public agency, franchise utility or public or private golf course for routine maintenance activities.
4. Minor stream restoration projects for fish habitat enhancement permitted through a Washington State Joint Aquatic Resource Permit Application (JARPA);
5. Normal and routine maintenance of existing lawns and landscaping;
6. *Removal* of noxious weeds from critical areas, shorelines or associated buffers subject to the requirements of KMC Chapter 18.55 & Title 16;

C. Engineering.

1. Less than 2000 square feet of replaced *impervious surface* or new plus replaced *impervious surface* not within critical areas or associated buffers, AND results in not more than 10,000 square feet of total *impervious surface* added within 10 years;
2. *Land alterations* exempt from a *grading* permit and that does not alter the method the *stormwater* leaves the *site*.

15.25.080 Emergency repairs or activities

Where repairs or activities necessary to prevent or correct an immediate threat to public health, safety, property or welfare are performed in an emergency situation, the permit application and evidence of the threat shall be submitted within the next business working day to the City (for example, landslide stabilization, flood prevention and *hazard tree removal*). Mitigation may be required.

15.25.090 Application requirements.

A. The *department* shall not commence review of any application for *clearing, grading or land alterations* until the *applicant* has submitted the materials and fees specified for complete applications.

B. The *applicant* shall file the following information with the *department*:

1. A complete permit application, with supporting affidavits, on forms provided by the *department*;
2. Information specified on the application checklist provided by the *department* for the requested decision(s); and
3. Any additional information or materials that the *department* specifies at the pre-application meeting.

C. A permit application is complete for purposes of this section when it meets the procedural submission requirements of the *department* and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the *department* from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the *department*.

D. The *city manager* may waive any specific submittal requirements that are determined to be unnecessary for review of an application.

E. The *applicant* shall attest by written oath to the accuracy of all information submitted for an application.

15.25.100 Time limitation of application.

A. Applications for which no permit is issued within 18 months following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the *applicant* or destroyed in accordance with state law by the *city manager*.

B. Applications may be canceled for inactivity, if an *applicant* fails to respond to the *department's* written request for revisions, corrections, actions or additional information within 90 days of the date of request. The *city manager* may extend the response period beyond 90 days if within the original 90-day time period the *applicant* provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the *department*.

C. The *city manager* may extend the life of an application if any of the following conditions exist:

1. Compliance with the State Environmental Policy Act is in progress; or
2. Any other city review is in progress; provided the *applicant* has submitted a complete response to city requests or the *city manager* determines that unique or unusual circumstances exist that warrant additional time for such response, and the *city manager* determines that the review is proceeding in a timely manner toward final city decision; or

3. Litigation against the city or *applicant* is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

15.25.110 Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance or laws of the city. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the city shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the *city manager* from requiring the correction of errors in the construction documents and other data.

15.25.120 Permit expiration.

A. Stand-alone *land alteration* permits issued shall expire two years from the date of issuance. *Grading* and *land alteration* permits issued and associated with an approved land-use permit shall expire in conjunction with the land-use permit. The *city manager* may approve a request for an extended expiration date where a construction schedule is provided by the *applicant* and approved prior to permit issuance.

B. Stand-alone *land alteration* permits which have been expired for less than one year may be renewed for a period of one year from the expiration date for an additional fee as long as no changes have been made to the originally approved plans. *Land alteration* permits associated with a land-use permit which has been expired for less than one year may be renewed for an additional fee as long as no changes have been made to the originally approved *grading* and *land alteration* plans and the originally approved land-use permit is not expired. For permits that have been expired for longer than one year, a new permit must be obtained and full new fees paid. No permit shall be renewed more than once.

15.25.130 Suspension or revocation.

The *city manager* is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

15.25.140 Liability insurance required – Exception.

Prior to issuance of a *grading* permit the *applicant* shall provide a Certificate of Insurance on forms approved by the *city manager*. The insurance shall be in the amount of \$1,000,000 per occurrence. The Certificate of Insurance shall name the City as an additional insured and shall not be canceled without 30 days prior written notice to the City. The surety company shall be authorized to transact business in the State of Washington. Exception: Liability insurance requirements may be waived by the *city manager* for projects which present risk to surrounding properties. Liability insurance shall not be required of other city departments.

15.25.150 Restrictions.

Land Alterations for projects within critical areas per KMC 18.55 are restricted to the time period between May 1st and October 1st, with all *grading* activities stabilized by October 1st. No *grading* is allowed outside of this time window except with written approval from the *city manager*.

15.25.160 Standards.

A. Any activity that will clear, *grade* or otherwise disturb the *site*, whether requiring a *land alteration* permit or not, shall provide *erosion* and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the *site* to drainage facilities, water resources and adjacent properties. *Erosion* and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in the KMC Title 13.

B. Cuts and *fills* shall conform to the following provisions unless otherwise approved by the *city manager*.

1. *Slope*. No *slope* of cut and *fill* surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless approved by the geotechnical engineer of record.

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

3. *Preparation of Ground*. The ground surface shall be prepared to receive *fill* by removing *vegetation*, topsoil, and other unsuitable materials.

4. *Fill Material*. *Fill* material shall not include organic, frozen or other deleterious materials, and shall be made with nonnoxious, nonflammable, noncombustible and nonputrescible solids. No rock or similar irreducible material greater than 18 inches shall be used.

5. *Drainage*. Provisions shall be made to:

a. Prevent any surface water or seepage from damaging the cut face of any *excavations* or the sloping face of a *fill*;

b. Carry any surface waters that are or might be concentrated as a result of a *fill* or *excavation* to a natural watercourse, public *storm drain system*, or by other means approved by the department of public works;

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

7. *Access Roads Maintenance*. Access roads to *grading sites* shall be maintained and located to the satisfaction of the City to minimize problems of dust, mud and traffic circulation.

8. *Access Roads – Gate*. Access roads to *grading sites* shall be controlled by a gate when required by the *city manager*.

9. *Warning Signs*. Signs warning of hazardous conditions, if such exist, shall be established at locations as required by the *city manager*. All signage and traffic control shall be compliant with MUTCD.

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

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

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

Slopes and setbacks shall be determined by the *city manager*.

12. *Easements*. Any *land alterations* which are proposed on neighboring properties shall require proper easements or temporary easements to be recorded and a copy of the recorded easements shall be provided to the City.

C. For *land alteration* permits issued under this chapter, the current *vegetation* standards contained in this section and in the following regulations shall apply:

1. Chapter 18.55 KMC, Critical Areas, and its adopted administrative rules;
2. Property-specific development standards pursuant to Chapter 18.47 KMC;
3. Critical drainage area designations identified by adopted administrative rule;
4. Wildlife habitat corridors; and
5. Chapter 18.35 KMC, Development Standards- Landscaping.

D. *Tree Removal*. The following regulations shall apply to vacant property:

1. Chapter 18.57.60 KMC, Tree Management and Protection.

15.25.170 Land restoration.

A. Final *grades* shall be such so as to encourage the uses permitted within the underlying zone classification.

B. *Grading* or backfilling shall not include organic, frozen or other deleterious materials, and shall be made with nonnoxious, nonflammable, noncombustible and nonputrescible solids. No rock or similar irreducible material greater than 18 inches shall be used.

C. Such 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 land areas immediately surrounding, and to a depth of at least four inches or a depth of that of the topsoil of land areas immediately surrounding if less than four inches.

D. Such topsoil as required by subsection (C) of this section shall be planted with *trees*, shrubs, legumes or grasses, and said flora shall be so selected as to be indigenous to the surrounding area.

E. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the *city manager* shall be constructed or installed if natural drainage is not possible.

F. Waste or soil piles shall be leveled and the area treated as to sodding or surfacing and planting as required in subsections (D) and (E) of this section. [Ord. 02-0130 § 1 (KCC 16.82.110).]

15.25.180 Shorelines.

A. No permit required by this chapter shall be issued for *grading* upon the *shorelines* until approved by the appropriate federal, state and local authority, reference KMC Title 16.

B. For *grading* which requires a shoreline management substantial development permit, the conditions of the shoreline management substantial development permit shall be incorporated into the conditions of any permit issued pursuant to this chapter and shall be subject to the inspection and enforcement procedures authorized by this chapter.

15.25.190 Enforcement.

The *city manager* is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Chapter 1.15 KMC, General Penalty, Chapter 1.20 KMC Code Enforcement, and Chapter 13.30 KMC General Provisions.

If *clearing*, *grading* or *land alterations* inconsistent with the purposes and requirements of this chapter has occurred on a *site*, the city shall not accept or grant any development permits or approvals for the *site* unless the *applicant* adequately restores the *site*. The *city manager* shall require appropriate restoration of the *site* under an approved restoration plan which shall include a time schedule for compliance if significant resource damage has or may occur. If restoration has not been completed within the time established by the *department*, the director shall order restoration using funds from building and land development division contingency accounts and seek restitution from the property owner through liens or other available legal methods.

15.25.200 Financial guarantees authorized.

The *department* is authorized to require all *applicants* issued permits or approvals under the provisions of the title to post performance financial guarantees consistent with the provisions of KMC Title 21 in an amount up to 125 percent of the estimated cost of completing or restoring the work in accordance with the approved plans, specifications, permit or approval requirements, and applicable regulations.

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Chapter 15.05

GENERAL PROVISIONS

Sections:

15.05.010 Relationship to comprehensive plan and Growth Management Act.

15.05.015 Copies of codes on file.

15.05.018 Purpose.

15.05.019 City Manager authority

15.05.020 Interpretation.

15.05.025 Penalty for violation.

15.05.010 Relationship to comprehensive plan and Growth Management Act.

This title is hereby enacted to be consistent with and implement the comprehensive plan in accordance with Chapter 36.70A RCW. [Ord. 04-0201 § 1; Ord. 98-0021 §§ 1, 2 (KCC 17.02.010).]

15.05.015 Copies of codes on file.

A. Pursuant to state law (Chapters 19.27 and 19.27A RCW) the Kenmore Building Code is the Washington State Building Code as modified in this title. The Washington State Building Code is composed of the following elements, and the city shall at all times keep on file with the city clerk, for reference by the general public, a copy of the codes and resolutions, or parts thereof, as herein adopted by reference, together with the amendments and supplements thereto herein made a part of this title:

1. International Building Code, issued by the International Code Council, Inc., 2009 Edition;
2. International Residential Code, issued by the International Code Council, Inc., 2009 Edition;
3. International Mechanical Code, issued by the International Code Council, Inc., 2009 Edition;
4. International Fire Code, issued by the International Code Council, Inc., 2009 Edition;
5. Uniform Plumbing Code, issued by the International Association of Plumbing and Mechanical Officials, 2009 Edition;
6. National Fuel Gas Code (NFPA 54), issued by the National Fire Protection Association, 2009 Edition;
7. Liquefied Petroleum Gas Code (NFPA 58), issued by the National Fire Protection Association, 2008 Edition;
8. International Fuel Gas Code, issued by the International Code Council, Inc., 2009 Edition;
9. Uniform Housing Code, issued by the International Conference of Building Officials, 1997 Edition;
10. Uniform Code for the Abatement of Dangerous Buildings, issued by the International Conference of Building Officials; 1997 Edition;
11. National Electrical Code, issued by the National Fire Protection Association, 2008 Edition;
12. International Existing Building Code, issued by the International Building Code Council, Inc., 2009 Edition;
13. All amendments, supplements, modifications, exclusions, exemptions and additions to the codes identified in subsections (A)(1) through (8) of this section adopted by the Washington State Building Code Council and published in WAC Title 51, including, but not by way of limitation, Chapters 51-11, 51-50, 51-51, 51-52, 51-54, 51-56 and 51-57 WAC.

B. The copies of codes on file may be placed by the city clerk in the custody of the office of the building official in order to make them more readily available to inspection and use by the general public. [Ord. 10-0310 § 1; Ord. 07-0261 § 1; Ord. 04-0201 § 1.]

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15.05.018 Purpose.

The purpose of these codes as adopted in KMC Title 15 is to provide for and promote the health, safety and welfare of the general public, and not to create or to otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these codes. [Ord. 04-0201 § 1.]

15.05.019 City Manager authority.

The City Manager shall have the authority and discretion to administer the provisions of this title, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this title, and to enforce requirements.

15.05.020 Interpretation.

A. Whenever the following words appear in the codes adopted by reference in this title, they are to be interpreted as follows:

1. "Administrative authority" as "building official";
2. "Chief or director of fire services" as "fire chief";
3. "Corporation counsel" as "city attorney or designee";
4. "Local zoning code" as the "city of Kenmore Zoning Code," Title 18 of the Kenmore Municipal Code;
5. "Municipality" and "the jurisdiction" as "the city of Kenmore."

B. Whenever reference is made to local authority, codes, jurisdiction and similar concepts within the codes adopted by reference in this title, interpretations rendered by such reference shall apply to the city jurisdiction and authority. [Ord. 04-0201 § 1.]

15.05.025 Penalty for violation.

A. In addition to the administrative remedies provided for in this title, any person found by a court of competent jurisdiction to be in violation of or to have violated any mandatory provision of this title shall be guilty of a misdemeanor. Each day that a violation is found to exist shall be deemed a separate offense.

B. A person who has previously been convicted of a crime for violation of this title shall be guilty of a gross misdemeanor for any subsequent violation. [Ord. 04-0201 § 1.]

Chapter 15.25

GRADING AND LAND ALTERATIONS

Sections:

- 15.25.010 Purpose.
- 15.25.020 Scope.
- 15.25.030 Definitions.
- 15.25.040 References adopted.
- 15.25.050 Administration.
- 15.25.060 Hazards.
- 15.25.070 Permit required - Exception.
- 15.25.080 Emergency repair or activities
- 15.25.090 Application requirements.
- 15.25.100 Time limitations of applications.
- 15.25.110 Validity of permit.
- 15.25.120 Permit expiration.
- 15.25.130 Suspension or revocation.
- 15.25.140 Liability insurance required – Exception.
- 15.25.150 Restrictions.
- 15.25.160 Standards.
- 15.25.170 Land restoration.
- 15.25.180 Shorelines.
- 15.25.190 Enforcement.
- 15.25.200 Financial guarantees authorized.

15.25.010 Purpose.

~~A.~~ This chapter is intended to regulate *clearing and removal of vegetation, excavation, grading and earthwork construction* land alterations including cuts, ~~and~~ fills, ~~gravel pits, dumping, quarrying and mining operations and alterations to stormwater runoff~~ within the city in order to protect public health, safety and welfare by:

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

~~B.~~ This chapter establishes the administrative procedure for issuance of permits, provides for approval of plans and inspection of clearing and grading operations, and provides for penalties for the violation of this chapter. [Ord. 02-0130 § 1 (KCC 16.82.010).]

15.25.020 Scope.

The provisions of this chapter apply to *clearing, grading, excavation, and land alterations* including cuts, *fills*, and alterations to *stormwater runoff*, and infrastructure installation within the city except work

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located in a public right-of-way. Where conflicts occur between the technical requirements of this chapter and the geotechnical report, the geotechnical report shall govern.

15.25.0320 Definitions.

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

~~A. "Applicant" is a property owner or a public agency or public or private utility which owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.~~
means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

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

~~C. "Berm" is a mound or raised area used for the purpose of screening a site or operation.~~

~~CD. "City manager" means the city of Kenmore City Manager or his or her designee(s).~~

~~"Civil engineer" means a professional engineer registered in the state of Washington to practice in the field of civil works.~~

~~DE. "Clearing" means the cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical or any other means.~~

~~F. "Compaction" is the densification of a fill by mechanical means.~~

~~G. "Cutting" is the severing of the main trunk or stems from close to or at the soil surface or at a point up to 25 percent of the total vegetation height.~~

~~EH. "Department" means the department designated by the city manager to administer this chapter.~~

~~F. "Director" means the director or the authorized agent of the department designated by the city manager to administer this chapter of community development.~~

~~GI. "Earth material" is any rock, natural soil or any combination thereof.~~

~~HJ. "Erosion" is the wearing away of the ground surface as the result of the movement of wind, water and/or ice.~~

~~IK. "Excavation" is the removal of earth material.~~

~~JB. "Fill" is a deposit of earth material placed by mechanical means.~~

~~KM. "Grade" means the elevation of the ground surface.~~

~~1. "Existing grade" is the grade prior to grading.~~

~~2. "Rough grade" is the stage at which the grade approximately conforms to the approved plan.~~

~~3. "Finish grade" is the final grade of the site which conforms to the approved plan.~~

~~LN. "Grading" is any excavating, filling, removing of the duff layer, or combination thereof.~~

~~O. "Grading and clearing permit" means the permit required by this chapter for grading and clearing activities, including temporary permits.~~

~~M. "Hazard tree" means any tree with any structural defect, disease, damage, or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property. A "hazard tree" includes, but is not limited to, any isolated tree(s) that have a high probability of failure due to low wind-firmness in post-construction conditions as determined by a qualified tree protection professional.~~

~~N. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and stormwater. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces.~~

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O. "Land alteration" means any alteration to the surface of the land or the surface drainage including improvements to a storm water tract; *land alterations* include but are not limited to: excavations, fills, clearing, grading, and tree removal or any combination; placing or removing impervious surfaces, including structures and pavement; compacting the earth surface; changes to the existing grade; or any change to the surface which results in any change in the way surface water leaves the site including changes to flow path, flow rate, or flow volume.

P. "Reclamation" means the final grading and land restoration of a site.

P. "Removal" with regard to trees means the act of removing a tree by digging up, cutting down, or any act which causes a tree to die within a period of three years from such act.

Q. "Shorelines" means those lands defined as shorelines in the state Shorelines Management Act of 1971.

R. "Significant tree" means an existing healthy tree that is not a hazard tree (i.e., a tree that does not have a high probability of imminently falling due to a debilitating disease or structural defect) and that, when measured four and one-half feet above grade, has a minimum diameter of:

A. Eight inches for evergreen trees; or

B. Twelve inches for deciduous trees.

SR. "Site" is any lot or parcel of land or contiguous combination thereof where projects covered by this chapter are performed or permitted ~~where a public street or way may intervene.~~

TS. "Slope" is an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.

T. "Soil engineer" means a person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.

U. "Storm drain system" means the system of gutters, pipes, or ditches used to carry surface and stormwater from the surrounding lands to drainage facilities, critical areas, streams or lakes.

V. "Stormwater" means water originating from rainfall and other precipitation that ultimately flows into drainage facilities, rivers, streams, lakes and wetlands. As applied in this Chapter, stormwater is synonymous with the term surface water.

WU. "Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner means anything permanently constructed in or on the ground, or over the water; excluding fences eight feet or less in height, decks less than 18 inches above grade, paved areas, and structural or nonstructural fill.

XV. "Terrace" is a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.

W. "Tidelands" means that portion of the land which is covered and uncovered by the ebb and flood tide.

Y.X. "Tree" is a large woody perennial plant usually with a single main stem or trunk and generally over 12 feet tall at maturity means a self-supporting woody perennial plant characterized by one main stem or trunk of at least six inches d.b.h., or a multiple stemmed or trunk system with a definite crown, maturing at a height of at least 12 feet above ground level. The department shall determine whether any specific woody plant shall be considered a tree.

Y. "Understory" is the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes native trees.

Z. "Vegetation" means any and all organic plant life growing at, below, or above the soil surface.

15.25.040 References Adopted.

The following codes and standards shall be considered part of the requirements of this chapter to the prescribed extent of each such reference. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall apply.

A. The street standards currently adopted and amended by the city per KMC 12.50;

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- B. The appropriate version of the Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction as referenced in the road standards as amended by the city;
- C. The King County Surface Water Design Manual (KCSWDM) currently adopted and amended by the city per KMC 13.35;
- D. The current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).

15.25.050 Administration.

The ~~director~~*city manager* is authorized to enforce the provisions of this chapter.

A. Inspections. The ~~director~~*city manager* is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

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

No owner or occupant or any other person having charge, care or control of any building, land, *structure*, premises, or portion thereof shall fail or neglect, after proper demand, to promptly permit entry thereon by the ~~director~~*city manager* for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection is guilty of a misdemeanor.

15.25.060 Hazards.

Whenever the ~~director~~*city manager* determines that an existing *site*, as a result of *clearing* or *grading*, *excavation*, embankment, or *fill* has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the *clearing*, *grading*, *excavation* or *fill* is located, or other person or agent in control of said property, upon receipt of notice in writing from the ~~director~~*city manager*, shall within the period specified therein restore the *site* affected by such *clearing* or *grading* or repair or eliminate such *excavation* or embankment or *fill* so as to eliminate the hazard and be in conformance with the requirements of this chapter.

15.25.070 Clearing and grading permit required—Exceptions.

~~A. No person shall do any clearing or grading without first having obtained a clearing and grading permit from the director, except for the following:~~

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

~~2. Removal of trees on lots associated with existing single family detached dwellings or lots associated with construction of new single family detached dwellings based on the following table. If there are critical areas or associated buffers on site and/or a tree protection plan is applicable to the lot, then a clearing permit and/or an arborist report may be required as determined on a case-by-case basis by the community development director. If an exemption is granted from clearing permit requirements for removal of trees within critical areas or buffers, the applicant must utilize best management practices to limit erosion and sedimentation into critical areas and buffers;~~

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Lots up to 10,000 sq. ft.:	2 trees per year
Lots 10,001 sq. ft. to 20,000 sq. ft.:	4 trees per year
Lots 20,001 sq. ft. to 30,000 sq. ft.:	6 trees per year
Lots 30,000 sq. ft. and greater:	8 trees per year

~~Trees previously designated for protection (e.g., as part of a plat) or within a native growth protection area or within a critical area required may not be removed unless they are determined to be hazardous. Hazardous, dead or otherwise dangerous trees are not included in this limit. The administrator may allow removal of more trees per year if the remaining trees would pose a hazard;~~

~~3. The depositing or covering of any garbage, rubbish or other material at any solid waste facility operated by the city;~~

~~4. Maintenance of existing driveways or private access roads within their existing road prisms; provided, that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality.~~

~~5. Any grading within a publicly-owned road right-of-way;~~

~~6. Clearing or grading by a public agency for the following routine maintenance activities:~~

~~a. Roadside ditch cleaning, provided the ditch does not contain salmonids;~~

~~b. Pavement maintenance;~~

~~c. Normal grading of gravel shoulders;~~

~~d. Maintenance of culverts;~~

~~e. Maintenance of flood control or other approved surface water management facilities;~~

~~f. Routine clearing within road right-of-way;~~

~~g. Removal of dangerous, diseased or damaged trees in imminent danger of falling;~~

~~7. Any clearing or grading for roads within a preliminary or finally approved residential plat which has been approved by the director and for which a financial guarantee has been posted and that meets tree management and protection regulations set forth in Chapter 18.42 KMC;~~

~~8. Maintenance or reconstruction of the facilities of a common carrier by a rail in interstate commerce within its existing right-of-way; provided, restoration is consistent with the requirements of KMC 15.25.100; provided, that this exception does not apply if the clearing or grading is within a critical area as regulated in Chapter 18.55 KMC;~~

~~9. Cemetery graves; provided, that this exception does not apply except for routine maintenance if the clearing or grading is within a critical area as regulated in Chapter 18.55 KMC;~~

~~10. Clearing or grading within a preliminarily or finally approved residential plat not involving any excavation exceeding five feet in vertical depth or any fill exceeding three feet in vertical depth, regardless of the amount of material to be removed; provided, that this exception does not apply if the clearing or grading is within a critical area as regulated in Chapter 18.55 KMC or an area placed into tracts or easements pursuant to KMC 18.30.030. This exception does not apply within an area placed into tracts or easements for a wildlife habitat corridor pursuant to Chapter 18.35 KMC unless the proposed activity is otherwise exempt under Chapter 18.55 KMC;~~

~~11. Excavation less than five feet in vertical depth not involving more than 100 cubic yards of earth or other material on a single site; provided, that the exception does not apply if the clearing or grading is within a critical area as regulated in Chapter 18.55 KMC or an area placed into tracts or easements pursuant to KMC 18.30.030. This exception does not apply within an area placed into tracts or easements for a wildlife habitat corridor pursuant to Chapter 18.35 KMC unless the proposed activity is otherwise exempt under Chapter 18.55 KMC;~~

~~12. Fill less than three feet in vertical depth not involving more than 100 cubic yards of earth or other material on a single site; provided, that the exception does not apply if the clearing or grading is within a critical area as regulated in Chapter 18.55 KMC or an area placed into tracts or easements pursuant to KMC 18.30.030. This exception does not apply within an area placed into tracts or easements~~

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~~for a wildlife habitat corridor pursuant to Chapter 18.35 KMC unless the proposed activity is otherwise exempt under Chapter 18.55 KMC;~~

~~13. Minor stream restoration projects for fish habitat enhancement by a public agency, utility or tribe as set out in Chapter 18.55 KMC;~~

~~14. Clearing or grading for construction of livestock manure storage facilities or associated nonpoint source pollution facilities designed to the standards of and approved in a conservation plan by the King County conservation district, and constructed and maintained to those standards or livestock flood sanctuaries constructed and maintained to the standards approved by the Soil Conservation Service and conservation district and the best management practices approved by the city;~~

~~15. Any clearing or grading which has been approved by the director as part of a commercial site development permit and for which a financial guarantee has been posted;~~

~~16. Clearing outside of critical areas and buffers as regulated in Chapter 18.55 KMC, unless the development proposal site is within an area subject to clearing restrictions contained in KMC 15.25.140, wildlife habitat corridors pursuant to Chapter 18.35 KMC, critical drainage areas established by administrative rule or property specific development standards pursuant to Chapter 18.82 KMC;~~

~~17. Within critical areas, as regulated in Chapter 18.55 KMC, the following activities are exempt from the clearing requirements of this chapter and no permit shall be required:~~

~~a. Normal and routine maintenance of existing lawns and landscaping subject to the limitations on the use of pesticides in critical areas as set out in Chapter 18.55 KMC.~~

~~b. Permitted agricultural uses; provided, the clearing is consistent with the agricultural exemptions in critical areas as regulated in Chapter 18.55 KMC.~~

~~c. Emergency tree removal to prevent imminent danger or hazard to persons or property.~~

~~d. Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms in existence on November 27, 1990, subject to the limitations on the use of pesticides in critical areas as set out in Chapter 18.55 KMC. This does not include clearing or grading in order to develop or expand such activities.~~

~~e. Normal and routine maintenance of existing public parks and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in critical areas. For the purpose of this subsection, a park is defined as any real property managed for public use which has been previously maintained as a park or has been developed as a park pursuant to a properly issued permit.~~

~~f. Removal of noxious weeds from steep slope hazard areas and the buffers of streams and wetlands subject to the limitations on the use of pesticides in critical areas as set out in Chapter 18.55 KMC.~~

~~g. Pruning and limbing of vegetation for maintenance of above-ground electrical and telecommunication facilities; provided, that the clearing is consistent with the electric, natural gas, cable communication and telephone utility exemption in critical areas as regulated in Chapter 18.55 KMC.~~

~~h. Class II, III and IV Special forest practices; provided, they occur on parcels that meet all of the following criteria for long term forestry:~~

~~(1) The parcel is enrolled under the current use taxation program as timber land pursuant to Chapter 84.34 RCW or as forest land pursuant to Chapter 84.33 RCW;~~

~~(2) A long term management plan is approved for the parcel by the Washington Department of Natural Resources;~~

~~(3) The parcel is located within areas designated rural or agricultural by the Kenmore comprehensive plan;~~

~~(4) The parcel is located outside of expansion areas for incorporated rural cities or rural towns and neighborhoods as designated in the Kenmore comprehensive plan;~~

~~(5) The parcel equals or exceeds five acres in size;~~

~~(6) Removal of trees, based on limits established by clearing requirements, on lots associated with existing single family detached dwellings or lots associated with construction of new single family detached dwellings. If there are critical areas or associated buffers on site and/or a tree protection plan is~~

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applicable to the lot, then a clearing permit and/or an arborist report may be required as determined on a case-by-case basis by the community development director. If an exemption is granted from clearing permit requirements for removal of trees within critical areas or buffers, the applicant must utilize best management practices to limit erosion and sedimentation into critical areas and buffers.

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

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

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

Development proposals will be subject to two levels of review standards based on occupancy types: critical facilities and standard structures. The review standards for critical facilities will be based on larger earthquake recurrence intervals than the earthquakes considered for standard occupancy structures. The review standards will be set forth in the administrative rules. [Ord. 04-0218 § 1; Ord. 02-0130 § 1 (KCC 16.82.050).]

15.25.070 Permit required - Exception.

No clearing, grading or land alteration shall be performed without first having obtained a permit therefore from the city. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this city. Regardless if a permit is required or not best management practices must be utilized to limit erosion and sedimentation. Permits shall not be required for the following:

A. Grading.

1. Excavation for construction of a structure authorized by a valid building permit;
2. Excavations for trenches for utilities not within a critical areas, shorelines or associated buffers;
3. Exploratory excavations performed under the direction of a registered design professional; provided, that any disturbance of the area shall be the minimum necessary to carry out the work or studies and disturbed area shall be immediately restored;
4. Excavation or fill less than four feet in vertical depth not involving more than 100 cubic yards of earth or other material on a single site and not within a critical areas, shorelines or associated buffers;

B. Clearing and tree removal.

1. Clearing and removal of trees for the construction of a structure authorized by a valid building permit;
2. Removal of significant trees on lots that contain existing single-family detached dwellings, not within critical areas, shorelines or associated buffers, native growth protection areas, wildlife protection zones, or not previously designated for protection (e.g. as part of a plat) and based on the following table.

<u>Lots up to 10,000 sq. ft.:</u>	<u>2 trees per year</u>
<u>Lots 10,001 sq. ft. to 20,000 sq. ft.:</u>	<u>4 trees per year</u>

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<u>Lots 20,001 sq. ft. to 30,000 sq. ft.:</u>	<u>6 trees per year</u>
<u>Lots 30,000 sq. ft. and greater:</u>	<u>8 trees per year</u>

3. Clearing by a public agency, franchise utility or public or private golf course for routine maintenance activities.

4. Minor stream restoration projects for fish habitat enhancement permitted through a Washington State Joint Aquatic Resource Permit Application (JARPA);

5. Normal and routine maintenance of existing lawns and landscaping;

6. Removal of noxious weeds from critical areas, shorelines or associated buffers subject to the requirements of KMC Chapter 18.55 & Title 16;

C. Engineering.

1. Less than 2000 square feet of replaced *impervious surface* or new plus replaced *impervious surface* not within critical areas or associated buffers, AND results in not more than 10,000 square feet of total *impervious surface* added within 10 years;

2. Land alterations exempt from a grading permit and that does not alter the method the *stormwater* leaves the *site*.

15.25.080 Emergency repairs or activities

Where repairs or activities necessary to prevent or correct an immediate threat to public health, safety, property or welfare are performed in an emergency situation, the permit application and evidence of the threat shall be submitted within the next business working day to the City (for example, landslide stabilization, flood prevention and *hazard tree removal*). Mitigation may be required.

15.25.090 Applications — Complete applications.

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

1. For clearing and grading permits:

a. A legal description of the property;

b. A 1:2000 scale vicinity map with a north arrow;

c. Grading plans including:

(1) Horizontal and vertical scale;

(2) Size and location of existing improvements within 50 feet of the project, indicating which will remain and which will be removed;

(3) Existing and proposed contours at maximum five foot intervals, and extending for 100 feet beyond the project edge;

(4) At least two cross sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales, and

(5) Temporary and permanent erosion-sediment control facilities;

d. The following plans must be stamped and signed by a registered civil engineer, licensed to practice in the state of Washington:

(1) Permanent drainage facilities;

(2) Structures to be built or construction proposed in landslide hazard areas; and

(3) Proposed construction or placement of a structure;

2. A completed environmental checklist, if required by Chapter 19.35 KMC, Environmental Procedures;

3. Satisfaction of all requirements for grading permits under KMC 15.25.070.

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

C. The director may waive specific submittal requirements determined to be unnecessary for review of an application. [Ord. 02-0130 § 1 (KCC 16.82.055).]

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Permit requirements.

~~Except as exempted in KMC 15.25.050, no person shall do any clearing or grading without first obtaining a clearing and grading permit from the director. A separate permit shall be required for each site and may cover both excavations and fills.~~

~~A. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter and Chapter 19.25 KMC, Procedures for Land Use Permit Applications, Public Notice, Hearings and Appeals. In addition to the requirements of KMC 19.25.040 every application shall:~~

- ~~1. Identify and describe the work to be covered by the permit for which application is made;~~
- ~~2. Describe the land on which the proposed work is to be done, by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed site;~~
- ~~3. Identify and describe those critical areas as defined in Chapter 18.55 KMC on or adjacent to the site;~~
- ~~4. Indicate the estimated quantities of work involved;~~
- ~~5. Identify any clearing restrictions contained in KMC 15.25.140, wildlife habitat corridors pursuant to Chapter 18.35 KMC, critical drainage areas established by administrative rule or property-specific development standards pursuant to Chapter 18.82 KMC;~~
- ~~6. Be accompanied by plans and specifications as required in subsections (B) and (C) of this section;~~
- ~~7. Designate who the applicant is, on a form prescribed by the department, except that the application may be accepted and reviewed without meeting this requirement when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right of way and the following three requirements are met:~~
 - ~~a. The name of the agency or public or private utility is shown on the application as the applicant;~~
 - ~~b. The agency or public or private utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and~~
 - ~~c. The form designating the applicant is submitted to the department prior to permit issuance;~~
- ~~8. Give such other information as may be required by the director.~~

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

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

- ~~1. General vicinity of the proposed site;~~
- ~~2. Property limits and accurate contours of existing ground and details of terrain and area drainage;~~
- ~~3. Limiting dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction;~~
- ~~4. Location of all proposed cleared areas;~~

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- ~~5. Location of any open space tracts or conservation easements if required pursuant to:
 - a. KMC 15.25.140;
 - b. Chapter 18.35 KMC;
 - c. Critical drainage area; or
 - d. Property specific development standards pursuant to Chapter 18.82 KMC;~~
- ~~6. Calculations of the total proposed area cleared on site as a percentage of the total site area;~~
- ~~7. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;~~
- ~~8. A determination of whether drainage review applies to the project pursuant to Chapter 13.35 KMC, and, if applicable, all drainage plans and documentation consistent with King County Surface Water Design Manual requirements;~~
- ~~9. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 50 feet of the property or which may be affected by the proposed grading operations;~~
- ~~10. Landscape and rehabilitation plan as required by KMC 15.25.100;~~
- ~~11. Other information as may be required by the director; and~~
- ~~12. If the clearing or grading is proposed to take place in or adjacent to a critical area as regulated in Chapter 18.55 KMC, provide information as required by that chapter.~~

~~D. Granting of Permits.~~

- ~~1. The director shall determine if the proposed grading will adversely affect the character of the site for present lawful uses or with the future development of the site and adjacent properties for building or other purposes as indicated by the comprehensive plan, the shoreline master program, and the zoning code.~~
- ~~2. After an application has been filed and reviewed, the director shall also ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, the director may issue to the applicant a grading permit. A grading permit shall be valid for the number of days stated in the permit but in no case shall the period be more than two years; provided, that when operating conditions have been met, the permit may be renewed every two years, or less if a shorter approval and/or renewal period is specified by the director.~~
- ~~3. No grading permit shall be issued until approved by federal, state and local agencies having jurisdiction by laws or regulations.~~
- ~~4. Upon approval of the application and issuance of the grading permit, no work shall be done that is not provided for in the permit. The director is authorized to inspect the premises at any reasonable time to determine if the work is in accordance with the permit application and plans.~~
- ~~5. The permits from the director shall be required regardless of any permits issued by any other department of county government or any other governmental agency who may be interested in certain aspects of the proposed work. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the violator shall be subject to such civil penalties as provided in Chapter 1.15 KMC, General Penalty. However, the payment of such civil penalties shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed thereon. [Ord. 04-0218 § 2; Ord. 02-0130 § 1 (KCC 16.82.060).]~~

15.25.090 Application requirements.

- A. The department shall not commence review of any application for clearing, grading or land alterations until the applicant has submitted the materials and fees specified for complete applications.
- B. The applicant shall file the following information with the department:
 1. A complete permit application, with supporting affidavits, on forms provided by the department;

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2. Information specified on the application checklist provided by the department for the requested decision(s); and

3. Any additional information or materials that the department specifies at the pre-application meeting.

C. A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

D. The city manager may waive any specific submittal requirements that are determined to be unnecessary for review of an application.

E. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

15.25.100 Time limitation of application.

A. Applications for which no permit is issued within 18 months following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law by the city manager.

B. Applications may be canceled for inactivity, if an applicant fails to respond to the department's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The city manager may extend the response period beyond 90 days if within the original 90-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the department.

C. The city manager may extend the life of an application if any of the following conditions exist:

1. Compliance with the State Environmental Policy Act is in progress; or
2. Any other city review is in progress; provided the applicant has submitted a complete response to city requests or the city manager determines that unique or unusual circumstances exist that warrant additional time for such response, and the city manager determines that the review is proceeding in a timely manner toward final city decision; or
3. Litigation against the city or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

15.25.110 Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance or laws of the city. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the city shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the city manager from requiring the correction of errors in the construction documents and other data.

15.25.120 Permit expiration.

A. ~~Every~~Stand-alone land alteration permits issued shall expire two years from the date of issuance. Grading and land alteration permits issued and associated with an approved land-use permit shall expire in conjunction with the land-use permit. The city manager may approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved prior to permit issuance.

B. ~~Every~~Stand-alone land alteration permits which ~~has~~have been expired for less than one year may be renewed for a period of one year from the expiration date for an additional fee as long as no changes have been made to the originally approved plans. Land alteration permits associated with a land-use permit

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which has been expired for less than one year may be renewed for an additional fee as long as no changes have been made to the originally approved grading and land alteration plans and the originally approved land-use permit is not expired. For permits that have been expired for longer than one year, a new permit must be obtained and full new fees paid. No permit shall be renewed more than once.

15.25.130 Suspension or revocation.

The *city manager* is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

15.25.140 Liability insurance required – Exception.

The permittee shall maintain a liability policy in the amount of \$100,000 per individual, \$300,000 per occurrence, and \$50,000 property damage, and shall name the city as an additional insured. Exception: Liability insurance requirements may be waived for projects involving less than 10,000 cubic yards. Liability insurance shall not be required of other city departments. [Ord. 02-0130 § 1 (KCC 16.82.090).] Prior to issuance of a grading permit the applicant shall provide a Certificate of Insurance on forms approved by the city manager. The insurance shall be in the amount of \$1,000,000 per occurrence. The Certificate of Insurance shall name the City as an additional insured and shall not be canceled without 30 days prior written notice to the City. The surety company shall be authorized to transact business in the State of Washington. Exception: Liability insurance requirements may be waived by the city manager for projects which present risk to surrounding properties. Liability insurance shall not be required of other city departments.

15.25.150 Restrictions.

Land Alterations for projects within critical areas per KMC 18.55 are restricted to the time period between May 1st and October 1st, with all grading activities stabilized by October 1st. No grading is allowed outside of this time window except with written approval from the city manager.

15.25.160 Operating conditions and standards of performance.

A. Any activity that will clear, grade or otherwise disturb the *site*, whether requiring a ~~clearing or grading~~ land alteration permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the *site* to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in the KMC Title 13 King County erosion and sediment control standards. Activities performed as Class I, II, III or IV Special forest practices shall apply erosion and sediment controls in accordance with Chapter 76.09 RCW and Title 222 WAC.

B. Cuts and *fills* shall conform to the following provisions unless otherwise approved by the *city manager*.

1. *Slope*. No *slope* of cut and *fill* surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless ~~otherwise approved by the director~~ approved by the geotechnical engineer of record.

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

3. *Preparation of Ground*. The ground surface shall be prepared to receive *fill* by removing unsuitable material such as concrete slabs, tree stumps, brush and car bodies, vegetation, topsoil, and other unsuitable materials.

4. *Fill Material*. Except in an approved sanitary landfill, only earth materials which have no rock or similar irreducible material with a maximum dimension greater than 18 inches shall be used. Fill material shall not include organic, frozen or other deleterious materials, and shall be made with nonnoxious,

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nonflammable, noncombustible and nonputrescible solids. No rock or similar irreducible material greater than 18 inches shall be used.

5. Drainage. Provisions shall be made to:

a. Prevent any surface water or seepage from damaging the cut face of any *excavations* or the sloping face of a *fill*;

b. Carry any surface waters that are or might be concentrated as a result of a *fill* or *excavation* to a natural watercourse, public storm drain system, or by other means approved by the department of public works;

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

7. Access Roads Maintenance. Access roads to *grading sites* shall be maintained and located to the satisfaction of the ~~City~~King County department of public works to minimize problems of dust, mud and traffic circulation.

8. Access Roads – Gate. Access roads to *grading sites* shall be controlled by a gate when required by the ~~city manager~~director.

9. Warning Signs. Signs warning of hazardous conditions, if such exist, shall be ~~affixed~~established at locations as required by the ~~director~~city manager. All signage and traffic control shall be compliant with MUTCD.

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

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

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

Slopes and setbacks shall be determined by the ~~director~~city manager.

12. Easements. Any land alterations which are proposed on neighboring properties shall require proper easements or temporary easements to be recorded and a copy of the recorded easements shall be provided to the City.~~Excavations to Water Producing Depth. All excavations must either be made to a water producing depth or grade to permit natural drainage. The excavations made to a water producing depth shall be reclaimed in the following manner:~~

~~a. The depth of the excavations must not be less than two feet measured below the low water mark.~~

~~b. All banks shall be sloped to the water line no steeper than three feet horizontal to one foot vertical.~~

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

~~d. In no event shall the term water producing depth as herein used be construed to allow stagnant or standing water to collect or remain in the excavation.~~

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

13. ~~Hours of Operation. Hours of operation, unless otherwise authorized by the director, shall be between 7:00 a.m. and 7:00 p.m. [Ord. 02-0130 § 1 (KCC 16.82.100).]~~

C. For ~~clearing and grading~~land alteration permits issued under this chapter, the current ~~clearing vegetation~~ standards contained in this section and in the following regulations shall apply:

1. Chapter 18.55 KMC, Critical Areas, and its adopted administrative rules;

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2. Property-specific development standards pursuant to Chapter 18.8247 KMC;
 3. Critical drainage area designations identified by adopted administrative rule; ~~and~~
 4. Wildlife habitat corridors; ~~and~~
 5. Chapter 18.35 KMC, Development Standards- Landscaping.
- D. Tree Removal. The following regulations shall apply to vacant property:
1. Chapter 18.57.60 KMC, Tree Management and Protection.

15.25.170 Land restoration.

~~A. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying or mining operation, all nonconforming buildings, structures, apparatus or appurtenances accessory to the quarrying and mining operation shall be removed or otherwise dismantled to the satisfaction of the director. This requirement shall not require land restoration on projects completed prior to January 1, 1971, except those covered under previously existing zoning requirements.~~

~~B. Final grades shall be such so as to encourage the uses permitted within the underlying zone classification.~~

~~BC. Grading or backfilling shall not include organic, frozen or other deleterious materials, and shall be made with nonnoxious, nonflammable, noncombustible and nonputrescible solids. No rock or similar irreducible material greater than 18 inches shall be used shall be made with nonnoxious, nonflammable, noncombustible and nonputrescible solids.~~

~~CD. Such 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 land areas immediately surrounding, and to a depth of at least four inches or a depth of that of the topsoil of land areas immediately surrounding if less than four inches.~~

~~DE. Such topsoil as required by subsection (DC) of this section shall be planted with trees, shrubs, legumes or grasses, and said flora shall be so selected as to be indigenous to the surrounding area.~~

~~EF. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the department of public works city manager shall be constructed or installed if natural drainage is not possible.~~

~~FG. Waste or soil piles shall be leveled and the area treated as to sodding or surfacing and planting as required in subsections (D) and (E) of this section. [Ord. 02-0130 § 1 (KCC 16.82.110).]~~

15.25.180 Shorelines.

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

~~B. No permit required by this chapter shall be issued for grading upon the shorelines until approved by the appropriate federal, state and local authority; reference KMC Title 16.~~

~~BC. For grading which requires a shoreline management substantial development permit, the conditions of the shoreline management substantial development permit shall be incorporated into the conditions of any permit issued pursuant to this chapter and shall be subject to the inspection and enforcement procedures authorized by this chapter.~~

15.25.190 Enforcement.

~~The city manager director of the community development department or his/her designee is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Chapter 1.15 KMC, General Penalty, Chapter 1.20 KMC Code Enforcement, and Chapter 13.30 KMC General Provisions.~~

~~If clearing, grading or land alterations inconsistent with the purposes and requirements of this chapter has occurred on a site, the city shall not accept or grant any development permits or approvals for the site unless the applicant adequately restores the site. The director city manager shall require appropriate restoration of the site under an approved restoration plan which shall include a time schedule for~~

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compliance if significant resource damage has or may occur. If restoration has not been completed within the time established by the *department*, the director shall order restoration using funds from building and land development division contingency accounts and seek restitution from the property owner through liens or other available legal methods.

15.25.130 Forest practices.

~~A. Class IV Forest Practice. Under a Class IV forest practice, all clearing not otherwise exempted under this chapter shall be subject to the requirements of this chapter. All such clearing shall be subject to the State Environmental Policy Act, Chapter 43.21C RCW, and the city shall accept or assume lead agency status. The review of the Class IV application shall be consolidated with the review of the associated city development permit or approval. Clearing independent of permit or approval shall require a separate clearing and grading permit pursuant to this chapter which meets any applicable clearing standards as defined by KMC 15.25.140. The city will also combine its SEPA review of Class IV forest practices and city permits.~~

~~B. Development applications on lands cleared or graded pursuant to a Class II, III or IV special forest practice as defined in Chapter 76.09 RCW, or which are commenced without forest practices or county authorization, shall be denied for a period of six years unless:~~

~~1. The applicant demonstrates that the clearing was consistent with the conversion option harvest plan reviewed and approved by the city pursuant to the Type I land use decision process and incorporated as a condition of the state's forest practice permit; or~~

~~2. The director of the department of community development determines special circumstances exist which should allow the landowner to be released from the moratorium pursuant to notice, review and appeal process for Type 2 land use decisions.~~

~~In all cases, lifting or waiving of the six year moratorium is subject to compliance with all local ordinances. [Ord. 02-0130 § 1 (KCC 16.82.140).]~~

15.25.140 Clearing standards.

~~A. For clearing and grading permits issued under this chapter, the current clearing standards contained in this section and in the following regulations shall apply:~~

- ~~1. Chapter 18.55 KMC, Critical Areas, and its adopted administrative rules;~~
- ~~2. Property specific development standards pursuant to Chapter 18.82 KMC;~~
- ~~3. Critical drainage area designations identified by adopted administrative rule; and~~
- ~~4. Wildlife habitat corridors pursuant to Chapter 18.35 KMC.~~

~~B. Within critical areas designated pursuant to Chapter 18.55 KMC, uses shall be limited to those specified in that chapter. Within any other areas subject to clearing restrictions referenced or contained in this section, the following uses are allowed under a clearing permit:~~

~~1. Timber harvest in accordance with a timber harvest management plan and clearing permit approved by the department of community development or a successor agency. That department shall promulgate administrative rules specifying the contents of, and the submittal requirements and approval criteria for, timber harvest management plans in consultation with the department of natural resources prior to any permit approvals for timber harvest within these tracts or easements;~~

~~2. Passive recreation uses and related facilities, including pedestrian and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures; provided, that cleared areas and/or areas of compacted soils associated with these uses and facilities do not exceed eight percent of the area of the tract or easement. Within wildlife habitat corridors, trail widths shall be the minimum allowed under adopted trail standards and no other recreation uses shall be permitted in the 150-foot minimum width of the corridor;~~

~~3. Utilities and utility easements, including surface water facilities; provided, that such uses are within or adjacent to existing road or utility easements whenever possible. Within wildlife habitat corridors, existing or multiple utility uses within established easements shall be allowed within the 150-foot minimum width of the corridor. Development of new utility corridors shall be allowed within~~

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~~wildlife habitat corridors only when multiple uses of existing easements are not feasible and the utility corridors are sited and developed using county approved best management practices to minimize disturbance; and~~

~~4. Removal of dangerous and or damaged trees.~~

~~C. Construction projects can be a significant contributor of pollution to streams and wetlands. Therefore, from October 1st through March 31st, in the city of Kenmore:~~

~~1. Clearing and grading shall only be permitted if shown to the satisfaction of the director that silt-laden runoff exceeding standards in the King County Surface Water Design Manual will be prevented from leaving the construction site through a combination of the following:~~

~~a. Site conditions including vegetative coverage, slope, soil type and proximity to receiving waters;~~

~~b. Limitations on activities and the extent of disturbed areas; and~~

~~c. Proposed erosion and sedimentation control measures.~~

~~2. The director shall set forth in writing the basis for approval or denial of clearing or grading during this period.~~

~~3. Clearing and grading will be allowed only if there is installation and maintenance of an erosion and sedimentation control plan approved by the department which shall define any limits on clearing and grading or specific erosion and sediment control measures required during this period. Alternate best management practices may be approved or required onsite by the inspector.~~

~~4. If, during the course of construction, silt laden runoff exceeding standards in the King County Surface Water Design Manual leaves the construction site, or if clearing and grading limits or erosion and sediment control measures shown in the approved plan are not maintained, a notice of violation shall be issued.~~

~~5. If the erosion and sediment control problem defined in the violation is not adequately repaired within 24 hours of the notice of violation, then a notice and order may be issued by the inspector to install adequate erosion and sediment control measures to stop silt laden runoff from leaving the site. The notice and order may also require the contractor to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following March 31st.~~

~~6. The following activities are exempt from the seasonal clearing and grading requirements of this subsection:~~

~~a. Routine maintenance and necessary repair of erosion and sediment control facilities;~~

~~b. Routine maintenance of public facilities or existing utility structures as provided by KMC 18.55.150;~~

~~c. Activities where there is 100 percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;~~

~~d. Class I, II, III and IV Special forest practices;~~

~~e. Mineral extraction activities on sites with approved permits;~~

~~f. Public agency response to emergencies that threaten the public health, safety and welfare;~~

~~g. Removal of trees based on limits established by clearing requirements on lots associated with existing single family detached dwellings or lots associated with construction of new single family detached dwellings. If there are critical areas or associated buffers on site and/or a tree protection plan is applicable to the lot, then a clearing permit and/or an arborist report may be required as determined on a case-by-case basis by the community development director. If an exemption is granted from seasonal clearing and grading requirements for removal of trees within critical areas or buffers, the applicant must utilize best management practices to limit erosion and sedimentation into critical areas and buffers. [Ord. 04-0218 § 4; Ord. 02-0130 § 1 (KCC 16.82.150).]~~

15.25.200 Financial guarantees authorized.

The *department* is authorized to require all *applicants* issued permits or approvals under the provisions of the title to post performance financial guarantees consistent with the provisions of KMC Title 21 in an

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amount up to 125 percent of the estimated cost of completing or restoring the work in accordance with the approved plans, specifications, permit or approval requirements, and applicable regulations.

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