

1 **Chapter 16.08**

2 **LAND-CLEARING AND GRADING**

3
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20
21 **16.08.010 Title of ordinance.**

22 The ordinance codified in this chapter shall be known and may be cited as the “~~land~~-clearing and
23 grading ordinance” of the city. (Ord. 277 § 1, 1981)

24
25 **16.08.020 Purpose – Permit criteria.**

26 These regulations are adopted for the following purposes and the ~~responsible official~~[Administrator](#)
27 shall consider such purposes as criteria or standards for the issuance of ~~land~~-clearing and grading
28 permits under
29 LFPMC 16.08.070:

30
31 A. To promote the public health, safety and general welfare of the citizens of the city;

32
33 B. To preserve and enhance the city’s physical and aesthetic character by preventing indiscriminate
34 removal or destruction of trees and groundcover on undeveloped and partially developed property;

35
36 C. To promote land development practices [such as low impact development that provide for](#)
37 [managing surface water runoff on-site and](#) that are consistent with the city’s natural topographical
38 and vegetational features and result in a minimal disturbance to the city’s vegetative cover and soils,
39 and with minimal degradation of all watercourses;

40
41 D. To minimize and control surface water and groundwater runoff and diversion of surface water
42 and groundwater in an effective manner to cause less velocity and erosion/sedimentation damage:

43
44 1. To minimize the need for additional storm drainage facilities and to reduce additional
45 maintenance expense of removal of debris, and sediment from drainage facilities,

46
47 2. To reduce erosion and minimize siltation of streams and wetlands and reduce pollution in
48 Lake Washington by preventing unnecessary removal of trees, ~~and~~ groundcover [and native](#)
49 [soils](#) over prolonged periods of time,

1
2 3. To reduce risk of slides, to protect and enhance the fish habitat, to maintain the natural
3 wetlands in a viable manner for wildlife, and to minimize flooding for the safety and general
4 welfare of the citizens;
5

6 E. To retain clusters of trees, shrubs and other groundcover as buffer zones for the abatement of
7 noise, for protection from wind, to reduce air pollution by producing pure oxygen from carbon
8 dioxide, and to act as a [stormwater runoff](#) filter to protect natural watercourses and wetlands;
9

10 F. To minimize devaluation of property values due to unnecessary destruction of trees and
11 groundcover;
12

13 G. To ensure prompt development, restoration and replanting after land clearing, landfill or grading
14 procedures; to effectively control erosion/sedimentation and surface water runoff velocities during
15 and after land clearing, landfill or grading procedures;
16

17 H. To implement the goals and objectives of the Washington State Environmental Policy Act;
18

19 I. To implement and further the city's comprehensive plan and solar access ordinance;
20

21 J. To protect sensitive areas from adverse clearing and grading activities. (Ord. 489 § 2, 1991;
22 Ord. 333 § 7, 1984; Ord. 277 § 2, 1981)
23

24 **16.08.030 Definitions.**

25 As used in this chapter:
26

27 ~~1. "Abatement" means the method of reducing the degree or intensity of pollution, also the use of~~
28 ~~such a method.~~
29

30 1. "Administrator" means the Planning and Building Director or a person designated by the mayor.
31

32 2. "Air pollution" means the presence of contaminants in the air in concentrations that prevent the
33 normal dispersive ability of the air and that interfere directly or indirectly with man's health, safety,
34 comfort or the full use and enjoyment of his property.
35

36 3. "Best Management or Development Practices (BM/DPs), Best Management Practice (BMP)" shall
37 mean the schedules of activities, prohibitions of practices, maintenance procedures, and structural
38 and/or managerial practices, that when used singly or in combination, prevent or reduce the release
39 of pollutants and other adverse impacts to waters of Washington state.
40

41 4. "Buffer or Buffer Zone" shall mean the zone contiguous with a sensitive area that is required for
42 the continued maintenance, function, and structural stability of the sensitive area. The functions of
43 a riparian buffer (those associated with an aquatic system) include shading, input of organic debris
44 and coarse sediments, uptake of nutrients, stabilization of banks, interception of line sediments,
45 overflow during high water events, protection from disturbance by humans and domestic animals,
46 maintenance of wildlife habitat, and room for variation of aquatic system boundaries over time due
47 to hydrologic or climatic effects. The functions of terrestrial buffers include protection of slope
48 stability, attenuation of surface water flows from stormwater runoff and precipitation, and erosion
49 control.~~"Buffer (zones)" means either: a designated area adjacent to and a part of a steep slope or~~

1 ~~landslide hazard area which protects slope stability, attenuation of surface water flows and landslide,~~
2 ~~seismic and erosion hazards necessary to minimize risk; or a designated area adjacent to and a part~~
3 ~~of a stream or wetland that is part of the stream or wetland ecosystem including, but not limited to,~~
4 ~~plant and wildlife habitat.~~

5
6 5. "Clearing" means the cutting, grubbing, removal or degradation of vegetation by physical,
7 mechanical, chemical or any other means.

8
9 6. "Clearing and Grading Permit" shall mean the written approval of the City of Lake Forest Park
10 Administrator to proceed with the act of clearing property within the city limits of Lake Forest Park.
11 The Clearing and Grading Permit includes the associated approved plans and any conditions of
12 approval as well as the permit form itself.

13
14 7. "Cutting" means the severing of a main trunk or stem with an intent to destroy the vegetation, or
15 the removal of more than 25 percent of the total vegetative height.

16
17 ~~11. "Degradation" means to wear down as by erosion or degrade as water quality through pollution.~~

18
19 8. "Developed lot" shall mean a lot or parcel of land upon which a structure(s) is located, which
20 cannot be more intensively developed pursuant to the city zoning code, and which cannot be further
21 subdivided pursuant to city subdivision regulations.

22
23 9. "Development" shall mean any activity that requires federal, state, or local approval for the use or
24 modification of land or its resource. These activities include, but are not limited to, subdivision and
25 short subdivisions; binding site plans; planned unit developments; variances; shoreline substantial
26 development; clearing activity; excavation; embankment; fill and grade work; converting fallow land
27 or undeveloped land to agricultural purposes; activity conditionally allowed; building or construction;
28 revocable encroachment permits; and septic approval.

29
30 10. "Development Area" shall mean an area where the movement of earth, or a change in the
31 existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography occurs as
32 a result of an applicant's development plans.

33
34 11. "Drainage plan" means a plan for receiving, handling and transporting surface water or
35 groundwater runoff within the subject property.

36
37 12. "Dry Season" shall mean the months of May through September.

38
39 13. "Ecology" shall mean Washington State Department of Ecology.

40
41 14. "Erosion" shall mean the wearing away of the land surface by running water, wind, ice, or other
42 geological agents, including such processes as gravitational creep, as well as, the detachment and
43 movement of soil or rock fragments by water, wind, ice, or gravity.

44
45 ~~8. "Erosion" means the wearing away of the land surface by water, wind, ice or other geological~~
46 ~~agents.~~

1 ~~9. "Erosion standards" means the standards for various types of soils and land uses, including~~
2 ~~criteria, techniques and methods for the control of erosion and sediment resulting from land-~~
3 ~~disturbing activities.~~

4
5
6 15. "Excavation" shall mean the removal of material such as earth, sand, gravel, rock, or asphalt.

7
8 16. "Fill" shall mean earth, sand, gravel, rock, asphalt, compost, wood or wood chips or other solid
9 material used to increase the ground surface elevation or to replace excavated material.

10
11 17. "Filling" shall mean the act of placing fill material (earth, sand, gravel, rock, asphalt, or other
12 solid material) on any soil surface, natural vegetative covering, or other fill material to raise the
13 ground elevation or to replace excavated material.

14
15 18. "Filtering system" means a system whereby water runoff is filtered to remove sedimentation
16 before water is released to flow or drain into a watercourse.

17
18 19. "Geotechnical Engineer" shall mean a professional engineer currently registered in the state of
19 Washington, qualified due to experience and education in the practice of geotechnical engineering,
20 and designated by the owner as the geotechnical engineer of record for the project.

21
22 20. "Grading" shall mean the movement of earth material through mechanical or other means to
23 create the finished surface and contour of a project site.

24
25 ~~11. "Grading" means leveling or sloping of the ground or soil evenly.~~

26
27 21. "Groundcover" means plants such as salal, ~~ivy,~~ ferns, mosses, grasses or other types of
28 vegetation which normally cover the ground and includes trees less than ~~four~~ six inches in diameter
29 measured at 24 inches above ground level.

30
31 22. "Groundwater runoff" means that part of the groundwater that is discharged into a stream as
32 spring or seepage water.

33
34 23. "Grubbing" shall mean the act of removing vegetation by the roots.

35
36 24. "Impervious" shall mean a hard surface area (e.g., parking lot or rooftop) that prevents or
37 impedes the entry of water into the soil, thus causing water to run off the surface in greater
38 quantities or at an increased rate of flow.

39
40 ~~14. "Land clearing" means the act of removing or destroying trees or groundcover from any~~
41 ~~undeveloped or partially developed lot, public lands or public right of way.~~

42
43 ~~15. "Landfill" means the act of adding soil, sand, rock, compost, wood or wood chips, and other~~
44 ~~similar materials to build up the level of the ground.~~

45
46 25. "Land Disturbance Activity" shall mean any activity that results in movement of earth, or a
47 change in the existing soil cover and/or the existing soil topography. Land disturbing activities
48 include, but are not limited to, clearing, grading, filling, and excavation.

- 1 26. "Light equipment" means hand-held tools and construction equipment, such as line trimmers,
2 handsaws, wheelbarrows, and post-hole diggers.
3
- 4 27. "Low Impact Development (LID)" shall mean a stormwater management strategy that
5 emphasizes conservation and use of existing natural site features integrated with distributed, small-
6 scale stormwater controls to more closely mimic natural hydrologic patterns in residential,
7 commercial, and industrial settings.
8
- 9 28. "Material" shall mean earth, sand, gravel, rock, asphalt, compost, garbage, wood or wood chips
10 or other solid material.
11
- 12 29. "Mechanical earth-moving equipment" shall mean motorized equipment used for clearing, earth
13 moving, trenching, paving or excavation.
- 14
- 15 30. "Partially developed lot" means a lot or parcel of land upon which a building is located and which
16 is of sufficient area so as to be capable of subdivision in accordance with the subdivision ordinances
17 of the city.
- 18
- 19 31. "Pervious" shall mean soil or other material that allows the infiltration or passage of water or
20 other liquids.
21
- 22 32. "Permit" shall mean, unless otherwise noted, the Clearing and Grading Permit; see Clearing and
23 Grading Permit.
24
- 25 33. "Removal" shall mean the actual destruction or causing the effective destruction through
26 damaging, poisoning or other direct or indirect actions resulting in the death of a tree or ground
27 cover.
28
- 29 ~~17. "Responsible official" means the building inspector or a person designated by the mayor.~~
30
- 31 34. "Retention/detention facilities" means facilities designed either to hold runoff for a short period
32 of time and then release it to the natural watercourse or to hold water for a considerable length of
33 time to be consumed by evaporation, plants or infiltration into the ground.
34
- 35 35. "Routine landscape maintenance" shall mean pruning, weeding, planting annuals, mowing turf
36 lands and ground cover management that is undertaken by a person in connection with the normal
37 maintenance and repair of property. This definition does not include felling or topping of trees or
38 removal of invasive plants resulting from lack of regular maintenance.
39
- 40 36. "Runoff" means that portion of the precipitation on a drainage area that is discharged from the
41 area in stream channels. Types include surface runoff, groundwater runoff or seepage.
42
- 43 37. "Sediment" means solid material, both mineral and organic, that is in suspension, is being
44 transported, or has been moved from its site of origin by air, water, gravity or ice and has come to
45 rest on the earth's surface either above or below sea level.
46
- 47 38. "Sedimentation" means the process or action of depositing sediment.
48

1 39. "Sensitive Area" shall mean any area designated as a sensitive area pursuant to Title 16.16
2 LFPMC.

3
4 40. "Stormwater Pollution Prevention Plan (SWPPP)" shall mean a report containing a narrative and
5 drawings used to explain and justify the pollution prevention decisions made for a particular project.
6 The narrative contains concise information concerning existing site conditions, construction
7 schedules, and other pertinent items that are not contained on the drawings. The drawings and
8 notes describe where and when the various BMPs should be installed, the performance the BMPs are
9 expected to achieve, and actions to be taken if the performance goals are not achieved.

10
11 41. "Stream" means surface waters carries in defined channels or beds, intermittently or perennially,
12 excluding irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial
13 streams, unless used by salmonids or to convey surface water naturally occurring prior to the
14 alteration of the land. A defined channel or bed shall constitute an area, which demonstrates clear
15 evidence of passage of water and includes, but is not limited to, bedrock channels, gravel beds,
16 sand and silt beds, and defined channel swales. A channel or bed need not contain water year-
17 round, but should show evidence of annual intermittent flow to meet the requirements of this
18 definition.

19
20 42. "Temporary erosion/sedimentation control plan (TESCP)" means a plan that details the practices
21 and structures that will be necessary (site specific) to control erosion/sedimentation from the
22 construction site.

23
24 43. "Tree" means any living woody plant characterized by one main stem or trunk and many
25 branches, and having a diameter of ~~four-six inches or more measured at 24 inches above ground~~
26 ~~level.~~

27
28 44. "Tree removal" means any act which causes a tree to die including, but not limited to, cutting,
29 damage inflicted upon the root system by machinery, storage of materials, and soil compaction;
30 changing the natural grade above the root system or around the trunk; damage inflicted on the tree
31 permitting infection or pest infestation; excessive pruning; paving with concrete, asphalt or other
32 impervious material within such proximity as to be harmful to the tree.

33
34 45. "Undeveloped lot" means a lot or parcel of land upon which no building exists.

35
36 46. "Vegetation" means any and all organic plant life growing at, below or above the soil surface.

37
38 ~~27. "Watercourse" means a course or route formed by nature and generally consisting of a channel~~
39 ~~with a bed, banks or sides, substantially throughout its length along which surface waters, with~~
40 ~~some regularity, naturally and normally flow or drain from higher to lower lands. (Ord. 650 § 1,~~
41 ~~1995; Ord. 499 § 5, 1992; Ord. 489 §§ 3, 4, 1991; Ord. 277 § 3, 1981)~~

42
43 47. "Wetlands" shall mean land that is inundated or saturated with water, such as swamps,
44 marshes, bogs, and similar, or areas that under normal circumstances support a prevalence of
45 vegetation typically adapted for life in saturated soil conditions; excluding artificial wetlands
46 intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage
47 ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds,
48 and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally
49 created as a result of the construction of a road, street, or highway. "Wetlands" may include those

1 [artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of](#)
2 [wetlands. Wetlands shall be delineated in accordance with the *Washington State Wetlands*](#)
3 [Identification and Delineation Manual](#) (Department of Ecology Publication No. 96-94).

4
5 48. ["Wetponds" shall mean drainage facilities for water quality treatment that contain permanent](#)
6 [pools of water that are filled during the initial runoff from a storm event. They are designed to](#)
7 [optimize water quality by providing retention time in order to settle out particles of fine sediment to](#)
8 [which pollutants such as heavy metals absorb. They also allow biologic activity to occur that](#)
9 [metabolizes nutrients and organic pollutants.](#)

10
11 49. ["Wet Season" shall mean the period of the year between October 1 and April 30.](#)

12
13 **16.08.050-040 Exemptions.**

14 A. Clearing and Grading Permit approval is not required for any of the following activities.

15
16 1. Removal of trees and groundcover required by emergency situations involving immediate
17 danger to life or property or substantial fire hazards;

18
19 2. Removal of dead or diseased trees or groundcover. The property owner shall be required
20 to remove any dead or diseased trees or groundcover which constitute a public hazard;

21
22 3. Routine vegetation maintenance and removal of trees ([less than six inches in diameter](#)) or
23 groundcover on developed lots ~~within 50 feet of the primary building~~ when these activities
24 are done for the purpose of general property and utility maintenance landscaping or
25 gardening [and provided these activities involves 25 cubic yards of material or less and do](#)
26 [not involve clearing more than 500 square feet of land that has a slope of 15% or less.](#)
27 [Routine driveway and walkway maintenance shall also be allowed without a permit, provided](#)
28 [such maintenance does not increase impervious area more than 100 square feet.](#) The
29 provisions of this chapter shall still apply to activities requiring the use of a bulldozer,
30 backhoe, bobcat, or other similar ~~riding-mechanical~~ earth-moving ~~vehicle or~~ equipment.

31
32 4. [The removal of the following vegetation with hand labor and light equipment:](#)

33 [a. Invasive and noxious weeds as listed by state and county agencies;](#)

34 [b. English ivy \(*Hedera helix*\);](#)

35 [c. Himalayan blackberry \(*Rubus discolor*, *R. procerus*\); and](#)

36 [d. Evergreen blackberry \(*Rubus laciniatus*\).](#)

37
38 5. [Normal operations and maintenance of cemeteries provided the removal or fill does not](#)
39 [exceed 50 cubic yards per cemetery plot. This exemption does not extend to site](#)
40 [development, tree removal, or work within sensitive areas.](#)

41
42 6. [Installation and maintenance of public utilities, after approval of the route by the](#)
43 [Administrator, except in parks or environmentally sensitive areas;](#)

44
45 7. [Land clearing, grading, filling, sandbagging, diking, ditching, or similar work](#)
46 [during or after periods of extreme weather or other emergency conditions which](#)
47 [have created situations such as toxic releases, flooding, or high fire danger that](#)
48 [present an immediate danger to life or property.](#)

1 [8. Refuse disposal sites controlled by other regulations.](#)

2
3 [9. Mining, quarrying, excavation, processing, or stockpiling of rock, sand, gravel,](#)
4 [aggregate, or clay where established and provided for by law, provided such](#)
5 [operations do not affect the lateral support or increase the stresses in or pressure](#)
6 [upon any adjacent or contiguous property.](#)

7
8 [10. Routine drainage maintenance of existing, constructed stormwater drainage](#)
9 [facilities located outside of a protected area, including, but not limited to,](#)
10 [detention/retention ponds, wetponds, sediment ponds, constructed drainage swales,](#)
11 [water quality treatment facilities, such as filtration systems, and regional storm](#)
12 [facilities that are necessary to preserve the water quality treatment and flow control](#)
13 [functions of the facility. This exemption does not apply to any expansion and/or](#)
14 [modification to already excavated and constructed stormwater drainage facilities.](#)

15
16 [11. Roadway repairs and overlays within public street rights-of-way for the purpose](#)
17 [of maintaining the pavement on existing paved roadways. For these activities an](#)
18 [excavation permit is required per LFP MC 12.04, Street Excavations.](#)

19
20
21 B. Exemptions as described by 16.08.~~050~~040(1), (2), or (3) shall not apply to any land clearing
22 which includes the use of a bulldozer or similar mechanical earth-moving equipment, nor shall it be
23 construed to eliminate the requirements of permits being obtained before land clearing for the
24 purpose of developing the property with substantial permanent improvements such as roads,
25 driveways, utilities or buildings.

26
27 C. Nothing herein shall exempt an applicant or property owner from obtaining a tree removal permit
28 as required by Chapter 16.14 LFP MC. (Ord. 838 § 2, 2001; Ord. 721 § 2, 1997; Ord. 645 § 1, 1995;
29 Ord. 277 § 5, 1981)

30
31 **16.08.~~040~~-050 Permit required.**

32 [A\) No person, corporation, or other legal entity shall engage in or cause any land to be cleared](#)
33 [without first obtaining a Clearing and Grading Permit from the Administrator. Permits are](#)
34 [required as follows:](#)

35
36 [1\) A Minor Clearing and Grading Permit will be required for clearing, grading and excavation](#)
37 [activities that involve any of the following:](#)

38 [a\) Resurfacing existing impervious surfaces and other paved areas using mechanical earth-](#)
39 [moving equipment; or](#)

40 [b\) Moving more than 25 but less than 50 cubic yards of material; or](#)

41 [c\) Adding more than 100 but less than 250 square feet of impervious surface area; or](#)

42 [d\) Clearing more than 250 but less than 2000 square feet of land.](#)

43
44
45 [2\) A Major Clearing and Grading Permit will be required for clearing, grading and excavation](#)
46 [activities that involve any of the following:](#)

47 [a\) Moving 50 cubic yards or more of material; or](#)

48 [b\) Adding 250 square feet or more of impervious surface area; or](#)

- 1 c) Installing any drainage system that conveys water offsite or creates a new connection to
2 the City Stormwater system; or
3 d) Clearing more than 2000 square feet of land.
4

5 ~~A. A land-clearing, grading and landfill permit is required for land-clearing, landfill or grading~~
6 ~~activities over 50 cubic yards in quantity or a cut of three feet or more or a fill of two feet or more.~~
7 ~~Additionally, permits shall be required for land-clearing, tree removal, grading, excavation or filling~~
8 ~~which requires the use of a bulldozer, backhoe, bobcat or other similar riding earth-moving vehicle~~
9 ~~or equipment and/or for the purpose of preparing for substantial permanent improvements, such as~~
10 ~~roads, driveways, utilities and buildings. No person, corporation or other legal entity shall engage in~~
11 ~~or cause land-clearing, landfill or grading without having obtained a land-clearing and grading permit~~
12 ~~from the responsible official, subject, however, to the provisions of LFPMC 16.08.050.~~
13

14 ~~B. Land-clearing~~ Clearing and grading ~~tree removal which occurs on vacant lots which is not~~
15 ~~specifically exempt under 16.08.040 and beyond 50 feet of a primary building or proposed building~~
16 ~~footprint shall require a land-major clearing and grading permit, and comparable replacement on-site~~
17 ~~by species from the city's approved plant list. For purposes of this section, "comparable~~
18 ~~replacement" will mean replacement of trees with trees, shrubs with shrubs and groundcover with~~
19 ~~groundcover.~~
20

21 C. Nothing herein shall exempt an applicant or property owner from obtaining a tree removal permit
22 as required by Chapter 16.14 LFPMC. (Ord. 838 § 1, 2001; Ord. 721 § 1, 1997; Ord. 432 § 1, 1989;
23 Ord. 277 § 4, 1981)
24

25 **16.08.060 Application for permit.**

26 ~~Application~~ An application, in duplicate, for a ~~land~~ clearing and grading permit shall be submitted on
27 a form provided by the city and shall be accompanied by such of the following documents and
28 information as are deemed necessary by the ~~responsible official~~ Administrator:
29
30

31 A. Two copies of a map or plat plan with adequate scale as determined by the ~~responsible~~
32 ~~official~~ Administrator and including:
33

- 34 1. Existing and proposed Contours (5 foot interval max);
- 35 2. Location of ~~watercourses~~ streams;
- 36 3. Location of environmentally sensitive areas;
- 37 4. Location of existing and proposed utilities including storm drainage collection and
38 conveyance systems;
- 39 5. Location of existing structures/improvements;
- 40 6. Location of proposed improvements;
- 41 7. Location of excavations;
- 42 8. Placement of excavated material or fill;
- 43 9. Location, type and size of existing trees and groundcover; and
- 44 10. Grading limits shown with identification of trees and groundcover to be removed; and
45 11. Estimate quantities of cut and fill;
46

47 B. A statement indicating method to be followed and a proposed time schedule for land clearing,
48 land restoration, implementation of erosion control, and any excavation, or construction of
49 improvements for roads and/or utilities;

1
2 C. A permanent drainage plan indicating type of filler, retention or detention plan to control surface
3 water runoff. Permanent drainage plans shall be in accordance with chapter 16.24;
4

5 D. Activities approved under Minor Land Clearing and Grading Permits shall meet the abbreviated
6 ESC requirements in Appendix C of the King County Surface Water Design Manual adopted in
7 Chapter 16.24. Major Land Clearing and Grading activities require developing a Stormwater
8 Pollution Prevention Plan in accordance with Chapter 2 of the King County Surface Water Design
9 Manual.

10
11 ED. The permit fee for ~~land~~-clearing and grading shall be as established periodically by city council
12 resolution; such fee may be waived at the discretion of the city council;
13

14 FE. A temporary erosion/sedimentation plan (TESCP) indicating grading limits and measures to
15 control erosion/sedimentation during construction activities;
16

17 GF. Other information deemed necessary by the ~~responsible official~~Administrator. (Ord. 787 § 1,
18 1999; Ord. 499 § 5, 1992; Ord. 439 § 10, 1989; Ord. 326 § 9, 1984; Ord. 277 § 6.1(a) – (e), (h),
19 1981)
20

21 **16.08.070 Performance standards.** Erosion and sediment controls shall be applied as specified
22 by the temporary erosion and sediment control measures and performance criteria and
23 implementation requirements in the King County Surface Water Design Manual adopted in Chapter
24 16.24. A Stormwater Pollution Prevention Plan (SWPPP) shall be required for any development
25 meeting the threshold for a Major Clearing and Grading permit. All of the performance standards in
26 this section are required unless an exemption from a particular standard is clearly justified in the
27 narrative of the construction SWPPP.
28

29 **A. Minimize Potential Impacts**

30 All grading and clearing activities shall be conducted so as to minimize potential adverse effects of
31 these activities on forested lands, surface water quality and quantity, groundwater recharge, fish
32 and wildlife habitat, adjacent properties, and downstream drainage channels. The applicant shall
33 attempt to prevent impacts and minimize the clearing of naturally occurring vegetation, retain
34 existing soils, and maintain the existing natural hydrological functions of the site.
35

36 **B. Stormwater Consistency of Standards**

37 All standards under this code shall be consistent with the latest version of the *King County Surface*
38 *Water Design Manual.*
39

40 **C. Clearing and Grading Limits**

41 Clearing and grading activities for developments shall be permitted only if conducted pursuant to an
42 approved site development plan (e.g., subdivision approval, site plan approval, etc.) that establishes
43 permitted areas of clearing, grading, cutting, and filling. When establishing permitted clearing and
44 grading areas, consideration should be given to minimizing removal of existing trees and minimizing
45 disturbance/compaction of native soils except as needed for building purposes. Permitted clearing
46 and grading areas and any other areas required to preserve sensitive areas, buffers, native growth
47 protection easements, or tree retention areas, shall be delineated on the site plans and the
48 development site.

1
2 **D. Land Disturbance Limits**

3 Prior to beginning land disturbing activities, including clearing and grading, all clearing limits,
4 sensitive areas and their buffers, and trees that are to be preserved within the construction area
5 shall be clearly marked, both in the field and on the plans, to prevent damage and offsite impacts.
6

7 **E. Natural Features Preservation**

8 Land disturbance activity shall be undertaken in such a manner so as to preserve and enhance the
9 City of Lake Forest Park's natural features. Natural features include landmark trees (as defined in
10 LFPMC 16.14), important vegetation species, and unique landforms or other natural features and
11 shall be preserved to every extent practical.
12

13 **F. Site Containment**

14 Erosion, sediment, and other impacts resulting from any clearing and grading activity shall be
15 contained on the site. Containment of such impacts may require temporary erosion/ sedimentation
16 control measures during and immediately following clearing and grading activities. The faces of
17 slopes shall be prepared and maintained to control erosion. Check dams, riprap, plantings, terraces,
18 diversion ditches, sedimentation ponds, straw bales, or other devices or methods shall be employed
19 where necessary to control erosion and provide safety. Devices or procedures for erosion protection
20 shall be initiated or installed as soon as possible during grading operations and shall be maintained
21 in operable condition by the owner.
22

23 **G. Protection of Adjacent and Downstream Properties and Waterways**

24 Downstream properties and waterways shall be protected from erosion during construction due to
25 temporary increases in the volume, velocity, and peak flow rate of runoff from the site.
26 Downstream analysis is necessary if changes in flows could impair or alter conveyance systems,
27 stream banks, bed sediments or aquatic habitat. Where necessary to protect waterways and
28 properties, stormwater retention or detention facilities shall be constructed as one of the first steps
29 in grading. Detention facilities shall be functional prior to construction of site improvements (e.g.,
30 impervious surfaces). If permanent infiltration ponds are used for flow control during construction,
31 these facilities should be protected from siltation during the construction phase.
32

33 **H. Install Sediment Controls**

34 Stormwater runoff from disturbed areas shall pass through a sediment pond, or other appropriate
35 sediment removal BMP prior to entering a storm drain inlet, leaving a construction site, or
36 discharging to an infiltration facility. Runoff from fully stabilized areas may be discharged without a
37 sediment removal BMP, but shall meet the flow control performance standard of the King County
38 Surface Water Design Manual adopted in Chapter 16.24. Sediment removal BMPs (sediment ponds,
39 traps, filters, etc) shall be constructed as one of the first steps in grading. These BMPs shall be
40 functional before other land disturbing activities take place. BMP's intended to trap sediment on-site
41 shall be located in a manner to avoid interference with the movement of juvenile salmonids
42 attempting to enter off-channel areas or drainages. If protection is inadequate and deposition
43 occurs on the adjoining property, public right-of-way, or drainage system, the contractor shall
44 immediately remove the deposited sediment and restore the affected area to its original condition.
45

46 **I. Construction Access**

47 Construction vehicle access shall be, whenever feasible, limited to one route. A temporary access
48 road shall be provided at all sites. Access surfaces shall be stabilized to minimize the tracking of
49 sediment onto adjacent roads by utilizing quarry spalls, crushed rock or other equivalent BMPs.

1 Other measures may be required at the discretion of the Administrator in order to ensure that
2 construction vehicles do not track sediment onto public streets, or washed into storm drains. All
3 approach roads shall be kept clean. Wheel wash or tire baths shall be located on site if the
4 stabilized construction entrance is not effective in preventing sediment from being tracked onto
5 public roads. Sediment shall be removed from roads by shoveling or pickup sweeping and shall be
6 transported to a controlled sediment disposal area. Street washing will be allowed only after
7 sediment is removed in this manner. If sediment is tracked off site, public roads shall be cleaned
8 thoroughly at the end of each day, or more frequently during wet weather. Street wash wastewater
9 shall be controlled by pumping back on-site or otherwise be prevented from discharging into
10 systems tributary to state surface waters.

11 **J. Stabilization of Disturbed Areas**

12 All exposed soil shall be stabilized by application of suitable BMPs and soil stabilization measures,
13 including but not limited to sod or other vegetation, plastic covering, mulching, or application of
14 base course(s) on areas to be paved. Soil stabilization measures selected should be appropriate for
15 the time of year, site conditions, estimated duration of use, and potential was quality impacts that
16 stabilization agents may have on downstream waters or ground water. Soils shall be stabilized at
17 the end of the shift before a holiday or weekend if needed based on the weather forecast. All BMPs
18 shall be selected, designed, and maintained according to the approved manual by the Administrator.
19 From October 1 through April 30, no unworked soils shall remain exposed for more than two days.
20 From May 1 through September 30, no unworked soil shall remain exposed for more than seven
21 days. Soil stockpiles must be stabilized from erosion, protected with sediment trapping measures,
22 and where possible, be located away from storm drain inlets, waterways and drainage channels.
23 Linear construction activities, including right-of-way and easement clearing, roadway development,
24 pipelines, and trenching for utilities, shall be conducted to meet the soil stabilization requirement.

25 **K. Dust Suppression**

26 Dust from clearing, grading, and other construction activities shall be minimized at all times.
27 Impervious surfaces on or near the construction area shall be swept, vacuumed, or otherwise
28 maintained to suppress dust entrainment. The Administrator shall approve any dust suppressants
29 used. Petrochemical dust suppressants are prohibited. Watering the site to suppress dust is also
30 prohibited unless it can be done in a way that keeps sediment out of the drainage system.

31 **L. Erosion and Sedimentation Control**

32 Erosion and sedimentation control BMPs shall be designed and implemented appropriate to the scale
33 of the project and necessary to prevent sediment from leaving the project site, including but not
34 limited to, the standards and requirements described in this chapter, and in the latest adopted
35 edition of the *King County Surface Water Design Manual*.

36 1. In addition to the measures in this and other codes and ordinances, the Administrator
37 may impose the following erosion control measures, or other additional measures, as
38 appropriate for the project:

- 39 a. Performance monitoring to determine compliance with state water quality
40 standards, or more stringent standards if adopted by the city.
- 41 b. Funding additional city inspection time, up to a full-time inspector.
- 42 c. Stopping work if necessary to control erosion and sedimentation.
- 43 d. Construction of additional siltation/sedimentation ponds
- 44 e. Use of erosion control blankets, nets, or mats in addition to or in conjunction
45 with straw mulch.

- 1 2. If the initially implemented erosion and sedimentation BMPs do not adequately control
2 erosion and sedimentation, additional BMPs shall be installed, including but not limited to
3 the extraordinary BMPs described in subsection (1) of this section. It is the contractor's
4 responsibility to ensure sediment does not leave the site in an amount that would violate
5 applicable state, county, or city water quality standards. The City of Lake Forest Park
6 has the authority to enforce state and county water quality standards, or, if adopted by
7 the City of Lake Forest Park, more stringent water quality standards.
- 8 3. The timing/sequencing requirements for implementing/removing erosion and
9 sedimentation control measures are as follows:
- 10 a. The contractor must install sediment removal BMPs prior to all other clearing,
11 grading, or construction. These BMPs must be functional before other land
12 disturbing activities take place.
- 13 b. The contractor must remove all temporary erosion and sediment control BMPs within
14 thirty (30) days after final site stabilization or after the BMP is no longer needed, per
15 agreement of the Administrator. Before removing such BMPs, the contractor must
16 remove trapped sediment or stabilize on-site. Any soils disturbed during sediment
17 removal must be permanently stabilized by the contractor.
- 18 c. The contractor must complete the required permanent erosion control within seven
19 (7) days of completed grading unless the weather is unsuitable for transplanting. In
20 that case, the contractor must maintain temporary erosion control until permanent
21 restoration can be completed. The period between work completion and final
22 planting shall not exceed one year without written authorization from the
23 Administrator.

24 **M. Native Soil Protection and Amendment**

25 The duff layer and native topsoil should be retained in an undisturbed state to the maximum extent
26 practicable. Any soils disturbed in the site development process that are in areas to be counted
27 toward native vegetation requirements must be amended to meet the Native Vegetated Landscape
28 Specifications in Appendix C of the King County Surface Water Design Manual adopted in Chapter
29 16.24.

30 **N. Stabilize Channels and Outlets**

31 Temporary on-site stormwater conveyance systems shall be designed, constructed, and
32 stabilized to prevent erosion from leaving the site and affecting properties, streams, and
33 wetlands downstream of the clearing and grading activity. Stabilization measures shall be
34 provided which comply with local BMPs at stormwater conveyance system outlets to prevent
35 erosion of outlets, adjacent streambanks, slopes, and downstream reaches or properties.

- 36 1. All temporary on-site conveyance channels shall be designed, constructed and
37 stabilized pursuant to requirements of the King County Surface Water Design Manual
38 adopted in Chapter 16.24.
- 39 2. Stabilization, including armoring material, adequate to prevent erosion of outlets,
40 adjacent stream banks, slopes and downstream reaches shall be provided at the
41 outlets of all conveyance systems.

42 **O. Protection of Sensitive Areas**

43 The function and values of all sensitive areas, including all stream types, geologically unstable areas,
44 critical aquifer recharge areas, frequently flooded areas, wetlands, and fish and wildlife conservation
45 areas or habitats, and their sensitive areas buffers located on or adjacent to the site shall be
46 protected from clearing and grading activities that result in sedimentation, erosion, and degradation.

1 Such impacts shall be avoided by appropriate use of setbacks, erosion, and sediment control
2 measures and other appropriate best development and management practices consistent with
3 LFPMC Chapter 16.16 Environmentally Sensitive Areas.

4 5 **P. Protection of Pervious Area**

6 For projects proposing on-site stormwater management, all areas designated as permanent pervious
7 areas or permanent infiltration areas shall be protected from compaction.

- 8 1. Permanent pervious areas include parts of the site paved with pervious surfacing, and
9 vegetated dispersion areas. Permanent infiltration areas include designated infiltration
10 trench and bioretention facilities.
- 11 2. At no time shall temporary sediment control ponds be located in permanent pervious
12 areas, as this activity will reduce the long-term hydrologic function of the pervious area.
- 13 3. At no time shall construction materials, equipment, or topsoil be stored in permanent
14 pervious areas.
- 15 4. At no time shall heavy construction equipment enter permanent pervious areas. Long-
16 arm excavation equipment may be used to reach into these areas so long as the
17 equipment tracks or wheels do not enter the pervious area.

18 19 **Q. Avoidance of Hazards**

20 Land disturbance activities shall not result in off-site physical damage, nor pose a danger or hazard
21 to life or property. Such activities shall neither contribute to nor create landslides, accelerated soil
22 creep, or settlement of soils.

23 24 **R. Cut and Fill Slopes**

25 Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. In
26 addition, slopes shall be stabilized in accordance with the requirements of this section. The
27 applicant shall:

- 28 1. Submit a geotechnical report, prepared by a geotechnical engineer, when required
29 pursuant to LFPMC Chapter 16.16 Environmentally Sensitive Areas for qualified
30 professional reports.
- 31 2. Minimize clearing and grading on slopes fifteen (15) percent or greater and meet any
32 sensitive earth conditions performance standards set forth in Chapter 16.16 LFPMC.
- 33 3. Comply with the Land Use Code restrictions applicable to slopes forty (40) percent or
34 greater and to areas of colluvial or landslide deposit on slopes of fifteen (15) percent or
35 greater.
- 36 4. Limit the maximum gradient of artificial slopes to no steeper than 2:1 [two (2) feet of
37 horizontal run to one (1) foot of vertical fall] unless a geotechnical engineering report
38 and slope stability analysis is provided and shows that a factor of safety of at least 1.5
39 for static loads and 1.1 for pseudostatic loads can be met.
- 40 5. Do no clearing, excavation, stockpiling, or filling on the potential slide block of an
41 unstable or potentially unstable slope unless it is demonstrated to the Administrator's
42 satisfaction that the activity would not increase the load, drainage, or erosion on the
43 slope.
- 44 6. Do no clearing, excavation, stockpiling, or filling on any unstable or potentially unstable
45 areas (such as landslide deposits) unless it is demonstrated to the Administrator's
46 satisfaction that the activity would not increase the risk of damage to adjacent property
47 or natural resources or injury to persons.
- 48 7. Intercept any ground water, subsurface water, or surface water drainage encountered
49 on a cut slope and discharge it at a location approved by the Administrator in

- 1 consultation with the City of Lake Forest Park Public Works and Engineering
2 Departments. Off-site stormwater (run-on) or groundwater shall be diverted away from
3 slopes and undisturbed areas with interceptor dikes, pipes and/or swales. Off-site
4 stormwater should be managed separately from stormwater generated on the site.
- 5 8. Design and protect cut and fill slopes to minimize erosion.
6 9. Excavated material shall be placed on the uphill side of trenches, consistent with safety
7 and space considerations.
8 10. Check dams shall be placed at regular intervals within constructed channels that are cut
9 down a slope.
10 11. At the top of slopes, collect drainage in pipe slope drains or protected channels to
11 prevent erosion pursuant to requirements in the *King County Surface Water Design*
12 *Manual (latest adopted edition)*. Temporary pipe slope drains shall handle the expected
13 peak 10-minute flow velocity from a Type 1A, 10-year, 24-hour frequency storm for the
14 developed condition. Alternatively, the 10-year, 1-hour flow rate predicted by an
15 approved continuous runoff model, increased by a factor of 1.6, may be used. The
16 hydrologic analysis shall use the existing land cover condition for predicting flow rates
17 from tributary areas outside the project limits. For tributary areas on the project site,
18 the analysis shall use the temporary or permanent project land cover condition,
19 whichever will produce the highest flow rates. Bare soil areas should be modeled as
20 "landscaped area."

21 **S. Control of Other Pollutants**

22 Construction site operators must properly handle and dispose of other pollutants that are on-site
23 during construction so as to avoid possible health risks or environmental contamination. Direct and
24 indirect discharge of pollutants to the drainage system, sensitive areas, wetlands, streams, or any
25 other adjacent properties is prohibited.

- 26 1. All pollutants, including waste materials and demolition debris, that occur onsite shall be
27 handled and disposed of in a manner that does not cause contamination of stormwater.
28 2. Cover, containment, and protection from vandalism shall be provided for all chemicals,
29 liquid products, petroleum products, and other materials that have the potential to pose
30 a threat to human health or the environment. On-site fueling tanks shall include
31 secondary containment.
32 3. Maintenance, fueling and repair of heavy equipment and vehicles shall be conducted
33 using spill prevention and control measures. Contaminated surfaces shall be cleaned
34 immediately following any spill incident.
35 4. Wheel wash or tire bath wastewater shall be discharged to a separate on-site treatment
36 system or to the sanitary sewer with local sewer district approval.
37 5. Application of fertilizers and pesticides shall be conducted in a manner and at application
38 rates that will not result in loss of chemical to stormwater runoff. Manufacturers' label
39 requirements for application rates and procedures shall be followed.
40 6. BMPs shall be used to prevent or treat contamination of stormwater runoff by pH
41 modifying sources. These sources include, but are not limited to: bulk cement, cement
42 kiln dust, fly ash, new concrete washing and curing waters, waste streams generated
43 from concrete grinding and sawing, exposed aggregate processes, dewatering concrete
44 vaults, concrete pumping and mixer washout waters. Construction site operators shall
45 adjust the pH of stormwater if necessary to prevent violations of water quality standards.
46 7. Construction sites with significant concrete work shall adjust the pH of stormwater if
47 necessary to prevent violations of water quality standards. Construction site operators
48

1 obtain written approval from the Department of Ecology prior to using chemical
2 treatment other than CO2 or dry ice to adjust pH.

4 **T. Dewatering Devices**

- 5 1. Foundation, vault, and trench dewatering water which have similar characteristics to
6 stormwater runoff at the site shall be discharged into a controlled conveyance system
7 prior to discharge to a sediment pond. Channels must be stabilized as specified in the
8 *King County Surface Water Design Manual* (latest adopted edition).
- 9 2. Clean, non-turbid dewatering water, such as well-point ground water, can be discharged
10 to systems tributary to state surface waters, provided the dewatering flow does not
11 cause erosion or flooding of receiving waters. These clean waters should not be routed
12 through stormwater sediment ponds.
- 13 3. Highly turbid or contaminated dewatering water shall be handled separately from
14 stormwater.
- 15 4. Other disposal options, depending on site constraints, may include:
 - 16 a. Infiltration.
 - 17 b. Transport off site in a vehicle, such as a vacuum flush truck, for legal disposal in a
18 manner that does not pollute state waters.
 - 19 c. On-site treatment using chemical treatment or other suitable treatment technologies.
 - 20 d. Sanitary sewer discharge with local sewer district approval.
 - 21 e. Use of a sedimentation bag with outfall to a ditch or swale for small volumes of
22 localized dewatering.

24 **U. Slash Removal**

25 Slash from clearing shall preferably be chipped and spread across the site within one (1) year of
26 project completion.

28 **V. Revegetation**

29 The site shall be revegetated and landscaped as soon as practical, in accordance with a revegetation
30 plan, approved by the Administrator.

- 31
- 32 1. A permanent revegetation plan, utilizing vegetation that is known to have a high natural
33 survival rate, shall be implemented consistent with Lake Forest Park's landscaping, tree
34 protection and replacement, and permanent revegetation regulations.
- 35 2. Where permanent revegetation measures are not in place within seven (7) days in the
36 dry season and two (2) days in the wet season, the applicant shall provide temporary
37 revegetation or stabilization measures in accordance with the recommendations of the
38 latest adopted edition of the *King County Surface Water Design Manual*, and maintain
39 such measures in good condition until the permanent revegetation measures are
40 installed and inspected by the City of Lake Forest Park.
 - 41 a. Temporary revegetation during the dry season for all disturbed areas of the site
42 (exposed and unworked) that are not covered by permanent improvements such as
43 buildings, parking lots, and decks shall be hydro-seeded and irrigated within seven
44 (7) days until vegetation has been successfully established or the site otherwise
45 revegetated or stabilized using straw mulch, or other approved methods on an
46 interim basis.
 - 47 b. Temporary revegetation during the wet season for disturbed areas of the site
48 (exposed and unworked) that are not covered by permanent improvements such as
49 buildings, parking lots, and decks shall be hydro-seeded, otherwise revegetated, or

1 stabilized using plastic sheeting or other approved methods, on a temporary basis
2 within two (2) days until vegetation has been successfully established.
3

4 **X. Construction Phasing**

5 Development projects shall phase land disturbance to the maximum degree practicable and shall
6 take into account seasonal work limitations as explained in Section X. Construction SWPPP's shall
7 indicate land clearing schedules intended to minimize the occurrence and extent of land disturbing
8 activities in the wet season. Each phase of land disturbance shall comply with the requirements of
9 this code.

10 **X. Seasonality – Temporary Restrictions**

11 Seasonality refers to the wet season (defined as the period from October 1 through April 30).
12 Clearing, grading, and other land disturbing activities are prohibited unless a plan approved by the
13 Administrator is provided. Elements of the plan may include proposals that have minimal disturbance
14 of soils and are on sites with predominant soils that have low runoff potential, and are not
15 hydraulically connected to sediment/erosion-sensitive features. The following criteria also apply:

- 16 1. Wet season clearing, grading, and other land disturbing activities may be approved
17 provided an erosion and sediment control plan is prepared by a professional engineer
18 that specifically identifies methods of erosion control for wet weather conditions to
19 control erosion/sedimentation, surface water run off, and safeguard slope stability. In a
20 situation where erosion or sediment is not contained on site, construction activity shall
21 cease immediately and notification of the Administrator shall be made within twenty-four
22 (24) hours.
- 23 2. When approval is issued in the dry season (defined as the months of May through
24 September), and work is allowed to continue in the wet season, the City of Lake Forest
25 Park may require additional measures to limit erosion/sedimentation for slope stability.
26 The Administrator may prohibit land-disturbing activities during certain days of the wet
27 season. Determinations shall be made on a site-specific basis and evaluation of the
28 following:
 - 29 a. Average existing slope on the site.
 - 30 b. Quantity of proposed cut and/or fill.
 - 31 c. Classification of the predominant soils and their erosion and runoff potential.
 - 32 d. Hydraulic connection of the site to features that are sensitive to erosion impacts.
 - 33 e. Storm events and periods of heavy precipitation.
- 34 3. If a clearing and grading approval is issued for work during the wet season and the
35 Administrator subsequently issues a "Stop Work" order or correction notice for
36 insufficient erosion and sedimentation control, the approval will be suspended until the
37 dry season, or until the Administrator determines that weather conditions are favorable
38 and effective erosion and sedimentation control is in place.
- 39 4. The following activities are exempt from the seasonal clearing and grading limitations:
 - 40 a. Routine maintenance and necessary repair of erosion and sediment control BMPs;
 - 41 b. Routine maintenance of public facilities or existing utility structures that do not
42 expose the soil or result in the removal of the vegetative cover to soil; and
 - 43 c. Activities where there is one hundred percent infiltration of surface water runoff
44 within the site in approved and installed erosion and sediment control facilities.

45 **Y. Maintenance**

46 All temporary and permanent erosion and sediment control devices shall be maintained and repaired
47 as needed. Erosion and sediment control devices that are damaged or not working properly shall be
48 repaired.
49

1 returned to operating condition within twenty-four (24) hours of identifying they are not working
2 properly or receiving notice from the City of Lake Forest Park, or as otherwise directed by the
3 Administrator. The contractor shall:

- 4 1. Regularly inspect (weekly and within 24 hours after any runoff producing storm event
5 during the dry season, and daily including on weekends during the wet season) all
6 temporary and permanent erosion and sedimentation BMPs and maintain them in
7 compliance with the maintenance requirements in the King County Surface Water
8 Management Manual adopted in Chapter 16.24 so that they function as intended until
9 the site has been permanently stabilized, and the potential for on-site erosion has
10 passed. Inlets should be inspected weekly at a minimum and daily during storm events.
11 Inlet protection devices should be cleaned or removed and replaced when sediment has
12 filled one-third of the available storage (unless the product manufacturer specifies a
13 different standard).
- 14 2. Return any BMPs that are damaged or not working properly to normal operating
15 conditions as directed by the city or within twenty-four (24) hours of receiving notice
16 from the Administrator. BMPs that must be addressed include: stream buffers/setbacks,
17 stormwater/pollutant protection, natural feature preservation/vegetation retention,
18 sensitive area protection, setbacks/buffers, wetlands, fish habitat, avoidance of hazards,
19 revegetation, erosion and sediment control, and permanent retention/detention facilities.
20 The responsibility for maintaining site stability and maintenance objectives for buffer
21 vegetation and permanent erosion, sedimentation, and runoff control structures for the
22 original permit requirements is the responsibility of the property owner once the work is
23 complete and final restoration measures have been installed as per the plans or
24 approved permit requirements.

25 **Z. Ponds and Reservoirs**

26 Grading and excavation to construct ponds and reservoirs shall:

- 27 1. Meet all applicable setbacks specified in this code, except for stormwater detention
28 facilities authorized by the Administrator.
- 29 2. Maintain in-stream flows of natural drainage courses.
- 30 3. Protect adjacent property from damage.

31 **AA. Site-Specific Requirements**

32 Additional, site-specific requirements may be established after a site visit by the city. These
33 requirements shall be based on specific site conditions and are limited to additional temporary
34 erosion and sedimentation control and the mitigation of hazardous or potentially hazardous
35 conditions that pose a threat off site or habitat preservation.

36 **BB. Project Management**

- 37 1. Construction site operators shall maintain, update and implement their SWPPP.
38 Construction site operators shall modify their SWPPP whenever there is a change in
39 design, construction, operation, or maintenance at the construction site that has, or
40 could have, a significant effect on the discharge of pollutants to waters of the state.
- 41 2. For construction projects one acre or larger that discharge stormwater to surface waters
42 of the state, a Certified Erosion and Sediment Control Specialist shall be identified in the
43 Construction SWPPP and shall be on-site or on-call at all times. Certification may be
44 obtained through an approved training program that meets the erosion and sediment
45 control training standards established by Ecology.

1 For sites disturbing less than one acre but are part of a common plan of
2 development or sale that is one acre or larger, site inspections shall be conducted by a
3 person who is knowledgeable in the principles and practices of erosion and sediment
4 control. The inspector shall have the skills appropriate to:

- 5 (a) Assess the site conditions and construction site activities that could impact
6 the quality of stormwater, and
7 (b) Assess the effectiveness of erosion and sediment control measures used to
8 control the quality of stormwater discharges.

9 A knowledgeable inspector shall also be required for the following construction sites that
10 are less than one acre and have:

- 11 (a) a minimum of 2,000 square feet of new, replaced, or new and replaced
12 impervious surface; or
13 (b) a minimum of 7,000 square feet of land disturbance.

- 14 3. Maintaining an Updated Construction SWPPP - The Construction SWPPP shall be retained
15 on-site or within reasonable access to the site.
16 4. The SWPPP shall be modified whenever there is a significant change in the design,
17 construction, operation, or maintenance at the construction site that has, or could have,
18 a significant effect on the discharge of pollutants to waters of the state.
19 5. The SWPPP shall be modified, if during inspections or investigations conducted by the
20 owner/operator, or the applicable local or state regulatory authority, it is determined that
21 the SWPPP is ineffective in eliminating or significantly minimizing pollutants in
22 stormwater discharges from the site. The SWPPP shall be modified as necessary to
23 include additional or modified BMPs designed to correct problems identified. Revisions to
24 the SWPPP shall be completed within seven (7) calendar days following the inspection.
25

26 **CC. Tree Retention**

27 Trees shall be retained to the maximum extent feasible. Refer to LFPMC Chapter 16.14 Tree
28 Protection and Replacement for specific requirements.

29 **DD. Protection During Construction**

30 Tree protection measures shall be employed as required by LFPMC 16.14.120 Tree Protection During
31 Development Activity.
32

34 **~~16.08.070 Issuance of permit.~~**

35 ~~The responsible official shall complete the review and make a decision within 30 days from the date~~
36 ~~a completed application is submitted, unless an extension is authorized by the planning commission.~~
37 ~~(Ord. 277 § 6.4, 1981)~~
38

39 **16.08.080 Expiration of permit.**

40 Any permit granted under this chapter shall expire one year from the date of issuance. Upon a
41 showing of good cause, a permit may be extended for six months. Approved plans shall not be
42 amended without authorization from the ~~responsible official~~Administrator because of incorrect
43 information supplied or any violation of the provisions of this chapter. (Ord. 277 § 6.5, 1981)
44

45 **16.08.090 Bond.**

46 The ~~responsible official~~Administrator may require, as a condition to the granting of a permit, that the
47 applicant furnish a performance bond to the city to secure the applicant's obligation, after the

1 approved ~~land~~-clearing and grading has been accomplished, to complete the restoration and
2 replanting of the property in accordance with the terms of his permit and within the term thereof.
3 The bond shall be in an amount equal to the estimated cost of such restoration and replanting and
4 with surety and conditions satisfactory to the ~~responsible official~~Administrator. (Ord. 277 § 7, 1981)

5
6 **16.08.100 Posting permit.**

7 No earth-moving activities shall commence until a ~~land~~-clearing and grading permit notice has been
8 posted on the subject site at a conspicuous location. The notice shall remain posted until the project
9 has been completed. If the approved development does not occur within three months following
10 ~~land~~-clearing, ~~landfill~~-filling or grading operations, then the land shall be restored by the applicant to
11 a condition, which closely approximates the condition existing prior to land clearing, ~~landfill~~-filling or
12 grading operations. (Ord. 277 § 6.3, 1981)

13
14 **16.08.110 Building permit or subdivision approval.**

15 Where applicable, A ~~land~~-clearing and grading permit shall be obtained in conjunction with a
16 building permit or subdivision approval. (Ord. 277 § 6.2, 1981)

17
18 **16.08.120 Conformance to other standards.**

19 A. The provisions of the Washington State Environmental Policy Act of 1971, and city resolutions
20 and/or ordinances and applicable regulations promulgated pursuant to SEPA shall be observed.

21
22 B. Provisions of Chapter 70, "Excavation and Grading," of the Uniform Building Code shall be
23 observed. (Ord. 277 § 6.1(f), (g), 1981)

24
25 **~~16.08.130 Appeals.~~**

26 ~~Repealed by Ord. 768. (Ord. 277 § 8, 1981)~~

27
28 **16.08.~~140~~ 130 Violation – Penalty.**

29 A. Increased Permit Fees. In addition to or in place of any other remedy or penalty authorized by
30 the LFPMC, the Administrator may charge a fee equivalent to triple the fee associated with a Major
31 Clearing and Grading permit to any person who conducts unpermitted activity requiring a Major or
32 Minor Clearing and Grading permit, or who fails to provide sufficient evidence that the such activity
33 met the requirements of LFPMC 16.08.040, Exemptions.

34
35 B. Stop Work Order. If a violation of this chapter or an approved clearing and grading permit occurs
36 on property on which work is taking place pursuant to a City of Lake Forest Park development or
37 building permit, the Administrator may suspend some or all of the work as appropriate through
38 issuance of a stop work order. The Administrator shall remove the stop work order when the City
39 determines that the violation has been corrected or when the city has reached an agreement with
40 the violator regarding rectification of the violation.

41
42 C. Except as otherwise provided in this section, a first offense shall be a civil infraction and
43 proceeded against as provided in Chapter 18.71 LFPMC.

44
45 D. Except as otherwise provided in this section, a second offense shall be a civil violation subject to
46 a fine not to exceed \$5,000. Each day of violation shall be a separate offense. Civil violations shall
47 be filed by civil complaint in the Lake Forest Park municipal court, which shall hear the matter
48 without a jury.

1 E. A third offense shall be a gross misdemeanor.

2
3 F. Notwithstanding anything to the contrary in subsections A and B of this section, the Administrator
4 may refer any violation for criminal prosecution as a gross misdemeanor if the Administrator
5 determines that the estimated cost of mitigation or restoration will exceed \$5,000, or that failure to
6 comply with the provisions of this chapter result in environmental damage that, in the
7 Administrator's judgment, cannot be corrected by mitigation or restoration.

8
9 G. Notwithstanding anything to the contrary in subsections A and B of this section, any person who
10 fails to comply with a stop-work order issued under Chapter 18.71 LFPMC with respect to a violation
11 of this chapter shall be guilty of a gross misdemeanor.

12
13 ~~A violation of any of the provisions of this chapter is a misdemeanor and any person found guilty~~
14 ~~thereof shall be punished by a fine not to exceed \$500.00. It shall be a separate offense for each~~
15 ~~and every day or portion thereof during which any violation of any of the provisions of this chapter~~
16 ~~is committed, continued or permitted. (Ord. 277 § 9, 1981)~~
17