



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 00-027

AMENDING SNOHOMISH COUNTY CODE
CHAPTER 17.05
RELATING TO GRADING REQUIREMENTS

WHEREAS, the county executive and county council have identified regulatory reform of land use regulations as a high priority for county government; and

WHEREAS, with the assistance of the county council, the county executive and prosecuting attorney have established a regulatory reform process to make land use regulations more understandable to the public and more easily implemented by the county; and

WHEREAS, this ordinance is a result of that process;

THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 17.05.020, added by Ordinance No. 98-056 on August 3, 1998 is **AMENDED** to read:

17.05.020 Exemptions.

(1) The following grading is exempt from the requirements of this chapter provided it occurs outside a critical area and is at least 2 feet from a property boundary line:

(a) Operation of a solid waste disposal site subject to a solid waste permit pursuant to chapter 70.95 RCW, Provided: the expansion, relocation or closure of a solid waste disposal site is not exempt;

(b) Commercial operations involving mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay if such operations are authorized by a Snohomish county conditional use permit or special use permit as required by title 18. This exemption does not apply to:

(i) Reclamation pursuant to SCC 17.05.235.

(ii) An operation which the director determines may destabilize or undermine any adjacent or contiguous property; or

(iii) An operation which the director determines may result in adverse downstream drainage impacts;

(c) Commercial agricultural activities on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland by the Snohomish County GMA Comprehensive Plan General Policy Plan, as follows:

(i) Tilling, soil preparation and maintenance; and

(ii) Fallow rotation, planting, harvesting;

(d) Site investigative work necessary for land use application submittals such as surveys, soil boring and test pits, percolation tests and other related activities, provided the land-disturbing activity is no greater than is necessary to accomplish the work;

(e) Excavation of a well for a single family dwelling; and

(f) Excavation or filling of cemetery graves.

(2) The following grading does not require a grading permit pursuant to the requirements of chapter 17.05 SCC provided it occurs outside a critical area and is at least 2 feet from a property boundary line, but shall comply with the minimum erosion control requirements of SCC 24.30.020(1) (a)--(g):

(a) Grading which does not obstruct or alter an existing drainage course or pattern, and which creates 5,000 square feet or less of impervious surface, and collects or

concentrates storm water from 5,000 square feet or less of drainage area, and which:

(i) totals 100 cubic yards or less of ~~(excavation)~~ grading on a site in any twenty-four consecutive months, or

(ii) totals 500 cubic yards or less in any twenty-four consecutive months of excavation on a site for a basement or foundation for a single-family dwelling and accessory structures, provided that excess excavated material shall be disposed of at a permitted site approved by the director, that the excavation shall commence after the building permit is secured by the applicant, and shall comply with the building permit;

(b) Maintenance or repair on private property of existing commercial agricultural facilities on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland by the Snohomish County GMA Comprehensive Plan General Policy Plan, which may include drainage facilities, ponds, animal stock flood sanctuaries, animal waste management facilities, agricultural buildings, fences, roads, and bridges; and

(c) New construction (including enlargement) of drainage ditches (including 500 cubic yards or less of grading) for commercial agriculture on private property designated riverway commercial farmland, upland commercial farmland or local commercial farmland by the Snohomish County GMA Comprehensive Plan General Policy Plan, which does not adversely impact critical areas, lakes, or upstream or downstream properties, when such ditches do not have a surface connection within 100 feet of a critical area or lake, or contain water on-site for retention, infiltration or evaporation.

(3) Utility construction and maintenance:

(a) Minor utility activities in county rights-of-way which, pursuant to title 13 SCC, do not require a Type D permit are exempt from this chapter;

(b) Utility construction outside critical areas and within county rights-of-way conducted under a Type D7 blanket utility permit pursuant to title 13 SCC which does not adversely impact critical areas, lakes, or upstream or downstream properties shall comply with the erosion control requirements of SCC 24.30.020(1), and is exempt from all other requirements of this chapter. Utilities applying for a blanket utility construction permit shall propose erosion and sedimentation control best management practices for all permitted activities at the time of application.

(c) Major utility construction within impervious surface areas, including trenching or other utility installation or maintenance which cuts and subsequently repairs existing impervious surface outside critical areas and within public rights-of-way conducted under a Type D8 major utility construction permit pursuant to title 13 SCC, which does not adversely impact critical areas, lakes, or upstream or downstream properties, shall comply with the erosion control requirements of SCC 24.30.020(1), and is exempt from all other requirements of this chapter. Utilities applying for a major utility construction permit shall propose erosion and sedimentation control best management practices for the utility construction at the time of application.

(d) Utility maintenance outside critical areas and outside of public rights-of-way which does not add impervious surface and does not adversely impact critical areas, lakes, or upstream or downstream properties shall comply with the erosion control requirements of SCC 24.30.020(1), and is exempt from all other requirements of this chapter.

(e) All utility construction not exempt pursuant to subsections (a)–(d) above shall comply with all applicable requirements this chapter.

(f) If a utility must relocate its facility as a direct result of a county department of public works project, it shall be exempt from the fee requirements of 17.05.170 SCC.

(4) Emergency Repairs. In an emergency, repairs may be undertaken without a prior grading permit or associated drainage review to protect existing development, maintain existing utility function, or to prevent channel impairment if insufficient time exists to obtain a grading permit prior to the time necessary to perform the emergency repair and either:

(a) Damage is occurring as a result of flood waters at or exceeding flood stage as defined by the Snohomish county department of emergency services; or

(b) Utility maintenance is necessary to repair a utility facility or line which has been damaged as a direct result of the emergency.

(c) Removal and relocation of material relocated onto commercial farmland by flood waters if necessary to protect farming operations.

An emergency is a situation which the director determines has developed suddenly, constitutes an imminent threat, and demands immediate action to protect property from damage by elements or to protect the public from a serious and imminent threat to health or safety.

(5) Public Works Construction Projects. County department of public works construction projects shall be exempt from all fee requirements of 17.05.170 SCC.

PASSED this 21st day of June, 2000

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

Barbara Kothman
Chairperson

D-7

ATTEST:

Kathleen J. Braden
Clerk of the Council

APPROVED
 VETOED
 EMERGENCY

DATE

[Redacted Signature]

DATE 6/23/00

Approved as to form only:

Gary Weikel
County Executive
GARY WEIKEL
Executive Director

Karen Jorgensen-Peters 6-10-2000
Deputy Prosecuting Attorney

Karen Jorgensen-Peters