

ORDINANCE NO. 16-003

AN ORDINANCE adopting a new Chapter 15.50 of the Camas Municipal Code, relating to the permitting of clearing and grading activity.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

A new Chapter 15.50 of the Camas Municipal Code, entitled, **CMC 15.50: Clearing and Grading**, is hereby adopted, as set forth in Exhibit "A", attached hereto and by this reference incorporated herein.

Section II

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 21<sup>st</sup> day of March, 2016.

SIGNED: \_\_\_\_\_

  
Mayor

SIGNED: \_\_\_\_\_

  
Clerk

APPROVED as to form:

  
\_\_\_\_\_  
City Attorney

## Exhibit A

### Chapter 15.50 Clearing and Grading

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#### **15.50.010 Purpose**

- A. To promote the public health, safety, and general welfare of the citizens and protect public and private resources of the City of Camas without preventing the reasonable use, development, and maintenance of land.
- B. To avoid or minimize impacts of clearing and grading, as a component of land disturbance activities..
- C. To encourage site development on private property, including clearing, excavation, and filling in such a manner as to minimize hazards to life, health, and property.
- D. To preserve and enhance the physical and aesthetic character of Camas by preventing untimely and indiscriminate removal or destruction of trees and ground cover.
- E. To preserve, replace, or enhance the natural qualities of lands, watercourses, and aquatic resources; preserve and protect priority fish and wildlife habitats; minimize water quality degradation and the sedimentation of creeks, streams, ponds, lakes, wetlands, marine waters, and other water bodies; and preserve and enhance beneficial uses.

- F. To minimize surface runoff and diversion which may contribute to flooding.
- G. To reduce siltation in streams, lakes, storm sewer systems, and public roadside improvements.
- H. To reduce the risk of slides and the creation of unstable building sites.
- I. To promote building and site planning practices that are consistent with the natural topography, soils, and vegetation features while at the same time recognizing that certain factors such as disease, danger or fallings, proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover.
- J. To ensure prompt development, restoration, and replanting and effective erosion control of property after tree removal and/or land clearing and grading.
- K. To implement the goals and policies of the City of Camas Comprehensive Plan.
- L. To promote low impact development, site planning, and building practices that provide for managing surface water runoff on-site and are consistent with the natural topography, vegetation cover, and hydrology.
- M. It is also the purpose of this code to establish a review process for larger, potentially more impactful land disturbing projects to ensure these regulations are met.

**15.50.020 Applicability**

All clearing and grading activities within the City of Camas shall be subject to the provisions of this chapter. No clearing and grading approval shall be issued by the City of Camas prior to the applicant's meeting the submittal requirements as set forth in these regulations and only when in compliance with federal, state, and local regulations.

**15.50.030 Review Threshold Established**

The City of Camas has determined that there is a threshold of clearing and grading activity where the likelihood of impact to land and resources is sufficiently high to require permit review and approval of the activity by the City Engineer or designee. Threshold criteria contained in CMC 15.50.040 and CMC 15.50.050 shall be applied.

**15.50.040 Clearing and Grading Activity Requiring Approval – Permit Required**

Clearing and grading approval is required for any project involving any of the following:

- A. Any clearing , filling, excavation, or grading in a protected area, critical area, or critical area buffer.
- B. Clearing and grading of an area of 7,000 square feet or greater.
- C. Fill and/or excavation of five-hundred (500) cubic yards or more, even if excavated material is used as fill on the same site. [Quantities of fill and excavation are separately calculated and then added together, even if excavated material is used as fill in the same site.]
- D. Clearing and grading that will likely penetrate the ground water table, including construction of ponds and reservoirs.
- E. An excavation or fill which is more than four (4) feet in depth or which creates cut slope greater than four (4) feet in height and steeper than two units horizontal in one unit vertical (2:1).
- F. Any regrading or paving of an area used for stormwater retention or detention or as an existing drainage course.
- G. Retaining walls over four (4) feet in height as measured from the bottom of the base rock or block, or as identified by an engineer as having loads under 4'.

**15.50.050 Exemptions**

- A. Forest practices regulated under RCW 79.09 are not governed by this ordinance. Activities involving conversion of land to uses other than commercial timber production are subject to the clearing and grading or land disturbance regulations of this chapter.
- B. Clearing and grading approval is not required for any of the following activities, provided that such clearing and grading activities are conducted in accordance with the minimum requirements contained in this chapter:
  - 1. Activities needed to place building foundations and retaining walls requiring an approval when in compliance with the Washington State Building Code. The state Building code is the International Building Code with amendments adopted by Washington State.
  - 2. Land clearing, grading, filling, sandbagging, diking, ditching or similar work during or after periods of extreme weather or other emergency conditions which have created situations such as toxic releases, flooding, or high fire danger that present an immediate danger to life or property.
  - 3. Digging of individual graves in a permitted graveyard.

4. Refuse disposal sites controlled by other regulations.
  5. Mining, quarrying, excavation, processing, or stockpiling of rock, sand gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
  6. Agricultural crop management of existing and ongoing farmed areas as defined per RCW 84.34.020.
  7. Routine drainage maintenance of existing, constructed stormwater drainage facilities located outside of a protected area, including, but not limited to, detention/retention ponds, wetponds, sediment ponds, constructed drainage swales, road side ditches, water quality treatment facilities, such as filtration systems, and regional storm facilities that are necessary to preserve the water quality treatment and flow control function of the facility. The exemption does not apply to any expansion and/or modification to already excavated and constructed stormwater drainage facilities.
  8. Roadway repairs and overlay within public street rights-of-way for the purpose of maintaining the pavement on existing paved roadways.
  9. Utility line installation or maintenance completed in accordance with other provisions of the Camas Municipal Code and Engineering Design Standards.
  10. The removal of dead, diseased or damaged trees which constitute a hazard to life or property as determined by a certified arborist or landscape architect.
  11. Routine maintenance of golf courses.
- C. An exemption from a Clearing and Grading Permit does not exempt the person doing the work from meeting all the applicable codes of the City of Camas.

**15.50.060 Authority**

- A. As provided herein, the Public Works Director (director) is given the authority to interpret and apply, and the responsibility to enforce this chapter to accomplish the stated purpose.
- B. The director may withhold, condition, or deny permits or activity approvals to ensure that the proposed action is consistent with this chapter.

**15.50.070 Relationship to Other Codes, Regulations and Practices**

- A. These clearing and grading regulations shall apply in addition to zoning and other regulations adopted by the City of Camas.

- B. In order to be in compliance with the provisions of this chapter, the applicant shall comply with the applicable engineering standards approved by the director. In addition, the applicant shall comply with those minimum requirements as set forth in the latest edition of the Department of Ecology's *Stormwater Management Manual for western Washington*, or an approved, equivalent manual.
- C. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required. The responsibility for determining the existence and application of these requirements rests solely with the applicant.

**15.50.080 Submittal Requirements**

- A. An application for a Clearing and Grading Permit shall be submitted on a form provided by the City. Accompanying such form shall be a general plot plan, which shall minimally include the following information:
  - 1. General vicinity map.
  - 2. A site plan, drawn to scale that includes streets, proposed access, existing and proposed structures, existing and proposed topography, extent and location of proposed clearing and grading activities, major physical features of the property (e.g., streams, ravines, etc.) and sensitive or critical areas on or near the site( within 300 feet), drainage channels, surface water flows from offsite, sewer and water lines (if possible), and existing and proposed easements.
  - 3. Location and dimensions of buffer areas to be maintained or established, and location and description of proposed erosion-control devices or structures.
  - 4. Location of all significant trees (as defined by the Camas Municipal Code) and identification of type and size. Designation of those trees to be removed and those to be protected.
  - 5. Identification of areas to be revegetated and/or restored. Provide plant types and methods.
  - 6. Address the Clearing and Grading Standards of CMC 15.50.090.
  - 7. As determined at the discretion of the Director, other information as deemed appropriate to this chapter may be required in instances related to geological hazard, shoreline protection, stream protection, tree protection and replacement, or project scope.
  - 8. If the grading involves 500 or more cubic yards, a SEPA (State Environmental Policy Act) review shall be required as per CMC 16.07.020(A)(5)..

9. Grading in excess of 100 cubic yards shall be performed in accordance with an approved erosion control and drainage plan prepared by a licensed professional engineer or certified erosion control specialist in the State of Washington. An erosion control plan shall address erosion and sedimentation.
- B. Upon receipt of a clearing and grading application, the director or his/her designee will confer with other city personnel as may be appropriate, and make a decision generally within 45 days of submission of an application, fee and all necessary information.
  - C. Approved plans shall not be amended without authorization of the director or his/her designee. The permit may be suspended or revoked by the director because of incorrect information supplied or any violation of the provisions of this chapter.
  - D. An application penalty fee triple that of the adopted Clearing and Grading permit fee shall be assessed for any clearing or grading conducted prior to issuance of a Clearing and Grading Permit, or for clearing and grading activities outside of areas previously approved, for such activities.

#### **15.50.090 Clearing and Grading Standards**

The purpose of this section is to provide general standards for all clearing and grading activities undertaken within the City of Camas. This section is intended to apply to all clearing and grading activities including both activities that do and do not require formal approval by the City.

- A. **Minimize Potential Impacts:** All clearing and grading activities shall be conducted so as to minimize potential adverse effects of these activities on surface water quality and quantity, groundwater recharge, fish and wildlife habitat, adjacent properties, and downstream drainage channels. The permittee shall attempt to prevent impacts and minimize the clearing of naturally occurring vegetation, retain existing soils, and maintain the existing natural hydrological functions of the site.
  - a. If working on a phased project, clearing and grading activities must be confined to the particular phase of the project in which full civil improvements are being constructed. Future phases may not be cleared or graded to assist the contractor in balancing the overall site.
- B. **Mark Clearing and Grading and Land Disturbance Limits:** Prior to commencing activity, the applicant shall establish and mark on-site clearing and grading limits and other critical site features as appropriate with orange construction fence or other means approved by the City.
- C. **Natural features and Vegetation Retention:** Wherever possible, vegetation, drainage, and other natural features of the site shall be preserved, and the grading and clearing

shall be performed in a manner that minimizes impacts resulting from building, road, and utility footprints. Groundcover and tree disturbance shall be minimized, and root zones shall be protected.

- D. No ground cover or trees located within a required critical area or its established buffer shall be removed, nor shall any mechanical equipment operate in such areas, provided that conditions deemed by the director to be a public nuisance may be removed.
- E. Aesthetics: Land disturbance activity undertaken in such a manner so as to preserve and enhance the City of Camas aesthetic character. Important landscape characteristics that define the aesthetic character, such as large trees (over 8 inches dbh), important vegetative species, and unique landforms or other natural features shall be preserved to the extent practicable.
- F. Site Containment: Erosion, sediment, and other impacts resulting from any clearing and grading activity shall be contained on site. Containment of such impacts may require temporary erosion/sedimentation control measures during and immediately following clearing and grading activities. The faces of slopes shall be prepared and maintained to control erosion. Check dams, riprap, plantings, terraces, diversion ditches, sedimentation ponds, straw wattles, or other devices or methods shall be employed where necessary to control erosion and provide safety. Devices or procedures for erosion protection shall be initiated or installed as soon as possible during grading operations and shall be maintained in operable condition by the owner.
- G. Protection of Adjacent Properties: Adjacent properties, storm drain inlets, and the downstream natural and built drainage system shall be protected from sediment deposition and erosion by appropriate use of BMPs such as vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of soil stabilization measures. If protection is inadequate and deposition occurs on the adjacent property, public right-of-way, or drainage system, the permittee shall immediately remove the deposited sediment and restore the effected area to its original condition. Downstream properties and waterways shall be protected from erosion and sedimentation during construction due to temporary increases in the volume, velocity, and peak flow rate of runoff from the site by use and implementation of sediment ponds, or other acceptable methods to the City Engineer.
- H. Construction Access: Construction vehicle access shall be, whenever feasible, limited to one route. A temporary access road shall be provided at all sites. Access surfaces shall be stabilized to minimize the tracking of sediment onto adjacent roads by utilizing appropriate BMPs. Other measures may be required at the discretion of the director in order to ensue that sedimentation is not tracked onto public streets by construction vehicles, or washed into storm drains. Sediment deposited on the paved right-of-way shall be removed in a manner that prevents it from entering the drainage system.



- I. Stabilization of Disturbed Areas: All exposed soil shall be stabilized by application of suitable BMPs and soil stabilization measures, including but not limited to sod or other vegetation, plastic covering, mulching, or application of base course(s) on areas to be paved. All BMPs shall be selected, designed and maintained consistent with the Camas Design Standards Manual. From October 1 through July 5th, no unworked soils shall remain exposed for more than two days. From July 6th through September 30, no unworked soil shall remain exposed for more than seven days. The City may permit extension of these times or require reduction of these times, including shutting down all clearing and grading activities based on current or projected weather conditions with prior approval of the director.
- J. Dust Suppression: Dust from clearing, grading, and other construction activities shall be minimized at all times. Impervious surfaces on or near the construction area shall be swept, vacuumed, or otherwise maintained to suppress dust entrainment. Any dust suppressants used shall be approved by the director. Petrochemical dust suppressants are prohibited. Watering the site to suppress dust may be prohibited, unless it can be done in a way that keeps sediment out of the drainage system.
- K. Erosion and Sediment Control: The property owner shall design and implement erosion and sediment control BMPs appropriate to the scale of the project and necessary to prevent sediment from leaving the project site.
  1. In addition to the measures in this title and other referenced ordinances and manuals, the director may impose the following additional measures, as appropriate for the project.
    - a. Performance monitoring to determine compliance with water quality standards.
    - b. Funding additional city inspection time, up to a full-time inspector.
    - c. Stopping work to control erosion and sedimentation.
    - d. Construction of additional siltation/sedimentation ponds.
    - e. Establishment a series of sediment tanks or temporary filter vaults.
    - f. Installation of high quality catch basin inserts to filter runoff.
    - g. Use of erosion control blankets, nets, or mats in addition to or in conjunction with straw mulch.
    - h. Temporary on-site stormwater conveyance systems designed, constructed, and stabilized to prevent erosion from leaving the site and impacting properties, streams, wetlands downstream of the clearing and grading activity. Stabilization measures shall be provided that comply with local BMPs at stormwater conveyance system outlets to prevent erosion of outlets, adjacent streambanks, slopes, and downstream reaches or properties.
    - i. If the initially implemented erosion and sediment BMPs do not adequately control erosion and sedimentation, additional BMPs shall be installed, including but not limited to the extraordinary BMPs described in subsection (1) of this section. It is the permittee's responsibility to ensure sediment does

not leave the site in an amount that would violate applicable state, or local water quality standard(s).

2. The timing/sequencing requirements for implementing/removing erosion and sediment control measures are as follows:
  - a. The permittee must install the temporary erosion control prior to all other clearing, grading, or construction.
  - b. The permittee must remove all temporary erosion and sediment control within thirty (30) days after final site stabilization or after control is no longer needed, per agreement with the director. Before removing such controls, the permittee must remove trapped sediment or stabilize on site. Any soils disturbed during sediment removal must be permanently stabilized by the permittee.

#### **15.50.100 Cut and Fill slopes**

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

- A. Submit a geotechnical report, when required pursuant to CMC 16.59 or otherwise under the Camas Municipal Code.
- B. Minimize clearing and grading on slopes fifteen (15) percent or greater.
- C. Comply with any required critical areas report approval pursuant to CMC 16.59.
- D. Limit the maximum gradient of artificial slopes to no steeper than 2:1 [two (2) feet of horizontal run to one (1) foot of vertical fall].
- E. Do no clearing, excavation, stockpiling, or filling on the potential slide block of an unstable or potentially unstable slope unless it is demonstrated by a geotechnical engineer of record and approved by the director, that the activity would not increase the load, drainage, or erosion on the slope.
- F. Do no clearing, excavation, stockpiling, or filling on any unstable or potentially unstable areas (such as landslide deposits) unless it is demonstrated that the activity would not increase the risk of damage to adjacent property or natural resources or injury to persons.
- G. Intercept any groundwater, subsurface water, or surface water drainage encountered on a cut slope and discharge it at a location approved by the City Engineer.
- H. Follow the procedures and standards in the clearing and grading development standards related to slopes.

- I. Design and protect cut and fill slopes to minimize erosion.

#### **15.50.110 Rockeries**

Rockeries may be used for erosion protection of cut or fill slopes for both larger land developments such as land divisions or for construction on individual lots. The primary function of a rockery is to protect the slope face from soil erosion and sloughing.

- A. Retaining walls used to protect uncontrolled fill slopes may be no higher than four (4) feet, as measured from the bottom of the base rock.
- B. Rockeries used to protect cut slopes or reinforced or engineered fill slopes may be up to a maximum height of twelve (12) feet, as measured from the bottom of the base rock, with the approval of the City. Any rockery that is over four (4) feet high, as measured from the bottom of the base rock (cut slopes and reinforced and engineered fill slopes only) shall be designed and stamped by a geotechnical engineer.
- C. A wall drain must be provided for all rockeries greater than four (4) feet in height as measured from the bottom of the base rock. The drains shall be installed in accordance with City building and engineering standards.
- D. If a rockery is within a required yard setback, the height and location requirements of CMC 18.17.060 shall be applicable.
- E. The geotechnical engineer shall provide construction monitoring and/or testing as required by the permit conditions, and submit construction inspection reports to the city for all rockeries that require design by a geotechnical engineer. For each project, or phase of a project, the geotechnical engineer must provide a final letter or report summarizing the results of the construction monitoring for each rockery, verifying that the rockery construction meets the geotechnical recommendations and design guideline. The final letter or report must be submitted to the city prior to final clearing and grading inspection.
- F. Rockeries reviewed and approved concurrent and associated with a building permit for new home construction shall not be subject to a separate permit but shall comply with the requirements of this section.

#### **15.50.120 Control of Other Pollutants**

The permittee must properly handle and dispose of other pollutants that are on-site during construction so as to avoid possible health risks or environment contamination. Direct and indirect discharge of pollutants to the drainage system, critical areas, wetlands, streams, or to any adjacent property is prohibited.

#### **15.50.130 Conditions of Approval/Project Denial**

- A. The director may impose conditions on permit approval as needed to mitigate identified project impacts and shall deny permit applications that are inconsistent with the provisions of this chapter.
- B. All clearing and grading projects shall be subject to the following conditions and applicable fees:
  - 1. All clearing and grading, as a component of land disturbing projects, shall be subject to inspection by the City of Camas.
  - 2. Prior written permission from the director shall be provided for modification of any plan.
  - 3. The applicant shall maintain an up-to-date, approved copy of the plans on-site.
  - 4. All materials or spoils removed from the site and deposited within the City of Camas shall be subject to a separate permit under this chapter for the receiving site. Failure to export material to an approved/permitted location shall constitute a violation of the underlying permit (sending site).
- C. When a SEPA environmental checklist is required:
  - 1. A determination of non-significance (DNS), a mitigated determination of non-significance (MDNS), or a determination of significance (DS) shall be issued by the City of Camas prior to the issuance of a clearing and grading approval by the director.
  - 2. Provisions contained in the DNS, MDNS, or DS shall be considered when approving the clearing and grading activity and conditions of the approval shall not be less restrictive than those in the environmental determination.

**15.50.140 Expiration of Applications and Permits**

- A. When a permit is ready to be issued, the applicant shall be notified and must pick up the permit within sixty (60) days of notification or it will be void.
- B. Clearing and grading permits expire when:
  - 1. The authorized work is not begun within six (months) from the date of approval issuance or other timeframe as specified in the permit.
  - 2. Work is abandoned for over one-hundred-eighty (180) days.

3. If authorized work is completed in a consistent and progressive manner, the approval shall expire one (1) year from the date of issuance unless an alternate time frame is specified on the permit or an extension is granted.
4. Upon a showing of good cause, up to two (2), six (6) month extensions may be granted, provided that conditions relevant to the issuance of the permit have not substantially changed and no material detriment to the public welfare will result from the extension.

#### **15.50.150 Inspections**

- A. Each site shall be inspected as necessary to ensure that required sediment control measures are installed and effectively maintained in compliance with the permit requirements. Where applicable, the applicant must obtain inspection by the city at the following stages:

Stage 1 - Following the installation of sediment control measures or practices and prior to any other clearing or grading activity, including during the construction of sediment traps and ponds.

Stage 2- During rough grading, including hauling imported or waste materials.

Stage 3- Upon completion of final grading, including the establishment of ground covers and planting, and installation of all landscaping.

- B. The director shall specify inspection, testing, and monitoring requirements applicable to a given project prior to permit issuance. However, the director may require additional inspection, testing, monitoring, or professional analysis and recommendations when conditions exist that were not covered in the permit application document or were not sufficiently known at the time of permit issuance.
- C. The permittee must give the City of Camas at least 48 hours of advanced notice prior to needed inspections.
- D. Where applicable, the City may accept inspections conducted by a certified erosion control specialist or licensed professional engineer who must file an inspection report with the director.

#### **15.50.160 Appeal**

Any person or persons aggrieved by any action of the director may, within fourteen (14) calendar days of such action, file a notice of appeal with the hearings officer setting forth the reasons for such an appeal. The hearings officer shall hear and determine the matter and may affirm, modify, or disaffirm the administrative decision within ninety (90) calendar days of the filing of notice of appeal.

#### **15.50.170 Permit Required**

Every person working or directing work that requires a permit under this chapter must:

- A. Have a copy of the permit before starting and during all phases of work. The permit, approved plans, and applicable terms and conditions of approval shall be kept on site at all times.
- B. Be familiar with and comply with the terms and conditions of the permit.
- C. Applicant shall pay all applicable fees as listed in the adopted fee schedule.

**15.50.180 As-Built Plans**

For clearing and grading undertaken to develop a plat or short plat infrastructure, the permittee shall submit a copy of the as-built plans to the director. Such plans shall be submitted prior to final approval and shall be included in the overall civil engineering as-built set for public infrastructure

**15.50.190 Final Acceptance**

The director shall give final approval that clearing has been carried out in compliance with the permit once all work is completed per the permit and is consistent with provisions listed in CMC17.21.070.