



# Department of Permitting and Environmental Review (Permitting)

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## Clearing and Grading Permits

Permitting Customer Information Bulletin #

# 28

• FREQUENTLY ASKED QUESTIONS •

**Visit the Permitting Web site at [www.kingcounty.gov/permits](http://www.kingcounty.gov/permits) for more information**

King County Permitting has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

For alternate formats, call 206-296-6600.

### Clearing and grading permit requirements

This bulletin explains when customers must obtain a Clearing and Grading Permit and identifies the information required in order to submit a complete permit application. Applications that are not completed according to these requirements will not be accepted for review. Clearing and grading regulations are outlined in Chapter 16.82 of the King County Code (KCC). The entire KCC is available online at [www.kingcounty.gov/council/legislation/kc\\_code.aspx](http://www.kingcounty.gov/council/legislation/kc_code.aspx).

### When is a clearing and grading permit necessary?

Property owners will need to obtain a Clearing and Grading Permit before doing any of the following - land clearing, filling, and/or grading activities on their property:

1. Cumulative filling and/or excavation exceeding 100-cubic-yards; or
2. Filling to a depth of three feet or more in any one location; or
3. Excavating to a depth of five feet or more in any one location; or
4. Grading an area that produces more than 2,000-square-feet of new impervious surface; or
5. Clearing within the Urban Growth Boundary; or
6. Cumulative clearing of more than 7,000-square-feet on rural zoned properties. If your site already exceeds 7,000-square-feet of cleared area, any additional clearing requires a permit;
7. Any clearing, filling, or excavating on: Steep Slopes, Landslide Hazard Areas, Channel Migration Hazard Zones, Wetlands, Aquatic Areas, Wildlife Habitat Conservation Areas, Wildlife Habitat Networks, or any other critical area as defined in KCC Chapter 21A.24;



King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks' notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6600 or TTY Relay 711.

**Be sure to visit our Web site at: [www.kingcounty.gov/permits](http://www.kingcounty.gov/permits)**

8. Clearing, filling, or excavating within special district overlays, (SO-220 and SO-210), or in the Soos Creek Basin, Issaquah Creek Basin and Bear Creek Basin as specified in KCC Chapter 16.82; or
9. Class IV Forest Practice work.

If property owners do not obtain a permit, they may be in violation of KCC Penalties for violations include fines, doubled permit fees, denial of development applications for up to six years, and/or prosecution.

Whether or not a permit is required, all clearing, filling, or grading must conform to KCC requirements and must control erosion and protect adjacent properties. With regard to fill, only earthen material with a maximum dimension of less than 12-inches is acceptable.

If proposed plans include any of the clearing, excavation, or fill activities described above, or if customers have additional questions that are not answered by the information presented in this bulletin, please contact a Permitting Services Center representative at 206-296-6600.

### Exceptions

Chapter 16.82.050 of the KCC lists exceptions to the requirements for a Clearing and Grading Permit. Refer to the Clearing and Grading Permit Exception Table in KCC 16.82 and the Allowed Alterations of Critical Areas table in KCC 21A.24 to determine if an activity requires a permit. **If an activity is exempt, it must be exempt on both tables and the work must be completed in compliance with applicable development standards.** The entire KCC is available online at [www.kingcounty.gov/council/legislation/kc\\_code.aspx](http://www.kingcounty.gov/council/legislation/kc_code.aspx).

A separate Clearing and Grading permit is not required under the following circumstances:

1. Maintenance of lawns, landscaping and gardening for personal use;
2. Maintenance of public and private roadways (with some limitations adjacent to aquatic areas and wetlands);
3. Construction and maintenance of farm field access roads, subject to an approved farm management plan;
4. Certain agricultural practices including tilling, planting and seeding, and related activities;
5. Construction and maintenance of manure storage facilities, and maintenance of ponds and drainage facilities subject to an approved farm management plan;
6. Clearing or grading that has been approved by Permitting as a part of another development proposal. A separate permit shall be required for each site unless the activity is approved to occur on multiple sites under a programmatic permit. However, fill made up of materials from the excavation, or any excavation having an unsupported height of more than five feet after completion of the structure, is not included in this exception;
7. Grading within a public-owned road right-of-way;
8. Cemetery graves, if activity is completed in accordance with standards;
9. When clearing and grading is performed as Class II, III, or IV Special Forest Practice in an F (Forestry) Zone and is conducted in accordance with Chapters RCW 76.09 and WAC 222;
10. Clearing of invasive vegetation identified on the county's noxious weed list and limited to cumulatively less than seven thousand square feet annually or conducted in accordance with an approved farm management plan, forest management plan or rural stewardship plan.

### When is a proposed project eligible for an Over the Counter Permit (OTCP) formerly referred to as a Short Form Clearing and Grading permit?

Once property owners have determined that a clearing and/or grading permit is necessary, they should conduct further review to decide if an OTCP permit is appropriate.

The OTCP process is designed to provide streamlined, same-day permits for applicants with small, minor project proposals. The types of permits available for the OTCP process generally are limited in scope, have minimal site impacts that do not require detailed drainage, critical areas, or site development review, and do not trigger review under the State Environmental Policy Act (SEPA). These types of permits are usually limited to only one or two review disciplines. We encourage customers to contact the Permitting Services Center at 206-296-6600, prior to application to confirm the OTCP submittal requirements and qualifications. Please see the [Over the Counter Permit Information and Submittal Checklist](#).

The OTCP generally meets the following criteria:

1. The proposal cannot include any proposed alteration of a critical area as defined in KCC Chapter 21A.24;
2. The project is exempt from SEPA review or was covered under a prior determination; and
3. The proposal does not include any permanent drainage facilities nor does it exceed thresholds triggering drainage review.

Submitting an OTCP: If property owners believe a proposed project meets the criteria for an OTCP, the following steps are required:

1. The applicant is encouraged to come to the Permitting office and receive free technical assistance: Walk-in customer service hours are:
  - General Information; Records Center; Over the counter Permits; Pre-submittal Services 7:30 to 11:30 a.m. and 1:00 to 3:00 p.m., Monday, Tuesday, Thursday, and Friday. **(Closed Wednesday.)** See the Permitting Web site at [www.kingcounty.gov/permits](http://www.kingcounty.gov/permits).
  - Cashier and Reception Desk 7:30 a.m. to 4:00 p.m., Monday, Tuesday, Thursday, and Friday. **(Closed Wednesday.)**
2. Prepare a simplified site plan including property boundaries, location and description of the proposed activity; the site plan should include access and existing structures.
3. Permit approval will have conditions attached including a requirement for a preconstruction conference with county staff prior to any work being authorized. The applicant should contact Permitting staff and arrange for a site meeting. A 48-hour notice is requested. Permitting will try to accommodate short notices when possible.
4. Permit fees will be assessed during the PSS meeting and mailed to the department in an envelope provided. Work will not be authorized until fees are paid.

### **When is a proposed project eligible for a clearing or grading permit through Pre-Submittal Services (PSS)?**

If you do not qualify for an OTCP, a standard permit application will be required. If you are not required to schedule a mandatory pre-application meeting (see below), the application for most clearing and grading permits begins with Permitting Submittal Services (PSS) screening. See the [Permitting Submittal Services handout](#) for more information.

The PSS process is designed to provide advance screening of permit applications prior to actual permit intake. The PSS process will provide applicants with specific feedback and identify technical red flags before the applicant submits the formal permit application. This feedback will allow the applicant to prepare a more complete and accurate application package which should make the permit review process simpler and faster. Fees paid at PSS submittal, will be credited toward the permit application fees upon formal permit application submittal.

The types of permits that require the PSS process before permit intake generally are larger and more complex than the simple projects that qualify as an OTCP, but are not large or complex enough to trigger a mandatory pre-application meeting.

This scope normally includes clearing and grading permits that meet one of the following criteria:

1. State Environmental Policy Act (SEPA) exempt, SEPA threshold determination completed by others with lead agency status or SEPA Determination anticipated to be Determination of Non-significance (DNS)
2. Permit does not include conversion option harvest plan greater than 20 acres, moratorium relief request, periodic review, mines, complex capital improvement projects or complex projects subject to hourly fees.

For projects that fall into this intermediate category, PSS is among the first steps to ensure that you have a complete permit application that is ready for review. We encourage customers to review the PSS instruction found at <http://your.kingcounty.gov/ddes/forms/PSSChecklist.pdf> prior to application to confirm the PSS submittal requirements and qualifications.

PSS support is available on a first come, first serve basis during business days. Customers may have their PSS submittal materials checked for general completeness between 9:00 a.m. and 3 p.m. each business day. Complete PSS packages (pre-submittal items and fee) received before 3 p.m. will be screened for approval the same day. Free technical assistance is also available daily between 7:30 and 9:30 a.m. for customers with detailed technical questions. PSS staff resources will be dedicated to process complete PSS applications from 9 a.m. to closing each business day.

Once the PSS submittal is deemed appropriate for permit intake, the PSS customer will be given an approval form that will allow them to arrange formal permit intake.

All application materials are available via the **Permitting Web site at [www.kingcounty.gov/permits](http://www.kingcounty.gov/permits)**. See the [Permitting Submittal Services handout](#) for more information.

### **When is a mandatory pre-application meeting required for a clearing or grading permit?**

Typically a pre-application meeting is required for a clearing or grading permit when the following criteria are met:

1. Permit review at three or more Permitting review stations;
2. SEPA review (except as outlined in PSS above);
3. Shoreline review;
4. Waivers from Forest Practices Moratorium (KCC 16.82.140); or
5. Mining Periodic Review (KCC 21A.22.050)

The pre-application requirement can be waived if the project has been screened through PSS and determined to not need a pre-application meeting, or if the above criteria are not met.

Please note that verification of the applicant is now required per KCC Chapter 20.20. The Certification of Applicant Status Form is used to ensure that the property owner is aware that an application has been made to develop his/her property and to document the name of the legal applicant, as well as any project consultants. The legal applicant is the individual or group authorized to receive plans and correspondence from King County. When the applicant is someone other than the property owner, the Certification and Transfer of Applicant Status Form is used to transfer applicant status to an agent. This form must include authorization from the legal property owner.

To expedite the process, applicants should bring the following documents to the pre-application review meeting:

1. A complete Affidavit for Application Form: Obtain an application form and fill it out completely prior to the pre-application review meeting.
2. An Environmental Checklist: If the project was covered under a prior determination, provide one copy of the determination and the associated checklist or environmental impact statement, along with any written decisions regarding appeals.

One of the main purposes of a pre-application meeting is to determine that everything that must be submitted is included and the package can be considered complete. Review of a standard application will not begin until all application materials have been submitted.

### **Submitting a standard clearing and grading permit**

All Clearing and Grading permit applications are required to be submitted in person at the Permitting office in Snoqualmie.

1. Following OTCP screening, applicants may submit and wait for their application without any appointment necessary during the OTCP service hours.
2. Following PSS screening, applicants may submit their application as outlined in the PSS Authorization Letter without any appointment necessary.
3. Appointments are required to submit an application that triggered a mandatory pre-application meeting. After the mandatory pre-application meeting, once all of the required submittal items are ready for submittal, a permit intake appointment can be scheduled by calling the Permitting Appointment Line at 206-296-6797. Appointment Line staff will ask you for your pre-application activity number and the fee estimate provided at the pre-application meeting as part of the scheduling process.

### Complete grading applications require:

1. A completed Affidavit of Application Form;
2. A completed Certification of Applicant Status or a completed Certification and Transfer of Applicant Status form;
3. A completed Clearing and Grading Permits Application Worksheet;
4. A completed State Environmental Policy Act (SEPA) Checklist or a copy of a SEPA determination for projects involving:
  - a. More than 500-cubic-yards of earthwork
  - b. More than 100-cubic-yards of earthwork within a Critical Area
  - c. Clearing more than 5,000 board feet of merchantable timber
5. A completed Clearing and Grading Application Fee Worksheet. The fee sheet will be reviewed for accuracy prior to deeming your application complete;
6. Payment of fees;
7. Other requirements that may be defined during a pre-application meeting; and
8. A site plan drawn in accordance with the guidelines outlined below.

### Plan Submittal Guidelines for Clearing and Grading Permits:

- A. A Site Plan shall be included on the first sheet of plans and must show the vicinity map and legal description of the property. Please see the Site Plan Template publication found at <http://your.kingcounty.gov/ddes/forms/b-ins-siteplantemplate.pdf>. Plans must be folded to fit into an 8.5 x 14-inch folder and must include the following information:

1. A legal description of the property. Customers can get this from the King County **Department of Assessments**, or online at [www.kingcounty.gov/assessor](http://www.kingcounty.gov/assessor) ;
  2. A North arrow;
  3. A vicinity map drawn to a scale of approximately one inch equals 2,000 feet. The vicinity map must be in sufficient detail to clearly locate the project in relation to arterial streets, natural features, landmarks, and municipal boundaries;
  4. Grading plan scale (horizontal and vertical);
  5. The size and location of existing improvements within 50-feet of the project, indicating which will be retained and which will be removed;
  6. Property boundaries, easements, setback requirements, and clearing limits (e.g., floodplains, shorelines, etc.);
  7. Existing and proposed contours (maximum five-foot intervals) that extend 100-feet beyond the edge of the project (this may be waived if not applicable to scope of project);
  8. The location of areas affected by clearing restrictions if such areas are contained within a Special District overlay or in an adopted community plan;
  9. Clear marking of any open space tract or conservation easement (per Chapter 21A.24 of the KCC);
  10. The total area to be cleared on site as a percentage of the total site area;
- B. Temporary and permanent erosion-sediment control facilities must be shown. Temporary facilities (i.e., silt fence, mulching, netting, sediment ponds, etc.) must be designed to control runoff during clearing and grading. Permanent facilities (i.e., revegetation, detention ponds, biofiltration swales, etc.) must be designed to control erosion after grading is complete. All facilities must be designed in accordance with the current King County *Surface Water Design Manual* (SWDM);
- C. Two copies of the soils report or geotechnical evaluations prepared for the site must be provided. This provision may be waived for certain permits if the proposed grading is not intended to provide structural support, is not located in a hazard area (landslide, seismic, steep slope, or coal mine), and a covenant is placed in the Title advising of the nature of any fill;
- D. Illustrate how you will have the soil moisture capacity restored to areas of your site that are not covered by an impervious surface, incorporated into a drainage facility or are engineered as structural fill or slope (see KCC 16.82.100.F & G);
- E. A stamp and signature from a registered Civil Engineer, licensed to practice in the state of Washington, must appear on the following information:
1. Plans that include permanent drainage facilities; Consult KCC Chapter 9.04 and the current *SWDM* for specific design criteria;
  2. Plans for work in landslide hazard areas; and
  3. Plans prepared in conjunction with the proposed construction or placement of a structure.
- F. At least two cross-sections, one in each direction, showing existing and proposed contours and the horizontal and vertical scales (this may be waived if not applicable to scope of project);

Once your application is assigned to a Site Development Specialist, that staff member will complete an initial review of the application materials for completeness.

## Other requirements

Once your application is deemed complete, review of your proposal can begin. Additional information may be requested in order to approve your proposal. Other important requirements may include:

1. Plan review fees must be paid at the time of permit application. Before permit issuance, the remaining fee balance, any bonds or insurance, and verification that property taxes are current will be required;
2. If access to the property is from a state highway, a State Highway Access Permit must be obtained from the Washington State Department of Transportation. If access to the property is from a King County road, the access must comply with the *King County Road Standards*. The Standards include requirements for entering site distance, landings, and other issues that may need to be reviewed;
3. Copies of any correspondence with King County regarding the project or site must be provided;
4. Copies of any approvals or permits granted by other agencies, such as the Washington State Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Natural Resources, Washington State Department of Ecology, etc., must be provided;
5. Earthwork calculations must be submitted with the application if the earthwork quantities are greater than 3,000-cubic-yards or the disturbed area is greater than one acre;
6. If the project is located in a no-burn zone, or if clearing is intended outside the normal burning season, or building demolition will be completed as part of the initial site development, a clearing/demolition waste disposal plan must be provided.

## Summary of submittal requirements

For applications not subject to prior land use action:

When an environmental review is necessary, but is not yet complete, submit the following:

1. One completed Affidavit for Application Form;
2. One completed and signed fee worksheet;
3. Fifteen copies of the Environmental Checklist and associated documents;
4. Ten complete sets of plans;
5. Two copies of the soils report or geotechnical evaluation;
6. Two copies of supporting calculations; and
7. Two copies of supporting erosion control calculations.

When the environmental review is completed, or being processed through another permit or the property is categorically exempt, submit the following:

1. One completed Affidavit for Application Form;
2. One completed and signed fee worksheet;
3. One copy of the Environmental Checklist, previous SEPA determination, and associated file numbers;
4. Four sets of complete plans;
5. Two copies of the soils report or geotechnical evaluation; and
6. Two copies of supporting erosion control calculations

Applications subject to prior land use action (rezone, unclassified use, conditional use, shorelines, or special use, etc.):

1. One completed application and form to verify the legal applicant;
2. One copy of the Environmental Checklist, determination, and associated documents;
3. One copy of the Hearing Examiner's Land Use Decision;

4. Four sets of complete plans;
5. Two copies of the soils report or geotechnical evaluation;
6. Two copies of the supporting erosion control drainage calculations (if applicable);
7. One copy of supporting calculations, as required; and
8. One affidavit concerning critical areas compliance.