

## Reforming Ground Disturbance Provisions – Draft Code Language (Clean Version)

Draft Code Language	Rationale for Draft Code Changes
<p><b>30.63B.130 Standard setbacks and maximum slopes for cuts and fills.</b></p> <p>(1) Before performing any land disturbing activity subject to a land disturbing activity permit, the applicant shall mark on the site and show on the land disturbing activity site plan the limits of all proposed land disturbing activities, trees and native vegetation to be retained, and drainage courses, so that setbacks can be determined. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.</p> <p><u>(2) Cuts and fills shall be set back a minimum of two feet from the site boundary line and comply with the maximum slope standards under subsections (3) and (4) of this section, provided that the setback for cut slopes shall be increased when necessary to stabilize any required subsurface drainage or surcharge, as determined by the department based on a geotechnical engineering report, soils engineering report, or engineering geology report prepared under SCC 30.63B.220 through 30.63B.240.</u></p> <p><del>((2)) (3) The top of cut slopes shall not be nearer to a site boundary line than ((20)) 50 percent of the vertical height of the cut slope(, and in no event nearer than two feet from the boundary line)). ((The setback shall be increased when necessary to stabilize any required subsurface drainage or surcharge, as determined by the geotechnical engineering report, soils engineering report or engineering geology report pursuant to SCC 30.63B.220 through 30.63B.240.))</del></p> <p><del>((3)) (4) The toe of fill slopes shall not be made nearer to the site boundary line than 50 percent of the vertical height of the fill slope(, but in no event nearer than two feet from the boundary line)).</del></p> <p><del>((4)) (5) ((Cuts and fills shall be set back a minimum of two feet from the property line unless the both of the following are</del></p>	<p>Several changes are proposed to this section to provide additional flexibility to reduce the standard setbacks for cuts and fills, simplify the section structure, and make corrections to maximum grades for cuts and fills. Specifically, the proposed changes will do the following:</p> <ul style="list-style-type: none"> <li>• Modify the section title;</li> <li>• Simplify the two-foot standard setback language in a new subsection (2), provide for exceptions outlined in new subsection (5), and incorporate existing language for increased setbacks of cut slopes;</li> <li>• Renumber subsection (2) to subsection (3) and correct the maximum grade for cut slopes;</li> <li>• Renumber subsection (3) to subsection (4) and make technical corrections;</li> <li>• Renumber subsection (4) to subsection (5), modify the exception options by including required information to authorize reduction of the two-foot setback through a geotechnical report, recommendations, and other considerations, and make general housekeeping changes, including reformatting the subsection for readability; and</li> <li>• Renumber subsection (5) to subsection (6).</li> </ul>

~~provided:))~~ The standard setbacks for cuts and fills under subsection (2) of this section may be reduced and the maximum slope standards under subsections (3) and (4) of this section may be modified if the applicant provides the following information under subsections (5)(a) and (5)(b) of this section and the department determines that the information provided is sufficient to authorize a reduction to the standard setbacks and modification to the maximum slope standards. The maximum slope standards may only be modified when the information of subsection (5)(a)(i) of this section is provided. In authorizing any reduction to the standard setbacks and modification to the maximum slope standards, the department may impose reasonable conditions to ensure that the integrity of adjoining properties is not impaired.

(a) The applicant shall provide one of the following:

(i) A geotechnical engineering report and corresponding plans prepared and stamped by a geotechnical engineer, civil engineer, or engineering geologist registered or licensed in Washington State shall be submitted. The geotechnical engineering report shall provide a soils stability analysis demonstrating that the integrity and soil stability of adjoining properties will not be impaired by proposed cuts and fills. The report shall include recommendations for appropriate setbacks, construction methods, or other protection measures acceptable to the department, which shall be included in the construction and land disturbing activity site plans. Information provided to the department must demonstrate that no associated development activity will occur on adjoining properties except where consent has been obtained from affected adjoining property owners; or

(ii) Consent in the form of a ((A)) construction easement, written agreement, ((or)) letter of authorization, or similar documentation shall be obtained from all ((the)) affected adjoining property owners ((allowing)) of a proposed reduction to the standard setbacks. ((of less than two feet; and))

<p>(b) <u>For cuts and fills proposed within six inches of a site boundary line, the applicant shall file ((A)) a record of survey by a land surveyor licensed in Washington State that depicts the affected area and ensures compliance with construction and land disturbing activity site plans prior to construction of any cut, fill, rockery, or ((a)) retaining wall. ((proposed within six inches of a property line.))</u></p> <p><del>((5))</del> <u>(6)</u> The grades and cuts and fills established on the land disturbing activity plan shall be prepared based on topographic data obtained to comply with SCC 30.63A.400 and volume I of the Drainage Manual.</p>	
<p><b>30.63B.200 Land disturbing activities and projects requiring engineered construction plans.</b></p> <p>(1) The following land disturbing activities require the submittal of construction plans prepared by and stamped by an engineer licensed in the State of Washington:</p> <p>(a) All land disturbing activity in excess of 5,000 cubic yards;</p> <p>(b) All land disturbing activity located within public or private roads and their rights-of-way, tracts, or easements;</p> <p>(c) All land disturbing activity that is subject to environmental review under chapter 30.61 SCC or is related to development activity that is subject to environmental review under chapter 30.61 SCC;</p> <p>(d) All land disturbing activity projects that require civil engineering, as determined by the department pursuant to subtitle 30.5 SCC and IBC sections <del>((1802.4, 1802.6))</del> <u>1803.3 through 1803.6</u> and <del>((1803.4(2);))</del> <u>1804.5(2);</u></p> <p>(e) All land disturbing activity that has drainage impacts that are required to be mitigated by construction of detention, water quality treatment (including low impact development best management practices used to meet requirements of Minimum Requirement 6 per the Drainage Manual), and/or bioretention systems; and</p> <p>(f) All land disturbing activity that may cause impacts to wetlands or streams as described in chapter 30.63A SCC or volume I of the Drainage Manual.</p>	<p>Citation corrections to the proper International Building Code (IBC) sections.</p>

<p>(2) Engineered construction plans for the land disturbing activities identified in subsection (1) of this section shall also comply with chapter 30.52A SCC and the EDDS.</p>	
<p><b>30.63B.220 Geotechnical engineering report.</b>  If a geotechnical engineering report is required by SCC 30.63B.210 or chapter 18 of the IBC, the applicant's geotechnical engineer, civil engineer, or engineering geologist shall inspect and determine the suitability of the prepared ground to receive fills and the stability of cut slopes with respect to soil, hydrologic, and geologic conditions. This information shall be incorporated in the engineering report. The geotechnical engineering report shall also evaluate the need for subdrains or other groundwater drainage devices. To verify safety, the department may require testing for required compaction, soil bearing capacity, stability of all finished slopes, and the adequacy of structural fills as a condition of permit approval. The required content of the geotechnical engineering report is contained in section ((1802.6)) 1803.6 of the IBC and volume I, chapter 3 of the Drainage Manual.</p>	<p>Citation correction to the proper IBC section.</p>
<p><b>30.63B.230 Soils engineering report.</b>  When required by chapters 16, 18, and 33 of the IBC for expansive soils, questionable soils and the potential for soils near high groundwater, a soils engineering report shall be required. The required content of the soils engineering report is contained in sections 1613, ((1802.6)) 1803.6, and 3304 of the IBC and volume I, chapter 3 of the Drainage Manual. The report also shall include the following:</p> <ul style="list-style-type: none"> <li>(1) Data regarding the nature, distribution, site classification, and strength of existing soils;</li> <li>(2) Conclusions and recommendations for land disturbing activity procedures identified in the reports required by SCC 30.63B.210 or chapters 16, 18, and 33 of the IBC;</li> <li>(3) Design criteria for corrective measures, including structural fills, when necessary due to subsurface soils or groundwater conditions;</li> </ul>	<p>Citation correction to the proper IBC section.</p>

<p>(4) An analysis of the adequacy of affected soils for the intended use of the site as affected by soils engineering factors;</p> <p>(5) An analysis that describes the hydraulic conductivity, cation exchange capacity, depth to seasonal high water table, and groundwater flow direction and gradient within the soils; and</p> <p>(6) A determination if it is feasible to infiltrate stormwater into the underlying site soils as part of the LID BMP selection or design for the site, without adversely affecting adjoining or off-site properties.</p>	
<p><b>30.63B.240 Engineering geology report.</b></p> <p>When required by chapters 16 and 18 of the IBC to analyze soil characteristics due to the location of on-site faults, an engineering geology report shall be required. The report shall include an adequate description of the geology of the site, conclusions, and recommendations regarding the effect of geologic conditions on the proposed development, and an analysis of the adequacy for the intended use of sites to be developed by the proposed land disturbing activity, as affected by geologic factors. The required content of the engineering geology report is contained in sections 1613 or ((1802)) <u>1803</u> of the IBC as applicable.</p>	<p>Citation correction to the proper IBC section.</p>
<p><b>30.63B.250 Liquefaction report.</b></p> <p>Based on the soil strength identified in the soils engineering report, the department may require a geotechnical or geologic investigation and report in accordance with sections ((1802.4)) <u>1803.2 through 1803.5</u> of the IBC, which shall address the potential for liquefaction.</p>	<p>Citation corrections to the proper IBC sections.</p>