

**CITY OF BURIEN, WASHINGTON**

**ORDINANCE NO. 658**

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,  
AMENDING BURIEN MUNICIPAL CODE SECTION 15.05.245(6),  
“WORK EXEMPT FROM PERMIT, GRADING,” AND BURIEN  
MUNICIPAL CODE SECTION 15.10.060, “INTERNATIONAL  
BUILDING CODE”**

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WHEREAS, certain sections in BMC section 15.05.245(6), “Work Exempt from Permit, Grading” and BMC 15.10.060 “International Building Code” require revision in order to further the intent of Low Impact Development (LID) regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

**Section 1. Amendment** Burien Municipal Code 15.05.245(6), Work Exempt from Permit, Grading, is hereby amended to read as follows:

(6) Grading.

- (a) Grading that disturbs less than 7,000 square feet of land in an isolated, self-contained area; provided, that there is no danger to the public and such grading will not adversely affect adjoining properties, as determined by the building official.
- (b) Excavation for construction of a structure permitted under this code.
- (c) Cemetery graves.
- (d) Refuse disposal sites controlled by other regulations.
- (e) Excavations for wells and trenches for utilities.
- (f) Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

(g) Exploratory excavations performed under the direction of a registered design professional.

(h) An excavation below existing finished grade for basements and footings of an existing building, retaining wall or other structure, for which the structure is authorized by a valid building permit.

(i) An excavation of less than 50 cubic yards of material, which is less than two feet in depth and which does not create a cut slope of a ratio steeper than two horizontal to one vertical.

(j) A fill of less than 50 cubic yards of material, which is less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical.

**Section 2. Amendment** Burien Municipal Code 15.10.060, International Building Code Adopted, is hereby amended to add following paragraphs after paragraph (24) as follows:

(25) Amend IBC Section J103, Permits Required, by replacing Section J103.2, Exemptions, as follows:

**J103.2 Exemptions.** A grading permit shall not be required for the following:

1. Grading that disturbs less than 7,000 square feet of land in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or trenches for utilities.
6. Mining, quarrying, excavating, process or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.
8. An excavation below existing finished grade for basements and footings of an existing building, retaining wall or other structure, for which the structure is authorized by a valid building permit.

9. An excavation of less than 50 cubic yards of material, which is less than two feet in depth and which does not create a cut slope of a ratio steeper than two horizontals to one vertical.
10. A fill of less than 50 cubic yards of material, which is less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(26) Amend IBC Section J104, Permit Application and Submittals, by replacing Section 104.1 with the following:

**J104.1 Submittal requirements.** In addition to submittals required by the provisions of Section 15.05.315 BMC, the applicant shall submit the following:

1. Statement estimating quantities of excavation and fill.
2. Statement of the area of land to be disturbed in square feet.
3. Temporary erosion and sediment control plan.
4. For sites subject to a drainage review in accordance with Chapter 13.10 BMC, drainage plans and documentation consistent with Chapter 13.10 BMC.

(27) Amend IBC Section J109, Drainage and Terracing, by replacing Section J109.1 with the following:

**J109.1 General.** Drainage facilities and terracing shall be provided where the ground slope is steeper than 3 horizontal to 1 vertical (33 percent) as follows:

1. For site that are subject to a drainage review in accordance with Chapter 13.10 BMC, drainage shall be provided in accordance with the provision of that Chapter and terracing shall be provided in accordance with the requirements of this Section.
2. Other sites shall provide drainage and terracing in accordance with the requirements of this section unless otherwise recommended by a registered design professional.

(28) Replace Section J110, Erosion Control, with the following:

### **Section J110, EROSION CONTROL AND SEASONAL LIMITATION**

**J110.1 General.** The transport of sediment from the site to drainage facilities, water resources, and adjacent properties and rights-of-way shall be prevented to the maximum extent practicable as follows:

1. For sites that are subject to a drainage review in accordance with BMC 13.10, erosion and sediment controls shall be applied as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in accordance with 13.10 BMC.
2. For other sites, the faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting. Erosion control shall be installed as soon as practicable and prior to calling for final inspection. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

**J110.2 Seasonal limitation.** From October 1 through April 30, which is the seasonal limitation period, clearing and grading shall only be permitted if shown to the satisfaction of the code official that runoff leaving the construction site will comply with the erosion and sediment control measures and performance criteria and implementation requirements in 13.10 BMC and the Surface Water Design Manual through a combination of the following:

1. Site conditions including vegetative coverage, slope, soil type and proximity to receiving waters;
2. Proposed limitations on activities and the extent of disturbed areas; and
3. Proposed erosion and sedimentation control measures.

#### **Exceptions:**

1. If, during the course of construction activity or soil disturbance during the seasonal limitation period, silt-laden runoff violating standards of Chapter 13.10 BMC leaves the construction site, or if clearing and grading limits

or erosion and sediment control measures shown in the approved plan are not maintained, the code official shall revoke the permit or shall issue a stop work order in accordance with Chapter 15.05 BMC.

2. The following activities are exempt from the seasonal limitations of this section:
  - 2.1 Maintenance and necessary repair of erosion and sediment control facilities;
  - 2.2 Routine maintenance of public facilities or existing utility structures that do not expose the soil or result in removal of the vegetative cover to the soil;
  - 2.3 Activities where there is one hundred percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;
  - 2.4 Typical landscaping activities of existing single family residences that do not require a permit;
  - 2.5 Response to emergencies that threaten the public health, safety or welfare, consistent with Section 15.60.090 BMC.

(29) Add a new IBC Section J112, Site Soil Protection and Restoration, as follows:

**J112.1 Soil protection.** The duff layer and native topsoil shall be retained in an undisturbed state to the maximum extent practicable. Any duff layer or topsoil removed during grading shall be stockpiled on-site in a designated, controlled area not adjacent to public resources and critical areas. The material shall be reapplied to other portions of the site where feasible.

**J112.2 Soil restoration.** The soil moisture holding capacity of disturbed soils shall be restored as follows:

1. Areas that have been cleared and graded shall have the soil moisture holding capacity restored to that of the original undisturbed soil native to the site to the maximum extent practicable. The soil in any area that has been compacted or that has had some or all of the duff layer or underlying topsoil removed shall be amended to mitigate for lost moisture-holding capacity as follows:

- 1.1 The amendment shall take place between May 1 and October 1;
- 1.2 The topsoil layer shall be a minimum of eight inches thick, unless the applicant demonstrates that a different thickness will provide conditions equivalent to the soil moisture-holding capacity native to the site;
- 1.3 The topsoil layer shall have an organic matter content of between five to ten percent dry weight and a pH suitable for the proposed landscape plants;
- 1.4 When feasible, subsoils below the topsoil layer should be scarified at least four inches with some incorporation of the upper material to avoid stratified layers; and
- 1.5 Compost used to achieve the required soil organic matter content must meet the definition of "composted materials" in WAC 173-350-220.

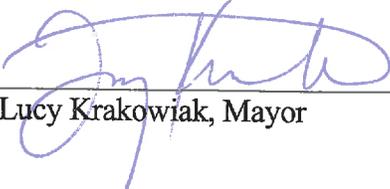
**Exception.** This section does not apply to areas that at project completion are covered by an impervious surface, incorporated into a drainage facility or engineered as structural fill or slope.

Section 3. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

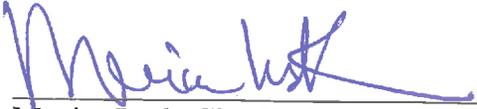
Section 4. Effective Date. This Ordinance shall be in full force and effect on December 31, 2016 at 11:59 PM. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 7<sup>TH</sup> DAY OF NOVEMBER, 2016, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 7<sup>TH</sup> DAY OF NOVEMBER, 2016.**

CITY OF BURIEN

  
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Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:



Monica Lusk, City Clerk

Approved as to form:



Lisa Marshall  
City Attorney

Filed with the City Clerk: *November 7, 2016*  
Passed by the City Council: *November 7, 2016*  
Ordinance No.: *658*  
Date of Publication: *November 10, 2016*