

LAND ALTERNATION, CLEARING & GRADING

Chapter 13

LAND DISTURBANCE

Sec. 1301. Purpose

This Chapter is intended to protect water quality; to ensure that adequate methods of erosion control are utilized in the development of property; to prevent the inappropriate alteration of natural drainage features and to protect wetlands, streams, and other critical areas as identified in the City of Ferndale Critical Areas Ordinance (Ord. #955).

Sec. 1302. Applicability

A land disturbance is any clearing of vegetation, grading, filling, or excavation that occurs on any parcel of property within the corporate limits of the City of Ferndale. All land disturbance requires the issuance of a permit except in the following instances:

- A. A building permit for a single family dwelling and accessory structures on property located within an approved subdivision.
- B. Small and essentially isolated and self contained land disturbance less than 10,000 square feet if there is no danger to private or public property, when approved by the Public Works Director.
- C. An excavation where no negative environmental impacts will result from such activity for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 4 feet after the completion of such structure.
- D. Activities in the City right-of-way as approved by a valid Revocable Encroachment Permit.
- E. Cemetery graves.
- F. Refuse disposal sites controlled by other regulations.
- G. Excavations for wells or tunnels.

- H. Excluding stripped and stockpiled topsoil and site preparation for the following; mining, quarrying, excavating, processing, stockpiling of rocks, sand, gravel, aggregate or clay, where established and provided for by law, and pursuant to the City of Ferndale zoning ordinance provided such operations do not affect the lateral support increase the stresses in or pressure upon any adjacent or contiguous property.
- I. Exploratory excavation under the direction of soil engineers or engineering geologists.
- J. An excavation which:
 - (1) is less than 2 feet in depth, or
 - (2) does not create a cut slope greater than 5 feet in height and steeper than 1.5 horizontal to 1 vertical, or less than 3 feet in depth, for unconsolidated materials, and less than one half acre in size, not intended to support structures, which does not exceed 50 cubic yards total on any one lot and does not alter a drainage course.
- K. Inert fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, for unconsolidated materials, and less than one half acre in size, not intended to support structures, which does not exceed 50 cubic yards total on any one lot and does not alter a drainage course.
- L. A building permit for a single family dwelling and accessory structures where the proposed disturbed site is one half acre or less and gradients average less than 15 percent.
- M. Miscellaneous land disturbance for the purposes of non-commercial gardening and yard maintenance resulting in disturbed areas less than one half acre in size.
- N. Removal of brush by hand for purposes of clean-up or survey including the removal of logs or diseased or leaning trees that represent a safety hazard, provided that such activities have been determined to be exempt from the Forest Practices Act.
- O. Any activities conducted by or through the City of Ferndale Flood Control Program and/or Improvement Programs subject to the Shorelines Management Act that are designated as substantial development.

Sec. 1303. Application Requirements

Applications shall be submitted on forms prescribed by the Director of Public Works and shall contain the following information:

- A. A general site plan outlining the location of property boundaries, roads, building sites, areas to be cut, buffers, drainage ways, streams, and wetlands. The plan shall be at a minimum scale of 1 inch equals 100 feet and include contour lines at appropriate intervals.
- B. Preliminary drainage review in accordance with Chapters 9 and 10 of this Ordinance.
- C. A temporary erosion sedimentation control plan in accordance with Chapter 11 of this Ordinance.
- D. Other proposed mitigation efforts as required by the City.
- E. A statement declaring the type, scale and schedule of future development plans.
- F. Compliance with the Critical Areas Ordinance and other applicable City of Ferndale regulations.
- G. A copy of a letter of exemption or a letter of permission from the U.S. Army Corps of Engineers authorizing filling or disturbance of wetland areas, if any such filling or disturbance of wetland areas is proposed in the application.
- H. Additional information may be requested from the applicant on a case by case basis.

Sec. 1304. Land Disturbance Permit Requirements

The following requirements shall apply to all land disturbance permits, unless evidence is presented to the satisfaction of the Director of Public Works that such requirements are not necessary to effectively carry out the purposes of this ordinance:

- A. All land disturbance activity shall be subject to these standards, the standards and specifications of Appendix Chapter 33 of the 1994 Uniform Building Code, the specifications contained in the State Standard Specifications and APWA Standard Specifications, the provisions of the Critical Areas Ordinance, and the standards and specifications of the Stormwater Management Manual for the Puget Sound Basin.
- B. Any land disturbance activity shall be subject to the applicable portions of Chapters 9 - 12 of these Standards, Stormwater Management.

- C. Land disturbance permits, authorization, and exemption notices, or any other land use permit involving land disturbance, must be posted and clearly visible at the access to the site.
- D. All land disturbance activity as regulated by this ordinance must be performed by an operator holding a valid Washington State Contractors license. The license number must be posted with the permit as in C above.
- E. Unless otherwise noted on the face of the permit, all land disturbance activity is prohibited between October 1 and April 1.
- F. The permit shall become null and void if the authorized work is not commenced within 180 days from the date of issuance, or if the authorized work is suspended or abandoned at any time after the work is commenced for a period of 180 days. An extension may be applied for in writing only, and only prior to its expiration. The permit may, in writing, be suspended or revoked by the City whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation or any of the provisions of these standards.
- G. The City must be notified 24 hours prior to starting, and 24 hours prior to completion of the permitted land disturbance. Failure to do so may nullify the permit and subject the applicant to penalties pursuant to Section 204 of these standards.
- H. Topsoil shall not be used as fill material. Sites being stripped for grading or excavation must stockpile on site for top dressing road banks, lawns, and mining reclamation. Fill material shall be pursuant to Chapter 70 of the Uniform Building Code, Section 7010.
- I. Legal property boundaries of the subject property shall be established by a licensed land surveyor, and clearly flagged and marked on site prior to any land disturbance activity. Buffers and setbacks required by this ordinance, boundaries to critical areas pursuant to the City of Ferndale Critical Areas Ordinance, and other city of State regulations shall be clearly marked and flagged on site prior to any land disturbance activity.
- J. A performance bond as identified in Section 504 of these standards.

Section 1305. Enforcement

Any persons conducting land disturbance work that is not required to obtain one of the permits and/or approvals specified in Section 103 of these Standards, may nevertheless choose to submit information showing the extent and nature of the proposed work to the Public Works Director for approval. Regardless of whether such submittal is made, all persons who engage in land disturbance activities are responsible to insure that the land disturbance work is done in compliance with these Standards. Persons failing to comply shall be subject to the penalties set forth in Section 20 of these Standards.

Section 1306. Issuing Authority

The Departments of Public Works and Planning shall jointly issue all land disturbance permits.