

SCC 30.63B.020 - Exemptions

30.63B.020 Exemptions.

- (1) The following grading is exempt from the requirements of this chapter provided it occurs outside a critical area and is at least two feet from a property boundary line:
 - (a) Operation of a solid waste disposal site subject to a solid waste permit pursuant to chapter 70.95 RCW. The expansion, relocation, or closure of a solid waste disposal site is not exempt;
 - (b) Commercial operations involving mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay if such operations are authorized by a county conditional use permit or administrative conditional use permit for expansion of a nonconforming use as required by chapters 30.22, 30.42C, or 30.43A SCC. This exemption does not apply to:
 - (i) reclamation pursuant to SCC 30.63B.360;
 - (ii) an operation which the director determines may destabilize or undermine any adjacent or contiguous property; or
 - (iii) an operation which the director determines may result in adverse downstream drainage impacts;
 - (c) Commercial agricultural activities on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland by the comprehensive plan, as follows:
 - (i) tilling, soil preparation, and maintenance; and
 - (ii) fallow rotation, planting, harvesting;
 - (d) Site investigative work necessary for land use application submittals such as surveys, soil borings and test pits, percolation tests, and other related activities, provided the land-disturbing activity is no greater than is necessary to accomplish the work;
 - (e) Excavation of a well for a single family dwelling; and
 - (f) Excavation or filling of cemetery graves.
- (2) The following grading does not require a grading permit provided it occurs outside a critical area and is at least two feet from a property boundary line, but shall comply with the minimum erosion control requirements of SCC 30.63A.220(1)(a)-(g):
 - (a) Grading which does not obstruct or alter an existing drainage course or pattern, and which creates 5,000 square feet or less of impervious surface, and collects or concentrates storm water from 5,000 square feet or less of drainage area, and which:
 - (i) totals 100 cubic yards or less of grading on a site in any 24 consecutive months, or
 - (ii) totals 500 cubic yards or less in any 24 consecutive months of excavation on a site for a basement or foundation for a single family dwelling and accessory structures, provided that excess excavated material shall be disposed of at a permitted site approved by the director, that the excavation shall commence after the building permit is secured by the applicant, and shall comply with the building permit, or
 - (iii) totals 500 cubic yards or less in any 24 consecutive months for construction of underground drainage systems, provided that the construction shall only commence after a right-of-way use, single family or commercial building permit is secured by the applicant, the applicant has an approved drainage plan, if otherwise required, and that the construction may be subject to inspection as a condition of the underlying permit;

- (b) Maintenance or repair on private property of existing commercial agricultural facilities on land designated riverway commercial farmland, upland commercial farmland, or local commercial farmland by the comprehensive plan, which may include drainage facilities, ponds, animal stock flood sanctuaries, animal waste management facilities, agricultural buildings, fences, roads, and bridges; and
 - (c) New construction (including enlargement) of drainage ditches (including 500 cubic yards or less of grading) for commercial agriculture on private property designated riverway commercial farmland, upland commercial farmland, or local commercial farmland by the comprehensive plan, which does not adversely impact critical areas, lakes, or upstream or downstream properties, when such ditches do not have a surface connection within 100 feet of a critical area or lake, or contain water on site for retention, infiltration, or evaporation.
- (3) Utility and related underground drainage system construction and maintenance.
- (a) Minor utility activities and related underground drainage system construction in county rights-of-way which, pursuant to title 13 SCC, do not require a Type D permit, are exempt from this chapter.
 - (b) Utility construction and related underground drainage system construction outside critical areas and within county rights-of-way conducted under a Type D7 blanket utility permit pursuant to title 13 SCC which does not adversely impact critical areas, lakes, or upstream or downstream properties shall comply with the erosion control requirements of SCC 30.63.220(1), and is exempt from all other requirements of this chapter. Utilities applying for a blanket utility construction permit shall propose erosion and sedimentation control best management practices for all permitted activities at the time of application.
 - (c) Major utility and related underground drainage system construction within impervious surface areas, including trenching or other utility installation or maintenance which cuts and subsequently repairs existing impervious surface outside critical areas and within public rights-of-way conducted under a Type D8 major utility construction permit pursuant to title 13 SCC, which does not adversely impact critical areas, lakes, or upstream or downstream properties, shall comply with the erosion control requirements of SCC 30.63.220(1), and is exempt from all other requirements of this chapter. Utilities applying for a major utility construction permit shall propose erosion and sedimentation control best management practices for the utility construction at the time of application.
 - (d) Utility and related underground drainage system maintenance outside critical areas and outside of public rights-of-way which does not add impervious surface and does not adversely impact critical areas, lakes, or upstream or downstream properties shall comply with the erosion control requirements of SCC 30.63.220(1), and is exempt from all other requirements of this chapter.
 - (e) All utility and related underground drainage system construction not exempt pursuant to SCC 30.63B.020(a)-(d) above shall comply with all applicable requirements of this chapter.
 - (f) If a utility and related underground drainage system must relocate as a direct result of a county department of a public works project, it shall be exempt from the fee requirements of chapter 30.86 SCC.
 - (g) For purposes of this section, related underground drainage system “construction” and “maintenance” means trenching and backfilling for the limited purposes of installing storm drainage pipes and catch basins and does not apply to the construction or maintenance of detention vaults, infiltration systems, or water quality vaults.

(4) Emergency repairs. In an emergency, repairs may be undertaken without a prior grading permit or associated drainage review to protect existing development, maintain existing utility function, or to prevent channel impairment if insufficient time exists to obtain a grading permit prior to the time necessary to perform the emergency repair and either:

- (a) damage is occurring as a result of flood waters at or exceeding flood stage as defined by the county department of emergency services;
- (b) utility maintenance is necessary to repair a utility facility or line which has been damaged as a direct result of the emergency; or
- (c) removal and relocation of material relocated onto commercial farmland by flood waters if necessary to protect farming operations.

An emergency is a situation which the director determines has developed suddenly, constitutes an imminent threat, and demands immediate action to protect property from damage by elements or to protect the public from a serious and imminent threat to health or safety.

(5) Public works construction projects. Department of public works construction projects shall be exempt from all fee requirements of chapter 30.86 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-012, March 19, 2003, Eff date April 3, 2003)