

TITLE 18 - ZONING  
CHAPTER 18.72 CLEARING AND GRADING

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## CHAPTER 18.72 CLEARING AND GRADING

### 18.72.010: Applicability.

No person shall do any excavation or grading without first obtaining a Land Use Clearing and Grading Permit issued by the Department of Community Planning under the provisions of Chapter 18.47, except:

- (1) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit.
- (2) An excavation or fill or combination thereof, which does not exceed a total of 500 cubic yards.
- (3) Clearing and grading, excavation and/or fill, which does not exceed a total of 5,000 square feet and does not obstruct a drainage course.
- (4) An excavation and/or fill reviewed and approved as part of a building permit.
- (5) Excavations for water wells or tunnels or installation of service utilities by public and private utilities.
- (6) Cemetery graves.

(Ord. 5560 Sec. 1; Ord. 5290 Sec. 3, 2010; Ord. 5180 Sec. 1, 2007)

### 18.72.020: Review Process.

For excavation or grading in excess of 5,000 square feet, the Planning Director shall review, approve, disapprove, or approve with conditions, the location of the site and its effect on the surrounding area.

- (1) Grading Plan: A 22-inch by 34-inch plan at a maximum scale of one inch to 100 feet or at a scale approved by the Community Planning Department, clearly indicating the following:
  - (a) Graphic scale and north arrow;
  - (b) Dimensions of all property lines, easements, and abutting streets;
  - (c) Location and dimension of all on-site structures and the location of any structures within 15 feet of the subject property or which may be affected by the proposed work;
  - (d) Accurate existing and proposed contour lines drawn at five-foot intervals, or less, intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within 100 feet of the site;
  - (e) Location of natural drainage systems, including perennial and intermittent streams, the presence of bordering vegetation, and flood plains.
  - (f) Setback areas and any areas not to be disturbed;
  - (g) Finished contours drawn at five-foot intervals as a result of grading;
  - (h) Proposed drainage channels and related construction with associated underground storm drainage lines sized and connections shown; and
  - (i) General notes addressing the following (may be listed on cover sheet):
    - (i) Area in square feet of the entire property.

- (ii) Area of work in square feet.
- (iii) The number of cubic yards of soil to be added, removed, or relocated.
- (iv) Type and location of fill origin and destination of any soil to be removed from site.
- (v) If known, finished floor elevation(s) of all structures, existing and proposed.
- (j) Control measures to prevent erosion by air and/or runoff and sediment transport from the site to adjacent properties, city streets and city-owned storm drainage facilities.

(Ord. 5290 Sec. 4, 2010; Ord. 5204 Sec. 18, 2007; Ord. 5180 Sec. 1, 2007)

### **18.72.030: Review Criteria.**

To grant a land use permit under the provisions of Chapter 18.42, the Planning Director shall make a determination that:

- (1) The proposed activity requires/does not require coverage under the NPDES Construction Stormwater General Permit issued by the Washington State Department of Ecology.
  - (a) Sites requiring coverage that results in a disturbance of less than five acres, the project proponent may apply for the Erosivity Waiver in Section S.2.C. of the NPDES Construction Stormwater General Permit.
- (2) Compatibility of Proposed Use: The proposed activity would not be unreasonably detrimental to the surrounding area. The Planning Director shall consider, but is not limited to, the following:
  - (a) Size and location of the activity;
  - (b) Traffic volume and patterns;
  - (c) Screening, landscaping, fencing and setbacks;
  - (d) Unsightliness, noise and dust;
  - (e) Surface drainage;
  - (f) Temporary and permanent erosion control.

(Ord. 5290 Sec. 5, 2010; Ord. 5180 Sec. 1, 2007)

### **18.72.040: Conformance with Planning Director's Approved Plan Required.**

In the event that a permit is granted, excavation, removal or fill shall be permitted only in accordance with the plan approved by the Planning Director. Rehabilitation shall take place in accordance with the approved plan and in a logical sequence so that satisfactory conditions shall be maintained on the premises. Rehabilitation shall be done in stages compatible with continuing operations. The Planning Director may require the drafting of rehabilitation plans by a licensed landscape architect.

(Ord. 5180 Sec. 1, 2007)

### **18.72.050: Final Approval.**

After the applicant has completed the approved amount of excavation, fill, or other activity, the final grading of the site, site stabilization, and the applicant or another developer begins to develop or construct a new use on

the site, the Community Planning Department may give final approval provided reasonable progress is occurring on the construction or new use.

(Ord. 5180 Sec. 1, 2007)

**18.72.060: Other Requirements/Non-City Review.**

Issuing a permit under this Section does not relieve the holder from requirements of other government agencies. Review by other interested City, County, State and Federal organizations may be required.

(Ord. 5180 Sec. 1, 2007)

**18.72.070: Inspection and Enforcement Authority.**

The Community Planning Department shall have jurisdiction of the activities regulated in this Section after a special permit has been granted by the Planning Director. For inspection purposes, any duly authorized member of this Department and/or the City of Kennewick Municipal Services Department shall have the right and is empowered to enter upon any premises at reasonable hours where activities regulated by this Section are occurring. This Department is empowered to issue orders, grant, renew, and revoke such licenses as are provided for in accordance with this Section.

(Ord. 5290 Sec. 6, 2010; Ord. 5180 Sec. 1, 2007)

**18.72.080: Expiration and Extensions.**

The special permit shall be null and void if the applicant has not begun activity within six months after the granting of the permit, unless the Planning Director grants an extension of time. Special permits are valid until the approved plans have been satisfactorily completed.

(Ord. 5180 Sec. 1, 2007)

**18.72.090: Transferability of Permit.**

The special permit is transferable to other persons, firms and corporations, and the special permit shall continue with the activity on the site unless a new special permit is granted.

(Ord. 5180 Sec. 1, 2007)