

**CITY OF MILTON
ORDINANCE NO. 1911-17**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON;
ADDING A NEW SECTION TO CHAPTER 13.27 OF THE
MILTON MUNICIPAL CODE ADOPTING NEW CODE
LANGUAGE TO IMPLEMENT LOW IMPACT
DEVELOPMENT.

WHEREAS, the Washington State Department of Ecology has mandated that all National Pollution Discharge Elimination System (NPDES) permittees review and make standard Low Impact Development design and development principles; and,

WHEREAS, the City of Milton is an NPDES permittee; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON DO
ORDAIN AS FOLLOWS:

Section 1. There is hereby added a new section 13.27.015 to Chapter 13.27 of the Milton Municipal Code to read as follows: (additions shown by underline and deletions shown by strikeout):

Chapter 13.27 CLEAR, FILL AND GRADE

Sections:

13.27.010 Permit required.

~~13.27.020~~ 13.27.02015 Standards

13.27.0230 Fees.

13.27.0340 Exemption.

13.27.0450 Expiration and enforcement of permit.

13.27.010 Permit required.

A. All clear, grade and fill activities must be approved by the public works director or designee and are subject to the provisions of the current fee schedule approved by the city council.

B. No person shall make changes or cause changes to be made in the surface of any land by grading, excavating, clearing, filling or disturbing the natural topsoil or vegetation other than trees thereon without first obtaining a valid public works permit allowing clearing, fill and grading, except as provided in the following exemptions, and except where other permits have been issued to perform activities which additionally permit clearing, fill and grading under the specific conditions set forth in such permits.

C. The application form and accompanying drawings and other information shall be in a form and of a content approved by the public works director or designee. The application form and other required documentation shall require the applicant to provide documentation and information needed for the city to make a decision on the same based on the proposed project's compliance with federal, state and local laws, rules and regulations on land clearing, fill and grading.

D. An applicant shall be considered in violation of a permit issued under this chapter if information is withheld during the application process, or if the parameters of proposed actions change after permit approval without notifying the city of Milton. Permit violation will result in permit revocation. Any work done in permit violation will be considered work done without a permit and result in the same fines, fees and costs as set forth in MMC 13.27.040. (Ord. 1892, 2016).

13.27.02015 Standards.

A. Land clearing shall be accomplished in a manner that will not create or contribute to landslides, accelerated soil creep, settlement and subsidence on the subject property and/or adjoining properties;

B. When land clearing occurs, the proposal shall contain provisions for the protection of natural land and water features, vegetation, drainage, retention of native ground cover, and other indigenous features of the site;

C. Land clearing shall be accomplished in a manner that will not create or contribute to flooding, erosion, or increased turbidity, siltation, or other form of pollution in a watercourse;

D. Land clearing shall be undertaken in such a manner as to preserve and enhance the city's aesthetic character. The site shall be revegetated and landscaped as soon as practicable, in accordance with the approved revegetation plan. Where the construction schedule does not provide for revegetation of the site prior to October 15 of any year, all disturbed areas shall be hydro seeded or otherwise revegetated on an interim basis. The revegetation plan shall include plantings along public streets and adjoining property boundaries. For public works permits that are part of a specific development proposal, land use development shall be initiated or a

vegetative screen or buffer established within six months of the date of initiation of land clearing activities;

E. Land clearing shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with the construction schedule. Provisions shall be made for interim erosion control measures.

13.27.020 Fees.

Fees for a land clearing, fill and grading permit shall be paid according to the most current adopted fee schedule. (Ord. 1892, 2016).

13.27.030 Exemption.

A. The following activities are exempt from compliance with this chapter:

1. An excavation below finish grade for basements and footings of a building retaining wall or other structure or activity authorized by any valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavations having an unsupported height greater than five feet after the completion of such structure;
2. The clearing by a public agency within a public right-of-way or upon an easement, for the purpose of installing and maintaining water, storm, sanitary sewer mains or other public utilities. The clearing by a franchised utility within a public right-of-way for the purpose of installing and maintaining power, gas, or communication lines;
3. Routine landscape maintenance involving not more than 50 cubic yards of excavation and fill on a single parcel of property within a consecutive 12-month period;
4. Landscape installation where fill is contained to less than one foot of topsoil or landscape berms are constructed not exceeding four feet in height and 30 cubic yards in volume with side slopes flatter than three feet horizontal to one foot vertical (33 percent);
5. Emergency situations involving immediate danger to life or property, substantial fire hazards or other public safety hazards within seven days of the onset of the emergency or during the period covered by an emergency declaration by the city; provided verbal authorization is provided by the city and followed up with written authorization communicating the need and verifying the nature of the emergency;
6. Routine agricultural activities such as plowing, harrowing, disking, ridging, listing, leveling and similar operations to prepare a field or crop;
7. Cemetery graves; and

8. Removal of nonnative invasive plant species from environmentally critical lands and native growth protection easements.

B. Except for subsections (A)(2) for maintenance only, (A)(5), and (A)(8) of this section, the exemptions set forth above shall not apply to activity within critical areas and associated buffers. All clearing and grading within critical areas and their associated buffers shall conform to the provisions of this chapter and Chapter 18.16 MMC. In the case of any conflict between the provisions of this chapter and Chapter 18.16 MMC, the provisions of Chapter 18.16 MMC shall prevail. (Ord. 1892, 2016).

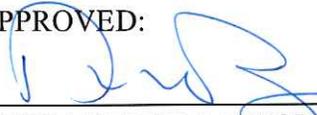
13.27.040 Expiration and enforcement of permit.

A. Permits for clearing and grading shall expire six months after the issuance date. If the proposed project is unfinished after permit expiration, the applicant will be required to resubmit a permit application and pay 100 percent of the permit fee. Work done without a permit will result in a fine of triple the permit fee, plus investigation fees, plus all other city incurred costs of enforcement of this chapter, including attorney fees.

B. Except as otherwise stated in this chapter, any violation of any provision of this chapter constitutes a civil code violation subject to and enforced pursuant to the provisions of Chapter 1.08 MMC. (Ord. 1892, 2016).

Passed by the Milton City Council the 21st day of February, 2017, and approved by the Mayor, the 21st day of February, 2017.

APPROVED:

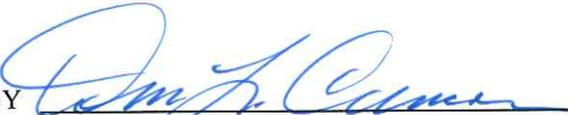


DEBRA PERRY, MAYOR

ATTEST/AUTHENTICATED:



KATIE BOLAM, CITY CLERK

BY 

WILLIAM L. CAMERON, CITY ATTORNEY

FILED WITH THE CITY CLERK: 2-21-2017
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