

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6196

AN ORDINANCE amending the Clearing and Grading Code and Bellevue City Code relating to permitting and erosion and sedimentation control requirements, amending portions of Chapter 23.76 (the Bellevue Clearing and Grading Code) of the Bellevue City Code to improve clarity and usability, improve internal Clearing and Grading Code consistency, and correct inaccurate, outdated, or unnecessary citations, which includes amendments to the following sections of the Clearing and Grading Code: 23.76.035, 23.76.070, and 23.76.090.

WHEREAS, throughout the process of administering the Clearing and Grading Code the City has identified necessary amendments to improve its function and usability, which fall into three categories: (1) improve clarity and usability; (2) improve internal Clearing and Grading Code consistency; and (3) correct inaccurate, outdated citations or unnecessary; and

WHEREAS, the City seeks to modify the Clearing and Grading Code to improve the administration and clarity of this code; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the Environmental Procedures Code (Chapter 22.02 BMC); now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 23.76.035.F of the Clearing and Grading Code is hereby amended to read as follows:

23.76.035(F) Permit requirements.

F. A construction stormwater pollution prevention plan, if required, must be submitted with the permit submittal and application materials described in subsection E of this section.

Section 2. Section 23.76.070.B of the Clearing and Grading Code is hereby amended to read as follows:

23.76.070 Grading.

B. Follow the methodology in the clearing and grading development standards for any proposed filling or excavation.

Section 3. Section 23.76.090.B.1 of the Clearing and Grading Code is hereby amended to read as follows:

23.76.090(B) Erosion and sedimentation control – Minimum requirement 2.

B. Applicability.

1. Minimum Requirement 2. This section describes requirements for applicants to prepare a construction stormwater pollution prevention plan (CSWPPP) for new development, redevelopment, and land disturbing activities that meet the thresholds set forth in this chapter. Applicants and permittees are responsible for preventing erosion and discharge of sediment and other pollutants into the storm and surface water system and receiving waters. The city does not offer erosivity waivers.

Section 4. Section 23.76.090.B.3 of the Clearing and Grading Code is hereby amended to read as follows:

23.76.090(B) Erosion and sedimentation control – Minimum requirement 2.

B. Applicability

3. Exemption. The director may exempt the following projects from the requirements of preparing a CSWPPP:
 - a. Projects that are covered under the Washington State Department of Ecology's Construction Stormwater General Permit and the permittee is fully implementing and in compliance with the requirements of that permit. To apply for this exemption, the applicant must provide with its permit application materials a copy of the permit coverage letter from the Washington State Department of Ecology, and a copy of the corresponding stormwater pollution prevention plan (SWPPP).
 - B, Projects that involve clearing of 1,000 square feet or less, and grading of 50 cubic yards or less, but require a clearing and grading permit in accordance with Section 23.76.035.A.

Section 5. Section 23.76.090.C.2 of the Clearing and Grading Code is hereby amended to read as follows:

23.76.090(C) Erosion and sedimentation control – Minimum requirement 2.

C. General Requirements.

2. Applicants must prepare and submit a construction stormwater pollution prevention plan (CSWPPP) for all projects that meet the permitting thresholds in BCC 23.76.035, except as exempted in 23.76.090.B.3. The CSWPPP shall

be implemented beginning with initial soil disturbance and until final stabilization. The permitted clearing and grading areas and any other areas required to preserve critical areas or critical area buffers, native growth protection areas, retained vegetation areas, or tree retention areas, as the city may require, shall be delineated on the site plans and the development site.

Section 6. Section 23.76.090.C.3 of the Clearing and Grading Code is hereby amended to read as follows:

23.76.090(C) Erosion and sedimentation control – Minimum requirement 2.

C. General Requirements.

3. For projects with clearing totaling less than 7,000 square feet and grading less than 500 cubic yards, the CSWPPP may consist of a CSWPPP short form and a site plan. A turbidity and pH monitoring plan may also be required depending on site characteristics, such as topography, proximity to receiving waters, or critical areas and critical area buffers.

Section 7. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 8. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

ORIGINAL

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Passed by the City Council this 17th day of November, 2014
and signed in authentication of its passage this 17th day of November,
2014.

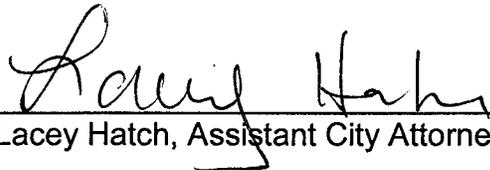
(SEAL)



Claudia Balducci, Mayor

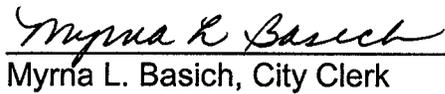
Approved as to form:

Lori M. Riordan, City Attorney



Lacey Hatch, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published November 29 2014,