

21.08.105 IBC Section J102 amended.

Section J102 of the International Building Code is amended and supplemented by the addition of the following definition:

LAND SURFACE MODIFICATION shall include clearing or removal of trees, shrubs, ground cover and other vegetation, and all grading, excavation and filling of materials. The removal of overhanging vegetation and fire hazards as specified in Chapter 9.12 of the Kirkland Municipal Code and the removal of dead, dangerous, or diseased trees or blackberry vines when authorized by the Building Official shall not be deemed to be Land Surface Modification.

Section 21.08.110 of the Kirkland Municipal Code is hereby amended to read as follows:

21.08.110 IBC Section J103 amended.

Section J103 of the International Building Code is amended and supplemented to read:

Section J103. PERMITS REQUIRED. Except as exempted in Section J103.2, no land surface modification shall be performed without first having obtained a permit from the building official.

Section J103.2. Exemptions. A land surface modification permit shall not be required for the following:

1. Land surface modification performed in the normal course of maintaining existing landscaping on a lot associated with an existing building or buildings, provided such work does not modify any drainage course.
2. Any excavation below finished grade 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 when the material is removed from the lot or any fill material which is placed on the lot.
3. Cemetery graves.
4. Fill deposited on previously approved disposal sites under the control of other City Administrative Departments.
5. Excavations for wells or tunnels, or utilities or other work supervised by the City of Kirkland.
6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where a permit has been issued by the State of Washington, Department of Natural Resources.
7. Exploratory excavations under the direction of soil engineers or engineering geologists.
8. Normal maintenance and repair of the facilities of a common carrier by rail in interstate commerce within its existing right-of-way.

9. Excavations for utility service connections to serve existing and/or new structures.

10. Correction of drainage problems when supervised by the Department of Public Works; and the installation of approved preliminary plat and short plat improvements as permitted by Section J103.3.

Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

21.08.115 IBC Appendix Section J103.3 added.

Appendix Section J103.3 of the International Building Code is amended by the addition of a new subsection:

Section J103.3. Permit Issuance. No land surface modification or grading permit shall be issued in the following circumstances:

1. Prior to the approval of a preliminary plat or short plat.

Exception: After the approval of a preliminary plat or short plat, a land surface modification or grading permit may be issued for land surface modification or grading work to be done within rights-of-way, utility easements or access easements as designated on the approved preliminary plat drawings. A limited amount of grading may be permitted and stockpiling of materials on individual lots with the concurrence of the departments that normally review development permit applications. Permits to be issued for activities covered by this subparagraph shall be issued by the department of public works who shall with respect to such activities, have full authority to administer and enforce the provisions of Appendix Chapter J of the International Building Code as herein amended and supplemented.

2. Prior to the issuance of a building permit.

Exception: After the receipt of a complete application for a building permit, a land surface modification or grading permit may be issued only for the minimum land surface modification or grading necessary to locate structures or other associated improvements designated on the submitted building permit plans.

3. In areas served by inadequate water, sewer, storm drainage or transportation systems as determined by the Public Works Department.

Exception: When such action proposes the improvement of any deficient system to minimum city standards and at the expense of the private sponsor and such improvements are associated with the issuance of a valid building permit.

4. Prior to the approval specified in Section 115.75, Kirkland Zoning Code, where no Building Permit is required.

5. Prior to the approval of a preliminary Planned Unit Development.

Exception: After the approval of a preliminary Planned Unit Development, a Land Surface Modification or Grading Permit may be issued for land surface modification or grading work to be done within rights-of-way, utility easements, access easements or other major components of the internal vehicular circulation system so designated in the approved Preliminary Planned Unit Development.