

Issuance of Grading Permit before Final Plan Approval – Interim Policy and Pilot Study pending adoption of Early Grading Plan and Permit Approval for Site & Subdivision Plans

Plan Submission & Permit Requirements

Issued by: Director of Development Services
Director of Public Works

Intent:

This interim policy provides clarification of the requirements and procedures to be followed for the processing, review, and approval of early grading plans for residential and commercial/industrial properties and the issuance of early grading permits until early grading can be fully adopted into the Administrative Procedures Manual (APM) and the Design and Construction Standards Manual (DCSM). This policy also ensures that any land disturbance activity for which an early grading permit is issued conforms to all requirements of the stormwater regulations.

Section 4.08.1.I. of the APM provides for the review and approval of a nonresidential grading plan (early grading plan) and issuance of a grading or grading/infrastructure permit to allow site preparation and, in some cases, the installation of infrastructure while the final site plan or final subdivision plan is being processed. Section 100 of the DCSM does not specifically address early grading plans. This interim policy is meant to allow early grading to occur on residential subdivisions and commercial/industrial properties in anticipation of formal adoption. Upon adoption of early grading for residential and nonresidential properties in the DCSM and the APM, this policy will become void.

Applicability:

Early grading may be authorized for any non-residential or residential development where the final site or subdivision plan has been submitted and the first submission review completed, or after a final site or subdivision plan has been approved and remains valid.

Processing:

An early grading plan may be submitted and reviewed as part of the first review of the final site or subdivision plan by including the grading sheets with the final site or subdivision plan. An early grading plan may also include the installation of storm drainage structures and infrastructure that is required for final site grading, such as retaining walls and berms. These additional sheets (labeled "For Early Grading Only") will be reviewed with the final site plan. If all the comments on the additional sheets have been addressed and are deemed approvable, the applicant may request the project manager to issue an early grading permit. No additional review fees apply if the plan is submitted in this manner.

An early grading plan may also be submitted as a revision to the final site or subdivision plan currently under review, but not earlier than the submission of the final site or subdivision plan for a second review. It will be processed as a plan revision to the pending plan, and all applicable fees will be collected. The plan will be transmitted to Environmental Management, Department of Public Works, for review.

Restrictions:

Early grading will not be permitted for any area of a site where jurisdictional wetlands will be disturbed

unless the appropriate federal/state permit has been obtained. Grading within identified floodplains and resource protection areas will not be permitted unless the disturbance is approved through a floodplain study when applicable, a preservation area site assessment, or a water quality impact assessment. The grading will be in accordance with these previous approvals. Early grading will not be permitted for any off-site area that requires an off-site easement until the easement or a letter of permission from the appropriate property owner(s) has been obtained. Early grading will not be permitted for projects that have been issued or are about to be issued a signature summary letter unless otherwise allowed by the Land Development Project Manager.

Requests for an extension of the close-out date of a final plan with an early grading permit will not be accepted if the extension date goes beyond the validity of the early grading permit. The plan will be closed, and the site must be stabilized before the file is reopened and an extension granted.

Minimum Requirements:

An early grading plan shall include an erosion and sediment control plan, a pollution prevention plan when applicable, and a stormwater management/Best Management Practices (SWM)/BMP plan. The SWM/BMP plan shall be designed to mitigate the pollutants based on the proposed land-disturbing activity. If required by the proffers or special use permit conditions, all applicable proffers, including monetary proffers, must be satisfied. A conservation escrow calculated based on all infrastructure to be installed with the early grading plan, an erosion and sediment control escrow, and a landscaping escrow shall be posted, and the applicable site development permit fees will be paid before the early grading permit is issued.

All outstanding review fees must also be paid before permits are issued.

Plan and Permit Validity:

An early grading permit is valid for twelve (12) months only, and the developer shall obtain a site development permit before the early grading permit expires. If the final site or subdivision plan is not approved by the end of the twelve (12) month period and/or a site development permit is not obtained, the site shall be permanently stabilized, and all construction activity shall cease.