

ADOPTION OF THE MASON COUNTY
GRADING PROGRAM ORDINANCE

IN THE MATTER OF:

Adopting the Mason County Grading Program Ordinance to establish standard procedures of Mason County departments in the review of proposed grading in the county;

WHEREAS, the Mason County Board of Commissioners adopted the Uniform Building Code Chapter 70 standards in September 1990 as an intermediate measure while county departments developed an ordinance that included grading and clearing activities; and

WHEREAS, Mason County received grant funding in 1991 to accomplish a goal of the Oakland Bay Watershed Action Plan to prepare a county-wide grading ordinance; and

WHEREAS, a Grading Advisory Committee was appointed by the County Commissioners and was closely involved in the preparation of a Grading Program Ordinance; public workshops were held by county departments to hear public comments about the grading program in the county; and

WHEREAS, the Mason County Board of Commissioners held a public hearing on December 23, 1996 to receive public comments and finalize the text of the Mason County Grading Program Ordinance;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Mason County Board of Commissioners hereby adopts the Mason County Grading Program Ordinance which establishes the standard procedures of Mason County departments in the review of grading proposals in the county; the permit review process shall apply to proposals filed on or after the date of this Resolution.

DATED this 23rd day of December, 1996.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:

Rebecca S. Rogers
Clerk of the Board

Mary J. Cady
Mary J. Cady, CHAIRPERSON

APPROVED AS TO FORM:

William O. Hunter
William O. Hunter,
COMMISSIONER

Mark Pitt, CHIEF DPA
Prosecuting Attorney

Marv L. Faughender
Marv L. Faughender,
COMMISSIONER

C: CLERK OF THE BOARD
PLANNING
GENERAL SERVICES
PUBLIC WORKS

CHAPTER 33
EXCAVATION AND GRADING

Purpose

Sec. 3304. The purpose of this code is to safeguard life, limb, property, and the public welfare by regulating grading on private property within Mason County.

Scope

Sec. 3305. This code sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; provides for approval of plans and inspection of grading construction; and provide coordination of the efforts of the Department of Community Development, Building Department, and Department of Public Works in permitting development in the county.

Permits Required

Sec. 3306.1 Permits Required. Except as specified in Subsection (.2) of this section, no person shall do any grading without first having obtained a grading permit from the Official. A grading permit shall be required for a project involving excavation or fill that totals 200 or more cubic yards of graded material and is not exempted below. Grading activities not requiring a grading permit shall comply with the standards listed in Sec. 3312 through 3316.

3306.2 Exempted Work. A grading permit is not required for the following :

1. When approved by the Official, grading in an isolated, self-contained area if there is no danger or hazard to adjacent private / public property or other improvements.
2. An 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 or exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.
3. An excavation which (a) is less than 2 feet in depth, or (b) which does not create a cut slope greater than 5 feet in height and steeper than 1 1/2 horizontal to 1 vertical.
4. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, not intended to support structures, which does not exceed 200 cubic yards on any one lot and does not obstruct a drainage course.
5. Cemetery graves.
6. Refuse disposal sites controlled by other regulations.
7. Excavations for wells or tunnels or utilities.
8. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

9. Exploratory excavations under the direction of a soil engineer or engineering geologist.
10. Grading on public rights-of-way done by or under the supervision or construction control of a public agency that assumes full responsibility for the work.
11. Grading necessary for agricultural operations, unless it causes hazards to property or public road, or obstructs a watercourse or drainage.
12. Maintenance of existing fire breaks and roads.
13. Performance of emergency work necessary to protect life and property when urgent necessity arises. The Official shall be notified promptly and the person performing the work shall apply for a permit within 10 calendar days.
14. Grading associated with a logging operation under a current forest practice permit.

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

Hazards

Sec. 3307. Whenever the Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Official, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code.

Definitions

Sec. 3308. For the purposes of this Chapter the definitions listed hereunder shall be construed as specified in this section.

APPROVAL shall mean the proposed work or completed work conforms to this chapter in the opinion of the Official.

AS-GRADED is the extent of surface conditions on completion of grading.

BEDROCK is in-place solid rock.

BENCH is relatively level step excavated into earth or rock material as part of the placement of stable fill.

BORROW is earth material acquired from another location for use in grading on a site.

CIVIL ENGINEER is a professional engineer registered in the State of Washington to practice in the field of civil engineering.

CIVIL ENGINEERING is the application of knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

COMPACTION is the densification of a fill by mechanical means.

CRITICAL AREAS are areas where unstable soils, steep slopes, streams, wetlands, ponds, freshwater and saltwater shorelines, and floodplains are present.

EARTH MATERIAL is any rock, natural soil or fill or any combination thereof.

ENGINEERING GEOLOGIST is a geologist experienced in engineering geology in the State of Washington.

ENGINEERING GEOLOGY is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION is the mechanical removal of earth material.

FILL is a deposit of earth material placed by artificial means.

GEOTECHNICAL ENGINEER. See "soils engineer."

GRADE is the vertical location of the ground surface.

Existing Grade is the grade prior to grading.

Rough Grade is the stage at which the grade approximately conforms to the approved plan.

Finish Grade is the final grade of the site which conforms to the approved plan.

GRADING is any excavating or filling or combination thereof.

KEY is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

OFFICIAL is the Director of the Mason County Department of General Services, or his qualified representative, or agent.

PROFESSIONAL INSPECTION is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL is naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER) is a civil engineer experienced in the practice of soils engineering (geotechnical engineering) in the State of Washington.

SOILS ENGINEERING (GEOTECHNICAL ENGINEERING) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

Grading Permit Requirements

Sec. 3309.1 Permits Required. Except as exempted in Section 3306 of this code, no person shall do any grading without first obtaining a grading permit from the Official. A separate permit shall be obtained for each site, and may cover both excavations and fills.

3309.2 Application. The Mason County Grading Permit shall be used as part of the information submitted on a proposed grading project and shall include on this form the estimated quantities of work involved and other required information.

3309.3 Grading Permit Application and Review Process:

1) Permit Application Process.

a) The following forms must be submitted to the Official at the time of application:

1. Grading Permit application completed and signed by the property owner or agent.
2. Grading Plan, if applicable to the project, showing the required information as stated in Sec. 3309 (.4, .5, and .6) or (.7). If a proposed site involves 5000 cu. yds. or more of grading or is located in or adjacent to a landslide hazard critical area in Mason County, a grading plan must be prepared and stamped by a civil engineer; other geotechnical investigations, soil engineering report, or engineering geotechnical report, and erosion control plan may be required based upon the evaluation of the proposal by the Official.
3. Environmental Checklist shall be submitted when (a) more than 500 cu. yds. of excavation and/or fill is involved, or (b) there is a portion of shoreline or critical area on the property to be graded.

b) If an Environmental Checklist is not required, the Official shall forward the application and materials to the Department(s) of Community Development and Public Works who shall review the submitted application and plans in ten (10) work days and notify the Official about their recommendations and necessary conditions to include for the permit. If the ten day review period ends with no action by Department of Community Development or Public Works staff, the project proposal shall be granted a grading permit.

c) If an Environmental Checklist is required, the applicant shall also submit this form to the Official, and the Department of Community Development shall complete the State Environmental Policy Act (SEPA) review, including referral to other agencies. Within 5 days following SEPA public review of the Determination of Non-Significance proposals, the Department of Community Development shall determine necessary conditions for permit approval. Proposals of a complicated nature will require added public review, but the applicant will be notified within 5 days of the completion of SEPA public review.

d) After the grading permit application review and site inspection, the Official will determine the permit conditions (including those from the Department(s) of Community Development and Public Works) and the amount of plan review and grading permit fees. The grading permit can then be issued.

2) Other Permit Responsibilities of the Applicant:

1) Permission of other agencies and owners: The applicant shall be responsible for written verification of easement or grading authorization on property not owned by permittee.

2) Location of property lines: Applicant shall be responsible for having property lines located or resolving disputes with property lines, easement or, title.

3) Permit Review:

1) A project involving excavation and fill must comply with the locational and operational standards set forth in the Mason County Comprehensive Plan, Subdivision Ordinance, Shoreline Master Program, Building Code, and other applicable Mason County plans and ordinance in effect.

2) When a proposal requires SEPA environmental review or is part of a shoreline substantial development permit, conditional permit, or variance, no grading permit shall be issued until the review process and/or other permit approval has been completed.

3) The elements of the permit shall be limited to the work on an approved grading plan.

4) Conditions may be added to the permit which are necessary for public safety and welfare, avoidance of hazards and nuisances, and protection of critical areas. These conditions shall be within the scope of the project proposed.

3309.4 Grading Designation. Grading in excess of 5,000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading". Grading involving less than 5,000 cubic yards shall be designated "regular grading" unless the Official requires the grading to be performed as engineered grading.

3309.5 Engineered Grading Requirements. Application for a permit for engineered grading shall be accompanied by two sets of plans and specifications, which contain information covering construction and material requirements and are prepared and signed by a civil engineer when required by the Official. Supporting data for the proposal, as required by the Official, may consist of a soils engineering report and engineering geology report.

Plans shall be drawn to scale upon substantial paper or material and shall be of sufficient clarity to indicate nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work the names and address of the owner and the person of whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.
5. Erosion control measures to adequately prevent impacts to adjoining properties or bodies of water.
6. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations.
7. Construction time schedule.

8. Type of site vegetation.
9. Known/suspected soil or geologic hazards.
10. Cross-sections of existing and graded areas, showing contour intervals at five-foot vertical elevations, especially at the maximum cut and fill.

3309.6 Soils Engineering Report. The soils engineering report required by Subsection (d) shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. Recommendations included in the report and approved by the Official shall be incorporated in the grading plans or specifications.

3309.7 Engineering Geology Report. The engineering geology report required by Subsection (d) shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions and hazards (such as, earthquake, subsidence, or liquefaction) on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. Recommendations included in the report and approved by the Official shall be incorporated in the grading plans or specifications.

3309.8 Regular Grading Requirements. Each application for a permit for regular grading shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

1. General vicinity of the proposed activity.
2. Limiting dimensions and depth of cut and fill.
3. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures of adjacent land owners which are within 15 feet of the property or which may be affected by the proposed grading operation.
4. Erosion control measures to adequately prevent impacts to adjoining properties or bodies of water.
5. Critical areas present on the property and distances of these features from the grading activities. Such activities in critical areas shall comply with the requirements established in the Mason County Interim Resource Ordinance; the proposal may require a geologic assessment or geologic report.

3309.9 Expedited Permits. An Expedited Permit process will be available to those persons who have been certified by Mason County. The Grading Ordinance Certification will establish a person's comprehension of the Mason County Grading Ordinance and other applicable regulations, and a willingness to work within the regulations set forth in the Mason County Grading Ordinance. The Expedited Permit shall not exempt the individual from complying with other Mason County ordinance standards and procedures.

This process will be limited to grading activities of less than 400 cubic yards on any one site in a one year period. An Expedited Permit shall be submitted for each site location where activities requiring a grading permit will take place. The individual shall contact the Department of General Services to log in the site location of the Expedited Permit grading work. The permit written information shall be submitted to the Official within five work days of the start of work at the project location. Those individuals authorized under the Grading Ordinance Certification who apply for the Expedited Permit shall submit the following information as part of their grading plans:

1. General vicinity of the proposed activity.
2. Limiting dimensions and depth of cut and fill.
3. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures of adjacent land owners which are within 15 feet of the property or which may be affected by the proposed grading operation.
4. The amount of materials involved and the location of the borrow sites for fill and the stockpile sites for excavation.
5. Erosion control measures to adequately prevent impacts to adjoining properties or bodies of water.
6. Critical areas present on the property and distances of these features from the grading activities. Such activities in critical areas shall comply with the requirements established in the Mason County Interim Resource Ordinance and shall be excluded from the Expedited Permit process.

3309.10 Issuance. The Official may approve or approve with modifications a grading permit application submitted under this Chapter. A permit issued will include applicable conditions established during the review of the permit application.

The Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

Following the adoption of this Chapter, Mason County departments shall not accept, process, or approve any application for subdivision or any other development permit for property on which a documented violation of this Chapter has occurred, until the violation is resolved by restoration or erosion control and/or payment of penalties imposed for the violation.

Grading Permit Fees

Sec. 3310.1 General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the Mason County Board of Commissioners.

3310.2 Plan Review Fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in the adopted fee schedule. Separate plan review fees shall apply to retaining walls or major drainage structures as required in Section 3315. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

3310.3 Grading Permit Fees. A fee for each grading permit shall be paid to the Official as set forth in the adopted fee schedule. Separate permits and fees shall apply to retaining walls or major drainage structures as required in Section 3315. There shall be no separate charge for standard terrace drains and similar facilities.

Bonds

Sec. 3311. The Official shall require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond, the applicant may file a cash bond or instrument of credit acceptable the Official in an amount equal to that which would be required in the surety bond.

Cuts

Sec. 3312.1 General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

3312.2 Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 2 horizontal to 1 vertical unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

Fills

Sec.3313.1 General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

3313.2 Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 2:1. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials; by scarifying to provide a bond with the new fill; and, where slopes are steeper than 5:1 and the height is greater than 5 feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 5:1 shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or provided with a sub-drain. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide, but the cut shall be made before placing the fill and accepted by the soils engineer or engineering geologist, or both, as a suitable foundation for fill.

3313.3 Fill Material. Organic material shall not be permitted in fills. Except as permitted by the Official, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

EXCEPTION: The Official may permit placement of larger rock when the soils engineer properly devises a method of placement and approves the fill stability. The following conditions shall also apply:

- A. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
- B. Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically.
- C. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

3313.4 Compaction. All fills shall be compacted minimum of 90 percent of maximum density as determined by U.B.C. Standard No. 70-1. In-place density shall be determined in accordance with U.B.C. Standard No. 70-2, 70-3, 70-4, or 70-5.

3313.5 Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 2 horizontal to 1 vertical.

Setbacks

Sec. 3314.1 General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure No. 70-1.

3314.2 Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains. The top of the cut slope shall be finished as a rounded or bald head slope.

3314.3 Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.

3314.4 Modification of Slope Location. The Official may approve alternate setbacks. The Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

Drainage and Terracing

Sec. 3315.1 General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than 3 horizontal to 1 vertical.

3315.2 Terrace. Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris; except when only one terrace is required, it shall be at midheight. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately midheight shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the Official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a (minimum) gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches in thickness or with an approved equal surface material. They shall have a minimum depth at the deepest point of 1 foot and a minimum surface width of 5 feet.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain. An analysis by a licensed engineer may be required to determine pipe or swale size, as determined by the Official.

3315.3 Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

3315.4 Disposal. In compliance with the Mason County practices regarding stormwater management, all drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive downdrains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the Official.

EXCEPTION: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

- a. No proposed fills are greater than 10 feet in maximum depth.
- b. No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet.
- c. No existing slope faces, which have a slope face steeper than 10 horizontal to 1 vertical, have a vertical height in excess of 10 feet.

3315.5 Interceptor Drains. Interceptor drains with grass or rock riprap may be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measured horizontally. They shall have a minimum depth of 12 inches and a minimum width of 30 inches measured horizontally across the drain. The design of the drain shall be approved by the Official.

Erosion Control

Sec.3316.1 Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion, resistant character of the materials, such protection may be omitted.

3316.2 Other Devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

Grading Inspection

Sec. 3317.1 General. Grading operations for which a permit is required shall be subject to inspection by the Official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, engineering geologist, or testing laboratory retained to provide such services in accordance with Section 3317.5 for engineered grading and as required by the Official for regular grading.

3317.2 Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

3317.3 Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Official and the civil engineer.

3317.4 Engineering Geologist. The engineering geologist shall provide professional inspection within such engineering geologist's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations are relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

3317.5 Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. The permittee shall engage consultants, if required, to provide professional inspections on a timely basis and shall act as a coordinator between the consultants, the contractor and the Official. In the event of changed conditions, the permittee shall be responsible for informing the Official of such change and shall provide revised plans for approval.

3317.6 Official. The Official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

3317.7 Notification of Noncompliance. If, in the course of fulfilling their respective duties under this Chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Official.

3317.8 Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Official in writing of such change prior to the recommencement of such grading.

Completion of Work

Sec. 3318.1 Final Reports. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 3317.5 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer. The civil engineer shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan and their recommendations.

2. A report prepared by the soils engineer retained to provide such services in accordance with Section 3317.3, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

3. A report prepared by the engineering geologist retained to provide such services in accordance with Section 3317.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

3318.2 Notification of Completion. The permittee shall notify the Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures

have been completed in accordance with the final approved grading plan, and the required reports have been submitted.

Enforcement and Penalties

Sec. 3319.1 Enforcement. The Official is charged with enforcement of the provisions of this Chapter. When enforcement requires referral to a Court of competent jurisdiction, the Director shall refer the matter to the County Prosecutor to adjudicate the case on behalf of the County.

It shall be unlawful for any person to grade, fill, excavate or cause the same to be done in violation of any of the provisions of this code. Any such violation is declared to be a public nuisance under RCW 9.66.010, and shall be corrected by any reasonable and lawful means as provided in this Section.

The Prosecuting Attorney shall bring such injunction, declaratory or other actions as necessary to insure that no uses are undertaken within Mason County that are in conflict with the provisions of this code, and to otherwise enforce the provisions of this code.

3319.2 General Penalties. In addition to incurring civil liability under 3319.1 of this code, any person found to have willfully engaged in activities in Mason County in violation of the provisions of this code shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$25, nor more than \$1000, as issued by the Director, or by imprisonment in the County Jail for not more than 90 days, or by both such fine and imprisonment; **PROVIDED:** that the fine for the third and all subsequent violations in any five year period shall not be less than \$500 nor more than \$10,000.

Severability

Sec. 3320. If any provision of this code or its application to any person, legal entity, or circumstances is held invalid, the remainder of the code, or the application of the provision to other persons, legal entities, or circumstances, shall not be affected.