

Clearing, Grading and Building Permits

(1) Overview

Local land use authority to require clearing, grading, or building permits for WSDOT projects is limited by state law. The International Building Code adopted in Washington does not apply to construction work done in a public way. Public way includes WSDOT's highway right of way, necessary slope easements, and required ancillary facilities like stormwater or mitigation sites.

Building permits are required from local jurisdictions for structures that are meant for full- or part-time habitation. Examples include buildings at rest areas, maintenance facilities, toll booths, bus shelters, equipment storage, and weigh stations. Retaining walls and noise walls do not require building permits.

Agency Issuing Permit – Cities and counties.

Statutory Authority – [RCW 36.70](#); [RCW 36.70A](#); [RCW 19.27](#); [WAC 51-50](#) (State Building Code); city and county ordinances.

Regulated Activities – A clearing and/or grading permit is required when WSDOT construction requires a change in street grades in an incorporated city or town. WSDOT is obligated by law to present the plans for new grades to the municipality for adoption by ordinance. On limited access facilities, no grading approval is usually required for the highway itself. However, plans must be submitted to any incorporated city or town for grade approval for connecting streets, frontage roads, streets outside the limited access, and streets or connections within interchange areas, including any road passing over or under the facility but having no connection to it.

Clearing and/or grading permits also may be obtained for work in critical areas, when the local agency does not have a separate critical areas permit but instead attaches its critical areas requirements to the clearing and/or grading permit. Although WSDOT may technically be exempt from the clearing and/or grading permit requirement, it is not exempt from compliance with the substantive requirements of the critical areas code when working in a critical area. Obtaining the clearing and/or grading permit in these instances, limited strictly in application to the critical areas, will help to ensure that the substantive requirements are being met and reduce or eliminate the occurrence of violations.

The Growth Management Act does not grant local agencies the ability to supersede WSDOT's authority to site, design, and construct the state highway system by requiring grading permits. Specifically, the Growth Management Act does not give local agencies authority to regulate highway construction through their programs for regulating building or other construction. Local building codes impose safety standards; these same safety standards are addressed through WSDOT's Standard Specifications.

Although not required for highway or bridge construction, a building permit is typically required for nonresidential structures over 200 square feet, and interior or exterior alteration or repair that goes beyond normal maintenance.

Exempt Activities – City or county codes include specific requirements and exemptions. Transportation projects are exempt from grading permits under the International Building Code (IBC). These include activities within the highway right of way or easement, and

activities required by a regulatory condition or requirement, such as stormwater facilities or mitigation sites.

Geographic Extent – Counties and cities.

Types of Permits – Clearing and/or grading permit, building permit.

Prerequisite Permits and Approvals – Compliance with the State Environmental Policy Act (SEPA) is required before the local agency will issue the permit.

Related Permits and Approvals – Some WSDOT non-highway uses, such as a maintenance facility, may require a land use permit such as a conditional use permit, unclassified use permit, or variance. Local approval for development and operation of borrow pits may be required.

The Growth Management Act (GMA) amended the State Building Code to require that building permit applicants provide proof of an adequate supply of potable water for the purposes of the building. The three means of proof specified in the law are:

1. A permit from Ecology.
2. A letter from an approved purveyor stating the ability and willingness to provide water.
3. A local form verifying the existence of an adequate water supply.

Interagency Agreements – None applicable.

Processing Time – Varies by jurisdiction. Building permit processing typically averages from six to eight weeks. SEPA review, which may include clearing and grading, can take from 45 to 90 days.

Fees – Vary by jurisdiction.

(2) How to Apply

Contact the {xe "Local Jurisdiction(s)"}local jurisdiction(s) for information about regulations and permit application procedures.

JARPA – Not applicable.

Pre-application Conference – A pre-application meeting may be required for some standard clearing and grading permits, especially if a shoreline review or SEPA is involved.

Special Information Requirement – Building permit applications typically require detailed final plans, including electrical and plumbing plans, floor layout, sewage facilities, well location (if applicable), drainage plan, size and shape of lot and buildings, setback of buildings from property lines and drainfield (if applicable), access, size and shape of foundation walls, beams, air vents, window accesses, and heating or cooling plants, if included in the design.

Public Notice – Public Notice is a requirement of SEPA compliance.

Submitting the Application – Submit permit applications to the county or city public works or building department.

Agency and Public Review – Public hearing requirements vary by jurisdiction depending on the activity proposed. Building permits are issued upon approval of the plans submitted by WSDOT.

Appeal Process – Varies by jurisdiction.

Post-Permitting Requirements –Monitoring of the construction site may be required for critical areas. Building permits may require submittal of as-built plans.

(3) For More Information

Please refer to the Environmental Procedures Manual, [Chapter 450](#) - Land Use, for information on environmental documentation that may be required during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance.

(4) Permit Assistance

Before beginning work on this permit, contact the WSDOT regional office environmental staff for guidance. Local jurisdiction staff can also provide assistance.

Another resource for environmental permits is the [Office of Regulatory Assistance](#), Information Center, 360-407-7037 (800-917-0043), or email: assistance@ora.wa.gov.