

# MUNICIPALITY OF ANCHORAGE

Development Services Department



## Handout AG.09 Land Clearing and Grading Permits

### A. Definitions

Excavation:	The mechanized removal of earthen material to form an open cut, hole or cavity.
Fill:	The mechanized placement and compaction of earthen material for the purpose of changing the existing grade or backfilling an excavation.
Grading:	Conforming the ground surface to a specified slope and/or elevation by means of excavation and/or fill placement and compaction.
Land Clearing:	Mechanized removal of trees, brush and stumps, roots, logs and other vegetation.
SWPPP	Storm Water Pollution Prevention Plan
AMC	Anchorage Municipal Code
MASS:	Municipality of Anchorage Standard Specifications.
ABSSA:	Anchorage Building Safety Service Area

### B. General

1. This handout does not list all applicable excavation, fill and grading requirements.
  - See AMC 23.105 for Title 23 excavation, fill and grading requirements.
  - All excavation, fill and grading work within the Municipality of Anchorage is required to comply with AMC Title 23.105.
  - See AMC 21.03.100 for Land use permit requirements.
  - See AMC 21.07.020 C. for steep slope development limitations and requirements.
2. For excavation, fill and grading projects resulting in an area of disturbance greater than 500 square feet or excavations deeper than 4 feet, a SWPPP in accordance with MASS Section 20.02 is required. All erosion and sediment controls shall be in place and inspected prior to commencement of the earthwork.
3. Development of multiple dwelling units on a single lot or tract: All site grading for the development of multiple dwelling units on a single lot or tract, including the installation of all infrastructure required to serve those dwelling units, (e.g., roads, utilities, driveways, parking), shall be done under a master fill and grade permit in accordance with Handout AG.26. The master fill and grade permit shall comply with the approved site grading and drainage plan in accordance with Policy AG.44

4. Subdivision developments: Fill and grading permits are not required for excavation and grading on developments with active Subdivision Agreements in place with Private Development. All site grading within the subdivision boundaries, including on subdivision lots and for the construction of roads and utilities within rights-of-way or easements, is covered under the Agreement. Materials excavated from roadways that do not contain trees, stumps, and other deleterious material may be deposited on individual lots. If excavated material will be hauled off site and placed on property outside the boundaries of the subdivision agreement, a fill and grading permit is required for the parcel receiving the fill. The subdivision grading shall comply with the approved site grading and drainage plan in accordance with Policy AG.44.

#### **C. Land Clearing Permits**

1. A land clearing permit is required for any mechanized land clearing activities (excluding chainsaws) exceeding one acre within the municipality when the work is not performed under a building, land use or grading permit, or subdivision agreement. A land use permit serves as the land clearing permit outside of the ABSA. Application submittals for land clearing permits must include the following information/materials:
  - a) Legal description of site (separate permits are required for individual parcels).
  - b) Size of area to be cleared.
  - c) Describe method of clearing activity (hydro-axe, grubbing, etc.)
  - d) Legal description of the disposal site for materials intended to be hauled off site.
  - e) A site plan, to scale, showing:
    - i. Limits of land clearing with topographical contours and surface drainage patterns.
    - ii. Property boundaries, easements, development setbacks.
    - iii. Wetlands, streams, and other water bodies.
    - iv. Existing drainage facilities.
    - v. Location and type of all erosion and sediment control measures.
  - f) Wetlands permit or consistency determination when applicable.
  - g) Explanation of how clearing limits will be delineated and vegetation to remain will be protected.
  - h) Plan notes and details addressing the installation and maintenance of all required erosion and sediment control measures.
2. Land clearing activities exceeding 1 (one) acre require an approved SWPPP meeting the requirements of MASS Section 20.02 unless the tree and/or shrub removal will not result in disturbance of the ground surface and root mat (i.e., tree removal with chainsaws or forestry mulching with a Hydro-ax mulcher). Prior to commencement of any applicable land clearing activities all erosion and sediment controls shall be in place and inspected.
3. The contractor must maintain haul routes to original conditions. Truck spillage and sediment tracking must be immediately removed. Dust control measures must be performed during hauling periods when necessary.

#### **D. Grading, Excavation and Fill Permits**

##### **1. Permit required.**

AMC 21.03.100 requires a land use permit for the following:

- a) Excavation of more than 50 cubic yards on any lot or tract;
- b) Filling or grading more than 50 cubic yards on any lot or tract.

Within the ABSSA, AMC 23.105.103 requires a grading permit for all grading/excavation/fill work, except as follows:

1. When approved in advance by the code official, grading in an isolated, self-contained area if there is no danger to private or public property.
2. Cemetery graves.
3. Refuse disposal sites controlled by other regulations when not intended to be developed to carry structural loads after the site is closed for further refuse disposal.
4. Excavation for wells or utilities.
5. Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay, where established and provided by law, provided such operations do not increase the stresses in or pressure upon any adjacent or contiguous property.
6. Exploratory excavations under the direction of soils engineers or engineering geologists.
7. An excavation that does not adversely affect drainage, and is:
  - a. less than 2 feet in depth; or
  - b. does not create a cut slope greater than 3 feet in height or greater than 1 unit vertical in 2 units horizontal (50% slope).
8. A fill that does not adversely affect drainage, and is not more than:
  - a. 1 foot in depth placed on natural terrain with a slope not exceeding 1 unit vertical in 5 units horizontal (20% slope); or
  - b. 3 feet in depth that does not exceed 50 cubic yards on any site that does not obstruct a draining course and is not intended to support structural loads.
9. An isolated retaining wall not supporting a surcharge where the retained height measured from the bottom of the footing to the top of the retained soil at the face of the wall is not more than 4 feet and the top of the wall above the retained soil is not more than 1 foot.
10. Landscaping that does not alter an existing drainage course.

Exemption from permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of municipal code.

**Discrepancy in permit requirement thresholds:** Because the permit requirement thresholds are different between AMC Titles 21 and 23, there can be situations where AMC Title 21 requires a land use (grading) permit within the ABSSA when Title 23 does not require a grading permit. In these situations, a land use permit is required in accordance with 21.03.100.

**Excavation, fill and grading work associated with a building permit:** A separate excavation, fill and grading permit is not required when the scope of the work is included under a building permit. The building permit must include plans having sufficient detail to determine the scope of the excavation, fill and grading work and allow verification of compliance with AMC 23.105.

## 2. Application

Applications for fill or excavation permits must include the following information/materials:

- a) Legal description of site (only one legal parcel per permit).
- b) Gross area of ground disturbance.
- c) Quantity of material to be excavated/filled.
- d) The type of material: i.e., gravel, silt, sand, organics, etc. NOTE: Detrimental amounts of organic material, (e.g., wood, vegetation, peat) and large rocks or concrete slabs are not allowed in fills intended to support future structural loading.
- e) The source of all material imported to the site.
- f) Final destination of material if leaving the site, (approved disposal site). NOTE: Grading permits do not authorize natural resource extraction for commercial purposes.
- g) Site grading and drainage plan, to scale, showing:
  - i. Property boundaries, easements, development setbacks.
  - ii. Existing and proposed driveway access to public right-of-way, and existing right-of-way improvements (e.g., curb, gutter, sidewalk, street lighting, overhead electric, etc.)
  - iii. Limits of disturbance area with existing and proposed contours. Existing contours shall extend a minimum of 25 feet beyond all boundaries of the subject parcel.
  - iv. Existing and proposed drainage patterns.
  - v. On-site and adjacent water bodies, streams, drainageways.
  - vi. Existing and proposed utilities and storm drainage facilities, both on property and adjacent.
  - vii. Proposed erosion and sediment control measures.
  - viii. Proposed connections municipal utilities or on-site well and septic locations.
- h) Cross sections, to scale, showing existing and final grades, slopes, terracing if applicable, and setback distances from the property line.
- i) Notes and details identifying methods and means of final stabilization of all final grades, cut/fill slopes, and other disturbed areas.
- j) A written statement of the intended purpose of the fill/excavation.
- k) Wetlands permit or consistency determination if applicable.
- l) Flood hazard permit when the property is located in a flood plain.
- m) All potential surface water impacts and/or alterations to existing drainageways shall be identified.
- n) The site grading and drainage plan shall be prepared and stamped by a civil engineer licensed in the State of Alaska and be supported by a soils engineering report prepared in accordance with Section 1803 of the International Building Code if any of the following apply:
  - i. Grading quantities exceed 5,000 cubic yards.
  - ii. Existing slopes exceed 1 units vertical to 5 units horizontal (20%).
  - iii. The grading plan includes non-exempt retaining walls where the distance from the face of the wall to a property line or structure is less than twice the height of the retained soil.

- iv. The grading plan includes non-exempt retaining walls located in Seismically-Induced Ground Failure Zones 4 or 5 as defined in AMC 23.15.1613.2
- 3. **AMC 21.07.020 Steep Slope Development:** See AMC 21.07.020 C. for development requirements and limitations on any lot with an average slope of 20 percent or greater.
- 4. **Inspection Requirements:**
  - a) The permittee shall request inspections through the MOA Inspection Request line (907-343-8300), to verify permit compliance with the approved site grading and drainage plan at 50% and 100% completion.
  - b) Additional municipal inspections for Engineered Grading shall be scheduled at the start of work and for every 25,000 cubic yards, or portion thereof, beyond 50,000 cubic yards.
  - c) Special Inspections performed in accordance with Chapter 17 of the International Building Code are required for all Engineered Grading.
  - d) The permittee shall notify the MOA when erosion control measures are completed, if required.
- 5. **Public Roads:**
  - a) The contractor must maintain haul routes to original conditions. Truck spillage and vehicle tracking shall be immediately removed from roads.
  - b) Dust control measures must be performed during hauling periods when necessary.
- 6. **Impact on Private Wells and Septic Systems:** The permittee will be responsible to assess and mitigate impacts of cuts and fills to on-site and adjacent well and septic systems.
- 7. **Noise and Hours of Operations:** The contractor is required to comply with Municipal Noise and Hours of Operations requirements.
- 8. **Expiration of Permits**
  - a) AMC 21.03.100 C.2.d: A land use permit shall become null and void unless the work approved by the permit is commenced (see "start of construction" in Chapter 21.15) within 12 months after the date of issuance. If after start of construction the work is discontinued for a period of 12 months, the permit therefore shall immediately expire. However, before the expiration of the permit, the applicant may request a time extension from the building official. The building official may grant one time extension, up to 12 months in length, to allow the applicant to commence or re-commence work, upon a showing of good cause by the applicant and provided such extension does not unreasonably impact adjacent properties or the general public. No work authorized by any permit that has expired shall thereafter be performed until a permit has been reinstated, or until a new permit has been secured.
  - b) 23.10.104.14.8 - Expiration of permit: Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by the permit is not commenced within 360 days from the date of the permit issuance, or if the building or work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 360 days. For the purposes of this section, work shall be deemed suspended or abandoned if no inspections have occurred within 360 days. If the suspension or abandonment has not exceeded 18 months, the work may be recommenced upon application for reactivation of the permit. For reactivation, the building official shall have the option to either extend the previous plan approval at no additional charge or, if a code change has ensued in the interim, require the applicant to revise

the drawings accordingly and pay a new plan review fee. For reactivation, the permit fee shall be one of half the amount required for a new permit for such work. In order to renew action on a permit abandoned or suspended more than 18 months, the building official may exercise the same option described above regarding plan review, but the permittee shall pay a new full permit fee.

Exception: When it can be demonstrated that a substantial amount of the previously permitted work has been inspected and approved, the building official may allow the permit to be reopened and final inspections be conducted to close the permit. The permittee shall pay any outstanding fees, including fees for time required to review the project file and any inspections required to close the permit. This exception will only be granted after review of the permit history by the building official. The decision to grant this exception is solely at the building official's discretion.

A permittee may apply for an extension when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee upon written request by the permittee showing circumstances beyond the control of the permittee prevented action from being taken.

Unless the property has a valid Conditional Use approved by the Planning and Zoning Commission which sets a longer period-of-time for completion, ***grading permits in residential zoned areas shall be completed within two years of permit issuance.*** Once a grading permit expires, a stop work order shall be issued, investigative fees shall be paid to reactivate the permit, and a bond posted. The bond shall be no less than the valuation to complete the work. The bond shall be forfeited if work is not completed within 180 days from the permit reactivation date.

9. **Recycled Asphalt Pavement:** Haz-Mat & Environmental News Edition 2-12 dated 12/15/92, produced by the Alaska Department of Transportation and Public Facilities determined that recycled asphalt pavement qualifies as a clean non-structural fill material. Recycled Asphalt Pavement with no dimension greater than two feet and placed to eliminate voids and secure proper compaction is an acceptable non-structural fill material in conformance with the Anchorage Grading, Excavation, and Fill Code, Section 23.105, but Recycled Asphalt Pavement is not approved for use in or as structural fill.



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Ross Noffsinger, Acting Building Official  
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