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# Land Disturbing Activity (LDA) Terms

Assistance Bulletin

# # 85

Effective September 30, 2010

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**Keyword: Assistance Bulletins**

This bulletin provides general information about the terms necessary to understand new stormwater regulations and rules effective September 30, 2010, that apply to new development and redevelopment. The stormwater regulations address drainage control, land disturbing activity (clearing and grading) and low impact development. Related definitions are found in chapter 30.91 SCC.

On September 30, 2010, except for projects vested to prior drainage, grading and low impact development regulations in Title 30 SCC, all land disturbing activities that meet permit thresholds require an application for, and the issuance of, an LDA permit prior to commencement of work, pursuant to SCC (Land Disturbing Activity) unless the activity is exempted in 30.63B.070.

In addition, all LDA requires compliance with the drainage regulations in Chapter 30.63A SCC (Drainage). Land disturbing activities that are exempt under Chapter 30.63B SCC may still require compliance with Minimum Requirement 2 pertaining to stormwater pollution prevention including soil erosion control pursuant to Chapter 30.63A SCC.

**Q: What is “new development”? (See SCC 30.91N.044)**

**A:** “New development” means the following land disturbing activities: Class IV - general forest practices; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivisions, short subdivisions, single-family detached units (SFDU), planned residential developments (PRD), binding site plans and commercial development.

**Q: What is “redevelopment”? (See SCC 30.91R.070)**

**A:** “Redevelopment” is the following activities that take place on a site that already has 35 percent or more existing impervious surface coverage: The creation of new impervious surface(s); structural development including construction, installation, expansion or replacement of a building footprint or other structure; replacement of existing impervious surface that is not maintenance; and land disturbing activity.

**Q: What is “land disturbing activity”? (See SCC 30.91L.025)**

**A:** “Land disturbing activity” is any activity that will result in movement of earth or a change in the existing soil cover or the existing soil topography (both vegetative and non-vegetative). LDA includes the creation and/or replacement of impervious surfaces.

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**Q:** What are typical “land disturbing activities”? (See SCC 30.91L.025)

**A:** “Land disturbing activities” include, but are not limited to:

- Clearing
- Grading
- Compaction associated with stabilization of structures and road construction
- Creation and/or replacement of impervious surfaces

**Q:** Are traditional agricultural practices and maintenance land disturbing activities?

**A:** Land disturbing activities do not include agricultural plowing and tilling exempt from stormwater regulations pursuant to SCC 30.63A.200. Vegetation and drainage facility maintenance practices are not considered LDA, if the maintenance is performed according to the Snohomish County Drainage Manual maintenance standards in Volume V, Chapter 4.6.

**Q:** What is “maintenance”? (See SCC 30.91M.011)

**A:** “Maintenance” includes activities conducted on currently serviceable structures, facilities and equipment that involve no expansion or use beyond that previously existing and result in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse or cessation in the use of structures and systems. Maintenance does not include an expansion in physical dimension, capacity or use. *This definition applies to chapters 30.63A, 30.63B and 30.63C SCC.*

**Q:** What are usual maintenance activities?

**A:** Replacement of dysfunctional facilities, including replacement of an existing structure with a different type of structure, as long as the functioning characteristics of the original structure are not changed.

**Q:** What is “clearing”? (See SCC 30.91C.112)

**A:** “Clearing” is the destruction or surface removal of vegetation by cutting, pruning, limbing, topping, relocating manually or mechanically, application of herbicides or pesticides or other chemical methods, or any application of hazardous or toxic substance that has the effect of destroying or removing the vegetation.

**Q:** What is “grading”? (See 30.91G.075)

**A:** “Grading” is any excavating or filling or combination of both.

**Q:** What is “excavating”? (See SCC 30.91E.230)

**A:** “Excavation” includes mining or quarrying or other mechanical removal of sand, gravel, bedrock or precious metals including underground shaft operations.

**Q:** What is “filling”? (See SCC 30.91F.210)

**A:** “Filling” is a deposit of earth material placed by artificial means.

**Q:** What are “earth materials”? (See SCC 30.91E.020)

**A:** “Earth materials” are any rock, natural soil or fill or any combination thereof.

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**Q: What are “impervious surfaces”? (See SCC 30.91I.010)**

**A:** “Impervious surface” is a hard surface area that either prevents or retards the entry of water into soil. It is a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow that was present under natural conditions prior to development.

**Q: What are some examples of impervious surfaces?**

**A:** Common impervious surfaces include, but are not limited to roofs (*including overhangs*), walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, graveled areas and roads, packed earthen materials, surfaces covered by oil, macadam, asphalt treated base material (ATB), bituminous surface treatment (BST), chip seal, seal coat or emulsified asphalt and cutback asphalt cement, and other surfaces which similarly impede the natural infiltration of stormwater.

**Q: Are open, uncovered retention and detention facilities considered impervious surfaces?**

**A:** Open, uncovered retention and detention facilities shall not be considered impervious surfaces for purposes of determining whether the thresholds for applying minimum stormwater management requirements are exceeded pursuant to chapter 30.63A SCC. However, open, uncovered retention and detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

**Q: What is “replaced impervious surface”? (See SCC 30.91R.121)**

**A:** As related to structures, it is the removal of impervious surfaces and replacement of any exterior impervious surfaces or foundation with other impervious surfaces. It also is the removal down to bare soil or base course and the replacement with other impervious surfaces.

**Q: What are “critical areas”? (See SCC 30.91C.340)**

**A:** “Critical area” means the following areas:

- Wetlands;
- Areas with a critical recharging effect on aquifers used for potable water, including, sole source aquifers, Group A well head protection areas, and critical aquifer recharge areas;
- Fish and wildlife habitat conservation areas, including streams, lakes, marine waters, and primary association areas for critical species;
- Frequently flooded areas; and
- Geologically hazardous areas, including, erosion hazard areas, landslide hazard areas, seismic hazard areas, mine hazard areas, volcanic hazard areas, and tsunami hazard areas.

**Q: What is a “flood hazard area”? (See SCC 30.91F.370)**

**A:** A “flood hazard area” is the land in the flood plain that is subject to a one percent or greater chance of flooding in any given year.” In general, this means the land included within the 100-year flood elevation. If you plan to grade in a flood hazard area, you will need a flood hazard permit, regardless of whether or not the grading itself is exempt from a grading permit.

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**Q:** What are other sources of information related to this topic?

**A:** Please see the following Bulletins:

Bulletin # 86 Land Disturbing Activity Exemptions

Bulletin # 87 Land Disturbing Activity Permits

Bulletin # 88 Land Disturbing Activity Emergency Actions

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