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This Assistance Bulletin only applies to property within unincorporated Snohomish County and does not apply to property within incorporated city limits.

Land Disturbing Activity (LDA) Emergency Actions

Assistance Bulletin

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Effective September 30, 2010

WWW.SNOCO.ORG

Keyword: Assistance Bulletins

This bulletin explains when land disturbing activity including clearing and grading may be permitted as emergency actions. All LDA requires a permit prior to commencement unless it is exempted per Section 30.63B.070 (Exemptions). In addition, all LDA requires compliance with drainage regulations in Chapter 30.63A SCC.

All land disturbing activity shall provide soil erosion control pursuant to SCC 30.63B.150 and Chapter 30.63A SCC. LDA that is exempt under Chapter 30.63B SCC may still require compliance with minimum requirements for plans to control soil erosion and sedimentation (see stormwater pollution prevention plans in SCC 30.63A.445 – 30.63A.510).

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), including the creation and/or replacement of impervious surfaces.

Q: Are clearing and grading considered LDA?

A: Yes. Land disturbing activities include, but are not limited to, clearing and grading. Compaction that is associated with stabilization of structures and road construction is also a land disturbing activity.

Q: What are some activities that are not LDA?

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 land disturbing activities, provided that the maintenance is performed according to standards adopted by Snohomish County.

Q: When is an emergency LDA allowed?

A: SCC 30.63B.380 allows LDA without first obtaining a permit, to be undertaken to perform an emergency action, when insufficient time exists to obtain an LDA permit. An emergency action is only allowed when:

- Damage is occurring as a result of flood waters at or exceeding flood stage as defined by the county’s departments of emergency management or public works, and land disturbing activity is necessary to protect existing property, maintain an existing utility facility function, or to prevent channel impairment.

This bulletin is intended only as an information guide. The information may not be complete and is subject to change. For complete legal information, refer to Snohomish County Code.

- Maintenance performed by a utility is necessary to repair a utility facility or line which has been damaged as a direct result of an emergency.
- Removal and relocation of material deposited onto commercial farmland by flood waters is necessary to protect farming operations; and all of the following criteria are met:
 - Circumstances causing the emergency developed suddenly.
 - The emergency constitutes an imminent threat to public health, safety, welfare, property or the environment and emergency land disturbing activities are necessary to prevent an imminent threat of serious environmental degradation.
 - The land disturbing activity is the minimum necessary to alleviate the emergency.

Q: What must I do prior to starting an emergency action?

A: Prior to undertaking any emergency land disturbing activity to remedy the emergency, you must notify PDS in writing and provide a summary of the intended activity. If prior notification is not feasible, you shall provide such notification in writing to the department within 48 hours of initiating the emergency LDA.

Q: What will happen after notification is provided to PDS?

A: PDS will notify you in writing:

- That compliance with soil erosion and sedimentation control practices is required pursuant to minimum requirement 2 Stormwater Pollution Prevention Plans (SWPPP) (SCC 30.63A.445 through 30.63A.510) as soon as practicable.
- That applications for project permits necessary to satisfy compliance with SCC 30.63B shall be submitted to the department within 120 days from the date the emergency LDA was initiated.
- Whether the LDA meets the criteria of SCC 30.63B.380(1) and (2).

Q. What is a Stormwater Pollution Prevention Plan (SWPPP)? (See SCC 30.91S.598)

A: A SWPPP is a plan that identifies measures to prevent and control erosion and sediment. The SWPPP is one element of a stormwater site plan.

Q: If I need a land disturbing activity permit, what do I do?

A: Obtain a land disturbing activity permit application packet. These packets are available from the PDS Permit Counter, 2nd Floor, Admin-East Building, 3000 Rockefeller, Everett, WA, and provide information on submittal requirements. Information is also available on our website at www1.co.snohomish.wa.us/Departments/PDS.

Q: What if I have other questions?

A: Call (425) 388-3311 or submit questions online at AskPermitTech@snoco.org. Remember, asking questions first can save lots of headaches, heartaches and money!

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

A: Please see the following Bulletins:

- Bulletin # 85: Land Disturbing Activity Terms
 - Bulletin # 86: Land Disturbing Activity Exemptions
 - Bulletin # 87: Land Disturbing Activity Permits
 - Bulletin # 88: Land Disturbing Activity Emergency Actions
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