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# Land Disturbing Activity (LDA) Terms

Assistance Bulletin

# #85

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This bulletin provides general information about the terms necessary to understand new stormwater regulations and rules effective January 22, 2016, 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 January 22, 2016, 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 "land disturbing activity"? (See SCC 30.91L.025)**

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

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: What is "new development"? (See SCC 30.91N.044)**

**A:** "New development" means land disturbing activities, including Class IV - general forest practices; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivisions, short subdivisions, residential condominiums, single family detached units (SFDU), residential condominiums, planned residential developments (PRD) and binding site plans. Projects meeting the definition of redevelopment shall not be considered new development.

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.

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

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

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

**A:** "Maintenance" means 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. Those usual activities may include replacement of dysfunctional facilities, including cases where any permit requires replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. Maintenance does not include an expansion in physical dimension, capacity or use.

**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" means the mining or quarrying or other mechanical removal of sand, gravel, bedrock or precious metals including underground shaft operations, but excluding:

- (1) Land disturbing activity for building construction where such construction is authorized by a valid building permit; or
- (2) Tilling of soil for agricultural purposes; or
- (3) Any excavation:
  - (a) Which does not alter a drainage course, and
  - (b) Which has less than two feet of mean average depth, or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical, and
  - (c) Located in an MR, LDMR, R-7200, R-8400, R-9600, R-12,500 or WFB zone, where the cubic yardage excavated from contiguous land under common ownership shall never exceed 500 cubic yards, and
  - (d) Located in any zone other than those listed in the preceding subsection, where the cubic yardage excavated from contiguous land under common ownership shall never exceed 2,000 cubic yards. The distinction between zones which is provided in this and the preceding subsections shall be observed notwithstanding cross-referencing between zones which may be found elsewhere in this title.

**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.

**Q:** What are “hard surfaces”? (See SCC 30.91H.035)

**A:** "Hard surface" means an impervious surface, a permeable pavement, or a vegetated roof.

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

**A:** "Impervious surface" means a non-vegetated area that either prevents or retards the entry of water into the soil mantle as compared to infiltration under natural conditions prior to development. A non-vegetated 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. Common impervious surfaces include, but are not limited to, roofs, 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. 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 hard surface”? (See SCC 30.91R.121)

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

**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