

NOTES: Definitions and Code References

The excerpts below may have been abbreviated, paraphrased or edited to help provide clarity. This information should not be construed as replacing or superseding existing code language.

1. Definition of Agricultural Activities - SCC 30.91A.090 defines agricultural activities as a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets, noise, odors, fumes, operation of machinery and irrigation pumps, movement of water, including, but not limited to, use of current county ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses; and conversion from one agricultural activity to another.

2. Definition of Wetlands - SCC 30.62.300 defines wetlands as those areas that are either saturated or inundated with water long enough during the growing season (typically March through November) to create hydric soils and under normal circumstances a predominance of typical wetland vegetation.

3. Wetland Classifications - Excerpted SCC 30.62.300 (Critical Areas Regulations). Agricultural activities occurring in lesser value wetlands; i.e. Category 2 or Category 3 wetlands of less than 5,000 sq. ft or Category 4 wetlands of less than 10,000 sq. ft. are exempt from grading permits.

Wetland Categories. All determinations of wetlands ratings will be based on the entire extent of the wetlands, unrelated to property lines or ownership patterns. Wetlands are classified based on the following systems:....

- ... (b) Category 2 wetlands are wetlands which satisfy one or more of the following criteria:
- (i) are equal to or greater than five acres in size and contain three or more wetland classes; or
 - (ii) are mature forested wetlands less than 10 acres in size;
 - (iii) are bog/fen systems less than one acre.
- (c) Category 3 wetlands are wetlands which satisfy none of the criteria for Categories 1, 2, or 4 wetlands.
- (d) Category 4 wetlands are non-riparian wetlands less than one acre, with one wetland class, and greater than 90 percent aerial coverage of any combination of species from the list in SCC Table 30.62.300(2).

4. Clean Water Act Exemptions (federal law) - Section 404(f) lists exemptions for agricultural activities when the activities are occurring in Previously Converted wetlands and are not bringing wetlands into farming use for the first time. The following excerpts of section 404 (f) of the Clean Water Act describe which agricultural activities are exempt from a federal permit:

- (f) Non-prohibited discharge of dredged or fill material:
- (1) ...the discharge of dredged or fill material
- (A) from normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;
- (C) for the purpose of construction or maintenance of farm or stock ponds or irrigation ditches or for the maintenance of drainage ditches;
- (E) for the purpose of construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained, in accordance with best management practices, to assure that flow and circulation patterns and chemical and biological characteristics of the navigable waters are not impaired, that the reach of the navigable waters is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized.

5. Grading Code Exemptions - From "exemptions" section of the grading code, SCC 30.63B.020:

- (2) The following grading does not require a grading permit provided it occurs outside a critical area and is at least two feet from a property boundary line, but shall comply with the minimum erosion control requirements of SCC 30.63A.220(1)(a)-(g):
- (a) Grading which does not obstruct or alter an existing drainage course or pattern, and which creates 5,000 square feet or less of impervious surface, and collects or concentrates storm water from 5,000 square feet or less of drainage area, and which:
 - (i) totals 100 cubic yards or less of grading on a site in any 24 consecutive months, or
 - (ii) totals 500 cubic yards or less in any 24 consecutive months of excavation on a site for a basement or foundation for a single family dwelling and accessory structures, provided that excess excavated material shall be disposed of at a permitted site approved by the director, that the excavation shall commence after the building permit is secured by the applicant, and shall comply with the building permit, or
 - (iii) totals 500 cubic yards or less in any 24 consecutive months for construction of underground drainage systems, provided that the construction shall only commence after a right-of-way use, single family or commercial building permit is secured by the applicant, the applicant has an approved drainage plan, if otherwise required, and that the construction may be subject to inspection as a condition of the underlying permit.