

Date: 8-24, 2011

Approved By:   
Clay White, PDS Director

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Rule: 3046	Defining Vegetative Maintenance Activities and Adopting Maintenance Standards Pursuant to the Definition of Land Disturbing Activity (LDA) in Snohomish County Code (SCC) 30.91L.025
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LEGISLATIVE HISTORY: Adopted August 24, 2011.

**SEE ALSO:** Land disturbing activity permit and drainage exemptions for road maintenance and commercial agricultural established in SCC 30.63A.200(7) and (8)(b) and 30.63B.070(3)(f). SCC Chapters 30.62, 30.62A and 30.62B critical area regulations also regulate clearing and vegetative maintenance. Vegetative maintenance conducted in a drainage facility that is also in a critical area may require compliance with SCC 30.62A.330 and/or 30.62A.340. The critical area footnotes in this rule are provided for general reference only and may not be inclusive of all applicable critical area regulations pertaining to vegetation maintenance or clearing.

**SCC APPLICABILITY:** SCC Chapters 30.63A, 30.63B, 30.63C and SCC 30.91L.025

**RULE APPLICABILITY:** This Rule does not apply to work performed by the County under County adopted vegetative maintenance standards including, but not limited to the Snohomish Drainage Manual and the Regional Road Maintenance Endangered Species Act Program (RRMESA).

**PURPOSE AND SUMMARY:** This Rule is adopted to provide detail to the definition of land disturbing activity (LDA) in SCC 30.91L.025. It identifies vegetation maintenance activities that are excluded from the definition of LDA. Under the LDA definition vegetative maintenance practices do not require an LDA permit when conducted in accordance with standards adopted by Snohomish County. Part A of this rule defines vegetation maintenance activities to provide details to the definition of LDA in SCC 30.91L.025. Part B adopts standards for vegetation maintenance activities for which standards have not been adopted by Snohomish County including vegetative maintenance practices occurring:

1. Outside of drainage facilities, and
2. On or in retention/detention ponds, infiltration facilities, bioretention facilities including biowales, filter strips, sand filters, and detention vaults.

The purpose of vegetative maintenance standards adopted in Part B of this rule is to prevent soil erosion and the discharge of sediment and pollutants into receiving waters and to meet the following objectives:

- To identify, reduce, eliminate, and/or prevent the discharge of stormwater pollutants;
- To prevent violations of surface and ground water quality, and sediment management standards;
- To prevent adverse impacts to receiving waters by controlling stormwater runoff; and
- To eliminate illicit discharges to stormwater drainage systems.

**LEGISLATIVE BACKGROUND:** Vegetative maintenance and drainage facility maintenance are not land disturbing activities when they are performed according to standards adopted by Snohomish County pursuant to SCC 30.91L.025 as follows:

**SCC 30.91L.025 "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 and grading. Land disturbing activities do not include agricultural plowing and tilling exempt from stormwater regulations pursuant to SCC 30.63A.200. Compaction that is associated with stabilization of structures and road construction also is a land

disturbing activity. *Vegetation and drainage facility maintenance practices are not land disturbing activities, provided that the maintenance is performed according to standards adopted by Snohomish County.*

**PERMIT REQUIREMENTS:** Vegetative maintenance practices identified in this Rule that are conducted in accordance with standards adopted by Snohomish County are not land disturbing activities and do not require a land disturbing activity permit.

#### **DRAINAGE FACILITY VEGETATIVE MAINTENANCE STANDARDS:**

Drainage facility maintenance standards including vegetative maintenance standards designed to avoid or eliminate impairment of drainage facility functions are adopted (for most drainage facilities) in Volume V, Chapter 4.6 Runoff Treatment BMPs of the Snohomish County Drainage Manual. These specific maintenance standards set forth conditions for determining if maintenance actions are required.

#### **Part A. Vegetative Maintenance Activities Not Considered Land Disturbing Activities**

Vegetative maintenance includes activities that keep vegetation healthy, safe and ensure that vegetation does not adversely impact the functions of utilities and other infrastructure. It may include the maintenance or upkeep of existing lawns, gardens, and landscaped areas around buildings, on road frontage, open space, pastures and other areas. Examples of activities that are considered vegetation maintenance are identified in two categories:

**Those vegetative maintenance activities identified in A(1), (2), and (3) below require the use of the standards identified in Part B(1) of this Rule:**

1. Routine vegetative maintenance activities:
  - a. Lawn care and mowing
  - b. Planting, transplanting, pruning and removal of landscaping including trees.
  - c. Removal of noxious and invasive weeds, including but not limited to black berries, knotweed, and English ivy.<sup>1</sup>
  - d. Removal of hazardous, dead or diseased plants and trees<sup>2</sup>
2. Tilling, planting and care of vegetable gardens, and fruit trees
3. Pruning to improve a view corridor consistent with the requirements in SCC 30.62A.320(2)(e).<sup>3</sup>

**Those vegetative maintenance activities identified in A(4) and (5) below require the use of applicable Stormwater Pollution Prevention Plan (SWPPP) BMPS identified in Part B(2) of this Rule:**

4. Tree removal for the purpose of thinning within stands of trees to improve the health and growing conditions for the remaining trees. Extent of thinning and practices used to conduct thinning should consider factors that affect drainage and erosion, for example, the extent of crown removal, soil type and compaction, damage to understory plants, etc.<sup>4</sup>
5. Stump removal where any contiguous area of soil disturbance is less than 7,000 square feet.

<sup>1</sup> Within critical areas and buffers, removal of invasive plants is subject to best management practices (SCC 30.62A.510, 30.62B.410).

<sup>2</sup> Removal of hazardous trees from critical areas, buffers, NGPAs or CAPAs are subject to best management practices and requires review by certified arborist (SCC 30.62A.510(3)(i)).

<sup>3</sup> Vegetation removal may also be subject to conditions under SCC 30.62B.320 and the Shoreline Management Program.

<sup>4</sup> Vegetation removal may also be subject to conditions under SCC 30.62A.320, 30.62B.320 and the Shoreline Management Program.

## **Part B. Vegetative Maintenance Standards**

Vegetative maintenance identified in Part A of this Rule is not a land disturbing activity under SCC 30.91L.025, provided that the vegetative maintenance is performed according to the standards established in this section.

### **B1. Standards for vegetative maintenance activities identified in Part A (1), (2), and (3) of this Rule.**

- a. Prevent sediment from leaving the site in runoff.
- b. Stabilize soil stockpiles
- c. Locate soil stockpiles away from storm drain inlets, drainage channels and other waters

As needed to comply with these standards, use one or more of the following BMPs from the Snohomish County Drainage Manual, or equivalent BMPs.

BMP C102: Buffer Zones

BMP C120: Temporary and Permanent Seeding

BMP C121: Mulching

BMP C122: Nets and Blankets

BMP C123: Plastic Covering

BMP C124: Sodding

BMP C125: Topsoiling (for soil stabilization only)

BMP C131: Gradient Terraces

BMP C140: Dust Control

BMP C230: Straw Bale Barrier

BMP C231: Brush Barrier

BMP C232: Gravel Filter Berm

BMP C233: Silt Fence

BMP C234: Vegetated Strip

BMP C235: Straw Wattles

### **B.2 Standards for vegetative maintenance activities identified in Part A (4) and (5) of this Rule:**

- a. Minimize area of clearing and vegetation removal.
- b. Prevent sediment from leaving the site in runoff.
- c. Stabilize soils and soil stockpiles
- d. Minimize soil exposure to wind and rain.
- e. Locate soil stockpiles away from storm drain inlets, drainage channels and other waters

As needed to comply with these standards, use one or more of the following BMPs from the Snohomish County Drainage Manual, or equivalent BMPs listed above in Part B1 of this Rule.

**Other Sources of Information Related to this Rule:** Please see the following PDS information bulletins:

- Bulletin # 99 Land Disturbing Activity (LDA) - Vegetative and Drainage Facility Maintenance
- Bulletin # 90 Stormwater Pollution Prevention for Small Projects
- Bulletin # 91 Small Project Stormwater Pollution Prevention Plan (SWPPP) - Preparing
- Bulletin # 92 Small Projects Stormwater Pollution Prevention Plans (SWPPPs) - Best Management Practices (BMPs)