



# Clearing, Grading, Grubbing, and Forest Practices

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Many property owners think that the first step toward development of their property is to clear it. But there are good reasons to take that step carefully and after due diligence. Contact us for assistance. We're here to help!

## Areas to Avoid Clearing

### Critical Areas

In clearing your property, you **must** avoid:

- **Wetlands, streams, lakes, ponds, marine shorelines**, and the area around them (in some cases 300 feet or more from the water)
- Areas with a **high risk of erosion or landslides**, generally slopes exceeding 30% gradient
- **Special flood hazard areas**, i.e., areas shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AH, V, V1-V30, or floodway.

Clearing within these areas may result in serious penalties from the County or other agencies. Submit a Request for Critical Areas Review to our department to ensure you avoid these areas.

### Conserved Land

Some land, including your own, might be restricted by covenants held by a homeowner's association, or conservation easements held by neighbors, a land trust, or the County. Consider obtaining a title report from a title company prior to clearing to ensure your property doesn't have such restrictions.

### Others' Property

It can be difficult to determine property boundaries on uncleared land. The true property owner can sue for timber trespass (cutting someone else's trees or shrubs),<sup>1</sup> which carries triple damages. Consider engaging a professional land surveyor to determine your property boundaries.

## Grading

"Grading" is any combination of excavation or fill.

"Excavation" is removal of earth material by artificial means.

"Fill" is deposition of earth material by artificial means.

Generally, filling and grading requires a permit from Skagit County before the work is started. However, some filling and grading is exempt from permitting, including:<sup>2</sup>

- **excavation** for construction of a structure that has a building permit that includes the excavation;

- **excavation** that meets all of the following:
  - outside of critical areas and buffers (unless there has been critical areas review of the project and the location has been approved);
  - < 2 ft deep;
  - does not obstruct natural drainage;
  - does not create a cut slope > 5 ft high and steeper than 1.5:1;
  - does not exceed 100 cu yards of excavated material.
- **fill** that is either:
  - Less than 1 ft deep, placed on natural terrain with a slope less than 12%, and outside of critical areas and buffers (unless there has been critical areas review of the project and the location has been approved); OR
  - Less than 3 ft deep, not more than 100 cu yards, not intended to support structures, and outside of critical areas and buffers (unless there has been critical areas review of the project and the location has been approved).
- **fill** that meets all of the following:
  - outside of critical areas and buffers (unless there has been critical areas review of the project and the location has been approved);
  - does not obstruct natural drainage;
  - is less than 1 foot in depth;
  - placed on natural terrain with a slope less than 12%.
- excavations for wells
- trenches for utilities
- agricultural activities (e.g., tilling, fertilizing, planting)
- cemetery graves
- refuse disposal sites controlled by other regulations
- exploratory excavations under the direction of a registered design professional
- work located primarily in a public way
- mining, quarrying, excavating, processing, or stockpiling rocks, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties

**Any work** that changes a natural drainage course requires a permit.

**All work**, even when it does not require a permit, must comply with the building code, critical areas code, and stormwater regulations to control erosion and sedimentation.

## Cutting Trees

Harvest of merchantable timber is a “forest practice activity” under state law. Read on to determine when a permit is required. “Merchantable timber” means trees that will yield logs or fiber suitable in size and quality for the production of lumber, plywood, pulp, or other forest products. Generally, trees of 6 inches or more diameter at breast height (about 4½ feet) are considered merchantable timber.

### **Are you cutting less than two acres of contiguous land ownership for personal use?**

This is a Class 1 forest practice, which may not require a forest practice permit.

### **Are you cutting more than two acres of contiguous land ownership, but less than 5000 board feet, for personal use?**

This is a Class 1 forest practice, which may not require a forest practice permit. A logging truck holds a little more than 5000 board feet. If you’re unsure of your quantity of timber, the Department of Natural Resources can help you estimate.

### **Are you cutting more than 5000 board feet on more than two acres of contiguous land ownership, for any use or purpose?**

This is a forest practice that requires a permit from the Department of Natural Resources. For more information, visit [www.dnr.wa.gov/programs-and-services/forest-practices](http://www.dnr.wa.gov/programs-and-services/forest-practices).

## Planning to Build

### **Avoid a Forest Practice Conversion Moratorium**

When you harvest more than 5,000 board feet AND you intend to convert the land to use other than forestry you will need to obtain a Class IV General forest practice conversion permit.<sup>3</sup> A Class IV-G permit is a collaborative application including both Skagit County (acting as the SEPA lead agency) and the Washington Department of Natural Resources (permit issuing agency). Apply with Skagit County Planning and Development Services.

A six-year moratorium on development applies to lands where a Class II, Class III, or Class IV Special forest practices permit has been issued or where a timber harvest meeting the criteria for a Class II, III, or IV-S has occurred without a permit. A moratorium is avoided by obtaining a Class IV G forest practice conversion permit, or a Conversion Option Harvest Plan (COHP) authorization.

### **Consider Future Stormwater Management**

Skagit County recommends that you *not* clear your property until you are ready to begin construction. Stormwater management, especially within the County’s NPDES Permit Area, can be made more difficult if the land is already cleared. The best practice is to:

1. Request a Critical Areas review to determine presence of critical areas on site.
2. Determine your desired size and approximate location of your construction and other impervious surfaces (driveways, parking, patios, etc.).
3. Identify the best method for managing stormwater onsite consistent with county requirements.
4. Design your project with that stormwater management method in mind, and apply for a building permit.

All land clearing within Skagit County’s jurisdiction must follow a Stormwater Pollution Prevention Plan (SWPPP) to ensure erosion and sediment control. A model SWPPP is available at [skagitcounty.net/stormwaterpermitting](http://skagitcounty.net/stormwaterpermitting).

<sup>1</sup> RCW 64.12.030 and RCW 4.24.630.

<sup>2</sup> IBC Appendix J, Section J103.2, Exemptions, and amendments thereto adopted by SCC 15.04.030(1)(h).

<sup>3</sup> Some forest practices on some lands likely to be converted are governed by SCC 14.24.110 to ensure protection of critical areas.