



Land Disturbing Activity

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“Land Disturbing Activity” means any activity that results in a change in the existing soil cover (both vegetative or nonvegetative) or the existing soil topography, including clearing and grading. Many property owners think that the first step toward development of their property is to clear it. **However, a review or permit may be required prior to clearing or grading.** Please review the information below before altering your site and reach out if you have any questions.

All work, even when it does not require a permit, must comply with the building, critical areas, and stormwater code.

Floodway is a hazardous area with high erosion potential; grading is not permitted, unless a “No-Rise Study” is done.

Failure to follow code or apply for the appropriate permit/review, can result in serious penalties or corrective actions from the County or other agencies.

Steps Toward a Best Planning Practice

1. Request a Critical Areas Review

Submit a [Request for Critical Areas Review](#) to our department to ensure you avoid these areas. Critical Areas are defined as wetlands, aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

2. Plan out 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. Determine size and approximate location of your construction and other hard surfaces (driveways, parking, patios, etc.).
2. Identify the best method for managing stormwater onsite consistent with county requirements and design your project with that in mind. Please refer to SCC 14.32 or contact PDS stormwater review technicians for specific requirements.
3. Follow a Stormwater Pollution Prevention Plan (SWPPP) to ensure erosion and sediment control. A model SWPPP is available [here](#).

3. Be Aware of Forest Practice Six-Year Moratoriums

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. To avoid a six-year moratorium, you can obtain a Class IV G forest practice conversion permit, or a Conversion Option Harvest Plan (COHP) authorization. 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). 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.¹ Apply with Skagit County Planning and Development Services. Application link [here](#).

4. Check for 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.

5. Determine Property Boundaries

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),² which carries triple damages. Consider engaging a professional land surveyor to determine your property boundaries.

6. Do I need a Grading Permit?

Generally, filling, grading and exceeding hard surface and land disturbing activity for stormwater requires a permit from Skagit County before the work is started. However, **some grading is exempt from permitting**, including:³

- Excavation for construction of a structure that has a building permit that includes the excavation
- 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
- Excavation that meets ***all the following***:
 - Does not obstruct natural drainage
 - Is less than 3 feet in depth
 - Does not create a slope greater than 5 feet in height
 - Not steeper than 1.5 feet horizontal to 1 foot vertical
 - Does not exceed 100 cubic yards of excavated material
- Impervious area and/or land disturbance does not exceed lower thresholds for stormwater review per Chapter [14.32](#) SCC,
- Not within a defined critical area or its buffers unless critical areas review of the project and the area of land disturbance has been approved.
- Fill that meets ***all the following***:
 - Does not obstruct natural drainage
 - Is less than 3 foot in depth
 - Is placed on natural terrain with a slope less than 12%
 - Does not exceed 100 cubic yards on any one lot
 - If fill is more than 1 foot in depth and will support a structure, a soils test is submitted with the building permit application showing minimum 95% compaction
 - Impervious area and/or land disturbance does not exceed thresholds requiring stormwater review per Chapter [14.32](#) SCC
 - Floodplain compensatory storage is provided, if required by SCC [14.34.150](#)(4)
 - is not within a defined critical area or its buffers unless critical areas review of the project and the area of land disturbance has been approved.

7. Do I need a Department of Natural Resources Forest Practice Permit?

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.

¹ Some forest practices on some lands likely to be converted are governed by SCC 14.24.110 to ensure protection of critical areas.

² RCW 64.12.030 and RCW 4.24.630.

³ IBC Appendix J, Section J103.2, Exemptions, and amendments thereto adopted by SCC 15.04.030(1)(h).