



# Stormwater Management Requirements

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## When is stormwater management required?

Skagit County requires stormwater management for any “land-disturbing activity” that results in a change in the existing soil cover or the existing soil topography.

Landscape maintenance, gardening, and stormwater facility maintenance are not land-disturbing activities. Forest practices, commercial agriculture practices, and underground utility projects are exempted by SCC 14.32.020(3).

## Application Requirements

### 1. Stormwater Site Plan

When you submit your building permit application, you must show all the stormwater features you will construct to manage stormwater on your site plan. See the [Site Plan Requirements](#) handout for details.

If your project is subject to Minimum Requirement 1, you must prepare your site plan consistent with the Stormwater Management Manual; see [Volume I, Chapter 3](#) for guidance.

### 2. Construction Stormwater Pollution Prevention Plan

All applications must include a Construction Stormwater Pollution Prevention Plan (“Construction SWPPP”) to ensure that clearing, grading, and other construction doesn’t cause erosion and release of sediment into the stormwater system. Your permit will require you to follow your Construction SWPPP.

Most applications may use our [Simplified Construction SWPPP form](#). Review the form to see if you qualify, and submit the form with your application. If your project does not qualify, prepare a Construction SWPPP consistent with Stormwater Management Manual Minimum Requirement 2; see [Volume II, Chapter 3](#) for guidance.

Projects that disturb one or more acres must have site inspections conducted by a Certified Erosion and Sediment Control Lead (CESCL).

## Construction Stormwater General Permit

Construction site operators are required to be covered by Ecology’s [Construction Stormwater General Permit](#) if engaged in clearing, grading, or excavating activities that disturb one or more acres and discharge stormwater to surface waters of the state, including a point-source discharge to the County’s stormwater system. Smaller sites may also require coverage if they are part of a larger common plan of development that will ultimately disturb one acre or more. This [permit](#) is issued by Ecology, and it’s the operator’s responsibility to obtain coverage under it. The Construction SWPPP submitted for coverage under the Ecology permit can typically also fulfill Skagit County’s Construction SWPPP requirement.

## Key Concepts

### NPDES Permit Area

Skagit County is subject to a National Pollutant Discharge Elimination System (NPDES) permit that can result in significant penalties upon the County and property owners if polluted water is discharged to ditches or streams.

The NPDES Permit Area (map online) consists of:

- the Urban Growth Areas;
- the area between Burlington and Sedro-Woolley;
- the area generally around Clear Lake and Big Lake;
- some areas generally west of Riverbend.

Whether your project is inside or outside the permit area is important to determining your stormwater requirements.

### Stormwater Management Manual

Skagit County has adopted Ecology’s 2012 Stormwater Management Manual for Western Washington, as amended in December 2014, as the Stormwater Management Manual for the entirety of unincorporated Skagit County. The manual, which is standardized across most Western Washington counties, consists of nine Minimum Requirements (MR), described on page 3. See the following pages to determine when the Minimum Requirements apply to your project.

### County Stormwater System

The County’s stormwater system includes all of the natural and manmade systems that manage stormwater, including streams and creeks and other natural systems, and the County’s roadside ditches.

Nothing but stormwater may enter the stormwater system.

## Basic Rules for Stormwater Management

All projects must follow these rules:

- Runoff may not discharge directly onto the surface of a public road (nor, usually, into a county road ditch).
- Runoff and infiltration must be directed away from septic drain fields.
- Runoff from impervious surfaces, roof drains, and yard drains must be directed so as not to adversely affect adjacent properties.
- Runoff from development may not cause a significant adverse impact to down-gradient properties.
- Stormwater discharges to wetlands are allowed only consistent with the Stormwater Management Manual.

Read our “Low-Impact Development Techniques” handout for ideas about how to comply with these rules.

## How do you manage stormwater?

Skagit County's requirements for managing stormwater depend on (1) whether you are inside or outside the NPDES permit area, (2) what kind of land use you are building, (3) how much hard surface you are creating, and (4) how much land disturbing you are doing.

Project Criteria						
① NPDES Permit Area	Inside	Outside				
② Land Use	 All land uses	 All land uses other than those at right, including commercial, industrial, multifamily <sup>1</sup>	 <ul style="list-style-type: none"> <li>• Single-family residence or accessory use on a parcel <math>\geq 1</math> acre</li> <li>• Agricultural building in Ag-NRL</li> <li>• Seasonal roadside stand</li> <li>• Road</li> </ul>	 <ul style="list-style-type: none"> <li>• Single-family residence or accessory use on a parcel <math>&lt; 1</math> acre</li> <li>• Land division into <math>\leq 4</math> lots</li> <li>• Minor utility development</li> <li>• Trail or trailhead</li> </ul>		
③ Hard Surface	Follow manual	Follow manual	$< 7,000$ sq ft AND	$\geq 7,000$ sq ft OR	$< 4,000$ sq ft AND	$\geq 4,000$ sq ft OR
④ Land Disturbing Activity			$< 14,000$ sq ft	$\geq 14,000$ sq ft	$< 14,000$ sq ft	$\geq 14,000$ sq ft
Requirements						
Site Plan	See <a href="#">flowchart 2.4.1</a>	See <a href="#">flowchart 2.4.1</a>	Standard	Consistent <a href="#">with MR1</a>	Standard	Consistent <a href="#">with MR1</a>
MR2 Construction SWPPP	Consistent with MR2	Simplified	Simplified	Simplified	Simplified	Simplified
MR3 Source Control	See <a href="#">flowchart 2.4.1</a> in Stormwater Management Manual	See <a href="#">flowchart 2.4.1</a> in Stormwater Management Manual	N/A	N/A	N/A	Yes, but usually N/A
MR4 Natural Drainage			No	Yes	No	Yes
MR5 Onsite Management			No	No	No	Yes
MR6 Runoff Treatment			No	No	No	Yes
MR7 Flow Control			No	No	No	Yes
MR8 Wetlands Protection			No	Yes, but usually N/A	No	Yes, but usually N/A
MR9 O&M			Only if a stormwater facility is installed	Only if a stormwater facility is installed	No	Only if a stormwater facility is installed
LID Required <sup>2</sup>	Yes, unless infeasible	No, but recommended	No, but recommended	No, but recommended	No, but recommended	No, but recommended
Engineer Required	Depends on project and site conditions	Depends on project and site conditions	No	Only if stormwater is concentrated, or discharging into wetland	No	Simplified

<sup>1</sup> Or any project that results in new plus replaced hard surface greater than or equal to 20,000 sq ft, or 1.5 acres of vegetation-to-lawn conversion, or five acres of vegetation-to-pasture conversion.

<sup>2</sup> LID is required for projects in the Special Flood Hazard Area unless infeasible.

## Minimum Requirements

Ecology's Stormwater Management Manual consists of nine "Minimum Requirements" (MR). See page 2 to determine when Skagit County applies the Minimum Requirements to your project.

Stormwater is generated (and requirements are imposed) proportionally to how much new + replaced hard surface your project creates. Minimize your hard surface area or land disturbing activity to reduce your requirements.

### When is each Minimum Requirement applied?

Some common scenarios are described on the previous page. Any project greater than 20,000 sq ft requires full compliance with the Stormwater Management Manual.

## Summaries of Minimum Requirements

See the [Stormwater Management Manual](#) (2014) Volume 1 for complete descriptions of these requirements.

### MR1 and MR2

The requirements of MR1 (Stormwater Site Plan) and MR2 (Construction SWPPP) are described on page 1.

### MR3 Source Control

This MR mainly affects commercial and industrial land uses.

Source control BMPs are required to prevent stormwater from coming into contact with pollutants. Those BMPs, which are listed in [Volume IV](#), include Operational BMPs and Structural Source Control BMPs. Structural source control BMPs should be identified in the stormwater site plan.

### MR4 Preserve Natural Drainage

Natural drainage patterns must be maintained, and discharges from the project site must occur at the natural location, to the maximum extent practicable.

The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and down gradient properties. All outfalls require energy dissipation.

If your project will concentrate runoff, you will probably require an engineer to demonstrate compliance with this MR.

### MR5 Onsite Stormwater Management

This requirement is intended to preserve and utilize natural drainage systems to the fullest extent because of the multiple stormwater benefits these systems provide; and to prevent erosion at and downstream of the discharge location.

Most projects can comply with this MR by implementing full dispersion, a rain garden, or downspout diversion BMPs. Most of these stormwater management techniques do not require an engineer.

### MR6 Runoff Treatment

This MR mainly applies when parking areas are 5000 sq ft or greater, or lawns of 5000 sq ft or greater do not allow infiltration.

The purpose of runoff treatment is to reduce pollutant loads and concentrations in stormwater runoff using physical, biological, and chemical removal mechanisms so that beneficial uses of receiving waters are maintained and, where applicable, restored. When site conditions are appropriate, infiltration can potentially be the most effective BMP for runoff treatment. Otherwise, an engineered stormwater facility will likely be required.

### MR7 Flow Control

This MR only applies to projects that discharge stormwater directly, or indirectly through a conveyance system, to a fresh waterbody.

Projects provide flow control to reduce the impacts of stormwater runoff from hard surfaces and land cover conversions. An engineer is likely required to demonstrate compliance with this MR.

### MR8 Wetlands Protection

This MR applies only to stormwater discharges to wetlands, either directly, or indirectly through a conveyance system.

Wetlands are intended to receive the same level of protection as any other waters of the state. While it is always necessary to pre-treat stormwater prior to discharge to a wetland, wetlands may sometimes be used for additional stormwater treatment and detention. An engineer will be required to demonstrate compliance.

### MR9 Operation & Maintenance

This MR applies only if you are installing permanent stormwater facilities. Inadequate maintenance is a common cause of failure for stormwater facilities. You must prepare a maintenance manual including the maintenance schedules for each BMP. [Volume V, Section 4.6](#) includes a schedule of maintenance standards for drainage facilities.

#### When do you need an engineer for stormwater?

You need an engineer anytime "engineering" is required, or when your application includes:

- construction of a stormwater facility (other than rain gardens or dispersion systems) required by MR 5-7;
- land-disturbing activity  $\geq 1$  acre;
- grading  $\geq 500$  cu yards; or
- any improvements within County right of way for which the County will ultimately assume responsibility for maintenance.