



# Land Disturbance

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273  
360-416-1320 · pds@co.skagit.wa.us · www.skagitcounty.net/planning

## What is Land disturbing activity?

Land disturbing activities include:

- **Clearing**- Removal of forest, scrub, or other native vegetation.
- **Class IV General (Conversion) Forest Practices.**
- **Conversion** of forestland or other natural vegetation to pasture, other agricultural land, lawn, or landscaping.
- **Grubbing** – Removal of roots, logging slash, brush, and other organic matter, typically involves shallow digging and scraping with heavy equipment.
- **Parking out** - Clearing or grubbing of the forest shrub layer while leaving larger trees, converting a forest to a parklike landscape. Includes conversion of forests and other naturally vegetated areas to lawn or pasture.
- **Grading** - Moving of soil, rock or other earth materials and includes both fill and excavation.
- **Filling** – Placement of soil, rock, or other earth materials, which can be imported or sourced onsite.
- **Excavation** – The removal of soil, rock, or other earth materials
- **Compaction** associated with stabilization of structures and road construction shall also be considered land disturbing activity. Includes pre-loading and mechanical compaction methods.
- **Driveway or road** construction. Your access permit is **only** for work in the County ROW, which means edge of pavement to the front property line only.

## When do I need a permit\* for my Land Disturbing Activities?

- **Inside the NPDES Permit Area\*\***- Any Land Disturbance activities of 7000 square feet (0.16 acre) or greater. Cumulative impacts over a 5-year period are counted toward this threshold.
- **Outside the NPDES Permit Area**- Any Land Disturbing activities of 14,000 square feet (0.32 acre) or greater. Cumulative impacts over a 5-year period are counted toward this threshold.
- **Grading Activities** (fill or excavation) that meet **any** of the following criteria:
  - Exceeds 100 cubic yards.
  - Modify drainage patterns in any way.
  - Have depth or height of 3 feet or greater.
  - Results in a slope greater than 5 feet in height.
  - Results in a slope steeper than 1.5 to 1 (66%).
  - Results in 2,000 square feet of impervious surfaces over a 5-year period (includes gravel surfaces).
  - Located in the floodplain or floodway.
  - Is within critical areas or buffers.
  - Structural support fill of one foot or deeper.
- **Class IV General Forest Practices** – Conversion to non-forestry/no replanting.

\* Many land-disturbing activities that are associated with a structure may be permitted along through a building permit. In this case no land disturbance may occur until the building permit is issued. For work not covered under an issued building permit, a separate land disturbance permit is required.

\*\*The NPDES Permit Area is subject to provisions of the County's **National Pollution Discharge Elimination System Municipal Stormwater Permit**. An online map of the NPDES Permit Area can be viewed [here](#). If you are unsure, please contact PDS staff to determine whether your site is in the NPDES Permit Area.

## **Are there exempt Activities? Yes, the following activities are typically exempt:**

- Site investigations performed under the direction of a qualified professional, such as soil test pits.
- Forest practices, except conversions to non-forestry.
- Mining or quarrying that is controlled by and, in compliance with, other permits.
- Tilling and other soil preparation activities as part of ongoing agriculture. Conversion from natural vegetation to agriculture is not exempt, nor are new impervious surfaces (including gravel) on agricultural sites.
- Maintenance or repair of existing ditches, ponds, and stormwater facilities.
- Removal of noxious or invasive weeds, while protecting native plants and soils. Grubbing to remove roots in a manner that exposes soil is considered a land disturbing activity.
- Gardening and landscape maintenance. Larger landscape installation or re-installation projects may meet thresholds for permit requirements.
- Private road maintenance that does not change road dimensions, surface type, or drainage patterns. Paving a gravel road is considered a change in surface type.

## **What information will I need to apply for a permit\*?**

- A scaled site plan showing areas proposed for clearing and grading, known critical areas, drainage patterns, erosion control measures, existing development, and future development. Refer to the Skagit County PDS [Site Plan Checklist](#) for further information about site plan requirements.
- Cross-section diagrams showing cut and fill dimensions. Certain thresholds may require engineering or geotechnical analysis.
- A narrative including:
  - Existing site conditions.
  - Development Goals of proposed project.
  - Specific land disturbing activities that will be conducted.
  - Schedule.
  - Construction Stormwater Pollution Prevention Plan (SWPPP).
  - Fill and Excavation quantities in cubic yards.
  - Land disturbance areas in square feet.

- An engineered drainage report will be required for certain types of projects:
  - Inside the NPDES Permit Area and engineered drainage report is required for projects that include:
    - 5,000 square feet of new impervious surfaces.
    - Conversion of 0.75 acres to lawn or landscaping.
    - Conversion of 2.5 acres to pasture.
  - Outside the NPDES area an engineered drainage report is required for projects that include:
    - 10,000 square feet of new impervious area.
    - Conversion of 1.5 acres to lawn.
    - Conversion of 5 acres to pasture.
    - One acre or more of land disturbance.
    - 500 cubic yards or more of grading.
- A SEPA checklist is required if the project:
  - Includes fill or excavation of 500 cubic yards or more.
  - Class IV (Conversion) Forest Practices.

## Site Inspections

Through inspection process PDS staff will determine that land disturbing activities comply with permit conditions. Staff may conduct a site inspection during the application review process. Prior to beginning work clearly mark all critical areas and buffers, clearing limits, roads, landing areas, and stormwater infiltration areas with construction fencing or other approved method. The boundaries marked onsite must be consistent with the site plan.

## Other Regulatory Considerations

- Projects that include one acre or more of grading may require coverage under the NPDES Construction Stormwater Permit, which is administered by the Washington State Department of Ecology. More information is available [here](#).
- Projects that include sale of timber may require approval from the Washington State Department of Natural Resources. More information is available [here](#).