

**SKAGIT COUNTY
OFFICE OF THE HEARING EXAMINER**

re: The application for Shoreline Substantial Development and Shoreline Variance permits by **Herbert Stickle**

SHLN/SVAR 25-0445

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant proposes to construct a shoreline stabilization project consisting of hard armoring an existing bluff that is eroding and endangering a residence, which would require both a Shoreline Substantial Development Permit and Shoreline Variance Permit.

Decision: The requested Shoreline Substantial Development and Shoreline Variance permits are granted, subject to conditions of approval.

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted and evidence presented at a properly noticed public hearing.

FINDINGS OF FACT

I.

Applicant: Herbert Stickle
1010 Hillcrest Drive
Burlington, WA 98233
hestickle@comcast.net

Agent: Drew McDonald, PE
Facet
9706 4th Ave NE, Suite 300
Seattle, WA 98115
dmcdonald@facetnw.com

Site Address(es): 15412 Rosario View Lane
15434 Rosario View Lane

Assessor Number(s): 340122-0-016-0005
340122-0-015-0006

Parcel Number(s): P19542
P19541

Legal Description (short):

P19542: THAT PORTION OF GOVERNMENT LOT 2, SECTION 22, TOWNSHIP 34 NORTH, RANGE 1 EAST, W.M. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 95.00 FEET WEST AND 573.80 FEET NORTH OF THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 2; THENCE WEST, A DISTANCE OF 63.00 FEET; THENCE SOUTH, A DISTANCE OF 90.00 FEET; THENCE EAST, A DISTANCE OF 63.00 FEET; THENCE NORTH, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. TOGETHER WITH BEG 583.8FT N & 158FT W OF SE C LT 2 TH S 100FT TH W TO LI OF BANK TH NWLY ALG SD LI OF BANK TAP 58FT W OF POB TH E TP BLESS N 20FT. TOGETHER WITH FR S1/4 C OF NE1/4 SEC 22 WH IS PT ON BCH TH N 538.8FT & W 158FT TPB TH S 100 FT TH W TO MEAN LI TH NWLY ALG MEAN LI TAP W OF POB & E TPB EXC TAX 15 & LESS N 10' OF TH E 60'. SURVEY AF#200711280002

P19541: BEGINNING 388 FEET NORTH OF THE SOUTHEAST CORNER GOVERNMENT LOT 2 OF SECTION 22, TOWNSHIP 34 NORTH, RANGE 1 EAST, W.M., THENCE SOUTH 80 DEGREES WEST TO MEAN LINE; THENCE NORTHERLY ALONG SAID LINE TO A POINT ON THE EAST LINE OF LOT 2, 473.8 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 2; THENCE EAST TO A POINT ON THE EAST LINE OF TAYLOR ROAD; THENCE SOUTH ALONG THE EAST LINE OF SAID ROAD TO A POINT 388 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE WEST TO THE POINT OF BEGINNING.

Lot Size: **P19542** 0.52 acre
 P19541 0.70 acre

Zoning: Rural Reserve

Application Date: September 7, 2022

Determination of Completeness: October 5, 2022

Shoreline Designation: Rural Residential, Aquatic

Statewide Significance: No

SEPA Review: DNS issued August 7, 2025

Notice Information: Notice of Application:
 Posting: February 16, 2023
 Publication: February 16, 2023 and February 23, 2023
 Notice of Public Hearing:
 Posting: December 23, 2025
 Publication: December 25, 2025

Primary Authorizing Codes, Policies, Plans, and Programs:

- Revised Code of Washington (RCW)
 - RCW 36.70A, Growth Management Act
 - RCW 36.70B, Local Project Review
 - RCW 90.58, Shoreline Management Act of 1971 (“SMA”)
- Washington Administrative Code (WAC)
 - WAC 173-27, Shoreline Management Permit and Enforcement Procedures
 - WAC 197-11, SEPA Rules
- Skagit County Code (SCC)
 - SCC 14 – Unified Development Code
 - SCC 14.02 – General Provisions
 - SCC 14.02.070 – Office of the Hearing Examiner
 - SCC 14.06 – Permit Procedures
 - SCC 14.11 – Rural Mixed Zones and Uses
 - SCC 14.11.200, Rural Reserve (RR) (*FKA SCC 14.16.320*)
 - SCC 14.48 – Shorelines (*FKA SCC 14.26*)
- Skagit County Shoreline Master Program of 6/29/76, as amended by Skagit County Board of Commissioners through 7/10/95 (SMP)

- Skagit County Comprehensive Plan 2024-2025, as adopted by Skagit County Board of Commissioners on 6/23/25 (SCP or “Comprehensive Plan”)
- Skagit County Hearing Examiner’s Rules of Procedure (SCRE), as authorized by Skagit County Commissioners per Resolution #R20240280 on 12/16/24

Hearing Date: 2/20/26 at 8:00 AM

Testifying Parties of Record:

Leah Forbes
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Herbert Stickle
1010 Hillcrest Drive
Burlington, WA 98233

Drew McDonald, PE
Facet
9706 4th Ave NE, Suite 300
Seattle, WA 98115

Hearing Examiner Exhibit List:

1. Original Shoreline Permit Application 09/06/2022
2. Revised Shoreline Variance Narrative 10/13/2025
3. Notice of Development Application, 02/16/2023
4. Correspondence: Significant agency comments and applicant responses - various dates
5. Revised plans July 2025
6. Revised mitigation plan, July 2025
7. Revised assessment, 07/22/2025
8. Revised SEPA checklist, 07/31/2025
9. Determination of Nonsignificance, 08/07/2025
10. SEPA comments, various dates
11. Signed Agent Authorization for P19540, 09/03/2025
12. Final drawings, 10/03/2025
13. Final mitigation plan, 10/03/2025
14. HPA 2055-4-598+01, 10/09/2025
15. Notice of Public Hearing, 12/24/2025
16. Staff Report, 12/05/2025

17. Hearing Agenda, 1/27/25
18. Notice of Hearing Cancelation, 12/22/25
19. 2nd Notice of Public Hearing, 2/2/26

II.

The Applicant is requesting approval to construct a shoreline stabilization project to protect their residential home. The site is exposed to extreme wave-action, and the existing bluff is experiencing active wave-based erosion and mass-wasting.

The home at risk is located on parcel P19542 and a majority of the proposed shoreline stabilization is located on P19541.

This project has undergone many significant changes between initial submittal and the final design considered here. Four online and two onsite meetings as well as numerous email exchanges were conducted by Department Staff held between agency staff and the applicant team occurred throughout the review process.

The proposed hard armor structure would be located at the toe of an eroding bluff and would consist of a 45 linear foot rockery. The bluff at this location is not a mapped feeder bluff. This will be located immediately south of and abutting an existing 121 linear foot concrete bulkhead to the north that was permitted and constructed in 2008. Properties to the south do not have as substantial of a bluff present nor are there single family residences as close to the top of the bluff.

This proposed “rockery” armoring would extend below the ordinary high water mark (OHWM) and into the Aquatic shoreline area. The design of the rockery includes an intrusion below the OHWM by approximately four feet from the large boulders with another five to six feet of fish bed restoration material, and as such there would be no impact on the public rights of navigation, not substantive impacts to the publicly accessible beach. Boulders present onsite that were part of previous stabilization will be incorporated into the new stabilization, and native plants will be installed landward of the proposed bulkhead.

III.

The Skagit County Planning and Development Services Staff (the “Department”) have recommended approval of the requested Shoreline Variance and the Shoreline Substantial Development Permit in a “Staff Report for Public Hearing” (“Staff Report” **Ex. 16**).

The Applicant has indicated there are no factual or legal inaccuracies in the Staff Report’s findings or conclusions, and that they agreed with the conditions proposed.

The Findings of Fact and Conclusions of Law in the Staff Report, a copy of which is attached hereto and incorporated herein, are supported by the record as a whole and are hereby adopted and incorporated herein by this reference, except where explicitly contradicted by the findings herein.

IV.

There were no written public comments received during the public comment period for the Notice of Application.

V.

SCHE §14 grants parties the right to object to evidence and to cross-examine. In the case at hand, with full knowledge of the evidence being admitted, no objection by the applicant or the Department was made to any of the 19 exhibits that were admitted into the record.

VI.

Any Conclusion of Law below which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following:

CONCLUSIONS OF LAW

I.

Scope of Hearing, Jurisdiction, & Concurrency

Whenever possible, development applications are consolidated and reviewed according to the highest standard of all of the permits, with some exceptions outlined in the law.¹

¹ SCC 14.06.160

In this case all applications are Type 3 because all Shoreline Permits, including both substantial development and variances, are to be reviewed by the Hearing Examiner.² As the Hearing Examiner is the highest final decision maker in all of the permits associated with this project, they are the final decision maker.

The project is located within 200 feet of the designated shoreline area and is therefore subject to the requirements of the Skagit County Shoreline Master Program (SMP). The requirements of the SMP and the need for an application by the developer of the project shall apply to every person, natural or unnatural, business entity, association, or government entity who wishes to develop or make use of lands, wetlands, and waters which fall under the jurisdiction of the SMA; real property ownership is not a requirement.³

The Hearing Examiner has jurisdiction to hear and decide requests for shoreline substantial development permits,⁴ shoreline conditional use permits,⁵ and shoreline variances.⁶

All of these matters fall under the SMP, which directs:

...the [SMA] is exempted from the rule of strict construction; the [SMA] and this program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the [SMA] and this Master Program were enacted and adopted, respectively.⁷

Zoning Applicability

Residential development is a permitted use with the Rural Residential Shoreline Area⁸ and the Rural Reserve zoning designation.⁹

The Rural Residential Shoreline Area is a shoreline area characterized by low to medium intensity land uses that exhibit small-scale alterations to the natural shoreline environment. These land uses are generally of a residential, commercial, recreational, and agricultural nature with utilities and services provided on an individual or community basis.¹⁰

² SCC 14.06.120 and .150 at Table 1

³ See generally SMP Chapter 2

⁴ SCC 14.06 *et. al.*, 14,06.050(1)(b), 14.06.120; SMP §§8.07(1)(a), 9.06, and 9.07

⁵ SCC 14.06 *et. al.*, 14,06.050(1)(b), 14.06.120; SMP §§8.07(1)(a), 9.06, 9.07, and 11.02

⁶ SCC 14.06 *et. al.*, 14,06.050(1)(b), 14.06.120, and 14.10.020(3); SMP §§8.07(1)(a), 9.06, 9.07, and 10.02

⁷ See also RCW 90.58.900

⁸ SMP §6.04(2)

⁹ SCC 14.11.200

¹⁰ SMP §6.04(2)

The purpose of the Rural Reserve zone is to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as urban growth areas. Lands in this zone are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage and provide residential and limited employment and service opportunities for rural residents. They establish long-term open spaces and critical area protection using CaRDs as the preferred residential development pattern.¹¹

The proposed rock bulkhead is considered accessory to the existing single family residence as it is a "...use, building or structure which is dependent on, and subordinate or incidental to, and located on the same lot with a principal use, building, or structure."¹² The bulkhead is designed to not exceed 4 feet in height from the lowest grade to the top of the wall so is exempt from zoning setbacks.

II.

Shoreline Substantial Development

Any person wishing to undertake substantial development on shorelines shall apply to the Administrator for a substantial development permit.¹³ This proposed use is within 200 feet of a shoreline and thus a Shoreline Substantial Development Permit is required, and is not exempt; despite being associated with a residence, the proposal requires a Shoreline Substantial Development Permit since it does not meet an allowance as an exemption in SCC 14.26, SMP 2.05, or WAC 173-27-040, due to the fact that it extends below the OHWM, and as such it is not considered a normal protective bulkhead.¹⁴

A shoreline substantial development permit shall be granted only when the proposed development is consistent with the following criteria:¹⁵

- a. Policies and regulations of the Skagit County Shoreline Master Program;
- b. Applicable policies enumerated in [the SMA]¹⁶ in regard to shorelines of the state and shorelines of statewide significance; and
- c. Regulations adopted by the Department of Ecology pursuant to the SMA.

These will be examined in reverse order, as they tend to go from more specific to less specific.

¹¹ SCC 14.11.200(1)

¹² SCC 14.04.020 at "Accessory Use"

¹³ SMP §9.01(1)

¹⁴ SMP §7.15(1)(D)(4)

¹⁵ SMP §9.02(1)

¹⁶ RCW 90.58.020

The policies outlined by the SMA, are ranked in preferential order as follows:¹⁷

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long term over short term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline;
7. Provide for any other element [required by the local Shoreline Master Program].¹⁸

As conditioned, the proposed use in its totality is consistent with the policies enumerated in the first six of the overarching policies of the SMA. The final element of the SMA criteria will be examined in the next two sections section, but otherwise the proposed use in its totality is consistent with the policies enumerated in the SMA.

The SMP Goals, the last of which is not directly applicable, are as follows:

1. **Shoreline use** - To allow for compatible uses of the shorelines in relationship to the limitations of their physical and environmental characteristics. Such uses should enhance rather than detract from or adversely impact, the existing shoreline environment.
2. **Conservation** - To preserve, protect, and restore the natural resources of Skagit County's shorelines in the public interest and for future generations. These natural resources include but are not necessarily limited to fish, wildlife, vegetation, and natural features found in shoreline regions. Only renewable resources should be extracted and in a manner that will not adversely affect the shoreline environment.
3. **Public access** - To provide safe, convenient, properly administered and diversified public access to publicly owned shorelines of Skagit County without infringing upon the personal or property rights of adjacent residents. Such access should not have an adverse impact upon the environment
4. **Circulation** - To permit safe, adequate, and diversified transportation systems that are compatible with the shorelines, resulting in minimum disruptions to the shoreline environment.
5. **Economic development** - To promote and encourage the optimum use of existing industrial and economic areas for users who are shoreline dependent and shoreline related and can harmoniously coexist with the natural and human environments; and, subsequently, to create similar areas as need arises with minimum disruption of the shorelines.

¹⁷ RCW 90.58.020

¹⁸ "...as defined in RCW 90.58.100 deemed appropriate or necessary."

6. **Recreation** - To encourage the provision and improvement of private and public recreation along the shorelines of Skagit County only to the extent that the environment is not impaired or degraded.
7. **Historical/Cultural/Educational** - To identify, protect, and restore those shoreline areas and facilities that are of historical, cultural or educational value. Public or private organizations should be encouraged to provide public access and protection of such areas and facilities.
8. **Restoration and enhancement** - To restore and enhance those shoreline areas and facilities that are presently unsuitable for public or private access and use.
9. **Implementation Process** - Provide an efficient system for shoreline permit applications which would eliminate unnecessary duplication of effort or jurisdictional conflicts, yet assure complete coordination and review. Provide a process to periodically update the inventory, goals, policies, and regulations to achieve responsiveness to changing attitudes and conditions.¹⁹

As conditioned, the proposed use in its totality is consistent with the policies enumerated in the overarching policies of the SMP.

In conclusion, after reviewing the files and testimony, the Hearing Examiner finds that with appropriate conditions of approval, the project would be compliant with all of the above applicable Shoreline Substantial Development criteria. Consequently, subject to proposed conditions of approval, the Shoreline Substantial Development Permit should be approved, if the proposal can also meet the Shoreline Variance criteria as discussed below.

III.

Shoreline Variances

The Hearing Examiner is authorized to hear, review and pass consideration on variance permits from the regulations of this SMP.²⁰

Variances from the application of specific bulk, dimensional or performance standards set forth in the SMP may be permitted where there are extraordinary or unique circumstances relating to the property; this is for circumstances where the strict implementation of the SMP would impose unnecessary hardship and such compliance with the SMP would prohibit reasonable use of the property.²¹

¹⁹ SMP §4.02

²⁰ SMP §§9.06 and 10.02(3)

²¹ SMP §10.01

Bulkheads are not permitted in the Aquatic shoreline designation except as a conditional use for approved water and shoreline dependent or related developments.²² The existing single family home, however, is not an approved water or shoreline dependent structure so the bulkhead cannot be permitted as a conditional use. Further, under the SMP performance standards, bulkheads are generally not to be located along eroding or slide-prone shorelines as this bluff location is.²³

This request is to vary from the SMP performance standards to allow for the continued use of the legally established single family residence in the face of “[s]erious wave erosion [] threatening an established use or existing valuable buildings on upland property.”²⁴

Shoreline Variances fall into two categories, those for uses that fall above the OHWM and those that are located either waterward of the OHWM or within marshes, bogs or swamps as designated pursuant to WAC 173-22. The latter have an additional requirement to meet such “[t]hat the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.”²⁵

In the case at hand, the proposed use involves development waterward of OHWM. This means a Shoreline Variance can only be granted if it meets the more stringent set of criteria, including the navigation consideration,²⁶ and the otherwise identical landward criteria:

- a. That the strict application of the bulk, dimensional or performance standards set forth in the Master Program precludes a reasonable use of the property not otherwise prohibited by this Master Program.
- b. That the hardship described above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size or natural features and the application of this Master Program and not, for example, from deed restrictions or the applicant's own actions.
- c. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.
- d. That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area and will be the minimum necessary to afford relief.
- e. That the public interest will suffer no substantial detrimental effect.²⁷

²² SMP at §7.15(2)(a)(6)(b)

²³ SMP at §7.15(2)(B)(8)(c)(3)

²⁴ SMP at §7.15 (2)(B)(8)(b)(1)

²⁵ Compare SMP §§10.03(1) and (2)

²⁶ SMP at §10.03(2)(e)

²⁷ SMP 10.03(1)

And, in addition to the above criteria the Hearing Examiner must consider the cumulative impact of additional requests for like actions in the area.²⁸

The strict application of the bulk, dimensional or performance standards set forth in the SMP precludes a reasonable use of the property not otherwise prohibited; and that hardship is specifically related to the property's unique conditions. The granting of this decision is not likely to result in additional neighboring development that would not be permitted otherwise, nor interfere with navigation.

In this case, after reviewing the files and testimony, and having made the findings above, the Hearing Examiner finds that with appropriate conditions of approval, the project would be compliant with all of the above applicable Shoreline Variance criteria. Consequently, subject to proposed conditions of approval, the Shoreline Variance Permit should be approved.

IV.

Any Conclusion of Law deemed to be a Conclusion of Fact is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

DECISION

Shore Substantial Development and Shoreline Variance permits as described in the Staff Report shall be granted to the Applicant, at a site addressed as 15412 and 15434 Rosario View Lane, subject to the following conditions:

1. Prior to ground disturbing activities, a professional archaeological survey of the project area must be conducted and consultation with the Swinomish Indian Tribal Community and Samish Indian Nation must be completed.

Swinomish Indian Tribal Community
Josephine Jefferson, THPO
jjefferson@swinomish.nsn.us
Phone: (360) 466-7352

Samish Indian Nation
Jackie Ferry, THPO
jferry@samishtribe.nsn.us
Phone: (360) 293-6404 ext. 126

²⁸ SMP 10.03(3)

Upper Skagit Indian Tribe
Scott Schuyler, Cultural Resources
sschuyler@upperskagit.com
Phone: 360-854-7009

2. Inadvertent Discovery Plan. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Should archaeological resources (e.g. shell midden, faunal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Local Government Archaeologist, 360-586-3088) and the above listed Nations' Tribal Historic Preservation Offices should be contacted immediately.
3. The applicant must comply with all conditions of HPA 2025-4-598+01 (see exhibit 14).
4. The project must be commenced within 2 years of the shoreline permit approval and completed within 5 years (WAC 173-27-090(2)).
5. The applicant must strictly adhere to the project information (site diagram) submitted for this proposal. If the applicant proposes any modification of the subject proposal, they must notify Planning and Development Services prior to the start of construction, or otherwise as soon as possible, in order for the Administrator to make decisions in accord with SCC 14.26, 9.13.

NOTICE OF POTENTIAL REVOCATION & PENALTIES

This Approval is subject to all the above-stated conditions. Failure to comply with them may be cause of its revocation.

Complaints regarding a violation of this permit's conditions should be filed with Skagit County Planning and Development Services. Violations of permit conditions may result in revocation (or modification) of the permit, administrative action under SCC 14.44 (including monetary penalties), and the violations being declared a public nuisance.

Shoreline Warnings

THIS PERMIT IS NOT VALID (AND NO CONSTRUCTION NOR OPERATION AUTHORIZED BY THIS PERMIT SHALL BEGIN) UNTIL TWENTY-ONE (21) DAYS AFTER THE DATE OF FILING AS DEFINED BY RCW 90.58.140(6) OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5) and WAC 173-27-190, UNLESS EXCEPTED BY STATUTE. THE DATE OF FILING WILL NOT OCCUR UNTIL AFTER THE 5 DAYS TO REQUEST RECONSIDERATION OR AN ADMINISTRATIVE APPEAL HAS RUN.

Any shoreline substantial development, conditional use or variance permit may be rescinded by Skagit County and/or the Department of Ecology upon the finding that a permittee is in non-compliance with the permit and any conditions, terms or standards attached thereto. Procedure shall follow those outlined in SMMP §9.13.

FURTHER, in addition to incurring civil liability under SCC Ch. 14.44 and RCW 90.58.210, pursuant to RCW 90.58.220 any person found to have willfully engaged in activities on shorelines of the state in violation of the provisions of the act or the Shoreline Management Program or other regulations adopted pursuant thereto shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$25 or more than \$1,000 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment; provided that the fine for the third and all subsequent violations in any five year period shall not be less than \$500 nor more than \$10,000.

Any person who willfully violates any court order, regulatory order or injunction issued pursuant to the Shoreline Management Program or the State Shoreline Management Act shall be subject to a fine of not more than \$5,000, imprisonment in the county jail for not more than 90 days, or both. This approval does not release the applicant from any regulations and procedures required of any other public agency, or any County requirements other than the requirement to obtain a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit. This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms or conditions thereof.

Pursuant to WAC 173-27-090(2) this permit shall expire within two years of the date of its approval and a new permit will be required if the permittee fails to make substantial progress toward completion of the project for which it was approved. Pursuant to WAC 173-27-090(3) it shall expire if the project is not completed within five years of the date of the approval, unless the permittee has requested a review, and upon good cause shown, been granted an extension of the permit.

NOTICE OF APPEAL PROCEDURES FROM FINAL DECISIONS OF THE HEARING EXAMINER

This action of the Hearing Examiner is final.

The applicant, any party of record, or any county department may appeal any final decision of a hearing examiner.

- A.** Type 1 decisions are appealed to Skagit Superior Court, pursuant to the provisions of SCC 14.06.150-1; Appeals to the Superior Court must be filed with the Superior Court within 21 calendar days of the final decision of a hearing examiner pursuant to RCW 36.70C.040(C).
- B.** Type 2 and 3 decisions are appealed to the Skagit County Board of Commissioners, pursuant to the provisions of SCC 14.06.150-1; Appeals to the Skagit County Board of Commissioners require filing of a written notice of appeal within 14 calendar days of the final decision of a hearing examiner for most decisions, *but* Shoreline permit decisions require filing a notice of appeal within five days of the decision per the same ordinance as provided in SCC 14.06.410(3).

More detailed information about reconsideration and appeal procedures are contained in the Skagit County Code Title 14.06 and which is available at <https://www.codepublishing.com/WA/SkagitCounty/>

DATED February 20th, 2026



Rajeev D. Majumdar
Skagit County Hearing Examiner