



Planning & Development Services

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Date: July 11, 2025

STAFF REPORT

SUMMARY OF APPLICATION AND RECOMMENDATION

File/Permit Number(s): PL24-0402

Recommendation: Approval

Project Lead: Leah Forbes, AICP, Senior Planner

GENERAL INFORMATION

Owner/Applicant:

Trinity Blessings Property, LLC
Attn: Joy Cory
3354 Inverness Street
Mount Vernon, WA 98273
Joy.steen69@gmail.com

Site Address: 63254 High Ridge Drive, Marblemount

Assessor Number(s): 3873-000-092-0007

Parcel Number(s): P63965

Legal Description(s) (short): LOT 92, CASCADE RIVER PARK NO. 3, AS PER PLAT RECORDED IN VOLUME 9 OF PLATS, PAGES 22, 23 AND 24, RECORDS OF SKAGIT COUNTY, WASHINGTON.

Lot Size: 0.22 acre

Comprehensive Plan Designation/Zoning Classification: Rural Reserve

Water Supply: Cascade River Community Club, Group A public water system

Sewage Disposal: Onsite septic proposed, soil evaluation approved with file SW24-0260

Topography: The majority of the 0.22-acre parcel is relatively flat and drops down a small bluff that is approximately 11 feet high to a Type F stream channel.

Adjacent Land Uses: Single family residential and recreational lots, commercial timber

SEPA Review/Determination: The variance application has been determined to be exempt from the requirements of SEPA under WAC 197-11-800 (6)(e).

Notice Information: Application Submitted: October 23, 2024

Completeness Determination: November 20, 2024

Notice of Development Application: December 5, 2024

Posting onsite: December 3, 2024

Publication: December 5, 2024

Comment period ended: December 20, 2024

Revised application materials submitted: January 22, 2025

Revised Notice of Development Application: January 30, 2025

Posting: January 28, 2025

Publication: January 30, 2025

Comment Period Ended: February 14, 2025

Notice of Public Hearing: June 26, 2025

Posting: June 25, 2025

Publication: June 26, 2025

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ACRONYMS

CAO	Critical Areas Ordinance
FWHCA	Fish and Wildlife Habitat Conservation Area
LDA	Land Disturbance Application
PCA	Protected Critical Areas
PDS	Planning and Development Services
OHWM	Ordinary High Water Mark
SCC	Skagit County Code
SEPA	State Environmental Policy Act
Type F	Fish-bearing stream
WAC	Washington Administrative Code
WDFW	Washington State Department of Fish and Wildlife

EXHIBITS

1. Variance Application, 10/23/2024
2. Site plan, 10/23/2024
3. Septic site evaluation SW24-0260, 11/13/2024
4. Site assessment, 03/28/2024
5. Letter of Completeness, 11/20/2024
6. Notice of Development Application, 12/05/2024
7. WDFW comment, 12/19/2024
8. Public comments, 12/9/2024 & 12/16/2024
9. Combined comment letter, 12/26/2024
10. Site assessment addendum, 01/13/2025
11. Revised site plan, 01/2025
12. Revised Notice of Development Application, 01/30/2025
13. Notice of Public Hearing, 06/26/2025
14. Staff Report

CODE REFERENCES

Skagit County Title 12 – Health, Welfare and Sanitation

SCC 12.05 On-site Sewage Code-Rules and Regulations

Skagit County Title 14 – Unified Development Code:

SCC 14.04 Definitions

SCC 14.06 Permit Procedures

 SCC 14.06.100 Determination of completeness

 SCC14.06.150 Public notice requirements

SCC 14.16 Zoning

 SCC 14.16.320 Rural Reserve

SCC 14.22 Land Disturbance

SCC 14.24 Critical Areas Ordinance

 SCC 14.24.080(4)(a) Site assessment requirements

 SCC 14.24.140 Variances

 SCC 14.24.520 FWHCA site assessment requirements

 SCC 14.24.530 FWHCA protection standards

 SCC 14.24.540 FWHCA performance-based buffer alternatives and mitigation standards

SCC 14.32 Stormwater Management

Washington Administrative Code

WAC 197-11 SEPA Rules

NATURE OF APPLICATION / PROPOSAL

Project Description: The request is to reduce the standard 150-foot buffer on a Type F stream to a minimum of 46 feet to allow for construction of a 20' x 14' two-story cabin and septic system. The proposed two-story cabin will be located a minimum of 46 feet from the stream at the closest point. The proposed septic drainfield and reserve area will be located a minimum of 50 feet from the stream. Both the cabin and the septic system will be located outside of the 30-foot geologic hazard buffer associated with the slope to the stream (Figure 1).

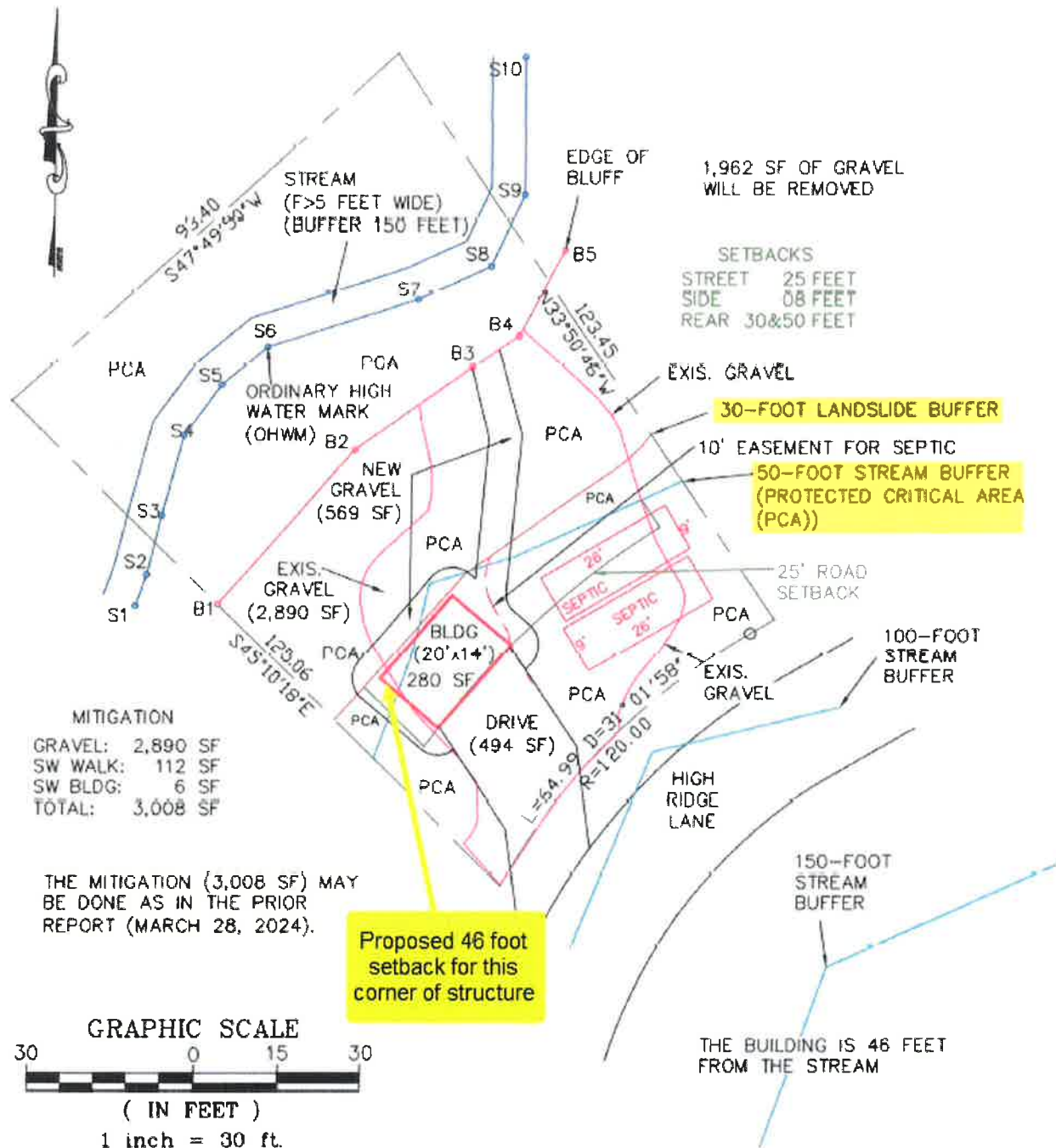


Figure 1

Site Description: The parcel was created by land division in 1966. While a large number of lots within Cascade River Park are vacant, many contain either residential or recreational uses. The parcels are all substandard in the Rural Reserve zoning designation but, since they were legally created by a land division, they are eligible to be considered for development permits.

Cascade River Park is served by a community water system that is under the purview of the Washington State Health Department.

Soils for a proposed septic system have been reviewed and approved by Skagit County Public Health (SW24-0260).

The project site is 0.22 acre in size. It is approximately 125 feet deep between High Ridge Drive and the Type F stream to the north. It is approximately 65 feet wide at the road and 93 feet wide at the creek (Figure 2).



Figure 2

GENERAL REGULATORY CODE ANALYSIS AND FINDINGS

SCC 12.05 Onsite Sewage Code – Rules and Regulations

SCC 12.05.110 Soil and Site Evaluation

The applicant has submitted a site evaluation to ensure an onsite septic system can be installed to serve the proposed cabin. The soils have been approved for the proposed use (file SW24-0260).

Meets? Yes

SCC 14.06.100 Determination of completeness

The application was determined to be complete for review on November 20, 2024.

Meets? Yes

SCC 14.10 Variances

14.10.010 Purpose.

Variances from the terms of this Title may be authorized in specific cases that will not be contrary to the public interest, and where, due to special conditions, literal enforcement of the provisions of this Code would result in unnecessary hardship. Generally, variances shall only be considered for dimensional standards, unless otherwise specified in this Title. Under no circumstances shall a variance be granted that allows a use not permissible under the terms of this Chapter in the district involved, or any use expressly or by implication prohibited by the terms of this Chapter in the district.

This proposal requests a reduction of the standard 150-foot buffer on a Type F stream. Since the requested reduction is greater than 50% of the standard buffer width, a Hearing Examiner Variance is required.

SCC 14.10.040(1) The Approving Authority shall make findings whether:

(a) The variance complies with any relevant variance criteria found in other sections of Skagit County Code.

The request is for a variance from the standard 150-foot buffer on a Type F watercourse. The application materials submitted show compliance with the variance criteria of SCC 14.24.140 and 14.10.040.

Meets? Yes

(b) The variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

The small parcel is encumbered by topography and a 150-foot stream buffer. Placement of a small cabin and septic system is a reasonable use of this parcel and the requested buffer reduction is the minimum variance necessary to accomplish this project.

Meets? Yes

(c) The granting of the variance will be in harmony with the general purpose and intent of this Title and other applicable provisions of the Skagit County Code, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

The project as proposed will be compatible with the surrounding residential and recreational uses. It is consistent with existing and future planned uses in the area. The proposal will not be injurious to the neighborhood and will not be detrimental to public welfare.

Meets? Yes

(d) For all Level II variances and all setback variances:

(i) The requested variance arises from special conditions and circumstances, including topographic or critical area constraints, which are peculiar to the land, structure, or building involved and which are not ordinarily found among other lands, structures, or buildings in the same district.

The small parcel is completely encumbered by topography and a 150-foot stream buffer. Development would not be possible without the requested variance.

Meets? Yes

(ii) The special conditions and circumstances do not result from the actions of the applicant.

This parcel was created by land division in 1966, well before the adoption of current land use regulations. The owners have not adjusted the parcel boundaries from their original configuration. The 150-foot buffer on the Type F stream encumbers the entire lot.

Meets? Yes

(iii) Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title and SCC Title 15.

Many lots within the Cascade River Park Community are developed with residential and recreational structures. Since the entire parcel is encumbered by the 150-foot stream buffer, literal interpretation of Title 14 would restrict any type of development.

Meets? Yes

(iv) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Title and SCC Title 15 to other lands, structures, or buildings in the same district.

The requested variance will allow the applicants to construct a small cabin that will be located as far as feasible from the Type F stream onsite. Many lots within the Cascade River Park Community are developed with residential and recreational structures. No special privileges would be conferred to the applicants that is denied to others in the same zone.

Meets? Yes

SCC 14.16 Zoning

SCC 14.16.320 Rural Reserve

Detached single-family dwelling units are a permitted use (SCC 14.16.320(2)(f)).

Dimensional standards requires a minimum 25-foot front setback for a primary structure located on a minor access (SCC 14.16.320(5)(a)(i)). Private roads are considered a minor access.

Meets? Yes

CRITICAL AREAS VARIANCE REQUIREMENTS

SCC 14.24.140(3)(a-h) Critical Areas Variance Requirements

A critical areas variance is required for this project to reduce the standard 150-foot buffer on a Type F watercourse by more than 50% (SCC 14.24.540(4)). The proposed two-story cabin will be located a minimum of 46 feet from the stream at the closest point. The proposed septic drainfield and reserve area will be located a minimum of 50 feet from the stream. Both the cabin and the septic system will be located outside of the 30-foot geologic hazard buffer associated with the slope to the stream.

(1) *As required by SCC 14.24.140(3) the following determinations have been made:*

a. *The issuance of a zoning variance by itself will not provide sufficient relief to avoid the need for a variance to the dimensional setback and other requirements for the critical areas regulated by this chapter.*

The 150-foot buffer of the adjacent Type F stream completely encumbers the project site. A request to reduce the front zoning setback will not alleviate the need for the requested critical areas variance and could not provide a substantial increase the buffer width to minimize potential project impacts.

Meets? Yes

b. *A site assessment with mitigation plan has been prepared utilizing best available science by a qualified professional pursuant to the requirements of 14.24.080 and 14.24.520.*

A fish and wildlife habitat site assessment was prepared for the proposal utilizing best available science by a consulting firm that meets the definition of qualified professional.

Meets? Yes

c. *The conclusions of the site assessment utilized best available science to support the modification of the standard 150-foot buffer.*

The site assessment supports the requested buffer reduction with mitigation. Although the recommendation of the report is to enhance a minimum of 247 square feet of the remaining buffer, SCC 14.24.540(3) requires the buffer reduction plan to include replanting all the degraded portions of the remaining buffer with native vegetation. The project includes the removal of 1,962 square feet of gravel placed onsite. All areas within the remaining buffer area where gravel is removed, and where the vegetation within the buffer is degraded, will be enhanced with native vegetation. The exception to this is a pedestrian trail that will be maintained to access the stream channel.

Meets? Yes

d. *The site assessment with mitigation plan provides for reasonable development of the property and demonstrates that the proposed project will have the least possible impact on the 150-foot buffer.*

The site assessment with mitigation as modified above, will provide for reasonable use of the property with the least possible impact on the standard stream buffer.

The placement of a small cabin and septic system is considered reasonable for development within Cascade River Park.

Meets? Yes

e. The reasons set forth in the application justify the granting of the requested variance and it is the minimum variance that will make possible the reasonable use of the land.

The small parcel is encumbered by topography and a 150-foot stream buffer. Placement of a small cabin and septic system is a reasonable use of this parcel and the requested buffer reduction is the minimum variance necessary to accomplish this project.

Meets? Yes

f. The granting of this variance will be consistent with the general purpose and intent of SCC 14.24 and will not create a significant adverse impact to the 150-foot buffer. The granting of this variance will not be detrimental to public welfare.

The general purpose and intent of the Critical Areas Ordinance is to assist in conserving the value of property, safeguarding the public welfare, and providing protection for critical areas. The project as proposed, including mitigation, will not create a significant adverse impact to the functions and values of the stream buffer and will not be detrimental to the public welfare.

Meets? Yes

g. The inability of the applicant to meet the standard 150-foot buffer is not a result of the actions by the current or previous owners in subdividing or adjusting a boundary line after the effective date of SCC 14.24.

The boundaries of this parcel have not been modified since it was created by land division in 1966.

Meets? Yes

h. The granting of this variance is justified to cure a special circumstance and not simply for the economic convenience of the applicant.

The small parcel was legally created well before the adoption of current land regulations. It is completely encumbered by the standard 150-foot buffer on the nearby Type F stream. Residential and recreational uses are considered reasonable in this zone and within Cascade River Park. The requested variance is required to allow for construction of the proposed small cabin and associated septic system.

Meets? Yes

- (2)** *SCC 14.24.540 Buffer Width Decreasing allows for the reduction of a standard buffer when the project has been shown to have used the mitigation sequencing found in SCC 14.24.080.*

a. The mitigation sequence requires a project to first avoid all impacts if possible.

It is not possible to avoid all impacts to the standard 150-foot stream buffer while allowing for a reasonable use of the site.

b. The next step is to minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

Impacts to the buffer have been minimized by locating the proposed development as far from the stream as possible.

c. Any impacts must be rectified by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity.

The nature of buffer impacts associated with construction of the cabin and septic system are permanent and cannot be completely repaired, rehabilitated, or restored.

d. The impacts must be reduced or eliminated over time by preservation and maintenance operations during the life of the action.

The unavoidable buffer impacts are permanent and cannot be completely reduced or eliminated over time.

e. The final step in the mitigation sequence is to compensate for the impact by replacing, enhancing, or providing substitute resources or environments.

Compensation for project generated impacts will include enhancement of the remaining buffer with native plants. Gravel that has been placed within the buffer will be reduced to the area needed for vehicle parking between the proposed cabin and the road, a 10-foot path around the proposed cabin, and a 4-foot-wide pedestrian trail to access the stream onsite.

Meets? Yes, with conditions

- (3) *In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five year monitoring plan.*

The mitigation plan includes enhancement of the remaining buffer with appropriate native vegetation. Gravel that has been placed within the buffer will be reduced to the area needed to accommodate the proposed development. The mitigation will be monitored for a minimum of 5 years.

Meets? Yes, with conditions

- (4) *In granting any variance, the Approving Authority shall prescribe such conditions and safeguards as are necessary to secure adequate protection of critical areas from adverse impacts and to ensure that impacts to critical areas or their buffers are mitigated to the extent feasible utilizing best available science.*
- (5) *The Approving Authority shall also consider and incorporate as appropriate recommendations from Federal, State and Tribal resource agencies.*

The Notice of Development Application was sent to Resource Agencies for review and comment. One comment was received from WDFW. They noted that the reduced buffer does not allow for the system's most basic pollution removal functions and recommends using site potential tree height of 204 feet for a buffer

width. They suggest that a detailed mitigation plan be provided prior to start of construction. This has been added as a condition of variance approval.

Meets? Yes, with conditions.

PUBLIC COMMENT

12/9/2024 Lori Coppenrath

I own 2 properties in this community. The site in question is already developed into a camping/RV spot near a small fragile creek. I think this is a slippery slope for our community if we allow variances in the area. To what end? This is especially true for our community as we are in a WA Dept. of Ecology designated Flow-Sensitive Basin.

This isn't a variance looking to change the aesthetic requirement or height of a building, it's to encroach on a creek even more than it already has been. The buffers and set-backs have been put in place for a reason and I encourage Skagit County to deny this application in an effort to keep our limited natural areas as pristine as possible.

12/26/2024 Gail & Ted Colfax

Please inform us regarding any hearing so we can attend and provide input prior to any decision; and be notified of any decision. We also reserve the right to appeal against any decision.

AGENCY COMMENTS

Skagit County Fire Marshal Review

No fire codes identified for proposal.

Skagit County Current Planning Review

Project needs to meet the Primary Structure setbacks required in the Rural Reserve zone pursuant to SCC 14.16.320(5)(a)(i) Front: 35 feet, 25 feet on minor access and dead-end streets (ii) Side: 8 feet on an interior lot (iii) Rear: 25 feet.

Skagit County Stormwater Review

No comments regarding the buffer reduction. A revised Geotech report will be required for building\LDA permit approval since drainage will likely be discharging on or near slopes greater than 15 percent. The current report does not appear to address drainage runoff.

Skagit County Public Health

Septic: Soil log locations match PCA site plan.

Drinking Water: Public Water System: Cascade River Community Club

Washington State Department of Fish and Wildlife

WDFW recommends taking measures to achieve no net loss of Critical Area habitat (WAC 365-196-830). The attached project plan describes suggestions for adding native vegetation to the site as mitigation for the native vegetation removed but does not provide a specific plan to achieve no net loss. Please provide a detailed mitigation plan before construction begins for replacing this habitat (WAC 173-26-221).

DEPARTMENT RECOMMENDATION

PDS recommends approval of the requested critical areas variance to reduce the standard 150-foot buffer on a Type F stream to a minimum of 46 feet to allow for construction of a cabin and septic system.

RECOMEMENDED CONDITIONS OF APPROVAL

1. The applicant will obtain a building permit and a septic permit.
2. Prior to approval of the building permit application, a Protected Critical Area (PCA) site plan will be recorded at the County Auditor's office.
2. The mitigation recommendations of the Fish & Wildlife and Geotechnical Report prepared by Edison Engineering dated March 28, 2024, with modifications January 2025, are considered conditions of approval.
 - a. A minimum of 1962 square feet of gravel will be removed from the site.
 - b. A minimum of 3,008 square feet of buffer will be enhanced with native vegetation.
 - c. A detailed planting plan must be approved prior to the issuance of the building permit application. Native trees must be planted 10 feet on center and native shrubs must be planted 5 feet on center. This will include approximately 30 trees and 90 shrubs.
 - d. The mitigation planting will be completed prior to final inspection of the building.
 - e. All mitigation plants must maintain a survival rate of 100% following the first year and 80% following years three and five. If the plants do not meet that survival rate, a qualified professional must assess the site and determine the best method to improve the rate of survival for additional native plants.
 - f. All development will be located a minimum of 30 feet from the top of the slope onsite.
3. The critical areas variance shall expire if the use or activity for which it is granted is not commenced within three years of final approval. Knowledge of the expiration date is the responsibility of the applicant. (SCC 14.24.140(6)).
4. 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 following Nations' Tribal Historic Preservation Offices should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s):

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

Sauk-Suiattle Indian Tribe
5318 Chief Brown Lane
Darrington, WA 98241
tgrs@sauk-suiattle.com
Phone: (360) 436-0131

APPEAL RIGHTS

The applicant, any party of record, or any county department may appeal any final decision of the hearing examiner to the Skagit County Board of Commissioners pursuant to the provisions of SCC 14.06.110. The appellant shall file a written notice of appeal within 14 calendar days of the final

decision of the hearing examiner, as provided in SCC 14.06.110(13) or SCC 14.06.120(9), as applicable; for shoreline permit applications, by filing notice of appeal within five days of the decision.

Prepared By:



Leah Forbes, AICP, Senior Planner

Reviewed By:



Allen Rozema, Assistant Director