



Planning & Development Services

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STAFF REPORT

SUMMARY OF APPLICATION AND RECOMMENDATION

File/Permit Number(s): PLAN3-2026-0002

Recommendation: Approval

Project Lead: Leah Forbes, AICP, Senior Planner

GENERAL INFORMATION

Owner/Applicant:

Paul Dixon
16825 Calhoun Road
Mount Vernon, WA 98273
Prdixon63@gmail.com

Site Address: 18281 Valentine Road, Mount Vernon

Assessor Number(s): 330305-0-003-0125

Parcel Number(s): P15425

Legal Description(s) (short): THE SOUTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF GOVERNMENT LOT 1 IN SECTION 5, TOWNSHIP 33 NORTH, RANGE 3 EAST, W.M., EXCEPT ROAD.

Lot Size: 5.13 acre

Comprehensive Plan Designation/Zoning Classification: Rural Reserve

Water Supply: No plumbing is proposed.

Sewage Disposal: No plumbing is proposed.

Topography: The 5.13-acre parcel is relatively flat with the highest point being near the center of the parcel, sloping downward east and west from there.

Adjacent Land Uses: Single family residential and small timber production

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: February 3, 2026

Completeness Determination: March 3, 2026

Notice of Development Application: March 19, 2026

Posting onsite: March 17, 2026

Publication: March 19, 2026

Comment period ended: April 3, 2026

Notice of Public Hearing: Publication September 3, 2026

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ACRONYMS

CAO	Critical Areas Ordinance
LDA	Land Disturbance Activity
PCA	Protected Critical Areas
PDS	Planning and Development Services
SCC	Skagit County Code
SEPA	State Environmental Policy Act
WAC	Washington Administrative Code

EXHIBITS

1. Notice of Development Application, 03/19/2026
2. Ecology comment, 03/27/2026
3. Revised Critical Areas Report & Mitigation Plan, Hamer Environmental, 07/03/2026
4. Revised site plan, 07/03/2026
5. Revised application narrative, 07/29/2026
6. Staff Report, 08/31/2026

CODE REFERENCES

Skagit County Title 14 – Unified Development Code:

SCC 14.04 Definitions

SCC 14.06 Permit Procedures

 SCC 14.06.310 Determination of completeness

 SCC 14.06.320 Public notice requirements

SCC 14.11 Rural Mixed-Use Zones and Uses

 SCC 14.11.200 Rural Reserve

SCC 14.30 Land Disturbance

SCC 14.24 Critical Areas Ordinance

 SCC 14.24.080(4)(a) Site assessment requirements

 SCC 14.24.150 Variances

 SCC 14.24.220 Wetland site assessment requirements

 SCC 14.24.230 Wetland protection standards

 SCC 14.24.240 Wetland performance-based buffer alternatives and mitigation standards

SCC 14.32 Stormwater Management

SCC 14.58 Variances

Washington Administrative Code

WAC 197-11 SEPA Rules

NATURE OF APPLICATION / PROPOSAL

Project Description: The request is to reduce the standard 110-foot buffer on multiple Category III wetlands to allow for construction of a 50' x 80' private storage building. The proposed shop will be located a minimum of 50 feet from one wetland at the closest point and farther from all other wetlands on and off site. The proposed 12-foot-wide driveway will cross the buffers at the farthest point possible from the wetlands to access the building location. The parking associated with the shop will be minimized while providing adequate space for emergency vehicle access and a 10-foot maintenance corridor will be included around the shop. There has been some clearing onsite that created 7,843 square feet of buffer impact around the proposed shop site. The total area of permanent wetland buffer impact is approximately 11,090 square feet. (Figures 1 and 2)

Compensatory mitigation for project generated impacts includes a combination of 3,184 square feet of wetland enhancement, 16,669 square feet of buffer enhancement, and 7,843 square feet of buffer restoration. A fence will be installed along the edge of the maintenance corridor surrounding the shop. (Figure 3)

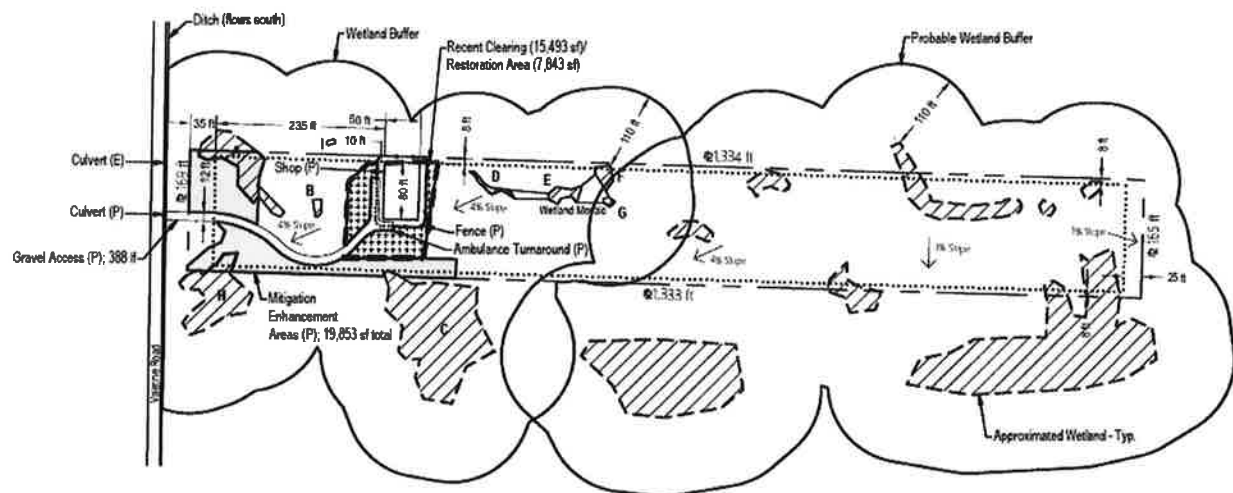


Figure 1

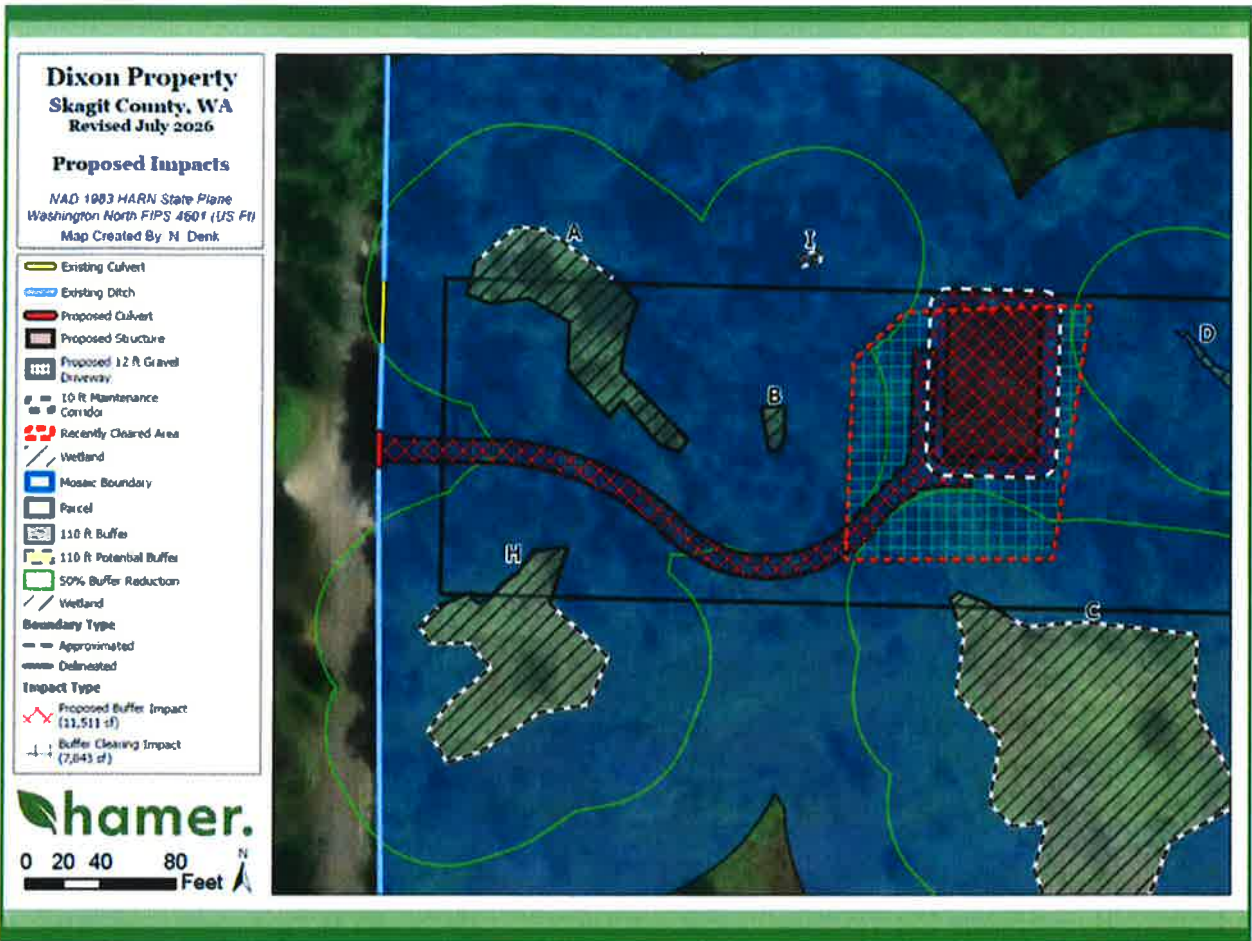


Figure 2

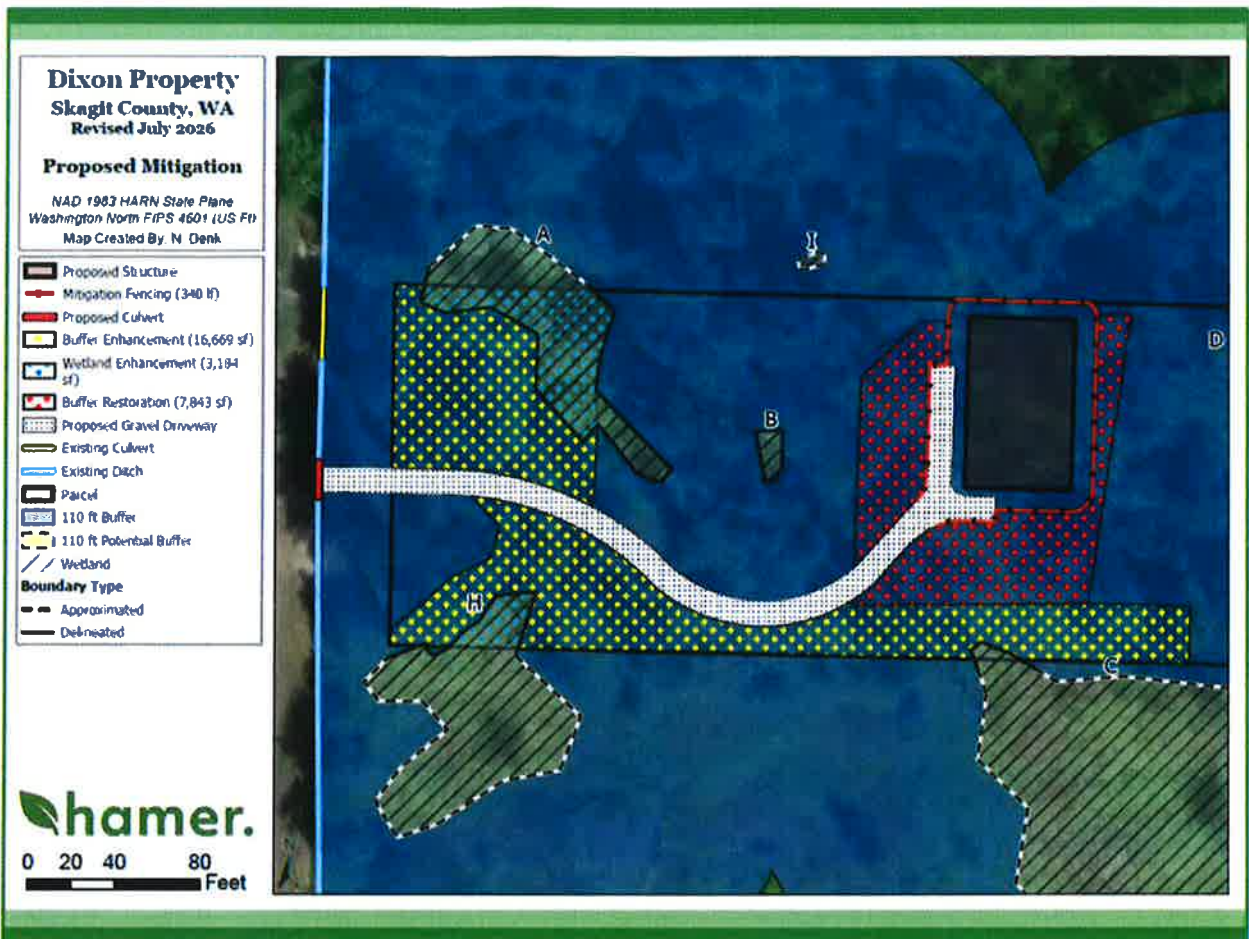


Figure 3

Site Description: The 5.13-acre parcel is located on Pleasant Ridge, east of La Conner and southwest of Mount Vernon. It is vegetated with a mixture of red alder, western red cedar, Douglas fir, big leaf maple, Himalayan blackberry, salmonberry, snowberry, osoberry, vine maple, and numerous native and invasive herbaceous species. The parcel to the south of the project site was clearcut between 2021 and 2023 which has led to many trees blown down along the southern boundary of the project parcel. (Figures 4 and 5)

Five wetlands and one wetland mosaic were identified in the study area. All wetlands were rated as Category III wetlands with a standard buffer of 110 feet. Additional review of the eastern portion of the parcel identified 7 wetlands onsite and one offsite to the south. These wetlands are also likely Category III wetlands requiring 110-foot buffers. (Figure 6)



Figure 4



Figure 5



Figure 6

GENERAL REGULATORY CODE ANALYSIS AND FINDINGS

SCC 14.06.310 Determination of completeness

The application was determined to be complete for review on March 3, 2026.

Meets? Yes

SCC 14.58 Variances

SCC 14.58.010 Purpose.

The purpose of this Chapter is to provide a mechanism for relief from the requirements of this Title in specific cases where, due to special conditions, literal enforcement of the requirements of this Title would result in unnecessary hardship.

This proposal requests a reduction of the standard 110-foot buffer on multiple Category III wetlands. Since the proposed development will exceed 4,000 square feet of impact, it does not qualify for a Reasonable Use Exception under SCC 14.24.140, and a Hearing Examiner Variance is required.

SCC 14.58.040(2) To approve a variance, the decisionmaker must find all of the following:

(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 110-foot buffer on the Category III wetlands. The application materials submitted show compliance with the variance criteria of SCC 14.24.150 and SCC 14.58.040.

Meets? Yes

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

The entire parcel is encumbered by wetlands and their associated buffers. Construction of the proposed shop 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 small timber 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 a Hearing Examiner variance or a setback variance:

(i) The requested variance must arise 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.

This entire parcel is encumbered by wetlands and their associated buffers. 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.

The owner has not adjusted the parcel boundaries from their original configuration. The wetlands and their associated 110-foot buffers encumber the entire parcel.

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.

Since the entire parcel is encumbered by category III wetlands and their associated 110-foot buffers, 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 applicant to construct a residential storage building onsite. No special privilege would be conferred on the applicant that is denied to others in the same zone.

Meets? Yes

SCC 14.11 Rural Mixed-Use Zones and Uses

SCC 14.11.030 Dimensional Standards

Table 14.11.030-1 requires a minimum 35-foot front setback for accessory structures and a minimum 8-foot side setback for all structures. The project as proposed will meet these standards.

SCC 14.11.200 Rural Reserve

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 nonresource 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.

The proposed storage structure will meet the purpose of the zone. Residential accessory structures are a permitted use (SCC 14.11.020, Table 14.11.020-1).

Meets? Yes

CRITICAL AREAS VARIANCE REQUIREMENTS

SCC 14.24.150(3)(a-i) Variances

A critical areas variance is required for this project to reduce the standard 110-foot buffer on multiple Category III wetlands. The proposed development will include more than 4000 square feet of buffer impact so does not qualify for a Reasonable Use Exception pursuant to SCC 14.24.140. The proposed shop will be located a minimum of 50 feet from the nearest wetland. The proposed driveway will cross the wetlands buffers at the farthest point possible from the wetlands to access the building location. Driveways are permitted within a wetland buffer pursuant to SCC 14.24.240(5)(a).

(1) *As required by SCC 14.24.150(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 110-foot buffers on the category III wetlands completely encumber the project site. A request to reduce the front zoning setback will not alleviate the need for the requested critical areas variance.

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 14.24.220.*

A wetland site assessment was prepared for the proposal in accordance with established state and federal standards for wetland delineation, delineation, and mitigation 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 wetland buffers.*

The site assessment supports the requested buffer reduction with mitigation.

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 wetland buffers.*

The site assessment with mitigation plan will provide for reasonable use of the property with the least possible impact to the wetlands and their associated buffers. Construction of a residential storage building is a reasonable use for this area.

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.*

Construction of a residential storage building 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 110-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 wetland buffers and will not be detrimental to the public welfare.

Meets? Yes

g. The inability of the applicant to meet the standard 110-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 the adoption of the critical areas ordinance.

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.

This parcel is completely encumbered by Category III wetlands and their standard 110-foot buffers. Residential accessory uses are considered reasonable in this zone. The requested variance is required to allow for construction of the proposed storage structure.

Meets? Yes

- (2) *SCC 14.24.240 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.

The project as proposed will avoid all direct wetland impacts. It is not possible to avoid all impacts to the wetland buffers since the site is completely encumbered.

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 driveway and shop as far as feasible from the onsite wetlands. Multiple locations onsite were assessed but only one location allowed for the proposed shop to be constructed in the outer 50% of the wetland buffers. The proposed driveway will be no wider than the required 12 feet and parking adjacent to the shop will be limited to only that required for access and emergency vehicle turnaround.

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 proposed shop are permanent and cannot be completely repaired, rehabilitated, or restored.

Temporary impacts from recent clearing around the proposed building site will be restored with native vegetation. Any temporary impacts resulting from construction within the buffers will be restored to the condition prior to impact via planting or regrading.

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. Impacts will be reduced to the extent feasible by directing lighting away from the wetlands, installing a fence around the maintenance corridor to discourage human intrusion, and avoiding the use of chemical fertilizers. The proposed enhancement outside of the area of impact will mature over time to provide habitat and screening from human activities.

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 onsite buffers with native vegetation, fencing, and legal protection. A greater than 1:1 compensation ratio is proposed due to existing native canopy cover. The area of the parcel proposed for enhancement was selected because it contains nonnative and invasive species and more sparse vegetative cover. A fence will be installed along the boundary of the 10-foot maintenance corridor to discourage human encroachment. A Protected Critical Area site plan will be recorded in compliance with SCC 14.24.090.

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.*

Overall, the project site is well vegetated with native species. The area of the parcel proposed for enhancement was selected because it contains nonnative and invasive species and more sparse vegetative cover. The portion of the wetland buffer that was recently disturbed will be restored with native vegetation. The mitigation plan includes a 5-year monitoring plan.

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 the Washington State Department of Ecology requesting additional information to clarify the potential project impacts and required mitigation. The applicant has provided that additional information and it is included in the updated assessment and site plans.

Meets? Yes

AGENCY COMMENTS

Skagit County Fire Marshal Review

No fire code issues identified with critical areas variance.

Skagit County Current Planning Review

A lot certification has already been recorded for this lot under Auditor File Number 202410020028.

Skagit County Stormwater Review

No comments provided.

Skagit County Public Health

Septic/Drinking Water: No plumbing proposed.

Skagit County Building Department

No comments provided.

DEPARTMENT RECOMMENDATION

PDS recommends approval of the requested critical areas variance to reduce the standard 110-foot buffers for the nearby Category III wetlands to a minimum of 50 feet to allow for construction of the proposed storage building.

RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant is required to obtain a building permit and land disturbance activity 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 Critical Areas Report & Mitigation Plan prepared by Hamer Environmental dated March 26, 2025, revised July 3, 2026, are considered conditions of approval.
 - a. A minimum of 7,843 square feet of disturbed wetland buffer will be restored with native vegetation.
 - Wetland buffer restoration will include a minimum of 78 native trees and 313 native shrubs.
 - b. A minimum of 3,184 square feet of wetland will be enhanced with native vegetation.
 - Wetland enhancement will include a minimum of 200 native shrubs and 225 native ground cover plants.
 - c. A minimum of 11,511 square feet of wetland buffer will be enhanced with native vegetation.
 - Wetland buffer enhancement will include a minimum of 65 native conifers and 325 native shrubs.

c. A detailed planting plan must be approved prior to the issuance of the building permit application.

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.

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

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

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 14.06.410. 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 14.06.410(3).

Prepared By:



Leah Forbes, AICP, Senior Planner

Reviewed By:



Robby Eckroth, Planning Manager