



Planning & Development Services

1800 Continental Place ▪ Mount Vernon, Washington 98273
office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

STAFF REPORT

SUMMARY OF APPLICATION AND RECOMMENDATIONS

File/Permit Number(s): PLAN3-2026-0006

Recommendation: Approval

Project Lead: Leah Forbes, AICP, Senior Planner

GENERAL INFORMATION

Owner/Applicant: Julie & Michael Wiles
18981 Minnie Road
Burlington, WA 98233

Site Address: 18981 Minnie Road

Assessor Number(s): 360418-1-002-0018

Parcel Number(s): P49384

Legal Description(s) (short): THAT PORTION OF THE SOUTH 300 FEET OF THE NORTH 615 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 4 EAST W.M., LYING EASTERLY OF THE STATE HIGHWAY RIGHT-OF-WAY, EXCEPT ANY PORTION THEREOF LYING WITHIN THE BOUNDARIES OF THE SOUTH 700 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4.

Lot Size: 2.59 acres

Zoning Classification/Comprehensive Plan Designation: Rural Intermediate

Water Supply: Individual drilled well

Sewage Disposal: Samish Water District

Fire Protection: Fire District #14

Law Enforcement Jurisdiction: Skagit County Sheriff

Topography: Flat

Adjacent Land Uses: Single family residential

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: May 12, 2026

 Notice of Completeness: May 21, 2026

 Notice of Application:

 Posting: June 3, 2026

 Publication: June 4, 2026

 Comment Period Ends: June 19, 2026

 Notice of Public Hearing: Publication September 3, 2026

TABLE OF CONTENTS

Contents

ACRONYMS	4
EXHIBITS	5
CODE REFERENCES	6
NATURE OF APPLICATION / PROPOSAL.....	7
GENERAL REGULATORY CODE ANALYSIS AND FINDINGS.....	9
CRITICAL AREA VARIANCE REQUIREMENTS	11
DEPARTMENT RECOMMENDATION.....	14
RECOMMENDED CONDITIONS OF APPROVAL.....	14
APPEAL RIGHTS	14

ACRONYMS

CAO	Critical Areas Ordinance
LDA	Land Disturbance Application
PCA	Protected Critical Area
PDS	Planning and Development Services
OHWM	Ordinary High Water Mark
SCC	Skagit County Code
SEPA	State Environmental Policy Act
SF	Square foot/feet
Type N	Non-fish bearing stream
WAC	Washington Administrative Code
WDFW	Washington State Department of Fish and Wildlife

EXHIBITS

1. Wetland/Fish & Wildlife Assessment April 2026
2. Site plan with delineation April 2026
3. Site plan with mitigation April 2026
4. Critical Areas Variance Narrative April 23, 2026
5. Notice of Complete Application May 21, 2026
6. Notice of Development Application June 4, 2026
7. Aerial photos Various dates
8. Staff report July 15, 2026

CODE REFERENCES

Skagit County Title 14 – Unified Development Code:

SCC 14.06 Permit Procedures

- SCC 14.06.310 Review for completeness
- SCC 14.06.330 Notice of Application
- SCC 14.06.360 Notice of Public Hearing

SCC 14.11 Rural and Mixed Use Zones

- SCC 14.11.100 Rural Intermediate

SCC 14.24 Critical Areas Ordinance

- SCC 14.24.080 Standard critical areas review and site assessment procedures
- SCC 14.24.090 Protected critical area (PCA) 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 14.24.520 Fish and wildlife habitat conservation area site assessment requirements
- SCC 14.24.530 Fish and wildlife habitat conservation area protection standards
- SCC 14.24.540 Fish and wildlife habitat conservation area performance-based buffer alternatives

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 a Category III wetland and the standard 100-foot buffer on a Type N stream to allow for construction of an addition to an existing 1,176 square foot single family residence. The 694 square foot addition will be located a minimum of 60 feet from the wetland edge and slightly farther from the stream channel. The proposed addition will create a new primary bedroom and bathroom. The addition is being proposed at the west end of the home to align with the existing floor plan and roof line. The 100 square foot deck proposed on the north side of the addition will provide egress for the primary suite.

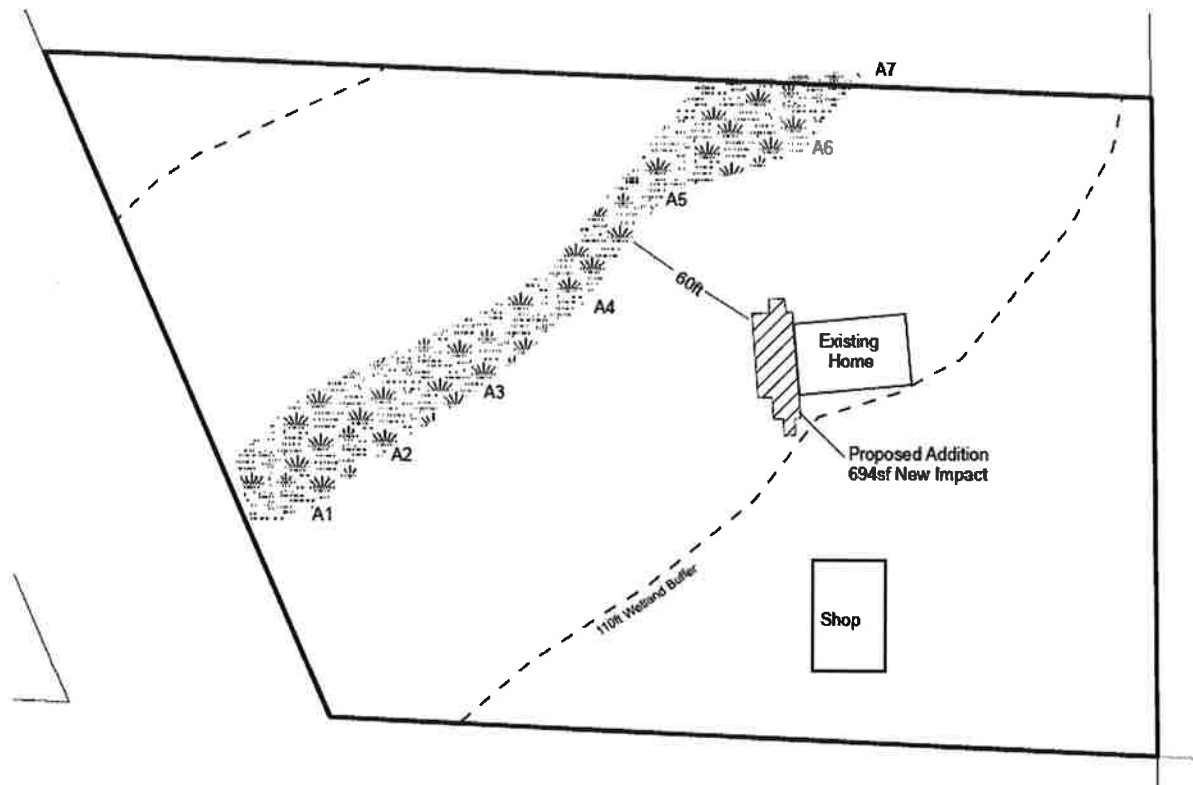


Figure 1

Site Description: The 2.59-acre property contains the existing single family home and a 1,280 square foot detached storage building. Much of the parcel is well vegetated with native conifers. The area adjacent to the home and outbuilding contains numerous ornamental species and maintained lawn. Modest outdoor living spaces that include a greenhouse, seating areas, and gardens are located east of the home. A small stream and wetland complex forms offsite to the northeast and crosses the northwestern portion of the site. The stream is located near the center of the linear wetland feature. The wetland, stream, and their associated buffers encumber much of the property.

The site has been developed since at least 1969 based on aerial photographs and the current home was constructed in 1992. In 1999, the owners requested and received an Administrative Special Use Permit to place a temporary manufactured home onsite. That was approved but the home has since been removed.

Potable water for the home is from an individual drilled well and sewer is provided by the Samish Water District.

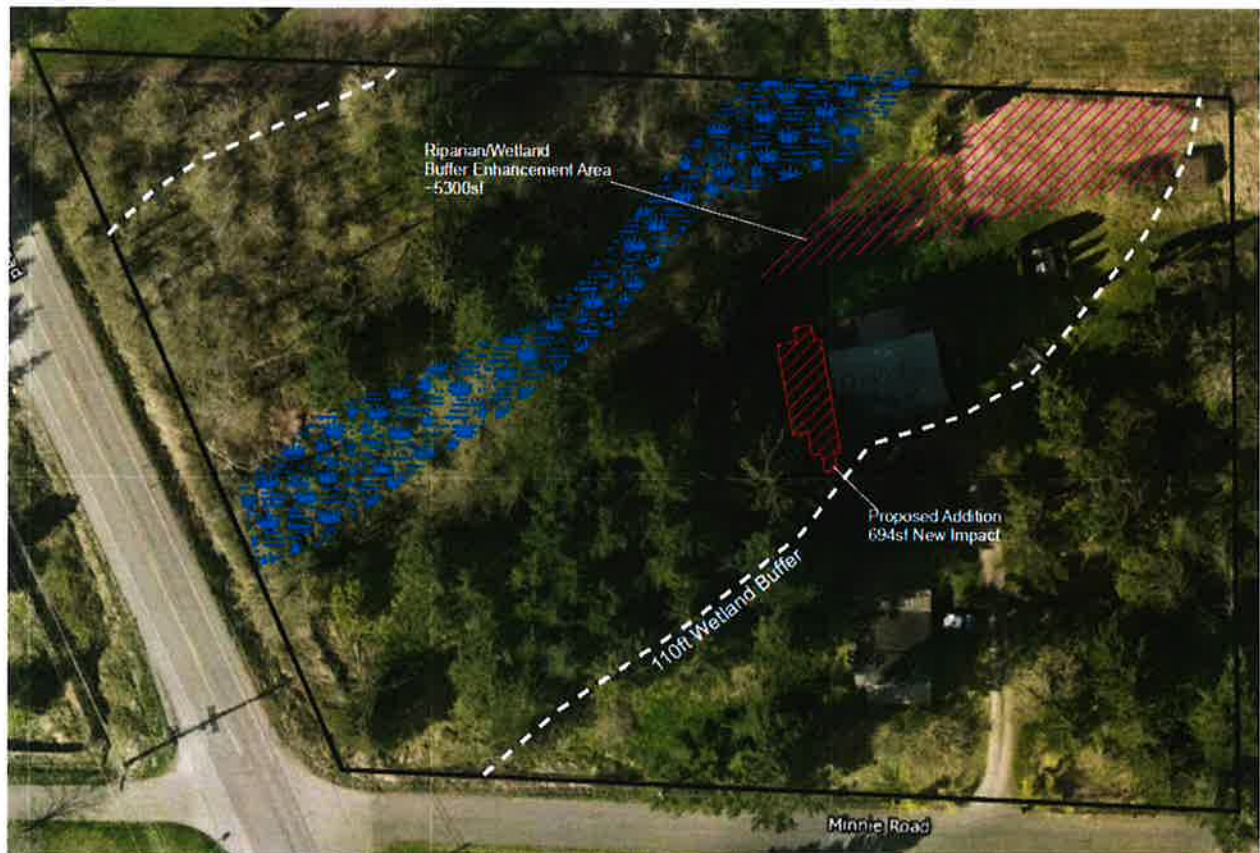


Figure 2

GENERAL REGULATORY CODE ANALYSIS AND FINDINGS

SCC 14.06.310 Review for completeness

The application was determined complete on May 21, 2026.

Meets? Yes

SCC 14.11 Zoning

The purpose of the Rural Intermediate district is to provide and protect land for residential living in a rural atmosphere, taking priority over, but not precluding, limited nonresidential uses appropriate to the density and character of this designation. Long-term open space retention and critical area protection are encouraged. CaRDs are the preferred development pattern within this district.

Detached single family residences are a permitted use (SCC 14.11.020-1). As proposed, the project will meet the purpose of this zone.

Meets? Yes

SCC 14.58 Variances

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 a Category III wetland and 100-foot buffer on a Type N stream to a minimum of 60 feet to accommodate construction of an addition to the existing residence. The project as proposed will meet the dimensional standards required in the Rural Intermediate zone.

SCC 14.58.040(2) *To approve the 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 to reduce the standard 110-foot buffer on a Category III wetland and the standard 100-foot buffer on a Type N stream. The application materials submitted show compliance with the variance criteria of SCC 14.24.150 and SCC 14.58.030. The project as proposed does not require other variances.

Meets? Yes

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

The average size of homes in this area is approximately 1,702 square feet. The existing home is 1,176 square feet. The proposed 694 square foot addition will bring the living space close to the average which is reasonable and the requested buffer reduction to accomplish this request is the minimum variance necessary.

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 uses. The proposal is consistent to the purpose and intent of Skagit County Code and 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 original home on this site was constructed prior to 1969 and Assessor records indicate the current home was constructed in 1992. The applicant is requesting a buffer reduction to increase the living space and construct a more functional primary suite. The addition is being proposed at the west end of the home to align with the existing floor plan and roof line.

Meets? Yes

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

This parcel was created well before the adoption of current land use regulations. The owners have not adjusted the parcel boundaries from their original configuration. The critical areas constraints onsite do not result from the actions of the applicant.

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 existing home was legally placed within the wetland and stream buffers, literal interpretation of the Critical Areas Ordinance would not allow for construction of the requested addition. The total proposed living space will not be out of scale for residences in this area.

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 an addition to their small home. No special privilege would be conferred on the applicant that is denied to others in the same zone.

Meets? Yes

CRITICAL AREA 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 a Category III wetland and the 100-foot buffer on a Type N stream. The proposed addition will be located a minimum of 60 feet from the wetland and stream.

(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 existing home was legally constructed within the stream and wetland buffer prior to adoption of the Critical Areas Ordinance. A reduction of the zoning setbacks will not provide sufficient relief to avoid 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 SCC 14.24.080, SCC 14.24.220, SCC 14.24.520.*

A 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 110-foot wetland buffer and 100-foot stream buffer.*

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 110-foot wetland buffer and 100-foot stream buffer.*

The site assessment with mitigation plan will provide for reasonable use of the property with the least possible impact to the wetland, stream, and their associated buffers. Construction of the modest home addition is a reasonable request.

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 the residential addition is a reasonable use of this site 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 onsite*

critical area buffers. 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, stream, or their associated buffers and will not be detrimental to the public welfare.

Meets? Yes

g. The inability of the applicant to meet the standard 110-foot wetland buffer and 100-foot stream 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.

The existing home was legally constructed within the wetland and stream buffer prior to adoption of current land use regulations. The proposed addition will bring the size of the home close to the average for this area.

Meets? Yes

(i) Reasonable use cannot be achieved through the RUE process described in SCC 14.24.140.

The proposed development does not qualify for a Reasonable Use Exception pursuant to SCC 14.24.140(5)(a). The project site does have an area of 4,000 square feet or more available for development outside of the standard buffers. Since the existing residence is located entirely within the wetland and stream buffers, any addition requires a variance.

- (2)** *SCC 14.24.240 and SCC 14.24.540 Buffer Width Decreasing allow 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 and stream impacts. It is not possible to avoid all impacts to the critical area buffers since the existing home was legally constructed within the buffers prior to the adoption of the critical areas ordinance.

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 buffers have been minimized by keeping the proposed addition small and limited to one end of the home.

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 addition are permanent and cannot be completely repaired, rehabilitated, or restored. Any temporary impacts resulting from construction within the buffers will be restored to the condition prior to impact.

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. 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. The area of the parcel proposed for enhancement was selected because it was historically disturbed. Approximately 5,300 square feet of buffer will be enhanced to offset the project impacts. 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.*

Much of the parcel is well vegetated with native conifers. The proposed mitigation area is approximately 5,300 square feet and will result in a majority of the remaining buffer area being enhanced. The area closest to the home will remain as lawn and ornamental plants as part of the 15-foot maintenance corridor (SCC 14.24.080(5)(c)(iii)(I)).

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 County will maintain a record of all decisions made on requests for variances. Such record must include the basis and rationale for any such decision as well as any comments provided by Federal, State, or Tribal natural resource agencies. Such record must be made available to the public upon request.*

The Notice of Development Application was sent to Resource Agencies for review and comment. No comments were received.

Meets? Yes

DEPARTMENT RECOMMENDATION

PDS recommends approval of the request to reduce the standard 110-foot category III wetland buffer and the standard 100-foot Type N stream buffer to a minimum of 60 feet to allow for construction of the home addition.

RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant will obtain a building permit prior to start of construction.
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.
3. The mitigation recommendations of the Wetland/Fish & Wildlife Assessment prepared by Skagit Wetlands & Critical Areas dated April 2026 are considered conditions of this approval.
 - a. A minimum of 5,300 square feet of buffer as indicated on the Mitigation Site Plan will be enhanced.
 - b. Plants will include a minimum of 25 native trees and a minimum of 125 native shrubs.
 - c. A planting plan must be completed prior to approval of the building permit application.
 - d. The mitigation must be completed prior to final inspection of the home.
4. The critical areas variance will 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 14.24.150(6)).
5. 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