



# Variance Application

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273  
voice 360-416-1320 · inspections 360-416-1330 · [www.skagitcounty.net/planning](http://www.skagitcounty.net/planning)

Permit #:

PL24-0402 10.18.2024

Received by:

Use this form for all variance applications, including administrative reductions in setbacks. A variance application may be accompanied by another permit application that depends on the variance, but the accompanying permit application may not be approved until the variance is approved.<sup>1</sup>

## Project Information

Site Address	City	Zip
Parcel No(s)		
Zoning	UGA	<input type="checkbox"/> No <input type="checkbox"/> Yes, which:
Project Description		

## Request

What are you requesting? Variances are generally available only for relief from the *dimensional standards* of SCC Title 14.<sup>2</sup>

### Administrative Variance (Level I application)

- ☐ Setback reduction up to 100 percent of the standard setback allowed by SCC 14.16.810(4) related to setback reductions;
- ☐ Variance to the agricultural siting criteria of SCC 14.16.400 and 14.16.860;
- ☐ Reduction in parking requirements allowed by SCC 14.16.800(2)(b);
- ☐ Variance allowed by SCC 14.16.830(6)(i) related to landscaping requirements;
- ☐ Variance from SCC 14.16.340(5), minimum density for short plats, allowed in cases where previously developed property or property with critical areas constraints precludes development at the required densities;
- ☐ Variance from standard critical area buffer width (25 percent to 50 percent) pursuant to SCC 14.24.140(1)(a).

### Hearing Examiner Variance (Level II application)

- ☐ Any request for a variance that is not a Level I or Level II from any of the other *dimensional standards* of SCC Title 14.  
Specify dimensional standard: \_\_\_\_\_

### Board of County Commissioner Variance (Level III application)

- ☐ Variance to any requirements of the Ag-NRL zone found in SCC 14.16.400, other than those listed above;
- ☐ Variance to any requirement of SCC 14.16.860, agricultural land preservation.

## Required Attachments

- ☐ Contact Information & Signature Form
- ☐ Site plan consistent with site plan requirements checklist
- ☐ Pre-application meeting letter or pre-application meeting waiver
- ☐ Lot certification<sup>3</sup> recorded under Auditor's File Number \_\_\_\_\_ (required unless the proposed development itself does not require lot certification)
- ☐ Critical areas approval letter (except for critical area variance applications)

<sup>1</sup> SCC 14.10.030(2).

<sup>2</sup> SCC 14.10.020.

<sup>3</sup> SCC 14.06.045(2).

**For all variance requests:**

- ☐ Attach a narrative that includes numbered responses to the following:
  1. Describe the specific variation from code requirements you are seeking.
  2. Describe why the variance is the smallest possible variance that would allow reasonable use of the property.
  3. Describe how 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.
  4. Describe any topography, lot size configuration, or critical area constraints that make use of the particular site infeasible without the proposed variance.
  5. Describe any existing special conditions and circumstances (e.g., topographic or critical area constraints) that are peculiar to the land, structure, or building involved **and** that are not applicable to other lands, structures, or buildings in the same zone.
  6. Describe how those special conditions and circumstances arose. The special conditions and circumstances may not be a result of the actions of the applicant.
  7. Describe how literal interpretation of the requirements would deprive the applicant of rights commonly enjoyed by other properties in the same zone.
  8. Discuss whether the variance will confer on the applicant any special privilege that is denied by the code to other lands, structures, or buildings in the same zone.

**For a variance from landscape requirements per SCC 14.16.830(6)(i):**

- ☐ Attach an alternative landscape plan.
- ☐ Attach a narrative that includes numbered responses to the following:
  9. Demonstrate how the alternative landscape plan meets the intent of SCC 14.16.830 **or** that a hardship exists because of lot topography, size, or location.

**For a variance from the standard critical area buffer width pursuant to SCC 14.24.140:**

- ☐ Attach a site assessment prepared by a qualified professional that supports a modification of the dimensional requirements, including all necessary mitigation measures.
- ☐ Attach a narrative that includes numbered responses to the following:<sup>4</sup>
  10. Demonstrate that the issuance of a variance from standard zoning setbacks, by itself, will not provide sufficient relief to avoid the need for a variance to the critical areas setback and other requirements of SCC Chapter 14.24.
  11. Demonstrate how the site assessment and mitigation plan allows for development of the subject parcel with the least impact on critical areas while providing reasonable use of the property, and full mitigation of the project impacts.
  12. Demonstrate that the variance will be consistent with the general purpose and intent of SCC Chapter 14.24.
  13. Demonstrate that the variance will not create significant adverse impacts to the associated critical areas or otherwise be detrimental to the public welfare.
  14. If the proposal is within the special flood hazard area (SFHA), demonstrate that the proposal is not likely to adversely affect species protected under the Endangered Species Act, or their habitat.
  15. Demonstrate that the applicant is unable to meet the dimensional standards is not the result of actions by the current or previous owner in subdividing the property or adjusting a boundary line after the effective date of the ordinance codified in this Chapter.
  16. Demonstrate that the granting of the variance is justified to cure a special circumstance and not simply for the economic convenience of the applicant.

**For a variance from the agricultural siting criteria of SCC 14.16.400 and 14.16.860:**

- ☐ Attach a narrative that includes numbered responses to the following:
  17. Why do you require a variance?
  18. What conditions do you find that make it impossible to meet the agricultural siting criteria?
  19. Do the conditions that justify the variance request result from the actions by the applicant?
  20. Explain why other portions of the property that would not require a variance cannot be utilized for your proposed use.

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<sup>4</sup> SCC 14.24.140

**For a variance from the flood damage prevention code per SCC 14.34.130:**

Variances to SCC Chapter 14.34 are limited to elevation requirements for first floor construction, elevation requirements for flood-proofing, and the type and extent of required flood proofing. The issuance of a variance may result in increased premium rates for flood insurance; construction below base flood elevation increases risk to life and property.

☐ Attach a narrative that includes numbered explanations of how the variance:

21. Will not increase flood heights.
22. Will not pose any additional threats to public safety.
23. Will not result in an extraordinary public expense.
24. Will not create any nuisances.
25. Will not result in fraud on or victimization of the public.
26. Will not conflict with other existing local laws or ordinances.



# Site Plan Requirements Checklist

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## Instructions

- Check the box when you have placed the element on your site plan.
- Staff cannot accept applications without each of the required elements.
- Use the example provided following this checklist for examples of how to draw each element.
- Electronic site plans that follow our guidelines are also accepted.

## Checklist

PDS-use  
only ↓

### 1. Paper

- ☐ Draw on 8½" x 11" or 11" x 17" paper
- ☐ Use a standard scale with a minimum scale of 1" = 30'. Note:
  - If the project area is too large to fit on the page at the minimum scale, you may submit a view showing the proposed project area only and provide a separate overview of the entire property, OR you may logically divide your site using match lines and draw each portion on a different page, or use layers.
  - All critical areas, grading, stormwater, and building site plans must be drawn to the same scale.

### 2. Title Block

- ☐ Applicant's name      ☐ Site address      ☐ Assessor property ID (p-number)      ☐ Date
- ☐ Show map scale (a graphic scale is preferred)
- ☐ Show an arrow indicating the north direction
- ☐ Show architect, engineer, and surveyor contact information if applicable
- ☐ If project will disturbing one acre or more of soil, show name and contact info for Certified Erosion & Sediment Control Lead (CESCL)

### 3. Boundaries

- ☐ Show the property lines of all relevant parcels
- ☐ Show all easements (e.g., utility, drainage, dike, access, railroad) with Auditor's File Number for each
- ☐ Show dashed lines for the required setbacks from all property lines, critical areas, and shorelines
- ☐ If project is in floodplain, show 100-year floodplain boundary
- ☐ If project is in floodplain, show Base Flood Elevation at building site
- ☐ If within 200 feet of the ordinary high water mark (OHWM), show the OHWM and setbacks from OHWM to all structures, including neighbors' structures, within 300 feet from both side property lines
- ☐ If within 500 feet of a dike or levee, show measurements from the landward toe of the dike to the project

### 4. Buildings


- ☐ Show footprints of ALL existing and proposed buildings on the parcels
- ☐ Show the dimensions of all buildings
- ☐ If project is in floodplain, label minimum required finished floor elevation of proposed buildings
- ☐ Label each building by its use (e.g., residence, garage)
- ☐ Show decks and porches (show height and indicate covered/uncovered), patios, retaining walls (show height)
- ☐ Show roof overhang lines
- ☐ Show downspouts and splash blocks

<p><b>5. Access</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Show entire driveway to a public or private road</li> <li><input type="checkbox"/> Show length and width of driveway</li> <li><input type="checkbox"/> Show grade of driveway in percent of slope</li> <li><input type="checkbox"/> Show any required turnouts</li> <li><input type="checkbox"/> Label driveway surface material (e.g., asphalt, pervious pavement, gravel)</li> </ul>	
<p><b>6. Wells and water lines</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Show the drinking water supply (existing and proposed, public or individual).</li> <li><input type="checkbox"/> Show all existing and proposed wells</li> <li><input type="checkbox"/> Show a 100' radius around each well</li> <li><input type="checkbox"/> Show public water mains</li> <li><input type="checkbox"/> Show water supply pipes to all buildings.</li> </ul>	
<p><b>7. Septic/Sewer</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Show method of sewage disposal</li> <li><input type="checkbox"/> For public sewer, show: <ul style="list-style-type: none"> <li><input type="checkbox"/> location of sewer main</li> <li><input type="checkbox"/> private pipes to buildings</li> </ul> </li> <li><input type="checkbox"/> For private septic, show existing and proposed: <ul style="list-style-type: none"> <li><input type="checkbox"/> Tanks (must be 5' from the building foundation and 50' from any well)</li> <li><input type="checkbox"/> Drain fields (must be 10' from the building foundation and 100' from any well)</li> <li><input type="checkbox"/> Lines/pipes</li> </ul> </li> </ul>	
<p><b>8. Utilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Show utility poles, drainage ditches, culverts (including those in right-of-way adjacent to site)</li> <li><input type="checkbox"/> Show below-grade pipes (e.g., water, sewer, telecom); include size, material type, and invert elevations</li> <li><input type="checkbox"/> Show the location of any existing or proposed fuel tank (e.g., propane, fuel oil) <ul style="list-style-type: none"> <li><input type="checkbox"/> Indicate above/below ground</li> <li><input type="checkbox"/> Show tank volume</li> </ul> </li> </ul>	
<p><b>9. Slope</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Show slope of building site using contour lines or arrows to show direction and percent of slope(s). Percentage % of slope = rise (change in elevation) divided by run (distance) multiplied by 100.</li> <li><input type="checkbox"/> Identify any erosion or landslide areas and any potentially unstable slopes greater than 15%</li> </ul>	

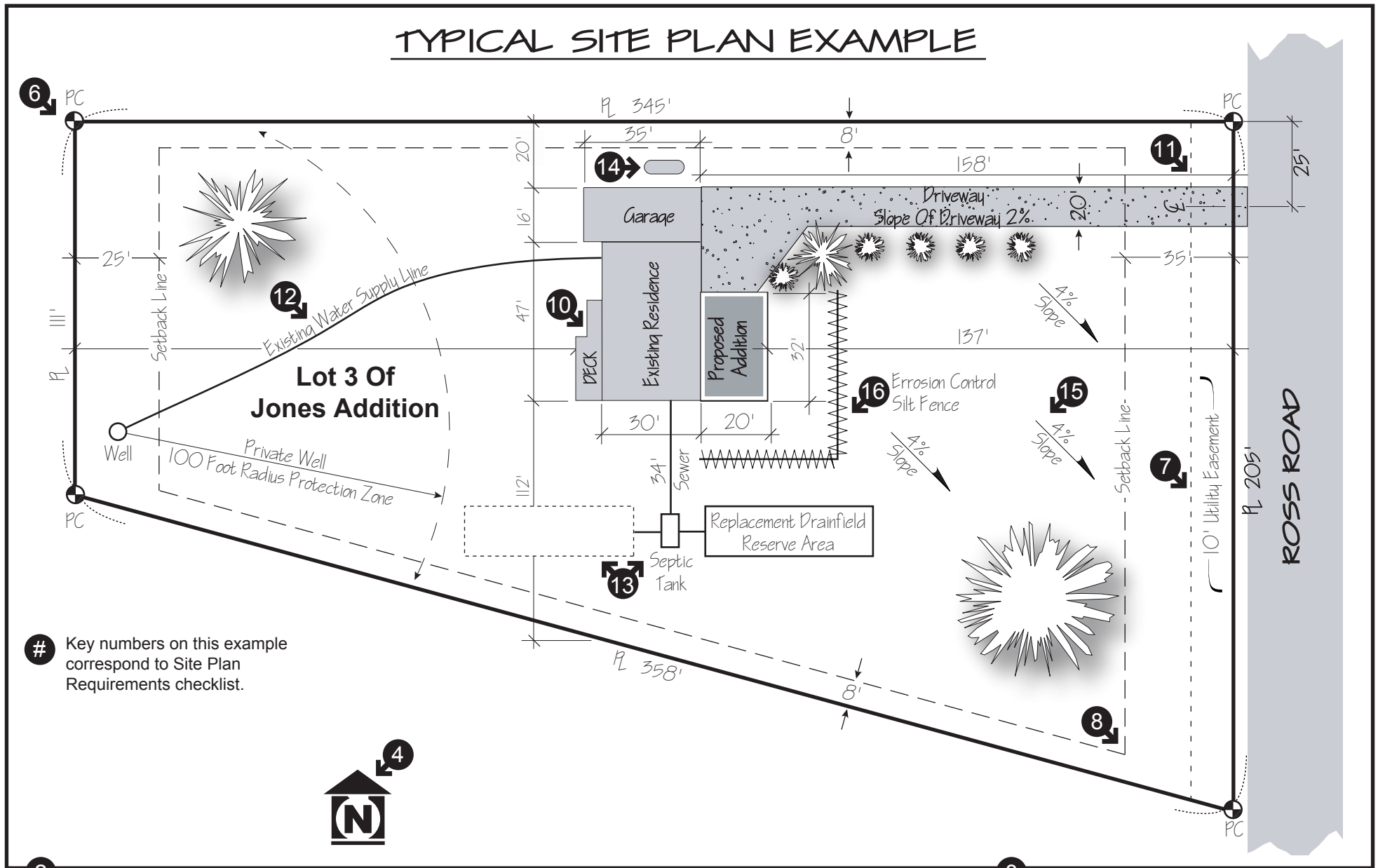
## 10. Stormwater

- ☐ Show the location and dimensions of existing and proposed:
  - ☐ Infiltration/dispersion systems
  - ☐ stormwater ponds or other facilities
  - ☐ roof and footing drain lines
  - ☐ work/clearing limits: a boundary defining the limit of the work area, and those areas to be protected. Examples of areas to be protected include trees, stormwater infiltration areas, and wetlands.
  - ☐ any significant site features (e.g., berms, levees, retaining walls, significant trees/shrubs (12+ inch diameter)
  - ☐ any compensatory flood storage
  - ☐ any rainwater catchment systems
- ☐ Show temporary erosion and sediment control ("TESC") techniques:
  - ☐ Location & type of TESC BMP: Show location of all applicable TESC best management practice (BMP) facilities
  - ☐ Location of stabilized construction entrance; minimum of 25 feet long for residential projects, minimum 100 feet long for all other project types.
  - ☐ Location of porta-pottie(s); should be at least 25 feet away from any storm inlets or critical areas
  - ☐ Location of materials stockpiles
  - ☐ Location of washout basin(s), e.g., concrete washout.

## 11. Miscellaneous

- ☐ Mark all existing buildings and features with (E)
- ☐ Draw  around any revisions from previous site plans you submitted for this application

# TYPICAL SITE PLAN EXAMPLE



Name:	JOHN R. DOE	Address:	1142 CROFT ROAD SEDRO-WOOLLEY, WA	Scale:	1" = 40'
Site Address:	12345 ROSS ROAD	Property ID#:	P12345	Date:	6/15/2004



# Contact Information & Signature Form

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Attach this form to a permit application that requires it. A permit application will not be accepted without this form.

By signing this form, the undersigned certifies that the statements, answers, and information both on this form and the remainder of this permit application are true and correct to the best of his or her knowledge and belief.

## Applicant/Contact

Name \_\_\_\_\_ Mailing Address \_\_\_\_\_  
City, State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_  
Email \_\_\_\_\_

## Property Owner

☐ Same as applicant ☐ Multiple owners (attach additional page)

Name \_\_\_\_\_ Mailing Address \_\_\_\_\_  
City, State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_  
Email \_\_\_\_\_

## Contractor

☐ None ☐ Same as applicant ☐ Same as property owner

Name \_\_\_\_\_ Mailing Address \_\_\_\_\_  
City, State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_  
Email \_\_\_\_\_ License # \_\_\_\_\_ Expires \_\_\_\_\_

## Financing<sup>1</sup>

☐ None ☐ Lender below is providing construction financing ☐ Firm below has issued payment bond

Name \_\_\_\_\_ Mailing Address \_\_\_\_\_  
City, State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

## Signature

- ☐ I am the owner of the subject property and I grant permission to field staff to enter the site to verify the presence or absence of critical areas and perform inspections of work proposed by this application; OR
- ☐ I have the consent of the owners of the subject property and have attached Agent Authorization Form(s) (SCC 14.06.090); OR
- ☐ This is a mechanical/plumbing permit; ownership certification is not required.

Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company: \_\_\_\_\_

<sup>1</sup> Required by RCW 19.27.095(2)(d).



# Agent Authorization Form

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Permit #:

Use this form to authorize someone other than the property owner to apply for permits for the subject property.

## Project Site

Property Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Received by:

## Authorization Statement

I/we, as the owners of the property identified above, authorize \_\_\_\_\_ to act as agent to submit applications, receive correspondence regarding the application, and sign title notices on my behalf.

I/we grant permission to field staff to enter the site to verify the presence or absence of critical areas and perform inspections of work proposed by this application.

## Property Owner Signature(s)

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

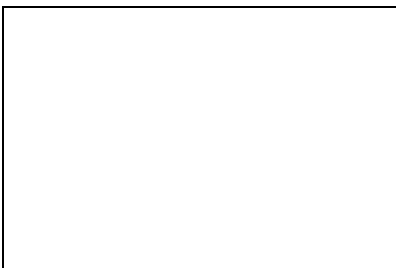
Company: \_\_\_\_\_

Date: \_\_\_\_\_

## Notarization

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_



(Notary seal or stamp above)

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

My appointment expires \_\_\_\_\_

## **Variance Request Narrative**

1. Code requires a 150' setback from all fish bearing streams. Our property is not deep enough to allow this setback restraint. We are asking for a 49' setback to allow for a 14' x 20' structure to allow for both the stream and street (25 feet) setback.
2. We are proposing a very small structure to minimize the impact to the critical area but can still be large enough to have a livable area.
3. The structure will be utilized for personal use to enjoy our property. As there are many other structures in the Cascade River community this will not be any different to many of the other properties out there.
4. The lot has a creek and a bluff that runs through it and limits the location where the structure can be positioned.
5. Some properties do not have critical areas on them; however, many do. This is a River Park community, and many have some of the same challenges and others have none of these.
6. When the community was developed some of the parcels fell into critical areas as there are creeks and a river that runs throughout the community.
7. There are many other properties in the critical areas in the community that have built homes, and some are year round residences. We would like to do the same for recreational use.
8. The variance will not give any special privilege to us that hasn't already been given to other property owners in the same area.

### **For a variance from landscape requirements per SCC 14.16.830(6)(i):**

9. n/a

For a variance from the standard critical area buffer width pursuant to SCC 14.24.140:

Note: We understand that the report indicates 13x19 with a 50ft buffer. We would like to ask for an addition foot more as we do not believe it will be any more impactful to the environment than the original 13 x19 structure with only the two stream side corners of the structure will encroach the 50ft originally proposed.

10. The subject property contains the fish and wildlife buffer for the stream. The stream is type F>5 feet wide, it could have fish and the stream is over 5 feet wide. The buffer is 150 feet and it goes to 68 feet landward of your southeastern property mark. We need to have the buffer reduced to 49 feet or the 14- foot by 20-foot structure will not fit on the property.

11. The mitigation should be within 50 feet of the stream, but the owners should say where the plants would go to mitigate the fish and wildlife buffer. There are no trees to be removed in the buffered area. We believe that the entire width of the bluff at least 5 feet wide, with the exception where the trail is going to it would benefit from snowberry plants it is a very at erosion control and provides excellent ground cover quality and it is low and survives pruning excellent ground cover quality and it is low and survives pruning.

- a. To plant 247 square feet of mitigation area, plant three trees, or eleven shrubs, or any combination that equals 247 square feet. As you place the plants, they will look good in small clumps.
- b. The recommended criteria for successful buffer enhancement efforts is survival of 85 percent of all plantings within the enhanced area over the 5 year period and survival of 100 percent of the species through the first year. Percent survivorship shall be calculated through a direct count of all living specimens. If some of the plants fail, the method of failure will be determined (i.e., soil conditions, predation, moisture conditions, etc.) and recommendations will be made to rectify the problems, and either that species or another species shall be planted. Plant additional trees and shrubs for insurance against their loss during the first year.
- c. We recommend Plants of the Pacific Northwest Coast (Pojar & MacKinnon, Lone Pine Press, 1994) as a guide to identification and habitats for any native species to be planted at the site. We also recommend Gardening with Native Plants of the Pacific Northwest (Arthur R. Kruckeberg, University of Washington Press, 1996) to provide planting ideas for site development.
- d. Construction mitigation
  - i. Place the silt fence about five feet away from shed on the two-down sloping sides. When you make the gravel area smaller, put silt fence at the edge nearest the stream, and have the four-foot ends trap the silt by making it go toward the road. The silt fence will set construction limits and minimize transport of particulate matter, including concrete, out of the building area.
  - ii. Erect the silt fence with the skirt on the upgradient side of the support posts. The skirt should be put into a trench, a slit cut into the topsoil, or the skirt may be held down to bedrock or soil scalped free of vegetation by covering it with sand or pea-gravel berm to press the skirt to the ground surface. Within the dry season construct the shed, if you cannot construct during dry season, you must put polyethylene on the stockpiles.
  - iii. Seed disturbed areas of the site with native grass immediately upon completion of construction and remove silt fence once site vegetation is established.

- iv. Cover all concrete footings, slabs and all outdoor brickwork with polyethylene sheeting if rain is likely to occur within 3 days of concrete work. Neutralize concrete spills or runoff by the application of sodium bicarbonate (baking soda) to lower the pH and neutralize toxics.
- 12. The variance will allow us to build a vacation cabin on our property that is zoned residential with very little impact on the property.
- 13. With the mitigation and small footprint of the structure there will be very little impact on the critical areas on the property.
- 14. n/a
- 15. I don't think this applies.
- 16. Variance will allow for reasonable use for a residential zoned parcel.