

**SKAGIT COUNTY
OFFICE OF THE HEARING EXAMINER**

re: The application for a Shoreline
Substantial Development Permit, and a
Variance by **Facet**

Greenwood Bulkhead Replacement

**PL23-0097 (SSD)
PL23-0099 (VAR)**

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicants, Loren and Terri Greenwood, are requesting a Shoreline Substantial Development and Zoning Variance permit for the replacement of a deteriorating bulkhead along Samish Bay with a larger bulkhead, to be built immediately behind the existing bulkhead. The proposed bulkhead would extend into the side setbacks, requiring a zoning variance along with a shoreline substantial development permit.

Decision: The matter is remanded to the Department for further fact finding, analysis, and conditioning.

INTRODUCTION

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

FINDINGS OF FACT

I.

Agent: Facet (Davido Consulting Group)
9706 4th Ave. NE #300
Seattle, WA 98115

Applicant: Loren and Terri Greenwood
6332 204th Dr. NE
Redmond, WA 98053

Site Address: 4800 G Loop Road
Bow, WA 98232

Abrv. Legal Description: ¼ Section: Lot 4 Section: 26 Township: 36N Range: 02E

Assessor’s Parcel No(s): P47118

Lot Size: 0.96 acres

Zoning: Rural Intermediate (RI)

Application Date: February 16, 2023

Determination of Completeness: April 12, 2023

Requests for Further information: N/A

Adjacent Water Body: Samish Bay

Shoreline Designation: Rural Residential

Statewide Significance: No

SEPA Review: A SEPA Determination of Nonsignificance (DNS) on 11/16/2023.

Notice Information: Notices of Development Application published August 13, 2023, and September 7, 2023
Notice of Public Hearing published November 21, 2024

Primary Authorizing Codes, Policies, Plans, and Programs:

- Revised Code of Washington (RCW)
 - RCW 36.70A, Growth Management Act
 - RCW 36.70B, Local Project Review
 - RCW 90.58, Shoreline Management Act of 1971 (“SMA”)
- Washington Administrative Code (WAC)
 - WAC 25, Archaeology and Historic Preservation
 - WAC 173, Department of Ecology
 - 173-22, Designations of Shorelands and Wetlands

- 173-26, Shoreline Modifications
 - WAC 197-11, SEPA Rules
- Skagit County Code (SCC)
 - SCC 14 – Unified Development Code
 - SCC 14.02 – General Provisions
 - SCC 14.02.070 – Office of the Hearing Examiner
 - SCC 14.06 – Permit Procedures
 - SCC 14.10 – Variances
 - SCC 14.16 – Zoning
 - SCC 14.16.300, Rural Intermediate (RI)
 - SCC 14.24 – Critical Areas Ordinance
 - SCC 14.26 – Shorelines
- Skagit County Shoreline Master Program of 6/29/76, as amended by Skagit County Board of Commissioners through 7/10/95 (SMP)
- Skagit County Comprehensive Plan of 6/30/16, as amended by Skagit County Board of Commissioners through 12/19/23 (SCP or “Comprehensive Plan”)
- Skagit County Office of the Hearing Examiner Rules of Procedure for Hearings (SCRPH), as authorized by Skagit County Commissioners per Resolution #R20080511 on 11/24/08

Hearing Date: 12/13/24 at 9:00 AM

Testifying Parties of Record in Attendance:

Andrew Wargo, Sr. Planner
 Skagit County Planning & Development Services
 1800 Continental Place
 Mount Vernon, WA 98273

Steven Robert
 Facet (FKA Davido Consulting Group)
 9706 4th Ave NE #300
 Seattle, WA 98115

Terri Greenwood
 6332 204th Dr. NE
 Redmond, WA 98053

Larry Forsyth
 4472 G loop RD.

Hearing Examiner Exhibit List:

01. Application Shoreline Substantial Development PL23-0097, dated February 16, 2023
02. Application for Zoning Variance PL23-0099, dated February 16, 2023
03. Site Plan and Construction Plans PL23-0098, dated September 12, 2024
04. Notice of Development Application PL23-0097 PL23-0099, dated October 9, 2023
05.
 - A** NODA Comment Plemons, dated September 8, 2023
 - B** NODA Comment WDFW, dated October 3, 2023
 - C** NODA Comment SRSC, dated October 9,
06. Applicant Response to NODA Comments PL23-0097 PL23-0099, dated October 27, 2023
07.
 - A** SEPA DNS_PL23-0097, dated November 16, 2023
 - B** SEPA Checklist PL23-0097, dated February 16, 2023
08.
 - A** SEPA Comment SRSC, dated November 16, 2023
 - B** SEPA Comment SRSC, dated November 28, 2023
 - C** SEPA Comment WDFW, dated November 21, 2023
 - D** WDFW email to follow-up joint site visit, dated December 12, 2023
 - E** SCSC email follow-up to onsite meeting, dated December 20, 2023
 - F** SRSC email regarding SEPA comment process, dated December 20, 2023
 - G** SRSC Letter follow-up to joint site visit, dated December 20, 2023
09. PDS email identifying additional requirements, dated December 18, 2023
10. PDS email identifying additional requirements, dated January 16, 2024
11. Facet email - project update, dated June 5, 2024
12. Fish & Wildlife Habitat Conservation Area Assessment, dated February 16, 2024
13. Coastal Geologic and Geotechnical Engineering Evaluation
14. Facet Technical Memorandum, dated September 12, 2024
15. Notice of Public Hearing PL23-0097 PL23-0099, dated November 21, 2024
16. Certificate of Posting, dated November 21, 2024
17. Facet Email, dated November 21, 2024
18. NOPH Comment Forsythe, dated November 30, 2024
19. Staff Report PL23-0097 PL23-0099, dated December 4, 2024
20. Skagit River System Cooperative Letter, *dated* December 11, 2024
21. Dept. of Fish & Wildlife Letter, *dated* December 12, 2024

II.

The application is for the replacement of a deteriorating pre-existing non-conforming bulkhead along Samish Bay with a larger bulkhead, to be built immediately behind the existing deteriorating bulkhead, on a residential lot of 0.96 acres on the north shore of Samish Island. The proposed bulkhead

would extend to the property bounds and would be taller than the existing bulkhead by a little more than a foot.

This bulkhead proposal for replacement and expansion is not serving to protect a primary structure from wave-based erosion; but rather the bulkhead would protect a retaining wall constructed on a geological hazard. The retaining wall is constructed on a geological hazard and is complicated by its potential impacts to neighboring properties. The northernmost portion of the property slopes steeply down to Samish Bay. At the base of the slope a timber bulkhead has been in place for at least 50 years. In response to landslide activity on the slope an existing post and lagging retaining wall was replaced within an engineered block retaining wall upslope of the bulkhead.

III.

The Department apparently relied on an applicant response statement that “The shoreline is not a feeder bluff...,” while simultaneously noting that the Coastal Geologic Report states that a Department of Ecology Coastal Atlas Map does map it as a feeder bluff.¹ The Department did not appear to make a factual call in this section and let the two statements lay side by side on paper without making a factual determination. The existing bulkhead *is* located along a Department of Ecology mapped feeder bluff. There was testimony that the feeder bluff has been non-functional ecologically/geologically for approximately 50 years, apparently because of the non-conforming existing bulkhead.

Public comments reflected in **Ex. 20 and 21** indicate there is potential for the disturbance of forage fish beach habitat and other ecological impact. This can occur by construction, and by allowing the bulk head to remain rather than to not to remove uses that otherwise would not be allowed and restoring the feeder bluff to ecological function.

IV.

The Skagit County Planning and Development Services Staff (the “Department”) have recommended approval of the requested Shoreline Substantial Development, and Variance permits in

¹ Ex. 19 at 13

a “Skagit County Planning and Development Services (PDS) Staff Report” in an undated report (“Staff Report” **Ex. 19**).

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

The Findings of Fact in the Staff Report has been explicitly contradicted by some of the findings above.

IV.

SCRPH §§2.06 and 2.08 grants parties the right to object to evidence and to cross-examine. In the case at hand, with full knowledge of the evidence being admitted, no objection was made to any of the 21 exhibits that were admitted into the record by the applicant or the Department.

V.

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

CONCLUSIONS OF LAW

I.

Scope of Hearing, Jurisdiction, & Interpretation of Law

Whenever possible, development applications are consolidated and reviewed according to the highest standard of all of the permits, with some exceptions outlined in the law.² In this case the highest application level is Level II, and so all are to be reviewed by the Hearing Examiner.³

The project is located within 200 feet of the designated shoreline area and is therefore subject to the requirements of the Skagit County Shoreline Master Program (SMP). The requirements of the SMP and the need for an application by the developer of the project shall apply to every person, natural or unnatural, business entity, association, or government entity who wishes to develop or make use of

² SCC 14.06.060

³ SCC 14.06.120

lands, wetlands, and waters which fall under the jurisdiction of the SMA; real property ownership is not a requirement.⁴

The Hearing Examiner has jurisdiction to hear and decide requests for shoreline substantial development permits,⁵ shoreline conditional use permits,⁶ and shoreline variances.⁷

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

...the [SMA] is exempted from the rule of strict construction; the [SMA] and this program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the [SMA] and this Master Program were enacted and adopted, respectively.⁸

II.

Shore Defense Works Criteria

Shore Defense Works, including bulkheads, are specifically regulated by criteria under the SMP.⁹ Normally, “[b]ulkheads shall not be located along feeder bluffs, eroding, slumping, or slide prone shorelines or on estuarine, marsh, and wetland shores.”¹⁰ The existing bulkhead is a pre-existing non-conforming use. “The non-conforming use of or structures on shorelines may be continued provided that... It is not enlarged, or increased, or extended to occupy a greater area than was occupied on the date of adoption of this program, or applicable amendments thereto.”¹¹

There is an exemption from Shoreline Substantial Development requirements in the SMP for “the construction of the normal protective bulkhead common to single family residences,” but this structure does not meet the criteria for that exemption under the County’s Shoreline Master Plan given the described function of the structure.¹²

However, given that the dimensions proposed do not meet those of the non-conforming use, how can this meet the requirements of the code?

⁴ See generally SMP Chapter 2

⁵ SCC 14.06 *et. al.*, 14.06.050(1)(b), 14.06.120; SMP §§8.07(1)(a), 9.06, and 9.07

⁶ SCC 14.06 *et. al.*, 14.06.050(1)(b), 14.06.120; SMP §§8.07(1)(a), 9.06, 9.07, and 11.02

⁷ SCC 14.06 *et. al.*, 14.06.050(1)(b), 14.06.120, and 14.10.020(3); SMP §§8.07(1)(a), 9.06, 9.07, and 10.02

⁸ See also RCW 90.58.900

⁹ SMP §7.15

¹⁰ SMP §7.15(2)(B)(8)(c)(3)

¹¹ SMP §12.02(1)

¹² SMP §2.05(b)

III.

Shoreline Substantial Development

Any person wishing to undertake substantial development on shorelines shall apply to the Administrator for a substantial development permit.¹³ This proposed use is on a shoreline and thus a Shoreline Substantial Development Permit is required.

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

- a. Policies and regulations of the Skagit County Shoreline Master Program;
- b. Applicable policies enumerated in [the SMA]¹⁴ in regard to shorelines of the state and shorelines of statewide significance; and
- c. Regulations adopted by the Department of Ecology pursuant to the SMA

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

The policies outlined by the SMA, are ranked in preferential order as follows:¹⁵

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long term over short term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline;
7. Provide for any other element [required by the local Shoreline Master Program].¹⁶

As conditioned, the proposed use in its totality is not consistent with the policies enumerated in the first six of the overarching policies of the SMA. The proposed conditioning does not articulate with specificity the level of detail needed to ensure these policy goals are being protected and enacted; especially in light of comments provided in **Ex. 20 and 21**.¹⁷ The final element of the SMA criteria will be examined in the next two sections section, but otherwise the proposed use in its totality is consistent with the policies enumerated in the SMA.

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

¹³ SMP §9.01(1)

¹⁴ RCW 90.58.020

¹⁵ RCW 90.58.020

¹⁶ "...as defined in RCW 90.58.100 deemed appropriate or necessary."

¹⁷ The Department could not have been aware of this specified input at the time the proposed conditions were written and that is no fault of the Department. Nevertheless, the conditions as written are too summary and general to protect the interest outlined by the law.

1. **Shoreline use** - To allow for compatible uses of the shorelines in relationship to the limitations of their physical and environmental characteristics. Such uses should enhance rather than detract from or adversely impact, the existing shoreline environment.
2. **Conservation** - To preserve, protect, and restore the natural resources of Skagit County's shorelines in the public interest and for future generations. These natural resources include but are not necessarily limited to fish, wildlife, vegetation, and natural features found in shoreline regions. Only renewable resources should be extracted and in a manner that will not adversely affect the shoreline environment.
3. **Public access** - To provide safe, convenient, properly administered and diversified public access to publicly owned shorelines of Skagit County without infringing upon the personal or property rights of adjacent residents. Such access should not have an adverse impact upon the environment
4. **Circulation** - To permit safe, adequate, and diversified transportation systems that are compatible with the shorelines, resulting in minimum disruptions to the shoreline environment.
5. **Economic development** - To promote and encourage the optimum use of existing industrial and economic areas for users who are shoreline dependent and shoreline related and can harmoniously coexist with the natural and human environments; and, subsequently, to create similar areas as need arises with minimum disruption of the shorelines.
6. **Recreation** - To encourage the provision and improvement of private and public recreation along the shorelines of Skagit County only to the extent that the environment is not impaired or degraded.
7. **Historical/Cultural/Educational** - To identify, protect, and restore those shoreline areas and facilities that are of historical, cultural or educational value. Public or private organizations should be encouraged to provide public access and protection of such areas and facilities.
8. **Restoration and enhancement** - To restore and enhance those shoreline areas and facilities that are presently unsuitable for public or private access and use.
9. **Implementation Process** - Provide an efficient system for shoreline permit applications which would eliminate unnecessary duplication of effort or jurisdictional conflicts, yet assure complete coordination and review. Provide a process to periodically update the inventory, goals, policies, and regulations to achieve responsiveness to changing attitudes and conditions.¹⁸

As conditioned, the proposed use in its totality is not consistent with the policies enumerated in the overarching policies of the SMP – in particular Goal #2.

¹⁸ SMP §4.02

In conclusion, after reviewing the files and testimony, the Hearing Examiner finds that with appropriate conditions of approval, the project might be compliant with all of the above applicable Shoreline Substantial Development criteria but is not currently detailed enough to be so.

IV.

General Variance Criteria

This project must also meet the Zoning Variance Criteria, as they are asking to construct a bulkhead from one side of the property line to the other, reducing the side setback to zero feet. The standard side setback in the Rural Intermediate zone is 8 feet; Bulkheads and retaining walls that exceed 4 feet in height from the base of the footing to the top of the wall are required to meet zoning setbacks.¹⁹

Title 14 encompasses all development in Skagit County in order to “implement the Revised Code of Washington (RCW) and the Skagit County Comprehensive Plan on matters concerning land and building development and other related issues...” as well as other Skagit County policies outlined in Title 14.²⁰ It is “applicable to all land within unincorporated Skagit County except as allowed by law.”²¹

Any person wishing to deviate from the terms and standards outlined in SCC Title 14, can seek a variance where 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, that is otherwise permissible in the zoning.²² There are three levels of variances in Skagit County, Level 1 “Administrative Variances,” Level 2 “Hearing Examiner Variances,” and Level 3 “Board of Commissioner Variances.” To approve a variance, the deciding body must find:

- a. The variance complies with any relevant variance criteria found in other sections of Skagit County Code.
- b. The variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
- 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.
- d. For all Level II variances and all setback variances:

¹⁹ SCC 14.16.300(5)(a)

²⁰ SCC 14.02.010

²¹ SCC 14.02.040

²² SCC 14.10.010

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

Rural Intermediate Zone requires a side setback of 8 feet. As indicated in the factual findings, the proposal does not meet that requirement, and thus a variance is required for the construction of the retaining wall.

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

V.

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

DECISION

This matter is not being approved or denied, but remanded back to the Department for additional fact finding and analysis, to be re-noted for a continuance of the final hearing, which is being re-opened, or withdrawn for needed additional permitting or study as determined by the Department and applicant.

There remain outstanding a number of questions that the Applicant and Department have not sufficiently addressed as required under the law:

1. Is this by law a feeder bluff? It appears to be the case, and if that is the case does this change the Department analysis or recommended conditions and or the Applicant's proposal?
2. This appears to propose to replace a nonconforming pre-existing use with a different larger structure. This appears on its face to be prohibited by the law. Is there mitigation or a policy/regulation not immediately apparent to the hearing examiner that can overcome this hurdle; and if not, can a different type of variance permit be applicable and indeed needed?
3. The conditions proposed are insufficient. Even if the two questions above are moot or the hearing examiner's answers are incorrect – the conditions proposed are insufficient to meet the valid concerns raised in the public comments submitted by the Department of Fish and Wildlife and those of the Skagit River System Cooperative, and more importantly the law and it's goals and requirements as outlined by the RCWs, WACs, SCC, and SMP.

The two questions first listed above need to be generally answered fully before an approval could be considered. Or if the answers remain the same, and the Hearing Examiner can be corrected in their analysis, the conditions would still need to become more robust and detailed with enough specificity that the public and the applicant (and the hearing examiner) understands the safeguards being put in place to mitigate damage and ensure the law is complied with.

This is not a final decision. This matter is being held open for 90 days,²³ prior to which the parties shall either agree to a new hearing date, request that the hearing examiner set one, or otherwise ask for more time; if one of these actions does not take place this application will be **Denied** automatically as it does not meet the requirements under the law for an SSD as it currently stands.

DATED this 16th day of December 2024



Rajeev D. Majumdar
Skagit County Hearing Examiner

²³ A reasonable amount of time for the parties to answer the defects in the case without undue delay.



Planning & Development Services Fact Sheet PL 23 - 0097
 Community Development Division

Date Received

- Shoreline Substantial Development
- Shoreline Conditional Use
- Shoreline Variance Permit
- Other _____

2/16/2023

Brief project description: Project is for the replacement of an existing bulkhead

Applicant Name: Loren and Terri Greenwood

Other Related Permits or Approvals: _____

Parcel ID#: P47118 Assessor Tax #: 360226 - 0 - 015 - 0017

Parcel ID#: _____ Assessor Tax #: _____ - _____ - _____ - _____

Site Address: 4800 G Loop Rd, Bow, WA 98232

Section 26 Township 36 Range 02 Critical Area/Water within 200 feet?: Yes No

Name of Associated Shoreline/Waterbody: Samish Bay

Shoreline Designation: Rural Residential

Lot of Record: Yes No Urban Growth Area: Yes No If yes, City: _____

Acreage / Lot Dimensions: 0.96 acres

Comp Plan/Zoning within 200 feet: Rural Intermediate

Flood Zone: V4 FIRM Map Panel #: 5301510050C Map Date: 01/03/1985

Road access: Private County - Permit #: _____ State - Permit #: _____

Water Source: Drilled Well - Permit #: _____ Community Well Public PUD#1 Anacortes

Sewage Disposal: Septic - Permit #: SW00-0126 Public Sewer: _____

Pre-application meeting required: Yes No Meeting verification form enclosed: Yes No

Legal Description: THAT PORTION OF THE NORTH 5 ACRES OF THE WEST HALF OF GOVERNMENT LOT 4, OF SECTION 26, TOWNSHIP 26 NORTH, RANGE 2 EAST, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE NORTH 00-00-00 EAST, ALONG THE WEST LINE OF SAID SECTION 26 A DISTANCE OF 715.80 FEET; THENCE SOUTH 89-44-30 EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 26 A DISTANCE OF 225.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89-44-30 EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 26 A DISTANCE OF 100.00 FEET; THENCE NORTH 02-21-00 EAST TO A POINT ON THE GOVERNMENT MEANDER LINE; THENCE NORTHERLY AND WESTERLY ALONG THE GOVERNMENT MEANDER LINE TO A POINT THAT BEARS NORTH 02-21-00 EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 02-21-00 WEST TO THE TRUE POINT OF BEGINNING. ALSO TOGETHER WITH THE SECOND CLASS TIDELANDS CONVEYED BY THE STATE OF WASHINGTON, SITUATED IN FRONT OF, ADJACENT TO OR ABUTTING UPON THAT PORTION AS DESCRIBED ABOVE.
 (Attach additional sheet if necessary.)



Planning & Development Services Fact Sheet

Applicant

Loren and Terri Greenwood

Name

4800 G Loop Rd, Bow, WA 98232

Address

425-836-8374

Phone

Fax

green.tl@hotmail.com

E-mail Address

Signature

Loren Greenwood

Owner

same as applicant

Name

Address

Phone

Fax

E-mail Address

Contact

Allison Martin, Davido Consulting Group

Name

9706 4th Ave NE #300, Seattle, WA 98115

Address

360-899-1110 ext. 318

Phone

Fax

allison@dcgengr.com

E-mail Address

OWNERSHIP CERTIFICATION

I, Loren and Terri Greenwood, hereby certify that I am the major property owner or officer of the corporation owning property described in the attached application, and I have familiarized myself with the rules and regulations of Skagit County with respect to filing this application for a

bulkhead replacement and that the statements, answers and information submitted present the argument on behalf of this application and are, in all respects, true and correct to the best of my knowledge and belief.

Street Address: 4800 G Loop Rd

City, State, Zip: Bow, WA, 98232

Phone: (425) 836-8374

Signature(s):

Loren Greenwood

for:

(corporation or company name, if applicable)

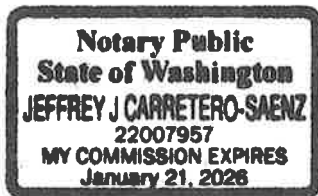
ACKNOWLEDGMENT

STATE OF WASHINGTON

COUNTY OF SKAGIT

On this day personally appeared before me Loren Greenwood to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 5th day of October, 2022.



[Signature]
Notary Public in and for the State of Washington
Residing at King County

My Commission Expires

January 21, 2026



Planning & Development Services

Critical Areas Checklist

Pursuant to Skagit County 14.24.080

Section 26 Township 36 Range 02 Parcel Number: P47118 Related Permits: _____

Site Address: 4800 G Loop Rd, Bow, WA, 98232

Proposed uses: _____

PLEASE ANSWER THE FOLLOWING QUESTIONS CONCERNING CRITICAL AREA INDICATORS LOCATED ON OR WITHIN 200 FEET OF THE PROJECT AREA.

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, *please attach a list of document titles).
 Yes* No Unknown A geotechnical report by Nelson Geotechnical has been prepared for the project
- b. Are there any surface waters (including year-round and seasonal streams, saltwater, lakes, ponds, bogs, fens, swamps, marshes)?
 Yes No Unknown
- c. Is there vegetation that is associated with wetlands?
 Yes No Unknown
- d. Have any wetlands been identified?
 Yes No Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?
 Yes No Unknown
- f. Are there any State or Federally listed sensitive, endangered or threatened species and habitats?
 Yes No Unknown PHS lists the potential presence of hardshell clam, dungeness crab, waterfowl concentrations, and estuarine & marine wetlands
- g. Are there slopes of 15% or greater?
 Yes No Unknown
- h. Is the project located within a Flood Hazard Zone?
 Yes No Unknown
- i. Do you know of any landslide hazard areas?
 Yes No Unknown Refer to Geotech Report - shallow landslide occurred in 2008 but the slopes have been stabilized since then.

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of SCC 14.24, the Skagit County Critical Areas Ordinance.

**This is an updated application - please see the attached CAO Review Application that was signed by the property owner on 10/5/22

Applicant's Signature _____

Date _____



Request for Critical Areas Review

Permit #:

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

Critical areas review ensures your project does not injure shorelines, streams, lakes, wetlands, sensitive habitat areas, and aquifer recharge areas, that development is protected from geological hazard and frequently flooded areas, and your project complies with rules for shoreline protection.

Application Fee : _____

| | | | | | |
|---|---------------------------|--------------|----------------------|-------------|---------|
| Property Owner | Loren and Terri Greenwood | | | | |
| Mailing Address | 4800 G Loop Rd | | | | |
| City | Bow | State | Washington | Zip | 98232 |
| Phone | 425-836-8374 | Email | green.tl@hotmail.com | | |
| I am the owner of the subject property and I grant permission to Skagit County PDS field staff to enter the site to verify the presence or absence of critical areas and perform inspections of work proposed by this application. I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of SCC 14.24, the Skagit County Critical Area Ordinance. | | | | | |
| Owner Signature | Loren Greenwood | | | Date | 10/5/22 |

| | | | | | |
|---------------------------------|------------------------|--------------|--|------------|--|
| Applicant (if different) | Same as Property Owner | | | | |
| Mailing Address | | | | | |
| City | | State | | Zip | |
| Phone | | Email | | | |

| | | | | | |
|---|--|---------------------------|--------------------|------------|-------|
| Parcel No(s) | P47118 | Zoning Designation | Rural Intermediate | | |
| Site Address | 4800 G Loop Road | City | Bow | Zip | 98232 |
| Review Type | <input checked="" type="checkbox"/> New Project <input type="checkbox"/> Hazard Tree Removal | | | | |
| Project Description | The project is to replace the existing bulkhead | | | | |
| Directions to site and access instructions | From 1110 Higgins Airport Way Mount Vernon, WA 98273 (HWY 20), Head north on Higgins Airport Way, Turn left onto Josh Wilson Rd, Turn right onto Farm to Market Rd, Turn left onto D Arcey Rd, Turn right onto Bayview E | | | | |

Critical Areas Checklist

Please answer the following questions concerning Critical Area indicators located on or within 300 feet of the review area.

| | |
|---|--|
| 1. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? Attach any existing documentation. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| 2. Are there any surface waters (including year-round and seasonal streams, saltwater, lakes, ponds, bogs, fens, swamps, marshes)? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown |
| 3. Is there vegetation that is associated with wetlands? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown |
| 4. Have any wetlands been identified? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown |
| 5. Are there areas where the ground is consistently inundated or saturated with water? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown |
| 6. Are there any State or Federally listed sensitive, endangered, or threatened species and habitats? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown |
| 7. Are there slopes of 15% or greater? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| 8. Are there any landslide hazard areas? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown |
| 9. Is the project located within a Flood Hazard Zone? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |

Provide any other comments:

Site Visit

A site visit to your property is required to check for the presence of critical areas. Please identify the development envelope in the field by placing a ribbon at the edges/corners. The ribbon may be placed on stakes or on existing vegetation as long as they are easily visible. The development envelope should include the entire area you anticipate disturbing for your proposed development, both now and in the immediate future. **Please call Planning and Development Services once markers have been placed. The critical areas site visit will not occur until this has been done.**

Site visits generally occur on Fridays, but may include any business day, depending on demand or special conditions. **At this time, we are currently not offering in person appointments for site visits.**

Required Attachments

- Site plan, including:**
 - North arrow
 - Standard scale, minimum of 1"=40' (same as building permit site plan)
 - Property lines (no aerial imagery)
 - Existing and proposed structure(s)/development (with dimensions)
 - Measurements to proposed structure(s)/development from all property lines
 - Flagging/stakes identifying location of proposal
 - Well location with 100' radius
 - Septic tank, drainfield, and lines
 - All watercourses, wet areas, and slopes (if known)
 - Roads, driveways, and impervious/hard surfaces (label type of material)
 - Other landmarks that help identify the project area (if applicable)

Note: A more detailed site plan will be required for your building application submittal. You may choose to submit the more detailed site plan (found in the building permit application packet) instead of the minimum that is required for this review. Consider including any future areas of property development within your requested review area. Doing so may help you avoid having to repeat critical areas review for future permit applications. If there are no critical areas on the property and its immediate vicinity, you should consider specifying the entire property as the review area.

CRITERIA FOR GRANTING SHORELINE VARIANCE PERMITS SECTION 10.03 OF SKAGIT COUNTY SHORELINE MASTER PROGRAM:

Variance permits for development to be located landward of the ordinary high water mark (OHWM), except within areas designated marshes, bogs or swamps pursuant to Chapter 173-22 WAC, may be granted provided the applicant can meet all the following criteria; the burden of proof shall be on the applicant.

Please explain how the strict application of the bulk, dimensional or performance standards set forth in this Master Program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by this Master Program.

Please explain how the hardship described above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size or natural features and the application of this Master Program and not, for example, from deed restrictions or the applicant's own actions.

Please explain how the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

Please explain how the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the same area and will be the minimum necessary to afford relief.

Please explain how the public interest will suffer no substantial detrimental effect.

**CRITERIA FOR GRANTING SHORELINE CONDITIONAL USE PERMITS
SECTION 11.03 OF SKAGIT COUNTY SHORELINE MASTER PROGRAM:**

1. Permits for uses which are classified or set forth in the Master Program as conditional uses may be authorized providing the applicant can meet all of the following criteria, the burden of proof shall be on the applicant:

a) Explain how the proposed use will be consistent with the policies of this Master Program and policies of RCW 90.58.020.

b) Explain how the proposed use will not interfere with the normal public use of public shorelines.

c) How will the proposed use of the site and design of the project be compatible with other permitted uses in the area?

d) Explain how the proposed use will cause no unreasonable adverse effects to the shoreline environment designation in which it is located.

e) Explain how the public interest suffers no detrimental effect.

2. Other uses which are not classified or set forth in the Master Program may be granted as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in Section 11.03 a-e, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the Master Program.
3. Conditional use permits may not be granted for uses which are prohibited by the Master Program.
4. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other development in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of the Master Program and RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

I, the undersigned, state that to the best of my knowledge the information given in this application is true and complete. It is understood that the County may withdraw any permit that it might issue in reliance upon this application should there be any willful misrepresentation or lack of disclosure on my part.

Signature: _____ **Date:** _____



Narrative requirements for all Substantial Development, Conditional Use and/or Variance applications:

1. Provide a general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

Replacement of existing bulkhead with a 12' cast-in-place concrete wall. The proposed bulkhead will be placed behind the existing. The existing bulkhead is damaged and is in need of repair for bluff protection. To accomplish this, a small excavator will be used to excavate an area to allow for installation of the proposed concrete wall and footing. Approximately 45 CY may be excavated. All material removed will be temporarily stockpiled and reused to fill behind the proposed bulkhead. Fill material will be the native soils removed during excavation. Any added material will be locally sourced washed aggregate.

2. Provide a general description of the property as it now exists including its physical characteristics and improvements and structures.

The property currently contains a single family residence, garage, and shed. There is an existing pathway that leads down to Samish Bay. There is an existing retaining wall and bulkhead long the northern portion of the property, at the base of the bluff.

3. Provide a general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

The adjacent area also contains single family residences with protection along the shoreline to the north. A portion of the bluff is vegetated with native plants such as Nootka rose.

Site plan requirements for all Substantial Development, Conditional Use and/or Variance applications:

A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

- a. The boundary of the parcel(s) of land upon which the development is proposed.
- b. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
- c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
- d. A delineation of all wetland areas that will be altered or used as a part of the development.
- e. A general indication of the character of vegetation found on the site.
- f. The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
- g. Where applicable, a landscaping plan for the project.
- h. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
- i. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
- j. Quantity, composition and destination of any excavated or dredged material.
- k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
- l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
- m. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.



WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form^{1,2} [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps
of Engineers®
Seattle District

AGENCY USE ONLY

Date received: 2/16/2023

Agency reference #: _____

Tax Parcel #(s): _____

Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

4800 G Loop Rd Bulkhead Replacement

Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

Greenwood, Loren & Terri

2b. Organization (If applicable)

2c. Mailing Address (Street or PO Box)

4800 G Loop Rd

2d. City, State, Zip

Bow, WA 98232

2e. Phone (1)

425-836-8374

2f. Phone (2)

2g. Fax

2h. E-mail

Green.tl@hotmail.com

¹Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

²To access an online JARPA form with [\[help\]](#) screens, go to

http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

| | | | |
|---|----------------------|----------------|---------------------|
| 3a. Name (Last, First, Middle) | | | |
| Allison Martin | | | |
| 3b. Organization (If applicable) | | | |
| Davido Consulting Group | | | |
| 3c. Mailing Address (Street or PO Box) | | | |
| 9706 4 th Ave NE #300 | | | |
| 3d. City, State, Zip | | | |
| Seattle, WA 98115 | | | |
| 3e. Phone (1) | 3f. Phone (2) | 3g. Fax | 3h. E-mail |
| 360-899-1110 ext. 318 | | | allison@dcgengr.com |

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

| | | | |
|---|----------------------|----------------|-------------------|
| 4a. Name (Last, First, Middle) | | | |
| | | | |
| 4b. Organization (If applicable) | | | |
| | | | |
| 4c. Mailing Address (Street or PO Box) | | | |
| | | | |
| 4d. City, State, Zip | | | |
| | | | |
| 4e. Phone (1) | 4f. Phone (2) | 4g. Fax | 4h. E-mail |
| | | | |

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

| 5a. Indicate the type of ownership of the property. (Check all that apply.) [help] | | | |
|---|------------------|-------------------------|-------|
| <input checked="" type="checkbox"/> Private <input type="checkbox"/> Federal <input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.) <input type="checkbox"/> Tribal <input type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E) | | | |
| 5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help] | | | |
| 4800 G Loop Rd | | | |
| 5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help] | | | |
| Bow, WA 98232 | | | |
| 5d. County [help] | | | |
| Skagit | | | |
| 5e. Provide the section, township, and range for the project location. [help] | | | |
| ¼ Section | Section | Township | Range |
| SW | 26 | 36N | 02E |
| 5f. Provide the latitude and longitude of the project location. [help] | | | |
| <ul style="list-style-type: none"> Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83) | | | |
| 48.575856 N lat. / -122.529767 W long. | | | |
| 5g. List the tax parcel number(s) for the project location. [help] | | | |
| <ul style="list-style-type: none"> The local county assessor's office can provide this information. | | | |
| P47118 | | | |
| 5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help] | | | |
| Name | Mailing Address | Tax Parcel # (if known) | |
| CHEUNG FAMILY TRUST | 4824 G LOOP ROAD | P47154 | |
| | Bow, WA 98232 | | |
| FORSYTHE LARRY J & FORSYTHE SUSAN L | 4772 G LOOP ROAD | P47153 | |
| | Bow, WA 98232 | | |
| SAGER ZACHARY B | 4797 G LOOP ROAD | P47140 | |
| | Bow, WA 98232 | | |
| 5i. List all wetlands on or adjacent to the project location. [help] | | | |
| NA | | | |

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Samish Bay

5k. Is any part of the project area within a 100-year floodplain? [\[help\]](#)

Yes No Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

Deciduous trees and shrubs on the bluff, landscaped lawn grasses, fruit trees, garden space, cobblestone and sand beach, scattered woody debris, minimal aquatic vegetation present.

5m. Describe how the property is currently used. [\[help\]](#)

Single-family residential.

5n. Describe how the adjacent properties are currently used. [\[help\]](#)

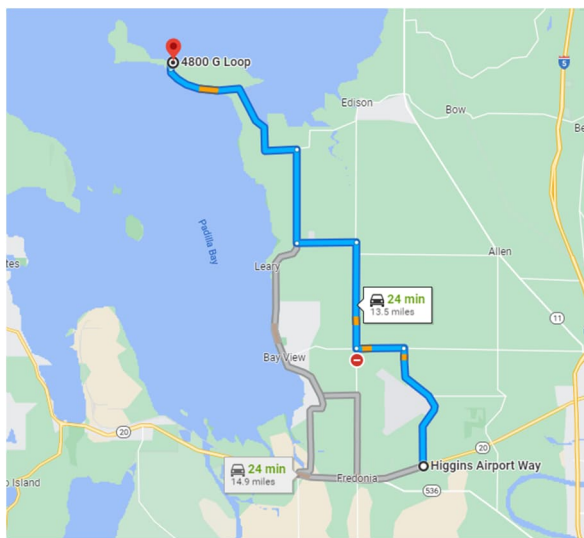
Adjacent properties are single-family residential.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [\[help\]](#)

5,524 SF single-family residence, 100' of medium bank bulkhead to be replaced, and carport.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

1. 1110 Higgins Airport Way Mount Vernon, WA 98273 (HWY 20)
2. Head north on Higgins Airport Way
3. Turn left onto Josh Wilson Rd
4. Turn right onto Farm to Market Rd
5. Turn left onto D Arcy Rd
6. Turn right onto Bayview Edison Rd
7. Turn left onto Samish Island Rd
8. Continue straight onto G Loop
9. Destination will be on the left



Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

Replacement of existing bulkhead with a 12' cast in place concrete wall. The proposed bulkhead will be placed behind the existing.

6b. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

Existing bulkhead damaged and in need of maintenance/replacement for bluff protection.

6c. Indicate the project category. (Check all that apply) [\[help\]](#)

Commercial
 Residential
 Institutional
 Transportation
 Recreational
 Maintenance
 Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

| | | | |
|---|--|--|---|
| <input type="checkbox"/> Aquaculture <input type="checkbox"/> Bank Stabilization <input type="checkbox"/> Boat House <input type="checkbox"/> Boat Launch <input type="checkbox"/> Boat Lift <input type="checkbox"/> Bridge <input checked="" type="checkbox"/> Bulkhead <input type="checkbox"/> Buoy <input type="checkbox"/> Channel Modification | <input type="checkbox"/> Culvert <input type="checkbox"/> Dam / Weir <input type="checkbox"/> Dike / Levee / Jetty <input type="checkbox"/> Ditch <input type="checkbox"/> Dock / Pier <input type="checkbox"/> Dredging <input type="checkbox"/> Fence <input type="checkbox"/> Ferry Terminal <input type="checkbox"/> Fishway | <input type="checkbox"/> Float <input type="checkbox"/> Floating Home <input type="checkbox"/> Geotechnical Survey <input type="checkbox"/> Land Clearing <input type="checkbox"/> Marina / Moorage <input type="checkbox"/> Mining <input type="checkbox"/> Outfall Structure <input type="checkbox"/> Piling/Dolphin <input type="checkbox"/> Raft | <input type="checkbox"/> Retaining Wall (upland) <input type="checkbox"/> Road <input type="checkbox"/> Scientific Measurement Device <input type="checkbox"/> Stairs <input type="checkbox"/> Stormwater facility <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Utility Line |
|---|--|--|---|

Other:

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Removal of Existing Structures:
The existing timber bulkhead will be removed from the site using an excavator at low tides.

Installation of Proposed Bulkhead:
To install the new bulkhead, excavation will occur during low tides to allow a footing for the structure to be installed. A concrete footing and 12' tall concrete wall will be poured within the same footprint. Backfill with occur with the native soil removed during excavation. Additional fill will be used as needed and will be locally sourced and free draining.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start Date: ASAP based on End Date: _____ See JARPA Attachment D
permits and approved work windows

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

\$96,000

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- If **yes**, list each agency providing funds.

Yes No Don't know

Part 7–Wetlands: Impacts and Mitigation

- Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [\[help\]](#)

| 7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help] | | | | | | |
|---|---------------------------|---|--------------------------------|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Not applicable | | | | | | |
| 7b. Will the project impact wetlands? [help] | | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know | | | | | | |
| 7c. Will the project impact wetland buffers? [help] | | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know | | | | | | |
| 7d. Has a wetland delineation report been prepared? [help] | | | | | | |
| <ul style="list-style-type: none"> If Yes, submit the report, including data sheets, with the JARPA package. | | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | |
| 7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help] | | | | | | |
| <ul style="list-style-type: none"> If Yes, submit the wetland rating forms and figures with the JARPA package. | | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know | | | | | | |
| 7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help] | | | | | | |
| <ul style="list-style-type: none"> If Yes, submit the plan with the JARPA package and answer 7g. If No, or Not applicable, explain below why a mitigation plan should not be required. | | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know | | | | | | |
| 7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help] | | | | | | |
| | | | | | | |
| 7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help] | | | | | | |
| Activity (fill, drain, excavate, flood, etc.) | Wetland Name ¹ | Wetland type and rating category ² | Impact area (sq. ft. or Acres) | Duration of impact ³ | Proposed mitigation type ⁴ | Wetland mitigation area (sq. ft. or acres) |
| | | | | | | |
| <p>¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.</p> <p>² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.</p> <p>³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.</p> <p>⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)</p> | | | | | | |
| Page number(s) for similar information in the mitigation plan, if available: _____ | | | | | | |
| 7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help] | | | | | | |
| | | | | | | |

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

Not applicable

The proposed project avoids impacts to the extent practicable, but some impacts cannot be avoided entirely as this project is dependent upon maritime access and construction activity. The following measures and best management practices will be incorporated by the applicant in order to avoid, reduce intensity, or otherwise minimize potential impacts:

- Potential adverse effects of this project on listed salmonids and forage fish will be avoided or minimized through the adherence to agency-approved work windows.
- All construction debris will be collected and not allowed to reenter waters of the state.
- The contractor will prepare a spill prevention control and countermeasures plan.
- If debris or spill material accidentally enters the waterway, immediate actions will be taken to remove the material, and proper entities will be notified.
- Care will be taken in all work to prevent debris, oils, and grease from entering the water.
- All debris or spill material will be properly disposed of at an approved off-site disposal facility.
- Refueling will be conducted away from the project site in accordance with the Washington State Department of Ecology.
- All equipment will be checked daily for leaks and any necessary repairs will be made prior to commencement of work.
- If fish are observed to be in distress or if a fish kill occurs, work will be stopped immediately. USACE and WDFW will be contacted by the applicant and work will not resume until approval is given by all of these agencies.

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

Yes No

8c. Have you prepared a mitigation plan to compensate for the project’s adverse impacts to non-wetland waterbodies? [\[help\]](#)

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

Yes No Don’t know

Mitigation is not proposed as this project consists of maintenance of an existing structure.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

NA

8e. Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

| Activity (clear, dredge, fill, pile drive, etc.) | Waterbody name ¹ | Impact location ² | Duration of impact ³ | Amount of material (cubic yards) to be placed in or removed from waterbody | Area (sq. ft. or linear ft.) of waterbody directly affected |
|--|-----------------------------|------------------------------|---------------------------------|--|---|
| Remove existing timber bulkhead | Samish Bay | Adjacent/In-water | Permanent | ~40 CY | 110 LF |
| Excavation for installation of new bulkhead | Samish Bay | In-water | Temporary | 45 CY | 110 LF |
| Install concrete bulkhead & footing | Samish Bay | Adjacent/In-water | Permanent | 48 CY | 110 LF |
| Backfill | Samish Bay | Adjacent | Permanent | N/A | N/A |
| | | | | | |

¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

Fill material will be the native soils removed during excavation. Any added material will be locally sourced washed aggregate.

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

A small excavator will be used to excavate an area to allow for installation of the proposed concrete wall and footing. Approximately 45 CY may be excavated. All material removed will be temporarily stockpiled and reused to fill behind the proposed bulkhead. No dredging proposed.

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [\[help\]](#)

| Agency Name | Contact Name | Phone | Most Recent Date of Contact |
|---------------|---------------|--------------|-----------------------------|
| WDFW | Marcus Reaves | 360-466-4345 | September 2022 |
| Skagit County | Leah Forbes | 360-416-1337 | August 2022 |
| | | | |

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [\[help\]](#)

- If Yes, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>.

Yes No

Category 1 Sediment under the parameters of lead, mercury, and silver.

Category 2 Water under the parameters of bacteria (fecal coliform).

Category 5 water under the parameters of methyl mercury.

| |
|---|
| <p>9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]</p> <ul style="list-style-type: none"> Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC. |
| Oyster Creek-Frontal Samish Bay (171100020401) |
| <p>9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]</p> <ul style="list-style-type: none"> Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #. |
| WRIA #3 |
| <p>9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]</p> <ul style="list-style-type: none"> Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the standards. |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable |
| <p>9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]</p> <ul style="list-style-type: none"> If you don't know, contact the local planning department. For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases. |
| <input type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input checked="" type="checkbox"/> Other: <u>Rural Residential</u> |
| <p>9g. What is the Washington Department of Natural Resources Water Type? [help]</p> <ul style="list-style-type: none"> Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System. |
| <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input type="checkbox"/> Non-Fish Seasonal |
| <p>9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]</p> <ul style="list-style-type: none"> If No, provide the name of the manual your project is designed to meet. |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Name of manual: _____ |
| <p>9i. Does the project site have known contaminated sediment? [help]</p> <ul style="list-style-type: none"> If Yes, please describe below. |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <p>9j. If you know what the property was used for in the past, describe below. [help]</p> |
| Unknown |
| <p>9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]</p> <ul style="list-style-type: none"> If Yes, attach it to your JARPA package. |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <p>9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]</p> |

- Coastal Puget Sound Bull Trout (*Salvelinus confluentus*) and Dolly Varden (*Salvelinus malma*)
- Georgia Basin Bocaccio (*Sebastes paucispinis*)
- Georgia Basin Yelloweye Rockfish (*Sebastes ruberrimus*)
- Humpback Whale (*Megaptera novaeangliae*)
- Marbled Murrelet (*Brachyramphus marmoratus*)
- Puget Sound Chinook (*Oncorhynchus tshawytscha*)
- Puget Sound Steelhead Trout (*Oncorhynchus mykiss*)
- Southern Resident Killer Whale (*Orca orcinus*)
- Taylor's Checkerspot (*Euphydryas Editha taylori*)
- Yellow-billed Cuckoo (*Coccyzus americanus*)

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

- Hardshell Clam
- Dungeness Crab (*Cancer magister*)
- Waterflow Concentrations
- Estuarine and Marine Wetland

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opas/>.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

A copy of the SEPA determination or letter of exemption is included with this application.

A SEPA determination is pending with Skagit County (lead agency). The expected decision date is TBD.

I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

This project is exempt (choose type of exemption below).

Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

Other: _____

SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

LOCAL GOVERNMENT

Local Government Shoreline permits:

Substantial Development Conditional Use Variance

Shoreline Exemption Type (explain): WAC 173-27-040(2)(b)

Other City/County permits:

Floodplain Development Permit Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

- Hydraulic Project Approval (HPA) Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

Washington Department of Natural Resources:

- Aquatic Use Authorization

Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.

Do not send cash.

Washington Department of Ecology:

- Section 401 Water Quality Certification
- Authorization to impact waters of the state, including wetlands (Check this box if the proposed impacts are to waters not subject to the federal Clean Water Act)

FEDERAL AND TRIBAL GOVERNMENT

United States Department of the Army (U.S. Army Corps of Engineers):

- Section 404 (discharges into waters of the U.S.) Section 10 (work in navigable waters)

United States Coast Guard:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at:

- Bridge Permit: D13-SMB-D13-BRIDGES@uscg.mil
- Private Aids to Navigation (or other non-bridge permits): D13-SMB-D13-PATON@uscg.mil

United States Environmental Protection Agency:

- Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

- Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. LG (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. LG (initial)

Loren Greenwood Applicant Printed Name Loren Greenwood Applicant Signature Oct 5, 2022 Date

11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Allison Martin, Davido Consulting Group Authorized Agent Printed Name Allison Martin Authorized Agent Signature 10/21/22 Date

11c. Property Owner Signature (if not applicant) [\[help\]](#)

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name Property Owner Signature Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

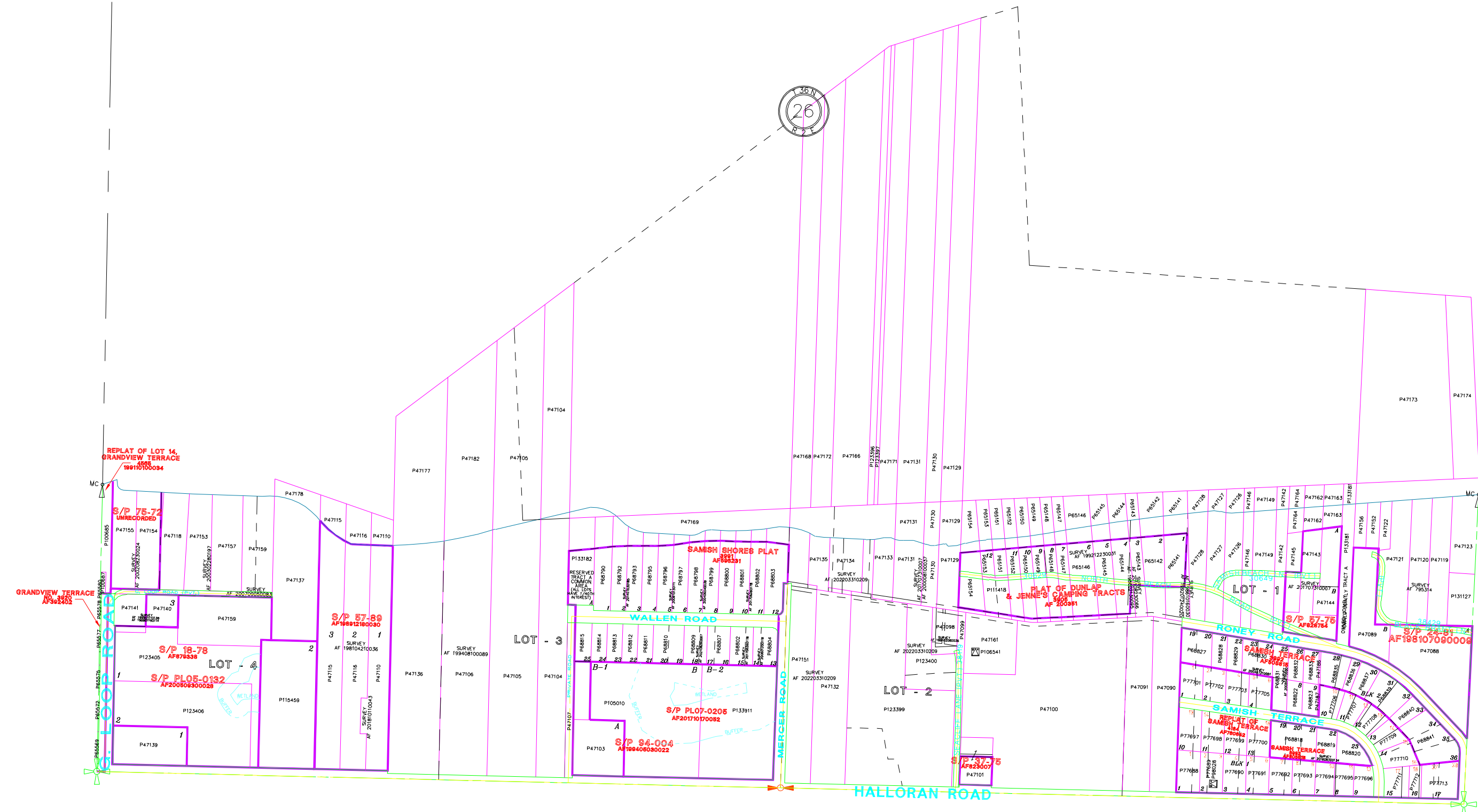
If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018

SKAGIT COUNTY

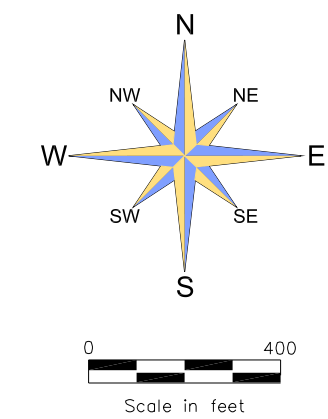
| | | | | | |
|----|----|----|----|----|----|
| 6 | 5 | 4 | 3 | 2 | 1 |
| 7 | 8 | 9 | 10 | 11 | 12 |
| 18 | 17 | 16 | 15 | 14 | 13 |
| 19 | 20 | 21 | 22 | 23 | 24 |
| 30 | 29 | 28 | 27 | 26 | 25 |
| 31 | 32 | 33 | 34 | 35 | 36 |

T 36 N R 02 E

SAMISH BAY



*** ATTENTION**
 THIS MAP CONTAINS A PARCEL ACCOUNT THAT HAS BEEN PLACED WITH THE BEST AVAILABLE INFORMATION. THE EXACT LOCATION OF THIS PARCEL IS UNKNOWN.



These maps were created from available public records and existing map sources, not from field surveys. Map features from all sources have been adjusted to achieve a "best fit" registration to the Ownership Parcel map. While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. The relative positioning of map features to one another results from combining different map sources without field "ground truthing".

• THIS MAP IS NOT A SUBSTITUTE FOR FIELD SURVEY •

| | DATE | INIT. |
|--|---------|-------|
| DRAWN BY | 1/16/19 | RV |
| REVISED | 8/1/22 | RV |
| PLOTTED | 8/1/22 | RV |
| MAP PRODUCED BY SKAGIT COUNTY MAPPING SERVICES | | |

Section 26
 T 36 N R 02 E



Variance Application

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

Permit # PL23-0099

2/16/2023

Received by: PA

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.¹

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 14.²

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 certification³ 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)

¹ SCC 14.10.030(2).

² SCC 14.10.020.

³ 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:⁴
 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.

⁴ 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

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

| |
|--------------|
| Permit #: |
| |
| Received by: |

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

5. Access

- Show entire driveway to a public or private road
 - Show length and width of driveway
 - Show grade of driveway in percent of slope
 - Show any required turnouts
 - Label driveway surface material (e.g., asphalt, pervious pavement, gravel)
-

6. Wells and water lines

- Show the drinking water supply (existing and proposed, public or individual).
 - Show all existing and proposed wells
 - Show a 100' radius around each well
 - Show public water mains
 - Show water supply pipes to all buildings.
-

7. Septic/Sewer

- Show method of sewage disposal
 - For public sewer, show:
 - location of sewer main
 - private pipes to buildings
 - For private septic, show existing and proposed:
 - Tanks (must be 5' from the building foundation and 50' from any well)
 - Drain fields (must be 10' from the building foundation and 100' from any well)
 - Lines/pipes
-

8. Utilities

- Show utility poles, drainage ditches, culverts (including those in right-of-way adjacent to site)
 - Show below-grade pipes (e.g., water, sewer, telecom); include size, material type, and invert elevations
 - Show the location of any existing or proposed fuel tank (e.g., propane, fuel oil)
 - Indicate above/below ground
 - Show tank volume
-


9. Slope

- 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.
 - Identify any erosion or landslide areas and any potentially unstable slopes greater than 15%
-

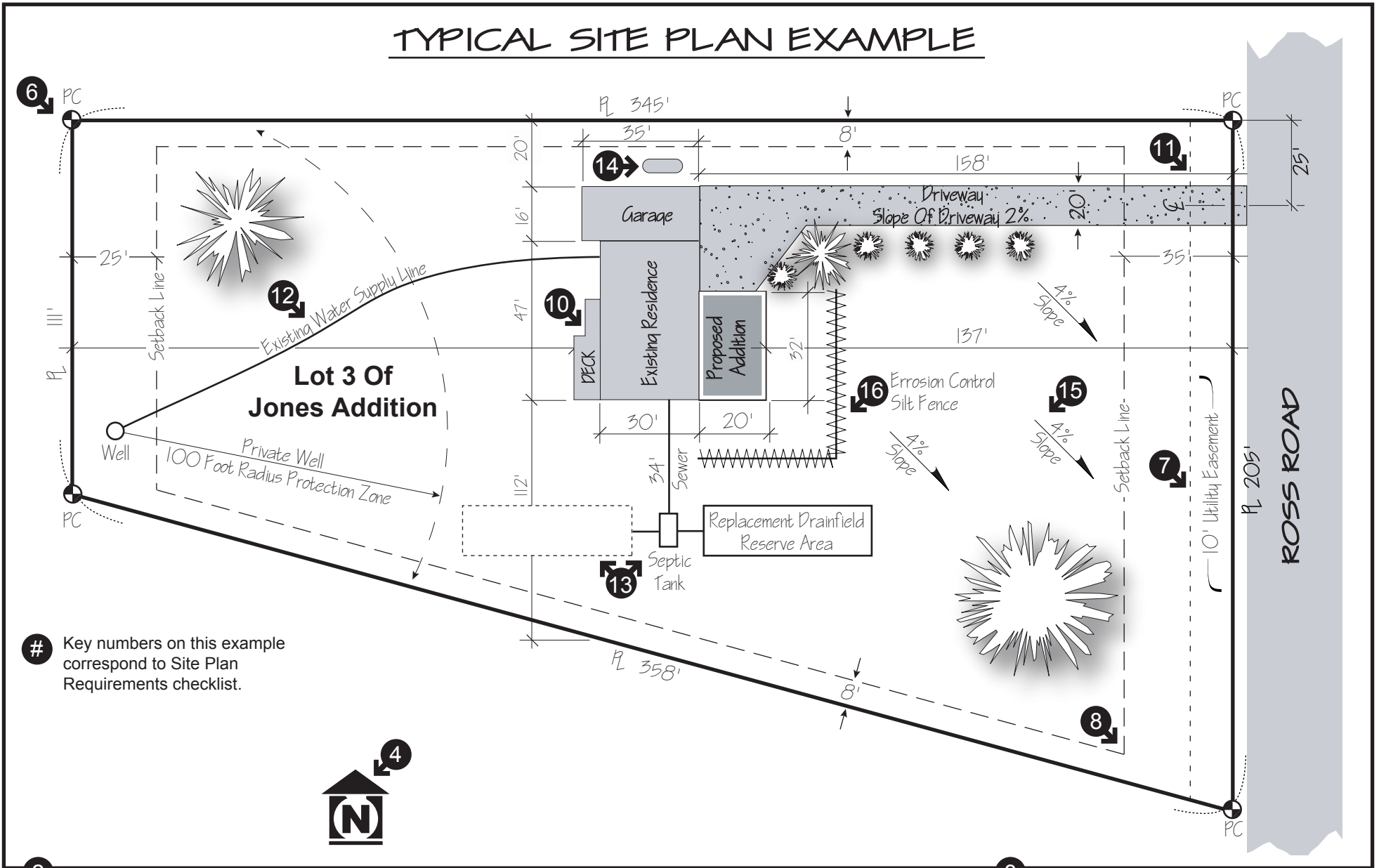
10. Stormwater

- 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 |



Agent Authorization Form

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

| |
|--------------|
| Permit #: |
| |
| Received by: |

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

Project Site

Property Address: 4800 G Loop Rd

City, State, Zip: Bow, WA, 98236

Authorization Statement

I/we, as the owners of the property identified above, authorize Allison Martin, Davido Consulting Group 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: *William Loren Greenwood*

Printed Name: William Loren Greenwood

Title: _____

Company: _____

Date: Feb. 8, 2023

Signature: *Terri Greenwood*

Printed Name: Terri Greenwood

Title: _____

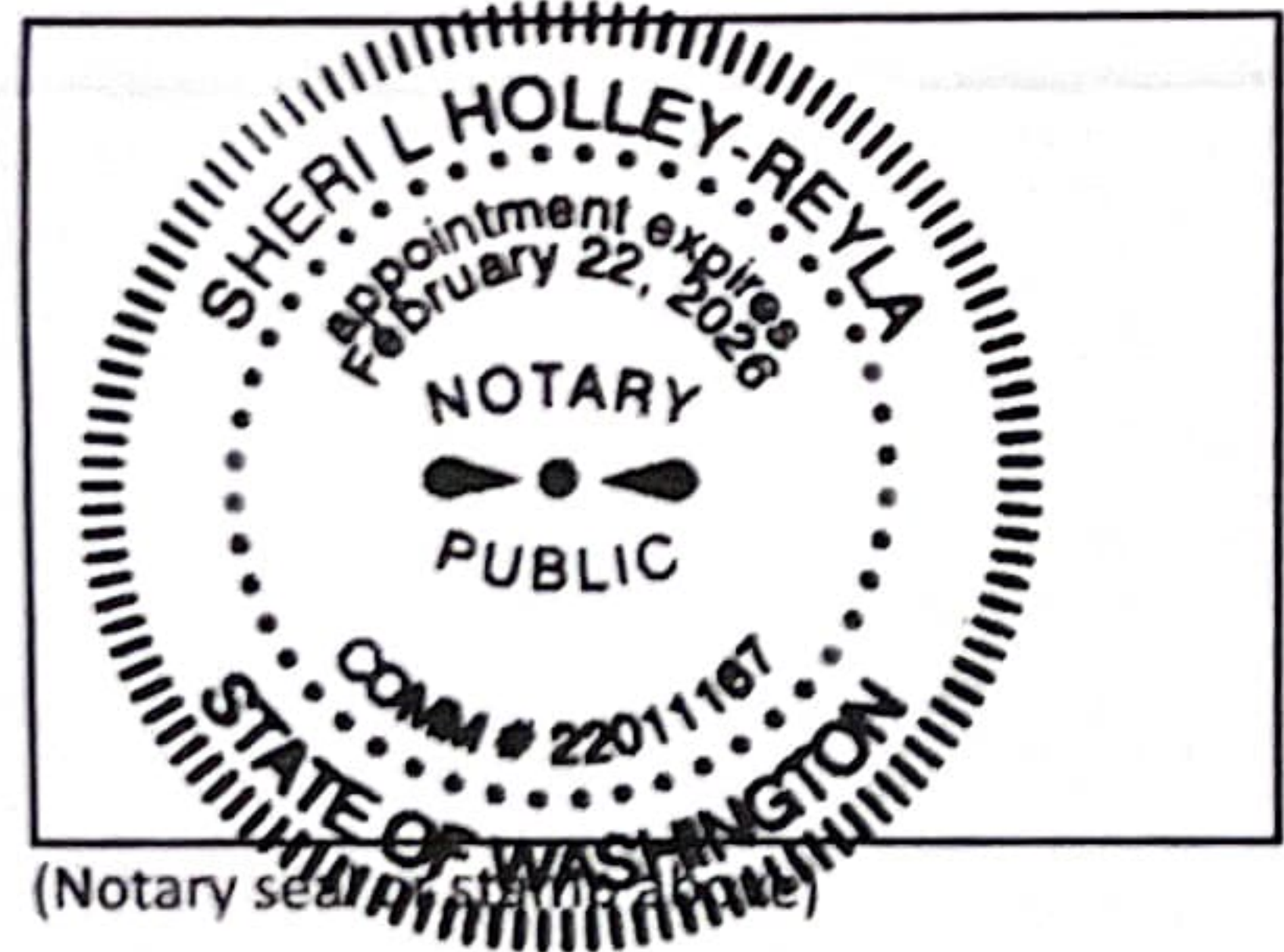
Company: _____

Date: February 7, 2023

Notarization

I certify that I know or have satisfactory evidence that WILLIAM LOREN GREENWOOD & TERRI GREENWOOD 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: 2/7/2023



Signature of Notary Public: *Sheri L. Holley-Reyla*

Printed Name of Notary Public: SHERI L. HOLLEY-REYLA

My appointment expires 2/22/2026



February 13, 2023

4800 G Loop Road Variance Application Narrative

1. Describe the specific variation from code requirements you are seeking.

We are seeking a variance from the setback requirements set forth in SCC Chapter 14 that require a setback of 8 feet from the side of a lot.

2. Describe why the variance is the smallest possible variance that would allow reasonable use of the property.

This proposal is for a bulkhead along the shoreline. The purpose of the bulkhead is to protect the bluff from erosion due to wave action. This would require the entire length along the shoreline to have a bulkhead, otherwise fill and native materials would be lost in the unprotected setback zones, therefore a setback distance of 8 feet is not feasible. There is an existing bulkhead in the same position on the lot already that is failing. The proposed bulkhead will be placed behind the existing to allow for additional shoreline habitat.

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.

As stated in the response to question 2 above, there is currently a bulkhead in place on this lot. The neighboring lots also have a bulkhead along the shoreline. The proposed condition would be substantially the same as it exists now.

4. Describe any topography, lot size configuration, or critical area constraints that make use of the particular site infeasible without the proposed variance.

The proposed variance will allow the applicant to preserve the current use of the site as it exists. There is a bluff that is approximately 50' above the beach elevation with a pathway leading down to the beach. The proposed structure will protect the bluff from erosion and preserve the existing use for beach access for the landowners.

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.

There are no special conditions or circumstances for this proposal that are not applicable to adjacent parcels.

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.

| | | | | |
|---|---|--|--|--|
| Seattle 9706 4th Ave NE, Ste 300 Seattle, WA 98115 Tel 206.523.0024 | Mount Vernon 2210 Riverside Dr, Ste 110 Mount Vernon, WA 98273 Tel 360.899.1110 | Freeland 1796 E Main St, Ste 105 Freeland, WA 98249 Tel 360.331.4131 | Federal Way 31620 23rd Ave S, Ste 307 Federal Way, WA 98003 Tel 253.237.7770 | Spokane 601 Main Ave, Ste 617 Spokane, WA 99201 Tel 509.606.3600 |
|---|---|--|--|--|

Not applicable.

7. Describe how literal interpretation of the requirements would deprive the applicant of rights commonly enjoyed by other properties in the same zone.

The current stretch of beach contains bulkheads that extend from one edge of the lot to the other. The existing structure on this parcel already meets that same description. The proposal for a bulkhead replacement will not provide the applicant any additional rights that they did not previously have. It will also not provide the applicant with any additional rights that the adjacent lots do not currently have.

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.

As discussed in question 7 above, the variance to allow the structure to extend to the edge of the lot will not provide any special privilege to the applicant that they do not currently have or the adjacent property owners do not currently have.



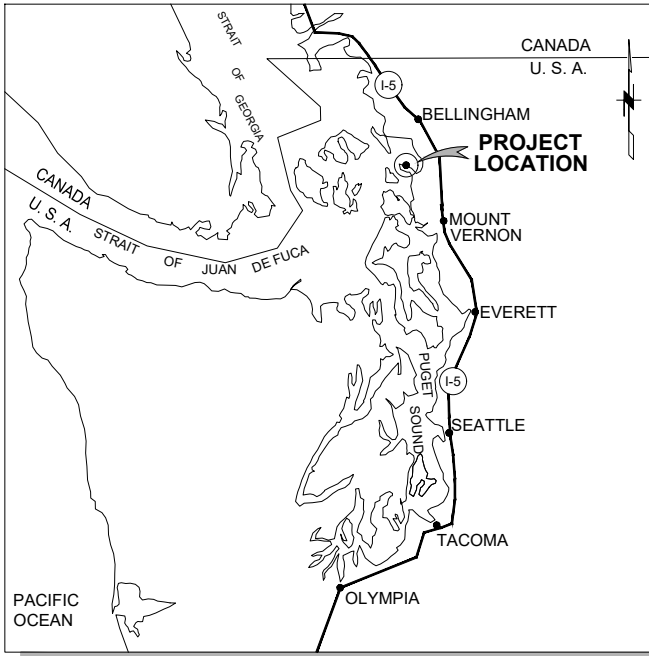
The photo above was taken from the Department of Ecology Shoreline Photo Viewer. As you can see above, this stretch of lots all contain protective structures along the shoreline that continues along the entire lot. The subject property structure is shown in red.

If you have any questions, feel free to contact me at 360-899-1110 ext. 318 or via email at allison@dcgengr.com.

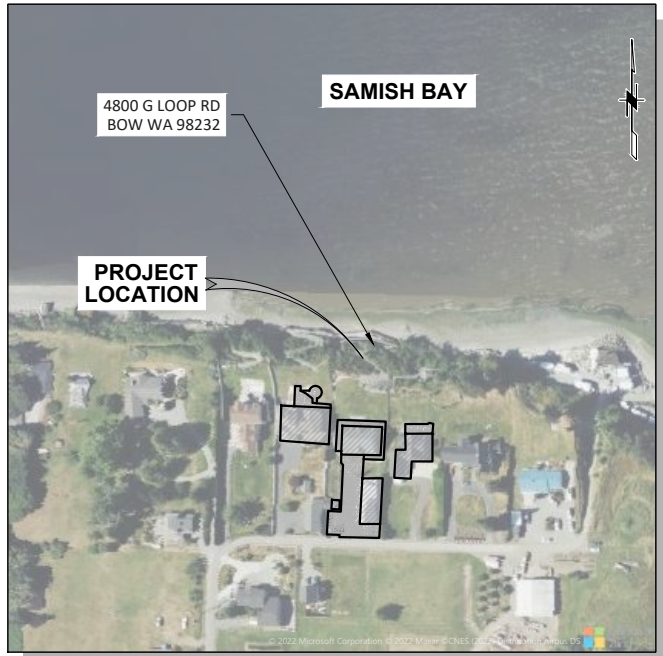
Sincerely,

Davido Consulting Group, Inc.

Allison Martin, Environmental Scientist



VICINIY MAP
NTS



PROJECT LOCATION
NTS

SHEET INDEX

| No. | SHEET TITLE |
|-----|-----------------------------|
| 1 | TITLE SHEET AND SHEET INDEX |
| 2 | EXISTING PLAN |
| 3 | PROPOSED PLAN |
| 4 | EXISTING BULKHEAD SECTION A |
| 5 | PROPOSED BULKHEAD SECTION B |
| 6 | OVERALL PROPOSED PLAN |

PROJECT INFORMATION

OWNER: LOREN & TERRI GREENWOOD
 ADDRESS: 4800 G LOOP RD BOW, WA 98232
 PARCEL NUMBER: P47118

HORIZONTAL DATUM:
 NAD83/2011 WASHINGTON STATE PLANE, NORTH ZONE, US SURVEY FEET.

VERTICAL DATUM:
 MEAN LOW LOW WATER (MLLW).
 CONVERSION FACTOR: MLLW - 0.48' = NAVD 88.

TIDAL DATUM:
 STATION ID: 9449211
 STATION NAME: BELLINGHAM, BELLINGHAM BAY, WA

MEAN HIGHER HIGH WATER (MHHW) 8.51'
 MEAN HIGH WATER (MHW) 7.79'
 MEAN LOW WATER (MLW) 2.35'
 NORTH AMERICAN VERTICAL DATUM (NAVD88) 0.48'
 MEAN LOWER LOW WATER (MLLW) 0.00'

HIGH TIDE LINE (HTL):
 HTL IS 9.72' MLLW BASED ON THE AVERAGE NOAA PREDICTED TIDE ROM 2023 TO 2032 AT THIS STATION



9706 4th Ave NE
 Suite 300
 Seattle, WA 98115
 P: 206.523.0024
 www.dcgengr.com

PURPOSE:
 BULKHEAD REPLACEMENT

APPLICATION BY:
 LOREN & TERRI GREENWOOD

ADJACENT PROPERTY OWNERS:
 SEE JARPA APPLICATION

**4800 G LOOP ROAD
 BULKHEAD REPLACEMENT
 (PARCEL P47118)**

**TITLE SHEET AND
 SHEET INDEX**

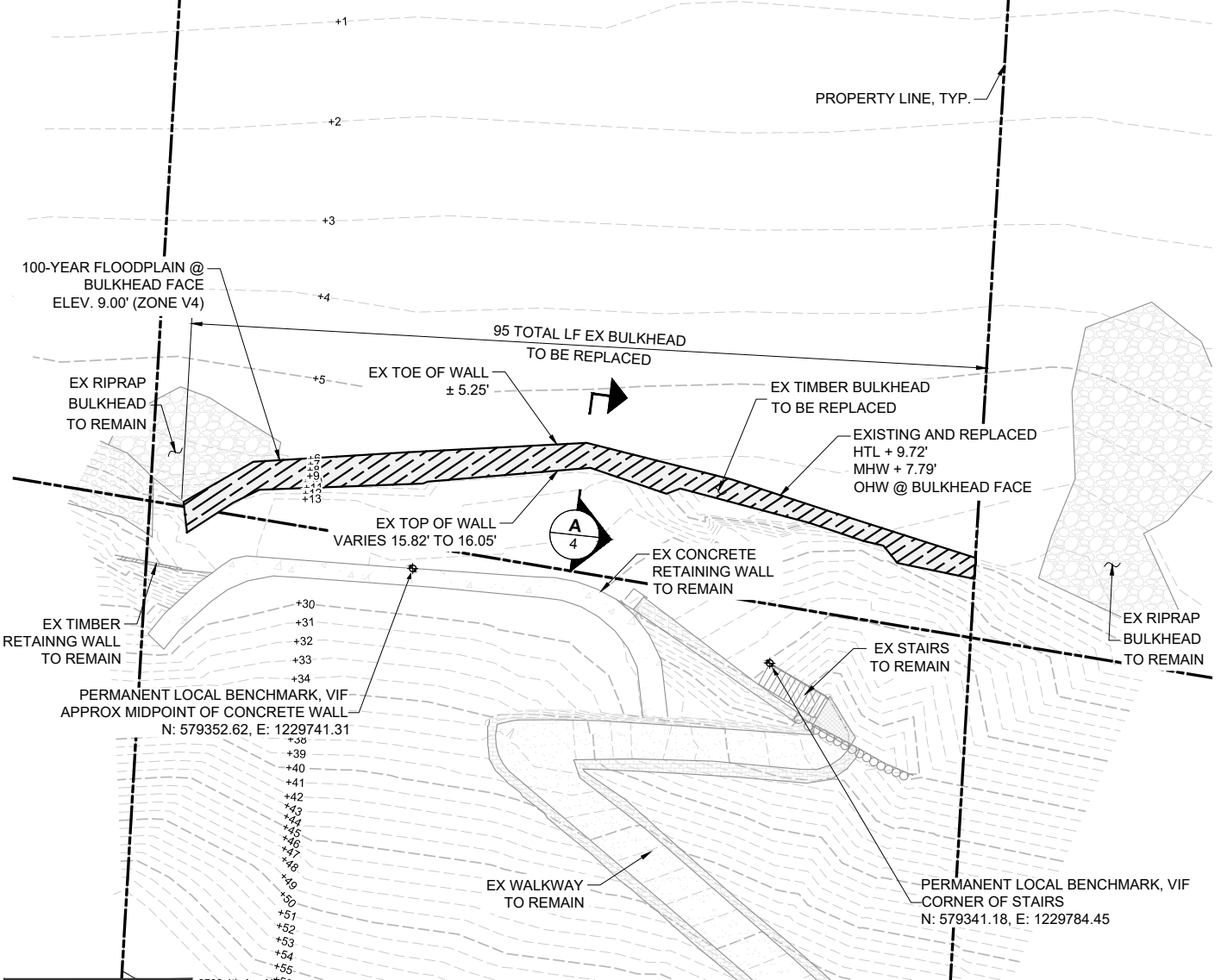
4800 G LOOP ROAD
 BOW, WA 98232

PROPOSED:
 BULKHEAD REPLACEMENT AND REPAIR TO
 PROTECT EXISTING STRUCTURES

IN: SAMISH BAY (PUGET SOUND)
 AT: BOW, WA, 98232 SKAGIT COUNTY

DATE: SEPTEMBER 2024
SHEET: 1 OF 6

SAMISH BAY



9/6/24 - ISABELLA - Z:\SHARED\PROJECTS\ACTIVE\2022\05\2026.0173.00 - 4800 G LOOP RD BOW BULKHEAD - LOREN GREENWOOD\DWG\DRAWING\4800 G LOOP - GREENWOOD 5-13.DWG

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PURPOSE:
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**4800 G LOOP ROAD
BULKHEAD REPLACEMENT
(PARCEL P47118)
EXISTING AND DEMOLITION
PLAN**



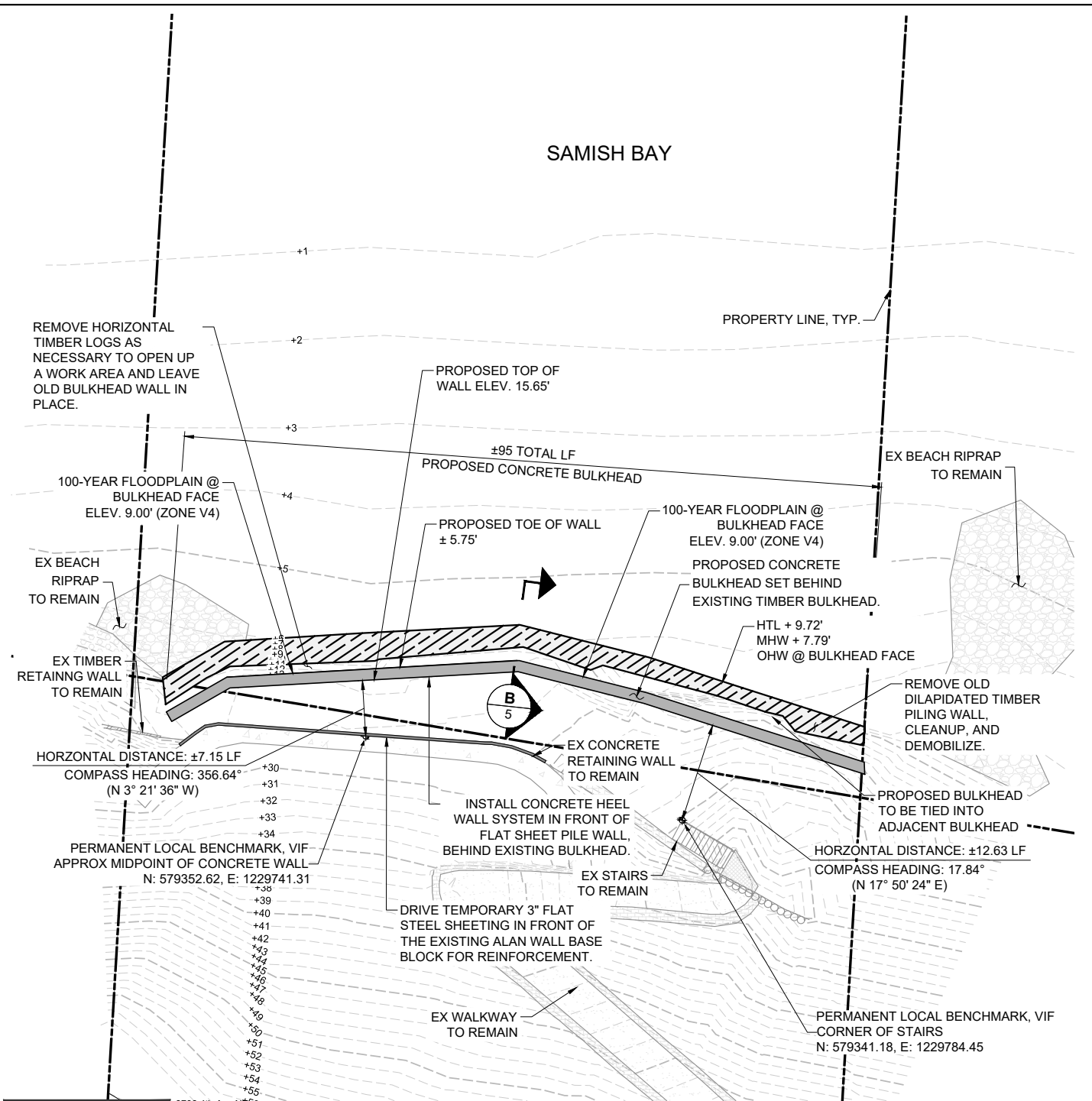
4800 G LOOP ROAD
BOW, WA 98232

PROPOSED:
BULKHEAD REPLACEMENT AND REPAIR TO
PROTECT EXISTING STRUCTURES

IN: SAMISH BAY (PUGET SOUND)
AT: BOW, WA, 98232 SKAGIT COUNTY

DATE: SEPTEMBER 2024
SHEET: 2 OF 6

SAMISH BAY



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PURPOSE:
BULKHEAD REPLACEMENT

APPLICATION BY:
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SEE JARPA APPLICATION

4800 G LOOP ROAD BULKHEAD REPLACEMENT (PARCEL P47118) PROPOSED PLAN



4800 G LOOP ROAD
BOW, WA 98232

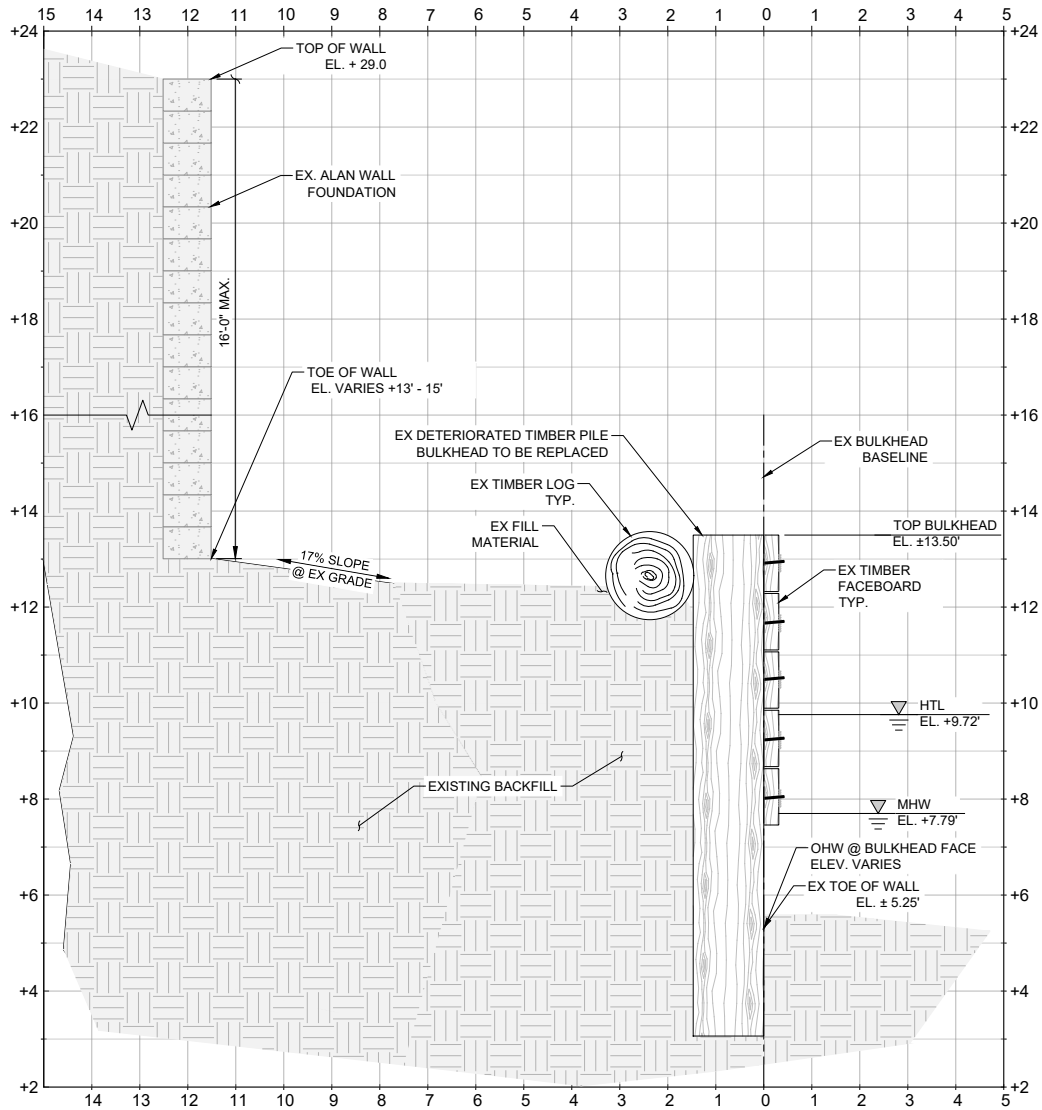
PROPOSED:
BULKHEAD REPLACEMENT AND REPAIR TO
PROTECT EXISTING STRUCTURES

IN: SAMISH BAY (PUGET SOUND)
AT: BOW, WA, 98232 SKAGIT COUNTY

DATE: SEPTEMBER 2024
SHEET: 3 OF 6

9/6/24 - ISABELLA - Z:\SHARED\PROJECTS\ACTIVE\2022\05\2025.01\73.00 - 4800 G LOOP RD BOW BULKHEAD - LOREN GREENWOOD\DWG\DRAWING\4800 G LOOP - GREENWOOD 5-13.DWG

9/6/24 - ISABELLA - Z:\SHARED\PROJECTS\ACTIVE\2022\05\2025.01\73.00 - 4800 G LOOP RD BOW BULKHEAD - LOREN GREENWOOD\DWG\DRAWING\4800 G LOOP - GREENWOOD 5-13.DWG



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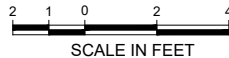
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BULKHEAD REPLACEMENT

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ADJACENT PROPERTY OWNERS:
SEE JARPA APPLICATION

**4800 G LOOP ROAD
BULKHEAD REPLACEMENT
(PARCEL P47118)
EXISTING BULKHEAD SECTION A**



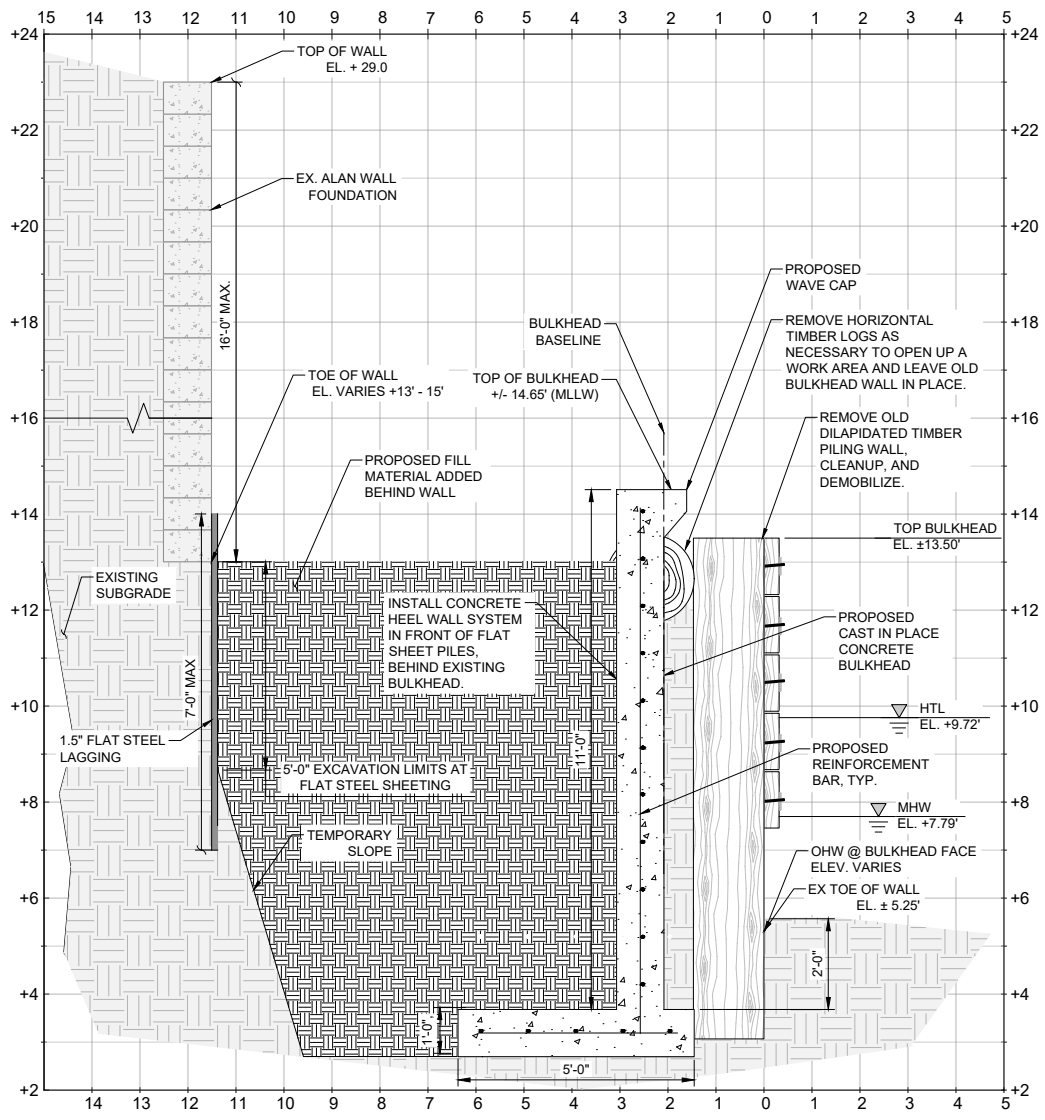
4800 G LOOP ROAD
BOW, WA 98232

PROPOSED:
BULKHEAD REPLACEMENT AND REPAIR TO
PROTECT EXISTING STRUCTURES

IN: SAMISH BAY (PUGET SOUND)
AT: BOW, WA, 98232 SKAGIT COUNTY

DATE: SEPTEMBER 2024
SHEET: 4 OF 6

9/6/24 - ISABELLA - Z:\SHARED\PROJECTS\ACTIVE\2022\05\2025\0173\00 - 4800 G LOOP RD BOW BULKHEAD - LOREN GREENWOOD\DWG\DRAWING\4800 G LOOP - GREENWOOD 5-13.DWG



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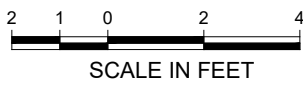
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P: 206.523.0024
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PURPOSE:
BULKHEAD REPLACEMENT

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ADJACENT PROPERTY OWNERS:
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**4800 G LOOP ROAD
BULKHEAD REPLACEMENT
(PARCEL P47118)
PROPOSED BULKHEAD SECTION B**



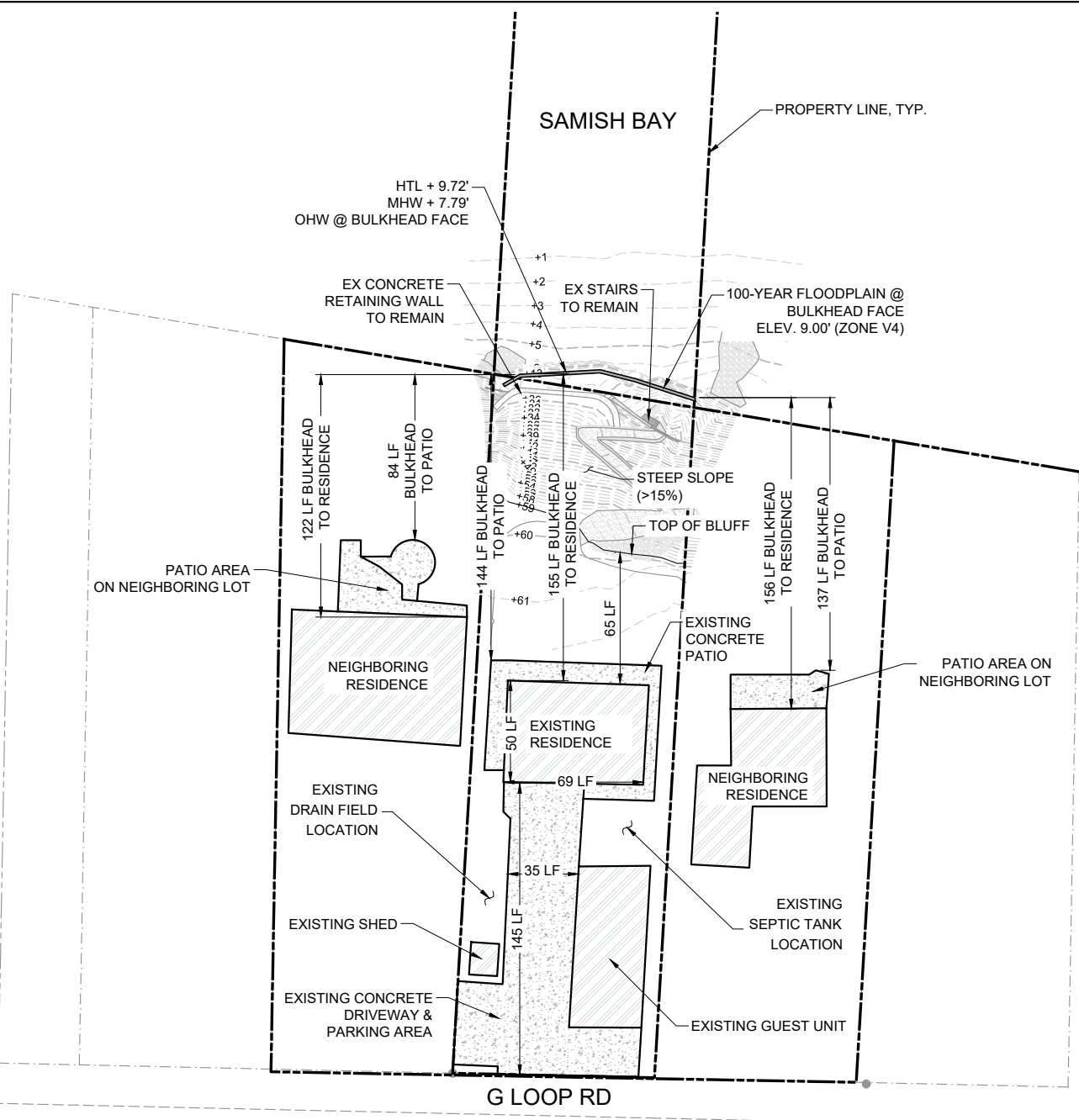
4800 G LOOP ROAD
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PROPOSED:
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SHEET: 5 OF 6

9/6/24 - ISABELLA - Z:\SHARED\PROJECTS\ACTIVE\2022\05\2025.01\73.00 - 4800 G LOOP RD BOW BULKHEAD - LOREN GREENWOOD\DWG\DRAWING\4800 G LOOP - GREENWOOD 5-13.DWG



NOTE: RESIDENCES AND IMPERVIOUS SURFACES WERE ESTIMATED USING AERIAL IMAGERY. SURVEYED AREA CONSISTED OF AREA NORTH OF HOUSE WHERE PROJECT IS PROPOSED.

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civil structural

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PURPOSE:
BULKHEAD REPLACEMENT

APPLICATION BY:
LOREN & TERRI GREENWOOD

ADJACENT PROPERTY OWNERS:
SEE JARPA APPLICATION

**4800 G LOOP ROAD
BULKHEAD REPLACEMENT
(PARCEL P47118)
OVERALL PROPOSED PLAN**



4800 G LOOP ROAD
BOW, WA 98232

PROPOSED:
BULKHEAD REPLACEMENT AND REPAIR TO PROTECT EXISTING STRUCTURES

IN: SAMISH BAY (PUGET SOUND)
AT: BOW, WA, 98232 SKAGIT COUNTY

DATE: SEPTEMBER 2024
SHEET: 6 OF 6

SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES NOTICE OF DEVELOPMENT APPLICATION

File # PL23-0097 and PL23-0099

Notice is hereby given that on February 16, 2023, Davido Consulting Group, on behalf of Loren and Terri Greenwood, filed a Shoreline Substantial Development/Variance/Conditional Use Permit application PL23-0097 and a Zoning Variance application PL23-0099 to construct a replacement bulkhead. The new bulkhead will be a 12-foot tall cast-in-place concrete wall located landward of the existing timber bulkhead. It will extend to the property line on both the east and west sides of the parcel so cannot meet the required 8-foot side setback.

The proposed project is located within a portion of the property described as parcel P47118, within the SW ¼ of Section 26, Township 36 North, Range 2 East, W.M. The site is located at 4800 G Loop Road on Samish Island.

The full application for this proposal is on file with Skagit County Planning and Development Services (PDS) and will be reviewed under the provisions of Skagit County Code (SCC). This information is available to the public on request. Other permits may be necessary in the development of the project but are not included in this application building permit, floodplain development permit.

A public hearing before the Skagit County Hearing Examiner is required for this project.

Any person desiring to comment on or to be notified of the decision on this application should notify PDS in writing within thirty days of the date of final publication of this notice, which is September 7, 2023. Skagit County accepts comments online only through the form at www.skagitcounty.net/pdscomments. To ensure comments are received and processed properly, comments are not accepted via email.

Written comments must be received by 4:30 pm, October 9, 2023.

Submit comments to:

Leah Forbes, AICP
Senior Planner
c/o Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273
(360) 416-1320

Transmitted to the Skagit Valley Herald August 29, 2023.
Please publish August 31, 2023 and September 7, 2023.

Tim J. Pew

From: Planning & Development Services
Sent: Friday, September 8, 2023 3:11 PM
To: Leah Forbes
Subject: FW: PDS Comments

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, September 8, 2023 7:45 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Carolyn Plemons

Address : PO Box 375

City : Aurora

State : OR

Zip : 97002

email : clplemons@live.com

PermitProposal : PL23-0097 and PL23-0099

Comments : No comments but please send notification of decisions. Via email preferably, but by mail works too. Thank you.

From Host Address: 216.105.75.248

Date and time received: 9/8/2023 7:41:33 AM