

## NOTICE OF DECISION

### BEFORE THE SKAGIT COUNTY HEARING EXAMINER

**Applicant:** Twin Bridges Marina, LLC  
c/o Bill Youngsman  
11071 Josh Green Lane  
Mount Vernon, WA 98273

**Request/File No:** Shoreline Substantial Development Permit Modification  
PL12-0203

**Location:** 11071 Josh Green Lane along the eastern shore of the  
Swinomish Channel, within Secs. 2, 11, 12, T34N, R2E, W.M.

**Shoreline Designation:** Rural

**Summary of Proposal:** To substitute one boathouse for three permitted boathouses,  
reducing the overall overwater square footage allowed by 2,872  
square feet. Five existing pilings will be moved and four new  
pilings will be added. An existing damaged channel marker will  
be replaced.

**SEPA Compliance:** A Mitigated Determination of Non-Significance (MDNS) for the  
entire project was issued on August 22, 2002. This existing  
document was used upon a determination that the instant proposal  
will reduce environmental impacts.

**Public Hearing:** September 19, 2012. No public testimony. Planning and  
Development Services (PDS) recommended approval.

**Decision:** Approval, subject to conditions.

**Appeal:** The decision may be appealed to the Washington State Shorelines  
Hearings Board, pursuant to RCW 90.58.180 within 15 days of the  
mailing of this revision to the Department of Ecology.

**Online Text:** The entire decision can be viewed at:  
[www.skagitcounty.net/hearing examiner](http://www.skagitcounty.net/hearing_examiner)

## **FINDINGS OF FACT**

1. Twin Bridges Marina seeks modification of a Shoreline Substantial Development Permit (PL00-0424) to allow one boathouse to be placed diagonally in Slips 5, 6 and 7, instead of the three boat houses that are permitted for those slips.

2. The location is the Twin Bridges Marina at 11071 Josh Green Lane along the east shore of the Swinomish Channel. The site is within Secs. 2, 11, 12, T34N, R2E, W.M. The Shoreline Environment Designation of the site is Rural.

3. The completed application was received by the County Permit Center on June 26, 2012. No public comments were received. No public testimony was presented at the hearing.

4. The modification will result in a decrease in overwater structures of approximately 2,872 square feet, or approximately 31%.

5. The proposal calls for moving five existing pilings and adding four new pilings. An existing damaged channel marker will be replaced. The removal and placing of pilings will use standard pile driving technique.

6. The boat house and moorage access float will be constructed off site. Once all piles are in their new location, the boat house will be floated into place and secured to the new mooring piles and float. Access will be by gangways secured to previously installed bulkheads on the south shore.

7. The Administrator has found that the proposed changes are within the scope and intent of the original permit and therefore "insignificant" under the terms of the local Shoreline Master Program (SMP). The Hearing Examiner concurs.

8. Any conclusion herein which may be deemed a finding is hereby adopted as such.

## **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding. SMP 9.13.

2. Under SMP 9.13(c) "insignificant" modifications to Shoreline Substantial Development permits shall be approved.

3. A shoreline permit modification is governed by a special appeal provision that bypasses the normal County post-decision review process, giving any further review directly to the State Shorelines Hearings Board. SMP 9.13(d).

4. Any finding herein which may be deemed a conclusion is hereby adopted as such.


## CONDITIONS

1. The approved modification shall be carried out as described in the application materials.
2. The applicant shall comply with all requirements of PL00-0424, except as modified herein.
3. The applicant shall comply with all applicable local, state and federal regulations, including, but not limited to SCC Chapter 14.32 (drainage), SCC Chapter 14.24 (critical areas), SCC Chapter 14.16 (zoning), Chapter 172-200 and 201A WAC (water quality), Chapter 173-60 WAC (noise), Northwest Clean Air Agency requirements.
4. The applicant shall obtain and comply with all other necessary permits and approvals, if any. The applicant shall submit a copy of this decision with a building permit application, if such a permit is deemed necessary.
5. The proposed work shall be commenced within two years of this approval and completed within five years thereof.
6. Failure to comply with permit conditions may result in permit revocation.

## DECISION

The requested Shoreline Substantial Development Permit modification (PL12-0203) is approved, subject to the conditions set forth above. The revised permit shall become effective immediately upon the entry of this decision.

**DONE** this 21st day of September, 2012.

  
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Wick Dufford, Hearing Examiner

Transmitted to Applicant on September 21, 2012.

See Notice of Decision, Page 1, for Appeal information.