Skagit SMP Public Comment Summary

April 22 – June 7, 2021

Comment Number	Submitted On	Name	Comments
1	04/22/2021	Julia Gates	Please allow for more kelp production / restoration along our shorelines
2	04/25/2021	Albert Lindstrom	I live here. This Cape Horn park is out of hand! Some property owners are doing drugs, dealing, dumping used motor oil, auto parts, trailers, etc. Management has failed to control this ! If you explore the inland vacant lots you'l find garbage dumped here and there This is all seeping underground to the river; or soon will be. Need a tour! I'll show you..
3	04/25/2021	Ronald Haworth	Some years ago, my neighbor blocked the north fork of the Samish River. This has sent high water to the areas south of the river. Why is this important; almost every neighbor of mine has animals (some have lots of large animals). Their dropping pollute the river after every flood event (their were two last winter). RESTORE THE NORTH FORT OF THE SAMISH RIVER!. It is within your control to prevent this pollution. I do have extensive documentation, if needed. And finally, flood control can easily be designed so that it keeps the current river bed safe for migrating salmon. Ron & Betty Haworth p.s. Our house is safe during flood events so we are ok. It is the pollution that concerns us. Feel free to write us.
4	04/25/2021	Lisa Lewis	Hello, Sam Bell Rd suffers from Samish River flooding every winter. It is a human-caused problem because an illegal dike was installed by a previous owner on property now owned by Skagit Valley Farm. The dike exists on the North side of the river near the east border of the Lautenbach farm (which is located on the South side of the river.) The dike has existed for decades and is now overrun with vegetation. When there is a combination of heavy rain and incoming tide, water flows south out of the river bed completely covering the Lautenbach crop acreage, proceeding across Sam Bell Rd onto the Kinnear crop acreage, then continuing to flow West almost completely covering my two acres in thigh-high water, and completely covering the two acres west of my property which is a hay field owned by Knutsen. The water proceeds west on Sam Bell Rd to Chuckanut, filling the yards and pastures of all properties in its path. Horses and chickens reside on some of these proeprties, as well as sheep that reside on mine. This water carries with it the manure from the livestock, as well as whatever may have been applied to the crop acreages such as fertilizers and weed killers. All of these pollutants eventually flow with the water back into the riverbed within a few days of the original flooding and on to the shoreline. I'm writing to bring this pollution problem to your attention as an issue which I believe that the Shoreline Master Program should address. I thank you so much for your time.
5	04/26/2021	John Stewart	I have owned Skagit County Tax Parcels with ID numbers 46355 and 46357 on Sinclair Island since 1989. I am keenly interested in The Skagit County Shoreline Master Program Update process because of the County's "overarching shoreline goal" stated in section 6A-2(h) "to restore and enhance those shoreline areas and facilities that are presently unsuitable for public or private access and use." After serving Sinclair Island taxpayers for close to a century, the county dock on Sinclair has, as you undoubtedly know, been condemned and closed for well over a decade. I won't rehearse here the vast amount of time Sinclair islanders have spent

			trying to work with the County to restore this county facility. But I would make these comments as a contribution to the SMPU process: 1. This entire document belies the disingenuous claim committed islanders have received from county Public Works personnel that Skagit County wants to "get out of the dock business" so it can focus on its bridges. That and other instances of bad faith on the part of the County negatively mark the long history of this dispute. 2. Numerous sections of this document potentially relate to the county's responsibility to restore the Sinclair Island dock. Each of the following examples adds to the case to be made for restoration: Section 6C-4 23 In this section, joint-use and community structures are encouraged to prevent proliferation of single user structures. One Sinclair resident has installed a new, single-family dock, and others plan to follow suit. The County's refusal to restore the County Dock is forcing this process, in direct contradiction of its own overarching goal outlined in the SMP. Section 14.26.340 Preference is given to projects that preserve or enhance historical shoreline development, which the Sinclair island dock clearly is. Section 14.26.405-1 This section states that, following the goal stated in 6C-4 23, reconstruction of a dock serving a community may be authorized through an exemption from the SSDP. These and other sections of the SMP clarify why and how the County should move forward finally to rebuild the Sinclair Island dock.
6	04/27/2021	Glen Johnson	I'm a lifelong resident of the lower valley, farmed down where the dikes are. It only makes sense that I'd study how and when and why they(first farmers) built them where they did, back those hundred plus years ago. When I was young I read about them, being half Dutch, the way I am. I went to Holland several times while serving in Germany, in the army, and got a chance to see the different dikes up close and personal. I returned with my eyes opened about many things, not just dikes, but about how devastating war can be, and what we might do to soften our humanity, make us peaceable, not so warlike. I returned, and went to college studying agriculture/psych. sharing good food with complete strangers helps keep us peaceable. Our shorelines with water lapping at the tops of these dikes, is more than a little nerve wracking. When the farmland is about to be flooded, with pretty salty water, some of us farmers think about it quite seriously. I may be the most concerned person in the county, beings that I'm getting that old. I've made my living mostly from land protected by those dikes. Us farmers of Dutch and Scandinavian descent, are known for our frugal natures, why would we build dikes higher than we need to, especially when at the time they were built, it was hard heavy work. In Holland I saw dikes that were like ours, and I saw dikes that had boulevards and waterfront condos built on top of them. I saw old functional windmills, and wooden show carvers on the shoreline, tourists loved it, even left tips. I picked up a few of them for future reference, the tips that is. I came home and

			worked in the seed industry, where I learned about hybrid seeds. Saw the levee dissolve in nineteen ninety, thought it rather strange that we rebuilt it to the same basic design. I began to realize that there was no reason why I couldn't design a better dike, create a hybrid model, one that pays for itself, rather than continually costs the profits of our property. Well, I came up with a very good design, one that my hired engineer thought would be patentable, and would likely become best management practice for future dike building everywhere. The patent attorney could find no prior art. If I'd have had the spare forty grand, I might have done it, get the patent that is. I'm more interested in gifting it to someone, sorta like when John Tursi, gifted his time and money and efforts to the museum, and Anacortes, and the animal shelter. I tried to give it to my alma mater, but they didn't understand the value of such a gift. Come back when you have the patent in hand, I've heard it several times. As it is, the patentable component of my design is stashed in the recesses of my mind. If I died tomorrow, it would be gone for a long while, more than likely. I don't really need much money, but the design has nearly fifty years of effort into it, It's like a tesla, as compared to the model A design, that now barely functions. I'm willing to give it to the county, community action, the town of Laconner, the Skagit river systems cooperative, the nature conservancy, the Army corps of engineers, the Skagit watershed council, the dike districts, the local school districts, I'm not really that picky. What I must have however, is an audience with the ability to listen to, and hear, an hour and a half dissertation that explains the concept in detail. I'm as serious as a tsunami, that my dike design is built to handle, that pays for itself, while providing what you are looking for in Shoreline management. I'm
7	04/28/21	Peter H. Grimlund	*Submitted as attachment, see Appendix*
8	04/28/2021	David Lynch	Skagit County, home of Sinclair Island, has a “Shoreline Master Program” (SMP) that provides for “environmental protect for shorelines, preserves and enhances public access and encourages appropriate development that supports water oriented uses”. The dereliction of the Skagit County Dock on the Sinclair Island shoreline has been directly caused by the lack of maintenance and repair by Skagit County, which has badly violated the principles of the SMP! Public access has been trashed. Private docks have been built in the interim that further degrade the shoreline. Support for water oriented uses is gone due to the County’s lack of action. It has been 10 years since the dock became unuseable, and is an urgent concern for those of us on Sinclair Island that the current plans for dock replacement be funded and repair carried out soon.
9	04/29/2021	Tammy Force	Hi. . . want to be sure that "enhances" public access does not include the dike which is private property??? Example - our address which is my backyard.
10	05/02/2021	William Daniel	Dear Skagit County Planning and Development Services: I am a resident of Similk Highlands on Gibralter Road, Anacortes. Our neighborhood is on the top of the bluff on the West side of Similk Bay. We are concerned about the commercial mussel growing platforms on the tide flats directly below our neighborhood. The storm drain for our twenty-two residences empties very near the shellfish platforms, probably within 100 ft. During periods of heavy runoff, the effluent likely contains contaminants such as hydrocarbons, de-icing chemicals, lawn fertilizers, weed killer and pet waste. Additionally, motorized vehicles are being operated on the tide flats at low tide. My neighbors and I are interested to know who licensed this commercial farming operation on the tide lands. We would further like to know who is responsible for testing the shellfish for contamination and how this is done.

			We find the commercial farming operation on the tide flats to be intrusive and disruptive to the quiet enjoyment of our properties. Please give these matters your consideration when reviewing the shoreline master program. Thank you, William Daniel
11	05/04/2021	Mark Johnson	We have a cabin on Sulfur Springs Road, Big Lake. The last few years, with the large waves produced by boats for wave surfing on the lake, there seems to be more beach front damage to the shoreline, erosion, and also the potential damage to the docks on the lake. There is not enough distance on the lake to dissipate the waves. There must be someway to regulate this activity so more destruction doesn't occur.
12	05/04/2021	George Sidhu	Thank you for working with the District and removing Judy Reservoir from the Shoreline Master Program. Please see the attached comment letter.
13	05/06/2021	john martin	Maintaining a privately funded beach restoration project should be considered. When I called Skagit County Shoreline about maintaining a 21 year old North Beach of Samish Island restoration project, I was told: Got to hire a shoreline outfit, submit proposal, get all permits: Skagit County, WDFL, DOE, Army Corp of Engineers. Make the process easier.
14	05/07/2021	DENNIS KATTE	*Submitted as attachment, see Appendix*
15	05/08/2021	Rich Wagner	*Submitted as attachment, see Appendix*
16	05/10/2021	DENNIS KATTE	*Submitted as attachment, see Appendix*
17	05/10/2021	Sandy Wolff	One issue I have with the new SMP has to do with the dock width. Limiting a dock to 4' will pose a safety issue, particularly with children. The potential for a small child to fall off a dock that is so narrow will be quite high. In addition, if the dock is used to park a large boat, that size would be insufficient for stability. If there is high wind, the dock needs to be stable enough so that it holds the boat securely (with boat whips, ties, etc.). Another issue has to do with existing structures. Our cabin was built in the 40's and we have not been able to afford to increase the size up to now. It is a very small cabin and if we were to increase the size, as I read it, we would only be allowed to add 200 sq. ft. That seems like we would be negatively influenced as we would not be able to gain the same value as others in the neighborhood that are allowed a larger structure. If we could afford to do it now, we would, but we won't be able to until we are older & may move there. It does not seem right that we would be impacted that way.
18	05/13/2021	Rein Attemann	May 13, 2021 To: Betsy Stevenson, Senior Planner, Skagit County Planning Commission From: Rein Attemann, Washington Environmental Council RE: Skagit County SMP periodic update Hello Betsy,

Please accept these writing comments in lieu of our testimony during the public hearing that took place on Tuesday, May 11, 2021 on the Skagit County SMP periodic update. Please acknowledge receipt of these comments.

Washington Environmental Council is a nonprofit, statewide conservation organization that has been driving positive change to solve Washington's most critical environmental challenges since 1967. A top priority for us and hundreds of our members in Skagit County is the protection and restoration of the Salish Sea, Puget Sound and the rivers that feed this inland sea. Development of smart land use regulations, and implementation of them, is one essential tool to ensure a healthy environment, clean water, and thriving communities.

I would like to focus our limited time on Aquaculture section of the SMP update and will be submitting additional written comments by June 22, 2021

The SMP should make the distinction between net pen aquaculture for native finfish and non-native fin fish in both Table 14.26.405-1, Shoreline Use and Modifications Matrix and section 14.26.415 (7) pertaining to Net Pens. We suggest the uses be called “In-water, Native Finfish” and “In-water, non-native finfish. And “general aquaculture” should be further defined so it is clear that geoduck and finfish/net pen activities are not included in this generalized category. We suggest having the use be called “Aquaculture activities other than geoduck or finfish” and require a Conditional Use Permit under the “Natural” designation and Shoreline Development permit without any exceptions like the Letter of Exception that is allowed. The letter of Exception negates having to get a SDP or CUP and is too permissive.
For any use designated as In-water, native finfish aquaculture, a Conditional Use Permit should be required for each Shoreline Environmental Designations. These operations that propagate native finfish species should be monitored and have contingency plans to address escapement, disease transmission, or significant waste-related environmental impacts.

We urge the county to prohibit in-water, nonnative finfish uses in all shoreline environment designations similar to what Island County and Clallam County have adopted in their SMPs.

Net pen nonnative finfish aquaculture includes many adverse impacts including organic waste from salmon farms changing the physio-chemical properties and microflora biodiversity of benthic sediments below the pens, increased growth of algae, chemical and drug contaminants introduced into the environment, the disruption of marine food webs by attracting carnivorous birds and mammals, and the escape of farmed salmon with the potential to transmit disease and compete with wild salmon. We believe that this change is consistent with the SMP Guidelines requirements for no net loss of shoreline ecological functions.

Any nonnative finfish raising should be required to take place in upland facilities with proper pollution controls and appropriate requirements for each Shoreline Environmental Designation. Under Section 14.26.415 Aquaculture, it states that “upland finfish rearing facilities constitute “agriculture” and are not regulated by this section.” However, in reviewing section 14.26.410 Agriculture, there is no mention of regulating upland finfish rearing facilities. Can you please direct us to where upland finfish rearing facilities are regulated in the SMP update and how they will be regulated? It may be better to refer to Clallam County SMP for direction on this matter.

6C-2.11 Commercial geoduck aquaculture should only be allowed where sediments, topography, land and water access

			support geoduck operations without significant clearing and grading. Any clearing and grading of the shoreline for commercial geoduck operation is significant and would be counter to 6C-2.7 and WAC 173-26-241(3)(b)(i)(C that says "new and expanded aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adverse impacts to eelgrass and macroalgae,…" . Eelgrass and macroalgae protection and recovery is a state and federal priority and should be a county priority as well given the huge amount estimated to have already been lost. We are concerned that the SMP does not provide a process for monitoring no net loss of ecological functions and/or cumulative impacts analysis to eelgrass and macroalgae from geoduck aquaculture. We urge the county to adopt specific requirements to avoid, first and foremost, any impacts to eelgrass and macroalgae. We recommend that the language in 14.26.415(8)(f) under geoduck aquaculture requiring notifications to property owners to be expanded beyond the suggested 300 yards and to all tribes with usual and accustomed fishing rights to the area be applied to all sections related to new, existing and expanded aquaculture facilities. This provision should not be limited to just geoduck aquaculture. We are concerned that aquaculture use is allowed in Shorelines of Statewide Significance under section 14.26.415(6). It is unclear in the SMP how implementation will be consistent with RCW 90.58.020. Thank you Rein Attemann • Puget Sound Campaign Manager 206.631.2625 • Washington Environmental Council • wecprotects.org 1402 Third Avenue | Suite 1400 | Seattle, WA 98101
19	05/13/2021	Cory McDonald	From: McDonald, Cory (DNR) <cory.mcdonald@dnr.wa.gov> Sent: Wednesday, May 12, 2021 4:55 PM To: Betsy D. Stevenson <betsyds@co.skagit.wa.us> Subject: Skagit SMP Update comment Betsy, I met you a few weeks ago at the Forest Advisory Board meeting. I wanted to comment on the Shoreline Master Program Update but wasn't sure where to send comments so I am emailing you. There has been a lot of discussion on topic at DNR recently and this is arguably one of the most unclear pieces of rule we follow. I tried to describe my concerns at FAB but probably did not do a good job. Below is how I believe the WACs and RCWs fit together as well as my concern for clarification. RCW 90.58.030 Definitions and concepts. (ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforestland use, on lands subject to the provisions of this subsection (2)(d)(ii) are not subject to

additional regulations under this chapter;

I understand this to mean that a SMP cannot require any additional regulation beyond 76.09 unless it's a conversion.

WAC 222-50-020
*(2) Compliance with the Shoreline Management Act, chapter 90.58 RCW, is required. The Shoreline Management Act is implemented by the department of ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

Requires an applicant to get a permit (if the county requires it) prior to Forest Practice application approval. Seems appropriate for Class IV general applications but not for other classes.

WAC 173-26-241

(e) Forest practices. Local master programs should rely on the Forest Practices Act and rules implementing the act and the Forest and Fish Report as adequate management of commercial forest uses within shoreline jurisdiction. A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a substantial development permit. In addition, local governments shall, where applicable, apply this chapter to Class IV-General forest practices where shorelines are being converted or are expected to be converted to nonforest uses.

It would seem 173-26-241 is written in error by saying "may" because Counties and Local jurisdictions must rely on the Forest Practices Act and rules implementing the act and the Forest and Fish Report as adequate management of commercial forest uses within shoreline jurisdiction. 90.58.030 says that SMPs do not have the authority to supersede 76.09 or add additional regulation. All it seems to allow for is to require a permit, and charge the applicant for it and there is no timeframe for a decision.

The DNR through the Forest Practice Board is directed to follow 222-50-020, and in part, it is in direct contradiction with 222-50-010 which directs DNR to avoid unnecessary duplication.

WAC 222-50-010
Policy.
A major policy of the Forest Practices Act and the board is to work toward a comprehensive, statewide system of laws and rules for forest practices which avoids unnecessary duplication and provides for interagency input and cooperation to the extent that can be accomplished without interfering with the authority of the affected federal, state, regional and local agencies.

• Compliance with the Shoreline Management Act is required and a substantial development permit must be obtained if necessary prior to conducting forest practices. However, if we follow the forest practice rules we are in compliance with 90.58

because it says that it cannot subject us to additional regulations over and above 76.09.

By adding unnecessary duplication of time and cost to a project it encourages applicants to avoid the whole process by doing things that do not make sense environmentally (ex. building more road in a less desirable location to avoid a better crossing through a shoreline) which is not the best for the protection of shorelines or public resources. The Forest Practice Rules and review process are intended to be protect public resources with respect to proposed forest practice related activities (not only timber cutting). The process includes review by DFW, DOE, Tribes and FP. This duplicitous permitting process may in some cases, cause mistrust and disdain for the regulatory process which could put resources at more risk than they otherwise would be.

I have heard that counties may utilize this regulation to ensure landowners do not try and build road for conversion purposes under a Class 3 application. But that burdens all legitimate applicants (including DNR - State Lands) to obtain a substantial development permit that in turn can only require them to follow the Forest practice rules in order to get an approved FPA because they have to follow the rules to do that any way.

I appreciate that you acknowledge the issue for Forest Practices and that your office is trying to avoid the time and cost issue for applicants. It would be great if there were a way to formally address this situation in the SMP update but I realize that may not be possible.

Also wanted to mention SUBSTITUTE SENATE BILL 5381 (line 32) which addresses fish passage projects and clarifies under certain conditions that they would be exempt from requiring Substantial Development Permits.
(32 Sec. 2. RCW 90.58.147 and 2019 c 150 s 2 are each amended to read as follows:33 34 (1) A public or private project that is designed to improve fish 35 or wildlife habitat or fish passage shall be exempt from the 36 substantial development permit requirements of this chapter when all of the following apply:37 38 (a) The project has been approved by the department of fish and 39 wildlife or, for forest practices hydraulic projects within the scope p. 4 SSB 5381.PL1 of RCW 77.55.181, the department of natural resources if the local 2 government notification provisions of RCW 77.55.181 are satisfied; 3 (b) The project has received hydraulic project approval by the 4 department of fish and wildlife pursuant to chapter 77.55 RCW or 5 approval of a forest practices hydraulic project within the scope of 6 RCW 77.55.181 from the department of natural resources if the local 7 government notification provisions of RCW 77.55.181 are satisfied; and8 9 (c) The local government has determined that the project is 10 substantially consistent with the local shoreline master program. The 11 local government shall make such determination in a timely manner and provide it by letter to the project proponent.12 13 (2) Fish habitat enhancement projects that conform to the 14 provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs.15 16 (3) Public projects for the primary purpose of fish passage 17 improvement or fish passage barrier removal are exempt from…)

Thank you for taking my comment.

Sincerely,

Cory McDonald

			Proprietary Forester Northwest Region Department of Natural Resources cory.mcdonald@dnr.wa.gov 360-333-2146 cell 360-854-2830 desk
20	05/13/2021	KIM MOWER	I was part of the Committee from the start of this Shoreline Master Program, and am familiar with the arduous attention and commitment by Committee members and County Staff in its development. My question and concern involves the Rural Conservancy - Skagit Floodway designation, page 16 - 6B-5. I am concerned property owners in this portion, inked blue, have been adequately informed about the changes coming their way. Many overlapping rules and regs over land use such as Ag/NRL, Shoreline, UGA, and almost all the encompassing SMP designation combine to rattle the most astute property owner. I suggest County perform an increased awareness campaign to property owners in this designation. People may not understand the development rights have been changed, and could feel the rug has been yanked out from under them. Please give this suggestion some consideration. Thank you everyone, Kim Mower
21	05/14/2021	Rick Anderson	Water front lots less than 1 acre should be exempt from wet land requirements and restrictions.
22	5/19/2021	Dale Malmberg	I am a long time resident of Skagit County and live on Big Lake. I do have some suggestions for the new Skagit County Shoreline Master Program. First, I'd like to ask that the program include Boat Lifts as well as docks, piers, boat houses, ect. in the permit process. Boat Lifts should have a requirement of 8 feet setback from property boundry. Navigation, as well as fish habitat and quality of water should be considered in implementing permits. Aesthetic impacts to adjacent land uses should be included in permit process.
23	05/22/2021	GARY HAGLAND	Comment from Citizens Alliance for Property Rights, Skagit Chapter. The Skagit chapter of CAPR agrees with the Planning Commission that the entry in the SMP draft referencing the Skagit Countywide UGA Open Space Concept Plan should be deleted. A concept plan, dealing with essentially a different topic, has little to nothing do with the condition of the county's shorelines. Rather, it is an idealized vision of interconnected greenbelt corridors through and between urban jurisdictions. We suspect that the passage was included in order to provide the open space plan with more significance than it deserves. It has no business in the SMP. Gary Hagland CAPR Skagit Chapter, President
24	05/31/2021	Donna Mason	I object to this because it fails to address sea level rise • Allows fishnet pens, lessens aquaculture restrictions • Allows reducing river buffer up to 50%; Dept. of Ecology recommends up to 25% • Has no "Best Available Science" for riparian zones • Allows MORE administrative discretion on variances and buffers (less oversight & public review) • Allows logging in buffers • Requires filing appeals in five days (unreasonably short) • Doesn't limit pesticides/herbicides adjacent to wetlands, streams, lakes, rivers • Allows boulders as "soft" shoreline armoring

			• Allows overwater structures without protecting eel grass and kelp beds • Needs more protection from saltwater intrusion
25	05/31/2021	Joe Geivett	I write to provide additional comments regarding the pending SMP Update. I have testified at the Planning Commission meeting, met with Betsy Stevenson, commented previously at the email address, and attended a community meeting at Lake Cavanaugh (with Betsy and 71 concerned locals from the lake community). I live at 35035 S Shore Drive on Lake Cavanaugh. In an effort to make sure you have background on Lake Cavanaugh, I provide the following facts about the lake, which behaves different than most lakes in Western Washington as it does not have a formal lake level control (meaning it has high water in the WINTER rather than the SUMMER): Background Of Lake Cavanaugh: 1. Platted in 1940's. Approximately 500 lots are present on the lake. 2. Approximately 90% developed with homes and cabins as of 2020. 3. Average setback from the lake for buildings is about 50 ft 4. Most existing properties have docks 25 – 110 ft long 5. Lake is generally oriented West-East and docks are generally North-South. 6. Lake level varies approximately 4 feet throughout the year: a. High level in January & November – 1013 approx b. Low level May – Oct – 1009.4 approx c. Average water level from Jun – Oct is 1010.5 d. Ordinary High water is around 1011. 7. Fish stocked on lake by WSDFW include: a. Kokanee (September) b. Cut Throat Trout (June) c. Other species found include Rainbow Trout, Bass and Sculpin. d. No fish migrate to Lake Cavanaugh from the Pilchuck river. A fish blockage was installed in the early 1970's by WDFW to prevent eels and other invasive species from reaching the lake. Fishermen seem to congregate around docks where they are able to catch fish. 8. No Stores, marinas, or public beaches are present on the lake. WSDFW maintains a boat launch at the east end of the lake. 9. Lake temperatures range from surface freezing in winter months (Dec – Feb) to approximately 75 degrees in summer months. Lake is about 80 feet deep at deepest. 10. Lake is approximate 3 miles long by 1 mile at its widest. 11. Water quality is exceptional with about 1/3 of property owners drawing water from the lake for drinking water. a. Oxygen content: i. 10 ft: 9.3 ppm (110% saturation); ii. 55 ft: 5.0 ppm (47% saturation) b. Acidity: i. 10 ft – 7.0 ii. 55 ft -6.5 c. Visibility: 28 ft approx.. d. Fecal Coliform: 0 colonies (occasionally measure minor amounts <12)

12. Surrounding land uses are DNR and private working forests.
13. Weather patterns are unusual with shear winds coming from the east when winter weather is traveling from the west. Winds often exceed 80 mph. Winters are particularly violent as the lake level is high and winds are exceptional. Damage occurs every year to docks and building roofs. Due to weather, boats and boat lift covers, and floats are removed by October until mid-May. Little activity occurs on the lake from October to May.
14. Geology around the lake varies from steep rocky cliffs to wide flat areas. Rock is present at surface in some areas and other areas require pile foundations of 42 feet to reach firm bedding.

I believe that docks can meet the following objectives identified in the DOE manual at this location:
1. Locate to avoid prop wash of lake bottom
2. Address structural requirements unique to the environment at the lake
3. Allow for use of docks for recreation including access to lake for swimming, boating (average boat at the lake is 20-25 ft).
4. Avoid placement of toxic products, tires, and exposed floats (Styrofoam) in water.
5. Allow for boat lifts to remove boats from lake during moorage (covers to allow light through). Lifts to be minimum 9 ft waterside of summer shoreline (summer shoreline)
6. Avoid Skirting on docks
7. Avoid new Boat Houses and covered moorage
8. Encourage floating docks
9. Introduce sunlight thru decking to allow safe use of docks for recreation. Surface to allow for children, boaters, and dogs to safely use surface. Products with 30%-40% daylight would allow cost-effective solution.

To this end, I would recommend the following criteria for docks at Lake Cavanaugh:
1. Docks, piers and mooring buoys should avoid locations where they will adversely impact shorelines ecological functions or processes and minimize impacts to navigation of adjacent properties.
2. Dock lengths established as maximum of 50 ft or longer if necessary due to shallow water depth for boat mooring, or longer if equal to the average of docks within 300 ft of subject property.
3. Dock widths shall be a maximum of 12 ft wide. Widths may be increased by up to 50% with an administrative variance if conditions require additional width for stabilization and individual environmental conditions. Such additional width will be granted if placement of pilings are decreased and light-permitting grating on dock surface is increased.
4. Create Incentive for shared docks by allowing 25% increase in length and width if located on a property line and shared with at least 2 property owners.
5. Establish docks to provide at least 4-5 feet of water depth for June water elevations (when lake is at 1010). This may require dock lengths in excess of the existing average within 300 ft. Administrative variance may be used to extend dock by up to 50% with notification and comments by adjacent property owners.
6. Over water portion of docks to provide at least 40% daylight on at least 50% of the dock surface. Outer 25 ft of dock is encouraged to be floating with grated surface as described above. Intent is to provide daylight thru structure to water where feasible (open grating to solid floats beneath decking is of little value and to be avoided).
7. In locations where grasses are present near shoreline, active portions of docks (where boats moor) shall be placed a minimum of 25 ft from shoreline (this leaves a 25 ft minimum zone for grasses while the dock still has 25 ft for boat mooring). Docks to be limited in width to 6 ft for first 25 ft from shore in these locations. Full width is allowed for remaining portion.
8. No artificial lighting is allowed on docks other than navigational markers and minimum amount needed to locate dock at

night. Focus lighting on deck surface to minimize illumination of surrounding area. Minimize glare and incorporate cut-off shields, as appropriate. Reflectors are encouraged.
9. No toxic treated wood to be utilized for portions of dock in the water. No tires or exposed Styrofoam to be utilized in dock construction (encapsulated foams may be utilized).
10. No skirting is allowed on docks below 1 ft from the decking surface.
11. Pilings shall be installed at maximum spacing practical for the specific location.
12. Floating or suspended watercraft lifts should be located a minimum of 9 feet from the summer shoreline.
13. No dock shall be used for a residence.
14. Trampolines and other anchored floatables shall only be allowed from May 15 – October 15. Floatables will be removed for remainder of year. Note that trampolines are up to about 20 ft in diameter.

FOR MAINTENANCE/REMODEL:
1. During maintenance, repairs shall be made without the use of toxic materials. If more than 50% of decking is replaced, decking shall be updated to current requirements. Repairs may be made with in-kind materials as existing with exception that toxic materials and un-encapsulated foam floats described above shall not be utilized.

BUILDING SETBACKS FROM LAKE:

I support language which allows for up to 50% reduction of setback with an administrative variance.

In general, conditions vary around the lake. It may make sense to have fewer strict requirements for the docks and have more functional criteria. Either way, I think the overall plan should be to match what is already at the lake and take measures to address he unique conditions at Lake Cavanaugh. The guidelines of the SMP were modeled after Lake Washington and Lake Sammammish, which have fish migration thru the lake and have high water in summer recreational months rather than winter as we have at Lake Cavanaugh.

Thank you for your efforts on this matter. Please call or email if you need more information.

Joe Geivett
Emerald Bay Equity
joe@ebequity.com
(206) 910-3825

Appendix

Comments submitted as attachments

Comment 7

27 April 2021

Skagit County - Shoreline Master Program

Comment Regarding Sinclair Island & Skagit County Derelict Public Dock

During the winter of 2011/12, the Skagit County Public Dock serving Sinclair Island since the 1920's was destroyed. The residents of Sinclair Island have repeatedly petitioned Skagit County to repair or replace the facility as it is a valuable asset serving the safety and well being of those who travel to or from Sinclair especially during periods of inclement weather. Absent the public dock there is no safe, all weather public access for residents or emergency services personnel. And for those who do not have beach front property, the public dock is the only means of access without transiting private property.

The long term lease with the WA DNR expired in January of 2018. Per the terms and conditions of that lease as told by the DNR field representative responsible for Sinclair, Skagit County must either, A) be actively engaged in activities leading to the facilities repair or replacement or B) they must remove all vestiges of the facility and return the adjacent tidelands to their previous natural state. In the DNR's eyes, working to repair or replace the facility keeps the country from triggering the clause stipulating the removal and return of the tidelands to their natural state clause.

As the county does not appear to be engaged in trying to repair or replace the facility, they appear to be in violation of that clause.

Our community has been told repeatedly that the DNR, Tribes and others concerned about the negative environmental impact of docks on surrounding tidelands, that they would greatly prefer that a public dock be maintained on Sinclair for public use. They feel as do we, that it would alleviate pressure felt by some home owners to build their own private dock.

Recommendations:

The updated Shoreline Master Program should include Sinclair Island and specifically address the needs of the Sinclair community and specify actions to be taken by Skagit County to either repair/replace the public dock or remove all vestiges of the facility.

If the recommendation is to remove the public dock, than the county should be directed to create a fast track approval process that minimizes residents expense related to permitting for new private docks.

Respectfully submitted:

Peter H. Grimlund

Sinclair Property Owner

Comment 14

May 8, 2021

RE: SKAGIT COUNTY MASTER PROGRAM COMPREHENSIVE UPDATE

TO: SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES

The Lake Cavanaugh Improvement Association (LCIA) members and residents thank you for this opportunity to express our concerns with the SMP revision.

I submit this on behalf of the LCIA which represents some 225 members with vested interests in Lake Cavanaugh. Our membership and many other property owners have been working with the County since 2015 on the SMP update.

We are also sending copies to our Commissioner Browning and Commissioners Janicki and Wesen since LCIA had conferenced with Commissioners Janicki and Wesen over the years.

Although the revision has addressed some of our previous concerns, some remain relative to dock and pier construction, buffers, severe fluctuations in water levels.

One of our concerns relates to:

WATERCRAFT LIFT CANOPIES

Table 14.26.420.1, Standards for Docks, SMP page 101.

Mandates light-permeable fabric. While there seems to be logic for light, the requirement is illogical. Canopies are sold with the explicit purpose of protecting boats from sunlight and UV-caused trim and upholstery fading, extreme surface heating, and rain. With no sun shielding, at 77 degrees air temperature, onboard dark colored surface temperatures can reach up to 125 degrees. Ever walked barefoot on an asphalt road or sat on an exposed lawn chair in August? Permeable must be defined as to transmittance to have any meaning at all. Is it 20% let-thru, 50% or does it have to be translucent?

Most lift canopies are 8' above summer water levels. Plenty of light is allowed under. The sun's movement causes varying degrees and angles of light to the water depending on its position. The least amount of direct sunlight occurs when the sun is directly overhead. If there is no cover, the boat (in raised position) is normally at or 2-4' above water level dependent on lake level allowing sunlight to enter. Boat shadow cannot be eliminated and is a constant. If there is no lift, the boats immersion adds even more shadowing. The canopy usually adds 12" of overhang to the boat's shadow, barely increasing the shading. -

Basta Boatlifts is located in Bellevue, WA and a principal manufacturer of boatlifts. They now offer covers made of Herculite Patio 500 "clear", Herculite Weblon, and Sunbrella.

Herculite describes the Patio version described as "opaque". The Weblon is described as "some light color shades offer some illumination" Sunbrella offers virtually none. The Herculite data is attached. Again, the light penetration issue becomes almost meaningless in view of fabric availability and lack of an actual required allowance clearly expressed. Herculite's website: https://www.herculite.com/awning-fabrics/coastline-plus

The enclosed photo will illustrate the typical height of the canopy above the water as well as the extreme fluctuations in lake level at Lake Cavanaugh.

Most canopy covers are on for only 5 months. Most covers and boats are typically put in May and removed by October since 40-50 MPH winds are usually encountered in October-November. See attached data from Robert Getz, Lake Cavanaugh resident and Weather Underground contributor with authenticated gust speeds of 41, 54, and 52 in November 2017, 2018, and 2020.

Shading helps small fish and minnows. WDFW seeks shading along rivers and creeks to minimize water temperatures, yet promotes non-shady exposures in lakes; somewhat of a dichotomy. We reference The Advantage to Fishes of Hovering in Shade by Gene Helfman. *Simply put, it states that fish are attracted to the shade produced by floats and overhanging structures because from underneath they are better able to see into sunlit areas to better avoid predators*. Small fish' eyesight develops slowly. Predators, too, are better able to spot prey, but the small fish and minnows prefer the shallows where larger fish can't easily swim.

Mr. Helfman's* studies were referenced in Overwater Structures and Non-Structural Piling White Paper prepared for WDFW by Jones and Stokes Associates in December 2006.

Overwater Sructures : Marine Issues by University of Washington, White paper project T1083, May 2001 and prepared for WDFW, WDOE, and WDOT also addresses shadowing but *principally discusses predation of salmonids but in marine waters and Lake Union. Lake Cavanaugh is a freshwater lake and has no anadromous fish;* they are prevented from entering by a weir WDFW built so their reasoning for light permeable fabric is not entirely apropos.

The plasticized materials used for light permeable covers have a reduced service life of 5 years compared to the traditionally used Sunbrella acrylic's life of 10 years. This results in increased replacement cost. Big Lake and Lake Cavanaugh alone have 895 lakefront parcels. Most owners of boats over 14' have boat lifts. The tax base for the county's eight major lakes is $561,068,385; the taxes on waterfront property is already high. This requirement adds yet another "penalty" cost to owners. The permeability requirement, along with significantly greater levels of sun damage to boats, is not fair and should be removed.

Dennis Katte, LCIA SMP Update Chairman

33164 West Shore Drive

Mount Vernon, WA 98274

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Specifications

Description:	Vinyl laminated on a weft insertion scrim base of high tenacity filament polyester.
Weight:	13 oz. per sq. yard
Width:	62 inches / 157.48 centimeters
Surface:	Top surface treated with Rain Kleen® for color retention and prolonged fabric life.
Transparency:	Some light color shades offer good illumination.
Abrasion Resistance:	Excellent
Dimensional Stability:	Excellent
Flexibility:	Excellent in both hot and cold environments
Mildew Resistance:	Excellent
Chemical Resistance:	Excellent
Water Repellency:	Excellent – Water Proof
Oil Resistance:	Excellent
Sewability:	Excellent
Heat Sealability:	Excellent. Can be sealed by hot air wedge welder or radio frequency bar type.

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Specifications

Description:	Vinyl laminated on a woven synthetic fabric.
Weight:	17.5 oz. per square yard
Width:	61 inches / 154.94 centimeters
Transparency:	Opaque (some light color shades do offer illumination)
Abrasion Resistance:	Excellent
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Flexibility:	Excellent in both hot and cold environments
Flame Resistance:	Meets California State Fire Marshall Title 19, NFPA-701-99 (Large Scale) ASTM E84-81A Flame Spread Rating Class A (15)
Mildew Resistance:	Excellent
Chemical Resistance:	Excellent
Water Repellency:	Excellent – Water Proof
Oil Resistance:	Excellent
Sewability:	Excellent
Heat Sealability:	Excellent. Can be sealed by hot air wedge welder or radio frequency bar type.

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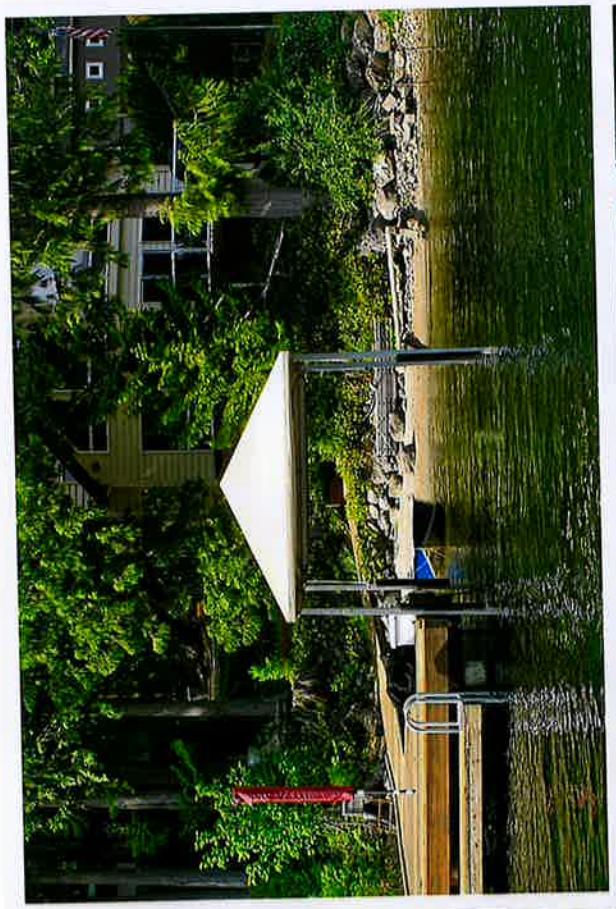

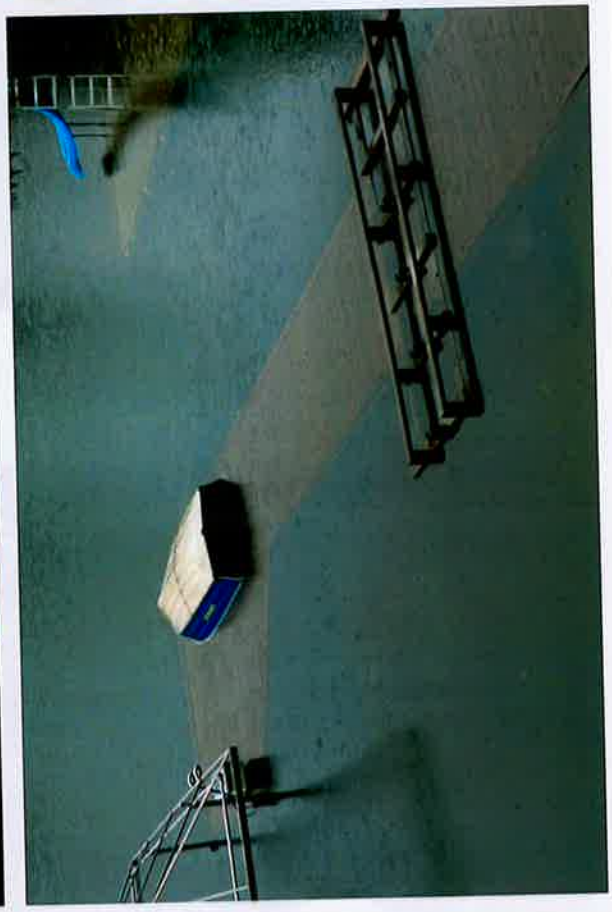

THERE IS NO ASSOCIATED WEBCAM WITH THIS STATION

Weather History for KWAMOUNT16

Monthly Mode | November | 2017

Previous | View | Next

Summary
November 1, 2017 - November 30, 2017

	High	Low	Average
Temperature	**62.3** °F	**28.7** °F	**41.6** °F
Dew Point	**58.0** °F	**27.2** °F	**39.7** °F
Humidity	**99** %	**48** %	**93** %
Precipitation	**17.26** in	--	--

	High	Low	Average
Wind Speed	**33.0** mph	**0.0** mph	**5.0** mph
Wind Gust	**54.0** mph	--	**9.4** mph
Wind Direction	--	--	**ESE**
Pressure	**30.46** in	**29.44** in	--

Graph | **Table**

November 1, 2017 - November 30, 2017

Date	Temperature	Dew Point	Humidity	Speed

THERE IS NO ASSOCIATED WEBCAM WITH THIS STATION

Weather History for KWAMOUNT16

Monthly Mode | November | 2018

Previous | View | Next

Summary

November 1, 2018 - November 30, 2018

	High	Low	Average
Temperature	**55.9** °F	**32.2** °F	**43.3** °F
Dew Point	**54.9** °F	**31.7** °F	**41.9** °F
Humidity	**100** %	**46** %	**95** %
Precipitation	**15.09** in	--	--

	High	Low	Average
Wind Speed	**25.0** mph	**0.0** mph	**3.0** mph
Wind Gust	**41.0** mph	--	**6.1** mph
Wind Direction	--	--	**SSE**
Pressure	**30.62** in	**29.50** in	--

Graph | **Table**

November 1, 2018 - November 30, 2018

Date	Temperature	Dew Point	Humidity	Speed

THERE IS NO ASSOCIATED WEBCAM WITH THIS STATION

Weather History for KWAMOUNT16

Monthly Mode | November | 2020

Previous | View | Next

Summary
November 1, 2020 - November 30, 2020

	High	Low	Average
Temperature	**60.1** °F	**29.0** °F	**41.6** °F
Dew Point	**56.5** °F	**23.2** °F	**39.8** °F
Humidity	**100** %	**50** %	**94** %
Precipitation	**9.40** in	--	--

	High	Low	Average
Wind Speed	**27.0** mph	**0.0** mph	**4.5** mph
Wind Gust	**52.0** mph	--	**8.5** mph
Wind Direction	--	--	**SE**
Pressure	**30.53** in	**29.21** in	--

Graph | **Table**

November 1, 2020 - November 30, 2020

	Temperature	Dew Point	Humidity	Speed
Date				

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JOURNAL ARTICLE

The Advantage to Fishes of Hovering in Shade

Gene S. Helfman

Copeia
Vol. 1981, No. 2 (May 15, 1981), pp. 392-400 (9 pages)
Published By: American Society of Ichthyologists and Herpetologists (ASIH)

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Copeia, 1981(2), pp. 392–400

The Advantage to Fishes of Hovering in Shade

GENE S. HELFMAN

Temperate lake fishes are attracted to the shade produced by floating objects. Mechanisms underlying this attraction were investigated by measuring the relative visibility of a target both under and away from the shade of a float. During most conditions, a shaded observer could see objects farther away than could an unshaded observer. Importantly, a shaded observer could see a sunlit target at more than 2.5 times the distance at which a sunlit observer could see a shaded target. This relative visual advantage may result from two interacting visual phenomena: 1) the increment threshold response, whereby a sunlit viewer has a raised contrast perception threshold and therefore has difficulty responding to a shaded target; and 2) the veiling brightness effect, whereby particles between sunlit observer and shaded target scatter relatively bright light into the observer's eyes, further reducing the target's visual contrast. Shade-producing objects may attract fishes because the objects function to reduce both background light and veiling brightness. A fish hovering in shade is better able to see approaching objects and is simultaneously more difficult to see.

THE habit of hovering under floating or overhanging structure is common to fishes, both predators and prey. The phenomenon has been described primarily for pelagic marine systems (Gooding and Magnuson, 1967; Mitchell and Hunter, 1970; Wickham and Russell, 1974), and also for freshwater streams (Butler and Hawthorne, 1968; Gibson and Power, 1975; Devore and White 1978) and temperate lakes (Helfman, 1979a). It is a phenomenon experienced by almost anyone who has sat on a lakeside dock or a becalmed sailboat at sea.

Marine workers in particular have generally discounted the influence of shade in attracting and holding fishes. Senta (1966) found that juvenile pelagic fishes were not attracted to the darkened part of an aquarium. Gooding and Magnuson (1967) reported that none of the species that followed a drifting observation platform remained in the shade of the raft. Hunter and Mitchell (1967) found that larger plywood sheets that cast larger shadows were less effective in attracting pelagic fishes than were similar but smaller objects. Evidence from the present study suggests, in contrast, that shade, interacting with water clarity, sunlight, and vision, is an important factor in attracting temperate lake fishes to overhead structure.

MATERIALS AND METHODS

Underwater visibility measurements were made with a 12 cm high, 6.5 cm diameter, weighted cylinder that was divided into transverse black and white thirds. The cylinder was suspended vertically 15 cm below the surface of the water from the end of a floating plastic pipe, which was marked at 10 cm intervals. While snorkeling, I recorded the maximum distance at which the black/white transitions on the cylinder were just visible. Measurements were taken of this visibility in open water (=ambient), and with either the cylinder or the observer located beneath the center of a 1 m^2 floating frame covered with black plastic. Visibility was measured with the sun both behind and ahead of the observer. Some measurements were also made at floats used in fish attraction experiments (see below). Measurements were made in water bodies in New York, North Carolina, South Carolina, Georgia and Florida, where water varied from clear through green, tea and red clay in color. Values were obtained in water deep enough to eliminate the influence of light reflected from the bottom.

Experimental floats were used for attracting fishes and for some relative visibility measurements. They consisted of white-painted wooden cargo pallets which were nailed together to form three different size structures (1.1 m^2, 2.1 m^2 and 3.6 m^2). These floats were anchored in 3 m of water in Cazenovia Lake, N.Y. Fishes were counted beneath and within 1 m of the three floats and a 1 m^2 empty frame control float on 26 occasions from August to October 1976 (see Helfman, 1979a, for details). One series of relative visibility measurements was made under the largest float to obtain prelim-

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Abstract

Temperate lake fishes are attracted to the shade produced by floating objects. Mechanisms underlying this attraction were investigated by measuring the relative visibility of a target both under and away from the shade of a float. During most conditions, a shaded observer could see objects farther away than could an unshaded observer. Importantly, a shaded observer could see a sunlit target at more than 2.5 times the distance at which a sunlit observer could see a shaded target. This relative visual advantage may result from two interacting visual phenomena: 1) the increment threshold response, whereby a sunlit viewer has a raised contrast perception threshold and therefore has difficulty responding to a shaded target; and 2) the veiling brightness effect, whereby particles between sunlit observer and shaded target scatter relatively bright light into the observer's eyes, further reducing the target's visual contrast. Shade-producing objects may attract fishes because the objects function to reduce both background light and veiling brightness. A fish hovering in shade is better able to see approaching objects and is simultaneously more difficult to see.

Journal Information

Copeia is an internationally respected, widely-cited quarterly that publishes original research on fishes, amphibians and reptiles, emphasizing systematics, ecology, conservation, behavior, genetics, morphology and physiology.

Publisher Information

The American Society of Ichthyologists and Herpetologists is dedicated to the scientific study of fishes, amphibians, and reptiles. The primary emphases of the Society are to increase knowledge about these organisms, to disseminate that knowledge through publications, conferences, symposia, and other means, and to encourage and support young scientists who will make future advances in these fields. The programs of the American Society of Ichthyologists and Herpetologists are part of a global effort to interpret, understand, and conserve the Earth's natural diversity and to contribute to the wise use of natural resources for the long-term benefit of humankind.

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*Footnote on Gene S. Helfman

(PHD in Ecology, Cornell; Professor Emeritus teaching 30 years at University of Georgia, authored books and dozens of scientific studies, married to Dr. Judy Meyer, and aquatic ecologist, and currently lives on Lopez Island. Abstract copy included.

CC: Commissioners Browning, Janicki, Wesen

OVERWATER STRUCTURES AND NON-STRUCTURAL PILING WHITE PAPER

Prepared for

Washington Department of Fish and Wildlife
600 Capitol Way North
Olympia, Washington 98501-1091

Prepared by

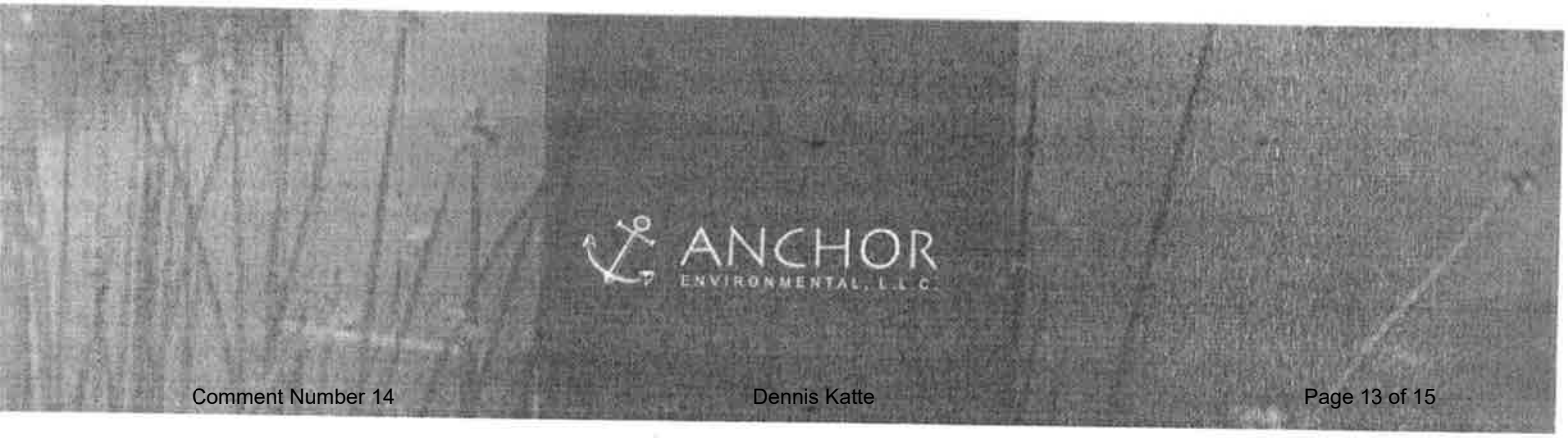
Jones and Stokes Associates
11820 Northup Way, Ste E300
Bellevue, Washington 98005

In association with

Anchor Environmental, L.L.C.
1423 Third Avenue, Suite 300
Seattle, Washington 98101

R2 Resource Consultants
15250 NE 95th Street
Redmond, Washington 98052

December 2006



White Paper
Research Project T1803, Task 35
Overwater Whitepaper

OVERWATER STRUCTURES: MARINE ISSUES

by

Barbara Nightingale
Research Assistant
School of Marine Affairs

Charles A. Simenstad
Senior Fisheries Biologist
School of Aquatic and Fishery Sciences

University of Washington
Seattle, Washington 98195

Washington State Transportation Center (TRAC)
University of Washington, Box 354802
University District Building
1107 NE 45th Street, Suite 535
Seattle, Washington 98105-4631

Washington State Department of Transportation
Technical Monitor
Patricia Lynch
Regulatory and Compliance Program Manager, Environmental Affairs

Prepared for

Washington State Transportation Commission
Department of Transportation
and in cooperation with
U.S. Department of Transportation
Federal Highway Administration

May 2001

Assessor <assessor@co.skagit.wa.us>
To:'dennis.katte@frontier.com'
Fri, Mar 19 at 1:09 PM

Dennis,

Please see information below related to your request.

Skagit County lakefront parcel counts and assessed values

Region	Lakes	parcels	assessed value
Fidalgo Is	Campbell, Erie, Trafton	94	$55,707,900
Conway	McMurray, Sixteen	104	$33,880,263
Sedro Woolley	Big Lake	402	$200,425,422
	Lake Cavanaugh	493	$256,857,700
	Clear Lake	32	$14,197,100
	Totals	1125	$561,068,385

Dave Thomas

Skagit County Assessor

700 South Second Street, Room 204

Mount Vernon, WA 98273

360 416-1777

Comment 15

May 8, 2021

Skagit County Planning Commission

1800 Continental Place
Mount Vernon WA 98273

RE: Skagit County SMP Update

Dear Commissioners,

Thank you for the opportunity to comment on the Update for our County's Shoreline Management Program.
I am a property owner on the far west shore of Lake Cavanaugh where my family has been part of the community for more than 66 years. My comments we're originally made in my correspondence, dated March 13, 2016, which have been included in the SMP Update reference package, page 258.

I hope you will give my comments your full consideration.

DIMENSION STANDARDS PAGE 6

The **100 ft building setback** is unsubstantiated and objectionable. Such a setback would force new structures to have their peripheral vision cut-off and the sense of open space and a waterfront experience would be lost, unless the sideyard landscaping and trees are cleared. Worse yet, the edges of the view would typically be obstructed by both the neighbor's existing improvements, which are historically located much closer to the shoreline, and by the densely treed buffers commonly maintained along the shared property lines. Further, such a setback will substantially reduce the likely planting of lawns along the lake frontage.
I recognize that certain percentages of this 100 ft requirement are under consideration. Although much appreciated, such administrative decisions are not necessary.
A codified **50 ft building setback is more appropriate** for Lake Cavanaugh – a dimension that is allowed by many other nearby jurisdictions.
At a minimum, I support the allowance of Variances as described in 14.26.735, which allows for reasonable discretion of the County Administration and the Hearing Examiner, an authority that has been fairly administered over the decade.

PROPOSED DOCK STANDARDS PAGE 99 to 101, including **TABLE 14.26.420-1**

The proposed SMP Update ignores two critical understandings of Lake Cavanaugh:

1. Lake Cavanaugh is a lake with **NO anadromous fish**.
2. Lake Cavanaugh water **height varies up to 5 ft,** summer to winter.

Why the County is choosing to ignore these facts is unexplained and both **substantially taint the conclusions** of the SMP Update as it would apply to Lake Cavanaugh.
Further a survey of existing owners confirms that there is NO SUPPORT for Joint -Use Docks, so any such incentives only create an illusion of change.

The following comments are in reference to "Individual Docks"

Dock Height
The maximum height is noted "from Surface Water", a measurement which I support, understanding that surface water would mean the **ordinary summer level.**

However, if the SMP Update is intended to state that the dock height be not less than 1.5 ft "above the OHWM", know that such a measurement would yield a dock height of **8 ft !! above** the Summer water line.

Cavanaugh varies greatly from low (summer) to high (winter) water	4 ft to 5 ft
Clearance, as specified here, above the OHWL	1.5 ft
The dock, beams, joists and decking	2.0 ft
Dock height of above the Summer water line	**7.5 ft to 8.5 ft**

This would be absurd… and in direct conflict with the earlier declaration that improvements "do not unreasonably interfere with shoreline views". OHWL **clearance, should not apply** to Lake Cavanaugh, since the summer water height is so different from the OHWL.

Dock Width

The **Maximum Width is too restrictive**. The proposed 4 ft requirement does not honor the fact that Cavanaugh has **NO anadromous fish** – a criteria set-out by WAC 220-660-14-0 (3)(c) i. And, 4ft walkway width above a water surface is dangerous.

All too casually, this anadromous classification lakes has been deleted in the current Update, even though it was clearly recognized in previous SMP regulations and by the State WAC. At Lake Cavanaugh, the **dock width should remain a maximum of 6 ft.**

Dock Floating Sections

The proposed **area limit for Floating Sections is too restrictive**. The proposed 8 ft x 8 ft would only allow for two lounge chairs, ...so where's the cooler go? And the paddle boards and kayaks? At a minimum, if the owner does not propose a swim float, the allowable area of the float should be increases to 192sf. (12ft x 16ft). The increase is much deserved considering that the piles and/or anchorages for the swim float would not be required.

Thank you for your consideration of these comments.

Rich Wagner, FAIA
Lake Cavanaugh Family Owner for 65 years
32787 S Shore Dr., Mt Vernon, WA.
WagnerR@BaylisArchitects.com

Planning Commissioner for 14 years in Renton, WA.

cc: Peter Gill, APA, Long Range Planning Manager
Betsy Stevenson, AICP, Senior Planner

Comment 16

May 10, 2021

Skagit County Planning Commission

1800 Continental Place

Mount Vernon, WA 98273

RE: Skagit County SMP Update

Section 14.26.735 Shoreline Variance

The variance described in this section offers the property owner a method whereby development can be achieved on “non-standard”, or irregular shaped lots which preclude strict adherence to standards as established by the SMP. This is very reasonable and should benefit those owning such properties.

Paragraph (2) (a) states “Administrative variance. An application to reduce a standard buffer width by 50% or less is an administrative variance.” Most people associate property width as being a side-to-side measurement and depth to be a length measurement, or in this case, from the OHWM landward.

The verbiage should be clarified prior to adoption, and if width is contrary to the public interpretation, indicated herein then it requires additional clarification and possible debate.

Thank you for your consideration and resolve of this comment.

Dennis Katte, LCIA SMP Update Chairman

33164 West Shore Drive

Mount Vernon, WA 98273

206-734-1288