

Peter Gill

From: Vincent Henley
Sent: Sunday, October 3, 2021 3:24 PM
To: Peter Gill
Cc: PlanningCommissioners; Betsy D. Stevenson; Hal Hart
Subject: Changes to the SMP

To: Skagit County Planning Commissioners and Planning Department Staff
Subject: Changes to the Skagit County Shoreline Master Program (SMP)

Peter, This is an updated version of the letter I sent to the same addressees last July 26, 2021. I've made a few slight changes, but the document is essentially the same and it has the same objective. Please see that the following three points get into the record for changes to be debated and voted upon when we get to that stage of the SMP work. Please see that all needed OPMA requirements are fulfilled. If there are other members of the Skagit County Government who should receive this document, please forward it to them or let me know and I'll do so.

There are three areas of the SMP that, in my opinion, need to be changed before I would recommend approving the document. These are as follows.

1. Skagit County Shoreline Master Program Public Review Draft, **Page 75**, (4) Shoreline Public Access Plan, (a) and (b). The suggested rewording is not acceptable. The preferred solution is to delete Section 4, paragraphs (a) and (b) in their entirety. This leaves the Skagit Countywide UGA Open Space Concept Plan (WWW.skagitcounty.net/openspace) as the controlling document specifying that the plan is based on voluntary compliance, not legislated by ordinance or the SMP. In my opinion this solution will eliminate considerable bureaucratic and legal wrangling. We do not need more words here, but fewer. Given the existence of the Skagit Countywide UGA Open Space Concept Plan, there is no need to add language to the SMP that addresses the same concept. Delete Section (4) paragraphs (a) and (b) completely.

2. **Page 75**, 14.26.370 Public Access. Paragraph 14.26.370.3.c/iv reads as follows: *Maintenance of the public access facility must be the responsibility of the owner or homeowner's association, unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the Auditor.* This seems to me to be excessively onerous given that in the preceding paragraphs the public access is obtained involuntarily from the owner in exchange for the permitted use of his property. To then require the owner to maintain this public access at his uncompensated expense seems to be an additional "taking" of the owner's property.

I recommend that the responsibility for maintaining the public access be the responsibility of the entity in whose favor the access is recorded by a legal instrument. Appropriate wording should replace 14.26.370.3.c.iv and should assign maintenance responsibility clearly. Such costs should be considered in the Skagit County budget process and not fall on the property owner who is already impacted by the effective loss of the use of his property.

One possible suggestion for the wording of 14.26.370.3.c/iv is: *Maintenance of the public access facility must be the responsibility of the legal entity in whose favor the public access is recorded by an instrument such as an easement, or as a dedication on the face of the plat as described in 14.26.370.3.c/ii above.*

3. One of the key drivers of prosperity for Skagit County is the availability of housing of all types. The Skagit County Commissioners have mentioned this multiple times. Given that factor, it would seem to me that we should not artificially constrain the county housing permitting process by eliminating the possibility of every sort of housing, including floating homes or over-water residences. Contrary to popular belief, the Washington State Legislature did NOT completely close the door on such homes by banning them outright, but merely stated that such homes are not a preferred use. Floating homes are used successfully in many European countries and there is a thriving industry in Seattle that replaces or refurbishes those floating homes already in existence. I recommend that the Skagit County SMP allow for the future possibility of floating homes when they can be properly sited, designed, supported, regulated, and connected to appropriate infrastructure such as access, power, water, and waste disposal. Let us not artificially restrict housing of any sort. I recommend the following changes to the draft SMP to support this concept.

Page 34: 6C-15.5 Floating and over the water residential uses should be prohibited. Liveboards in marinas having adequate facilities may be allowed.

Delete the first sentence.

Page 85: In the table **Residential Development (see SCC 14.26.470)** Single-family CU SD/E SD/E SD/E SD/E X
Multi-family X CU SD/E SD/E SD/E X Land division, four or fewer lots CU SD/E SD/E SD/E SD/E X Land division, five or more CU CU CU CU SD/E X Residential appurtenant structures CU SD/E SD/E SD/E SD/E X Overwater, Floating, and Liveboard NA NA NA NA NA X

Change Overwater, Floating, and Liveboard from NA to SD/E

Page 96: (b) (iii) overwater homes and floating homes, including liveboards, which are prohibited.

Delete this sentence.

Page 102: (x) Floating on-water residences, including liveboards, and floating homes are prohibited.

Delete this sentence

Page 132: (c) Overwater homes and floating homes are prohibited.

Delete this sentence.

Page 231: Floating on-water residence means any floating structure other than a floating home, as defined in WAC 173-26: (a) that is designed or used primarily as a residence on the water and has detachable utilities; and (b) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

Change to read: **Floating on-water residence** means any floating structure other than a floating home, as defined in WAC 173-26: (a) that is designed or used primarily as a residence on the water and has detachable utilities; and (b) whose owner or primary occupant holds an ownership interest in space in a marina, or holds a lease or sublease to use space in a marina.

This removes the date reference so that should such residences be permitted in the future, the SMP need not be updated.

If I have missed any language in the SMP that would prohibit future floating homes I'd appreciate being informed. The concept here is to enrich our housing future, not restrict it.

District 1 Planning Commissioner