

This Public Comment Matrix includes a summary of all public comments received during the Skagit County Planning Commission comment period and public hearing. Common issues of concern have been binned into 16 separate issues; these issues are numbered 1-16 in column 1 (Issue Ref. No.) and summarized in column 2 (Summary of Concern). The public comments that referenced these issues are indicated in column 3 (Comment Number(s)) and can be cross referenced to the SMP Public Comments available online on the County’s SMP website at: <https://www.skagitcounty.net/Departments/PlanningAndPermit/SMPMain.htm>. Column 4 (Department Response) includes responses to these comments and indicates whether a revision to the proposed SMP is recommended. The full comment letters are numbered 1-87 and attached in their entirety to this matrix for reference.

Planning Commission Public Comment Matrix <i>SUMMARY AND RESPONSE</i>			
Issue Ref. No.	Summary of Concern <i>See attached comment matrix below for full comments.</i>	Comment Number(s)	Department Response
1	Lake Cavanaugh		
	a. Boatlift canopies - requirement of light permeable fabric for boat covers would result in damage to boats.	14, 27	
	b. Dock height – 1.5-foot clearance above the OHWL should not apply to Lake Cavanaugh since the water height varies so much.	15, 83	
	c. Dock width – 4 feet dock width is too restrictive and poses safety issues.	15, 83, 25, 26	
	d. Objection to dock grating standards.	25, 27, 83	
	e. No anadromous fish in Lake Cavanaugh, therefore the same standards as lakes with anadromous fish should not apply.	15, 83	<p><u>Change recommended.</u> The change of Figure 14.26.420-1 of the SMP to include all lakes together in one column rather than separate lakes with anadromous fish use vs. those without anadromous fish use was based on recommendations from the Washington Department of Fish and Wildlife and the Washington Department of Ecology. Based on public comments and a review of the science related to the importance of focusing width restrictions for the protection of anadromous fish, staff recommend returning the dimensional standards table for docks to the Planning Commission review version dated February 2, 2021 which required a maximum dock width of 6 feet for lakes without anadromous fish and 4 feet for lakes with anadromous fish.</p>

	f. 100-foot setback should be a 50-foot setback.	15, 27, 83	
	g. Size limitations for dock floats are unclear and too restrictive.	15, 27, 83	
	h. Support for 50% reduction of building setback with an administrative variance.	25	<p><u>Change recommended.</u> As noted in Planning Commission meetings following the release of the public review draft, the intent of the Administrative Shoreline Variance in SMP Section 14.26.735 was to apply in situations where an applicant was reducing a buffer more than 25% but less than 50%. Buffer reductions greater than 50% would only be allowed through a standard variance reviewed by a Hearing Examiner. Conversely, buffer reductions of up to 25% could be allowed administratively without a variance.</p> <p>The County suggests revising the SMP in Section 14.26.305, Dimensional Standards and in the development standards section of the Fish and Wildlife Habitat Conservation Areas, Section 14.26.574 to specifically allow such administrative reductions with mitigation sequencing and an evaluation of no net loss.</p>
	i. No support within the community for joint-use docks.	15	
2	Aquaculture		
	a. Prohibit new commercial net pens.	24, 28 ¹ , 42, 44, 45, 46, 47, 49, 50, 51, 52, 56, 65, 66, 67, 70, 72, 73, 74, 75, 76, 77, 78, 86	<p><u>Change recommended.</u> New commercial net pens are not currently proposed as prohibited. Rather, applications for new net pens would go through a Shoreline Conditional Use permit review per the Uses and Modification Matrix in SMP Section 14.26.405 and comply with specific application requirements per SMP Section 14.26.415 which includes a requirement that the applicant demonstrate “that the native fish and wildlife resources will not be significantly impacted.”</p> <p>Upon further evaluation, the department recommends adjusting the provisions related to finfish aquaculture and prohibit all non-native finfish net pen aquaculture.</p>
	b. Limit geoduck harvesting.	18	
	c. Allow for more kelp production.	1	
	d. Prohibit non-native finfish net pens. Provide clarity and distinguish	18, 62	<p><u>Change recommended.</u> See the response to item 2.a above.</p>

¹ Comment 28 includes supplemental materials submitted as comments 29-41

	between net pen aquaculture for native and non-native finfish.		
	e. Require CUP for uses designated as in-water native finfish aquaculture.	18	
	f. Unclear where upland finfish rearing facilities are regulated in the SMP.	18	
	g. Objection to lessening aquaculture restrictions.	24, 73	
3	SMP fails to address climate change and acknowledge sea level rise.	24, 28, 42, 43, 44, 45, 46, 47, 49, 50, 52, 56, 60, 65, 67, 70, 71, 72, 73, 74, 75, 76, 77, 78, 84, 86, 70, 74, 78, 62, 75, 64, 66, 81, 84, 86	
4	Protect drinking water sources from saltwater intrusion.	24, 28, 42, 44, 45, 46, 47, 50, 51, 52, 57, 70, 72, 74, 75, 77, 78, 86	
5	Shoreline Development and Use Standards		
	a. Establish adequate shoreline buffers as habitat.	24, 28, 42, 44, 45, 46,	
	- Do not reduce or degrade riparian buffers	47, 49, 50, 51, 52, 56,	
	- Adopt WDFW's up-to-date buffers to protect Chinook and other salmon	57 59, 64, 66, 67, 70, 72, 74, 75, 76, 77, 78, 79, 81, 84, 86, 87	
	b. Prevent uses or modifications into or over important saltwater plants like seagrasses and macroalgae. Protect	24, 28, 42, 44, 45, 46,	

	critical saltwater habitats from boating facilities.	47, 50, 62, 74, 77, 78	
	c. Retain requirements to permanently sign Protected Critical Areas and their buffers.	42, 44, 45, 47, 50, 52, 74, 77, 78	
	d. Do not allow timber harvesting as a shoreline use.	24, 56	
	e. Shoreline armoring - prohibit new shoreline armoring and require a CUP for all shoreline armoring - do not classify boulders as soft armoring	24, 42, 44, 45, 46, 47, 49, 50, 51, 52, 60, 62, 74, 77, 78, 81, 84, 86, 66, 70, 54/55, 74, 75	-
	f. Retain the sections on Vegetation Conservation and Designating Habitats and Species of Local Importance.	28, 42, 44, 45, 47, 67, 70, 72, 74, 75, 77, 78, 86	
	g. Retain sections of the code that allow access to property for administrative officials to monitor permit compliance.	42, 44, 45, 47, 52, 67, 74, 77, 78	
	h. Require mitigation for expansion into critical areas.	62	
	i. Allow for more restoration.	1, 28, 70, 72, 74, 75, 86	
	j. Limit pesticides and herbicides adjacent to wetlands, streams, lakes, and rivers. Standardize water quality buffers across Skagit County codes for herbicides and pesticides.	24, 28, 70, 72, 74, 75, 86	
	k. Concern for lighted signage within shoreline area and its buffers.	73	<p><u>Change Recommended</u> The County recommends adding the following to SMP Section 14.26.360(4)(d) Lighting.</p> <p><u>Directional sign lighting must be directed away from critical areas, unless necessary for public health and safety. Outdoor</u></p>

			advertising may not move or fluctuate in lighting or position in any manner.
	l. Ensure clarity about allowable materials for construction of docks.	73	
	m. Development standards for structures, including docks, do not mention any shading of dock lighting so as not to attract fish.	73	
6	Best Available Science		
	a. Lake Cavanaugh – no scientific evidence supports 100 foot buffers as better than 50 foot buffers on freshwater lakes without anadromous fish.	83	
	b. Data and analysis used in update of the SMP is dated and not an accurate reflection of current conditions.	28, 63, 70, 72, 73, 74, 75, 85, 86	
	c. No best available science for riparian zones.	24	
7	DNR Forest Practices Policies. Concern about duplicative regulations between County and DNR and unintended consequences of limiting development related to forest practices within shoreline jurisdiction	19	
8	Flood Hazard Reduction		
	a. Clarification of flood hazard reduction and include marine shorelines	60, 68, 73, 86	Change recommended. The County supports making the clarification that flood hazard reduction measures apply to both marine and freshwater systems. See Policy 6I-1.3 and SMP Section 14.26.350. Recommended language in progress.
	b. Allow for maintenance and repairs of flood control devices.	68, 69	
	c. Public access should not be allowed in flood controlled areas.	68, 69	
9	No Net Loss		
	a. Ensure No Net Loss of ecological functions.	28, 49, 53, 60 70, 72, 74, 75, 82, 86	
	b. SMP does not provide process for monitoring no net loss of ecological	18	

	functions to eelgrass and macroalgae.		
	c. Compensatory mitigation fails to replace lost ecological functions of critical areas, specifically in the case of wetlands.	28, 70, 72, 74, 75, 86	
	d. SMP fails to demonstrate that its policies and regulations will achieve no net loss of shoreline ecological functions and processes.	73	
10	Remove references to Skagit Countywide UGA Open Space Concept Plan.	23	<p><u>Change recommended.</u> The Skagit County UGA Open Space Concept Plan is referenced in the public access provisions of the SMP update but is not binding. Together with the Comprehensive Parks and Recreation Plan, it provides guidance for where public access may be most beneficial to the public and the SMP update simply encourages that public access be consistent with these two documents</p> <p>The County proposes the following language in SMP Section 14.26.370(4) to explicitly identify the Countywide UGA Open Space Concept Plan as a voluntary plan.</p> <p>(a) The Skagit Countywide UGA Open Space Concept Plan <u>is a voluntary plan.</u> The UGA Open Space Concept Plan and the Skagit County 2020 Comprehensive Parks and Recreation Plan provide for a connected network of parks, open space, and trails, and together constitute Skagit County’s Shoreline Public Access Plan, which provides more effective public access concepts than individual project requirements for public access.</p> <p>(b) Shoreline public access as required by this section should be consistent with the concepts in the Shoreline Public Access Plan.</p>
11	Regulate boat wake at Big Lake to prevent further shoreline erosion and potential damage to docks.	11	
12	County has not taken adequate action to restore or replace Sinclair Island dock.	5, 7, 8	
13	SMP Clarifications/Text Suggestions		
	a. Define critical saltwater habitat.	62, 64	<p><u>Change recommended:</u> A definition of critical saltwater habitat should be included in the SMP.</p>

			<p>The following definition from WAC 173-26-221(2)(c) is proposed for future inclusion: 14.26.820</p> <p><i>Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.</i></p>
	b. Include statement about flood protection and drainage in opening recital.	68	
	c. Property owners in the Rural Conservancy - Skagit Floodway designation have been inadequately informed about development rights.	20	
	d. Waterfront lots less than 1 acre should be exempt from wetland requirements and restrictions.	21	
	e. Include boat lifts and consider navigation, fish habitat, quality of water and aesthetic impacts in permit process.	22	
	f. Shoreline Environment Designations - Discrepancy with shoreline environment designations and shoreline jurisdiction. Commenters also noted the SED maps and content are inaccurate and dated. - Concerns about methodology used to establish upstream limit of shoreline jurisdiction for streams and rivers.	62, 64, 69, 73	
	g. Include language supporting the ability of tribal members to exercise their treaty rights. Including prevention of installation of mooring buoys in locations that would interfere with fishing by tribal members in usual and accustomed places. As well, notification of actions with the potential to interfere with tribal treaty rights. Consider adding a project approval review expressly directed toward evaluating potential impacts to	28, 70, 72, 73, 74, 75, 86	

	cultural resources.		
14	Dimensional Standards		
	a. Proposed residential expansion allowance of 200 square feet would allow for only a small size increase for some existing structures.	17	
	b. Adopt better impervious surface limits and lot width requirements for areas outside the urban growth area.	64	
	c. There should be reduced limits on impervious surfaces in the Rural Conservancy environment designation.	62	<p>Change recommended: WAC 173-26-211(3)(b)(ii)(D) does recognize that scientific studies support a maximum lot coverage of 10 percent in the Rural Conservancy environment. However, this same subsection goes on to state, "Master programs may allow greater lot coverage to allow development of lots legally created prior to the adoption of a master program prepared under these guidelines. In these instances, master programs shall include measures to assure protection of ecological functions to the extent feasible such as requiring that lot coverage is minimized and vegetation is conserved."</p> <p>The County suggests adding a footnote to Table 14.26.310-1 to acknowledge that new lots in Rural Conservancy created after the adoption of the SMP would need to comply with this 10 percent hard surface coverage limitation.</p>
	d. Limiting dock width to 4 feet poses a safety issue.	17	
15	Administrative Issues		
	a. Inadequate code monitoring and permit enforcements.	48, 54, 55, 63, 85	
	b. Against processes for unincorporated communities.	61	
	c. Variances. Buffer reductions of more than 25% should require a standard variance, not an administrative variance	28, 62, 64, 70, 72, 74, 75, 86	
	d. Variances. Need to require a variance for the expansion and replacement of nonconforming residential structures.	28, 62, 64, 70, 72, 74, 75, 86	
	e. Variances. Clarify use of the term buffer width since that implies side to side measurement	16	

	f. Process for maintaining a privately funded beach restoration project should be easier.	13	
	g. Five days is too short for filing appeals.	24, 49, 75	
	h. Objection to allowing more administrative discretion on variances and buffers.	85, 24, 51 54, 55	
16	Other		
	a. Site-specific concerns. Individual property owners concerned for regulation changes impacting specific site, constrained by critical areas and shoreline buffers and the resulting impact on future single family residential development.	3, 4, 9, 10 85, 63, 61	
	b. Non-SMP related issues	2, 6, 48, 79, 87	
	c. Support of SMP amendments/policies. Many comments approve retention of SCC 14.26.735 (consideration of cumulative impacts when granting a variance).	12, 16, 28, 42, 44, 45, 47, 50, 52, 58, 70, 72, 74, 75, 81, 84, 86	
	d. Mining waterward of OHWM and CMZ should be prohibited.	28, 62, 64, 70, 72, 74, 75, 86	
	e. Require predevelopment investigations for areas where archaeological resources are likely to be located.	64	<u>Change recommended.</u> The County supports consideration of early coordination where applicable. Draft language is in progress.
	f. Require analysis of all geologic hazards and require case-by-case determinations of landslide buffers.	64	
	g. Floodplain maps, other existing conditions are inaccurate. This includes Rural Conservancy boundaries that should be more specific and include areas where the designation extends landward of existing dikes, levees, and tidesgates.	68, 80, 85	
	h. SMP does not meet the standards set	73	

	<p>by the Shoreline Management Act for protecting shorelines of the state, in particular, shorelines of statewide significance.</p>		
	<p>i. Provisions do not sufficiently protect vegetation waterward of the OHWM and within the CMZ.</p>	<p>73</p>	