



Planning & Development Services

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Supplemental Staff Report

2022 Stormwater Code Amendments

To: Skagit County Planning Commission

From: Jenn Rogers, Assistant Long Range Planner

Date: June 7, 2022

Re: Amendments to Stormwater Management Standards, Skagit County Code 14.04, 14.18, 14.22, and 14.32

Summary

Planning and Development Services (PDS) is providing this staff report in advance of the June 14, 2022, Planning Commission meeting. This report supplements the May 3, 2022, staff report by providing responses from PDS staff to comments received during the public comment period.

Stormwater Code Deliberation

On May 24, 2022, the Planning Commission hosted a public hearing on the stormwater code updates and briefly entered deliberations on the code amendments. Staff provided an overview of the work sessions and materials provided for the Planning Commission and the public. This was followed by deliberation on the testimony given during the hearing and public comments received shortly before the hearing began.

The Planning Commission voted to delay further deliberations until the next meeting on June 14th, 2022, to provide time to consider the comments submitted before the hearing. This report will address the concerns discussed in the comments and other questions the Planning Commission requested during review of the stormwater code amendments. Full written comments are included as attachments to this report.

Port of Skagit Submitted Comments

Issue 1. The Port request removal of the “sunset date” for regional stormwater facilities

Summary:

The Port of Skagit uses planned regional stormwater facilities to serve future developments on Port property. These regional facilities are vital to attracting new development to the Port as they are able to advertise the parcels as “shovel ready.” Regional facilities also more cost

effective than standalone systems and allows developers to maximize use of buildable lots. The sunset date for regional facilities would require regional facilities to be retrofitted to meet current stormwater requirements for new or replaced hard surfaces once the sunset date of 20 years is met. The language is not required by the NPDES permit and is contrary to the guidance on regional stormwater facilities in the 2019 Stormwater Management Manual for Western Washington adopted by the Department of Ecology. The Port of Skagit requests the County remove the sunset date or revise the language with the following suggestions:

- Allow for publicly owned facilities to be retrofit only to the extent necessary to compensate for the delta between the facility design and current standards only for the lot with proposed new development, not the entire facility.
- Follow Ecology’s practice of giving the proponents of either retrofitting the regional facility or providing new facilities on the individual lot, rather than mandating a retrofit.
- Include language to provide the option of a Development Agreement that authorizes project-specific provisions regarding a master drainage plan for the development, what stormwater design standards apply and for what duration, and what circumstances, if any, during the duration of that development, future development might trigger a re-examination of stormwater design requirements and possible retrofitting or upgrades.

Staff Response:

The intent of the proposed language is to ensure that new development proposals comply with current stormwater requirements. Projects that propose discharging stormwater to regional stormwater facilities 20 years or older would be required to address the delta (difference or deficiency) between current standards and the capacity of the existing facilities. Retrofits or onsite improvements could be required to address the delta. The intent of the proposed sunset language is in alignment with the delta process recommended in the 2019 Stormwater Management Manual for Western Washington (SWMM). Discussions between the County and the Port of Skagit County (Port) have identified the intent of the provision is to provide for review against the delta and not an automatic requirement to retrofit all existing facilities after 20 years. The County and Port intend to work together to identify revised code language that:

- 1) Clarifies that the code requirement applies to proposed new development and redevelopment and is in accordance with SWMM guidance for regional facilities.
- 2) Provides authority to require development proposals to address the delta between outdated facilities and current stormwater requirements.
- 3) Allows for the delta to be addressed with either retrofits to the regional facilities or with onsite stormwater facilities.
- 4) Provide for the option of a Development Agreement in accordance SCC 14.14.

Issue 2. The Port requests addition of a cross-reference to the Airport Environs Overlay

Summary:

The Airport Environs Overlay, SCC 14.16.210 (3)(c)(iii) provides that “[s]tormwater management features, including stormwater detention or retention ponds, must be designed in accordance with the WSDOT Airport Stormwater Guidance Manual, except that mandatory provision of Chapter 14.32 SCC control over conflicting provisions of the WSDOT manual.”

The Port requests a reference to SCC 14.16.210 (3)(c)(iii) within the proposed SCC 14.32.040, which adopts the 2019 SWMMM, several WSDOT standard specifications, and the WSDOT Highway Runoff Manual, to reduce confusion as to which stormwater requirements apply within the Airport Environs Overlay. The Port also requests the Department to revise SCC 14.16.210 (3)(c)(iii) as follows, with underlining added to the proposed new language:

“Stormwater management features, including stormwater detention or retention ponds and water quality features, must be designed in accordance with the WSDOT Airport Stormwater Guidance Manual. Mandatory provisions of Chapter 14.32 SCC control over conflicting provisions of the WSDOT manual, unless the WSDOT manual requirements are necessary to comply with federal airport operations safety requirements.”

Staff Response:

- County staff agree that a reference in SCC 14.32 to the AEO WSDOT stormwater requirements identified in SCC 14.16.210(3)(C)(iii) is appropriate.
- The Port suggests adding “and water quality features” to language in 14.16 to clarify that WSDOT standards apply to facilities other than ponds, such as bioretention cells. County staff agree that this clarification is potentially helpful but not essential for implementation of the code.
- The Port proposes adding language clarifying that, if there is a conflict between 14.32 and WSDOT standards, safety requirements will not be compromised. County staff agree and support adding clarification that aviation safety measurements shall be addressed in coordination with stormwater requirements.

Skagit County Drainage and Irrigation District Consortium Comments

Issue 1: Exempt the enlargement of existing ditches from the provisions of the proposed code language.

Summary:

The District requests removal of enlargement of existing ditches from SCC 14.22.020 (3)(ii)(iii) to ensure the District has flexibility needed to respond to demands on the drainage system from climate change and increased runoff from upland areas. The revision would prevent undue and

unnecessary administrative burden on districts and farmers which rely on the drainage water supply for irrigation in the summer. The District already must apply for permits from WDFW, the Corps, Ecology, and Skagit County for operation and maintenance of the existing ditches.

The District also requests the proposed code be revised to remove the criteria related to critical areas, wetlands, or fish and wildlife conservation areas for the exemption of new agricultural drainage ditches. These areas are already defined and regulated by state and federal agencies and requiring additional approval by Skagit County would put an unnecessary administrative burden on districts and farmers. The District believes the code language would undermine the Voluntary Stewardship Program and open the door for subjective interpretation of the definitions of critical areas, wetlands, and fish and wildlife habitat conservation areas.

Staff Response:

Staff support the suggested edits, except adding enlargement as an unconditional exemption, along with inserting a cross reference to SCC 14.24.120 ongoing agriculture. The proposed language exempts ditch enlargement projects with under 500 cubic yards of excavation. Enlarging existing ditches could have impacts on flow paths and flow volumes in a similar manner as the construction of new ditches. The threshold of 500 cubic yards is consistent with the SEPA grading threshold.

(3) Exemptions. The following activities are exempt from the requirements of this Chapter:

...

(j) The following agricultural activities in accordance with SCC 14.24.120:

(i) Tilling, soil preparation, fallow rotation, planting, harvesting and other commercial agricultural activities involving working the land, provided that any new development activities must comply with all applicable provisions of SCC 14.24;

(ii) Maintenance or repair of existing agricultural facilities including stormwater facilities, drainage ditches, and ponds;

(iii) New construction and enlargement of existing agricultural drainage ditches that requires 500 cubic yards or less of grading, provided that the new or enlarged ditches:

*(A) do not adversely impact ~~critical areas~~, upstream or downstream properties;
and*

(B) are not located within 300 feet of ~~wetlands, fish and wildlife habitat conservation areas, and erosion hazard areas; and~~

(C) ~~do not contain water on site for retention, infiltration, or evaporation;~~

Issue 2: Add an additional exemption for dike and levees in SCC 14.22.020 (3)

Summary:

In subsection (o) of SCC 14.22.020 (3), the District requests an exemption for dike and levees: “vegetation mowing and removal associated with dike and levee operation and maintenance.”

Staff Response:

Vegetation removal as part of regular maintenance would be exempt under the code as currently proposed. No revisions are needed to provide this exemption.

Issue 3: Reserve section SCC 14.32.060 (2)(e) with no modifications

Summary:

The District requests SCC 14.32.060 (2)(e) be reserved with no modifications. The 2019 Ecology Manual LID BMPs are listed in order of preference based on effectiveness. Allowing applicants to select BMPs without following the recommended order will reduce the long-term performance of the BMPs.

Staff Response:

The provisions of SCC 14.32.060(2)(e) address single family residential development outside the permit area. These provisions are designed to work in conjunction with other provisions within SCC 14.32.060(2), which lower the impervious surface review thresholds for stormwater requirements for residential sites larger than one acre. The SCC 14.32.060(2)(e) provisions are designed to provide a flexible and efficient pathway to meet a more stringent requirement for stormwater management. The goal is it provide a balance between flexibility for the applicant while protecting downstream properties and natural resources from unmitigated stormwater runoff. Staff propose maintaining proposed language.

Planning Commission Questions

Issue 1: How are we addressing different standards for stormwater management by state agencies and the county?

Staff Response:

The Washington State Department of Ecology is the primary state agency with authority over stormwater discharges. State authority over the County's stormwater discharges from the Municipal Separate Stormwater System (MS4) within the permit area is provided by the NPDES Phase II Municipal Stormwater Permit for Western Washington (Permit). Outside the permit area the provisions of the Permit do not apply, however the general prohibition of water pollution provided by the state Water Pollution Control Act (RCW 90.48) is applicable along with all applicable provisions of SCC 14.32.

Certain activities may have stormwater requirements enforced by state agencies but are generally exempt from the provisions of SCC 14.32:

- 1) Forest Practices, except for conversion harvests, which are defined as development and subject for review by local governments.
- 2) Commercial Agriculture, expect new impervious surfaces and conversions of forest land to agricultural land.
- 3) Oil and gas field activities and operations: Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and

treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations.

Certain development projects, typically those that include one or more acres of grading, must obtain coverage under the NPDES Construction General Stormwater Permit administered by the state Department of Ecology. These projects will be subject to both local and state permit requirements that address stormwater. There may be overlap between the state construction permit and the local development permit regarding construction stormwater BMPs. Requirements for permanent stormwater controls will be required by the County, while the state may require discharge monitoring reports.

Issue 2: How are inspections used throughout the 20-year period for regional stormwater facilities before sunseting?

Staff Response:

SCC 14.32.130 (SCC 14.32.170 in the proposed amendment) requires that owners and operators of stormwater facilities must maintain those facilities to standards specified in the approved maintenance plan and/or the maintenance standards in the Stormwater Management Manual for Western Washington. The Permit requires that the County inspects certain facilities annually. Repairs or maintenance deficiencies must be completed within timeline specified by the permit. Annual inspections help assure that facilities are maintained in accordance with original design standards. The intent of the sunset language is to assure that new projects that flow to those facilities comply with current stormwater regulations. Onsite stormwater facilities or retrofits to regional facilities may be used to address the delta (difference) between existing capacity and current requirements. Inspections and maintenance requirements address the issue of maintaining existing standards, while the sunset language addresses outdated facilities that, even when properly maintained, would not meet stormwater requirements for new development and redevelopment.

Issue 3: Can you address the different standards for different lot sizes?

Staff Response:

The Stormwater Management Manual (manual) does not take lot size into account when determining minimum requirements (MRs)*. The current size differential only applies to parcels outside the permit area and is not consistent with the thresholds in the manual. The proposed code is designed to provide a simpler approach that is more consistent with the manual, while allowing for higher thresholds outside the permit area. The minimum requirements are scalable based on the amount of proposed impervious surfaces. Larger areas of impervious surfaces will require larger areas for stormwater BMPs. Typically, larger projects will occur on a larger lots, which have more space to disperse or infiltrate stormwater. The proposed code contains a 50% impervious lot coverage threshold requiring MRs 1-9 (engineered drainage plan). The 50% threshold would require an engineered stormwater plan on some smaller lots with the intent of

providing assurance that stormwater is being addressed properly. Smaller lots with higher portions of impervious surfaces pose challenges for managing stormwater onsite.

* The only exception in the manual is that projects that require all 9 MRs on lots greater than 5 acres outside the UGA, must comply with the LID Performance Standard rather than use the List approach to meet MR 5.

Next Steps

The next Planning Commission work session is scheduled for June 14, 2022. Pursuant to SCC 14.08.080(4) and (5), the Planning Commission shall consider public comments and deliberate on any proposed plan, plan amendment, or development regulation. At the completion of its deliberations, the Planning Commission shall vote to recommend adopting, not adopting, or amending the proposed amendments. Recommendations shall be by a recorded motion which shall incorporate findings of fact and the reasons for the recommendations.

Following approval of a recorded motion, the Skagit County Board of Commissioners will consider the proposal and take action to adopt, defer, or deny each petition.

Attached:

- Port of Skagit Stormwater Comments
- Skagit Drainage and Irrigation Districts Consortium



Port of Skagit

RECEIVED

MAY 24 2022

SKAGIT COUNTY
PDS

May 24, 2022

Skagit County Planning Commission
1800 Continental Place
Mount Vernon, WA 98273

Re: Amendments to Stormwater Management Standards, Skagit County Code 14.04, 14.18, 14.22, and 14.32

Dear Commissioners:

I am writing on behalf of the Port of Skagit ("Port") to share the Port's comments on the above-referenced proposed amendments to the County's stormwater management standards (the "Amendments").

The Port currently operates Bayview Business Park and Skagit Regional Airport on Bayview Ridge within the Skagit County NPDES coverage area. These enterprises are home to 75 businesses that provide good paying jobs for 1,155 people. The Port is also in the process of planning for future development of Port owned property called Watershed Business Park located adjacent to Peterson Road also within the NPDES coverage area.

1. The Port requests removal of the "sunset date" for regional stormwater facilities.

We appreciate the County's efforts to manage stormwater and protect water quality, and we understand that some of the Amendments are required by the Phase II municipal general stormwater NPDES permit ("NPDES permit"). However, one of the proposed Amendments is not required by the NPDES Permit, and it will undermine the County's and the Port's shared interests in developing effective regional stormwater solutions.

The Port relies heavily on the use of planned regional stormwater facilities to serve future developments on Port property. As a result, regional facilities are especially important in pursuing the Port of Skagit's mission: Good Jobs for the Skagit Valley. Between 1998 and 1999, the Port invested approximately \$2M to construct regional stormwater facilities to serve Bayview Business Park and Skagit Regional Airport. Designing, receiving approval and constructing regional stormwater facilities in advance, rather than parcel by parcel, helps the Port better position its real estate development assets as "shovel-ready" and thus achieve the Port's near and long-term economic development objectives.

The regional systems at the Port have allowed the Port to maximize infrastructure investment because construction of regional facilities is more cost effective than standalone systems, allows developers to

maximize use of buildable lots by providing stormwater storage capacity outside the lot boundary, and provides the Port and developers certainty in the permitting process as new projects are proposed. For example, the regional facility located along Higgins Airport Way has capacity remaining to serve approximately 6.5 acres new impervious area. At least three Port tenants are planning expansion projects for construction in the next year. Combined, these projects are expected to bring up to 20 new jobs and over \$30M in private investment. These projects rely on the ability to utilize existing stormwater capacity.

The Amendments propose to add an automatic “sunset date” for regional stormwater facilities by adopting a new provision in Skagit County Code (SCC) 14.32.150(5) stating that:

Regional Facilities shall have a sunset date of 20 years. The start date is the building permit application date for the regional facility. Regional facilities must be retrofitted to meet current stormwater requirements for new or replaced hard surfaces once the sunset date is met.

This language is not required by the NPDES permit and, depending on how it is interpreted, suggests existing regional stormwater facilities will need to be updated comprehensively, regardless of what type or amount of new development might be proposed. Appendix 1 to the NPDES permit recognizes that local governments may use regional facilities as an alternative method of meeting the minimum requirements of the permit. There is no sunset provision in Appendix 1 or in any other component of the NPDES permit. Notably, it appears that no similar “sunset” requirement for regional facilities has been adopted in other Phase II jurisdictions, including Mount Vernon (see [Ordinance 3824 \(2020\)](#)), Kitsap County (see [Ordinance No. 599-2021](#)), and Whatcom County (see [Ord. 2020-045](#)).

A requirement to automatically retrofit regional facilities after 20 years is also contrary to the guidance on regional stormwater facilities in the 2019 Stormwater Management Manual for Western Washington (“SWMM”) adopted by the Department of Ecology (“Ecology”). In Appendix I-D to the SWMM, Ecology recognizes the many benefits of regional stormwater facilities, including reduced construction, operation; and maintenance costs; higher assurance of maintenance; maximum utilization of developable land; retrofit potential; and other benefits such as providing an educational, recreational, wildlife, and aesthetic amenity. Ecology also recognizes that the long-term nature of regional facilities requires more advance planning, but Ecology does not suggest an automatic “sunset” after a set period of time. Instead, the SWMM guidance states:

If the regional facility is publicly owned, then the delta between the amount of Runoff Treatment and/or Flow Control provided by the existing facility designed to the outdated standards and the amount of Runoff Treatment and/or Flow Control that needs to be provided per the current (at time of development) standards needs to be made up. The project proponent can make up this difference by either retrofitting the existing regional facility, or by providing Runoff Treatment and/or Flow Control BMPs on the individual lot that is being developed.

If the regional facility is privately owned and specifies the ultimate construction of all of the areas it was designed to serve, it is all considered one project. That project is protected by the timing requirements of the jurisdiction.

Thus, rather than recommending an automatic, one-size-fits all “sunset” after 20 years, Ecology non-mandatory guidance suggests a more nuanced and ongoing evaluation of whether regional facilities comply with current requirements. For regional facilities that are “publicly owned,” Ecology recommends evaluating any “delta” between the facility’s design and the current standards at the time of development. For “privately owned” facilities, Ecology states that those projects are “protected” by the local jurisdiction’s timing requirements.

Here, while the Port is a public entity, its mission is to drive private developments, and its regional stormwater facilities are more like privately owned facilities in this context. In recognition of the Port’s need for the same kind of long-term certainty that private developers need in planning regional stormwater facilities, we ask the County to remove the “sunset” provision altogether or clarify that it does not apply to the Port’s stormwater facilities.

For purposes of treatment of *publicly* owned facilities, the Port suggests the County revise the language in proposed SCC 14.32.150(5) to recognize that retrofits of entire stormwater facilities should never be automatically required, but instead retrofits should be required only to the extent necessary to compensate for the “delta” between facility design and current standards, and only as to the individual lot that is being developed, not the entire facility. The County should also follow Ecology’s practice of giving proponents the option of either retrofitting the regional facility or providing new facilities on the individual lot, rather than mandating a retrofit.

Finally, the Port asks the County to include language in proposed SCC 14.32.150(5) that provides at least the option of a Development Agreement pursuant to SCC Chapter 14.14 that authorizes project-specific provisions regarding a master drainage plan for the development, what stormwater design standards apply and for what duration, and under what circumstances, if any, during the duration of that development, future development might trigger a re-examination of stormwater design requirements and possible retro-fitting or upgrades. This would allow the County to tailor stormwater system update requirements on a project by project basis and based upon a project-specific stormwater evaluation.

2. The Port requests addition of a cross-reference to the Airport Environs Overlay.

As part of the Airport Environs Overlay, the current version of SCC 14.16.210 (3)(c)(iii) provides that *“[s]tormwater management features, including stormwater detention or retention ponds, must be designed in accordance with the WSDOT Airport Stormwater Guidance Manual, except that mandatory provisions of Chapter 14.32 SCC control over conflicting provisions of the WSDOT manual.”*

To avoid potential confusion by staff and project proponents when evaluating stormwater requirements, we ask the Planning Commission to add a reference to SCC 14.16.210 (3)(c)(iii) in the proposed SCC 14.32.040, which adopts the 2019 SWMMM, several WSDOT standard specifications, and the WSDOT Highway Runoff Manual.

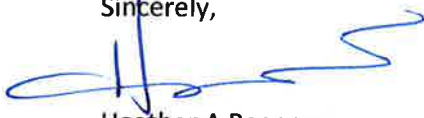
While the Commission is considering this change, the Port asks that you also consider revising the language in SCC 14.16.210 (3)(c)(iii) as follows, with underlining added to the proposed added language: *Stormwater management features, including stormwater detention or retention ponds and water quality features, must be designed in accordance with the WSDOT Airport Stormwater Guidance Manual.*

Mandatory provisions of Chapter 14.32 SCC control over conflicting provisions of the WSDOT manual, unless the WSDOT manual requirements are necessary to comply with federal airport operations safety requirements.

This revision recognizes that certain provisions in the WSDOT Airport Stormwater Guidance Manual, such as provisions requiring stormwater design to avoid hazardous wildlife attractants on or near public-use airports, are mandatory and would not be superseded by any provisions in Chapter 14.32 SCC.

Thank you for your consideration of these requests and comments. The Port would appreciate an opportunity to meet with staff to review the requests and assist with drafting language that will meet the Port and County's shared goals of managing stormwater and protecting water quality while also supporting business development and economic opportunities for Skagit County.

Sincerely,



Heather A Rogerson

Director of Planning and Development

Skagit County Drainage and Irrigation Districts Consortium

2017 Continental Pl. Suite 4

Mount Vernon, WA 98273

360.708.0344

May 24, 2022

Skagit County Planning Commission
1800 Continental Place
Mount Vernon, 98273

RECEIVED

MAY 24 2022

**SKAGIT COUNTY
PDS**

RE: Comments on Proposed 2022 Amendments to the Stormwater Management Standards

Dear Planning Commissioners,

Skagit County Dike, Drainage, and Irrigation Special Purpose Districts (Districts) have a long history in Skagit County, all having been authorized and formed pursuant to state law near the time of statehood. The Districts derive their authority under Title 85 RCW for the specific purposes of diking and drainage. The Districts are both obligated and committed to sustain our county's dike, levee and drainage infrastructure and under the leadership of local elected officials have successfully carried out that mission for well over 100 years. However, the Districts do not have land-use authority and rely on the SCCP and planning and development codes to protect the Districts from excessive runoff and pollutant loads associated with development and urban and sub-urban land uses.

At the time the Districts were formed, drainage was fairly localized, primarily serving agricultural lands within the District with minimal upland runoff. District infrastructure has limited capacity due to low gradients and outlets that rely on low tide and/or pump stations. The Districts were never intended to manage stormwater runoff from developed uplands, nor does the current District drainage infrastructure have that capacity. As you are well aware, development over the last 20 to 30 years has increased in Skagit County. In locations where runoff from urban and sub-urban development drains into District drainage infrastructure; landowners have reported impacts. It is clear that District drainage infrastructure cannot handle increased runoff associated with urban/sub-urban development. In response to these complaints, the Districts have worked with Skagit County to evaluate and address concerns regarding stormwater runoff from development. While there have been successful drainage improvement projects implemented, these projects are expensive and require time and effort that the Districts and the County cannot afford.

The Consortium, on behalf of the twelve member Districts, would like to thank Skagit County for taking steps toward adopting the 2019 Ecology Stormwater Manual and encouraging Low Impact Development in unincorporated Skagit County. We believe that adopting the 2019 Ecology Stormwater Manual is an important step toward protecting the agricultural drainage system and the farmland and farming practices that rely on them.

Based on our review of the proposed revisions to the Skagit County Stormwater Management Standards as reflected in the May 5, 2022 public release document we respectfully submit the following comments

14.22.020 (3) (i)(iii)

(ii) Maintenance, **enlargement**, or repair of existing agricultural facilities including stormwater facilities, drainage ditches, and ponds,

(iii) New construction **and enlargement of existing** of agricultural drainage ditches that requires 500 cubic yards or less of grading, provided that the new **or enlarged** ditches:

(A) do not adversely impact **critical areas**, upstream or downstream properties; **and**

(B) are not located within 300 feet of **wetlands, fish and wildlife habitat conservation areas, and erosion hazard areas**; **and**

(C) do not contain water on-site for retention, infiltration, or evaporation;

We believe it important to exempt the enlargement of existing ditches from the provisions of the proposed code language. Agricultural drainage ditches are critical to the long-term viability of farmland in the Skagit delta. The drainage and irrigation districts need flexibility to respond to demands on this drainage system from climate change and increased runoff from upland areas. In addition, Districts are investing in infrasture to improve the ability of existing ditches to retain water in the summer for the purposes of irrigation water supply. The Districts need flexibility to utilize and improve the existing agricultural drainage system to meet current and future irrigation water demands. For these reason, the propose code language should add "enlargement" to (ii) as shown above and to remove reference to the enlargement of existing agricultural ditches from (iii). We believe this revision is necessary to prevent an undue and unnecessary administrative burden on districts and farmers. The drainage districts already get permits from WDFW, the Corps, Ecology, and Skagit County for operation and maintenance of the existing ditches.

In addition, we request that the proposed code (iii) be revised to remove the criteria related to critical areas, wetlands, or fish and wildlife conservations areas for the exemption of new agricultural drainage ditches. Critical areas, wetlands, and fish and wildlife habitat conservation areas are already defined and regulated by state and federal agencies. Additional review and approval by Skagit County would put an unnecessary administrative burden on districts and farmers. In addition, the purpose of the Voluntary Stewardship Program was to promote the enhancement and creation of critical areas in agricultural lands, as written, we believe the proposed code language would undermine VSP and open the door for subjective interpretation of the definitions of critical areas, wetlands, and fish and wildlife habitat conservation areas. We believe this revision is also necessary to prevent an undue and unnecessary administrative burden on districts and farmers.

14.22.020 (3) new exemption

Please add an additional exemption for dike and levees.

(o) vegetation mowing and removal associated with dike and levee operation and maintenance

14.32.060 (2) (e)

Please reserve this section with no modifications.

The 2019 Ecology Manual LID BMPs are listed in order of preference based on effectiveness. Allowing applicants to select BMPs without following the recommended order as this will reduce the long term performance of the BMPs.

Properly functioning drainage systems are essential to the long term viability of agriculture in the nearly 60,000 acres of prime agricultural land in Skagit County served by the Districts. The Consortium recognizes that development pressure will continue in Skagit County and that development, impervious surfaces, and vegetation clearly permanently alter natural hydrologic conditions. We would like to commend Skagit County for adopting the 2019 Ecology Stormwater Management Manual and encouraging Low Impact Development. These steps will minimize the impacts development in unincorporated Skagit County will have on sensitive natural resources drainage systems. In addition, we encourage Skagit County to engage in watershed planning as a way to fully evaluate the potential impacts development may have on sensitive downstream natural resources and drainage systems and take steps to encourage development in areas with the least potential for long-term impacts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jenna Friebel".

Jenna Friebel; Executive Director
Skagit Drainage and Irrigation Districts Consortium LLC.