

**Skagit County Planning Commission
Work Session: Stormwater Code Update
March 22, 2022**

Planning

Commissioners: Kathy Mitchell (absent)
Mark Knutzen
Vince Henley
Amy Hughes (absent)
Tim Raschko, Chair
Joe Woodmansee
Tammy Candler, Vice Chair
Martha Rose

Staff:

Hal Hart, Planning Director
Peter Gill, Long Range Planning Manager
Jenn Rogers, Assistant Long Range Planner
Jack Moore, Building Official
Shawn Christensen, Stormwater Review Technician
Andy Wargo, Stormwater Review Technician
Jason Quigley, Stormwater Coordinator

Chair Tim Raschko: Okay, it's 6 p.m., Tuesday, March 22nd, 2022. Welcome to the meeting of the Skagit County Planning Commission. I am seeing online Commissioner Henley, Commissioner Candler, Commissioner Knutzen, Commissioner Rose, and Commissioner Woodmansee. I understand that Commissioner Mitchell will not be present tonight. Is Commissioner Hughes on?

(silence)

Chair Raschko: I believe Commissioner Hughes will be absent as well. Okay, is there a motion to approve the minutes of our last meeting?

Commissioner Vince Henley: I move.

Commissioner Martha Rose: Okay, I'll second.

Chair Raschko: Who made the motion?

Commissioner Henley: Henley.

Chair Raschko: Okay. It's been moved and seconded to approve the minutes of the last meeting. Is there any discussion of the minutes?

(silence)

Chair Raschko: Okay, all those then in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: And no abstentions, so that passes. Thank you. We have time tonight for Public Remarks. This time on the agenda is an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for a public hearing the same day or items that have had a public hearing and are still under Planning Commission deliberation. Public Remarks, which is not part of the public formal participation process for any development regulation or Comprehensive Plan amendment project, is limited to three minutes per speaker up to a total of 15 minutes. And I believe we have nobody who signed up in advance of the meeting. Is that correct, Mr. Gill?

Peter Gill: Yes, we did not get any email requests.

Chair Raschko: Okay. Is there anybody who has dialed into this meeting out in the public who wishes at this time to speak to the Planning Commission?

(silence)

Chair Raschko: Okay. Hearing none, we will end Public Remarks and move to the main subject we have tonight. Well, we'll move first to the Planning Commission Schedule. Peter?

Mr. Gill: Yeah. Good evening, Planning Commission members and members of the public that are joining us. I'm Peter Gill with the Planning and Development Services Department. We have been working with the Board of County Commissioners to schedule out our work plan for the year, for 2022, and included in your packet and is available at skagitcounty.net/planningcommission, the packet materials for tonight include a resolution for the 2022 legislative work plan. And so maybe I will just show folks that don't have it in front of them what I'm looking at. And here's the resolution that was passed March 7th. And so you see the list of items on there – Shoreline Management Program Update, which you all successfully made it through last November. There's the Wireless Code Facilities Amendments, so we'll be talking a little bit more about that tonight. Impact Fee Schedule Update. That already occurred. We finalized that with the Board just last week. The 2021 Comp Plan Amendments are still with the Board and so that will not fall back to the Planning Commission. Don't worry. We don't have to go back through those!

The next one is Rainwater Catchment Design. This had to do with a docket item two dockets ago, but we're still making progress here at Planning on that one. And then Agritourism, which we'll talk about tonight, the 2022 Comprehensive Plan Docket. Stormwater Management, which we'll talk about tonight. And then the Annual Capital Facilities Plan as well. And so included is also a deeper description of some of that work in a memo to the Board that came to the Planning Commission last week. But what I wanted to talk about and focus on with you all and get some feedback on is the schedule for the Planning Commission going forward from here.

So you should all see the little table on the screen here, this little chart. We've got the months along the top, the work items on the left-hand column, starting with Stormwater. We've got the Comprehensive Plan Amendment and Development Code Docket; Agritourism; Capital Facilities Update; and Wireless Facilities. This has to do with 5G networks. So here's our schedule, starting January. We are now all the way halfway through March. So we are the red line on this chart, and

so tonight we're starting Stormwater and if we have two meetings a month we're looking at six meetings potentially to get through Stormwater. And that takes us into June. Unfortunately we're going to have to do more than one thing at a time. We're going to work on the docket, which will include a number of citizen as well as County petitions for you to consider. It is not as full as last year's and so that may be helpful in some ways. Hope to start that in May. And Jenn is going to be kind of leading that project so we do have help so we can do more than one thing at a time.

Agritourism we hope to start as soon as we get done with Stormwater, talking about businesses within the rural area, specifically agricultural-related and tourism-related.

Capital Facilities Plan usually takes a few meetings and a hearing to get through. And so that is toward the end of the year.

And the Wireless Facilities we hope to also start this summer in May and June and get that rolling. We have a consultant that can help us through some of the technical standards that are part of the federal requirements as well, so I think that will be fairly straightforward in many ways. I'm hoping.

And so we'll try and keep this schedule on our website and keep it available to the public and to you all. Are there any questions about the schedule or projects you're wondering about or any more information I can provide on this?

(silence)

Mr. Gill: Okay. Well, I don't see any questions so that must not be too big of a workload. That's what I'm hoping! But anyway, we'll work through each of those items and tonight we will start with Stormwater and move forward that way. So that's all we had on that item, Chair.

Chair Raschko: Okay, thank you. I guess there's no questions, as we say, so why don't we just go ahead and move into Stormwater?

Mr. Gill: Okay, great. So we are talking specifically about stormwater management, i.e., rainfall and runoff, as it relates to construction – construction management here and permitting through Planning and Development Services. There's a number of folks that are here tonight to kind of help the conversation and help answer questions and provide the detail that I don't have. So if you wouldn't mind saying "hi," Jack Moore. He's the building official. He is here tonight.

Jack Moore: Hello, everyone.

Mr. Gill: We've got Shawn Christensen. He's been doing stormwater for the County for a long time. He has a lot of field experience.

Andy Wargo is also working with Shawn in that capacity. So we've got a good team of folks working on our permit side.

We also have folks from Public Works, and I'm scanning here. I know we have Jason Quigley, who manages our NPDES permit for us, and he's going to have a couple of things to say about our permit and why we're doing this.

And I don't think I missed anyone. So anyone else from the stormwater team, I think, pop up now if I missed you. All right. Hal, you don't want to be part of the stormwater team? Jenn's helping as well – Jenn Rogers – for sure. She helps on everything.

So anyway, all right. So I do have some slides. We'll get right into it if I can. I'm sorry, I am looking at the wrong thing here. You'd think after all this time I would have this down, but I don't. All right, here we go. You should be able to see that: Stormwater Management. A nice picture from Shawn. Got the berry fields, the rainbow, the rain – critical to this conversation about stormwater.

So let's start out with everyone's favorite question: Why are we doing this in the first place? There's a few different reasons. Some of it has to do with our state and federal requirements to comply with the Clean Water Act and our NPDES permit, and Jason will talk more about that. But from an internally – from a PDS side, we're also hoping to simplify the stormwater regulations for the customers that come to Planning and like to build things – right? So we want to try to simplify those requirements, make it more clear about what's required where. Right now we have an NPDES area and we have an outside NPDES area and then multiple layers within that as to what you need to do. So we're trying to simplify that.

And maybe thirdly we're trying to incorporate stormwater considerations early in the development process instead of kind of an afterthought of trying to fit things in where they may or may not fit very well.

So those are three of our main objectives as we move forward, and you can remind me if you need to whether we are doing these things or not.

So with that, I'll turn it over to Jason from Public Works.

Jason Quigley: Okay, thank you, Peter, and good evening, everyone. Again, my name's Jason Quigley. My official title is Stormwater Permit Program Coordinator for Skagit County Public Works. I appreciate the opportunity to speak to you all tonight.

So the stormwater permit I'm talking about, the County is responsible for this. It is written and issued to us by the Washington State Department of Ecology and that is done under the authority of the United State Environmental Protection Agency and their National Pollutant Discharge Elimination System Program which we call "NPDES" for convenience. This permit is a product of the federal Clean Water Act, as Peter mentioned, and essentially this allows us to discharge stormwater to waters of the state and waters of the U.S. on the condition we do what we need to do to remain in compliance. The map showing on the slide is our most current NPDES permit area coverage map. The green shaded areas you see on this map are the areas that are covered under this permit. And to stay in compliance with this permit, we have many minimum performance measures, as Ecology calls them, that we must meet. We have a couple of new ones that are relevant to the Stormwater Management Code and those are due June 30th of this year, and that's why I'm here tonight to briefly – to introduce myself to you guys.

Next slide, please, Peter. Thank you. Skagit County received their first permit back in 2007. The dates you see at the top of this slide represent the third permit cycle and the one we are currently in now. This current permit comes with eight main component areas, including component number 6, which deals with controlling runoff from new development, redevelopment in construction sites. And the primary purpose of this component is just to reduce pollution and stormwater runoff from construction activities, and that's both private construction, public construction, and transportation projects as well. And as I mentioned before, this permit comes with minimum performance

measures, and the ones relevant to this code are characterized by the bottom four bullet points on the slide. In this new code, the County needs to establish legal authority to apply updated stormwater management techniques that are found in the latest version of the Stormwater Management Manual for Western Washington, as well as the changes to the minimum requirements thresholds and definitions found in the permit. The County also needs to establish the dates which are specific and set forth by Ecology that help us determine when to apply the updated code to a construction project. The County also needs to continue to have the authority to inspect and enforce maintenance of stormwater infrastructure on private property. And, yeah, and this all needs to be on the books by June 30th.

And, you know, I just want to state that none of these are really new concepts being introduced here. Essentially these are updates that are coming via the updated Stormwater Management Manual and the latest version of the permit. The current Stormwater Management Manual came out in 2019 and replaced the 2012 version. And again no significant changes are happening; we're just making sure we're up to date with the changes in the current version of those two documents.

So yeah, I think that covers it. So thank you for your time, and I'll turn this back over to you, Peter.

Mr. Gill: Thanks, Jason. I appreciate that. You know, this is kind of – as we're warming up here we're providing some base information as to why we're doing these things and what we're thinking about doing and why we're thinking about doing it. So just kind of keep that in mind. We didn't provide you any code amendments at this time. There's still a little work in progress. We've got to go through the legal part. But this kind of tonight will lay the foundation for those code amendments that will be available at your next meeting and really get into the details of it. But the NPDES part is crucial, right? You know, the County has a permit with the state and we need to be in compliance with that, so that's why that is featured there.

More base information – right? So some of you are really familiar with stormwater and some of you probably aren't, so we thought it'd be useful to at least give you some of these terms that we will probably be using accidentally throughout or on purpose, just because saying these things the long way is really hard. So:

Best management practices or BMPs, as we'll often refer to them, are basically a strategy to control pollutants, whether by structural means – i.e., like a stormwater facility or a stormwater pond or infiltration basin or something like that where that is a structural stormwater facility or a structural BMP – versus a nonstructural BMP like maintenance procedures, modified landscaping, soil disturbances, those other kinds of BMPs. So that's what we mean when we say BMPs or those ___ are supposed to be best management practices. And they're littered throughout the code as well as the design manuals.

Second one is the design manual. It is the Stormwater Management Manual for Western Washington. I often refer to it as "the Manual," "the Ecology Manual." So you'll hear that or you'll see the acronym there quite often, but that is kind of the design guide that is put out by the state that we typically follow for how to design and size these features. There's five volumes. I think in your memo I included links to the manual. If you really want to get into all the design standards, you can do so. It's all right there. That's where a lot of the BMPs, or best management practices, come out of as well.

The third one is impervious surface or hard surface. They're used interchangeably. Hard surface is considered impervious surface when we talk about codes and thresholds for stormwater

requirements, right? So that's one that people often wonder, like, Hey, it's a gravel road. Well, is that impervious or a hard surface? It doesn't really matter because they're all considered the same thing by the code.

And then the minimum requirements Jason alluded to: but there's nine minimum requirements – MRs – that may come into play on any individual construction site per the manual and the threshold. So it will depend on what is being proposed, the type of development, and the amount of impact to which minimum requirement would apply in any permit situation.

So that's a good foundation for kind of moving forward. What we are looking at is, you know, the current construction thresholds, and this is when the minimum requirements even apply – right? – other than to do the basic stormwater protection stuff. So the stormwater triggers at 2,000 square feet of impervious or hard surface inside the NPDES area. If you're not doing impervious but you're clearing, that's just 7,000 square feet of land disturbance, right? So that's inside the NPDES area. That would be the green areas on the map that Jason showed. Outside the NPDES area – the rest of unincorporated Skagit County – the threshold is 4,000 square feet of impervious or hard surface, or 14,000 square feet of land disturbance, so twice what it is in the NPDES areas.

There's specific exemptions written into the existing code that are being maintained: Forest practices that are not regulated by the County; commercial agriculture and agricultural activities; oil/gas field activities; pavement maintenance; and underground utility projects. So basically those items.

So this slide just gives us – you don't have to try to read it. I apologize for all the details. You don't have to read it. It is really just saying, you know, here's some of what we're talking about on the ground or on the building or on the landscape, right? So on your left you've got simple things like splash blocks, right? Everybody knows what a gutter is. It goes down to a splash block and it kind of disperses the water and then the water disperses through the landscape from there. That's kind of the most basic thing. We have – currently we currently have design guidelines for residential projects where they're kind of – I would call them off-the-shelf types of fits for the simpler stormwater practices or facilities or BMPs that are out there. And so that's what a few of these are. There's an infiltration trench. You can see that's the one in the middle here where the water runs down off the house and would infiltrate through a long trench. There's also a dispersion trench, which looks a lot like an infiltration trench but is intended to bring the water up and evenly disperse water in a flat area so you don't get any concentrated flows from the stormwater runoff of the impervious area.

Shawn or Andy, if you guys want to chime in on any of this – Jack – please do so. Interrupt – that's fine. I'm not going to try and catch everything here. I'm just trying to show some of the basic BMPs that we often utilize for our simpler projects. Anyone can go on our website. We have a really nice stormwater page with access to a lot of this information already.

Looking at more BMPs: These are some examples of what's considered low impact development, or LID BMPs – right? So on the left you've got a basic rain garden, which is basically a depression with some plantings in it. In the middle you've got a little more sophisticated, you know, dispersion – well, it's not dispersion but it's basically a bio-infiltration swale there. That would take up some of the water quality as well as the quantity issues. And then on the furthest right we've got just kind of a poor image of what pervious pavement looks like, or how we prescribe pervious pavement. That's another one that you may have seen out there. If you've ever visited our office, we have a large staff parking lot that is pervious pavement with bio-infiltration as well.

So those are a couple of things. What does it look like on the ground? On the left, you've got a rain garden. These are pictures courteous of Shawn. On the right, you've got an infiltration trench on the downslope of some houses. Some more pictures. This one on the left is some biofiltration as well as some – I think that's a commercial site. I don't know the details on that. On the right you've got your more conventional stormwater pond. That looks like it's getting a little high! So that's the kind of thing we're talking about today and in going forward here – is what stormwater management looks like on the ground.

So this gets to determining the requirements for the site. I said one of the objectives is to simplify our code and make it simpler for the customers coming in. We currently – it's pretty complicated, right? You know, we've tried to be as nimble as possible but in doing so it's created a pretty difficult situation for not only the public but for the permit reviewers or our counter reviewers. There's multiple variables that are used to determine which one stormwater manual applies. Is it the 2012, the 2014, the 2019? What are the minimum requirements also that would apply? So these are some of the factors or the variables that go into figuring out what requirements apply. Which manual? What is the location? Are you inside the NPDES area? Are you outside? What is the intensity of the use? Is it commercial, residential, or otherwise? What is the parcel size? Is it smaller than an acre, larger than an acre? How much hard surface or impervious area? What is the area of land disturbance or conversion? So all these things work together to kind of make it fairly complicated, and so we are trying to simplify. This is a nice chart from our handout and it's actually a really good way to summarize all the information. But it kind of also exemplifies how complicated it can be. And so I think one of the things that we proposed with this code – and I'll stop and just explain this a little bit.

So here we've got – if you're inside the NPDES area you go down this column. These are the minimum requirements. Remember there's nine minimum requirements. This line talks about the thresholds for when the requirements apply. This is inside the NPDES area. This is currently. You follow the manual ____ these things. Outside the NPDES area is all of these, right? And so this is where it gets more complicated. If it's not residential, mostly you follow the manual 2000. And if it is single-family residential you either fall into this category if you're greater than an acre and this category if you're less than an acre. Right? And so then you go down and you figure out, Okay, if I *am* doing more than 4,000 square feet, you know, this is what applies. If I'm not, then, you know, I don't have those requirements.

So what we're proposing – all this is to say what we propose is to remove this from the conversation and change it so that there's one standard outside of the NPDES area and one standard inside the NPDES area. And we can get into the details of that as we go here.

So this is the simplified approach and this even is a bit simplified – even a little bit complicated, I should say. So this is what's proposed. So if it's commercial or industrial type of development, the 2019 manual would apply and all the requirements – minimum requirements – within the 2019 manual would apply. Outside – well, sorry. So that's commercial and industrial. In residential we've narrowed it down so it's still the 2019 manual. It's the only thing that applies. And then the requirements would depend on, one, are you in the NPDES area or out? And then what (are) the thresholds, right? The one standard for the amount of impervious or hard surface, one standard for the amount of land disturbance or conversion. Right? So that – it's still a lot but it narrows it down significantly from where it was before and it still provides protection, at least as we proposed.

So getting a little deeper into some of these changes: What's been proposed is a land disturbance code. It would be new code. It would replace essentially the grading permit. Right now we have a clearing and grading permit for folks that are not doing development associated with a building

permit. So instead of a grading permit they would get a land disturbance permit. The code language and permit review would improve the integration between the building code, critical areas, stormwater, forest practices, septic review. All those things would happen up front and it would include stormwater now.

On the stormwater management code side, we would be looking at the amount of impervious area or hard surface that was added over the five-year period and that would factor into the threshold. Right? So if folks only are adding a certain amount with their permit but they've been slowly adding things without permits for the last five years those would all be part of the equation on whether they have to do stormwater management.

And the other significant change would be that regional facilities that were constructed 20 years ago or older cannot be used to satisfy stormwater requirements of new development and redevelopment unless they were updated per the current manual and engineering requirements. Right? So you may remember some discussion of some of the issues up on Bayview Ridge over the last few years with folks installing permit stormwater facilities but not building anything for 30 years. And so that would basically sunset the stormwater facilities after 20 years only before new development – not the, you know, development that's already used those stormwater facilities, the way I understand it.

There's also changes proposed to the Definitions section of 14.04 relating to low impact development, best management practice, stormwater facilities, construction stormwater pollution prevention plans, stormwater treatment, and flow control BMPs. And so a lot of these have to do with just making sure that we're in compliance with the NPDES permit requirements.

There's also proposed changes to land divisions – right? – because this is where subdivisions happen, in these codes, and so trying to get – making sure that when subdivisions go in that the stormwater is being managed properly. And so there would be – there's code in there that would require regional stormwater facilities for all the lands within the proposed land division and specific amounts of impervious set aside for each of the new lots that are being created. And so if folks are going to build impervious area beyond those limits or those intended impervious areas, then they would be required to also treat for those additions that isn't being treated in the mutual facility, if that makes sense.

And then also part of the proposed code is that stormwater facilities and requirements would be reviewed when someone requests a subdivision extension. Right? And so we often – every decade you'd get an extension and so part of what's proposed is that we also make sure that the stormwater facilities are still working and still as protective as current state code requirements.

So now we can talk a little bit more about land disturbance and what's been proposed there. Currently – so what you see on your screen on the left-hand side is our current handout regarding clearing/grading permits. It includes grubbing, forest practices, and that was included in your packet as well, as one of the attachments to the stormwater memo. So if you want to look at that in detail, it's there. I just included that as background information.

And so what this new chapter would do – this is 14 – Skagit County Code 14.22. This would be a new land disturbance chapter. This would replace the existing clearing and grading permit, which is pursuant to Appendix X – or J of the building code. Another point is this permit is only required when development isn't done – is *not* done, in conjunction with the building permits. If someone came in for and has a building permit for their house, all of these things get reviewed through that

permitting process, not a separate land disturbance permit. Right? So it's not creating a new permit.

Third point, regulations are designed to permit a suite of clearing and grading activities through one single application. I think this is where I was talking about you would be looking – this would make the review coincident with, you know, septic review, critical areas – all those early reviews that happen on a property that's being developed. And that would better allow us to – and the customer – to understand what the stormwater needs are and how to plan for that as well, and make sure that is part of the thought process behind the site design.

Exemptions: There's – you know, there's details to this that don't fit on a screen, but generally if the land disturbing activity is less than 7,000 square feet within the NPDES area, or 14,000 square feet outside of the NPDES area, they wouldn't be going through this land disturbance permit process. Or if there's fill and grading that does not exceed 100 cubic feet or is less than three feet deep, whether that's filling three feet or grading down – excavating three feet – or it's a forest practice that's not subject to County jurisdiction – so that's a Class IV, so those are forest lands that are being converted to a different use, a residential use: taking out a forest out of forestry, basically. And those are subject to local permitting. And so any forest practices that aren't subject to the County permitting wouldn't have to go through this either.

Existing agricultural activity: Obviously there's filling and grading and all that stuff that happens. That's not part of this.

New construction of agricultural drainage ditches that are less than 500 cubic yards: So new ag ditches maybe are part of the drainage districts. There would not be required clearing permit if it's less than 500 cubic yards of grading.

These are more detailed changes on residential development. So, you know, there's a lot in here. Basically the current code, if you have less than one acre – a parcel that's less than one acre – the thresholds for stormwater requirements are 4,000 square feet or 14,000 square feet of land disturbance. If you have greater than an acre, we require – or the threshold is 7,000 square feet of impervious or 14,000 square feet of land disturbance. And so those would be changed in the code. So it would be just one bin, right? It would be anything outside of NPDES. So impervious surface thresholds would be 4,000 square feet in the proposed code or 14,000 square feet of land disturbance for the minimum requirements 1 through 5. And so we're getting pretty deep on that. But the basic takeaway on this is that the thresholds for when stormwater requirements would go into play is changing. It is becoming basically a *higher* threshold for the parcels that are smaller than an acre. It is becoming a *lower* threshold for parcels that are greater than an acre. So a single threshold for all the areas outside of NPDES.

The other big change is in 14.32. That is the Drainage chapter. And a lot of it is reorganization, but there are some changes. It adopts the 2019 Stormwater Management Manual for Western Washington throughout Skagit County, so that is part of the permit requirements. It also adopts the DOT Highway Runoff Manual for Road, Bridge, and Municipal Construction. So that's a change. This gets back to the impervious or hard surface thresholds on the third bullet here. So it would raise the thresholds for hiring an engineer outside of the NPDES area to 10,000 square feet for parcels that are smaller than an acre. And it retains the same thresholds inside the NPDES area. It also removes a separate threshold for parcels that are greater than an acre outside of the NPDES area. So there's one single threshold for areas outside of the NPDES area. It also integrates low impact development design concepts a little bit better throughout the code. Instead of just looking at LID, you know, stormwater facilities, it looks at, you know, maybe site design

and how does the site get designed better so that maybe you don't have to build as many stormwater facilities because you're not creating that same level of impact.

The second-to-last bullet we're looking at removing the land intensities as well from the existing code in terms of determining which stormwater is required so that, you know, commercial, industrial, residential, those different sizes or intensities of use are taken out.

And finally it adds a 20-year sunset provision for the use of regional stormwater facilities that are intended to serve new development. Right? And so that gets into that whole situation where you built the stormwater facility 30 years ago and you never built the buildings and then it comes time you have to abide by the newer stormwater requirements.

So that was a lot of information and there's a lot of information provided in your packet to back some of that up. One of the things that's in the memo of the packet – the meeting packet – is also a proposed schedule and what we think will make the most sense as far as moving forward. So today, March 22nd, we're looking at introducing – right? – those stormwater changes, so we'd be happy to start talking about what else you need to see or what information you want more of or what I didn't explain correctly. April 12th is the next meeting. We would provide specific code amendments that would get into the details of those changes and how the code is actually being proposed to change. We would be doing some public meetings in April as well to get input from the public early in the process. April 26th we'd have another work session on those specific code amendments, answer your questions, provide more data that will help you to make a decision. And then in May we would have our public hearing and comment period, and May 24th we can get into deliberation (and) June 14th more deliberation to get through this in June.

So what helps us to help you: If there's things we can provide – background data, other examples, materials, slides – whatever it is, we want to know what will help you to understand what's being proposed and how to review it. That's what we're looking for. I'd be happy to take questions or to divert the questions to the technical people that are here, as it were, if anyone has any.

Chair Raschko: Joe, did you have a question?

Commissioner Joe Woodmansee: I do. And you're correct: That was a *lot* of information. And I know this stuff and it was blowing *my* mind, just to be perfectly honest with you. I'm hoping that we can go through this in a slower format and we can actually comment on every place where there's going to be a change and not have to try to do a – come up with a comprehensive list of all these. I was taking notes as fast as I could but I do feel like that we should – what I would *like* to see is: Here's what the code says now – just like we've done in our other things – here's what it says; here's what we're proposing it's going to say. Literally side-by-side every time there's a change. What I am interested to find out is what the real practical change is for the homeowner trying to get a building permit on an acre and trying to get a building permit on more than an acre, and really get to the bottom line of what's the actual impact to me as far as the 2019 adoption. And so, yeah, hopefully when we go to our next meeting we'll actually stop and talk about, Okay, we're going to talk about this one now and now when we get done with that we'll talk about the next thing.

Mr. Gill: Yeah, and we will have the code at the next meeting and so we will be able to walk through some of those changes. And it may make sense to put together a matrix, like you said, of here's what the current code requires; here's what's being proposed, with the location. We can do that.

Commissioner Woodmansee: I think a matrix is critical, to be honest with you, because I've lived this world for 38 years – or 42 years or something like that – and, yeah, I was – I'm not going to say it was confusing because I don't think it was confusing. It's just a *lot* of information.

Mr. Gill: It is.

Commissioner Woodmansee: So if we can as a commission see it side-by-side – it says this now; we want it to say this; here's *why* we want it to say that. It might be as simple as, The new code's requiring it, in some instances – maybe all the instances. I don't know. But my most important thing is that, you know, find out the actual impact to property owners is, you know, my first thing on my list is: What is the impact? And if there's impacts that are – that have room to be discussed that could be potentially less impactful, that's the areas that, you know, I think we should be looking into. If there's any possible areas like that.

Mr. Gill: Okay.

Chair Raschko: Commissioner Henley?

Commissioner Henley: Yes. A few years back, I worked on a project where we were creating a parking lot that had a relatively thick gravel surface, you know, in the order of, like, eight inches to a foot. And that was classified as an impervious surface, and I've never understood that. I wonder if the staff can give me the logic on that?

Mr. Gill: Sure. Yeah, I would love to divert that to Andy or Shawn or even Jack.

Andy Wargo: Yeah, this is Andy. The simple answer is the Stormwater Manual for Western Washington classifies gravel surface as an impermeable surface and we look at projects through the lens of the specifications of the manual. And it is – you know, on a practical sense it does have some infiltration, but the engineers who designed the manual looked at it and looked at the infiltration rates and they're much closer to pavement than they are to natural forests or pasture or even lawns, so that's why it's classified as a hard surface and an impervious surface.

Commissioner Henley: Well, I don't know. I've looked at an awful lot of gravel beds and none of them seem to be impervious to me. But that's just me. Okay. I think the simple answer you gave is it's because the manual said so. I'm not sure there's much science behind it.

Chair Raschko: Okay. Commissioner Rose?

Commissioner Rose: So my understanding of both gravel and sod is that they're only 25% absorbent, so you do have a little bit of permeability there for both of those surfaces but it's not enough to do the job. And there are always exceptions. I have a gravel surface right now that is railroad ballast, and of course that sucks the water right up. But most people, when they put in gravel, they're using some sort of crushed rock with granular fill around it, like, say, one inch minus or something, and that fills in all those little voids, where like the railroad ballast I'm talking about that I have doesn't have those fines in there so it freely drains. So at any rate, I just wanted to add that – those comments – because it's not just based on because they said so; it's based on real world experience. And there's very few lawns that absorb water either, unless they have real sandy subsurface and they're properly constructed, which most of them aren't. They also do not absorb water.

Commissioner Henley: Well, I've got a lawn that has a clay layer about six inches down and it's about as impervious as it comes.

Commissioner Rose: There you go.

Commissioner Henley: But I still question the gravel. I understand what you're saying about the railroad ballast, and that's not a material likely to be used by most homeowners, but I think that I'd like to see some more data on this myself.

Mr. Gill: Yep, we can work on that.

Chair Raschko: Are there other questions or comments?

(silence)

Chair Raschko: Boy, that's a lot to absorb, and I sure look forward to having more detail coming in the future. Have you anything else, Peter?

Mr. Gill: I do not. Not on this, no.

Chair Raschko: Okay, so that's it for questions. No Commissioners have any questions or comments?

Hal Hart: Commissioner? This is Hal Hart. I do have a question for Peter.

Chair Raschko: Go ahead, please.

Mr. Hart: Peter, can you reiterate the public meeting in April? I didn't see – on the slide it didn't have a date, so is that still to be determined? Right?

Mr. Gill: Yes. Thanks, Hal. That's to be determined. We don't have that scheduled out quite yet. It will likely be later August (sic), as we need to do some outreach and some material prep.

Chair Raschko: I have a comment before we leave this subject. And this to me looks like a very complex undertaking and we have a very limited time. Do you see the chance that we're going to need to schedule extra meetings?

Mr. Gill: There is that chance and that is something we could do if folks want to do that.

Chair Raschko: Well, I don't know that anybody *wants* to do that (laughter), but this is an important topic and it's something – I was just bringing that up just because – so it doesn't come as a surprise to people. But I just think that's a really aggressive schedule and one that we have to keep, so we'll just have to work late, I think, and get things done. Anything else?

(silence)

Chair Raschko: Okay. Did I hear some – did you have another question?

Mr. Wargo: There was a question in the Chat. I'm sorry to interrupt there – from Jenn, I think, about – yeah.

Chair Raschko: Who is Jenn?

Mr. Gill: Jenn's a member of the public.

Chair Raschko: Okay. Just to inform, the Chat Box is for the use of the people who are the actual participants in the meeting. Since we can't see each other and raise a hand to be recognized by the Chair, we use the Chat Box. In my opinion – I know this is innocent enough, but using the Chat Box if you're not a member of the public is to me like speaking up from – in a live, in-person meeting standing up from the audience and taking over the floor. And it won't be tolerated. So we just ask the public – and I apologize for not announcing it at the beginning of the meeting, which should have been done, but the Chat Box is for the staff and Planning Commissioners only. So thank you.

I think that concludes then our Stormwater Code Update Work Session, unless there's anything else from staff.

Mr. Gill: Not at this time. Thank you.

Chair Raschko: Okay, so we'll move on to the Director's Update. Mr. Hart, please?

Mr. Hart: Absolutely. Peter has the slides. I'll ask him to pull them up. And (I'll) just briefly go over a few items.

Mr. Gill: There you go.

Mr. Hart: All right. Thank you. Let's just go to the first slide. Thanks, Peter. So I want to give you a budget update. So the legislature went ahead and completed – for a short session, they did a tremendous amount of work. It ended just after the last Planning Commission. We're still kind of reeling and looking at _____. (unintelligible)

We did – as everybody knows, we got an electric ferry to Guemes Island. But what else in that budget might impact Skagit County for the long term is really important, and so I'll pull one out that – there were millions of dollars for corridor improvements for a future rail system to go from Oregon to BC. And so what are they going to be working on over the next two years? They're going to be looking at, over the next two years, how to make decisions in an organization that would cut through multiple counties in Washington State, cut through different jurisdictions of BC, and cut through different jurisdictions in Oregon. So they have to kind of come up with a way that'll work in all three places to make decisions, and there's a variety of decisions when you lay out a corridor. And so they're kind of going to the next level. And it's very far behind the scenes, but the legislature did approve money for that effort. And it *will* go through Skagit County. So just kind of heads up. Big picture theme there only at this point. And as I have information, I'll certainly pass it down and out to the community.

There was some other funding, though. They did provide comprehensive plan funding. Several millions of dollars to primarily count – the next level of counties, including Skagit County. We would be eligible through competitive grants of 350,000 for two bienniums to update the Comprehensive Plan so that we're ready to go by 2025. And so that would mean in '23 and '24 we're doing a lot of comprehensive planning as a county. And so think about that for a little bit. Cities also will be doing comprehensive planning and their separate funding dollars were set aside for cities. There's 500 ___ a number of earmarks. An earmark is kind of a small set-aside that different folks in the legislature set up. So one of them was 500 to study growth management

statewide policy research and develop a study for ongoing effectiveness for growth management. And there was a call for what kinds of things should be studied as we think about statewide policy for growth management, so they put a call out to all the counties to ask that and I think that call is still out there. They're asking us. And I think a lot of it revolved around the effectiveness of cities to handle growth within their urban growth areas. So stay tuned on that one. There'll be more coming. Let's go to the next one.

Here's a long list of bills that were passed and as the year goes on we'll give you more. But 1241, Comp Plan Updates. We'll have to be doing a lot more – there's a lot more criteria for evaluation in your County Comprehensive Plan. We have to look at equity. We have to look at populations that might not have been equally represented in previous comprehensive plans, and so that has come up.

House Bill 1717, GMA Tribal Participation. It's a prescriptive kind of approach to tribal participation. All local governments are going to be doing it. We'll have to look in. And I'll bring more to you on that. That did pass.

2001, Tiny Homes (for cities and their UGAs). They would be enabled to address housing or tiny homes in a UGA. So let's say you were in Sedro-Woolley. They could do something like that. You could be creative now if you're in the UGA. So there's more guidance now and more flexibility than previously to do that.

They have given us new dates for GMA – when it's effective and for whom it's effective.

There's a bill that was passed and it's called the UGA, the Urban Growth Area Boundary Bill, and what it would allow if the City and, let's say, the City of Mount Vernon and Skagit County said, Oh, you know, some of this Urban Growth Area we laid out previously we can't use it for Urban Growth Area. So if the City and the County agree, they can exchange acre for acre, size for size, and move something out of the Urban Growth Area while putting something back in the Urban Growth Area and you don't have to go through the full process of doing that. But there's some flexibility there that would allow that to happen. So that's called the UGA boundary and Flexibility kind of Act there.

There's another one that we're going to have to work with Jack, who was on this before, and that's looking at emissions in buildings and building materials. That passed.

And then specific housing exemptions under SEPA – that's Senate Bill 5818 – passed. And the idea again on that one is to make it easier and quicker to put projects out once they're funded and everything to put them – if you're putting them in a city, it would make it a faster process –

Unidentified Male Voice: Hey!

Mr. Hart: Yes?

Same Unidentified Male Voice: Linda!

Mr. Hart: Okay. All right, so other bills that came close to passing but weren't run or didn't make it out, such as a climate bill and the salmon recovery bill, are likely to be rerun, according to the Association of Washington Counties, in 2023. So those would have had far-reaching effects. I think they'll be redesigned and brought back out either by the governor or a related interest to the governor, so from the State of Washington.

That's a quick legislative update. And as the year goes by – or goes forward – I will give you more of that information. So when we go to do more significant planning, the Tribal Participation bill will apply, and so I see that coming up and maybe that'll be the first one we go into and take a little deeper dive on the Director's Report, Commissioners.

We'll go on – just a couple more slides. Staff continues to work on flood issues. Jack was here. Jack has been working in the field and we're finding that there were more families impacted by the winter floods than we realized and so we are trying very hard to work with FEMA and the Department of Ecology and to make sure that we are chronicling all the damage to homes in the county right now. I just thought you should know that it is actually worse than we had realized.

Now the last thing that I want to just kind of leave you with – and Peter will probably get mad by this but that's okay. Sorry, Peter! Think about: What are those large themes for Skagit County going forward? And is it protecting agricultural lands? Is it protecting the look and the feel of the valley? And just keep those in mind as we go forward. And as Peter and I come up with ideas of how to reach out to the public this next year, it's good to be thinking about those broader themes. And what is going to happen over the next 20 years? It's always hard to know, but there seems to be kind of larger things that are going on in Washington right now. We're seeing incredible population growth. We are seeing growth just to the south of us. We are starting to see the requests for a corridor potentially coming through. So how would we – you know, just those three things alone. How do we think about our county as we go forward? And we're going to reach out to everybody and start asking those big picture questions for sure. So stay tuned. And let's do three quick slides. This is the latest. This is the Grafton Park Apartments, an example of mixed use. It's nearly done but not quite, but they're working on a lot of the finishing aspects right now. Next slide.

This one is sold – I think it's Montreaux – or Montreau – is just about sold out. I didn't see any For Sale signs when I went through there last Thursday. And then there's a 49-unit new one right adjacent to the new elementary school that will be – it looks like they've got utilities in so there will be some new housing going in in the city of Mount Vernon, it looks like this year. So the good question is, Are we keeping up with our overall numbers? That's kind of the eternal question. And then there's several other housing projects on College Way, one of which the County is funding. And that's very low income housing adjacent to the – I believe it's the – there's a Japanese restaurant right there on the left side going up, going east on College Way. And then there is another project going out College Way as well, and I think that maybe one more is added. Okay, yeah.

Anacortes – I was over there talking to their folks. They have got some 77 units going in. The last time we talked to them was about two weeks ago, a week-and-a-half ago, and they're pretty significant for Anacortes at this point. This row to the right – I couldn't find the current picture I'd just taken – is now completed. But this one was – the one on the left is a new developer to the county and he's doing townhouse developments, Commissioners. That's it.

Chair Raschko: Are there any questions for Hal?

(silence)

Chair Raschko: Hal, I heard there was going to be a large development on Duke's Hill. Can you speak to that?

Mr. Hart: Yep. I'm glad you asked about that. That was in Sedro-Woolley, and we've seen the SEPA for that. The SEPA actually had to go out twice. There was a procedural error, I think, on their original SEPA and the director was very saddened, shall I say, by that, but he got it done. And I think the issue there is road connectivity underneath the power lines. So Duke's Hill in Sedro-Woolley there's a power line that kind of cuts through the existing development, and then in order to get to the other development. So Brandon Black and I were discussing that this morning, Commissioner, and we think that will offer some really nice homes that are outside of the floodplain, so that might be a plus.

Chair Raschko: How many lots are there?

Mr. Hart: I'm remembering around 70.

Chair Raschko: Okay, so that's a good size. Thank you.

Mr. Gill: And Chair, I just have a couple of comments real quick.

Chair Raschko: And you certainly may.

Mr. Gill: All right. Thank you. I appreciate that. I do have – I will not be in town for April 12th, which is your next meeting. But you are in capable hands with Jenn Rogers and Hal, and they will walk you through the work on the 12th. That said, I also wanted to let you know that, you know, the previous work you have done on the Comprehensive Plan amendments, the docket, is set to go in front of the Board of County Commissioners on the 28th of this month. So if you're interested in hearing what they have to say on those petitions please feel free to tune in. That will be on Skagit 21 and it will be on Zoom live for anyone that is interested. So that's the 28th.

On the Shoreline Master Program, we are scheduled – so the comment period is still open on that, and so that's open through April 1st. So if there's folks watching that want to comment on the Shoreline Program, that is still open until April 1st and we will be discussing those comments and the changed program – potentially changed program – with the Board on the 11th of April, if you're interested in that.

That's a couple updates on some of your previous work.

Chair Raschko: Thank you, Peter. Are there questions for Peter on that?

(silence)

Chair Raschko: Okay, well, thank you very much and thank you, Hal. We'll move to Planning Commissioner Comments and Announcements. Before we begin, I'd like to bring up the possibility of us meeting again in person in the County building. If we were to do so, it would not be at this next meeting. The County just would not quite be ready for that. But it would be the second meeting in April. But not wanting for anybody to feel uncomfortable, if we were to do so there would still be the possibility of coming in on your computer at home rather than attending in person. And that's not a problem for anybody. This decision hasn't been made to meet in person and we don't necessarily have to, so I thought it would be a good opportunity tonight just to talk about it and get the feeling of all of the Planning Commissioners to see how comfortable they are with doing so. So we could either keep meeting online as we are; we could all meet together in the room; or we could do a hybrid where some people feel safe coming to the room and others would prefer to do the meeting remotely.

So we are now going to have Comments and Announcements. During your turn, you can state your preferences if you wish or you can remain silent on the subject. If everybody's silent on the subject, probably an assumption will be made that we're good to go with live meetings two meetings from tonight.

So we'll start out with – who wants to go first? How about Joe?

Commissioner Woodmansee: Okay. Chair, I'm perfectly fine with meeting in person or a combination of the two, as necessary, and so I'll support whatever direction you'd like to lead us in that. And that's all I've got.

Chair Raschko: Okay, Martha?

Commissioner Rose: I guess I would go for the hybrid version since sometimes my workday gets awfully close to the start of the meeting time and jumping online is a lot easier to get to the meeting on time. It's not a fear-based thing. I'm not afraid of COVID, but I am looking at how thin I'm stretched right now, so I'd like the hybrid method. I don't have anything else.

Chair Raschko: Mark? Thank you.

Commissioner Mark Knutzen: Yeah, my question would be what is the masking requirements now in County facilities? Are masks still going to be required?

Mr. Gill: Chair, this is Peter. No, the masks are not required within the County buildings.

Commissioner Knutzen: My concern is the one meeting we had several months ago when we did have to wear masks, my comprehension is so poor when I can't read lips. But if we don't have – if we're not required to wear masks, I'm fine to do either the hybrid or the in-person. Either way is fine with me. And that's all I have. Thank you.

Chair Raschko: Thank you. I would opine that if we met in person, or those who did, some people may still feel more comfortable wearing a mask and I think that that should certainly be their prerogative. Although I agree with you, Mark. I can't hear anything. I need to think. (laughter) But I just thought I'd mention that. Some people may want to wear a mask. Vince?

Commissioner Henley: Yeah, I have a preference for the Zoom meetings and I would like to see periodic meetings in-person but have most of the meetings via Zoom. That would be my preference. And I'm not at all interested in wearing a mask and I don't think they're effective anyway. And I used to consult on this kind of thing so I have information. But anyhow, that would be my sense. The hybrid meeting would probably work but I think I would prefer to see mostly Zoom meetings and then periodic meetings in person.

Chair Raschko: Okay, thank you. Tammy?

(silence)

Chair Raschko: Are you with us, Tammy?

Vice Chair Tammy Candler: I am. Sorry, I had to unmute. My preference would be a hybrid. I actually agree with Mark. If we have to wear masks, I think it would make a difference to me. But

a hybrid is good for flexibility for people. That's my thinking, and I don't have any other announcements.

Chair Raschko: It's interesting how – well, okay, I'll start over. I've heard a preference for some people to have Zoom meetings, but it's more not for pandemic reasons but more for convenience reasons. And I guess as long as we're still in the pandemic mode, there's nothing wrong with that. I was just going to say that I still assume that when we're past the pandemic that probably live meetings in person, I would think, would be a requirement. But we're not there at this time so it doesn't matter.

In my own personal opinion, I'm looking forward to coming to meetings. I'm not going to wear a mask unless people ask me to, and I think we should have people who aren't comfortable doing so be able to do the Zoom option – so, you know, the hybrid thing. So we can decide right now or we can talk about this again next meeting and decide what to do for the meeting after that, but I seem to think we have a consensus that a hybrid approach will work. So unless anybody else feels otherwise and speaks up now, I'd ask Peter to go ahead and plan for that eventuality.

Mr. Gill: Okay.

Commissioner Woodmansee: Yeh, Chair, I have a question.

Chair Raschko: Who have we got?

Commissioner Woodmansee: Woodmansee.

Chair Raschko: Okay, Joe.

Commissioner Woodmansee: We have our April 12th meeting – I don't have the calendar in front of me. When is our next one after that?

Mr. Gill: It is – Chair, this is Peter – it is April 26th.

Commissioner Woodmansee: When you talked about that next meeting maybe being in person, it jogged my memory. I'm going to be out of town in that meeting and I *can* participate via Zoom but I won't physically be in town that second meeting in April.

Mr. Gill: Okay, so noted. And just so you all know, we do have the Commissioners' hearing room set up, so we can do hybrid meetings. And until – as the Chair mentioned – until the state law requires us to meet in person a hybrid approach is definitely an option for anybody.

Chair Raschko: Okay, so that about does it. Do any of my fellow Planning Commissioners have anything else?

(silence)

Chair Raschko: Okay. So thank you, staff, for the work, and thank your engineering and other people for coming to this meeting tonight and taking their time away from home. That is very much appreciated. And with that, we stand adjourned.