

**Skagit County Planning Commission
Public Hearing and Possible Deliberations: Stormwater Code Update
May 24, 2022**

Planning

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

Staff: Hal Hart, Planning Director
Jenn Rogers, Assistant Long Range Planner
Andy Wargo, Planning Stormwater Review Technician

Public Hearing

Commenter: Jenna Friebel

Acting Chair Tammy Candler: (gavel) We are on the record for the Skagit County Planning Commission meeting of Tuesday, May 24th, 2022. The first item on the agenda is roll call, so I will call who is here. I will first indicate that our Chair is not here. Standing in, Tammy Candler, Vice Chair, and I'll just call roll. Kathy Mitchell?

Commissioner Kathy Mitchell: Here.

Chair Candler: Vince Henley?

Commissioner Vince Henley: Here.

Chair Candler: Mark Knutzen?

Commissioner Mark Knutzen: Here.

Chair Candler: Amy Hughes?

Commissioner Amy Hughes: Here.

Chair Candler: Martha Rose?

Commissioner Martha Rose: Here.

Chair Candler: Joe Woodmansee – is not here. Jennifer Hutchison?

Commissioner Jennifer Hutchison: Here.

Chair Candler: Moving on to the next item on our agenda, which is the Approval of Minutes. Do we have a motion?

Commissioner Mitchell: I move that we approve the minutes as written.

Commissioner Henley: Second.

Chair Candler: It's been moved and seconded that we approve the minutes. Is there any discussion?

(silence)

Chair Candler: Without discussion, we will have a vote. All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Candler: All opposed, say "nay."

(silence)

Chair Candler: The minutes are approved. We'll now move on to the Stormwater Code Public Hearing, or at least the introduction to it. The purpose of this hearing is to receive testimony on the amendments to the Skagit County Stormwater Management Standards. Before we begin, we will hear a brief presentation on the proposal from staff. And I'll turn it over to staff.

Jenn Rogers: Thank you, Tammy, Commissioners. We'll just wait a minute for the slides to pop up here. Okay. Thank you, Commissioners. So tonight we will be having a public hearing on the Stormwater Management Code Update process. Just a brief review of why we're here. We are doing updates to our stormwater code to simplify the stormwater construction regulations for the customer; incorporate stormwater considerations early in the development process; and maintain compliance with our NPDES permit.

We have had several work sessions prior to this starting in March. So we had an introduction and then we had three more work sessions to go over the amendments and any other questions that the Commissioners had. We also hosted two public meetings for the public on April 28th and 29th that were hosted by staff. Today, May 24th, I have highlighted. Today is our public hearing to take comment here in person and also over Zoom, and then we can go into deliberation after. And we also have deliberations scheduled for June 14th as well.

The Board of County Commissioners is scheduled to review the amendments on June 27th and 28th – in just a few weeks – as well.

There are numerous public documents that we have posted on our website, and that includes the memos for the first three workshops, including comparison matrices of the existing proposed regulations, the code amendments with the markup, and also site plan examples and checklists of what it'll look like under the new process. On May 5th we also published our official staff report with recommendations, as well as our Notice of Availability for the open public comment period and our SEPA Determination of Non-Significance.

As I mentioned, the public comment period did open on May 5th and it will close tonight at the conclusion of our hearing. There are three options for the public to provide public comment. So

they can either mail a letter or drop it off here tonight at 1800 Continental Place. They can email public comments to our PDS Comments box, or provide verbal testimony tonight as well. As always, please ensure that you include your full name and address and any comments that are submitted, either email, mail, or through verbal testimony tonight.

For tonight's public hearing verbal public comments are limited to three minutes. You may submit longer comments through the end of this hearing to our email inbox. Please state and spell your name and address before beginning your comments. And if you are on Zoom, please unmute to indicate you wish to provide testimony, and wait for the Chair to call on you before beginning your comments. If you are in person, please after being called upon you may come up to the podium and begin your testimony.

And with that, Chair, we are ready to go.

Chair Candler: Okay. Thank you. Everyone will have an opportunity to speak at the public hearing; however, if this hearing extends beyond 9 p.m., the hearing will be continued to a later date and time. Staff have a sign-up sheet for those who wish to speak. Those who have not signed in ahead of time will nevertheless be given an opportunity to speak following those who have registered. Each person will have three minutes to address the Planning Commission. You will be notified when your time has expired. I'm asking the Planning Commissioners to hold any questions until after everyone is done. This is a time for testimony, not debate. Please address all comments to the Planning Commission. Written comments on this proposal are not limited in length and will be accepted until the conclusion of tonight's hearing. Comments will be recorded in the meeting transcript. Thank you for taking the time to participate.

The public hearing is now open. We'll call the first speaker. Before you testify, please clearly state your name, spell your last name for the record, and indicate where you reside – give your address.

Do we have a sign-up sheet?

Ms. Rogers: Yes. _____ public comment tonight.

Chair Candler: And it's just the one person?

Ms. Rogers: As of right now, yes.

Chair Candler: Okay. Please go ahead and come up to the microphone and let us know who you are, and then we will begin timing you for the three minutes.

Jenna Friebe: Okay. Can you hear me okay? Jenna Friebe, j-e-n-n-a f-r-i-e-b-e-l, 2017 Continental Place, Suite 4, Mount Vernon 98273. I'm here representing Skagit Drainage and Irrigation District Consortium. Thank you for your time.

I just wanted to go on the record to thank the County Planning Department for putting together this proposal. We're very happy to see that the County's adopting or planning to adopt the 2019 Stormwater Management Manual. We believe that that goes a long way to protecting the sensitive drainage district infrastructure that our organization and the drainage districts manage. And I don't know – with the three minutes that I have I can certainly answer more questions. But about 60,000 acres of prime ag land in Skagit County depend on drainage, and with continued development in the areas that contribute runoff we are definitely concerned that our limited capacity won't be able to handle it. And I think the 2019 Manual, along with encouraging low impact development, goes

a long ways towards protecting us. And I know we're made comments in the past to the Planning Department, so thank you.

There are a few specific comments that are also – I submitted to the staff. And I'm happy to go through those just very quickly. These are pretty detail-oriented but that's kind of how I operate. So first, just asking that the enlargement piece, 14.22.020(3)(ii) be revised and allow the districts the flexibility to operate/maintain the existing drainage network, including minor enlargements, without having to go through another step of undue process. We already get permits from the Corps of Engineers, the Department of Ecology, the Department of Fish and Wildlife, and the addition of this requirement would add another hurdle to an already fairly onerous proposition. It's important that we can manage our drainage infrastructure and ditches without undue permitting requirements.

Similarly, (we're) asking to strike some of the requirements under this exemption for proximity to critical areas. All of our ditches and farmland are drained. They're all prior converted crop lands and it becomes very difficult to map, identify, and verify critical areas. We also have concerns that this requirement would create a new regulatory authority for the County that may undermine the Voluntary Stewardship Program. We do a lot of programs to improve and enhance critical areas and then knowing –

(sound of timer)

Ms. Friebel: – that we need to also maintain our drainage systems.

Chair Candler: I think that's the signal of your time.

Ms. Friebel: That's my time! I appreciate it, and if you have any questions I'm happy to answer them.

Chair Candler: Thanks for being here. Is there anyone else present who wishes to speak?

(silence)

Chair Candler: And is there anyone, Ms. Rogers, on the Zoom who wishes to speak?

Ms. Rogers: I don't see anyone that is even on the Zoom and no one has indicated in the Chat either that they wish to speak at this time.

Chair Candler: Thank you. With that, we will close the public hearing. Thank you all for your testimony. Does any Planning Commissioner have a question of any speaker or staff? If they don't, I do. Ms. Friebel, just very briefly, what was the number you cited that you wanted it to be revised to allow the district to operate drainage districts? I didn't get all the numbers that you –

Ms. Friebel: It's 14.22.020(3)(ii). (inaudible) Yeah, sorry about that. And this is more clear in the letter. So it's 14.22.020. These are exemptions. (3) for agricultural exemptions and then (ii) and (iii). So there's a series of proposed revisions in our written testimony just to streamline the process for the districts.

Chair Candler: Okay, thank you. I just wanted the number. Did you have a question?

Commissioner Mitchell: I've got a question too, please. When you were talking about strike requirements for the proximity to the drainage. Do you mean for the – adjacent to the dikes or for farmlands in general? I didn't quite understand.

Ms. Friebe: Right. So these were – this is the exemptions for new construction of agricultural ditches, and it exempts them if they're less than 500 cubic yards unless they're in close proximity – within 300 feet of wetland, fish and wildlife conservation areas, or original hazards. And the request is to strike that because we already have so many other environmental permitting requirements that this would be, in our opinion, a little redundant and maybe subjective. Because I don't think that there's maps other than what we get from Ecology and WDFW. We already have a lot of agreements with state agencies in terms of how we operate and maintain the drainage ditches. A lot of those ditches overlap with streams – not a lot of them; some of them do – and so there's HPA authorities that are already in place and we voluntarily do enhancement. And so it just seems like a strange criteria for an exemption, given that we have all the other regulatory authorities that we coordinate with regularly.

Commissioner Mitchell: I've got another question. Go ahead.

Chair Candler: I was supposed to just read – also to instruct you that you are invited to answer the question but please limit your comments to the answer of the question that's asked. Go ahead.

Commissioner Mitchell: I guess this is for Jenn in conjunction with her letter. Can we have a copy of that before we go into deliberations too?

Ms. Rogers: Yes, I'll go make a copy.

Commissioner Mitchell: Thank you so much.

Chair Candler: And if there's no objection, that will close the hearing then – the public hearing. Any objection?

(silence)

Chair Candler: Okay, the public hearing will be closed (gavel) and as a reminder, written comments on this proposal will be accepted through the conclusion of tonight's Planning Commission meeting. The Planning Commission will meet to consider the comments and deliberate on a recommendation to the Board of County Commissioners this evening, and it's scheduled again on Tuesday, the 14th, at this time. So we'll move on to the Deliberations, but the first thing that I want to ask is if anyone wants some time to review the Port of Skagit letter that we received tonight. So we might just take a couple minutes to do that. Okay.

(silence while Port of Skagit's comment letter is reviewed silently by Commissioners)

Chair Candler: I have a procedural question for the Department. Does the Department have a response to the two comments tonight, or is this something that you'd like the opportunity to respond to at a later time, or what's the plan for that?

Andy Wargo: We can provide an initial response with the information we have.

Chair Candler: I'd like to hear it. Would you – does that sound like something we want to hear? I'm getting some agreement here, so if you wouldn't mind just give us a brief response? If you're ready, but you can certainly wait until later if that's better.

Ms. Rogers: We'll also have a supplementary staff report for the next meeting as well.

Mr. Wargo: Andrew Wargo, the Planning Department, responding to some comments from the Port – initial response after a cursory review.

From what I can see is that the comment is concerned about some of the language around the 20-year sunset date for regional facilities. And instead they point to some language in the Stormwater Management Manual which references a delta which by that Ecology means a deficiency between the capacity of the existing stormwater facilities and the requirements of the current Stormwater Manual. And for public regional facilities and the Port-owned facilities would be public, that would require retrofits to make up that difference between an outdated system and a new requirement for public facilities and the manual they point to. Also states that for private facilities retrofits would be up to the – it would be defaulted to the local government's timeline. So just a – you know, in terms of the manual, the proposed sunset language is – the intent is not to require automatic retrofits for all facilities. It's to look at the facilities as they exist and ensure that they're meeting the current standards, and then retrofit if needed to accommodate the proposed development. And as far as the local timeline on private facilities, this proposed 20-year date would be providing a timeline to look at that. So just to kind of clarify. I don't have a very specific answer in how – I think there's probably some room for some synthesis there and making sure that the proposed language reflects the intent of the manual to address the delta and deficiencies.

But that's kind of the initial answer. I'd have to work with my team to come up with a more specific response and how to move forward with that.

Commissioner Rose: I have a question. So if I read this and understand it right, what would trigger that looking at the system would be a proposal for some new development that would be part of that system of stormwater retention. Right? In other words, it wouldn't be after year 20 you don't just go around looking at all the systems that are in place. You're only looking at ones where proposed new development is. Is that true?

Mr. Wargo: Yes. This code is addressing *new* development. This is the code – the code is to provide the rules and lens for reviewing *new* development proposals.

Commissioner Rose: Right.

Chair Candler: Thank you. Okay, moving forward with our deliberations, at this time I'd like to invite the Planning Commissioners to present any motions, questions, general comments, or procedural input on our process going forward. I don't know where we want to start. I see Commissioner Hughes has her hand raised. Let's give her the floor.

Commissioner Hughes: I'm not certain that I'm confident going forward tonight. I feel that we need the staff to respond. These are two letters from established organizations that have been in our county and they have concerns, and I can't quickly read this and get a good grasp. I'd like a response and I'd like a little bit more research on my end.

The other issue that wasn't addressed today and you can address if you want to, Andy, is other organizations that have rules and regulations that might be overlapping, and if we can get our

County and Ecology and the other ones that were stated all in sync. I'd hate to have different levels for different bureaucracies, and so I'd really like to have a staff report and I'd like to be able to read this information along with the code at the same time. I need more study time.

Chair Candler: That's fair. Anyone else have comments about that or anything else?

Commissioner Mitchell: I do.

Chair Candler: Okay. Commissioner Mitchell, you have the floor.

Commissioner Mitchell: Chair, I concur with what Commissioner Hughes had said. And I think we need help from staff. These are some pretty big questions. And the same thing from the dike issues. Our farmers are so important and so are the dikes, and those are two huge ones we don't want to step in and cause problems with. So I think we need more help before we can proceed tonight.

Chair Candler: Anyone else?

Commissioner Rose: I have one comment. Having been in the construction industry for many years, I've seen the stormwater codes evolve and especially as our knowledge grows about the pollution that's caused from improperly handled stormwater. So on the surface, I agree with getting the staff report and having more time to sort of dive into this, but my first reaction is yes, of course every 20 years you want to look at how the codes have evolved or what our knowledge base is about stormwater. And if we find that there's something that's inadequate or not adequately addressed, there ought to be a way to correct that. And so my initial reaction is that the sunset – the discussion about sunset date for saying, This storm system works, it's logical that it would sunset just so that there is that opportunity for re-analysis as we know more 20 years from now than what we know today. Yeah, that's all.

Commissioner Hutchison: I have a comment. It was my understanding that in the new drafts there is language that includes inspections intermittently, I believe. I don't think it was a random idea but I believe it was worded that there would be inspections and diligence throughout rather than just waiting for a 20-year sunset. But perhaps I'd have to do a little bit more backreading to find that exactly in the code description. So I believe the intention wasn't meant for someone to be, Oh dear, here's your 20-year time clock and now here we come to tell you what you need to fix! But if you could put some clarity in – maybe suggestive clarity as to how that would be worded or emphasized. The example in the letter from the Corps even states it straight from the **Swin** guidance and makes it very understandable. So if we truly are adopting and collating all these different stormwater programs to make it seamless, then let's just incorporate a couple more sentences and help the readers understand that the intent is deliberately for unplanned new construction projects and how that can be summarized. Thank you.

Chair Candler: Anyone else have comments?

(silence)

Chair Candler: What I'm hearing is basically a motion from Commissioner Hughes to adjourn our deliberations until next week, and I tend to agree with that. But my thought is also if there are other areas besides the new comments that came in tonight that we think are going to be an issue for next week, I think it would be nice to have a little bit of information so that while we're investigating these we can also be looking at any other areas that the Planning Commission thinks

that we'll have deliberations on. So if there's anything else like that, I would certainly welcome anybody to make those general comments now before we move on. Does anyone have anything that doesn't really relate to the new comments but just in general that they had wanted to bring out tonight? Commissioner Mitchell?

Commissioner Henley: I do have a comment about the Port's discussion.

Chair Candler: Okay.

Commissioner Mitchell: Go ahead, Tammy, and do –

Chair Candler: Okay, let's do that first then.

Commissioner Henley: The Port makes the point that this sunset date isn't really necessary or included anywhere else, right? The only place we see it is here. And I'm a little wary of things that sound like fishing expeditions, all right, for making big changes, which, you know, any sort of stormwater impoundment or facility *would* be a big change and very expensive. So I'd like to understand more about the rationale for the 20 years, and I'd like to see a cost-benefit analysis about why we think we need to have that particular, you know, measurement and what happens because of it as time goes on. I mean, I heard them say that it's only for new development but I also know from experience that these things have a way of creep and so I would be a little wary of things that are not really solidly nailed down and I would strongly question as to whether or not we need to have the sunset clause at all.

Chair Candler: Thank you. Commissioner Mitchell, you had something?

Commissioner Mitchell: Yes. I'd like help from Jenn and Hal and Andy. The points that Commissioner Woodmansee was talking about last week about the acre size thing – I should have brought – I'm sorry. I forgot to print out a transcript and bring some of that part. But I would like clarification of that discussion while we're at this. There was something about the small versus the larger and making it all one, and I'd like the County's rationale again why that doesn't really matter. Either now or in writing for when we get back together. I'm still a little bit confused.

Ms. Rogers: Commissioners, may I?

Chair Candler: Yes.

Ms. Rogers: This is Jenn Rogers. So we can include some more information in the supplementary staff report for you if that would work, so we can make sure to have a little bit more of a longer explanation after we discuss with the team. Does that work?

Chair Candler: Do you have enough direction as to what the Commission was asking to be addressed?

Ms. Rogers: I'll look through the transcript that we have and if we have any questions on clarity we can certainly follow up on that. And the staff report will come to you a little bit early for the next meeting.

Chair Candler: Great.

Commissioner Mitchell: Thank you.

Commissioner Hutchison: There was also the origin of the – I know it was brought up to me that it wasn't new code when I had asked in our last session about the wording in section 14.22.050, and it's in paragraph 3 mentioning the additional requirements, more stringent standards. And the wording there is so vague and open we were looking for the origin of that. I believe it's new by the format that's it's typed in with the underlying coding. So if we could just get a little bit more explanation on where that's going when it's so open and ___. It's just a little unclear to me why perhaps. Thank you.

Chair Candler: Do you have a question about that?

Mr. Wargo: I do. _____.

Chair Candler: Will that be in the staff report then?

Mr. Wargo: We can put it in the staff report. Or I can speak to it now.

(several people speaking at the same time)

Commissioner Mitchell: Yeah, if we can have you tell us now and then follow up with your staff report, that'd be helpful. I need more time to mull things over, and the more time I get the better!

Mr. Wargo: And I can answer a little bit to that other question, too, about the parcel sizes, if that works. So as far as the language about "more stringent" or additional requirements as required, that is in the new code, in the proposed land disturbance code. It's also in the existing stormwater code. And I _____ Department and that type of language is very typical in a lot of our codes. It's kind of – it's a backstop for emergent issues that arise during review that could provide a significant risk to human health and safety or the environment that might not be directly addressable by the code as written. But it is – it requires a threshold to get there. It's not something that can be applied easily. In certain cases, it's _____ case-by-case basis. And the way the language is written for this code is that it would require a facts-and-findings, so it would be a formal process of written facts and findings to support any additional requirements. This is – it's almost never been used and probably never will be, but it is a backstop for unforeseen circumstances that – and it is primarily to protect human health and safety.

So that's the rationale for that language. And it's very similar to language that's already in existing code, including the existing stormwater code, so it's not a new type of code language. It's already throughout the County Code.

As far as the rationale about the parcel sizes, the way our – we have a table right now for determining stormwater thresholds for projects outside the NPDES area. The table was developed by a consultant about five or seven years ago and it's not very self-evident how it works. It's kind of a confusing table for both applicants and for staff, and it creates – the requirements for development on parcels less than one acre are actually more stringent in some ways than inside the permit area. So we want to provide a little more flexibility for that. The parcels larger than one acre and outside the threshold have a different set of thresholds, which have a higher threshold, and that – in some ways it – the rationale for lowering that threshold is just to provide some more oversight on how stormwater is being managed on those larger rural parcels. The idea is to provide some accountability for how stormwater is managed while also allowing for flexibility in how it's managed. You know, oftentimes we're not using a list method. We're providing flexibility in what BMPs can be used. Most people can use simple BMPs such as downspouts to splash box, which is probably what they would use anyway. We just want some insurance that

that stormwater is being managed onsite and not diverted to downstream properties in a way that could cause concentrated flows and cause property damage, damage to the public road system, or erosion in streams and degradation of fish habitat. We do have, both within the Planning Department and the Public Works Department, we do see a pattern of drainage complaints on downstream properties and they're often pointing at upstream areas that have seen development over the past decade or so. And the complaints generally say – there's something along the lines of I'm getting more water coming onto my property and my yard that used to be dry is now wet, or I'm getting a flooded crawl space, or I have a stream coming through my property that I didn't used to have, or something like that. So we are seeing more of those drainage complaints and they are pointing uphill and saying there's more development uphill. And it's just an absolute fact when you cut trees and put in more impervious surface, you will create more runoff downstream and eventually over time we will see that water accumulating in increased flows, increased volumes. And depending on how and where it's directed, it can cause damage downstream. So we want to – so the reason on the large parcels the thresholds are coming down is to provide – it's a little bit more oversight in ensuring that stormwater is being managed onsite on those rural parcels. So that's some of the rationale that goes in it.

Another part of the rationale of making the parcel sizes – you know, bringing it into one parcel size and having the same thresholds is just simplicity, both for applicants and staff. They're simpler thresholds. They do become a little more stringent for the larger parcels, they become less stringent for the smaller parcels, and then there's more flexibility in how to meet the requirements that are required. So that's why we want to do it. We want more simplicity, more flexibility, and more accountability.

Chair Candler: And there's a follow-up question.

Commissioner Mitchell: So you had mentioned a couple of times that the smaller parcels sometimes would have more stringent requirements on them. Could you give us some examples of that?

Mr. Wargo: So the way our table's written right now, if you're on a parcel less than one acre outside the permit area, once you hit 4,000 square feet of impervious surface you're required to meet all nine requirements of the Stormwater Manual, which requires hiring a licensed engineer to prepare an engineered stormwater plan to meet that. Inside the NPDES area, following the manual the way it's written, you don't actually need to meet all nine requirements until 5,000 square feet. So it's – I don't know quite what the rationale for putting that in there is, but that's the way it's written now. And we actually want to – we want to make it so if you're outside the NPDES area for all parcel sizes you won't need your engineered drainage report until you hit 10,000 square feet. So that's actually providing *less* stringency on those small parcels and balancing it out with the larger parcels. There is a 50% – it is written there's a 50% lot coverage that would affect some of the small parcels and still require an engineer drainage report when the – 50% of your parcel really becomes very challenging to manage stormwater onsite without an engineer design.

Commissioner Mitchell: Thanks so much for going over that for us again.

Chair Candler: Anybody else want to jump in with any heads-up for continued deliberations next time?

Commissioner Mitchell: Could you repeat that, please?

Chair Candler: Anybody else want to jump in with any heads-up for deliberations next time? Things that will become an issue?

(silence)

Chair Candler: Okay. Ms. Hughes, do you have a – Commissioner Hughes, do you have a motion?

Commissioner Hughes: I move to delay deliberations until after the staff report has been provided in response to public comment.

Commissioner Mitchell: Second.

Chair Candler: It's been moved and seconded that we delay the further deliberations until after the staff report. Is there discussion? Is there agreement or disagreement?

Commissioner Henley: (unintelligible)

Chair Candler: There is a second. Is there discussion?

Commissioner Henley: Oh, discussion. _____ I'm for it.

Chair Candler: Okay, is everyone kind of in favor of that?

(silence)

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

Multiple Commissioners: Aye.

Chair Candler: Any opposed, say "nay."

(silence)

Chair Candler: And I'll say "aye." So I think at this time then, unless we have anything further, we're going to move on from the deliberation portion of the agenda and move on to the Director's Update.

Hal Hart: Thank you, Commissioners. I really appreciated the dialog afterwards. That was helpful to staff and I appreciated Andy's response. I understood it this time! I think it's the third time it's been asked. It takes a while, doesn't it?

Mr. Wargo: It does.

Mr. Hart: Yeah. So we are – I wanted to report on – we'll go to the next slide – just kind of where the Shoreline Master Program is. It's still at the Board of County Commissioners right now. The Swinomish Tribe has asked and others in the environmental community have asked for additional information to be incorporated into the Shoreline Master Program relating to sea level rise and climate change. So staff has come back – working with our consultant and are currently mulling that over – what that would look like – and will provide some options, I think, to the Commissioners as we move forward, of ways to incorporate that. It is also a longer term effort than anything that

we're dealing with right now, which would involve outreach, going to the community – separate from the Shoreline Master Program. So we can make a reference to those things there – sea level rise – as the Tribe – and DOE's also in that discussion as well. So it's the DOE, the Tribe, and the County having that discussion together. And if we don't include that, it could go to the Department of Ecology and the Department of Ecology could say, Hey, why don't you include that? And then it'll come back to us. So it's a real interesting process right now. It's kind of a three-way process between the County, the Tribal consultation, and the Department of Ecology. We'll see where that goes later on in June. So the work continues on that.

Commissioner Mitchell: May I ask you a question?

Mr. Hart: Absolutely.

Commissioner Mitchell: So the three-way conversation that's going on between the three entities, when you're pulling your information together for them – so the DOE did not indicate that we needed to do that when we went through the shoreline stuff? That we had to, should do? And I don't remember seeing places where it was required or mandatory or anything like that. So is it just *our* county's tribes are asking for that or are they asking for everybody to retrofit?

Mr. Hart: I think it's a theme up and down the Puget Sound right now that the tribes are asking local governments to pay attention to these issues. Certainly – I don't think that's exactly what you asked but –

Commissioner Mitchell: It's sort of.

Mr. Hart: Okay. So I think the Commissioners have expressed a willingness to look at this on their own timeline in the future. When we go to look at the Comprehensive Plan update, you know, the changed nature of things might be that the sea level forecast for Skagit County is different and that we could do our own vulnerability analysis for Skagit County separate from other places. So the City of Olympia – I researched this last night so I know – so the City of Olympia, they've done their own forecast for Budd Inlet. So what's going to happen down in Budd Inlet might be different than what will happen out in La Conner or somewhere else, right? Because there's a lot of other factors to pay attention to that are localized. So we can do our own vulnerability analysis and then come up with the latest science on that through a separate process over the next year or two. And so that's *probably* – that's one alternative that we might be facing next year and the year after.

Commissioner Mitchell: Right. Would that include the actual geologic and sea level gate measurements, considering that the west coast is rebounding versus the east coast that's –

Mr. Hart: Yeah, absolutely, and that's what we're seeing, that it's – it's really site-specific and different in different places. So, yeah. I mean, that's part of it. There's a lot of other factors, too.

Commissioner Mitchell: Fascinating. You'll keep us informed, please?

Mr. Hart: Every step of the way.

Commissioner Mitchell: Thank you.

Mr. Hart: Yep. The next one – let's go to our development slide. Kind of fitting with what we're talking about, these are just three but there's some other ones which we are involved in in

stormwater. And Shawn and Andy know about some of these others and they're chuckling because there's internally to the county, you know, lots of people are moving to the county. And then they move to the county, they want to know what the rules are, and so these are three examples that you can see down ___ right now. And so it's development. But there are lots of other examples going on in the county and in the Bayview area. In some places they're very close to the shoreline, you know. There may be a road separating the new development from the water or from – one property between – so in one case I'm thinking of there's a development, a county road, and then there's some other parcels that are on the beach. And the idea is, Hey I want to get rid of my water. How do I get rid of my water? And so really what we're asking them, more or less, in putting in ____, which is very simple, so these guys can jump in, but keep it on your site. That's the basic thing. Just keep it on your site and find a path to keep that water on your site. And that's what we're telling these. And the other piece I'll say is some of these homes, some of these complexes or compounds are going to be very large. So it's not just like a 2500-square foot home or – it could be three times that or four times that, and they have outbuildings and other buildings and they – you know, so it's just – that's just part of Puget Sound right now. And they love being in Skagit County for a variety of reasons. But it's the kind of development I think we'll see more of as well. So just kind of putting that out there.

Okay, let's go to the next one. I'll give you some Growth Management updates. I was still working on those this evening. But one thing I always recommend is – and I plan to attend at least one of them the next week or two – May 31st, June 6th, and June 13th are the next Department of Commerce short courses. And I always like to see what are the state agencies telling local governments and planning commissions today. So it's been a year or two since I sat through those. A lot of change that I've talked to you about in the Growth Management Act is happening or has just happened, and now it's filtering down to local governments to tell planning commissions, oh, here's what you're going to do this time. And so the dates again are May 31st, June 6th, and June 13th, and they're all Zoom meetings, and we can give you those dates. We can email those out to you. And it's just – it's kind of more of an audit of what the state agencies are telling planning commissions these days. And then we'll bring that back to you if you can't be there. But I want to catch up with where the state is, and I feel a little bit outside of that mix down in Olympia.

There are two other really big issues going on right now as well besides the short course. There is – there's ongoing discussions that would affect wetlands and our VSP program. So the critical areas, we want to make sure for our county that the 60,000 acres or 100,000 acres – whatever the acreage is – that our VSP program is protected. That is kind of a really important voluntary stewardship program that's really important to the ag community, and we want to make sure that stays whole and that we aren't putting additional requirements upon agriculture in the valley at the moment. So they've got a lot to think about already. The last thing they need is yet more change coming and impacting them. So it's kind of a guarded action that we're doing on that but it is – I'm looking for the update itself; I don't know if I included it. But that's one, and then there's another Growth Management process that they call it – I think they call it Growth Management III, and it's looking at gaps and overlaps in Growth Management overall in terms of – maybe our shorelines would be a good one. The one example I saw this evening was they sent out a notice: Hey, Planning Directors – County Planning Directors, what are the examples of gaps or overlaps that you're looking at on a day-to-day basis? And one planning director said, Well, a typical one is when we look at bulkheads, three other agencies are looking at bulkheads. Why is that? Why can't we just have one agency work with the landowner and provide the guidance on bulkheads instead of having three? So that's an example of an overlap. And there may be good reasons for that in some cases but it's really to – this is a summer where you look at that and say, Is there a

way to simplify that? Is there a way that we can just bring that regulation into focus and if that'll work for the Department of Wildlife should that work for everybody else at that point?

So that's the kind of discussions that are ongoing this summer and it's called the Gaps and Overlaps Discussion. So we'll keep you posted on that. I was just looking for more information than that and when I find it I'll sort through it and bring it back to you and give you the general direction.

That's it for today, I believe. Jenn, anything on the schedule upcoming?

Ms. Rogers: Yes, thank you. So today we did have a public hearing on the 2022 Docket. We have about 150 submitted comments so far. The public comment period for that will end this Thursday, the 26th, at 4:30 p.m., and then we'll be posting those comments online so everyone can review them. The next step for that process will be on June 14th. The Board will convene to deliberate on the staff recommendations and the comments that they've received both in the public hearing and in print and email comments as well. And then they hopefully will take action and create the docket on that date. And then we are planning to introduce the docket to the Planning Commission at the second meeting in June, which I believe is June 28th. So that will be the first time we'll be introducing it to the Commission. And during that meeting we're also planning to discuss agritourism as well at the end of June. So that's kind of the anticipated schedule for June.

And that is all we have for tonight, Commissioners, unless there's anything else you'd like to hear.

Chair Candler: We'll move on then to the Planning Commissioner Comments and Announcements. Do we want to start – let's start at this end.

Commissioner Knutzen: Yeah, I just have a question for staff. I was talking to somebody a while ago about how you develop ground in Rural Reserve areas. I know developments 30, 40 years ago – say a 40-acre field, five-acre minimum, split up into eight equal five-acre lots as a house, pasture, whatever. More recently what is see is the cluster housing, 40 acres, 80, or 120. Average one house per five acres, but there's a reserve area, essentially one acre. And I think you call it "cluster housing"?

Mr. Hart: Mm-hmm.

Commissioner Knutzen: Is it still legal to split up a 20-acre into four equal five-acre plots? Or do you need to cluster? Do you know?

Mr. Hart: We definitely encourage the cluster subdivisions. So it is legal to do a normal subdivision but we encourage the cluster.

Commissioner Knutzen: So if someone had an 80, could they split it up into five-acre lots if they so choose?

Mr. Hart: Oh. No.

Commissioner Knutzen: And I don't need to know all the details.

Mr. Hart: No, no, no, I wouldn't say 80. I thought you were saying four fives.

Commissioner Knutzen: And I have _____ and I just didn't know if this code would even allow it anymore.

Mr. Hart: But what I would do is we will run through some – I would run through a number of examples of what we're currently doing for you. So I think that would be the best way to show you.

Commissioner Knutzen: Very few people need five acres. I had 1.2 acres and that was more than enough. So I was just wondering.

Mr. Hart: So I see what you're saying. Yeah.

Commissioner Knutzen: Yeah.

Mr. Hart: Yeah, what we see now are the cluster subdivisions.

Commissioner Knutzen: You know, back in the day when everybody had five acres and some animals, that was fine, but you don't see that much.

Mr. Hart: Yep.

Commissioner Knutzen: Okay. Thank you.

Mr. Hart: Yep.

Commissioner Knutzen: That's all.

Chair Candler: Thank you. Commissioner Rose?

Commissioner Rose: I don't have anything.

Chair Candler: Commissioner Mitchell?

Commissioner Mitchell: Nothing. Thank you.

Chair Candler: Commissioner Henley?

Commissioner Henley: I have nothing.

Chair Candler: Commissioner Hutchison?

Commissioner Hutchison: Just grateful for the public comment and the work that you all do. Thank you.

Commissioner Hughes: And I'll follow up. Thank you, Planning Department, for the work you do.

Chair Candler: I do not have anything specific tonight, so with that, we've reached the end of our docket and we will be adjourned (gavel).