

**Skagit County Planning Commission  
Briefing: 2016 Comprehensive Plan Update  
Work Session: Stormwater Code Update  
February 3, 2015**

**Commissioners:** Josh Axthelm, Chair  
Keith Greenwood, Vice Chair  
Tammy Candler  
Robert Temples  
Kathy Mitchell  
Kevin Meenaghan  
Matt Mahaffie  
Amy Hughes  
Annie Lohman (absent)

**Staff:** Dale Pernula, Planning Director  
Kirk Johnson, Senior Planner  
Ryan Walters, Civil Deputy Prosecuting Attorney  
Bill Dowe, Public Works Stormwater Permit Program Coordinator  
Mike See, Public Works Water Resources Section Manager

**Stormwater  
Consultant:** Damon Diessner, Brown and Caldwell

**Public Remark  
Commenters:** Ellen Bynum, Friends of Skagit County  
Carol Ehlers

**Chair Josh Axthelm:** (gavel) I call this meeting to order. It's Tuesday, February the 3<sup>rd</sup>, and if you take a look at your agendas – we have a lot to read today so the first item on the agenda is Public Remarks.

**Ellen Bynum:** Good evening. Ellen Bynum, Friends of Skagit County. I'm going to review with you a resolution that we presented to the Board of County Commissioners just as a preview of some work that we eventually would like the County to do. And this is a Resolution Supporting Preservation and Opposing Conservation – Conservation! – *Conversion* of Farmland for Regional Food Security. So we know that we – so this is in the Whereas form but I'll just go through it briefly. We passed the Growth Management Act in '92 to identify and protect natural resource lands. We identified some 90,000 acres and we adopted a Comp Plan in '97 to protect those acres. Then in '96 we established the Skagit Farmland Legacy Program using a Conservation Futures tax. The Conservation Futures Advisory Committee, which is the group that runs the Farmland Legacy Program, and the Skagit Ag Advisory Committee adopted a no net loss policy for farmland in 2004, and we know that farming remains the largest economic driver in Skagit County.

Skagit County has not adopted a no net loss policy for Ag-NRL except through these committees, nor has it adopted a farmland replacement program. So since 2008 we know at

least 3000 acres of Ag-NRL have been converted to other uses including fish and wildlife habitat, wetland mitigation banks, habitat for birds and hunting, road widening and state agency acquisition for unplanned future uses.

Friends has supported the Skagit County Farmland Legacy Program by encouraging tax deductible donations to the program as well as farmer participation. Friends has also appealed inappropriate conversions of Ag-NRL lands and attempted to use administrative and legal appeals to stop conversions to other uses. Friends does not consider the programs of the Skagit Conservation District, i.e., CREP, or the Voluntary Stewardship Program to be inappropriate conversions. That's mainly because they are not permanent. And the governors and legislatures of Washington State have supported food security programs and acknowledged the need to conserve farmland for present and future food production.

We therefore resolve that Friends of Skagit County recommends and urges Skagit County to immediately adopt a no net loss policy for Ag-NRL; to determine the current economic threats and the acres of farmland lost and the cost that – whatever that cost is to the local economy; to expand the purchase of development rights program to include all lands used in agriculture – and we recommend doing that with a voluntary contribu – making the public aware and landowners aware that they can voluntarily contribute development rights to the County and take a federal tax deduction in some instances. Some of the details of that, I think, the Farmland Legacy people would know more about; to implement a replacement program in the Ag-NRL or other rural zones; and to pass a moratorium on conversion of farmlands to other uses.

So I just wanted to read it to you guys and I can send it to you by e-mail so you have a copy of it. Thanks.

Chair Axthelm: Thank you.

Carol Ehlers: I see you're still taking notes. I'm glad to see that. Carol Ehlers, west Fidalgo Island. Something to follow up on what Ellen said: One of the main issues in the Comp Plan process is the protection of prime farmland. And in terms of protecting prime farmland – where everyone says they want to protect it but I want this 20 acres, I want that area, I want something else – one of the crucial elements seems to be the crop rotation acreage. Back a generation ago when we were doing Growth Management they taught us about some of this. I've been to some farm meetings at WSU. The crop rotation acreage where you have potatoes at some time and other vegetables in a sequence depending upon the nature of the soil, and in terms of potatoes whether the geese have spent the winter shitting on it. You can't plant them in that land then. It occurs in February/March. I think they call it a "pin night." You'll know more than I do, some of you. But I want to bring to your attention that for viable agriculture to survive in the valley – which is why you do it – the crop rotation cycle is apparently *the* essential element, and the lands that they depend upon are apparently *the* essential lands. And if there's no overlay nobody knows it except the people at WSU and the farmers involved. You can't help them. You can't cooperate with them. You being Planning Commission, you being the County, or anyone else. So I think that's something essential.

The second thing, I read in the newspapers that some dear woman wants to start nuclear power again. And I would remind you that in Aquifer II in Skagit County the County is mandated, supposedly by order of DOE, to accept radioactive landfills anywhere in Aquifer II. Since Aquifer I, according to DOE, is where you can't have any wells at all then Aquifer II is where the wells can be dug. But if you have radioactive landfills up drainage from any of those, you've got a nightmare. So that leads me to say in my mind, What happened to the nuclear-free Skagit

County? During the 1970s, hundreds of people spent enormous amounts of time and energy and ended up in a referendum which made this county nuclear-free. Since the beginning of my time dealing with the County in '84, I haven't seen a thing about it except that I know somebody gave their records to Larry Kuntzler. But in terms of the *County* knowing about this I've never heard of it. So it seems to me that if we voted – and I was one of those who voted – for a nuclear-free county because we didn't want a nuclear power plant on the Skagit River; we didn't want it on the Samish Island; we didn't want it on Kiket Island for a hundred reasons –

Keith Greenwood: Carol, that's three minutes, okay?

Ms. Ehlers: Maybe we ought to know some of the background information. So while you're digging in the back records, Ryan, see if you can find that, please. Thank you.

Chair Axthelm: Are there any other public comments?

(silence)

Chair Axthelm: Seeing none, we'll move on to the next agenda item which is the 2016 Comprehensive Plan Update Briefing. Dale?

Dale Pernula: Okay, I'd like to turn it over to Kirk Johnson, who will give a brief update.

Kirk Johnson: So I want to walk through three documents that I think you have in front of you. One is a resolution, R20140374, and then there's kind of a Gantt chart timeline document, and then a schedule. So as you know, because we've talked about it some in the past, we're in the process now of updating our Comprehensive Plan, the County Comprehensive Plan, as part of a periodic update that's required by the state, by GMA itself. And the County's Update is required to be done by June 30<sup>th</sup> of 2016, and the last time we did a periodic update like this the deadline was 2005. We completed that effort, which was a very extensive effort, in 2007. So the updates were going to be on seven- or eight-year cycles, but then the recession hit and the legislature pushed the deadlines out, so now we're looking at 2016.

So the resolution that you have was adopted by the Board in late December, I believe – mid-December – and it establishes the basically the scope of the Update – so what it is that we'll be working on and you'll be working on in, you know, towards this June 30, 2016, goal or deadline of accomplishing the project.

The resolution on the scope was adopted, I think, in mid-October. In consultation with the Commissioners, the Planning Department put a memo out about the scope of the 2016 Update. It talked about what the state law requires in terms of what we do and basically went through what the Department felt was the minimum required to meet the state requirements, and asked both the Commissioners and the public to indicate if there were other things that they felt should be addressed through the Update, although our recommendation to the County Commissioners was to keep it fairly narrowly focused on what the state requirements were, because there is a deadline and there's nothing that prevents the County from updating its Comprehensive Plan in any given year to do anything it wants. And so one of the lessons that we learned from the 2005 Update was don't throw a lot of stuff that isn't required and doesn't have to be done by a certain date into a periodic update, because then you're kind of setting yourself up to miss the deadline.

So that's some of the background. I think there was a five-week comment period on the scope. There were something like 35 or 36 members of the public who submitted comments, either in

writing or in a hearing before the Board of County Commissioners. And then they adopted this resolution that basically says this is what we want you to work on, to focus on, as a part of this Update.

So for the most part the resolution supported or approved what was put out in the scoping memo, and we can talk about that in a few minutes in terms of what that consists of. But there were a few things that the Commissioners wanted added based on the public comment at the hearing and the written comments, and you can find that on page 2 of the resolution. So it says the Board supports the scope as described in the memo with the following additions. So one of the items was to consider the Comprehensive Plan's definition of "rural character" in corresponding codes regarding non-residential uses, and permitting levels in rural zones that are predominantly residential. So there were a lot of comments about marijuana operations and gun stores and just things that some people in the community felt weren't appropriate in relatively small lot rural residential zones like Rural Intermediate, where the lot size can be down to 2½ acres through subdivision currently or some, as Carol was telling me this afternoon in the lobby, some areas in Rural Intermediate are down to quarter-acre zoning that was basically platted and developed that way before the Growth Management Act came along. So are there some uses that are allowed in those zones that don't really make a lot of sense in those zones given that they can be fairly tight quarters? So that was one of the issues.

Also some members of the Guemes Island Planning Advisory came in and asked if the Commissioners would consider adopting a limited number of code amendments to the code, possibly just specific to Guemes Island that would implement policies that are included in the Guemes Island Subarea Plan that were adopted by the County Commissioners back in 2011.

So those, I believe, were the two substantive items that the Commissioners added to the scope, and they also indicated that they'd like to see the Planning Department and Planning Commission members, if we can interest you and engage you, to hold a limited number of community meetings – it says up to four – in somewhere other than here in the Commissioners' Hearing Room and kind of farther outreaches of the county, maybe up in Concrete or Alger or Edison or Conway or out on Fidalgo Island. So we will – as the year rolls on, we'll be talking about when and where to hold those and how we might work with you who live in those parts of the county to engage your local public to come to those meetings.

So any questions so far? Nope. Okay.

Mr. Greenwood: I – I – that was my main question was how you were thinking of incorporating these outreach-type sessions. Are you thinking it's a work session conducted by the Planning Department where the Planning Commissioners would attend along with the public? And do you have an idea of the forum that you're looking for in that session as far as involvement and engagement with the public?

Mr. Johnson: Yeah, it would probably be similar to the public workshops that we'll talk about that will be scheduled to happen here in the next few months, where you're participating with other members of the public and kind of discussing the issues and sharing your thoughts and views. So I guess we've thought more about how those meetings would be structured and conducted here than the meetings in the, you know, the smaller communities farther away from here. It kind of depends on the timing and what we can have happen during the time that we're still developing the proposal versus what happens after the proposal's released and is out for public review and comment.

Mr. Greenwood: Right.

Mr. Johnson: Because the meetings could be used to gather information to go into the proposal or they could be held after it's released to let people know that the proposal's out there and to gather comments on the proposal that's out there. So we have a busy schedule this year and we've got things lined up through really early next fall, and it's just a matter of figuring out where we have the time and you have the time to fit in those meetings. And probably the most beneficial would be while the proposal's still being developed, but we don't have specific dates for them at this point.

Mr. Greenwood: Otherwise you'd have to put them off until closer to the end, which is not unheard of, but if you want them to be more informative in scoping or if you want them to be more critical of what you've already presented it'd be different. And if there's only a limited number of Commissioners, then it's not really the Planning Commission. We would be participating in the general populace. So I was just wondering how that was going to work, but...

Mr. Johnson: Yeah. It seems like one of the issues that's – so we'll be holding a workshop, a public workshop, with the Planning Commission on the Rural Element and rural character and rural uses, and that would seem to be a very good focus of discussion for some of these outlying community meetings because really they would be asking people, What do you like about your rural community? – or what don't you like? – and to provide input on that, whereas we're not thinking so much of, you know, talking about the Transportation Element or the Housing Element in these meetings as specifically. And if we could find time on the schedule, we can discuss this more as we move through the process.

Mr. Greenwood: Okay. That'd be helpful.

Mr. Pernula: I might add that in 2013, I think we held three public meetings similar to this on Bayview Ridge and one in 2014, where some members of the Planning Commission were able to attend and interacted with the public, and they were well attended. It might be similar in scope and value to what we did there.

Mr. Greenwood: Right, so that'd be more of a setting where there's a little information exchanged with the public and then the public gets to respond to what's presented and there're some materials available before they get there.

Tammy Candler: Dale, was that held at a school? I mean, were these pretty well attended in terms of how big of a venue do you need for something like that?

Mr. Pernula: In 2013, we held one at the school and then two at the Port, then last year we held another one. The ones at the school were very large, and that was also at the school in 2014.

Mr. Johnson: Yeah, the school was about 100 people, I think. We did meetings like this for Envision Skagit and we held one out in the school in Edison and I think there were 50 people there, and one in – at the high school in Concrete and I think there were about 20 or 30 people there. So that might be indicative of the number of people that we might get. And, again, that was with members of the Citizen Committee who were going out into their part of the county. You know, for the Edison meeting I think there were two members who were from that part of the county and they were handing out flyers and putting up notices in places where they felt that people – their neighbors – tend to frequent. So it kind of depends on whether we can get your help in getting the word out.

Mr. Greenwood: I was just going to encourage that the meetings that I attended and then I heard comments about afterwards, if I wasn't there there might have been a mischaracterization of what really took place or what was said. So I think it's pretty helpful to hear it straight. So I'd encourage attendance.

Chair Axthelm: Any other comments?

(silence)

Mr. Johnson: Okay, so turning to – well, it's attachment 1. I don't see a page number. But so basically we'll be looking at elements of the Comprehensive Plan and also the zoning code, and possibly to a more limited extent the land use and the zoning map. So for the Comprehensive Plan, the major elements that we'll be looking at through the Update are the Rural Element, based on the public comments – types of uses in specific rural zones. We'll also be looking at the Transportation Element and the Transportation Systems Plan, which is a part of that. That's one of the really key update requirements from the state, because basically these periodic updates were – you have to look at the population growth, the projections for employment growth, and look at how that's going to affect your infrastructure and your capacity to handle the growth. And obviously transportation is one of the major things that is very closely tied to growth and you need to plan for transportation as you're planning for population and employment.

We'll also be looking at approaches that increase physical activity. And it's a little – it might be logical to put that together with the Transportation Element work session, but there are other aspects of planning than transportation networks. There can be, you know, densities and how uses are grouped together. Some of those are more urban in nature so we're not entirely sure, I think, other than it will probably be a part of the discussion of the Transportation Element. That issue may pop up in other workshops.

We'll be looking at the Housing Element. Again, as your population grows there're requirements and goals under the Growth Management Act and the Comprehensive Plan to ensure that there's an adequate supply of housing that's suited to the needs of your population and your residents and it's affordable. So that will be the first public workshop that's scheduled, and we'll talk about that toward the end of this. That's on February 17<sup>th</sup> and we can talk a little bit about the structure – how we're thinking of that unfolding.

We'll be looking at population and employment allocations. The Council of Governments, which the County is part of, has been doing work looking at population and employment projections and establishing preliminary growth projections and allocations for the different jurisdictions. So we'll look at that. And also this will be held late enough that we'll know if any of the Cities or Towns are wanting to make amendments to their urban growth area boundaries to accommodate population growth. If none of them are, then UGA boundaries won't really be a part of that discussion. If some of them are, then we can talk about what the Cities are proposing.

Just throughout the Plan, looking to update land use and demographic data where that's changed. And then trying to get a better handle on subarea plans that have been adopted – pulling them into the Comprehensive Plan – and things like the Parks and Recreation Plan and the Capital Facilities Plan – trying to make the Comprehensive Plan more of a one-stop shop for those sorts of documents. And Ryan has been doing some thinking on that.

Any questions on Comprehensive Plan elements?

Mr. Greenwood: It's a lot.

Mr. Johnson: It is.

Chair Axthelm: I like the idea of having it so that it's a one-stop. I think that sometimes the code can – or you can have different items in different places and they seem to conflict with each other sometimes, and that putting them together in one spot keeps that coordination a little bit better.

Mr. Johnson: Yeah. That's basically the idea. Kind of the limitation, though, is you don't – I mean, in 2005 we tried to slim down the Comprehensive Plan somewhat, and if you tried to put everything in there you could be back into a very big, thick document. But, yeah, the goal is to try to integrate those related plans more closely into the Comprehensive Plan.

In terms of the land use – the Comprehensive Land Use and Zoning Map – the scope, the resolution from the Commissioners really doesn't indicate any proposed map changes. In 2005, we worked with the Ag Advisory Board looking at any changes that they thought were warranted to the agricultural lands. We worked with the Forest Advisory Board and looked at the forestlands. We did a total update of the Mineral Resource Overlay, the first since the Comp Plan was adopted in '97. Really, other than the changes that were made as part of that process, there's not a lot of call for significant changes like that, at least coming from the County.

An issue came up as the scope was kind of moving through the public comment process that people didn't fully realize that map amendments can be submitted every year, and if they're not site-specific map amendments for *your* property they can be submitted without the Comprehensive Plan Amendment fee – the \$5000 fee that applies if you're proposing to rezone your property from Rural Reserve to Rural Intermediate. So there may be some members of the public who come forward with, you know, certain map amendments that deal with certain types of lands. I don't really know because nobody's told me that they're thinking of it, but that'll be a possibility, and then individuals can come forward and propose amendments to their own property and pay the fee and the Commissioners, through the docketing process, will decide whether that belongs as part of the 2016 Update or whether that's more suited – better suited – for another cycle, or not even right to be docketed. So that'll be a decision that the County Commissioners have probably in the fall of this year. And then again if any of the Cities or Towns decide that they want to pursue urban growth area amendments, which Sedro-Woolley already is. It's part of the 2014 docket. But they need to get some information in to us really quickly or it's going to bump into the 2016 process. They're looking at a moderate expansion – 27 acres to the north. So that'll be yet to be seen whether other Cities are looking to change their boundaries.

Let's see. Some code updates required by state law:

- Transfer of jurisdiction over conversion-related forest practices from the Department of Natural Resources to the County. That could be a big one.
- We need to kind of do a periodic update of the critical areas ordinance and best available science.
- Make sure that electrical vehicle infrastructure can be placed in most zones – other than natural resource zones, I think.

Some smaller things, and then if we're not done with the Shoreline Update by June of 2016, it is required and supposed to be done by then. But we're on a schedule, I think, to be done before that.

And then there were about two dozen code changes that the Planning Department's been tracking for the last three years and we just haven't felt we've had time or staff to – we used to do annual – we called them “Miscellaneous Code Updates.” Things would come up – definitions or zones weren't consistent with policies or across different zones. So there're a couple dozen proposed amendments here that they are kind of miscellaneous in their – you know – their scope. Some may look at them and say that they're not miscellaneous in impact so I won't make that assertion. But for the most part they're not big, you know, kind of policy-setting things. They're clarifications in the code. And we'll have a public work session with you and the public to go through some of these in more detail before the proposal's put out. And that would also include the Guemes area Subarea Plan-related code changes that the Guemes Planning Advisory Committee has asked for.

So the one thing left is really the process, if nobody has questions on the – either the policy, map, or code. And I know there's a lot to take in. If I were in your shoes I'd be wanting to read it before I had my questions formulated.

Okay, so attachment 3 – I'll just – we'll try to wrap this up fairly soon. So the process for the 2016 Update for the most part will follow the process that we follow for any proposed legislative change, which means a proposed change in Comprehensive Plan policies or code. The initiation of review of amendments was what we did with the docketing memo and the County Commissioners taking public comment and establishing the scope. We will be working with you and the public in developing the proposal itself and then when that's ready for release we'll make a SEPA determination whether it requires an environmental impact statement or a determination of nonsignificance or a mitigated determination of nonsignificance. There will be public notice as a part of that; public participation as there normally is once a proposal's been put out, in terms of comment periods and hearings before the Planning Commission, but there will also be more public participation than often occurs before the proposal's released, which we'll talk about in a minute; and then the proposal, after all the public comment – well, as part of the public comment comes to you, you hold the hearings, you receive all the written comment materials, you review those, you deliberate, you make your recommendations, and that goes to the Board of County Commissioners for final consideration and action.

So one of the questions that was considered as a part of this was whether there should be a separate 2016 advisory committee, so separate from the Planning Commission that would go off and – so as we did in 2015 (sic), I think we met for a year with a separate advisory committee, kind of worked through all the, you know, the proposed elements; developed and identified some major themes of the Update. That was a much more extensive process. We also found that that added a lot of time to the process and we also have found that it was a lot of work with the advisory committee and then it was all handed over to the Planning Commission, and then it was like kind of starting with the Planning Commission from square one again. And so it was our recommendation, given that this is a more limited Update – although still, you know, as you're seeing, it's not all *that* limited – that it might be better to work directly with the Planning Commission from the beginning and to hold whatever public workshops with you so you're a part of those, you're hearing from the public, so there's not this translation issue that Keith talked about: Well, if you were at the meeting you heard one thing, but if you heard it from others you heard another thing. So you'll be here through the public workshops. You'll be



hearing from the public. So basically, yeah, there won't be an advisory committee other than you, which really are members of the public who are advisory to the County Commissioners and to the Department.

So that takes us to this – well, yeah, let's go to this schedule here, which is – so the scope identifies, I think, six separate issue areas where there will be public workshops with the Planning Commission and the public. And those are – most of those are identified here. The Housing Element is the first one on February 17<sup>th</sup> – so that's two weeks from tonight, I think – followed by the Transportation Element; Rural Character and Uses; Code Amendments; Forest Practices and the Rural Forestry Initiative; Population, Employment, and Urban Growth Areas; and then we haven't – it's getting pretty far away at this point. We haven't settled on a date for the Environment Element and the Critical Areas Ordinance.

But what we're – and the Housing workshop will be the first test of this and we can see how that goes and touch base and, you know, in advance of the Transportation one, and say, Do you think that worked? Was that a good framework?

But what we're proposing to do is invite groups that are involved in housing issues in Skagit County, ranging from the Builders Association to the Housing Authorities and, you know, like Self-Help Housing – groups like that – realtors. If they want to put display tables/information tables in the lobby on things that they do related to housing, they're welcome to do that.

And then we'll hold a workshop with any interested members of the public and yourselves. We'll have about 30 minutes of presentation on: Here are the GMA requirements for a Housing Element; here is basically the goals and policies in the current Comprehensive Plan Housing Element; here's an overview of the housing situation in Skagit County. And here are some issues to consider as – kind of key issues to consider – as part of the Housing Element Update:

- Affordability.
- Farmworker housing.
- What's the role of the private sector – the builders, the developers – versus the public sector?
- If you have an affordable housing gap, how do you meet that and whose role and responsibility is it?

And we'll have small group discussions. You'll be kind of spread out in those different groups so you'll be interacting with members of the public, hearing from them. And that'll go on for about two hours and then it'll come back to the end and then we'll sit down with you like this and say, What did you hear? What are you thinking? What are – you know, are there questions that have been raised in your mind? Is there additional information or research that you'd like done to help inform your thinking about the update to the Housing Element?

So we'll do that at least through the Transportation Element and – or, you know, do it for Housing and talk about how it went and then do the Transportation meeting. Some of the others might not lend themselves as well to the open house format, but we'll see how that goes.

And then, again, we need to find a time and a place to fit in the community meetings in more remote areas – less centralized areas than here in Mount Vernon.

So that's kind of the overview on the workshops. And then the last document is just kind of the overall schedule. Ellen Bynum had been asking for a long time for a graphic that kind of laid out the process and the schedule and how things interact, so that's what this does. So basically it talks about the key actions that need to happen through this process, like approving the scope of work, and then who does them. So the Board approved the scope of work with the Planning Department and public input. So drafting the proposal – really that should have been kind of brought down to right above Release the Update Proposal because all of the next following things feed into that: public workshops, the Comprehensive Plan amendments, the UGA amendment proposals. Those will all feed into the proposal that's eventually pulled together and then released for public review and comment. So we're thinking the process of developing the proposal will go from here probably until October of this year, and that will include the public workshops probably running from February to, let's say, October of this year.

Amendment proposals: People can submit those now but they have to submit them by July 31<sup>st</sup> of 2015. That's true for individuals. It's also true for Cities or Towns that want to propose amendments to their urban growth boundaries. And then the Department needs some time to kind of pull that all together, organize it, analyze it for SEPA, and just kind of policy impact or implications, and then release that for public review and comment. And that's looking – we didn't want to try to get too precise here because we're talking about a year-and-a-half worth of work and, you know, it's kind of hard to know exactly when you're going to get to things. But we're looking at about almost a six-month period maybe toward the end of this year, the review and comment leading into Planning Commission hearings possibly starting before the end of this year but definitely picking up full speed at the beginning of next year. And then maybe that going for the first three months of next year, and then you formulating your recommendations and your recorded motion, and then that going to the County Commissioners towards the end of spring so that they are able to make a decision by June.

Everybody exhausted?

Robert Temples: Not yet.

Mr. Johnson: So, anyway, that's – I think I've talked longer than I said I would so I will stop and see if you have any questions. And, if not, you can move on to Stormwater.

Chair Axthelm: Do we have questions? If we have questions, do you want to start at one end?

Ms. Candler: I'll pass on any questions.

Kathy Mitchell: Not just yet. Thank you.

Mr. Greenwood: Just one observation. If we could – I see value in the traditional approach which incorporates a citizens advisory committee to where you can vet the larger and boil it down to where when you start to get closer to the end of the process where we're usually involved it's more condensed and some of the fringe has been cut off of it – because a decision process can be very compressed. I do like the idea, I guess secondarily, of using the first workshop as a kind of an adaptive – have an adaptive approach where we see what worked and didn't work – and I think you mentioned that – so that we can do a better job the second time. But it also looks like you guys have done a lot of these before to where I think you've got a pretty healthy format that we'll get some input. That's all I had.

Mr. Temples: I've got a question. Actually I've got two things I'm thinking about. One is if we're looking at later this month having this open house for the Housing Element, was there any plans, Kirk, to have something go out to the Planning Commissioners ahead of time just so we're not just walking into a meeting not necessarily knowing what you're hoping us to glean from the public?

Mr. Johnson: Yeah. That's scheduled to go out tomorrow. I mean, it might have been nice to have it here tonight; on the other hand, it might have been overkill or overwhelming with what I've presented. But, yeah, we wanted to provide you and everybody else two weeks' notice. So we have an agenda, and kind of an issue paper, and we'll be putting some things on the website. We'll be sending out a Listserv notice and next week we'll be putting an ad in the *Herald* just, and – so you can, you know, you can do as little as read the 3½-page issue paper or we'll also provide links to the current Housing Element and so that – in the Comprehensive Plan, there's the chapter, which is the Policy document, and then there's the Profile, which is kind of all the background information or the statistical – you know, the data and the like. So we'll provide links to those to parts of the current Comprehensive Plan, with an understanding that a big part of the Update, particularly the Profile, will be bringing all those numbers up to date. Whether the policies change significantly or not, you know, I don't know. But we do need to update the \_\_\_\_.

Mr. Temples: My last question is regarding the schedule that you've got here, which is for over a year-and-a-half. Obviously we have a copy of it now. Is it going to change or be changed during the year if things affect the schedule?

Mr. Johnson: Yeah. Well, it does say "Tasks and *Projected* Timelines," so and it is in three-month chunks. We didn't want to, you know, have it look more precise than it actually might be. We have a very busy year of legislative items that are scheduled to go to the Planning Commission, and if all of those stay on track, then hopefully this will also stay on track. If some of those take, you know, more time – which we're not anticipating; we really want to – then we might have to work around that. But, you know, we wanted to – basically, we wanted to fix these so that you know about it and other members of the community know about it, and then some of the other issues that'll be coming to you will have to work around these. But, you know, will the Commissioners actually adopt between May and June of 2016, or might it happen in April, or might it happen in August? Commissioner Dahlstedt said, You know, if we're a couple months later and that allows the public a little more time to be involved, then that – I don't have a problem with that. So this isn't precise or exact. It's subject to change, but we'd like to keep on this general schedule.

Mr. Temples: Okay. Thank you. I have no more questions.

Kevin Meenaghan: My question is about – a couple questions about the Shoreline Master Program. So last year we spent a lot of time and energy reviewing that and we had a lot of changes and questions. And so what is the plan – does that have to be approved before the Comp Plan? Does it matter? And what is our tentative timeline for the – for getting that thing back?

Mr. Pernula: I can handle part of that. I think Ryan's going to have to handle part of that as well. As a tentative schedule that we've prepared to try to fit in with the Comprehensive Plan Update and other items, right now we're scheduling March 3<sup>rd</sup> for a Shoreline Master Program work session, as well as April 7. We would like to hold a hearing sometime in June and deliberate, as

well, sometime in June. Tentative timeline, but we have at least two workshops and a public hearing coming up, with adoption sometime in the first half of this year.

Ryan Walters: Yes, we need to have adopted the Shoreline Master Plan before the Comp Plan Update. The statutory deadline for update of the Shoreline Master Plan is long since past already, but the Comp Plan Update requires us to have updated the SMP because the SMP is part of the Comp Plan.

Mr. Meenaghan: Okay. Great.

Mr. Walters: So our objective is to get it done this year; however, that's just the *local* approval. The Shoreline Plan differs from the rest of the Comp Plan in that it has to be approved by Ecology. And if I recall correctly, Ecology took 12 to 18 months approving Kitsap's plan, so we expect there to be a significant deadline after we submit our draft to Ecology. Ecology will come back and assumedly have some changes that they want and we'll have to negotiate or otherwise determine what we're going to do with those changes, and then have the Board adopt that. So our goal is to get it done by the end of this year, which probably doesn't put it on track for adoption before the rest of the Comp Plan is adopted. But if we got it done by the end of this year, we would still be, I think, on a fairly aggressive schedule. Betsy and Jill and I are working on it and we have laid out an aggressive internal schedule to integrate all of your comments from last year into it. And then, yet, there have been Hearing Examiner appeals the last three weeks that have taken away both Jill and Betsy from that work. So it has been a problem.

Mr. Meenaghan: Okay.

Mr. Walters: But we are going to get it done some way.

Mr. Meenaghan: Okay, good. Thanks.

Chair Axthelm: Matt? \_\_\_. I have a couple of things. So from my understanding, what you're saying about this, instead of doing the open houses we'll do more – as far as with an advisory committee – we'll do those with the Planning Commission? Okay. So the concern I have with that is making – is, one, is public participation and public education. And it seems like the more meeting – not necessarily meetings, but the public forums you have the more the public is involved or is educated on what's going on. So I don't want to stop that process. I want to make sure the public has an understanding of it. So that's one concern. And then, let's see – no, I think that was it. Oh – yeah. No, that's it. It's good.

Mr. Walters: Now might be a good time to maybe lay out a little bit more about the Shoreline process – get you familiar with what's happening next and the feedback on that. We have identified two work sessions which are our target dates for delivery of portions of the new version of the Plan that will integrate your comments. So for each of those work sessions we would deliver in advance to you different portions of it that we've identified as ones that you had significant comments about. And then you would review in those two work sessions those sections. Then we would go back and make any additional changes based on your feedback on those high profile sections, high priority sections. And then we would provide to you a complete package with all the remaining updates to go out for public review. There would be 30 days of written comment and then a public hearing and then an additional 30 days of written comment after the public hearing. That's currently what we're thinking. And then you would have time to deliberate and make a recommendation, and it goes to the Board as usual.

Mr. Greenwood: Do you know off the top which sections are those areas that you're thinking have the most revisions that would require us \_\_\_?

Mr. Walters: There were some that we didn't have completed last time that we brought them to you, so I think the next one that we're scheduled to look at internally is, like, Boating Facilities. I think Public Access was a high priority one. I don't know off the top of my head the list of the others but there are quite a few.

Mr. Greenwood: Okay. I just didn't know if you had them already. Okay.

Chair Axthelm: Okay. So as far as the extra – it seems like this was with some extra meetings as the Planning Commission. Do we need to vote on that or –

Mr. Walters: What?

Chair Axthelm: Do we need to have any vote on – as far as the – it seems like it's giving us extra work: coming beforehand, going through the public forums. Do we need to vote on that as a commission? Does that make sense?

Mr. Walters: For the Comp Plan Update?

Chair Axthelm: No – yeah, for the Comp Plan amendment. Not necessarily the Comp – you were talking about changing it so that we have instead of having the public involved as much – the public's involved, but instead of having the work sessions with an advisory committee, having it with us.

Mr. Pernula: Well, let me interject that the four public workshops that we've tentatively scheduled already are on your regular monthly – not – we scheduled, as you may remember, two meetings a month for most of this year.

Chair Axthelm: Yes.

Mr. Pernula: And it's at four of those regular meetings. Those that are going to be at some remote locations may be on additional dates, but for right now we have all of them scheduled at your scheduled meetings.

Chair Axthelm: Okay.

Ms. Candler: I have a question about – Ryan, when we send the Shoreline Master Program to the Department of Ecology, do we have to do that as a – I suppose we deliberate and vote on it as a whole? Or can we get started on the parts that are ready for their review sooner, or does it have to go to them at once?

Mr. Walters: We have had a couple phone conversations with Ecology, maybe at least one meeting with our sort of local rep, so I think that they are somewhat aware – also we know they watch these Planning Commission meetings – so we know that they are somewhat aware of what we're doing. And we've gotten some feedback – especially on aquaculture we got quite a bit of feedback, which we did not integrate. We got some conflicting feedback from Ecology on what should be in there. So we're trying – I wouldn't say that we're getting maybe a lot of feedback from them, but we're trying to stay – keep them informed along the way as to what's happening. I do think that the WAC provides for us to send a whole section to them for review in

advance, but I don't anticipate us doing that because then we'd have to have a whole process for a section. It'd have to go all the way from public hearing through Planning Commission recommendation to the Board, and then repeat that process for another section. So I don't – as a formal process, I don't see us doing that.

Ms. Candler: So it's not efficient for us but it might not be worth it, is what you're saying?

Mr. Walters: No. I don't think – I also don't think it would be worth it because if we separated like the policies from the development regulations, they really need to go together. So if they said no-go on the policies then we would then have to come back and change the development regulations and we might lose our place. I can see in some instances where that might be helpful, but I don't think in this case it would be more efficient.

Ms. Candler: You mentioned another county that had a pretty lengthy review. Are we not situated similarly with them? Was ours the first time not reviewed before, or why did it take so long?

Mr. Walters: That was Kitsap County, which is one that we've just looked at fairly frequently because we sort of thought that it was well organized and relatively brief. The – every county is going to be different. Kitsap County was just approved, I think, at the end of last year so it was not the first one. I think there's probably value in being earlier, so it's unfortunate that we are not at all early. But it seems to me that they are going to take a long time to review anything because it is going to be a lengthy document that they get. I think we can maybe help grease those wheels by providing them a guide to where the things that they want to see are in our document so that they can go through a checklist and maybe identify those things quicker than they would otherwise. But I'm not sure how much time that's going to shave off.

Ms. Candler: Okay. Thank you.

Chair Axthelm: Any other comments from the Planning Commission?

(silence)

Chair Axthelm: Okay. So move on to the next agenda item: the Stormwater Code Update Work Session.

Mr. Pernula: We have a PowerPoint presentation. It'll be Bill Dowe and Michael See of the Public Works Department, as well as Ryan Walters, dealing with this next iteration of presentations on the subject – Stormwater Management.

Bill Dowe: Good evening. I'm Bill Dowe. You have met me before. So the Code Update for the Stormwater Permit. Ecology staff will be reviewing our code, too. Our intention is to get there first.

So we're working on the Code Impact Update and I want to breeze through. All right, so the basis of the stormwater permits – this is kind of a review from last time. So there was the Federal Water Pollution Control Act back in '72. In this state, in 1987 there was an RCW 90.48, the Water Pollution Control Act. In 1995, I think, the state did its first Phase I stormwater permits and that was for Seattle and King County, Pierce County – down in that neck of the woods – the big jurisdictions. So in 2007 they issued the first Phase II NPDES permits and now we're doing the second update for that.

So I had our GIS Department redo this map. You saw it last time but this time the NPDES area is easier to see. It was kind of pale last time. I'm red/green colorblind so it was especially hard for me to see. Gray and red look the same when they're pale enough. So that is the NPDES area. Just to give you an idea of the scale of the project that we're working on, in the non-permit areas, the county is over a million acres. If you subtract all the natural resource lands out of it, there's 86,000 acres of Ag land, 320,000 acres of Industrial Forest, and 38,000 acres of Secondary Forest. For this discussion, I'm going to call those areas non-developable. That's not quite true because you can build some things there, but it's not that you could get housing developments there. In the Industrial Forestland you could build a house there if you're the caretaker of that section of forest. You know, it's a subset of forestry. It isn't because you can build a house. So we're going to call them undevelopable.

So the permit area is 13,000 acres. That's about 2.3% of the county. If you subtract the resource lands from what is currently classified as the NPDES area, the permit area, it comes down to about 10,000 acres, so we're talking about 1½% of the county.

I administer the permitting database here so if I need permitting data I just go get it. And so what I wanted to know was how many permits have we issued in the UGAs. I know that the system doesn't track the permit areas because it's a separate thing, but the UGAs is fairly constant. So in the time period 2008 to 2014 – that's nine years – there was 179 building permits, so about 20 a year. In that whole time period, 49 were home-sized or larger. There were decks and garages and additions and all that sort of stuff. So about six buildings a year will be affected while we'll be required to use the Stormwater Manual in the next few years. Of that 49, six were new commercial or additions; I think there were three of each. So the NPDES area we have to adopt the stormwater permit. We don't have much choice there. And I just wanted to make clear what a small fraction of the county that really is. I didn't want you to think that what we're talking about here is going to apply to everybody because it's not.

So in the permit area, under the new Stormwater Manual development will be required to use Low Impact Development techniques, whichever ones can be used. They call it AKART – all known and reasonable technologies. So pervious concrete is one of them. The parking lot that is out this way from the building is working especially well. No matter how hard it rains there are no puddles on that parking lot. You'd be impressed.

Rain gardens and green roofs, and I have some pictures of each of those. So the pervious concrete – outside this meeting room in the lobby there's a display. It was a core section out of the parking lot with water running through it so you can see how well it works. Take a peek on the way out.

Rain gardens, which are a non-engineered form of trapping water and letting it dissipate, which we also have out front, yes, and we also have rain gardens in the new parking lot.

And then green roofs: And I'm not convinced that green roofs are going to work well around here, but they might. You would have to design very well for that. An interesting note is one of the biggest suppliers of the plants that they use for green roofs is Etera, which is right behind Wal-Mart – you know, about a mile back. They've got 24 acres of greenhouses back there. The thing that I remember for sure they grow is sedums, which just only are little, and I'm not sure what else, but they send them all over the world – all over the country. I take that back.

Mr. Greenwood: Does moss count?

(laughter)

Mr. Dowe: No, and the alders that are growing in your gutters don't either! I tried, but no.

So the advantages of all those systems are to slow down water when there's a rain event. And then it'll take a long time before this matters, but it will help alleviate flooding when there's a lot of this in the county.

So the current – now it's up to you, Mike.

Mike See: Good evening, everyone. My name's Mike See. I'm Water Resources Section Manager for Public Works. Prior to that position, I was in Bill's role so I thought it might be helpful if I talk a little bit on the background and history of why we're at where we're at.

Under Skagit County's current stormwater permit, which is issued by the Department of Ecology, many of the new required changes are actually a result of an appeal of the 2007 permit. So our permits come in five-year cycles and the first five-year permit was issued in 2007, and many groups appealed it from municipalities which joined together in an appeal to environmental groups. And the ranges of issues appealed – it spread from the permit didn't do enough to it did too much. Ultimately that appeal went to the State Pollution Control Hearing Board who decided that, Well, we didn't quite do enough. They then directed Department of Ecology to require low impact development techniques in future stormwater permits.

So our next permit cycle started in 2013, or actually a little before but there was some temporary kind of permits from Ecology. Well, that permit was appealed by a group of municipalities as well, primarily due to concerns with changes in the Stormwater Manual as well as the LID requirements. So that went again before the Pollution Control Hearing Board and the short sum of their decision was not much changed. So the requirements pretty much stay the same.

So our current permit is issued from – effective from 2013 to 2018 and has a bunch of different requirements, like Bill talked about last time, that phase in gradually over time with different due dates. The 2013 permit resulted in several new requirements, one being new LID stormwater best management practices; new LID principles, which they're the non-structural practices that are integrated into project design. So a lot of the types of code changes we're having to do are in that arena, as well as the permit required the most current version of the Stormwater Manual. So the 2012 Stormwater Manual is required in the NPDES permit area.

So the revised 2012 Stormwater Manual and Appendix 1 of our NPDES stormwater permit – which we have copies so if you have trouble sleeping tonight I recommend you start on Table 3. That should help you out. It gives you this appendix. It is part of the permit so we don't have any ability to change it. But it is where a lot of the guidance for a developer or someone seeking to follow the permit would need to go to. So that document also then refers back to the 2012 Stormwater Manual so they kind of feed each other.

Essentially when a developer submits an application to build or redevelop within the NPDES permit area, they'll be directed to follow the guidance in the Stormwater Manual as well as this Appendix 1 to implement LID and determine if it's feasible or not feasible. So all these things, these LID techniques being best management practices, there is a way to prove or show that they're not feasible for whatever reason.



Mr. Walters: I just skipped that slide.

Mr. See: Which slide are you skipping?

Mr. Walters: That one.

Mr. See: Okay.

Mr. Greenwood: They can probably read that.

(laughter)

Mr. See: Well, that's just for the effect of showing there's a lot of text in the permit. One of the questions last time was, Where in the permit are we required to do these code changes? Ecology did an interesting job in numbering the sections of this permit but essentially it's section S5.C.4.(f). Within that permit, the required language states that we shall conduct a similar review and revision process as outlined in the document that we provided last month. The guidebook for local governments "Integrating LID into...Codes," written by AHBL. Well, one point that we didn't bring up last time which we should is that in 2012 Skagit County actually hired AHBL after they published this document and we followed this document and put together a group with our – consisting of our Planning Department, Building Official, Fire Marshall, Public Works Development Review – and we essentially did a gap analysis of the existing code and identified areas that received recommendations from AHBL – things that we could do and changes that could be made to better help us meet the permit requirements.

Mr. Greenwood: Sorry to interrupt. I was asking Dale where that gap analysis was deposited. Is that a written document that exists? Is that available?

Mr. See: Yeah.

Mr. Greenwood: Okay.

Mr. See: Yeah, we can make the materials available.

Mr. Pernula: Just send it to me and I'll give it to the Planning Commission.

Mr. See: Oh, sure. So, anyways, the gap analysis is compared – yes?

Mr. Temples: I don't think everybody got the two sets of documents that were distributed. I know some of these people just – huh? Did you all get two?

Ms. Candler: Right. I just have one.

Mr. Dowe: Well, actually there was intended to be one. The other were in the same pile on my desk. There's three copies of that. One is the – the one where there's three copies of is the stormwater permit itself. That's –

Chair Axthelm: Okay, so I have Appendix 1.

Mr. Dowe: You have Appendix 1 and that is in detail what you would have to do for construction.

Chair Axthelm: Am I supposed to have another one that you handed out?

Mr. Temples: Are you supposed to have this or not?

Mr. Dowe: You *can* have it. It's not secret. But I didn't make enough for everybody. I didn't intend to pass it out. That was a mistake on my part.

Mr. Greenwood: I stole yours from last month.

Mr. See: Yes, I only intended to hand out Appendix 1.

Mr. Dowe: Appendix 1 is all I meant to hand out but the others are available, and if you want to keep them hang on to them.

Chair Axthelm: We were given that electronically, though, weren't we?

Mr. Dowe: Yes.

Chair Axthelm: Okay.

Mr. Walters: It's all on the website.

Mr. Dowe: Yes.

Mr. See: Yes, and Appendix 1 is in that electronic version as well. You've just got to find it. So we thought it might be easier to give you copies.

Anyways, the recommendations from that work with AHBL we plan to include in the proposed code changes.

Next slide: Low Impact Development. Just to – we spoke about this at the previous presentation, but essentially low impact development techniques are land development strategies that emphasize protection in the use of onsite natural features to manage stormwater, the primary goal being no measurable impacts to receiving waters by maintaining pre-development surface flows and volumes and durations. Essentially the basic goal is to try to mimic a forest so that the amount and quality of water leaving new development ideally is to that level.

The Phase II Permit Update Requirements. The stormwater permit requires that the prescribed changes to LID be complete and effective no later than December 31, 2016. A report summarizing our efforts will be due to Ecology June 30, 2016. These changes are not optional and for the County to fail to complete these on time would put us in a non-compliance issue with our NPDES stormwater permit. Ryan can speak to it later, but that has implications – both fines from EPA and Ecology – but the Clean Water Act, which is the basis of all this, is unique in that third parties can file lawsuits against municipalities and jurisdictions with these permits if they feel that we're not meeting our – what we're supposed to do. So that is a real liability as well.

The 2012 Stormwater Manual, as I noted earlier, both that and Appendix 1 work together but the details as far as what needs to be followed to require LID are really built into those two

documents. And this, the new 2012 Manual, includes revisions for LID, construction best management practices, stormwater modeling, and infiltration rate guidance.

I just wanted to summarize some of the key changes with the new Manual compared to – actually the 2012 Manual doesn't necessarily have to be applied right now. It does by December 2016. Currently in our permit area, we require the use of the 2005 Manual which was the most recent version before this.

So some things changed between these two permits that are significant that I wanted to point out. One, the 2005 Manual used to have a one-acre threshold before it would apply to a development. That's been reduced to 2000 square feet of hard surface, which essentially is a new term for impervious surface, or 7000 square feet of land-disturbing activity. So it's intentionally been dropped pretty low.

Within the Stormwater Manual there are specific requirements for both small and large projects. Possible LID best management practices for small projects include roof downspout controls; partial dispersion; soil quality amendments; permeable pavement; and rain gardens.

New requirements for large projects include roof downspout controls; partial dispersion; soil quality amendments; permeable pavement; and what's referred to as bioretention BMPs. Those are just rain gardens but they're engineered rain gardens. So a rain garden, a homeowner could get a guidance book from Ecology and build themselves. A bioretention BMP would need to be designed by an engineer – as well as vegetated roofs.

It is important to note that these requirements only apply to the NPDES permit area and that there are paths within both Appendix 1 and the Stormwater Manual to follow to show that using an LID feature is infeasible. So there are ways to demonstrate that.

With that, I was going to allow Ryan or Dale to talk about the approach we plan on taking.

Mr. Walters: So most of our existing regulations on stormwater management are contained in the Skagit County Code chapter 14.32, which is currently inaccurately titled "Drainage Ordinance," because it's not a single ordinance. We started digging into that based on what AHBL provided to us in terms of what it is we needed to do and the permit requirements and also just looking at the code itself, and quickly determined that we had some problems with the current chapter and its construction.

But speaking firstly very broadly, there are just a couple of objectives here. One is to update the definitions because, as Mike said, there are some new definitions – hard surface, that kind of thing – so we need to update the definitions. Now Title 14, the development code, has all of its definitions in section 14.04, so although chapter 14.32 only deals with drainage all the definitions for the entire title are in one separate chapter. So it's 14.04.020 that we would go to to update some definitions.

Then we have some parking requirements in the Zoning chapter, 14.16. And those parking requirements would be reduced to minimize impervious surface. The idea is that if you provide some kind of land use you have to provide a certain number of parking spaces. So we would adjust those in some way to make sure that they are not excessive and that compact spaces are allowed or maybe required in some instances. In any case, that section would be adjusted.

14.16.830 contains all of our landscaping requirements. That's also the Zoning chapter there. There are multiple types of landscaping described in that section, including one that we just added last year for Bayview Ridge. We would add another type of landscaping called LID landscaping – low impact development landscaping – and the idea there would be to explicitly make it – to explicitly indicate that if you're doing an LID feature that you can also call it part of the landscaping that you otherwise have to do. And then also provide some guidance for making sure that your LID feature functions and is maintained. So we would do all of that work there in .830 and then some bigish changes to chapter 14.32, and the first one would probably be to rename the chapter "Stormwater," because it's really not just drainage. It is stormwater management. Reorganize the chapter for clarity; set a maximum impervious surface limit; and also add some native vegetation requirements. And it maybe remains up in the air where those go. Maybe native vegetation requirements is in Landscaping and not Stormwater.

But to dig in a little bit more into 14.32, this is what the chapter looks like now. There are three sections on sort of general provisions: Intent, Purpose, and then one that's actually titled General provisions. There's another section, Regulated activities, and then there's a series of sections – I would say .050 through .080 – that are sort of subject matter-focused. .050 is very short. It is, I think, maybe only one line for a whole section. Water quality, .090, is really not just about water quality. It is about what's called illicit discharges or illicit connections. What that is is an illegal connection into the county's stormwater system or an illegal discharge of non-stormwater into the county's stormwater system. That is really not a development regulation. It is – it has nothing specifically to do with development. You can have an illicit connection without development. You can have an illicit discharge without development.

Mr. Greenwood: But it's part of our NPDES permit requirement.

Mr. Walters: It is a requirement, yes, and that's probably why it's here. Because when we did this before for the 2010 permit we had a consultant come in and add stuff to the chapter to make us compliant with the permit. And their direction was to make as few changes as possible, which is usually the direction that we give consultants. But I think what that resulted in was some significant spaghetti code where things are just thrown into the chapter to accomplish the purpose, but the chapter is not easy to follow and things are maybe not in the places that they logically should be.

To take you through the rest of the chapter, there's a section on Operation and maintenance because all of these stormwater features – stormwater retention ponds, any – so traditional and non-traditional features do need to have some kind of maintenance or review. So there's a section on that. Critical drainage areas relates to, I think, critical areas – sort of Betsy's domain. And then the completely new section that we added on last time was this section about the NPDES drainage area, which is the NPDES permit area. It's an additional section with additional guidance or guidelines for development that occurs inside the permit area.

So here's what we're proposing to do to fix this chapter. First rename it "Stormwater." Then take those three general purpose sections and condense them into one section. There's Intent, there's Purpose, there's General provisions. General provisions has a couple of different things going on but a lot of it is talking about the authority for adoption of the chapter. Arguably you don't need to include that at all because it's understood, but I think we would just move it into the first section, Policy and purpose.

The next section, Regulated activities, has some other problems, but I would say that the larger issue here is that there isn't an initial section that says to what activities this chapter applies. So

we would create that. I think this is a format that you've seen. In our Shoreline Plan we have an applicability section and then we – at the outset of a section so that you can follow along as to when you even have to read this chapter. So we would take the Regulated activities and put it into Applicability. Right now there's a section called Regulated activities. In General provisions, there's a section called Exceptions. We would take Exceptions and put it into Applicability. So Applicability would be all about applicability. Oh, and there's also an Exemption section so there are Exemptions, Exceptions, and Regulated activities and they're in different sections, so they would all be in one called Applicability.

Then we would add a new section called Application Requirements because the following existing section – not that one. Well, I think – no, it's in Regulated activities so let's back up here. We would create a new section called Application Requirements because in Regulated activities there's a set of things that you must submit with your application, which doesn't belong there. It should be in the section titled "Application Requirements." And that's again how we've structured the Shoreline Plan. Applicability, Application Requirements, and then the substantive requirements.

Financial liability and assurances is a whole section with just one line in it, so we would delete that section and put that line someplace else, or maybe just delete it because it might be understood.

Erosion and sediment control. That section is about what it says it – what the title says it's about. We see not a significant need for changes to that section.

Grading. It's possible we don't even need this section because most of the things that this section actually says are application requirements. It says if you're doing grading you have to submit such a plan when you apply. So those are actually application requirements, not substantive requirements, so I'm currently thinking we would just move those into Application Requirements.

Stormwater management, which doesn't convey very much because the whole chapter is about stormwater management, would be renamed "Conveyance Facilities" because that's what it's actually about.

Sections 2 through 8 in there, however, include a whole bunch of thresholds and other material that are replicated in but conflict with the Stormwater Manual, so we are currently thinking that those sections 2 through 8 would simply be deleted.

.090 Water quality. This is the one that is not a development regulation. It's about the illicit discharges and connections. We would create a new section titled "Illicit Discharges and Connections" and simply move that out of the list of substantive requirements for development. It would probably go down to the end of the chapter because it's not a development regulation. It doesn't really need to be in Title 14 at all. Maybe it makes sense to leave it here, but it – in the sequence of reading through the chapter it doesn't make sense where it is.

We'd create a new section called "Low-Impact Development," and this new section would actually be quite brief. It would encourage LID outside the permit area, not that we have to, but why not? It would require pervious pavement inside the permit area and compost in bio-swales within the right-of-way. That is apparently something that AHBL identified as something we needed to do. It would allow you to do that. If you're building a development, you would be able

to use compost in bio-swales. I don't fully understand that because I'm not the substantive expert, but that's the place that it would go.

Operation and maintenance, an existing section. It would not need very many changes. It would need a new subsection on maintaining your LID facilities. Arguably there are some paragraphs in this section that are really not about operation and maintenance. What they are about is when the County would accept your stormwater facility. If you do a development, typically you create and maintain your own stormwater facility. There are some sections in this – subsections in this section that say under some circumstances the County will take those and the County will maintain them. That's really not operation and maintenance. It's more a thing that occurs at the time the development is approved or finalized. So maybe that gets a new section or maybe it's just left in Operation and maintenance. I'm less concerned about that and much more concerned about defining straight up front when this chapter applies – creating a proper Applicability section.

Critical drainage areas. At this point I'm not sure that any changes would occur there.

And then the NPDES drainage area. We would delete that section because all of the material that's in there would be covered by the Applicability section. So you don't learn at the end of the chapter that if you're in an NPDES area you have all these other additional things to do. You would learn it up front. The Applicability section, in my view, is really key to all code sections because it lays out in simple terms and hopefully in clear terms when you have to read and apply the chapter and then under what circumstances you have to do the things that the chapter says that you need to do. The Applicability section is also where we would say inside the permit area you must comply with the 2012 Stormwater Manual, and then yet to be determined is what it would say outside the permit area. Because right now arguably it says you also have to comply with the 2012 Stormwater Manual. But that's where we would handle all that. It would all be handled up front and in the same place. Inside and outside the permit area would be addressed at once so you could easily tell the difference between the two.

So that, I think, is the overview. This slide is not one that I made. I think Mike covered most of this, but the risk of third party lawsuits is real. So let me just say that. We want to get this right. Am I supposed to do this slide?

Next steps for actually getting this done is we're working on developing a proposal with all of these moves and reorganization of the chapter. Then we would review it internally and consult with stakeholders. Obviously the Skagit-Island County Builders Association is somebody we're going to reach out to and, you know, see what they think about these changes. Then publish the proposal to the website and do our sort of normal process with written comment period, public hearing, Planning Commission recommendation, Board of Commissioners' adoption. And we expect them to adopt it by July 2015. That is not a statutory deadline but it is a deadline that is more or less required for us to stay on track with all of the other legislative things that we're doing this year. So we've laid out everything – all of our schedule – consistent with that end date so that we can move into the other projects.

So that's the last slide. I think on the website there is an updated schedule that I don't have in front of me, but the Stormwater page on the website has some tentative dates for when we would release the proposal and I think that's like the 1<sup>st</sup> of April.

Mr. Dowe: Yeah, something like that.

Mr. Walters: Yeah, somewhere in there.

Ms. Ehlers: Which website?

Mr. Walters: And the website is the Stormwater page off the Planning Department page.

Mr. Meenaghan: On the January 27<sup>th</sup> staff update memo, on the very back page of it, which is – I got it off the website – it says end of March, you know, release of public comment period opens.

Mr. Walters: Yeah.

Mr. Meenaghan: We do public hearing on April 21<sup>st</sup>, April 23<sup>rd</sup> written comment period ends, and May 5<sup>th</sup> is our deliberation.

Ms. Ehlers: Where do you read that?

Mr. Meenaghan: On the Planning Commission agenda, when I clicked on the links this document was one of them.

Mr. Walters: And that's on the Stormwater page as well. Does it say "DRAFT" all over it?

Mr. Meenaghan: It does say "DRAFT" on it.

Mr. Walters: We better fix that.

Mr. Meenaghan: But it's dated January 27<sup>th</sup>.

Mr. Walters: So I feel strongly that the reorganization of the chapter is something that has to be done. And Mike and Bill were interested in just making some changes to comply with the permit, but if we're opening up the chapter, I figure we might as well fix it.

Ms. Mitchell: Mr. Chair?

Mr. Dowe: I agree with the housekeeping. If code is easier to read it's easier to use.

Ms. Mitchell: Can I make a quick comment? Just to clarify for some of the public – they may get a little confused when asking which page. There were two pages that the average bear would go to look at: that basic Stormwater page off the Public Works page, and then there's the separate, the newer one, in think, is what you have, which is called the Stormwater Code Updates. And I think that's where some of the confusion comes from is that they're literally – there's two pages they can look at and one's more generic than the other.

Mr. See: Yeah. In the Stormwater page under Public Works is actually under our permit. Under totally different requirements there's things we have to put out there on the public website to comply with our permit, like our – you know, our annual report and Stormwater Management Plan and these documents that we're required to update and put out. So often that's where we put that information or other kind of education outreach materials that we have available.

Ms. Ehlers: You can't send us all over the Web. You have to tell us and help us.

Chair Axthelm: The public will be reminded that it's not an open meeting. Thank you. No, it *is* an open meeting. It's not a point where the public can comment.

So do we want to go down the line if there's any comments or questions?

Ms. Candler: I have some questions but I think at this point I'll wait.

Chair Axthelm: We could start at the other side if you'd like. Matt, let's start with you.

Matt Mahaffie: No.

Mr. Meenaghan: I don't have anything.

Amy Hughes: No.

Mr. Temples: Not at this time.

Mr. Greenwood: I have to have something always, huh? Sorry about that. A point of clarification: The updated Manual is required kind of but not really required? Department of Ecology, I think they say that it's not law until we adopt it and if you don't adopt it you've got to come up with your own. So it's kind of one of those where you really don't have a choice.

Mr. See: Right.

Mr. Greenwood: Yeah, and for clarification, too, Ryan, did you say that we were requiring that people use the 2000 – or we're talking about having them use the 2012 Stormwater Manual both inside the NPDES area and outside the NPDES area?

Mr. Walters: Our current code requires the use of the Stormwater Design Manual, which is a term that we created, and then the term is defined in County code to mean the latest edition, or the 2000 – or the Western Washington Stormwater Management Manual as adopted by the Department of Ecology, or as later amended, or something like that, which arguably is the current version of the Manual. And the current version of the Manual is arguably not even the 2012 Manual because Ecology released –

Mr. Greenwood: Revised it in 2014.

Mr. Walters: – released – yes, and they call that the 2014 Manual.

Mr. Greenwood: Right.

Mr. Walters: Although the title of it is the 2012 Manual as *amended* in December 2014. So one of the things I feel strongly needs to be done is that the code needs to say what version of the Manual we're using and not say "as later adopted by the Department of Ecology." Just simply identify a defined version of the Manual. And if the permit changes in the future, we'll come back and we'll do code updates and we'll change the date if we have to to make that work. But the code needs to specify the exact Manual that we're talking about.

And then your second question is inside or outside. Right now the term "Stormwater Design Manual" applies everywhere and it's all referencing the same version of the Manual. So, yes, arguably there's no difference.



Mr. Greenwood: So what's the difference inside and outside if you're using the same required or suggested Department of Ecology Stormwater Manual? What's the difference inside or out? It's pretty specific on the LID. It's pretty specific on the best management practices. It's pretty specific on the threshold. It's pretty specific upon the steps that you have to take when you're doing development or redevelopment. It's pretty all in the detail.

Mr. See: In chapter 1, I think, of the 2012 Stormwater Manual they have a reference where they say if you're an NPDES permittee, refer to Appendix 1 of the permit – the NPDES stormwater permit. So that would be a difference between the Manual being applied, you know, outside the permit area versus inside.

Mr. Greenwood: Okay.

Mr. See: You know, outside you wouldn't have to go to Appendix I of the stormwater permit.

Mr. Walters: And the adopting language that Ecology likes us to use is we adopt the 2012 Manual but we also adopt the thresholds and minimum requirements in Appendix 1 –

Mr. Greenwood: Of the permit.

Mr. Walters: – of the permit within the permit area. So we would use language like that for within the permit area.

Mr. Greenwood: Now with regard to LID, is – if I understand it, if I read it correctly, the Stormwater Manual sets a threshold for LID performance standards and it's an impervious surface calculation that is done and required. It doesn't require any particular best management practice to take place on any particular site, and it's actually quite often referenced that all BMPs do not fit on every piece of ground. An LID only applies to specific sites where it works. And they actually cite some places where – don't do it. So –

Mr. See: Yeah. Those areas – you know, there's areas you don't want to infiltrate. You know, slide-prone areas –

Mr. Greenwood: Shallow soils.

Mr. See: Situations like that. Yeah, the infiltration rate – and that's where Appendix 1 in the Stormwater Manual both feed each other, like I said. If you started looking through that Appendix I, it has flow charts and tells you in tables and tells you, you know, if you're in a UGA and you're on a parcel yay big, do LID performance standard and follow this list. And it feeds into that.

Mr. Greenwood: And we will meet the LID requirements of encouraging and requiring if we adopt the 2012 Stormwater Manual? Is that the way you understand it?

Mr. See: As far as what we're bringing forward for the LID code update, the 2012 Manual, due to the language requirements in the permit, has to be applied and will be applied come December 2016.

Mr. Greenwood: But we'll be using the LID requirements in the Stormwater Manual or in our own that we come up with?

Mr. See: There are things that, as it's pointed out in the guidance book from AHBL, that have more to do with the principle – LID principles. So areas of code that address things like vegetation, retention, and infiltrating water onsite, and reducing impervious surface-type code changes that need to be made that aren't just something that's us-specific in the stormwater permit or manual.

Mr. Greenwood: I envision we'll flesh that out more in detail as we \_\_\_.

Mr. Walters: And one other example of the additional code changes that need to be made: If you are doing a rain garden and there's a separate code requirement, which there is now, to do some kind of landscaping toward your street or to an industrial area or something like that, we say that you can use the rain garden as the landscaping. So you don't have to use the rain garden *and* the landscaping. You don't have to do both if one fulfills the purpose of the other. So that type of code change is really not addressed at all by the Manual, but it makes sense to pursue. I think you had another point that –

Mr. Greenwood: Well, I was just thinking about the LID requirements fulfilling the permit requirements. Our current permit requires the incorporation of making LID required and preferred in the next – the upcoming one that we're working on. So to make it preferred and required, would adopting the Stormwater Manual as revised in 2014 – would that fulfill those requirements? I think it says it does.

Mr. Dowe: Yes, it does.

Mr. See: Well, it doesn't fulfill all of them.

Mr. Walters: Yeah, the section –

Mr. Greenwood: You have to make it applicable to our county.

Mr. Walters: Yeah, the section, I think, that you're referring to in the permit gets at the fact that we do not actually have to use the 2012 Manual. We could come up with our own manual we'd write.

Mr. Greenwood: Yeah, good luck.

Mr. Walters: No. Yeah, we – I mean, that's a really significant task which we don't feel we have the expertise to do, nor do I think we have any particular desire to do, especially when the permit area is relatively small. Bigger counties that maybe the whole county is subject to the permit, maybe they have more of an incentive to actually try to write their own manual. But the other thing that comes along with that is that if we use the manual then we have complied with that section of the permit. If we create our own manual, then arguably we may or may not have applied, because the NPDES regs that we'll be adopting don't go to Ecology for approval like the Shoreline Plan does. We submit a report that says we did all of these things but they don't check. They don't approve it. So there's no safe harbor for us. We still could be –

Mr. Greenwood: No, but we report annually to – I think it's annually –

Mr. Walters: Yes.

Mr. Greenwood: You report annually what your accomplishments are, including education and monitoring.

Mr. Walters: Yeah, my point, though, is that there's no safe harbor provision, especially from the third party lawsuits, if you're creating your own manual. So in some sense it's not exactly correct to say that we have to use the 2012 Manual, but in some other, more realistic sense it is completely correct that we have to use the 2012 Manual.

But I want to focus in a little bit because you were saying – it sounded like you were saying maybe just by adoption of the 2012 Manual we'll have fulfilled the requirements, but there are a few other things we need to do: Harmonize the rest of our codes, address \_\_\_ and that good stuff.

Mr. Greenwood: Right, right, right. I don't say that would simplify the whole process and we could do it tonight.

Mr. Walters: Right.

Mr. Greenwood: It's not that simple. But as far as coming up with something, it seems like – from the guidance document – integrating into local codes, it seems like quite a Shoreline Master Program-type of a fleshing out, developing, coming up with code. This is a little bit –

Mr. Walters: And yet the changes that AHBL identified that we needed are not that significant. I mean, the meat of it isn't the Manual.

Ms. Mitchell: We already had a lot that was in that Manual, right? That's what you're saying. We were already following a lot of the right things.

Mr. Walters: Well, we were already using the 2005 Manual.

Mr. Greenwood: Which did not incorporate a whole lot of LID, though.

Mr. Walters: No.

Mr. See: Yeah, in the 2005 Manual the short summary is that LID was more optional. It was something a developer could use to reduce what they needed to design for stormwater, so there was an incentive to using it. But, yeah, the 2012 Manual is really where Ecology's put new research and information and focus on LID.

Ms. Mitchell: Oh, I'd just like to say I was pretty impressed that you guys popped back with a lot of good, thorough answers to all the questions that we came up with on the 6<sup>th</sup> – you know, for the initial presentation. We unexpectedly interrupted you again and again but the questions just kept coming to all of our minds, and I was very impressed that you guys came back with information for all that *and* included the display out there, which helps answer that big question of how those – the permeable pavement really works.

Mr. See: Well, good. Yeah, if we can't answer a question now, we sure will get the information to you later.

Ms. Mitchell: Thank you. I appreciated the fast turnaround.

Mr. See: And I do encourage – if you all haven't been out here in the daylight and really walked around the parking lot next door at the old Cinema 5 site – there's at least four or five different LID techniques used out there, from porous asphalt to porous concrete, rain gardens, as well as the walking path in the middle of this porous pavers. So that was significantly funded by Department of Ecology – that project over there – and it's considered an LID demonstration site so there's a little interpretive sign out on the corner of it that shows you where those different techniques are. And I encourage the public, too, that's watching and listening to check it out.

Ms. Candler: Just briefly: Ryan, what were you proposing to change Water Quality – the Water Quality section to?

Mr. Walters: Illicit Discharges and Connections.

Ms. Candler: And then was there a second subject that was going to be addressed in that one?

Mr. Walters: In that section?

Ms. Candler: Yeah.

Mr. Walters: Looking at my notes here – there is a section in that existing section about conditional discharges, and I think we're currently thinking that that stays there because it's sort of an exception to illicit discharges. My current sense is that whole section stays together. It just moves down and is renamed.

Ms. Candler: Okay. Thank you.

Chair Axthelm: Okay.

Mr. Dowe: Part of what he mentioned was illicit discharges is not really a development regulation. It's a violation anytime during the year and all year long we find septic systems that are dumping into County ditches – things like that which nobody thinks is a good idea. And we don't want you to have to apply for a permit before we chase you down for it to fix it.

Ms. Candler: So it just makes sense to leave it in this section, or are you thinking that it wouldn't stay in this section?

Mr. Walters: In the chapter, you mean?

Ms. Candler: Chapter – I'm sorry.

Mr. Walters: Yeah, at some point in the past we have thought about pulling it out of the chapter entirely, but that raises the question, Where would it go? We don't have, like, a separate title of code for environment or something like – or water quality, so we're currently thinking it stays here. But it could move elsewhere at some later date. And the Board could move it without having to go through the Planning Commission process, if they wanted to – because it's not a development regulation – at some point in the future. But we don't really have another place for it at this time so we're planning to leave it there. It could – it could go in chapter – in Title 9 next to chapter 9.26, which is the Skagit County Nuclear Weapons Free Zone chapter that was adopted by resolution 10491 in 1985 after a vote of the people. But maybe not – maybe not there.

Chair Axthelm: Okay, I – are you finished?

Ms. Candler: Yes. Thank you.

Chair Axthelm: I have a couple questions. One of them was you take the illicit discharges – now you were referring to that as illegal discharges, right?

Mr. Dowe: Yes.

Chair Axthelm: Is that kind of the \_\_\_?

Mr. Walters: More or less.

Chair Axthelm: What about situations where they're grandfathered, where they're – that's the way they were set up years ago; it was approved or it was there. My concern is just making somebody look like they're doing something illegal where it's a system that was there before.

Mr. Walters: We're not proposing to substantively change that section. We're proposing to leave the substantive rules alone. But I do not think that you can be grandfathered in to discharging into the stormwater system. If you have an illicit connection as a result of development so you designed your septic system to discharge non-stormwater effluent into the stormwater system, I don't think that would be okay. It *is* okay to discharge stormwater into the stormwater system. So if it is bona fide stormwater, which is more or less pollutant-free, then that's not a problem. Do you have anything to add to that?

Mr. See: Yeah. I mean, it is – you're right. In past, older developments it was common practice – like the floor drains – for them to go to what people often called storm sewer, which is not a term we like to use anymore because that makes the connotation that it's a sewer system when it's – you know, 99% of our stormwater system goes untreated to the nearest water body. So those floor drains, if they're – if – in part, a totally separate permit requirement from anything that's land use-focused, we, the County, have to go out and find these illicit discharges, illicit connections and correct them. So if we find where someone's floor drain is connected to a storm pipe or a catch basin, we do have – we work with folks. You know, we don't come jumping in with a hammer, but it does have to be fixed.

Chair Axthelm: Yeah, yeah. And I understand that. I just wanted to make sure it wasn't considered they were doing something illegal on purpose. It wasn't – a lot of those people, that's just the way their houses are or their businesses or their land is. So, let's see. The hard surface – a question on that one. Now you're talking about changing the term from – what was it? – “impervious surfaces” to “hard surfaces.” Impervious surfaces currently include, like, gravel. Am I correct?

Mr. See: I believe so. Yes.

Chair Axthelm: So if you rename it – but I think “hard surface” does not – I don't know it exactly, but I'm gleaning information here and there – so “hard surface” does not include gravel, so if we just simply change the definition I think we have to go back and consider.

Mr. Walters: I believe the idea is to leave the existing terms because they are different. And Mike should jump in here – or Bill – if you've got something else. But I think the idea is that “impervious” and “pervious” are existing terms that retain separate definitions, but “hard surface”

is a new term that encompasses more. So “hard surface,” I think, includes any impervious surfaces.

Mr. See: Yeah, and also I have Damon Diessner here, who is our consultant from Brown and Caldwell who I often turn to when I have technical questions. Maybe, Damon, you want to slip in here somewhere?

Damon Diessner: So I’m here for when a question comes up about the pile of stuff that Ecology has given you all to deal with. And I think the term “hard surface” is one that Ecology has used kind of in place of what we used to call “impervious surface.” And it’s really for applying the regulations from the permit in the new Manual. So it’s – a “hard surface” would include, for instance, a porous pavement even though it’s not impervious. So for other sections of your code – for instance, if your stormwater rates talk about impervious surfaces, you don’t want to be messing around with that and changing that to “hard surfaces” without thinking about what that might mean over time in terms of reducing your revenue and that kind of thing. But the “hard surface” term is a new one brought about by the changes in the new state stormwater permit. It’s not a new technical thing. It’s really more of an administrative kind of an issue.

Chair Axthelm: Okay. So the term would still be there. You’ll have the “hard surface” term but you’ll also have the other term still there.

Mr. Diessner: Yes.

Chair Axthelm: So you’ll have impervious surfaces that are hard surfaces and pervious surfaces that are hard surfaces.

Mr. Diessner: Right, because Ecology is using the term “hard surface” to make calculations to apply certain requirements doesn’t mean the rest of the country is going to stop saying “impervious surface.”

Mr. Walters: Which is a much better practice than they have done in some other contexts to redefine normal words to mean other things than their normal definitions. I’m definitely okay with the fact that they created a new term and gave a new definition to it.

Chair Axthelm: Okay. I just – you were saying about replacing it and I thought – it was a concern to me.

With LIDs, from my understanding, Bill, last time you were saying LIDs aren’t all proven. They’re experimental.

Mr. Dowe: They’ve been used to some extent here but they’re not proven like the things we’ve done for the last hundred years.

Chair Axthelm: Okay. Okay, so if an engineer says it’s not feasible to use the LID techniques or he has an alternate technique that may not be accepted as an LID specifically, then can they use that in place of it?

Well, there’s – Damon can chime in, too, but there’s definitely areas – there’s ways in the Appendix 1 in the Stormwater Manual, especially if you have an engineer working with you, to show that certain LID features are infeasible. But then you kind of have to move down the list to the next feature and see if you can incorporate that.

Mr. Diessner: Yeah, so it's – the new requirements are set up so that there's kind of a cook book approach. You go down the list. You know, first we do this; then we do that; then we do the other thing; and if not, then maybe we do this. And we try to achieve the performance standards and that's when you go to other engineering practices in order to try to achieve the same performance standards without using what's down the checklist. And it really gets down into a lot of detail at some point, but there is, I would say, some flexibility there at the same time. I think Ecology has tried to be fairly prescriptive so that everybody has some predictability so that when you come into building some new kind of a structure you know what it is you're getting involved in. But one thing that *is* anticipated is the jurisdictions will be looking at their landscape and deciding if – you know, what's feasible/what isn't feasible. But there is also a lot of – because this is an onsite application of techniques in order to achieve sort of – mimic natural runoff across the entire landscape of the county, there would be onsite analyses done in some cases, you know, where you're not just going to use the checklist. So if you want to do something different then you're going to be doing onsite analyses to determine how that's going to work out.

Chair Axthelm: So based on performance?

Mr. Diessner: Yes – to meet a performance standard.

Chair Axthelm: Okay.

Mr. Walters: There's also a section in our code right now, which we didn't talk about because we're not suggesting that it needs changed, that allows for experimental best management practices. They require special approval of the Administrative Official and they require monitoring after they're in place to see if they actually work.

Chair Axthelm: Okay. Okay, and that's what I was thinking – is sometimes when you come up with a new system, the requirements say you have to use this or you have to use that, and I think that takes away a lot of the flexibility and people being able to come up with new systems. So and it may be in the future that we decide it's not going to work and we need something different.

Mr. Walters: Well, and to expand a little bit on maybe Bill's comments from before about the LID techniques being experimental: One of the things Ecology relayed to us is that the Stormwater Manual is an evolving document because the science is evolving. And from 2012 to 2014 – 2012(B) – they, as an example, identified bioretention swales that feed phosphorus-sensitive receiving waters. In 2012, they had to be 18 inches deep and in the 2014 Manual – since between 2012 and 2014 they read new studies that indicated they really *don't* need to be 18 inches deep – or they don't need to be 24 inches deep. 18 inches, which is what they require for all receiving waters, is fine. So they relaxed the requirement, even for phosphorus-sensitive receiving waters from 24 to 18 inches. That's sort of an example of the flavor of changes between like the 2012 and 2014 Manual. As they determine new things as the science evolves, they are able to make better recommendations or provide better guidance as to what it is you need to do to control the flow of water and be more protective of the resources.

Chair Axthelm: Okay.

Mr. Temples: Mr. Chair?

Chair Axthelm: Yeah?

Mr. Temples: Correct me if I'm wrong, Bill and Damon: Aren't what our county is looking at is what they refer to, I think, as a Level II stormwater drain requirements?

Mr. Dowe: It's Phase II Stormwater \_\_\_\_.

Mr. Temples: Like Snohomish County, where I came from, it's a Level III, which means compacted gravel is pervious, whereas we're looking at it as still being impervious. So I just thought I'd bring that up because that's what I ran into down there.

Mr. Dowe: I'm not sure what the Level III refers to, but they have a Phase I stormwater permit.

Mr. Temples: It's a higher level of stormwater retention. And the same thing is involved with the – HIDs are the same thing. It's a higher level of requirement just because of the urban environment and everything that's going on down there. Because I know it seriously impacted a project I was doing.

Mr. See: I could be wrong, but I think Snohomish County may have been one of the jurisdictions that went through the process of developing their own stormwater manual.

Mr. Diessner: That's correct.

Mr. See: Yeah. So I'm not familiar –

Mr. Temples: Well, they followed King County and Tacoma followed King County!

Mr. Diessner: What happened the last time with the manual is a bunch of the – *most* of the larger jurisdictions developed their own manuals, at great expense and time. At the same time I – I don't know. From the outside looking in it seemed kind of a lot like the state manual. You know, there are some differences that apply – significant differences – that apply in terms of how things are applied in a specific jurisdiction. You know, the kind of administrative? The one manual that was really different was Seattle's, and that's a whole different deal. So, you know, find different terms, I guess, like Levels Is, IIs and IIIs in, say, King county or Snohomish County and not in the state Stormwater Manual, but I think the end result is pretty similar.

Mr. Temples: Yeah, I've never – I had to go to bat for my client because one of the things that happened was we had a state highway that drained all of its runoff onto a private party's property with absolutely no retention – nothing, zip. Now since that the state has been sued and now it has been, strangely enough, corrected. All of this is kind of a little new to our county but it's going to be an ongoing process, and I think everybody is still, you know, trying to review what the impacts are to the environment, everywhere from the scientists to even WSU over there is doing a big project right now where they're actually studying water runoff from bridges and everything and they're running it through certain filter-type things and going, Wow, we've got fish that actually live in these tanks; the other ones are dying. So it's going to only evolve over the next who knows how many years.

Chair Axthelm: Are there any further questions from the Commission?

Mr. Greenwood: I just had one more process question. Would it be possible for us as Planning Commissioners to be maybe on some level – I don't know if everybody wanted to be involved,



but I see an interest – I have an interest in participating in the internal review and consulting with stakeholders, at least at that level, so that I don't end up with something that now we've got a compressed time schedule and I'm not even sure how it got there, you know? So I'd kind of like to know what the – you know, I could get a report on what the interpretation of the stakeholders' feedback is, but I'd kind of like to have a little more onsite, hands-on, if I could, or at least see what the proposed language is and then see what their feedback is and see what our reaction is and did we react properly to that feedback.

Mr. Walters: We can do something there.

Mr. Greenwood: Okay. That'd be helpful.

Chair Axthelm: And actually one more question, or comment: So we adopt the 2012 Manual. Now you were saying in the NPDES area that that would be more stringent. Could you have in the other areas have exceptions or have things that you don't have to do follow the Manual exactly?

Mr. Walters: That's currently what we're thinking the approach is.

Chair Axthelm: Similar to the building code, you have different exceptions to it.

Mr. Dowe: Well, again, the stormwater permit is required in the permit area and outside of it it's not, so that's the biggest distinction.

Chair Axthelm: Yeah.

Mr. Dowe: So I think what you're talking about is already going to happen.

Chair Axthelm: Okay.

Mr. Dowe: In the building code, when there's an exception there's a way in the building code that you can respond to it. You know, if you want a building to be closer to a property line, you address it by making the building more fire resistant or more whatever. Okay, so this code probably has ways to do that in the Stormwater Manual. I think it's performance standard, which a lot of codes have gone to.

Chair Axthelm: Yeah. What I mean is what you were saying is required in the NPDES area –

Mr. Dowe: Call it the permit area!

Chair Axthelm: But it's required in the permit area, but then outside of the permit area it's not required but our code asks for it, right? Because we say that we're going to use the 2012 Manual or the most current manual, or is that specifically \_\_\_?

Mr. Walters: Yeah, so our current code has a set of exemptions – activities that are just wholly exempt from the chapter, thus, also from the Manual. Then there are a set of exceptions which our code currently calls “technical deviations,” but I believe the permit calls “exceptions.” So there's two sets of ways to get backed out of that to begin with. And then what we're currently talking about is using one Manual everywhere – the whole county – and backing out thresholds and requirements from the Manual outside the permit area.

Chair Axthelm: Okay. Oh, so like the staff report – it says “require compliance but relax certain thresholds and encourage but not require LID.” So there might be areas that it backs out. Okay.

Mr. Dowe: Right.

Chair Axthelm: Any other comments on that? Questions?

(silence)

Chair Axthelm: Okay. So, seeing none, we can move on to the next item on the agenda, the Department Update.

Mr. Pernula: Okay, the only thing I wanted to talk a little bit about is I sent you all this afternoon an electronic copy of the 2015 Planning and Development Services Department Work Plan. Each year I work with the Board of County Commissioners to develop a work program and that was reviewed by the Board this morning. A portion of that work program is what’s called “Legislative Land Use Plans, Policies, and Regulation Proposals.” That portion of the work program was adopted by resolution this morning. You heard today, or tonight you’ve gone over in detail the Comprehensive Plan Update and its scope, and that’s certainly a huge project. Also talked about Stormwater Management – those are two projects on the work program – as well as you heard a little bit about the Shoreline Master Program Update. In addition to that, in that legislative work program we have the 2014 Comprehensive Plan Amendments. That includes three major items:

- The City of Sedro-Woolley proposals that were docketed last year. They were carried over to this year;
- A citizen-initiated map amendment. That’s for the Birdsvew Brewery; and
- The TDR Program.

We also have, as a more minor project, some modifications to our floodplain management regulations you will be seeing; what’s called the Rural Forestry Initiative, which is described better in the work program; the 2015 Capital Facilities Program update. It’s required by the Growth Management Act to be prepared and approved every two years, but we’ve been doing it every year. That’ll be coming up again this year, as well as this first quarter we would like to take a look at possibly amending the 2014 Capital Facilities Plan to consider some school impact fees that are suggested by both Sedro-Woolley and the Mount Vernon School Districts. We also have some actions that may be coming up before the Planning Commission on the interim marijuana ordinance.

So those are some of the major items that you’re going to be looking at. But also in that document I sent you – and I do have some hard copies, if you’d like some hard copies of that plan to take a look at. Anyway I wanted you to be aware of not just the Comprehensive Plan but a lot of the other projects that are going to be coming up. It’s a lot of stuff coming up this year.

Chair Axthelm: Thank you.

Mr. Pernula: That’s it.

Chair Axthelm: So for February 17<sup>th</sup>, now you have the open house starting at 5:30.

Mr. Pernula: On Housing, yes.

Chair Axthelm: And that's something we're supposed to attend. Is that correct?

Mr. Pernula: Yes.

Chair Axthelm: Okay.

Mr. Pernula: That will be your meeting.

Chair Axthelm: Okay. All right.

Mr. Meenaghan: For the February 17<sup>th</sup> meeting – so the 5:30 is the open house, then 6 to 8 is the discussion, and then 8 to 9 seems to be Planning Commission.

Mr. Pernula: That sounds about right, yes. I don't have that schedule right in front of me but it's something like that, yes.

Mr. Meenaghan: Is there anything else we're going to be discussing besides the Housing portion during that one hour section, the 8 to 9 section?

Mr. Pernula: I don't think so.

Mr. Meenaghan: Okay.

Mr. Pernula: I think it was the intention was to focus on the Comprehensive Plan Update and in particular on the Housing Element.

Chair Axthelm: So when, in effect, would our meeting start? Or would we have a meeting similar to this? Is that what you're talking with the work shop, or just open?

Mr. Pernula: It would be open.

Chair Axthelm: Okay.

Mr. Walters: We might end up publishing a special meeting notice for 8 p.m. No. No, we wouldn't do that. I don't know. We'll have to think about that.

Chair Axthelm: So what you're saying is between 8 and 9 we do our standard meeting or –

Mr. Walters: Maybe not your whole standard meeting with all the other items, but just the discussion on the Housing Element.

Chair Axthelm: Okay.

Mr. Walters: I think the idea was, though, that you don't really sit down at the table like this. Or maybe you'll be at the bench. Has this been fleshed out?

Mr. Pernula: It has not totally been fleshed out.

Chair Axthelm: I'm just trying to differentiate the difference –

Mr. Walters: It'll be fleshed out some time in the next two weeks.

Chair Axthelm: – between your work session and your – you know, like work session, deliberations or hearing or discussion – as far as the difference in how the public responds to it, too.

Mr. Walters: I understood it'll be very different from what you've done before.

Chair Axthelm: And that's fine. It's more how we respond to it or how I'm supposed to take care of that stuff. Okay. We can be in touch – no problem.

Ms. Candler: I have a question about that. The meeting is starting at 5:30. Was that – if it was published originally, I missed that. 5:30?

Mr. Walters: That's the open house portion, right?

Ms. Candler: Right, but is that –

Mr. Pernula: There will be an open house portion that will be out in the lobby where we will be making presentations or answering questions from the general public.

Mr. Walters: At tables.

Mr. Pernula: At tables.

Ms. Candler: That doesn't need to be noticed – or it does?

Mr. Pernula: I don't know that it really has to.

Mr. Walters: I don't think it really has to be if the Planning Commission is not talking to each other.

Ms. Candler: Okay.

Chair Axthelm: But would it need to be noticed as far as getting the public to – that that's an opportunity for them to get the information?

Mr. Walters: Yes, and that'll be in the paper as an ad and other notices.

Chair Axthelm: Okay. So it is noted – it is noticed.

Mr. Walters: Yeah.

Mr. Pernula: Just to follow up a little bit: Some of you who may have been involved in the two big open houses we had on Bayview Ridge in 2013 and 2014, we began the meeting with various stations around the perimeter of the cafeteria at the Bay View School. And that's kind of what we're envisioning here for the beginning of the meeting – informal discussion on various topics with the public.

Skagit County Planning Commission  
Briefing: 2016 Comprehensive Plan Update  
Work Session: Stormwater Code Update  
February 3, 2015

Chair Axthelm: Thank you. So the next agenda item: Comments and Announcements from the Planning Commission. Are there any?

(silence)

Chair Axthelm: Okay. I guess that would end our meeting, so we'll adjourn our meeting till February 17<sup>th</sup> (gavel).