

Skagit County Drainage and Irrigation Districts Consortium

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May 24, 2022

Skagit County Planning Commission
1800 Continental Place
Mount Vernon, 98273

RECEIVED

MAY 24 2022

**SKAGIT COUNTY
PDS**

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

Dear Planning Commissioners,

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

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

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

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

14.22.020 (3) (i)(iii)

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

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

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

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

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

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

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

14.22.020 (3) new exemption

Please add an additional exemption for dike and levees.

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

14.32.060 (2) (e)

Please reserve this section with no modifications.

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

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

Sincerely,

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

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