



Skagit County Planning & Development Services

DALE PERNULA, AICP *Director*

JACK MOORE, CBCO *Building Official*

Supplemental Staff Report

To: Planning Commission
From: Dale Pernula, AICP, Director
Re: Stormwater Code 2015 Update
Date: July 14, 2015

This memo addresses public comments received during the written comment period between June 11 and July 9, and testimony received at the Planning Commission public hearing on July 7, 2015. For a summary of the code amendment proposal, please see the [June 11 Staff Report](#).

Public Comments

Comments were received at the public hearing or during the written comment period and are available on the proposal website at www.skagitcounty.net/planning (click on Stormwater Permit 2015 Code Update). The Department received written comments from four people and testimony from two of those same people.

Responses to Public Comments

🗨️ **Ellen Bynum (Friends of Skagit County): NPDES permit area should not allow expansion of the UGAs.**

The NPDES permit area includes, generally, the UGAs. There is no connection between the NPDES permit area and the process or requirements for changing UGA boundaries. Conversely, as part of our NPDES Permit requirements, we track and submit annually to Ecology any annexations or changes to the UGA boundaries.

🗨️ **Bynum: Does the stormwater proposal apply to multifamily housing in UGAs?**

The code proposal applies in some fashion to all development within the county.

🗨️ **Bynum: please add a requirement for analyzing the surrounding parcels, their histories, geology, and past stormwater events. Code should include a cumulative effects analysis for neighborhoods.**

Proposed SCC 14.32.030 requires offsite analysis for development above specific size thresholds. The proposal attempts to strike the appropriate balance between (1) requiring landowners to perform enough analysis to effectively manage stormwater impacts and (2) *not* requiring onerous, expensive, and time-consuming analysis when it may not frequently yield necessary information. When the code fails to address stormwater impacts through development regulations, the Drainage Utility is available to help manage impacts.

🗨️ **Bynum: please add soils analysis requirement to SCC 14.32.030(3).**

Soils analysis is required by proposed SCC 14.32.030(3)(e). This is essentially the existing threshold; see existing SCC 14.32.040(8). Outside the NPDES area, a soils analysis fully consistent with the Stormwater Manual will be required when the proposal reaches the thresholds identified in Table 14.32.040-1.

🗨️ **Bynum: please add details on how and who is to evaluate “effective” in the definition of “effective impervious surfaces.”**

The definition of “effective impervious surface” in the code proposal is from the NPDES permit and includes several examples of impervious surface that is ineffective. As with all definitions and code provisions, the Administrative Official is authorized to interpret the text.

🗨️ **Bynum: proposed SCC 16.32.030, dealing with illicit and allowable discharges, does not list roof drains and gutters discharge.**

Proposed SCC 16.32.030 only moves and reorganizes text from existing Title 14 provisions. Roof drains and gutters create stormwater. Uncontaminated stormwater is allowed to flow into the stormwater system and does not require a specific exemption. The list of allowable discharges in this section is derived from [Section S.5.C.3](#) of the NPDES Phase II Municipal Stormwater Permit.

🗨️ **Bynum: consider microclimates in selection of native plants.**

Noted; the code proposal does not attempt (nor the NPDES Permit require) this level of detail for plant selection and retention.

🗨️ **Bynum and Carol Ehlers: stormwater codes should relate to WAC 246-272A section 0200, 0210 and Table IV, and 0220 and Table V, and section 0270. Section .0230 forbids any drainage to cross the septic field. [citations corrected]**

WAC Chapter 246-272A applies to septic permits, which are issued by the Health Department under the authority of the County Board of Health and the Health Officer. Health Department staff note that drainage is usually near buildings or property lines; septic systems require setbacks from both. WAC 246-272-0230(c) requires that “Drainage from the surface, footing drains, roof drains, subsurface stormwater infiltration systems, and other nonsewage drains is prevented from entering the OSS, the area where the OSS is located, and the reserve area.” It may be prudent to add a line to the stormwater code as a note for later development review (that does not require septic permits) to ensure sheet flows or infiltration is directed away from septic drain fields.

🗨️ **Ehlers: The Minimum Requirements in the Stormwater Manual should not be abbreviated MR.**

“MR” in Table 14.32.040-1 is fully expanded as “Minimum Requirement” in the table’s first column header, and the sentence that introduces the table explains that, “Outside of the NPDES Permit Area, the Stormwater Management Manual’s *Minimum Requirements* are modified as provided in the table below.” [emphasis added]

🗨️ **Ehlers: code should distinguish between a significant development and a development with smaller impacts.**

The code proposal accomplishes such a distinction by distinguishing between low, medium, and high intensity land uses and applying the Stormwater Manual's minimum requirements incrementally.

🗨️ **Ehlers: submitted three Ecology publications from the 1990s.**

Staff have obtained electronic versions of those publications and included them in the comments packet. The publications contain general advice that Ecology appears to still consider current information.

🗨️ **Bynum: proposed code does not address water quantity.**

The Stormwater Management Manual, which is incorporated into the proposed code, addresses water quantity particularly in Minimum Requirement #7 Flow Control. Other Minimum Requirements also address impacts on neighboring properties, as more fully explored below.

🗨️ **Ehlers: single-family homes have stormwater impacts on neighbors. How is that water managed by the proposed code?**

There is no requirement in current code, other than for "large development,"¹ to avoid dispersion or direction of accumulated stormwater onto a neighbor's property.

In the proposal, inside the permit area, Minimum Requirement #4 prohibits runoff from causing adverse impacts to downgradient properties. Additionally, Minimum Requirement #5 generally requires development to handle stormwater on site through LID or other BMPs or divert stormwater to an approved stormwater system.

Outside the permit area, proposed Table 14.32.040-1 would require MR-4 for low intensity land uses that meet the 7,000/14,000 sq ft threshold. Upon further review and after discussion with our consultant, staff believes that MR-4 is not particularly onerous, and recommends that the table be modified to apply it to all projects. MR-4 reads:

Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the maximum extent practicable. The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and downgradient properties. All outfalls require energy dissipation.

Additionally, staff recommends that proposed SCC 14.32.080(1) include a new sub-paragraph (d) to read "Runoff from development may not cause a significant adverse impact to downgradient properties." This language mirrors the permit language.

¹ Currently defined to include creation or cumulative addition of 5,000 square feet or greater of impervious surface.

- 💡 **Diane Freethy (SCARP): work on the stormwater code update should be delayed indefinitely because of the drought.**

Stormwater impacts from rain are amplified during drought conditions.

- 💡 **Pete Haase: general support for use of the Stormwater Manual to replace differing requirements in the existing code.**

This was one of the primary objectives in simplifying and easing administration and use of the County's stormwater regulations.