

**Skagit County Planning Commission
Deliberations: Stormwater Code Update
June 14, 2022**

Planning

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

Staff:

Hal Hart, Planning Director
Jenn Rogers, Assistant Long Range Planner
Andy Wargo, PDS Stormwater Review Technician
Shawn Christensen, PDS Stormwater Review Technician

Acting Chair Tammy Candler: (gavel) Calling to order the Skagit County Planning Commission meeting of June 14th, Tuesday. The first thing we want to do is call roll. We are missing our Chair, Tim Raschko. Standing in, Vice Chair Tammy Candler. Commissioner Henley, are you present?

Commissioner Vince Henley: Yes, I'm here.

Chair Candler: Commissioner Hughes, are you present?

Commissioner Amy Hughes: Here

Chair Candler: Commissioner Hutchison, are you present?

Commissioner Jennifer Hutchison: Here.

Chair Candler: Mark Knutzen I do not see. Commissioner Mitchell, are you present?

Commissioner Kathy Mitchell: Here.

Chair Candler: Commissioner Rose?

Commissioner Martha Rose: Here.

Chair Candler: And it looks like Commissioner Woodmansee is not present unless we have – are you able to check Zoom at this moment?

Jenn Rogers: He's not attending tonight, Commissioners.

Chair Candler: Okay. Do we have a motion to approve the minutes from our last meeting?

Commissioner Henley: I so move.

Commissioner Mitchell: Second.

Chair Candler: Any discussion?

(silence)

Chair Candler: All in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Candler: Any opposed?

(silence)

Chair Candler: Minutes are approved, and we’ll now move to the Public Remarks. This is the time on the agenda as an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for a public hearing that same day or items that have had a public hearing and are still under Planning Commission deliberation. Public Remarks, which is not part of the formal, public participation process for any development regulation or Comprehensive Plan amendment project, is limited to three minutes per speaker and up to 15 minutes total.

There are no members of the public in the room. Is there anyone on the Zoom that wishes to speak?

(silence)

Chair Candler: And I’m told that there are not, so we will move on then to item number 4 on our agenda, Stormwater Code Deliberations. I see that the Department has made a supplemental staff report, as requested. Does the Department have a presentation?

Ms. Rogers: Yes, we do, Commissioners.

Chair Candler: Okay. Thank you, Ms. Rogers. I’ll turn it over to you.

Ms. Rogers: Thank you, Commissioners. Again, my name is Jenn Rogers. I’m assistant long range planner for Skagit County. Tonight we will be going into deliberations on the Stormwater Management Update.

Just to review, we have had several work sessions on the update so far. So on March 22nd, April 12th, and April 26th and May 10th we had four work sessions to review the amendments and to go over the public review that we conducted as well. We also hosted a public hearing during our last meeting on May 24th, and there was an open public comment period from May 5th through May 24th to collect comment.

Tonight we will be going into deliberations and for you to decide on taking action on the amendments. And then the Board will plan to review your recommendation on June 27th and June 28th.

Like I mentioned, there was a public comment period open from May 5th to May 24th. Staff released a supplementary staff report to address the comments submitted by the Port of Skagit and the Skagit Drainage and Irrigation Districts Consortium. It also addresses the questions the Planning Commission brought up during our previous meeting. That memo and our Notice of Availability, the SEPA Review, and our previous staff report and full public comments are published on our website at skagitcounty.net/stormwater2022. And with that, I will turn it over to Andy to discuss the staff responses to the comments that we received.

Andy Wargo: This is Andy Wargo, stormwater review technician with Planning and Development Services. And I'll just go into a little bit more details outlined in our supplemental staff report and the addendum that we sent over at the end of last week.

So there was two comments, or two commenters, and the first was the Port of Skagit County and they had a couple of comments. The first one had to do with requesting the removal of the sunset date language for regional stormwater facilities. We spent a good deal of time last week meeting with the Port, our attorneys, their attorney, and they gave us some suggested language to clarify it. We worked with it and molded it into something that was workable from our point of view, and also tried to capture most of the spirit of what they were suggesting. We came up with improvised language that's in the addendum on Friday that was emailed, and basically what it does is it clarifies how the sunset date is used, how it applies to new development proposals, and it's limited to the capacity of the existing stormwater system to meet the current stormwater needs of each new development application as it's submitted. And it doesn't require an automatic retrofit – just after 20 years. And there is a five-year grace period before existing facilities are subject to the review and it's clear that it's compatible with the guidance in the current Stormwater Management Manual for Western Washington.

The second comment that the Port of Skagit County submitted was that they wanted a cross-reference in the stormwater code to the zoning code that addresses the Airport Environs Overlay, which contains some language about WSDOT safety standards for – aviation standards for stormwater ponds, largely addressing ponds, open water, and vegetation that could attract birds and provide a hazard for flight. We felt that was appropriate and we did add that language into 14.32. It's a pointer to that specific zoning code. The Port also had a request that we adjust some of the language in the zoning code, and we decided not to do that at this time since it's not part of the code that we're currently updating.

And then we also had some comments from the Skagit Draining and Irrigation Consortium. The majority of the comments were on the exemption of agricultural drainage ditches. They wanted some language about complying with – protecting wetlands and streams or habitat conservation areas removed from the exemptive language. And we decided to go ahead and do that and replace it with a general reference to the critical areas ordinance to keep it simpler and avoid any redundancy within the land disturbance code. They also wanted – the one thing that was asked for was a total exemption for enlargement of existing ditches, and we didn't include that. There is an exemption of enlargement of existing ditches up to 500 cubic yards. After that, that hits a SEPA threshold and it could potentially have impacts on flow paths and water volumes in a similar manner as construction of new ditches. So we didn't exempt an unlimited enlargement of existing ditches from the grading regulations.

The second comment from the Irrigation Consortium was to add additional vegetation management exemption for dike and levees. The vegetation removal as part of regular maintenance is already exempt under the code as it's currently proposed, so we don't need to add any additional language to provide that exemption.

And their third issue was that they wanted us to remove or reserve the section 14.32.060 to (e) with no modifications, and that was a request from the Drainage Consortium to not allow – that’s speaking to our proposal to allow flexibility in meeting onsite stormwater management requirements for single-family residences outside the permit area. The code as proposed provides some flexibility in how applicants can meet those stormwater standards. The Drainage Consortium didn’t want us to provide that flexibility but we think that flexibility’s an important part of some of the increased requirements that we’re looking at too. So we don’t want to – we want to keep that flexibility as part of the pathway for complying with stormwater management requirements for single-family residences.

Then there were some follow-up questions that we had from the last meeting. And the first one was about addressing different standards for stormwater management by state agencies and the County. So just overarching, the Washington State Department of Ecology is the primary state agency with authority towards stormwater discharges, and that includes discharges per the NPDES Phase II Municipal Stormwater permit, which the County is a permittee. There are certain activities, such as non-conversion timber harvests, activities within road right-of-ways, commercial agriculture, and mining and gas and oil exploration that are generally exempt from local stormwater codes and are handled directly by a state agency, usually Ecology. DNR has some oversight in there as well. And then there are a few places where – the one permit where there is often a need for coordination between the state and the local jurisdictions is the Construction General Stormwater permit. And this applies to projects that are usually over 1 acre – is the threshold – a construction project or land disturbance project. They will need to get coverage under a state permit from the Department of Ecology, and it’s the Construction Stormwater General permit. Those projects are also subject to local building permit requirements. There is some overlap when it comes to the Construction Stormwater Best Management Practices in preventing sediment and other pollutants from entering receiving waters. The difference is that the state permit just applies to the construction. The state permit will often involve daily monitoring requirements. That’s when they need to test the water coming off their site and submit those results to Ecology. And then the local – the County – would have the authority over the permitted stormwater infrastructure, such as the conveyance, the pipes, the detention pond, the flow control – the structures that are put in place to comply with the local stormwater code. But other than that, the difference between the state requirements and the local requirements are fairly sorted out by permit type and activity type.

There was a question clarifying about operation and maintenance inspections and how that related to a 20-year sunset requirement. So owners and operators of stormwater facilities, they need to maintain their facilities as designed and per the operation and maintenance manual that they submit as part of their application process. Skagit County Public Works Department conducts your annual inspections on facilities within the NPDES permit area and those facility owners need to repair and maintain those facilities to the maintenance standards and they need to do it on a timeline that’s specified in the permit. So that’s covered. It’s been in the code and it’s been enforced by the County since the permit first came into place. And how that relates to the sunset provisions is that the operation and maintenance requirements require that the facilities be maintained to their original capacity. And that could be different. There’s a certain amount of capacity that they were approved to handle but as the regulations changed that capacity, even though it’s perfectly maintained, might not meet current standards for new development. So that’s why there’s a need for upgrading, addressing the difference between outdated standards and new requirements after a certain period of time.

There was also a question about addressing the different standards on lot sizes and whether the Stormwater Manual says anything about different lot sizes. And in general, the Stormwater

Manual does not take lot size into account when determining stormwater minimum requirements. The table that's in the current code that we're proposing to transition away from is a chart that was developed by a consultant, and the updates are designed to move away from the size differential and design a code with a simpler approach. It's more consistent with the manual but also providing the increased flexibility outside the permit area that's in the current code in a slightly more consistent way with the manual.

And, yeah, that's kind of an overview of what's in the supplemental staff report and the addendum.

Ms. Rogers: Commissioners, we'd be happy to take any questions. If you'd like to have questions on the PowerPoint before you go into deliberations, we can do that now.

Chair Candler: I really appreciate all that additional information. I do think there might be some questions, so I want to open that up. Commissioner Hughes has a question, I know.

Commissioner Hughes: Okay. Back to question 2: existing stormwater facilities. If they are not performing to what is needed to be performed, do they fall – if they're already existing, they've been in use for 10, 20 years but they're not performing, do those come under a guideline to be re-looked at, or is it just from here on out we're going to have these rules?

Mr. Wargo: They would be – if they were underperforming – well, it depends on the reason. If they were underperforming because they were improperly maintained, then the current rules would require the owner to maintain them, fix the broken structures, clean out the sediment. That's required and it's required in the current code so there'd be no changes in that. If the facility was not functioning – if the facility was properly maintained but not functioning or not meeting today's standards, it would be acceptable unless there was another new development, a new development proposal that proposed to use that same facility. Then through that review of that new development application there would be an analysis of the deficiency and that facility's ability to meet today's standard. And that analysis could lead to a need to retrofit that facility or to provide additional stormwater treatment by adding another facility.

Commissioner Hughes: Is enforcement on this complaint-driven?

Mr. Wargo: For the lack of maintenance?

Commissioner Hughes: Yeah.

Mr. Wargo: It can be. For the facilities that were reviewed and approved to meet the permit requirements, they're subject to annual inspections. There's a stormwater team in the Public Works Department that schedules those inspections and conducts them every year. They go out and look at the facilities, usually with the owner, and they write a report and those are subject to enforcement if they fail to complete the repairs as needed. For the facilities that are outside the permit area and for ones that were constructed before the permit came into place, those are generally not in – they're a little bit beyond the capacity – the current capacity – of the Public Works team to conduct annual inspections, so they'll conduct as-needed inspections. Oftentimes the complaint comes in from, like, a homeowners' association who realizes they have a pond and they want some technical assistance in learning how to take care of it so they'll call. They'll either call our stormwater team in Planning or they'll call the stormwater team in Public Works and we'll go out and conduct a technical assistance inspection and give them a report and help them keep their facility up to the maintenance standards.

Commissioner Hughes: Okay.

Chair Candler: We have some more questions. Commissioner Mitchell?

Commissioner Mitchell: So under the situation you described, that something would have to be improved or taken care of because somebody *hadn't* been taking care of it, is it fair to say that they'd be paying for that work? Is that correct?

Mr. Wargo: Generally speaking, yes, it is the landowner's responsibility to pay for that work unless there's some other type of agreement with a third party or contractor. And just to clarify, those requirements are – they're all part of the existing code as it is. They're not necessarily – there's nothing different about those in the new code as proposed. There might be some clarification in the wording, but those requirements are the way that the code has been – in the current code.

Commissioner Mitchell: So Part B of that then would be – so you described another situation where if there was another type of situation where things had to be updated and it wasn't because of lack of maintenance. Maybe it was new development or some other things. Is the answer to who pays for those kinds of things depending on what it is?

Mr. Wargo: If there was an existing regional facility and there was a new application that wanted to drain to that facility and it needed to be upgraded to meet the standards, the responsibility would fall on the applicant proposing the new development unless there was some other agreement in place for someone else to take care of it.

Commissioner Mitchell: Are there situations where there's grant money accessible for those kinds of things, or is it usually not the situation?

Mr. Wargo: I can't speak so much for private facilities. There *are* stormwater grants. The ones I'm familiar with are generally for public projects or non-profits.

Commissioner Mitchell: Okay. Thank you.

Chair Candler: Commissioner Henley, any questions?

Commissioner Henley: Nope.

Chair Candler: Commissioner Hutchison?

Commissioner Hutchison: I think my only – and I believe you've answered it. But I just want to make sure I'm understanding this correctly. In regards to the Port's submission in consideration for the sunset date: In their perspective of being able to market their lots as shovel-ready to prospective development, I just want to make sure that I'm grasping that there's no conversation happening about being grandfathered in because capacity *could* change, the guidelines *could* change before that shovel hits the earth. Or is there something actually already in place guaranteeing them? From what I'm hearing, code could change, so basically they need to hurry up and get that development happening if they want to be able to lock the facilities in under the expectation that they have already. And if I'm right, is there any notification mechanism for them to be alerted if those rules are coming down the pike, other than them just paying attention to what's happening?

Mr. Wargo: The way we drafted it – and just refer back to the addendum to the supplemental staff report. So for the 20-year timeline where we'd require an analysis of deficiency compared to existing facilities against the requirements for new applications, there is a – it's basically a five-year grace period before that actually applies to facilities that are already constructed before July 1st, 2022. So anything existing now would not be subject to the 20-year sunset date until July – I think, June 30th, 2027. So there's a five-year period to build out any – to account for. So any projects that are currently being speculated on in design phase but not yet applied for would have until 2027 to get their applications in and still be covered under the – I guess we could call it a safe haven of the approved design as it is.

Commissioner Hutchison: That answers my question. Thank you.

Chair Candler: Okay, so you're clarified? Commissioner Henley?

Commissioner Henley: Yeah. We've talked a lot about sunseting and I have a vision of a new development being attached to an existing facility in, let's say, year 18 of the 20-year cycle. And you might want to question from a developer's point of view about whether or not that is a wise decision to do if he's looking into a complete rebuild at 20 years. So my question basically is, we've talked about sunseting. What about sunrise? What resets the 20 years?

Mr. Wargo: Well, typically a regional – kind of backing up a little bit, a regional facility is typically going to be designed with a binding site plan or a plat, or possibly a development agreement. So those facilities are designed for a certain development plan. Typically within 20 years most of the lots within that binding site plan or the plat are going to be built upon and they're going to drain – be served by that regional facility according to the agreement with the original development. So as far as anything after 20 years, if there was a single development application on one lot that was still undeveloped that wanted to use an existing facility, they would be on a case-by-case basis. They would need to – there would be an individual – like, if there was one lot left and, let's say – let's just say the existing capacity of the pond is x and their stormwater requirement for this development is $x+1$, then that particular development needs to – would need to meet that requirement. So we don't have any provisions to, you know, unless the whole area was reconfigured, replatted, and a new development agreement was put into place. That's where that would be the course for – that would be the reset, the sunrise.

Commissioner Henley: But you see the concern of the Port. The Port at the moment has excess capacity which they're in the process of building out. So, you know, it might be reasonable for the Port to ask the question about what constitutes a reset. So I think we might want to talk about that and at least begin to address it.

Mr. Wargo: Well, it is – so the way that would work is if there was a new area – well, let's just take the Port, for example. If there was a new area that was applying for development – let's say through a binding site plan – then there would be a stormwater review for that new binding site plan and there would be facilities that would serve that area, those lots, and they could be – whatever those facilities are; they could be upgrades to existing facilities, they could be new facilities. It doesn't matter as long as there's facilities that serve that binding site plan. And once that's signed into place and once those facilities are constructed, that would be the sunrise for that binding site plan and that would be in place for 20 years.

Commissioner Henley: Okay.

Chair Candler: Anyone else? I have a question – if anybody knows. Most of our code is reviewed on a regular basis by statute somewhere along the line. Is the stormwater management code on a schedule to be reviewed, and does anyone know what that is, how often we're going to be looking at this?

Mr. Wargo: Every permit cycle most likely. So the next permit is issued in the – it's on schedule, I think, for July 2024 – reissuance for the permit. And in that permit, if it follows the pattern of previous permits it'll probably – I'm guessing it'll have a 20 – maybe a 2026 or 2027 deadline for a re-review of the stormwater code to ensure that it's up to date with the current permit at that time.

Chair Candler: So sort of similar to some others, is what you're saying. Thank you. Anyone else?

Commissioner Martha Rose: I have a comment.

Chair Candler: Okay.

Commissioner Rose: I appreciate you keeping the flexibility for the stormwater checklist for single-family. That's all.

Chair Candler: Okay, anything further from the Department before we move on?

(silence)

Chair Candler: Okay. As far as our next – my thought is that we should start deliberating. Sometimes a motion is helpful to focus that deliberation, but we can do general discussion if members of the Commission prefer. Where do we want to start?

Commissioner Hughes: I'd be happy to give a motion but I have a question pertaining to that.

Chair Candler: Okay.

Commissioner Hughes: What would be the proper name for what we're going through? I feel like it's been shorthanded "stormwater code." Is it – you want it "amendments to the stormwater management"?

Chair Candler: Well, I think that's what we – I think that would be a good title for purposes of our motion.

Commissioner Hughes: Okay. I move that we...

Chair Candler: ...we recommend the Board of County Commissioners adopt...

Commissioner Hughes: Okay, I'll take it. I move that we have the Skagit County Board of County Commissioners adopt the amendments to the stormwater management standards, Skagit County Code 14.04, 14.18, 14.22, and 14.32.

Commissioner Mitchell: Second.

Chair Candler: Okay. It's been moved – oh there is a second. Thank you – it's been moved and seconded that we recommend the Board of County Commissioners adopt the amendments to the

stormwater management standards, Skagit County Code 14.04, 14.18, 14.22, and 14.32. Is there a discussion? We could start at one end. Usually that helps.

Commissioner Rose: Okay. Well, I believe that all of the recommendations that the Planning Department has made are good recommendations. In other words, they've addressed the concerns of the different agencies and they made some minor adjustments and had conversations with them. So, yeah, I feel like they've done their homework and have produced a good set of proposals. So I think that I don't have any quarrel with any of it.

Chair Candler: Anything else?

Commissioner Rose: Nope. Thank you.

Chair Candler: Commissioner Mitchell?

Commissioner Mitchell: I'd just like to add that we've gone several rounds of explanations and questioning with this and I really appreciate you guys' patience and thoroughness with explaining and re-explaining sometimes so we get comfortable understanding and knowing what we're doing. So thank you.

Chair Candler: Commissioner Hughes, I'm sorry. I probably should have started with you since it was your motion. Do you want to add anything?

Commissioner Hughes: I would like to support that staff seems to have done their diligence of bringing community involved. I feel there's been good conversation with community that's wanted to be involved and they have listened and come back with whether they could follow the community's recommendation or not. So I'm happy with the process.

Chair Candler: Commissioner Henley, anything you'd like to say?

Commissioner Henley: Oh, you're asking me? Yes.

Chair Candler: My impression was that you had some thoughts on the sunset.

Commissioner Henley: No. That's okay.

Chair Candler: Okay. Do you have anything for discussion?

Commissioner Henley: No. I think we should do it.

Chair Candler: Okay. Commissioner Hutchison?

Commissioner Hutchison: I appreciate the staff's hard work on all of this. When I first started reviewing all the strikethroughs and amendments and new content it was a lot for me to absorb, but it seemed clean and well-written and well-thought. Had it not been for the public comment, I wouldn't even have considered that there were any questions honestly. So I'm pleased that the community did come forward and you were able to logistically work out those specifications relating to this. So it feels good. I don't think we're missing anything. Thank you.

Chair Candler: For my part, I tend to agree with what other commissioners have said. I would support the motion. Is there further discussion? Because we've gone one round. Anybody forgot to say something?

(silence)

Chair Candler: Okay, then in that event, let us vote. It's been moved and seconded that we recommend the Board of County Commissioners adopt the amendments to the stormwater management standards for the Skagit County Code 14.04, 14.18, 14.22, and 14.32. All in favor, please say "aye."

Multiple Commissioners: Aye.

Chair Candler: Any opposed, please say "nay." And I'll say "aye." I forgot.

(silence)

Chair Candler: So it passes, and we should now probably move on to our recorded motion. We should indicate our findings and reasons, which the discussion helps with that. If there's anything specific anyone wants in there, I'll open the discussion for that.

Commissioner Rose: Well, I would say that it's reasonable to look at these systems after they're 20 years old, whatever the trigger might be. It's just reasonable. The world's changing and we look at energy codes, we look at building codes, we look at every other code and so – at any rate, it just seems reasonable.

Commissioner Hughes: May I have a point? Were these turned on so we could read in front of us?

Chair Candler: They were but it doesn't seem to be working.

Commissioner Hughes: Oh, they're not going to be working this time? Okay.

Ms. Rogers: Commissioners, I'm happy to read back what I have typed, if that would be easiest for you as I'm doing it.

Commissioner Mitchell: Very helpful because it's still hard to read.

Ms. Rogers: Okay. Maybe Brian can zoom a little bit. Or maybe I can?

(several people commenting on the formatting)

Chair Candler: I think we need the actual motion.

Ms. Rogers: Okay.

Chair Candler: Okay. From what I'm hearing from you guys, nobody's proposing any changes. Does that sound correct? If anybody disagrees with that, please speak up.

Commissioner Hutchison: I'm understanding that the changes have already been developed into _____.

Chair Candler: Yeah, and we *could* indicate that. We could indicate –

Commissioner Mitchell: It's a good idea.

Chair Candler: – the addendum.

Commissioner Mitchell: Just something like “the recommended changes after public input have been addressed in the addendum.”

Mr. Hart: Yeah, that's better. We're getting to it.

Ms. Rogers: So the – Commissioners, the –

Chair Candler: The date, June 10th, is that –

Ms. Rogers: June 14th?

Chair Candler: The addendum, I think, is a June 10th addendum. Does that –

Commissioner Mitchell: Yes.

Ms. Rogers: Oh, I see, I see.

Commissioner Mitchell: So when it was written versus when it was issued: Which do you use?

Ms. Rogers: We published it on June 10th so that would be the date, I would assume.

Chair Candler: Thank you.

Ms. Rogers: And, Commissioners, the recommendation reads as follows: “The Planning Commission recommends that the Board of County Commissioners approve the proposal with the recommended changes provided by the Department in the June 10th, 2022, supplementary staff report addendum.”

Chair Candler: Do we need to name the proposal “The amendments to the Stormwater Management,” or are we okay on that?

Ms. Rogers: Hal, what do you think?

Mr. Hart: Yes, I would go ahead and do it.

Ms. Rogers: Okay. Yes, we can name them, Commissioners, here. So I can list the specific code sections that were updated? Would that work?

(inaudible comments)

Mr. Hart: We want to make it as transparent as possible.

Commissioner Mitchell: Yes, thank you.

Ms. Rogers: Does that suffice?

Chair Candler: What I was actually indicating is that shouldn't it say "approve the amendments to stormwater management standards with the recommended changes"? Would that – should that not be in there?

Ms. Rogers: Oh, the name of the proposal?

Chair Candler: Yeah.

Ms. Rogers: I'm sorry. I see what you're saying now. I can do that.

Commissioner Mitchell: For our newest member, this is always the hardest part. It's all hands on deck.

Commissioner Hutchison: (inaudible)

Commissioner Mitchell: All hands on deck, yeah.

Chair Candler: Thank you.

Ms. Rogers: Does that suffice?

Chair Candler: Yes, thank you. That's exactly what I was looking for.

Ms. Rogers: Okay.

Chair Candler: Could you go back up to where we're at the reasons for –

Ms. Rogers: So I have written down two so far, just listening to what you've stated. The first is "The Department has provided a thorough analysis of the proposed amendments and included the community input in the code language." And (2), "It is reasonable to evaluate regional stormwater systems after 20 years to consider new Best Management Practices and other new regulations overseeing the stormwater facilities."

Would you like to reword either of those?

(muffled words of support)

Chair Candler: Commissioner Hughes has something?

Commissioner Hughes: Could I add "Development pressure will continue in Skagit County. There is a need for predictable stormwater management from this development. This will ensure that sensitive downstream resources are not impacted by increased runoff."

Ms. Rogers: "Development pressure will continue in Skagit County. There is a need for predictable stormwater management. This will ensure that sensitive downstream resources are not impacted by increased runoff."

Commissioner Hughes: And I'm happy with an edit.

Chair Candler: Well, I'm wondering – instead of "ensure," "This will address sensitive downstream resources"?

Commissioner Hughes: No, I'm good with that way.

Commissioner Rose: Or how about "it will help mitigate"?

Chair Candler: "...help mitigate" I would feel more comfortable with.

Ms. Rogers: "This will mitigate" – "This will mitigate..."

Chair Candler: How about "mitigate impact to sensitive downstream resources"?

Commissioner Rose: I think it will *help* mitigate. We can't know that it will totally mitigate.

Commissioner Mitchell: That's true.

Chair Candler: What do you think about that, Commissioner Hughes? Is that –

Commissioner Hughes: I'm good with that in it too.

Chair Candler: Okay. Did you have some others?

Commissioner Hughes: I don't think so.

Commissioner Hutchison: Does this meet the requirements for the permit renewal or just to maintain the existing permit for the Phase II of the NPDES?

Commissioner Mitchell: Good point. Which is it?

Commissioner Hutchison: "Maintain" in requirements.

Commissioner Mitchell: Jenn, which is more correct, "meeting" or "maintaining"?

Commissioner Hutchison: It should be noted, I mean, if this is required.

Ms. Rogers: I'm sorry. I'm not following which part of the statement that you're referring to.

(inaudible comments)

Commissioner Hutchison: "The amendments are required to maintain our permit."

Ms. Rogers: Oh, I see what you're saying.

Mr. Wargo: They would be required to maintain compliance with the NPDES Phase II Municipal Stormwater Permit.

(inaudible comments)

Mr. Hart: Let's read that back to you.

Ms. Rogers: "The code updates are required to maintain compliance with the NPDES Phase II Municipal Stormwater permit."

Commissioner Mitchell: Should we add the due date on it or does that matter?

Mr. Wargo: I mean, there is a due date, yeah. By June 30th.

Commissioner Mitchell: 2022, right?

Mr. Wargo: 22.

Chair Candler: Okay, I like it. I'm very comfortable with those reasons. Anybody want to add anything or think we've left out something that's come up?

Commissioner Hughes: In the past, we've had staff help us a bit with what needs to be put in there too. So if there's something missing that you could direct us?

Commissioner Hutchison: The ease of use, right? This was cleaning up some definitions for clarity and simplification, if I recall.

Commissioner Mitchell: Hal, you're smiling at us.

Mr. Hart: Well, we've been through this before.

(laughter)

Mr. Hart: This is a pretty new team so I'm really proud of this team because they're doing so well.

(inaudible comments)

Commissioner Hutchison: It was also great that this is coming out so early in the whole process for people developing.

(inaudible comments)

Mr. Wargo: Yeah, there is a phrase, too. I think what you're saying there – it's also about providing more coordinated and comprehensive review for land disturbing activities.

Ms. Rogers: Thank you.

Commissioner Hughes: So to go forward in that, "Code language needs to be compatible and consistent with shoreline, critical areas, stormwater, and land disturbance codes. Also these topics need to be cohesive and comprehensive." I asked you for all those Cs that you came up with like that! Would that be something that you're looking for?

Mr. Wargo: I think that's an accurate reason for a good portion of the code updates, especially with the land disturbance aspect of it. Yes.

Commissioner Hughes: Okay, "Code language needs to be compatible and consistent with shoreline, critical areas, stormwater, and land disturbance codes."

Ms. Rogers: "The code language is compliant and consistent with shoreline, critical areas" –

Commissioner Hughes: Could I stop you?

Ms. Rogers: Yes.

Commissioner Hughes: Compatible.

Ms. Rogers: Compatible. Thank you. "The code language is compatible and consistent with shoreline, critical areas, stormwater, and land disturbance codes."

Commissioner Hughes: And then do you want to add "Also these topics need to be cohesive and comprehensive"?

Ms. Rogers: I'm just changing the tense.

Commissioner Hughes: And you may edit in any way you want.

Ms. Rogers: So I added "Also these topics are cohesive and comprehensive."

(sounds of agreement)

Chair Candler: Any discussion on that or thoughts? People like it. Okay. I'm happy with those as our recommendations. If people have others, that's okay too.

Commissioner Mitchell: Anybody else?

(silence)

Chair Candler: Okay, does anybody want to move that we adopt the recommendations? Or do we need to do that?

Commissioner Rose: Sure. I'll move that we adopt the recommendations that we just came up with.

Commissioner Mitchell: Second.

Chair Candler: It's been moved and seconded that we adopt the recommendations we just came up with. Is there discussion?

(silence)

Chair Candler: All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Candler: Any opposed, say "nay."

(silence)

Chair Candler: It's approved.

Ms. Rogers: Thank you, Commissioners. And if there isn't anything else, we can move to the Director's Update.

Chair Candler: Yes, we can move on on the agenda. I don't think we need anything further for the official recorded motion.

Commissioner Mitchell: Can you show us one more time that – can we see the whole thing one more time before we close shop?

Ms. Rogers: Do you want me to scroll down?

Commissioner Mitchell: Yes.

(silence)

Commissioner Mitchell: It looks good.

Chair Candler: Talley the vote. Are you doing that now? Good. Okay, I think that's the entirety of our recorded motion on this, unless anybody has anything to add. I just want to give everybody a chance to – okay, then unless there's an objection, let's move on to the next agenda item. Commissioner Mitchell, are you still –

Commissioner Mitchell: No, I'm good. Thank you. I just wanted one more eyeball on the whole thing. I'm good. Thank you.

Chair Candler: Okay. Okay, we'll move on to the Director's Update then, under number 5 on our agenda items.

Mr. Hart: So the first thing is to give you an update on where we are in the Shoreline Master Program. We've completed two consultations with the Tribe. We've received information from the Tribe that they would like to have – they would like us to address climate change as one of the big things that we will be talking about with the Commissioners this year. There are funding options that are also out there that the Commissioners may decide that we apply for grants to engage the community in a wider discussion this next year. That would be we would apply by the end of '22 for some funding, engage the community. It's also coming up in another venue too. The County is working on a strategic plan, as well, and so discussion today, in fact. As we do that is how is it impacting operations? Changing climate conditions – how are those impacting us right now and our partners? So in the east county we may be seeing drier summers and dry spells. We recently looked at some other issues. We had a Firewise week and we were – as a team, DNR's been very concerned about urban wildlife interface in this side of the state. So that might be examples of where that dialog could go with the community next year. So we're seeing the state engage in the county in those kinds of places now. So this would provide an opportunity for a larger discussion next year. Anyway, so that came up through the Shoreline Master Program as well – working with the Tribe.

The next big thing is to send that document to the Department of Ecology. The Commissioners have to have a meeting such as this to go and adopt the entire program. It's been years so there's different pieces to the program. So there's a no net loss aspect to the program. There's maps to take a look at again. The original SEPA that was done on the document. All that will be provided to the Department of Ecology, but first to the Commissioners. So the Commissioners will be looking at that in July, that total package. That's years before I even got here, right? So this goes back a ways. That will all then be forwarded. So just – yes?

Commissioner Mitchell: Just a quick question. So you were listing off the things because they are different parts of the package. When you're talking about the maps, are they including the inventory? Is that going to have to be updated or is that just going to be a base standard?

Mr. Hart: The original inventory, that was done as part of this ___. I assume that that would be in there as well.

Commissioner Mitchell: Okay, thank you.

Mr. Hart: Yeah. I haven't heard Betsy use that term, though. But we were talking about the different components and my assumption is that that would be, so yeah.

Commissioner Mitchell: Thank you.

Mr. Hart: Yep. If it's anything different, I'll let the Commission know.

Commissioner Mitchell: That's if I'm remembering the term right either, too! It's been since – what? – 2014?

Mr. Hart: Let's go to the next slide. So let's talk about the docket. Today was a very important day in the docket ___.

Ms. Rogers: Sure. So today the Board established the 2022 docket. They took a vote to decide on which petitions from the County and from citizens would be included on the docket for review by the Planning Commission. So two of the five citizen petitions are included and all three of the County petitions are included on the docket as well. So at the next Planning Commission meeting there will be – it will be our first work session to discuss the petitions that were included, including a little bit of the analysis that we've done so far and a summary of each petition. And we'll plan to have two work sessions the next two meetings and then hopefully a public hearing at the end of July. So that's the schedule that we're looking at for the docket. Are there any questions about that so far?

Mr. Hart: Is the planning wheel correct there?

Ms. Rogers: SEPA and the Commerce notice will come after the work sessions. They'll be published with the official staff report 15 days prior to the public hearing. We've got to fix that ___ our wheel.

Mr. Hart: I know. I just wanted to make sure you guys knew, because we use this as a tool so we want to get it right. Thanks.

Let's talk about the permit side – Andy's side – and what we're doing in the county. So we have approved additional aviation hangars in the last few weeks. We have a brewery expansion. And all these come with some recognition that there'll be more people employed in the county. And so especially look at the brewery expansion. When they're done with that – they hope by '26, '27; it won't all happen at once – there'll be an additional 35 employees up there. And so these breweries keep expanding. That's one.

The next one is – what's the actual name for what I call the “___ processing,” Andy?

Mr. Wargo: West Coast Reductions.

Mr. Hart: West Coast Reductions. Thank you. West Coast Reductions is another firm and when I spoke with them – with their manager – he said that we will initially have 12 but they will have multiple – as they grow, they’re bringing this animal product in from all over the country. And they will increase the number of employees in phases over – so I just anticipate the current use will mean about, I think, three rail cars coming in a week or something like that, and then that will increase to maybe six or something like that. So there’ll be incremental changes out at that site over time and also additional employment as well.

Also awaiting additional – and this is information you gave me – and this is the Westland Whisky. So they’ve completed the third rack house – so these long rack houses that are out on the landscape. And we’re waiting to give it a final occupancy. Two of them have occupancy that – what do we call them? – temporary TCO. So now we’re waiting for DOE to approve their stormwater. It’s an injection system. And they need to do that and then we can move forward. I think that’s the basic process now. So these guys – I brought that up because my team is right here and they’re waiting for that to happen. So am I then.

The next one – and it was in the paper this week – Lindell Yachts. They are going to be adding additional people up there as well. They have come in for their land clearing up there and their first building will be 31,000 square feet and they have potentially other phases to come but right now this is Phase 1. And I think the number they said was around 30 additional employees. So again, additional employment. And so what you’re going to see from a transportation standpoint is probably more cars on the road. The neighborhood’s very concerned about Peterson and so officially trucks aren’t supposed to go down and use that route, so if we see that we will be contacting them and telling them that’s not per your agreement with the County at that point. But we do expect that we have other projects occurring kitty-corner to that one. It’s not on my list but I know that it’s coming, and that’s – I think Chad Fisher Construction is building it. There is an additional storage structure that’s going to be going on up there. We also have the expansion of the Sakata Seed, which is just about finishing up now as well. And so expect more like that. We know that in the pipeline there are more aviation improvements. There’s an expansion of the apron and that will accommodate more airplanes up there as well. So there’s – again, we do expect more commercial expansion.

Then the last one I have – we can go all the way too – I drove this while – last week, and just trying to get a bead on what kind of growth are we seeing out in the rural county – you know, the north side there between Whatcom and in our agricultural lands? And so we are seeing a lot of new housing going on out there. I was able to quickly see as I was eating a burger about three or four that were going on. There’s one more shot of – this is what most of them look like from the road so I don’t show you that! But they’re back there and our inspectors do see this a lot. If you guys want to add anything from your perspective. Shawn, you’re out there quite a lot. Did you want to add anything to what you see out in the north county?

Shawn Christensen: Just to reiterate what you said, Hal: I’m seeing a lot of growth out there. A lot of big homes are being constructed all over the county.

Commissioner Rose: So do you find that there is a certain percentage that are being built without permits? Do you ever run across those too?

Mr. Christensen: We do. I couldn’t give you an exact percentage but we do come across those.

Commissioner Rose: Yeah, yeah.

Mr. Hart: When that typically happens, you know, I like to think that in the county it's a compliance issue and we're not trying to slap hands or do anything like that. We're saying, Hey, come in. You'll be safer for it. And hopefully you haven't sited this in a location where the fix for where you've sited it is going to be quite expensive. Like within a wetland that isn't flooded today but will flood later, or in some sort of other hazard zone. And those are really sad to see when we have the information that could have prevented that from occurring.

Commissioner Rose: Mm-hmm. Yeah. Thank you.

Commissioner Mitchell: I do have some questions, yeah. I can hold them till the end for you.

Mr. Hart: Nope. I think that's it.

Commissioner Mitchell: Okay. Three things, because it seems like we're transitioning into a huge next phase for this next year with the dockets and everything. We got shut out from one of those cool tours going up to Bayview to see the new stuff, and I realize the reason for that has changed. But if it ties in again, I'd like to remind you that we were amenable to that, especially with some of the big changes coming down the pike. And that's if everybody is still interested in that kind of thing.

Chair Candler: It was COVID, right?

Commissioner Mitchell: Yeah, COVID kind of shot everybody in the foot. The second thing is also a reminder for a willingness for a group training, and especially now since we've got – we're full right now. It'd be great to have a group training to take care of everybody and get us back to even, if that works in somewhere, if you've got a window.

Mr. Hart: Which one are you thinking of?

Commissioner Mitchell: Well, Jurassic Park always comes to mind first. It doesn't have to be that but the thing that would fit another aspect of that kind of aspect or another aspect to OPMA. The Jurassic Parliament woman is wonderful. But, you know, you guys know what is out there more than we do. Yeah, and mostly to make sure that we meet our requirements and we're all clear across the state being caught up again because everybody's scattered on what we have.

And the third thing is more of a curiosity's sake. I don't know if this applies to one of your updates for the future or not, but a number of years ago the County improved the – or changed the junk ordinance thing, and I'd like to know if that's working.

Unidentified Female Commissioner: ___ junk ordinance?

Commissioner Mitchell: Oh, yeah! It was a huge deal! It was kind of like the marijuana but a different – you know. I think it's been so many years now having gone through that, did that do what it needed to do? I'm kind of curious. Some of the hesitations the Planning Commissioners had was the same as always. When you put down the language and the legal and the policy for all that kind of thing it depends on how literally something is applied to whom, rather than cherry-picked. And just like you were saying, you don't want to go out and slap people for whatever reason. You want to get people to come in and approve things. And it's just like anything else on how that's applied. And so you guys have been working with that for a number of years and I'd like to know for everybody else's edification how that worked out. Because we've had – I don't know; I've forgotten how many years now.

Mr. Hart: Well, I agree with all three of those and I think the last one would be really fascinating for you to hear and see. We now have a – we're working in tandem with the Sheriff's office. We are – a big part of my day each day is tied back to that, and so there are lots of folks that are living out in the county, and we had a presentation this week, which was completely new. I haven't even – now that I'm thinking of it, we had an encampment under the brand new County facility that crosses the railroad and, you know, the big new facility there. And so those cleanups are quite costly and so it isn't just junk cleanups out there. We're still doing those, but these encampments are pretty big and a lot of times the encampments on private properties involve multiple RVs, multiple vehicles. And so, yes, we'd like to report – I think that would be good to put that out there and explain if there are any code questions that are coming up, and, if so, what are they and what can we fix.

Commissioner Mitchell: Right. Oh, good. Super. Thank you.

Mr. Hart: No, that was a great idea.

Chair Candler: Anything further from the Director's Update?

Mr. Hart: Nope. We're good.

Chair Candler: Thank you. We will move on to item number 6, the Planning Commissioner Comments and Announcements. I don't know – I guess we can just start on the end with Commissioner Rose?

Commissioner Rose: No.

(laughter)

Commissioner Rose: I was just thinking about how when I first moved to the northwest, like 45 years ago, the weather was the same as what we're experiencing right now for about 20 years at least. And then it changed. And I know it has nothing to do with the Planning Commission but it's my comment for the night. So we're going backwards in time as far as the weather goes.

Commissioner Henley: It's almost the solstice, you know. We still have temperatures in the 40s.

Commissioner Rose: Exactly. We have to get through the 4th and then we might see a summer. Right.

Commissioner Mitchell: Well, just to tag onto what Commissioner Rose was saying, it is – you know, look at it for epochs, eons, and cycles and here we are. Thanks.

Chair Candler: Commissioner Hughes?

Commissioner Hughes: No wisdom to add to that!

(laughter)

Chair Candler: Commissioner Henley?

Commissioner Henley: Well, I have nothing at this time.

Chair Candler: Okay. I want to say thank you to everybody, you know, for the work on this, but I particularly really appreciate Commissioner Hughes and Hutchison coming tonight ready to kind of add the language that we needed for our reasons for action. It really made our work more efficient tonight and I think it gives us kind of a better document to provide to the Board of County Commissioners, so thank you very much for that. I appreciate it. I know we all try to do that but tonight it was you guys and I really appreciate it. And everybody else's contributions (were) very welcome as well. Thank you. That is all I have and we've reached the end of our agenda. We are adjourned (gavel).