

**Skagit County Planning Commission
Stormwater Code Update Work Session
January 6, 2015**

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

Staff: Bill Dowe, Public Works Stormwater Permit Program Coordinator
Gary Christensen, Planning Manager
Mike See, Public Works Water Resources Section Manager
Dale Pernula, Planning Director
Dan Berentson, Public Works Director
Ryan Walters, Civil Deputy Prosecuting Attorney

Others: Ron Wesen, Skagit County Commissioner

Public Remarks

Commenters: Carol Ehlers

(NOTE FROM TRANSCRIPTIONIST: Because Ms. Candler, Ms. Mitchell and Ms. Hughes sound very similar on the recordings of these meetings, I may inadvertently have ascribed some of their statements to the wrong person. I apologize if this has occurred.)

Chair Annie Lohman: (gavel) Okay, I call to order this meeting of the Skagit County Planning Commission. It's January 6th and it's 6 p.m. If you could review the agenda...I see everybody is present. Okay, everybody is here and so Commissioner Wesen asked for time at the top of our agenda.

Keith Greenwood: Can we hold him to three minutes?

Commissioner Ron Wesen: I'm sure you can!

(laughter)

Commissioner Wesen: I just wanted to thank everybody from the public who comes to these meetings and all the Planning Commission members for putting in their volunteer time to do this. I appreciate the knowledge and information you have and the good questions you have. And

there's a lot of things on our agenda for the next year and I just want to encourage you to go in depth and to go forward. I do watch all the presentations online. I'm not always here to watch it at the time. And I just want to thank you for all the work and all the volunteer time you do, and the things we can do to help your job a little easier, don't hesitate to give us a call. Talk to me, e-mail, so forth – I'm always available. So just once again, thank you for all your efforts and all your time, and let's have a good year. Thank you.

Chair Lohman: Okay, the next item on the agenda is public remarks. So I would like to remind you that this is an opportunity for the public to address the Planning Commission. And we are going to limit you to three minutes, and if you could say your name and your address – so come on up.

Carol Ehlers: Carol Ehlers, West Fidalgo Island. I wasn't going to say anything but I was just given these pictures. Rosario Road, down in the south part of Fidalgo Island, at Cougar Gap, which was opened up as a County highway in 1970, '71, when I was – had the pleasure of using it to commute to teach at the Whidbey branch, is one of the most stable parts of the road system on Fidalgo Island except when it isn't. This is one of the safest parts of that road because it's rock mostly. It looks like a lot of shale and stuff. But it's not a part of the road that we are afraid of disintegrating either to the west of us onto the shoreline or to the east of us down onto it. This is the main road from Anacortes, on the west side of the island – from Anacortes, especially Skyline and where the ferry comes in, to the Navy base. This morning when I came to the hearing I saw more traffic on Campbell Lake Road than I have ever seen in my life, and now I know why.

This is another picture, which gives another illustration of how vertical a landslide can be. Now this hillside is tree-covered. This hillside was well-engineered. The road was very well done. I know the man who did it. He won an award for this road. But as with what happens with Mother Nature – and I want you to realize, trees help but they don't stop land from sliding. Oso's another example. I'll give you a picture of that next time. But when you come to talking about drainage or you're talking about anything on the land where the land isn't flat, realize that it can slide. And in this case it's infrastructure that's cost. In some cases it's private infrastructure that's cost. In many, many cases it's the environment that's cost. And if you're really unlucky, it's all three. Thank you.

Chair Lohman: Thank you. Anybody else for Public Remarks?

(silence)

Chair Lohman: Okay, seeing none, we're going to move into the next item which is our officer elections. And our Planning Commission bylaws require that we elect a Chair and a Vice Chair at our first regular meeting of the year and we are at the first meeting of the year. So are there any nominations for the position of Chair?

Kathy Mitchell: I'd like to nominate Keith.

Chair Lohman: Any other nominations for Chair?

Mr. Greenwood: Well, then I'm going to nominate – I'd like to nominate Annie Lohman.

Chair Lohman: I'm going to decline. Is there any other nominations? Josh, did you want to do it?

Mr. Greenwood: I'd be happy to nominate Josh, since Annie declined, because I think he'd do a very good job.

Josh Axthelm: Yeah.

Chair Lohman: Okay, are there any other nominations?

(silence)

Chair Lohman: Okay, it's been Keith and Josh have been nominated to be the Chair. So we vote, so how do we do this? I've never –

Ms. Mitchell: Just call a vote.

Chair Lohman: So do you want to just go down the roll and we say who we want?

Ms. Mitchell: That would work.

Chair Lohman: Shall we do that?

Tammy Candler: Can we clarify if – have you declined the nomination or are you –

Mr. Greenwood: I was fishing for some more nominations actually because, based on my schedule, I'd prefer not to. And so I would like to withdraw from consideration if that's okay with you.

Chair Lohman: So the only nomination for Chair is Josh Axthelm. Okay? So let's all vote for the Chairman of the Planning Commission as Josh Axthelm. So, Robert, what is your vote?

Robert Temples: Yes.

Kevin Meenaghan: Yes.

Ms. Mitchell: Yes.

Chair Lohman: Yes.

Mr. Axthelm: Yes.

Amy Hughes: Yes.

Ms. Candler: Yes.

Mr. Greenwood: I guess.

Matt Mahaffie: Yes.

(laughter)

Chair Lohman: Josh Axthelm has been nominated to be the – and voted to be – the Chairman, so I will pass the gavel on to you. And now we'll go to the election of the Vice Chair.

Chair Axthelm: So any nominations for Vice Chair?

Ms. Mitchell: Keith, would you?

Mr. Greenwood: I'd consider that one. Sure. I'd help him out.

Ms. Mitchell: Sold!

Mr. Axthelm: I would appreciate that! Any other nominations for Vice Chair?

(silence)

Mr. Axthelm: Okay, seeing none, same vote.

Mr. Temples: I say yes.

Mr. Meenaghan: Yes.

Ms. Mitchell: Yes.

Ms. Lohman: Yes.

Chair Axthelm: Yes.

Ms. Hughes: Yes.

Ms. Candler: Yes.

Mr. Mahaffie: Yes.

Chair Axthelm: Okay. So, Keith.

Mr. Greenwood: Okay.

Chair Axthelm: It's your job.

Mr. Greenwood: All right, good. Good. I look forward to it.

Chair Axthelm: Good. Okay, so that takes care of elections for tonight. Do you want to finish up since you already have this prepared? Or do you want to have me take care of it?

Ms. Lohman: Go ahead.

Chair Axthelm: Okay. So we're done with elections so we'll move on to the next agenda item and Stormwater Work Session.

Bill Dowe: Josh, your name tag is about to fall off the table.

Chair Axthelm: Thank you.

Mr. Dowe: I've been looking at that and the dad in me just cringes!

(laughter)

Chair Axthelm: Thank you.

Mr. Dowe: Okay, so we're going to talk about the 2012 Stormwater Permit requirements. The long version of that – it's the National Pollution Elimination Discharge System Permit. That's an atrocious thing to talk about and even the NPDES acronym isn't very much better, so we're going to call it the Stormwater because it's just easier to say.

So the Stormwater Permit has its basis in federal law. In 1948 there was the federal Water Pollution Control Act. I don't know if that was the first thing that declared which things were waters of the states, but it's among the early ones. And they went after primarily giant corporations that were polluting. Well, I'm from the Midwest so what I know about it is from the Great Lakes. The joke there was Lake Erie would never freeze because you could probably burn it. Anyway, so there's that.

And then in 1972 the federal Clean Water Act, and then that passed down through the states and I think all but two states administer their own version of the Clean Water Act. In this state, in 1945, the RCW 43 the Water Pollution Control. Anyway, fast forward – this state we're talking about Phase I and Phase II permits. The Phase I permits were the big cities, big jurisdictions, so King County, Seattle, Tacoma, Pierce County – places like that – Snohomish County. So we're smaller. We're a Phase II. We didn't have to do it as early as the big cities did. And so there's actually four versions of the permit. There's a West Washington Phase I and Phase II and an Eastern Washington Phase I and Phase II. And I have never read any of the others so I don't know what theirs says. It doesn't matter. So we are the Phase II and that's how we got there.

And then I'd also like to talk about when they talk about a permit – I mean, I came from the Building Department so a permit is something that's hard to get. You know, you submit plans. You have to come up with a pretty detailed plan in order to get it approved. This is a different kind of permit. The state hands it to you and says, There – here's your permit. It came with conditions and so it's those conditions that we're working to meet.

So we had the first Phase II permit in 2007. Now they've revised it so we have a new Phase II permit and it's the changes that we'll be working forward to. And by the middle of 2016, the final product and the reports are due. We would like to do it much faster. I saw how GMA played out through the state and the people that adopted it early had to do X-amount of stuff. The people that went late had to do X-plus – a bunch of other stuff. And so I'd like to do – I'd like to be early.

So a stormwater permit applies – has the full vote – in the stormwater permit areas. And so in the counties the way they talk about it is "the geographic area of coverage is the urbanized areas and urban growth areas associated with permitted cities." So Sedro-Woolley, Burlington, Mount Vernon each have their own NPDES Phase II permits, so it's the same requirements as we have. And it's the urban growth areas plus a few other unassociated areas.

The first permit we had included some ag areas to the west and a little bit north of Burlington. It's supposed to be based on census requirements. It was farm fields. We didn't understand why those areas were included. We petitioned to have them removed and in the new version of the

permit they are gone. So here's the old map. I'm sorry these couldn't be any bigger than they are. But there's an area in south Mount Vernon, if you can see the pointer, and then here's the areas north and west of Burlington up there. And in the new map, those areas are no longer included. Here's south. But what they did add was the areas around Clear Lake because they're populated, and they added the areas to the east of Big Lake. That's where Nookachamp Hills is and the Janicki development is in there, so those areas are now in.

Ms. Lohman: Can I ask you a question?

Mr. Dowe: Certainly.

Ms. Lohman: That area on the northwest side that goes over to Josh Wilson Road, could that be scaled back further? Because a lot of that is –

Mr. Dowe: You're talking about up in here?

Ms. Lohman: In the red.

Mr. Dowe: In the red.

Ms. Lohman: Yep.

Mr. Dowe: I think that's the Bayview Ridge area. That's probably the – it probably follows that boundary.

Ms. Lohman: Well, it goes – doesn't it go –

Mr. Dowe: I don't know.

Ms. Lohman: I don't know either.

Gary Christensen: It looks like it's east of Farm To Market and south of Josh Wilson, and appears to be following the Bayview Ridge Subarea boundary.

Ms. Lohman: So then my question is is, Why doesn't it go further west and capture anything on Fidalgo Island, because we still have another city over there?

Mr. Dowe: I don't know the answer to that one.

Ms. Lohman: And this was based on a census from a few years ago. Well, didn't we have a recent census that put us at over 100,000 people and so does that mean we're going to get kicked up to a different permit type?

Mr. Dowe: Not at the moment. I mean, nobody is talking about that.

Ms. Lohman: I mean, I don't want to wish ___!

Mr. Dowe: Yeah! Yes?

Mike See: Can I add some clarification on the Fidalgo question?

Mr. Dowe: Yes. Good.

Mr. See: Mike See, Water Resources Section Manager for Public Works. The UGA for Anacortes, which if – would be the eligible area for a countywide permit. That primarily is March's Point, which – it was proposed to be added a couple of years ago, but when we pointed out the lack of population on March's Point as well as the major industries out there already being significantly regulated by their own NPDES and discharge permits, Ecology decided not to proceed with adding Anacortes's UGA. The Clean Water Act – 1972 Clean Water Act – has numbers in it as far as population-wise that we used to negotiate with them as far as some of these areas that, one, were not zoned for urban level development and, two, didn't have the population. Nor at their zoning and type of land use did we foresee them having the population levels that dictate being included in a permit like this.

Ms. Lohman: Well, with the Bayview Ridge being – it's a different thing than the original Bayview Ridge, so you could almost argue that the population there is going to be less than what you originally intended.

Mr. See: Yeah, I think there's population standards but there's a minimum that Ecology has to follow passed down by EPA that urban growth areas be incorporated in their entirety. So that's why some of these areas are – it's the boundaries of the urban growth area. So, yes, in theory as those urban growth boundaries change our next edition of the permit could be likely revised, based off new boundaries. But, yeah, Ecology's hands are kind of tied with that being a requirement from EPA. Our NPDES permits *have* to include urban growth areas in census-defined urbanized areas.

Ms. Lohman: Thank you for that clarification.

Mr. See: Yeah.

Mr. Dowe: Stick around. There may be more! Okay, so within the permit areas there are also exemptions. So how this permit applies to the county is scaled by where it applies and also what you do.

So the exemptions: Forest practices regulated by Title 222 WAC. That's commercial forest practices, and most of the time they replant when they're done.

Commercial agriculture is exempt except for where you convert forest to ag or where you construct impervious surfaces. So ongoing agriculture is exempt.

Oil and gas field activities, so the pipelines can keep working on their pipelines without going through this permitting process.

Pavement maintenance, so all the people that take care of roads, including the County, can do maintenance as long as they don't upgrade. So upgrading includes making the road wider but also improving them. If they take them from chip seal to asphalt then they would have to comply with the permit.

And then underground utilities are exempt. Typically they dig a trench, put their stuff in, and then cover it up again, so there isn't a lot of infrastructure left behind.

So our program has five large requirements and I want to just walk through them. So public education and outreach: Most of this we do through a contract with the Conservation District. They're really good at this and we're not, so they do weekend workshops, evening workshops. They organize volunteers to do various things. So public education and outreach.

Public involvement: Again, it's the Conservation District helps us by organizing volunteers to do a lot of different things. We do update our Management Plan every year, ask for comments on it. There are various actions that we do that involve the public. One of them is going to be when we update our codes here.

We have to have an illicit discharge detection and elimination system, which we do have. It's a little like code enforcement where if things are reported we investigate and decide what should happen and who should take care of it.

Another thing is we have to control runoff from development. That we haven't – well, we do that under our existing permit, but under the future one we'll have to do it a little differently.

And then there are things that are municipal operations and maintenance we have to take care of, so the road shop, and we do that.

So where we're going to be focusing is on item C.4, Controlling Runoff from Development. So that's this group's charge in this whole endeavor.

So under our permit *current* requirements, we have to have an ordinance to address runoff. We have that. We have to have a permitting process with plan review, inspection, enforcement. Any of you have gone through the permitting process will know that that's being done. Josh knows!

We have to verify adequate long-term operation and maintenance of post-construction facilities. That's detention ponds. And we do have a person that checks those annually. And most people do a pretty good job and then a few of them need reminders.

And then we have to keep records and train the staff, and we do that too.

So that's under the current permit. So under the update we have to review, revise, and make effective local codes. We have to make LID the preferred approach, and the outline – the way we need to do that is outlined in a book which I'll give you after I'm done. You get homework! It's only about 100 pages. There'll be a quiz next week. Anyway, the intention is to minimize the impervious surfaces, use native vegetation to help control runoff.

And then part of the updated requirements we have to submit: a report to Ecology – how our process went.

I see you writing this all down, Annie. If you want, I can just send you a copy of this when I'm done.

Ms. Lohman: Yeah, that'd be great.

Mr. Dowe: Okay, that's fine. So here's the natural water cycle. It rains, which of course it does around here. A lot of the water soaks into the soil which it does around here too. There is also a lot of runoff. I mean, the rivers were there long before there was people around here. So that's

runoff. But the saturated soils is what keeps our creeks running because of the flow into the creeks. So that's the cycle that we're trying to emulate.

So Low Impact Development: It's a strategy emphasizing protection and use of on-site natural features to manage stormwater. This stuff is geared toward urban development. It's easy to see when someone builds a house on five acres how they're going to keep a lot of native vegetation because they probably would anyway, but we'll see how this – well, at the end of this whole cycle we'll see how we're going to operate.

Anyway, they integrate engineered, small-scale stormwater controls. There was a time when big developments would use one big detention pond for the whole thing, and then if it failed all the stormwater from that development went haywire. And we've seen some of the bad results of that. So the failures would also be small under the new system. So we're using it at the parcel and the subdivision scale. And the primary goal is no impact to receiving waters. So that's our goals.

Some of the way low impact development works is by taking your roof runoff and putting it through a garden. The garden out front here is the Brookings Memorial Rain Garden. That takes care of the runoff from this building. You probably couldn't see it tonight because it was dark. And in this picture there's an awful lot of mulch showing. There days there's not very – you can't see very much of that. It's grown up quite a bit.

The County also built a street waste decant facility. It's a place where we take street – the things the street sweepers take their waste and also the vacor trucks where they vacuum out all our catch basins and stuff. That stuff's really muddy – you can see in the picture – and it goes into the building you all know as the incinerator. That big pit creates about an 80,000-gallon reservoir where it gives the water time to settle out and so all that junk doesn't go into the sewer system. It gets sent to the Roosevelt Landfill. And we just finished that this summer.

And then next door to the north of this lot we did a LID demonstration parking lot which just opened to us a couple of – well, last week. So the top right – well, these are gardens right here, and that section is traditional asphalt that drains into the gardens. All across the bottom and this section here is pervious concrete, and it's been kind of interesting to see how that works. And then there's one small strip around across the front that's pervious asphalt. And the pervious concrete and asphalt kind of look like a giant Rice Krispie bar. It's just weird. And then the creek is along this edge here. And we've learned that pervious concrete goes both directions. The outlet to the street is a lot lower than this pavement here and during the rain event yesterday some of the water was flowing out of this ramp. So we learned from doing this, too.

So why do this at all? Well, if you remember from the presentations in September we reduced pollution by filtering stormwater; we recharged the groundwater; and we moderate stormwater flow so it doesn't get to the river quite so fast. That helps reduce flooding. And then the last reason is we have to.

So we have a page on our website dedicated to this project. The whole page looks like this. You can't read it because it's too small so I'm going to zoom in on the white part – a little bit better. It has the list of documents that you can delve into if you're so inclined – the background documents. It's on the County website. You probably – well, do you guys all want a copy of this one? I mean, I can e-mail it to you. That's easy.

Several Commissioners: Please.

Mr. Dowe: And then you'll have links to all this stuff.

Dale Pernula: Bill, I think there were links right on the agenda that was sent to the Planning Commission.

Mr. Dowe: Oh, yeah. There was –

Mr. Pernula: Most of the stuff, yeah.

Mr. Christensen: We'll put the PowerPoint –

Mr. Greenwood: I was going to ask if you could just put it up there.

Mr. Dowe: We'll put the PowerPoint – okay.

Ms. Mitchell: There are more links on the webpage than on the agenda, too.

Mr. Dowe: Yeah, that's right. So the method we have to use – here's this handy book: A Guidebook for Local Governments – how to integrate LID into our local codes.

Chair Axthelm: Bill?

Mr. Dowe: Yes?

Chair Axthelm: Is the LID, is that a written code right now? Or do you – a full document, or does the County need to come up with its own version of that document?

Mr. Dowe: Well, LID is low impact development and the Stormwater Manual, which is different from the stormwater permit, has some sections in there. It gives us standards by which to review them so that people that want to do low impact development have a way to get them approved. The older stormwater manuals didn't know about it. So that's what we have to work our way through. But it's not – there isn't a code. The stormwater permit says use this book to develop regulations so that's what we'll be doing.

Chair Axthelm: Okay.

Mr. Dowe: A lot of this book is putting your ___ together and stuff like that. It's not code language particularly, but it's still helpful.

Mr. Temples: Bill, I read through a lot of this stuff and what I – one thing I didn't see – I can understand why this is really more of a manual for you folks. But is there an ongoing – I want to use the term 'testing' of the county's waters to see what changes are actually occurring?

Mr. Dowe: Well, we do monitoring in various streams. Mike knows more about the monitoring program than I do, though, so I want to go to you, Mike.

Mr. See: We do have an ambient water – which "ambient" means basically we go out every week same time, same day, regardless of if the river's this high or that high or if it's pouring down rain or not. And we have an ambient water quality program – approximately 40 sites throughout the county. We visit half of them every week, and a lot of that was tied to and

created early 2000s around our critical area ordinances. And we look at that and from that information try to see what the trends are for water quality. And those sites are set and we also have additional sites in the Samish watershed that are focused on issues there. But our ambient water quality program and the Samish water quality monitoring encompasses most of our sampling that we do.

Mr. Dowe: Are there any obvious trends from – that you've seen?

Mr. See: Not that I could speak to at this moment.

Mr. Dowe: Okay. No red flags.

Mr. See: Well, state water quality standards are hard to meet in some situations, and in some situations in a lot of different streams and water bodies.

Ms. Mitchell: One of these plans had referred to the basin plans that – at least it was in the appendix for definitions and terms.

Mr. See: Okay.

Ms. Mitchell: And so it inferred that there was something about a basin plan that we would need to rely on. Do we have such a document yet?

Mr. See: Hmm, I would have to see where that reference is coming from probably to answer.

Ms. Mitchell: I can give that to you shortly.

Ms. Hughes: The sites that you monitor, are they in coordination with what the Fish and Wildlife Department is doing down like on the Fir Island area? Is there some overlap of all the different groups that are monitoring water?

Mr. Dowe: Probably.

Mr. See: There is, and actually separate from development, LID stuff that we're having you folks look at, in all those lists of requirements that the permit puts on the County, one of them is monitoring. And we are engaging in a regional monitoring program that all the permittees in western Washington are paying into which is a much more encompassing, looking at – taking water quality data that everybody's collecting and trying to put it together in a useful database and share that with the right people. So that is going on, and there is requirements that we participate via this stormwater permit that don't necessarily relate to development regulations that we are participating in.

Ms. Mitchell: The basin plans – it says "Basin plan – a surface water management process consisting of three parts: scientific study of the basin's drainage features and its quality; developing actions and recommendations for resolving any deficiencies discovered during the study; and implementing recommendations followed by monitoring." And that is in the report that our County put out for this in 2013.

Mr. See: Which report is that?

Ms. Mitchell: Let me read the head page. The 2013 Stormwater. It's called the Skagit NPDES –

Mr. See: Oh, yeah. I wrote it. I should know that.

(laughter)

Ms. Mitchell: At the very end it refers to it.

Mr. See: Yeah. I would have to refresh my memory, but I will gladly do that and get back to you.

Ms. Mitchell: Yeah, because if there is such a thing it'd be great to see that.

Mr. See: Yeah.

Mr. Dowe: The definitions in there came straight from Ecology so not all of them are ours.

Ms. Mitchell: Yeah, that's why I was wondering if it was existing yet or not, but they relied on it somewhere.

Mr. Dowe: Yeah, I'm sure they did. Okay.

Mr. Greenwood: Can I ask for clarification? You said that making the LID a preferred method and you said we're required to do that. Where's that requirement coming from? The EPA, Ecology, or –

Mr. See: Yeah, it's kind of – it gets passed down to us. It starts – like as Bill was pointing out with the history – it starts with the federal Clean Water Act. It identified stormwater as –

Mr. Greenwood: But the Clean Water Act doesn't say anything about LID.

Mr. See: Right.

Mr. Greenwood: Right? So going from there, what's next?

Mr. See: Going from there the EPA, because the federal Water Act requires states to issue NPDES municipal stormwater permits, so to those agencies and organizations that maintain and operate these drainage systems. Well, if we're – we have to accept this permit and within it are requirements. To not accept or fall through or meet the requirements of the permit –

Mr. Greenwood: But it's not in our current permit, correct? You're talking about the one coming up.

Mr. See: No, it's in our current permit to do these things with LID.

Mr. Greenwood: To make LID preferred? I don't see it. I haven't seen it. I mean, maybe there's some correspondence that I haven't seen.

Mr. See: Okay. We definitely can provide a copy of our current permit, but there is language that we make code changes to require LID that is – follows the guidelines that were given in the document that we passed out. So we definitely can –

Mr. Greenwood: In that document from the Puget Sound Partnership?

Mr. See: Yeah.

Chair Axthelm: But those code changes haven't been made as of yet.

Mr. See: No.

Mr. Dowe: That's what we're doing now. So the permit – so there's the permit and there's the Stormwater Manual and they're two different documents, but the permit was updated in 2012 and then it was appealed by various entities, and then the appeals all wrapped up about August this year and so we got the final version of the 2012 permit issued in 2013, and so that's what we're working from now.

Mr. Greenwood: But the Management Plan and the program report, which is annual, documents our compliance with that existing permit, does it not?

Mr. See: Yeah, and we are compliant with the existing permit; however, in the existing permit –

Mr. Greenwood: And it goes till 2018?

Mr. See: Yes.

Mr. Greenwood: Okay.

Ms. Mitchell: And do we have latitude within that? I realize that there's requirements but when you read that LID there's a lot of wish list in there of things that they would like to have and they would recommend, but not everything makes sense in there. They even admit that in several sections. So how do we have latitude?

Mr. See: To an extent, yeah. It's got to be – as we work through this process it's – there're certain components that I think would have to be in there. How they're written or phrased probably is some level of flexibility. But it has to meet what Ecology is expecting from us.

Ms. Mitchell: How's this for an example? I mean, there's a lot of examples that are in there and the reasonings for them but, for example, the shortened parking spaces and those kinds of things. That's literal one point. There's many things that you can and can't do but they write caveats in there and in other places saying that these things may not be practical in so many words. And that's where I'm wondering where we have latitude because it's a plethora of good ideas but not necessarily practical.

Mr. See: Yeah. Yeah, and I think in future meetings the plan is to go through in more detail some specifics. Maybe not necessarily at this meeting, but we did perform a gap analysis with a consultant so we definitely have some ideas of, like, where our code as written meets what the intent is of the requirements and where we need to make changes and ideas there.

Chair Axthelm: Bill, do you have more to your presentation?

Mr. Dowe: I just wanted – actually I have this and one more slide, I think. So we have the approach that we intend to take is to update our definitions, like hard surface, development, low impact development. I don't know if it's a current definition. We're going to rename the Drainage section of 14.32 to Stormwater Management. It needs reorganization because some parts of it

are confusing even as written. I want to set a maximum impervious area on development on a lot. So what that exactly looks like, I don't know yet. And then add native vegetation requirements. So the timeline is: In September, we already had the study session. January 6th is tonight and so we're talking about what the permit actually requires. Sometime this spring we intend to bring you a draft code so that you get the concepts we're working on and we can talk more about it at that point. And then the other timelines follow there however they will.

Ms. Lohman: I guess I didn't realize that the September 9th was a study session. I thought it was a presentation by the – that was the lady that did the underwater diving?

Ms. Mitchell: Yeah. Same here. I didn't feel like that was a study session.

Ms. Lohman: I'm stunned to see that.

Mr. Dowe: Well, I called it a study session. You could call it whatever you wanted to. But it was really to talk about what is stormwater, what are we talking about, because it isn't just drainage. It's more about pollution than drainage.

Ms. Mitchell: Bill, how many times do you think within this process will we be coming back and being able to have, you know, dialog back and forth about different points with it?

Mr. Dowe: Several times. I don't know that I could quantify it. I have to organize what it is we're going to do before I can answer that.

Ms. Mitchell: Okay.

Mr. Dowe: I didn't intend to bring you a final product and say, Here – approve it. I was hoping that we could kind of approach it as the minimum we need to do to be compliant and then talk about more how we want this to apply to other areas besides the NPDES area. Some of this is a good idea everywhere. And I know the builders go crazy when the requirements are different one side of the street from the other. So the next step is we will develop code amendments and then we will have an internal review and consult with stakeholders. So I've talked to Wayne Crider at SICBA. They're interested in this update. They will be talking to the other jurisdictions around here really because it affects all their members. Now not every builder in the county is a member of that but they're a pretty progressive group and I expect help from them. They may think of stuff that we don't. Actually I hope they do because it's their part in this.

And that's it.

Chair Axthelm: So, Bill, I have a question, or a couple questions. One is: Is the idea with this to get away from the large detention pond, large – for developments and go towards more each property?

Mr. Dowe: I think that that's the general idea. But each site is a little different, so low impact development will work in a lot of places but there're some places it just won't. I mean we're – like my house, parts of – there's places on my property where the soil's only six inches deep and then it's hardpan. Well, low impact development won't work there very well.

Chair Axthelm: Yeah.

Mr. Dowe: But there are other places that it'll work great. I mean, I've worked – I helped build a house out near – well, there's a school off of Chuckanut and Edison and there's a house next to it. And it rained like crazy and five minutes later all the water was ground and was gone. It just soaked in. So places like that would work fine. And then there's all the places in between.

Chair Axthelm: So will the County – is the idea that the County will be monitoring these different sites? So if an individual residence or a –

Mr. Dowe: No, the idea actually is for individual sites to do their own monitoring and then just we spot-check them, I think. I mean, right now there aren't very many. There's 30 detention ponds or three dozen maybe that we check and so it's not a very big load, but ten years from now there could be 200 of them and then that – we don't want to create another job checking these. We would rather you just keep track of your own and take care of it.

Chair Axthelm: Yeah. Okay.

Mr. Greenwood: I have a question.

Mr. Dowe: Yes?

Mr. Greenwood: Is the purpose in developing code surrounding low impact development so that we know how to enforce those? Or are we looking to impose specific best management practices? Because normally you would just have additional tools added to the toolbox of choices to make, and it sounds like in reading this Guidebook for Local Governments they're wondering why people – even part of your study, I think that you've been asked to do is to look for barriers to it. Why hasn't it been, you know, caught on so much? So in this document that you handed out to us some of the components I read said that, well, maybe we just need to force them to do it instead. And so I'm not real comfortable with having an idea which is conceptual and has some research behind parts of it showing pluses and minuses, as well as the need for site-specific application, and then there are those who believe strongly enough into it to where people aren't latching on to it so we're going to require it. So why are we going this approach rather than having it be added to – maybe as you've done thus far – in educating people about the benefits so that they can choose whether they use that or the other – some of the traditional methods that have been effective but maybe for some reasons not preferred?

Mr. Dowe: Okay. Well, the traditional method that has been is all your stormwater gets dumped in the county ditch. And that's how we get to flooding because it drains the water off of properties way faster than the river can handle it. So this is a method. It's a best management practice for sure to slow the water – to slow it down.

Mr. Greenwood: But you've also identified that it's not appropriate everywhere, correct?

Mr. Dowe: That's right.

Mr. Greenwood: So we need to be able to have it as a tool.

Mr. Dowe: We're hoping that there are –

Mr. Greenwood: They're appropriate in some places. Detention ponds are appropriate in places. Some of the research that we are referenced to talks about incorporating both methods. I think even their example of some aquarium design parking lot in Florida, which happens to be

a little flatter than here, where they did some research. They used all methods available to them, including – and there're some components of maintenance that are a strong deterrent.

Mr. Dowe: Well, that's our task then, is to find a system that will work around here, because our –

Mr. Temples: Well, it's like a little test right now they're doing in Puget Sound because they're seeing some major pollution issues within the Sound. So before it even gets to the Sound, you want to try to – that's why I was asking, Are they testing this water that's coming down from the mountains down to the ocean? Well, if we don't know what's coming down (and) we don't have any problems that's great. But I think we've been having problems for probably several hundred years since man's been here.

Mr. Greenwood: Yeah, I guess I'm not advocating that there's no room for improvement.

Mr. Temples: I mean, I've seen a lot of these LIDs down in Snohomish County and in King County, and they're really quite progressive and they work extremely well. I mean, it may not be the best practice but it's probably a heck of a lot better than what we had as an alternative 50 years ago.

Mr. Greenwood: I was just looking at it as a tool. I'd like it to remain as a tool rather than a code enforcement. If we get proscriptive, we end up with consequences that are unintended like streets that flow into our impervious concrete area and then will overwhelm another system. That might work well by itself, but in conjunction with the whole it might not be appropriate.

Mr. Dowe: Sure. Well, keep reminding yourself that this only applies in a small area of the county, so it isn't everywhere. So it's the permit areas around the edges of the cities.

Mr. Meenaghan: Why is that? Why is it restricted to those permit areas? Why isn't it the whole county?

Mr. Dowe: Well, it's only automatically required there. It could be – there's certainly room for more of this out in the county and I think that would help the whole county, too.

Mr. Meenaghan: And it's – I think that part of my question is, What drives these areas? Is it density? Development? What is it on the map?

Mr. Dowe: On the face of it it's the census bureau population statistics.

Mr. Meenaghan: Okay.

Mr. Dowe: And then it's modified slightly by zoning, because if we're on the verge of being okay and it's zoned some high density thing, that's one thing. If it's zoned Ag where you could only build a new house on 40 acres, not so much.

Ms. Mitchell: I'd like to co-sign some of what Keith's saying because in some of the stuff, the new materials – like the pervious concretes and the pervious asphalts and those kinds of things – as relatively new would love to see what the specifics are and what the results are and those kinds of things since it's –

Mr. Dowe: Well, it's new enough we don't have a lot of statistics. That's part of the problem.

Ms. Mitchell: Is it been just like the last year or two years or what?

Mr. Dowe: The last few years. I can't tell you how many but it's new around here and so there are some test places.

Mr. Temples: I mean, it's like the city hall in Mukilteo. I mean, it's all brand new and they've got a roof that's got vegetation growing on the top of it and they've got all the drought supplemental plants that are around the building and everything, and I mean it's – as I said, they had virtually no drainage out of their city hall. It sounds like we're doing it here too to some degree.

Chair Axthelm: And a lot of these principles, if they're around for a long time it's just formulating them to the LID.

Mr. Dowe: Right.

Chair Axthelm: So we've been incorporating them – in construction we incorporate a lot of those – a lot of the principles – in to retain the runoff, and part of that can be more expensive. Some of it can actually make it less expensive, so it just depends on – because you don't have to put in this big drainage system.

Mr. Dowe: Right. So our task is to develop regulations that include that, and it is required, Keith, but it is not required everywhere, and what that exactly looks like depends on us.

Mr. Greenwood: I would like –

Mr. Dowe: The regulations do include the use of engineers to decide whether or not your property works for that – what the flow rates through the soil would be – because, you know, I had a year of geology in college but that doesn't make me a geologist, you know. I just kind of understand how this stuff works, but –

Mr. Greenwood: Right. True. I mean, I have some ideas that I try to facilitate in my business that not everybody adheres to, some for traditional purposes and some for cost effective – you know, in their own minds – so they might have a different approach. But that doesn't necessarily make it wrong. So sometimes you don't have a very convincing argument and sometimes you don't have enough incentive –

Mr. Dowe: Yeah.

Mr. Greenwood: – as to why to choose another method. But that's part of the education process and the incentivization.

Mr. Dowe: Sure. What do you do? Okay. What do you do?

Mr. Greenwood: I'm a forester.

Mr. Dowe: Ah, okay.

Ms. Mitchell: Because this is such a hot topic, so if you do run across new statistics and things like that could you forward them to us so we can see, you know, how these things are working?

Mr. Dowe: Sure.

Ms. Mitchell: That'd be great to see.

Mr. Dowe: Sure.

Ms. Mitchell: Thank you.

Ms. Lohman: I thought it was interesting. I did read that handbook that you passed out.

Mr. Dowe: Okay.

Ms. Lohman: And it has a lot of ideas but it also – it throws up precautions – you know: This might not work. Like there's a discussion about critical areas and shoreline management and that's kind of something I'm interested in, so it said it may not work to use some of these LID BMP features in that scenario or in those locations. So there's – while they might be coming across – there's some really cool ideas and it sounds almost like a model planned unit development kind of thing instead of a countywide stormwater management plan, it also says well, wait a minute. This might not work. So it *is* kind of putting us in charge so we can kind of control our destiny a little bit, I think.

Mr. Greenwood: Cool.

Mr. Dowe: Yeah.

Mr. Temple: It's basically site-specific is what it's going to end up being.

Ms. Lohman: Yeah, I mean when I first started reading this I admit that I got a little bit excited – Oh, my gosh, how are we going to do this? And here's somebody like a giant urban planner coming to Skagit County and they're going to make us suburban and this is awful, and then I started kind of settling down and reading it and then I read the County's book after I read this one, which is probably a good order. And then it was like, Ah, okay, this isn't quite as terrible as I thought, or it has the potential of not being quite as terrible as I thought.

Mr. Dowe: Dan drove straight through with fake praise, you know!

Chair Axthelm: I think it comes down to *how* the County adopts it.

Mr. Dowe: Yes.

Chair Axthelm: How the County puts it into their program.

Mr. Dowe: That's right.

Chair Axthelm: You know, do you make it a separate program as something new and extensive, or can you simplify it? For instance, every time a new program comes in there's another permit and more prices have to go on to a building, which then goes on to the owners, and also the County has to regulate it. So I would suggest that it gets incorporated in so that we don't have the extra costs and the extra processes – although there's some, but keeping it down.

Ms. Lohman: Well, I think we might – we should try to identify stuff that we're already doing so we're not reinventing the wheel.

Mr. Dowe: That's right. So that's what we're going to do first is come through and figure out what exactly we need to change and what it might look like.

Ms. Lohman: So for clarification then, in our agenda you had referenced the drainage code, but I didn't see any new language. It isn't changed yet.

Mr. Dowe: You don't have any new language yet. We don't have any new language yet either. I mean, we know some parts of it that we'll need to change but I don't have anything to hand you yet.

Ms. Lohman: But is that the only place in code you're planning on doing some work?

Mr. Dowe: No. We're going to change – there's a lot of definitions are new with this whole thing, just because it's a new item. And then so there's definitions, there is the drainage chapter, which is 14.32, and then in zoning some of the parking requirements – that's 14.16.800 – they'll probably have to change. One of the things with low impact development is smaller parking places because so many people have small cars now. Now that doesn't work at your house where you only have to have two parking places anyway, but it works at Wal-Mart where they have a thousand of them and, you know, maybe 200 of them could be for small cars. Costco's got the greatest parking in the world. It's got – I drive a Jetta so I fit between the lines so I don't even have to go straight in. I can go diagonally and I still fit. But they could be smaller than they are and they wouldn't need such a big parking lot.

Mr. Temple: I've got a question for you. I've seen a lot of this done down in Snohomish County. I don't know if they're –

Mr. Dowe: They're a Phase I permittee. That's why.

Mr. Temple: And they're farther ahead.

Mr. Dowe: Yes.

Mr. Temple: I'm just thinking it might behoove – I don't know if you have a counterpart down there to discuss some of this with, but it might be valuable. Because I know, for example, on one of the road projects they did down near Paine Field it went from a two-lane road to a four-lane road and the state made them put in all of this water detention requirements, but it was way above just putting in some ponds. I mean, they planted logs and plants that absolutely love to eat up all the oil off the streets. I've never heard of such a thing, but all I know is they're flourishing. I mean, those ponds are happy!

Mr. Dowe: All right, well, we have a – we meet with the other permit coordinators periodically – monthly, in fact – and so I'm sure that we will get to that. Our discussions lately have been this because everybody is in the same boat. We all have to update our codes right now and nobody has done it yet, so we don't have anybody's to look at or anything else.

Mr. Greenwood: Do you have an outline of – you've just identified a couple areas – of changes – code changes – that you anticipate, or at least areas that you anticipate changes to? Do you

have an outline of the particular changes that you're *anticipating* or is it just going to be an add-on section with add-on definitions or _____?

Mr. Dowe: We don't yet. We're just getting started at this, too.

Mr. Greenwood: Okay.

Mr. Dowe: I mean, it's new to us. There were so many appeals to the permit when it came out we didn't know how they were going to work out so we just – everybody just waited. And in the end the changes were pretty minor.

Chair Axthelm: Will there be a committee that gets to work on this? So somebody from the community – civil engineers, people that work with this type of development?

Mr. Dowe: I'm not sure what we're going to do yet. We just started working on this – literally just started working on this recently. So I know that we will include some of the people that'll end up using it because we can't write a code that would kill development. That's not our intention.

Mr. Greenwood: I would like to see the RCW or the letter of correspondence that indicates that – what it is that they're expecting of us, what it is that they actually want with regard to LID. If it's a guidance document, that's a guidance document. If it's required code by such and such a date, you'll comply in this way. So I would like to see that correspondence. Maybe it's just an e-mail.

Mr. Dowe: It's actually in the stormwater permit that refers us to this document and that's why you have it.

Mr. Greenwood: The Stormwater Management Program that you refer to or in the permit itself?

Ms. Lohman: In the permit itself.

Mr. Dowe: No, not the Stormwater – no, it's the permit itself.

Mr. Greenwood: And is that permit itself, is that available for public viewing?

Mr. Dowe: You can get it on the Ecology website.

Mr. Greenwood: Our permit?

Mr. Dowe: Yes. So it's the Phase II permit, so it's the Western Washington Phase II permit. Look under "technical requirements."

Mr. Greenwood: Oh, Phase II permits for everyone.

Mr. Dowe: Yeah.

Ms. Lohman: Yeah.

Mr. Greenwood: Okay – not specific to ours.

Mr. Dowe: Not specific to us so it's Phase II permit, to the technical requirements, section SC4.

Ms. Mitchell: Can you send that link with the PowerPoint?

Ms. Lohman: I found it on the County website.

Mr. Greenwood: I don't think I'll have trouble finding it.

Mr. Meenaghan: It was linked on the agenda actually.

Ms. Lohman: I found it on the – yeah.

Mr. Greenwood: So it must be something different than what our current Phase II permit calls for then.

Mr. Dowe: Yes.

Mr. Greenwood: You're saying there's some additional items that we have not been complying with that are in the Phase II permit or they've changed the Phase II permit requirements.

Mr. Dowe: Well, the Phase II permit just recently changed and so we have a year-and-a-half to adopt regulations, and at that point if we don't we're noncompliant.

Mr. Greenwood: I see. Okay.

Mr. Dowe: So for the moment we still are.

Chair Axthelm: Well, we look forward to see it in the future.

Mr. Dowe: Okay.

Chair Axthelm: I'm sure we'll have plenty of information.

Mr. Dowe: Okay, I'm going to send you links to the PowerPoint and to the Stormwater Permit.

Ms. Lohman: But I want to be cautionary that we're not necessarily always wanting to slow the water down. I mean, I'm fairly kind of motivated to speed up the moving water right now after the

–

Mr. Dowe: Well, I'm sure.

Ms. Lohman: I mean, so sometimes speed is good.

Mr. Dowe: Yes.

Chair Axthelm: Well, and sometimes you have extraordinary events like flooding and events the last couple days have been extensive beyond the point that some of these ponds and stuff could handle, but for the most part they've been handling it pretty well.

Mr. Dowe: Yeah.

Mr. Temple: You know what I find a little ironic is we're talking about basically trying to monitor or take care of Mother Nature who can really throw curve balls.

Ms. Mitchell: Bingo. That's true.

Ms. Lohman: But we're still trying to get all the pollutants, aren't we?

Mr. Temple: But we've done a bad job for hundreds of years so what the heck?

Mr. Greenwood: Quality and quantity.

Ms. Mitchell: That's a huge task. Thank you.

Mr. Dowe: All right. Thank you. Thank you.

Chair Axthelm: Okay, so Department Update.

Mr. Pernula: Okay, I've got a couple of things. First of all, I think you've been polled about the next meeting which would be dealing with Parliamentary Procedure, and the date that we were asking if you could attend would be January 22nd, which is a Thursday – not your regular meeting day. Who we've been discussing this with is Ann Macfarlane. She is the one who did the Jurassic Parliament presentation a few years ago. I wasn't here at that time, but she would do it. We can design whatever we want her to make a presentation regarding. But I wanted to make sure that we were going to have enough people present. I think we had something like five or six yesses, two definite nos –

Ms. Mitchell: I have a question about that, Dale. Why are we looking at a Thursday? Is that her scheduling? Or why are we not doing this on a regular?

Mr. Pernula: Partly it was time that she had available. We might be able to find some other time that she had available. But also because we got a better cost because the following day she's going to do the same thing for the City of Anacortes.

Mr. Greenwood: So they pay full price; we pay half?

(laughter)

Mr. Pernula: I think we both got a better deal.

Mr. Meenaghan: But the next Tuesday – Tuesday in that week – we're not going to be meeting. It'll just be Thursday.

Mr. Pernula: That was the intention, but if you still want to meet we can. But we really wanted to spend that week on parliamentary procedure, decision-making – those kinds of issues for the Planning Commission.

Chair Axthelm: So it's not a meeting that we'll be spending any time on as far as public comments and ___?

Mr. Pernula: It will be spent on training for the Planning Commission, yes.

Ms. Candler: And that would be our only other meeting this month?

Mr. Pernula: Yes. So who's all going to be able to attend? So Kevin and Amy can't, so we've got six.

Ms. Mitchell: Is that enough?

Mr. Pernula: I think that's a yes.

Chair Axthelm: And it will be recorded?

Mr. Pernula: I think we should record it.

Ryan Walters: I don't think there's a problem recording it. We have to check if there's a problem broadcasting it.

Chair Axthelm: Okay. In that way at least they could go on the Internet and look at it. And the last time it was very helpful.

Mr. Pernula: Okay. We're also still working on setting up a Short Course based on our rural needs for a Short Course. There was one that was done a few years ago that was more urban-related. There is one locally, or not too far away, in Stanwood that's scheduled on April 6th, which is a Monday, so there is that one that's going to be available at that time. But we're still working with them to set up one for us and to talk about ag land preservation and some of the local issues that we may have.

That's really all I have. I just mentioned to Josh that I've been contacting the Chair every week before each agenda and I'll be calling you to set the agenda and send it out.

Chair Axthelm: Okay.

Mr. Pernula: Just be aware.

Chair Axthelm: Okay. Sounds good. We'll be in contact.

Ms. Lohman: I have a question. On the required training, there was the state-required training for public open meetings or open –

Mr. Pernula: Open meetings? Mm-hmm.

Ms. Lohman: Were we going to pursue something like that? Or were we going to be able to have a link online and we could do it on our own and check the box?

Mr. Greenwood: I thought – didn't he cover that?

Mr. Walters: The training that you did a couple weeks ago –

Ms. Lohman: That covered it?

Mr. Walters: Yeah.

Ms. Lohman: Oh. Okay. That was the training on the Open Public Meetings Act and other things. You only had to get training on the Open Public Meetings Act. That was it. So we have met our required training.

Mr. Walters: And we've listed on the website next to your names and when your terms expire when you did your training. So whatever the interval is – four years or whatever – you'll need another training.

Ms. Lohman: I guess I didn't notice that part of the attendance.

Mr. Greenwood: Training and it didn't feel like it – not so painful.

Ms. Lohman: It wasn't painful, I guess. Thank you, Ryan.

Mr. Pernula: That's all I had.

Chair Axthelm: Okay, thank you. So moving on to the next agenda item: Planning Commissioner Comments and Announcements. Robert?

Mr. Temple: I think I'd like to – I think I'm speaking for all the rest of the Commissioners. I really want to thank Annie and Josh for everything they've done to lead this Commission for – I've only been here a couple years, but you guys have done a great job. Thank you.

Several Commissioners: Thank you.

(applause)

Ms. Hughes: Thank you, Josh, for being willing to do it again.

Ms. Lohman: Yes, thank you.

Chair Axthelm: Any other ones? Well, we almost made seven o'clock. Okay, so I guess a motion to adjourn?

Ms. Mitchell: A motion to adjourn.

Ms. Candler: Second.

Chair Axthelm: Second?

Ms. Candler: Second.

Chair Axthelm: Good. So (gavel) adjourned.