

**Skagit County Planning Commission
Public Hearing: Stormwater Code Update
Discussion: Housing Element Draft – 2016 Comp Plan Update
July 7, 2015**

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

Staff: Dale Pernula, Planning Director
Ryan Walters, Civil Deputy Prosecuting Attorney
Bill Dowe, Planning Customer Service Manager
Lori Wight, Public Works Stormwater Specialist
Mike See, Public Works Water Resources Section Manager
Kirk Johnson, Senior Planner

Public Remarks

Commenters: Lisa Janicki, Skagit County Commissioner
Roger Mitchell
Ellen Bynum, Friends of Skagit County
Carol Ehlers

Public Hearing

Commenters: Ellen Bynum, Friends of Skagit County
Carol Ehlers

Acting Chair Keith Greenwood: (gavel) ...to order the meeting of the Planning Commission for July 7th, 2015, and it's with a little uncomfortable nature for me to have to recognize, but it's a pleasure, as well, that there was a passing this past week of one of our members, Robert Temples. And so before we get into our regular business I wanted to give Amy a chance – she spoke with the family – to just maybe pass on to the public and the rest of the membership who didn't hear what her sentiments were.

Amy Hughes: The next morning after his accident she called me to express how much she – Robert enjoyed working with this Planning Commission, that he highly respected working with this Planning Commission, and he enjoyed this position. And he was a Planning Commission member down in Lynnwood so he knew what it was all about, but he really enjoyed Skagit County and the time he spent with this Commission. And I thought that was pretty remarkable that in all her grief that she would take the time to express that.

Chair Greenwood: Thanks, Amy. Were there any other thoughts that anybody wished to share from the Commission that – maybe a moment that they remember about Robert in the time you worked with him?

Kathy Mitchell: I do.

Chair Greenwood: Kathy?

Ms. Mitchell: I had a lot of chance in between or after meetings or running into Robert someplace else. Just on a purely social note he was just a very, very nice, kind man. He loved to smile. He loved to laugh. He had a pretty good sense of humor. One of the things that he said more than once about his significant other is that he loved her to pieces – that they were soul mates. And he enjoyed probably more than anything else doing things for her. And so he would talk about different projects that he was doing, like putting a microwave into the kitchen and other kinds of things, and he would go into some of the projects in detail. He was quite a handyman and he loved doing those kinds of things. As a matter of fact, he had just finished one of the big projects moments before he passed. And it was kind of cute because she said that she kissed him on the forehead and told him he had more chores to do. They loved to laugh together. They loved to have life together. He liked the Planning Commission members a lot. He would say that in different ways, different times, at different places, just a little snippet here or there, but he stressed more than once that he really appreciated the group and how well they worked together. And he really appreciated the fact that so many people took the extra time to do the behind-the-scenes work to be as prepared as they possibly could and he admired that greatly. But for my closing comments I just wanted to let everybody know that he was genuinely a very kind-hearted man that liked to laugh and enjoy life, and he appreciated the others, too.

Chair Greenwood: Any other comments anybody wanted to share? I just want to share that I got to know Robert a little bit more upfront at the very beginning when we worked on a committee together, which didn't turn out to be fruitful necessarily in any changes, but just to sit one on one with Carol and Robert was an exchange that you don't always get when you sit in a ___ setting like this. So I enjoyed working with him. We didn't always agree but that's the nature of this, is not to collect people who all think the same but actually open our minds up to different thoughts, and Robert was good in that way as well.

So I wonder if we might – I know we only give people three minutes to talk but maybe if we could give those who are here maybe 30 seconds to just have a silent moment for him in whatever way you see best to remember him and think of him. If you'd mind doing that with me. I'll let you know when we're going to continue.

(silence)

Chair Greenwood: Thank you. I'd like at this time to acknowledge who's here so that it can be recognized that we do have a quorum so that we can continue with business. Amy Hughes and Annie Lohman and Kevin Meenaghan and myself, Keith Greenwood, and Kathy Mitchell and Tammy Chandler are here. So at this point I'd ask that you review the agenda which was drafted prior to the meeting and available for public review. But are there any changes that anyone sees necessary to the agenda, either order or – thank you.

Then at this time we'll go into Public Remarks. But before we start, could I kind of get an idea from those who are here – it doesn't look like a lot of folks – but who will wish to speak at the public comments? Okay. And you're aware that those comments will – there'll be opportunity to comment on the public hearing discussion pertaining to Stormwater Code Updates, so this wouldn't be the forum for that. But then we'll give you three minutes, if you would, and if you

could stick close to that that'd be great. So who'd like to go first? Okay, Lisa. Oh, I need you to state your last name. State your name and where you live.

Lisa Janicki: I'm Lisa Janicki, 810 Talcott Street in Sedro-Woolley, County Commissioner, District 3. I'm here tonight particularly to share with the Planning Commission your obvious grief about the loss of Robert and to thank you for the work that you all do. You guys really carry the laboring in this organization and I see the amount of dedication. You know, I'll turn on TV21 and just see the thoughtfulness and the amount of conversation and the amount of discussion that happens. And we have got an empty seat now. The laboring is a little bit more. And I guess – I thought not often enough that's said to you publicly but I just want you to know that from the Commissioners' standpoint. I think I would speak on behalf of all three of us that I admire – we admire – the work that you do that is – with that broader mind's view. You're very altruistic in your thinking and very thoughtful in your conversations and discussions, and it really speaks a lot about pulling together a Commission with so many dedicated people. I commend you for that and I thank you for giving that vision forward to our county to helping us make these longer ranged plans. So I'm really here just tonight to say I, too, would miss Robert – not as much as you will – I have not worked as closely with him. But it's an empty spot and I hope that your work could go on and I want to thank you for doing that work.

Chair Greenwood: Thank you.

Roger Mitchell: Roger Mitchell, Bow, Washington. Thank you, Mr. Chairman, Planning Commission members, staff, all the citizens. None of us can know what tomorrow will bring. Certainly none of us expected the terrible news of Robert Temples' unexpected and untimely passing. We'll miss him and his volunteer contributions to our community. My deepest sympathies go to the loved ones and the friends Robert has left behind. Robert and I had a growing friendship based on conversations before and after meetings right here in this building. Rarely did we discuss the topics at hand. Rather we shared our perspectives on our mutual health issues and on the importance of the ladies we share our lives with. I was especially surprised to find that Robert greatly admired that Kathy volunteers as a fire fighter and a Planning Commission member, and that I volunteer as a fire fighter EMT and serve on the County's EMS Technical Advisory group. Apparently it was the twin aspects of volunteering and commitment to the community that appealed to Robert. Volunteering and commitment: Doesn't that describe exactly what Robert and these eight remaining folks of the Planning Commissions do? I happen to know that the Planning Commission was extremely important to Robert. I know that he enjoyed working with his Planning Commission colleagues. I know he respected each of you for your unique skills, viewpoints, and contributions to what he felt was very important work. I know he took his responsibility to represent and convey citizens' concerns very seriously. Robert made the Planning Commission a top priority and tried never to miss a meeting, despite the unrealistic schedule that's been imposed this year. Lastly, I know Robert Temples was a very caring person. He was outwardly directed, always wanting to make things better for others, and to Robert his most important outward focus was Micheline, who he loved deeply. It's important for us to pause and remember those who quietly and without fanfare try to make our lives better. Robert Temples was such a person. He will be missed. Thank you.

Ellen Bynum: Ellen Bynum, Friends of Skagit County. At the risk of getting back to business here, I just wanted to bring up the issue that has been discussed and talked about among all of you and with staff from time to time, and that is the importance of the Commissioners being able to have people come in to train them about subjects and topics that they need assistance in completely understanding. All of you are quite new, except for Annie and Josh, I guess, and there are quite a few things that you're going to – I think it's nine different topics that you're

going to have to deal with in the next ten months or something, or to the end of the year for sure. And I just wanted to urge you to think about the kinds of training that you might need and to make a request to the Department to see if you could provide that for them. Because I do feel that with the amount of heavy lifting that you're going to be doing it'd be really good for all of you to be sort of equally briefed on each topic that you're dealing with. It'll make your decisions easier and it will make it a lot easier for you to understand how the pieces fit together. So that's what I was interested in putting in the record tonight. Thank you.

Carol Ehlers: Carol Ehlers, west Fidalgo Island. I, too, very much enjoyed those meetings that Keith and Robert and I had discussing issues. It was time well spent and a good exchange of information from different experiences and viewpoints.

Robert asked me when we were discussing the zoning that night – whether rural zoning and rural area – asked me to explain to you and to the public, particularly the public, what geohazards meant because he found that most people didn't really know and it's not commonly defined. So the last time I talked to you about geology. Geology is the study of rocks, the core of the earth and the mantle of mountains such as the Cascades, volcanoes such as we have, the continents, the ocean, the large-scale part of the core of the earth. Geomorphology, which is where most of the geohazards occur – okay, yes, geology has earthquakes. Geology has volcanoes. But we don't really have very many rocks coming out of the center of the earth the way they did a long time ago on Fidalgo and near Burlington and where La Conner is. We don't have that kind of hazard anymore. What we have is geomorph – “geo,” the earth; “morphology,” the shape of it. That's the surface created in this area by a combination of frozen water and liquid water. Liquid water as rain, as creeks and rivers. Frozen water appears primarily as glaciers. I'll go into that the next time.

But the glaciers came over here at least three times – depending on the book you read, four – and each time they shoved the dirt around and they polished the rocks. So instead of being nice sharp-edged, like the ones that come out of the earth, they're round. I think all of us have those round rocks in our gardens and in our yards. That means you have glacial soil. The soil, of course, comes in different categories. You've got sand. You have gravel. You have loam or loamy sand. And you have clay. Clay is sometimes loose but much of the time it's hardpan. And if it's had 3,000 feet of glacier on it, it's really hardpan. When you look at Bayview Ridge, you're dealing with that kind of hardpan. It's almost impervious. You don't look at it the same way as you look at those hills at Oso where there were layer after layer alternating in one fashion or another. And the water – at Oso it came from rain. Sometimes it comes from uphill. Water gets into the cracks, flows along the gravel through the sand down onto the clay, and that is a – when it gets to the clay, if it comes to the edge of something like a cliff, well, it slides over and it erodes whatever's down below. If it's on a hillside, like at Oso, if there's enough of it and it's slippery enough and weak enough, then the whole slope slides. Some of that they used to call an act of God. I don't think of God as that vicious. So that means you have to have reasons why these things happen. And sometimes you can't do much, as in Oso. The vegetation certainly didn't stop it. All it did was damage further when it got down below. Vegetation can stop erosion. It can protect the edge of a cliff or a slope. But there's no guarantee. Because of – in the '90s there was workshop after workshop in Seattle on geohazards, on erosion, on both geology and geomorphology. County Public Works got invitations. They were never but once allowed to go, so they gave it to me and I went. And I have this information at home. My files are almost as bad as yours. But I went and the County wouldn't allow staff to go. And it's only with the kind of knowledge of geology and geomorphology – and some of the staff know this; I'm not saying they don't. I'm saying the County didn't contribute to their knowing and that seems to – that was not typical of government. But at the best of these meetings, a geologist spent the morning

saying, You can do this if – if you do that, it'll slide. And the afternoon was by people from Cincinnati, Los Angeles, Seattle and Bainbridge saying, It's the greedy jerk who wants a view. We can't do anything except allow it and we certainly can't restrict what we do. And the example in that case was Seattle dumping a road's – a wide, paved road's worth of water straight down onto a hillside that had a steep cliff below it. And the Seattle City Councilwoman said, Well, it's the greedy jerk who wants the view. I went up to her afterwards and said, The greedy jerk thinks you represent him, too.

Chair Greenwood: Thank you, Carol.

Ms. Ehlers: Don't forget the two kinds of rocks.

Chair Greenwood: Anyone else for public comment at this time? General comment.

(silence)

Chair Greenwood: Okay, thank you. And we'll move on in our agenda then. We've scheduled a time for public hearing pertaining to a Stormwater Code Update, and so with that what we're going to do is we're going to allow people to comment on it after a brief staff introduction to the topic, perhaps how we got here, why it's required, and then maybe what has been published to date, how it's been available to the public, and then perhaps the next steps of where it will go after that. And what we'll have is we'll have the allowance – how many people wanted to speak? I'm sorry. I didn't check. Maybe I did before. A couple on the subject. So it's slated for three minutes – was published – per person, so if you can confine it to that the best you can there's a little time to be a little liberal perhaps here, but let's not do that too much.

At this time we'll open the hearing for the topic at hand, which is a public hearing on Stormwater Code Update. So, Ryan, are you going to initiate this discussion by the staff?

Ryan Walters: So we have a presentation on the substance of the proposed code amendments. This PowerPoint presentation doesn't include how we got here, which was one of the things that you suggested.

Chair Greenwood: Which was a presentation on before.

Mr. Walters: Do you want some –

Chair Greenwood: Just a brief synopsis. I know we want and try to keep it to 15 minutes if we can _____ I don't want to cut that off.

Mr. Walters: There is an NPDES Permit – a National Pollution Discharge Elimination System Permit – that the County holds from the Department of Ecology. It gets an upgrade every couple years. It recently got one of those upgrades, and that upgraded permit requires us to do certain new things. As they issue a new permit every couple of years, they gradually increment up the requirements for local jurisdictions for managing stormwater for ensuring clean water. And in this permit, we received direction to require low impact development within our permit area. Low impact development is generally natural or mimicking natural processes for managing stormwater. The County itself, as an entity, has pursued a couple of these low impact development-type projects. The parking lot out here, recently constructed, is built with low impact development techniques, including rain gardens, permeable pavement, permeable pavers, and permeable concrete. And there was an excellent demonstration a couple of weeks

ago that we, I believe, have video of where they – Public Works had a big truck full of water, really a lot of water – maybe wasted water which we shouldn't have wasted – but dumped it on the parking lot. A huge flow of water rushed toward the many spectators. The spectators arose, alarmed at the tidal wave of water, but it dissipated into the ground before it touched their feet. It was impressive.

Chair Greenwood: Did you test that theory before you let it loose on all those people?

Mr. Walters: I didn't test it. I was alarmed. I was one of those people that was alarmed!

Chair Greenwood: I'm sorry. Go ahead, Ryan.

Mr. Walters: So it was quite impressive. Also the rain garden that we've had for a number of years out over here is an example of low impact development techniques. All the rainwater off of the roof of this part of the building – the new part of the building – is directed into that rain garden rather than directly into the stormwater system of the city. What's unfortunate is that the parking lot water is not directed that way, but the parking lot was pre-existing.

So it comes with a lot of these requirements. The permit area is not the entire county. The permit area is the urbanized area, and that has a definition that's a little different than what you might expect. We've shown you the map before. The map is available on the Stormwater project website. But it includes Bayview Ridge largely – also a lot of the area around Big Lake, and the UGAs for the cities, except for March Point. March Point is covered – the refineries at March Point are covered under their own NPDES Permit so they are not part of the County's NPDES Permit. Staff were successful in removing that area from our permit because it's covered by a separate one. Also a lot of the farmland that was covered under the permit area under the prior permit staff were successful in extracting from the permit area, because it's really not urbanized although it fit into the data blocks that the census uses. It didn't make sense. So they were able to get Ecology to extract those areas from the permit area.

The proposal is to reconfigure our Stormwater chapter of the development code to do a couple of different things. One, to use the Ecology Stormwater Manual throughout the county; impose the heightened requirements where we have to; have the requirements be much less everywhere else, but to use the same manual, the same guidebook everywhere.

So I'll take you through each section of the code proposal briefly so that you are oriented to the document that you have in front of you.

First of all, whenever we do a project like this we need to update definitions. There were a number of definitions that we were able to delete because they were used either only once so they weren't worthy of having a defined term separate from just the place where it was used, or they had rules within the definitions, or the terms were just invented terms like "large development" that we didn't really need because we could articulate the rule differently. So you'll see a lot of definitions simply struck. Also the parking requirements are relaxed. The parking requirements in County Code are there to ensure that uses provide enough parking. They are relaxed in such a way as to allow for the Administrative Official to reduce the parking requirement where it doesn't seem to make sense for any particular given use, and also to allow for compact parking spaces. The idea there is if you have less parking you have less impervious surface, and reduction of impervious surface is one of the goals of the permit.

We would also allow a low impact development facility to substitute for landscaping. Where a low impact development facility is planted nicely with plants and that kind of thing *and* you have a landscaping requirement, if one fulfills the other requirement you don't have to do both, so you don't end up with double the requirement. So we provided for that.

We completely reorganized and updated the Drainage chapter. That's really where the meat of the proposal is – chapter 14.32. Many sections were deleted and changed. There were many technical provisions that are described by the Manual and we're definitely finding that most jurisdictions don't have all that technical stuff in their code. They rely on a technical manual.

Then we needed to update some cross-references. There are a whole bunch of different places where there are cross-references. And then we extracted the illicit discharges and connection section. This is if you hook up your septic system direct to a ditch. You're not allowed to do that. But that's not a development regulation. If you have had your septic system hooked up directly to a ditch, you're not grandfathered in. So we thought it was important to extract that from the development code because the development code is composed of things that basically you do get grandfathered into development regulations and put it in a separate chapter.

So that is the high level overview. Here's the details on the 14.32, which is the meat. First of all, the chapter gets renamed Stormwater Management to be more consistent with what we're talking about. There's a new –

Chair Greenwood: Can I interrupt you for a second, Ryan? Just so people can follow along, there's a staff report that was in the back if you didn't see it. And if you wanted to follow along, there're some additional, supplemental verbiage to follow along with Ryan. He's on page 4 of that document if you wanted to follow. Okay, go ahead.

Mr. Walters: And moving right along to page 5...

Chair Greenwood: You weren't there long but...

Mr. Walters: Yeah. We combined several of the policy sections and then created a new Applicability section. There was a chapter that was sort of about applicability but it was called Regulated Activities, and then it also contained some unrelated sections. So we tried to consolidate that all in Applicability so you know when this chapter applies, and then created an Application Requirements section so you know precisely what the application requirements are. These requirements were all spread throughout the chapter in the existing code.

In .040, we define a single version of Ecology's Stormwater Management Manual as the manual to be applied countywide. In our current code it's a little bit unclear as to what version of the manual we are to use because they come out with a new manual every few years. And one of our objectives was to have clarity on what version of the manual. We didn't want to automatically start using the latest version. If they come out with a new manual we want to look at it and then decide to adopt it.

.060 would delete most of the technical erosion and sediment control requirements in there in favor of using the Stormwater Manual. Erosion and sediment control is *the* primary objective of the Stormwater chapter, both in the existing code and moving forward. Also in the Stormwater Manual, erosion and sediment control is *the* highest priority area. And that objective of ensuring that erosion and sediment control is dealt with is achieved here. It's just done through the manual instead of through the technical requirements in the chapter.

In .070 there's a new Low Impact Development section, and that gets at the permit requirement. It would *require* a landowner to use low impact development inside the permit area. It would *allow* a landowner to use low impact development outside the permit area. So if there were some other contradictory provision of County Code that would prevent low impact development outside the permit area, this section would control. It allows the use of permeable pavement anywhere that pavement is required throughout the code, and it requires the retention of native vegetation where it is used as a low impact development facility.

In .080 we deleted most of that section. It was about a number of things. One of the last parts of it was about stormwater conveyance facilities. We retained that because that's not really addressed by the manual and renamed that section to reflect that remaining content.

In .090 that is about illicit discharges and connections, so that was moved out to a separate title. And we created a new section for the stuff about County acceptance of stormwater facilities. There was existing code that allowed the County at its sole discretion to accept stormwater facilities, which would mean a development builds a stormwater facility to handle its runoff. Under certain circumstances it might be beneficial for the County to acquire that stormwater facility and developers frequently want to give it to the County so they don't have to manage it. But in almost all circumstances the County does not want it. We want to push the management onto the development because that's a cost. But there are certain circumstances where it might be beneficial. Cities largely always want to acquire the stormwater facility. It's the reverse. Because (in) cities people are right on top of each other, it's got to work, and it's essentially part of your of your stormwater system anyway. But it's the flip side of that coin here in the County.

In section .100 we did a lot to reorganize and clarify this section because stormwater facility maintenance is really key. If you build a facility, you need to also maintain it. Otherwise, over time it will stop working. It will clog. Whether it's an LID facility or a traditional facility like some kind of catchment basin, they've got to be maintained. So this section attempts to clarify that, and it does a lot of reorganization to do that.

And then .110 and .120 – I'm actually not recalling what was in .110, but these were sections that were sort of at the end and they got moved around and dealt with separately.

Now the Stormwater Manual is divided into nine parts. You see those on the screen. The first one is a Stormwater Site Plan, basically a plan for how you're going to deal with your stormwater when you come in for some kind of development application.

Erosion and sediment control is part 2, and then the other parts deal with different sections, different topics within drainage and stormwater management. And each section is applied and required depending on several thresholds that are in the manual. And inside the permit area we just use the manual thresholds because we're required to. Outside the permit area we've come up with a different system for when those sections of the manual are applied. And we hired Brown and Caldwell to help us develop that system and they'll be here during your deliberations to answer any questions about how that works.

So basically the Stormwater Manual is used both inside and outside the permit area. Outside the permit area we step up which of those requirements are applied based on the intensity of the proposed land use. There's a whole flow chart in the manual that you have to use if you're inside the permit area. It gets very complicated, and this chart is much less complicated.

Basically we vary the requirements based on land use intensity. So we've divided land uses into low, medium, and high, and if you're in a low intensity land use – and I'll get to that chart in a second – and you have greater than or equal to 7000 square feet of new plus replaced hard surface or greater than 14,000 square feet of land-disturbing activity, then you have to do a site plan. If you're less than that, then you still have to do a site plan but it's a minimal site plan. You always have to do MR2, which is erosion and sediment control, but you don't have to do MR3, 5, 6, or 7. You don't have to do 9, which is operations and maintenance, unless you install – unless you have to install a stormwater facility. And those same thresholds – the 7000 or 14,000 – apply for MR4 and MR8.

Then for medium we crank the thresholds down a little bit, so if you're doing 4000 square feet then you have to do MR1, and then you have to do MR3 through 9 if you hit those thresholds. And then if you're high intensity, you just follow the manual.

So what are those divisions between land intensity – low, medium, and high? They're in this chart. Single-family residential, which is by far the majority of development that occurs in Skagit County, is a low intensity land use. So per this chart applied to this chart, you would have to be doing a single-family residence that is greater than 7000 square feet of new plus replaced hard surface, which is your house footprint plus your patio plus your driveway – that kind of thing – or greater than 14,000 square feet in order to have to do the site plan, the preserved natural drainage, the wetlands protection _____. And if you are low – single-family residence in that low category – you never have to do 3, 5, 6, or 7.

Moving on in this chart, it also includes construction of ag buildings in Ag-NRL, seasonal roadside stands. Medium steps up to more intense single-family residences – those on parcels smaller than one acre; or land divisions – short land divisions into four or fewer lots; minor utility developments; trails and trailheads. And then high is all other uses, including all commercial, industrial, institutional, and urban or multifamily residential; long land divisions into more than four lots; all uses on parcels bisected by the NPDES Permit boundary. Unfortunately sometimes the NPDES Permit will go through a parcel. So if it goes through you, it essentially captures you. And then any project that is really quite large, which is more than 20,000 square feet, falls into the high category.

So in summary of how we're applying the manual here, all land uses would have to comply with erosion and sediment control. And that's very consistent with what we currently do in our current code – the high emphasis on erosion and sediment control.

Low intensity land uses, which are the single-family residences on the large parcels that exceed a certain square footage also have to do MR1, a stormwater site plan that meets the manual requirements. But if you don't have to do that stormwater site plan per the manual, you still have to do a site plan to show where things are, and that's laid out in the code directly.

Low intensity land uses only have to comply with MR4 and 8 if they exceed the square footage thresholds. Medium intensity land uses that exceed a lower square footage threshold than the manual have to comply with all the minimum requirements. And then high intensity land uses have to comply with the minimum requirements when they exceed the normal thresholds – basically the manual thresholds. And where we got the thresholds – and feel free to help me out on this – is, I believe, medium is – it's not that – there's a complicated flow chart that leads you to the thresholds in the manual. So you take that and you simplify it and then you double the thresholds, I think, to get to medium, and it was triple the thresholds to get to low.

Our process so far: We've had a couple of work sessions with the Planning Commission, one on January 6th, one on February 3rd. There was, I think, a work session last year where we generally introduced you to the topic, as well. Public Works Surface Water Management, who is represented here by Mike See, Bill Dowe, Lori Wight, sort of led this process. There were early meetings with Skagit-Island Counties Builders Association where we provided them with a copy of a draft. And also Commissioner Greenwood showed a lot of interest so we met with him, talked him through the draft. And then we also had discussions with and comments from Public Works Engineering Division – they currently do the drainage review for parcels, application of the Stormwater Manual – and Current Planning staff, people who process land divisions and that kind of thing.

So that has been the process this far. Right now we have a public hearing scheduled. There is a comment period – a written comment period – that will end two days from now, as usual, on Thursdays at 4:30. Comments have to be sent to the e-mail address pdscomments@co.skagit.wa.us. All this information is on the website at skagitcounty.net/planning, and you click on Stormwater. And after that, I think Dale has some ideas about when you want to schedule deliberations when we can have the consultant here to provide advice. I don't know if you want to talk about that now or later.

Chair Greenwood: Let's talk about that afterwards.

Mr. Walters: And our deadline for completion of this project is the end of next year, so there isn't any particular rush except that we're doing it now.

Chair Greenwood: Okay. I think at this time it would be appropriate to – if the public wouldn't mind, I'd kind of like to open it up for Commissioners to ask some questions of Ryan and Bill and/or Dale pertaining to their presentation, which might facilitate then and help with some of the questions that you might have as the public, to make better use of your time. So I just wanted to kind of maybe acknowledge you and then go ahead and bring up a couple points if you have a couple and then I'll also announce the opportunity. Go ahead, Annie.

Annie Lohman: My question is, Is that PowerPoint on the website?

Mr. Walters: No.

Ms. Lohman: Could we get at least the last two pages where you had the charts? Because otherwise it followed the packet and then it didn't.

Mr. Walters: Oh, yes. And the charts are in the code proposal but, yeah, we can pull up the –

Ms. Lohman: Because I thought it was easier than the flow chart.

Mr. Walters: The tables?

Ms. Lohman: Yeah.

Mr. Walters: Yeah. Yeah.

Ms. Lohman: So if you could provide that to the Commission that would be great.

Mr. Walters: Yeah. And those tables are going to be verbatim in the – or they are – in the code proposal. But we can also put the PowerPoint itself on the web.

Chair Greenwood: Somebody else want to chip in there?

Kevin Meenaghan: I have a quick question here.

Chair Greenwood: Sure.

Mr. Meenaghan: So –

Chair Greenwood: Can we put the affected area – the permit area – up on the screen, if you would?

Mr. Meenaghan: I think the last time we talked about this we had this map here and I believe I asked this question before and I can't remember what the answer was. But all the – this applies to all of the areas in this map that are in that pink – the pink zones. And my question would be: What controls outside of those zones?

Bill Dowe: Ryan, under the background documents – the second one from the bottom.

Mr. Walters: Thanks, Bill. Okay, there's the map.

Mr. Meenaghan: This applies to everything that's in red.

Mr. Walters: The code proposal as a general matter applies to the entire county. There are sections of it that apply to things in red.

Mr. Meenaghan: Okay, and what is the difference between outside of the red and in the red?

Mr. Walters: In terms of what requirements or how the –

Mr. Meenaghan: Yeah.

Mr. Walters: In terms of how the proposal works or what the requirements on the ground would be?

Mr. Meenaghan: Kind of both. And synopsised.

Mr. Walters: So going to the PowerPoint presentation here, if you look at the minimum requirements, the manual is applied to both. The minimum requirements within the manual – essentially the chapters of the manual – are applied based on this table outside the red. Inside the red, you follow the flow chart to determine which of the minimum requirements you have to follow. And we don't have a lot of control over that. That's the flow chart. The flow charts are at the back of your staff report and they look like this. Start here: Does the site have 35% or more existing impervious coverage, and if so, then you go to a different flow chart. Otherwise, you stay on this one and then the question is, Does the project result in 5000 square feet or more of new plus replaced hard surface area? "Hard surface" is defined. "Hard surface" is defined to mean impervious surface – surface that water just rolls off – plus pervious pavement, I think.

Mr. Dowe: Pretty much anything but vegetation is that.

Mr. Walters: Hard surface.

Mr. Dowe: Yeah.

Mr. Walters: And if not, then you still might follow your way to all minimum requirements applying if your project converts $\frac{3}{4}$ acres or more of vegetation to lawn or landscape, or converts $2\frac{1}{2}$ acres or more of native vegetation to pasture. But, if not, then there's a lower threshold, 2000 square feet. If you exceed that then you'll have to do half the minimum requirements but not all of them. But if not 2000 square feet and you have land-disturbing activities of 7000 square feet, then you'll have to do half the minimum requirements. So that's why I say we simplified the threshold in the table. No flow chart in every cell, just the question of how many square feet of hard surface, how many square feet of land-disturbing activity.

Mr. Meenaghan: Okay.

Mr. Dowe: So this table is just inside the permit area, which is less than 2% of the county.

Mr. Walters: No. No.

Mr. Dowe: No?

Mr. Walters: The table applies outside the permit area.

Mr. Dowe: No, no. We're talking about the flow chart.

Mr. Walters: Right, the flow chart, yeah. The flow chart applies only inside.

Chair Greenwood: I know there's been some confusion in people I've talked to, you know, who are not involved in this process necessarily but are users of maintenance of stormwater and that, and there is still confusion for them about inside the red, outside the red. And we've just had a discussion amongst it. Now that we've had that discussion, can you restate it in a way that is simple for me? Inside and outside.

Mr. Walters: Well, inside the permit area you follow the manual. The manual has these flow charts. You have to follow those flow charts. But you're not looking at this table. You're looking exclusively at the manual. Outside the red, outside the permit area, you ignore the flow charts and you follow this table. And outside the permit area, if you are doing single-family development on a large parcel, which we define as larger than one acre, you're going to have to do the erosion and sediment control, and you're not going to have to do anything else unless you are doing more than 7000 square feet of new plus replaced hard surface or 14,000 square feet or more of land-disturbing activity.

So for the vast majority of development in the county – which is residential and is on lots larger than one acre – you're going to have to do erosion and sediment control, which is not new. It's a requirement of the current code and it's a longstanding emphasis of our current code.

Mr. Meenaghan: I guess when I think about a normal lot size, say, 80 by 100, and that's 8000 square feet so we're not building a house on that full lot size, so it would take a lot, a great amount to actually exceed that 7000, it seems like to me.

Mr. Walters: A city lot.

Mr. Meenaghan: Yeah.

Mr. Walters: Right. Yeah.

Mr. Meenaghan: Just a comparison.

Ms. Lohman: But a cattle loafing shed like ours is 100 by 60, so it depends on who's doing it.

Mr. Meenaghan: Yeah, good point.

Chair Greenwood: Was there a clarification that you wanted to offer or you just want to make yourself available?

Lori Wight: Well, I just thought I would help. I may be some help sometimes. I'm a very visual person.

Chair Greenwood: Good. I like that.

Ms. Wight: So I'm Lori Wight. I'm the Stormwater Specialist. And I'm just going to give you a little comparison. So those red areas that you see on the map, that's basically where Department of Ecology has said, This is the intense areas that we figure are going to be developed. And they got to that through the census data and the census tract blocks, okay? What they did just south of us in Snohomish County is they said – but they're also another bit different animal; they're a Phase I – Your entire county is all red, so meaning you will do this everywhere in Snohomish County. No choice. So we in Skagit are somewhat lucky in the fact that we have these areas that are considered more intense development. So those are the areas that they have kind of – I'm trying not to editorialize – have reached in and said, These are the areas that we want you to concentrate our requirements that will ensure clean water, and it will ensure that that stormwater is not going to be polluting.

I hope – does that seem helpful? Or did that – okay.

Chair Greenwood: Now those boundaries, though – for clarification, we proposed those boundaries based upon our census or did they?

Ms. Wight: They imposed that on us based on –

Chair Greenwood: With some refinement by input from us.

Ms. Wight: And Mike See went in and fought for us on those things that Ryan had mentioned about the areas around Anacortes and the refineries, which already have their own permits. So we pared that back. And there were some other areas that were reaching up, I think, into reservation property and it's like, No, that doesn't make any sense. That's not your purview anyway. So...

Chair Greenwood: Any other questions of inquiry for staff pertaining to the proposal? Amy?

Ms. Hughes: How does this fit in with each different City, since the Cities have to do this also? If you're outside of Sedro-Woolley, is there the same – do Sedro-Woolley, Burlington, Mount

Vernon all have kind of the same thing going, too, or are we going to have differences of neighborhoods?

Mr. Walters: Each of the Cities and their urban growth areas must use the full manual. They are in the area of the Phase II NPDES Permit. They have their own permits, but it's the same permit. So development inside each of the cities must comply with the full manual. Development in their urban growth areas, we do the permitting for that and we will apply the full manual in the urban growth areas. So it will be very consistent.

Ms. Hughes: Okay.

Chair Greenwood: Kathy?

Ms. Mitchell: This is not a question. I just wanted to say I thought this was very well written.

Chair Greenwood: I have a question. Dale, can you explain – and Ryan, you mentioned it – the change in responsibility for systems and their maintenance? Because that was one of the concerns that came up early on, was the maintenance necessary to have an effective low impact development. And there were some provisions in here for access for regulating that maintenance or ensuring that that maintenance takes place, and/or you mentioned that there's been a little bit of change going from the County accepting those systems and then maintaining those systems themselves versus now perhaps we want the proponent or whoever the owners are to maintain it themselves.

Mr. Walters: And that part is not a change. The current code allows for the County to accept them but we never do. I just highlighted that because when we showed that to Public Works Engineering they said, Oh, no, we never want to take – well, that's in the current code.

Chair Greenwood: At what time did we accept them then since we're now not doing it? You say we haven't done it before?

Mr. Walters: I don't – I mean, I'm sure there are individual –

Chair Greenwood: I know of a system that they do.

Mr. Dowe: I think that there's about four of them. It's not very many. That's over the whole life of the County. We own about, you know, very few of them.

Mike See: There's been one or two that I can think of that we ended up obtaining the ownership over. In situations like where the developer went bankrupt but the stormwater system was already installed. But for – like Ryan was saying, for the most part historically we have not accepted ownership of those facilities.

Chair Greenwood: Then as a follow up, have we had a problem with gaining entrance through a lack of easement to enforce stormwater compliance?

Mr. See: Well, the new stormwater permit definitely raises the bar for us, the County, to inspect stormwater facilities annually, whereas that wasn't – within the permit area, that's required. It's part of the permit we have to inspect these facilities annually. So there will be a need for access for inspection there. We've started a stormwater pond facility inspection program in looking back at some of the older ponds, since they're not impacted by the permit, and we're – you know,

some of those need work. We haven't really run into issues where we haven't been allowed to access the property and inspect them yet.

Chair Greenwood: But there're some changes to make sure that that is allowed.

Mr. See: I believe, Ryan, we incorporated some –

Mr. Walters: Yeah, I don't recall without looking at it. I do think that we added a requirement that they provide an easement or some similar mechanism at the time the facility is provided so that there's no question that the County would have access during normal business hours to – or "reasonable times," I think is what it might say – to inspect. And then there are a couple of, I think, new provisions requiring them to do work to maintain it if an inspection reveals that there's a problem. Inside the permit area I think the requirement is that the County do the inspection.

Mr. See: Yes.

Mr. Walters: Outside the permit area there is no requirement, so I don't think it requires us to do that inspection.

Mr. See: No, the – like we were talking about the map, the boundary, red, inside, out – the permit that's issued to us, Skagit County, by Department of Ecology, the authority of that permit is the red areas. So in that permit that essentially Ecology gives to us saying, We know your stormwater system – stormwater's a pollutant; you're going to discharge it in the waters of the state; therefore, you need this permit and you need to follow the things listed in it in order to do that. And one of the things among many is this update of the code for LID, and part in that is a requirement of us, the County, to inspect and ensure the proper maintenance and operation of the stormwater facilities built after 2010.

Mr. Walters: Also, yeah, there are quite a few other requirements in the permit. For instance, one is to do outreach and education – that kind of thing. You don't hear about that because it's not a development regulation but that is ongoing. The County contracts with the Conservation District to do that kind of proactive work. And there are annual reports and reporting when we become aware of violations – reporting to Ecology so that they're also aware of those kinds of things. There're a whole bunch of other requirements of the permit, but you're seeing the development regulation portion.

Chair Greenwood: Okay, any further questions from the Commission?

(silence)

Chair Greenwood: With that, then, I'd like to open it up for public comment. And, again, there's only – there're probably two or three signed up, but it's open for anyone who's here and wishes to comment. Who would like to go first? We can go off the list or – Ellen, are you ready?

Ms. Bynum: Yeah. I have a –

Chair Greenwood: Why don't you just go ahead?

Ms. Bynum: Ellen Bynum, Friends of Skagit County. I'm going to put some details into the comments that I'm going to make. I also sent you some comments already and they were pretty thorough. But some of the things that came up when I was looking at this – and these are the

problem areas that you might want to address. Okay, so we know this is in the red areas. The red areas are supposedly overlays of the UGAs or they include the UGAs. If they include more than the UGAs, does that imply any expansion of the UGA? We'd like that to be very clear that we're not promoting development because of that.

Second thing was – it occurred to me when Ryan was talking about single-family residency, that UGAs are candidates for multifamily housing. So does this apply to multifamily housing development in UGAs? Do we know the answer to that?

Mr. Dowe: It applies to all development inside the UGA.

Ms. Bynum: Okay. So I guess when I was listening to this I was taking single-family residency and I wasn't thinking about the other parts of it. And I think it's pretty important that the public know that and that it's *any* development that happens within the area.

I did have some challenges on the areas of the map because I thought the areas of the map – I know that they were done by census areas and I commend Mike for going to bat for taking out the areas that we really don't want to have to implement this regulation in right now. Because those are areas that we may or may not wish to re-accession for secondary ag, or we may want to put in a food production overlay over in the future as a safe area for other kinds of activities, even though it might be in a rural zone. We don't want to have to comply with NPDES in those zones unless the activity is such that it is going to create a problem for stormwater. So the threshold is an urban threshold and we're applying it to UGAs, but in the sense that we're really, really, really different from Snohomish. You know, Snohomish, the whole County never totally complied with getting their UGAs defined and they have a lot of development over the entire county. Skagit doesn't have that. We did really well in limiting our development in rural Skagit and clustering that around the cities, and the Cities did really well in saying, We're going to do infill before we do sprawl. That didn't happen in Snohomish. So it was appropriate, I think, to remove the areas and I commend you for doing that. I would like to see more analysis of whether the mapping area is actually accurate. And I know that's really hard to do because the census data, as Carol Ehlers reminds us all the time, they don't even know how many people live in the census tracts. So that's a concern.

I guess the rest of the comments I'll put in my – I'll add to my written comments that I submitted. But I think one of the things that I worry about is there's a balance between implementing regulations that are – quote – “required” from the state or from the feds. Skagit is such an unusual area, both in terms of how water behaves, how stormwater behaves, how development is done. Our soils are different, our geomorphology is different to a lot of other places. So I would just say it would be great if the Planning Commission could acknowledge that, you know, although we're accepting the NPDES, we know we have to do that, that we reserve the right to question pieces of it if it is interfering with the economic livelihood of Skagit. Because I think we know that forestry and farming is really, really important and if we don't have that intact and if this somehow interferes with that we're going to be in deep trouble. So I would say if the Commissioners could take that into account when you make your advisement to the Board – I'm assuming that's the step that you have to go through – and to also ask the staff at Public Works to continue to support and uphold things that you think scientifically are going to be more important to Skagit than something that the state might be requiring which may not be scientifically based. So I know that's heresy, but I think it's really important to most citizens who live here. Thank you.

Chair Greenwood: Okay, also on the list we had Roger Mitchell.

Mr. Mitchell: No.

Chair Greenwood: That was for the –

Mr. Mitchell: Yeah.

Chair Greenwood: Okay. Carol, did you wish to address this particular topic as well? You do have some golden tabs, I see, so I think you're saying yes.

Ms. Ehlers: Do I? Carol Ehlers. I was one of the two who initiated the drainage utility so, yes, I do have a lot of interest in this, particularly outside your urban growth area. Regarding that, the Port of Skagit already has an official drainage plan on the west side of that large area up at Bayview that they negotiated with the Army Corps of Engineers and which most of us considered a miraculous result in dealing with a large area of impervious surface that – where the water would simply run off. That needs to be paid attention to. It may not be the official Department of Ecology because it's the Army Corps'. But come on. Let's not give to a fight as to which agency is going to regulate or re-regulate.

The second thing on the map for the urban growth area, you need to put in the levee between the river and Burlington up to Sedro-Woolley, because I think you have a lot of ground in this map – because it came from the 2003 federal government map that Ann Marie Gutwein said, God knows where it came from – and it's full of other errors. So make sure you put the levee on there because you can't be permitting high density development in the floodway. You need to correlate that with that ordinance.

Now outside there, I decided I would do the practical thing and trace an application through this draft and see if I could make it work. There've been a lot of porches that have collapsed lately killing people, so maybe there are folks out there like me and others who are thinking of replacing a porch. According to 14.04, replacing an existing porch is development. You have fussed in this document development and redevelopment. I have nowhere to go, going through the various parts of Title 14, as to what you actually mean. But let's take the porch because, boy, that's going to create a lot of erosion and a lot of difficulties. You go through the charts and you get to MR2 SWPPP. Just try to find MR1, 2, or 3, or 4 in this draft, much less what SWPPP says. So in that nice chart you've developed, which I see here on the computer but you don't, where it says – yes, here we are – MR2 construction, SWPPP always required – why don't you put in parentheses what you're asking for so that you don't have to go look at the whole blooming ordinance to find it? It's that kind of thing that you can speed up process and reduce frustration and improve understanding.

So as I was going through here I found that apparently I don't need a geotechnical report in order to replace the second story balcony on the – fire rescue balcony – on the house, but I do need this erosion control and I do need – what else do I need? Make it so that there's a difference between a significant thing, which you have tried to do, and what the code asks for in the rest of the code. Now you don't, as far as I can tell – you don't, Ecology doesn't, because in 2000 Ecology left the geologists off the team that made all recommendations regarding drainage. In 2000 the geologists decided that the drainage infiltration wouldn't go anywhere in more than 14 feet so that the drainage across the road from me which has 39 feet of sand that it can drain through, it's not draining through that 39 feet, according to the Ecology engineers. It can only drain down through 12 feet. Come on, let's get realistic. And it's difficult for you to fight Ecology but...

Chair Greenwood: Carol, you're aware that we also have and encourage written comments and so we're going to need to ___ time.

Ms. Ehlers: My trouble is that I don't have a functioning computer and I can't do any of this in two days. So I'll bring up one final thing. You're talking about water quality, thank heavens. You're not talking about water quality (sic). And in all of these colleges and all these agencies they teach people what to do with one inch a day. We learned that a couple of years ago when Kendra had an open meeting with some people from Western and Yale. And both universities said they teach one inch. We said, What do you do with two inches? They didn't teach it. What do you do with an inch two days in a row? They don't teach it. So I have a videotape that I and my neighbors have turned in four times to this County but you never can find it. And I commend Mike See for not only having seen it but remembered it. My neighbors and I deeply appreciate somebody who actually looks at evidence. He can't find it again and I'd like to turn it in for you.

Mr. See: That was two positions ago!

Ms. Ehlers: And I'd like to cut it down so that you don't have to watch very much, so I'd like to be able to turn that in when Costco gets the tape back to me as a disk because I got caught. I'll turn in the letter that I turned in in 2002. But meanwhile there's a bigger problem. There's all of this for the parcel, the site. There's never a context. You never talk about the land uphill from it that's draining down onto the site. You don't talk much about what the site might do to the people down below. But what I never see is something that's in the County subdivision ordinance. In addition to the easement for power and light, quote: "The County demands also the right to drain all streets over and across any lot or lots where water might take a course after the streets are graded." All the plats out in the west have that. So I watched a quarter-mile of Rosario Road drain down onto a couple of us. And in the course of time, one of the neighbors who did not put in his own drainage system to try to control Skagit County, that house has been sold again and again, each to a poor – somebody more ignorant of the problem than the one before, after it went to foreclosure. And I think the house is now six feet from the canyon. It was 20. Road water can destroy – and pollution is a problem. I'm not questioning. But when the road water has destroyed the building into the ground and onto the water path, you really have pollution. That's not a solution. So I see nothing in the drainage manual, I see nothing in here that deals with road water. When you have a drainage pond – and I can cite chapter and verse too, but I don't want to do it on television. There was a subdivision we all worked – oh, boy, did we work in the '90s to make that subdivision safe, safe for itself from liability, safe from what was coming down on top of it, safe of what it might do to the people downhill. And at the end of putting every kind of restriction we could think of to control the water, John Moffat put this also-the-right-to-drain on that plat.

Now that was one of the things you're talking about in terms of how you manage it. A homeowners association was supposed to manage this thing. It wasn't important to the then-legal staff that the homeowners document be formed and written under the correct RCW. It wasn't important as far as the County was concerned to have that homeowners association actually exist. There is – or was – no list of homeowners associations managing drainage. I understand Public Works has tried desperately to create a list of where there are drainage so that they can manage ___ and inspect and do the kinds of things that the relationship of government and development should do. And this draft code does a lot of that. It's these extra things that I bumped into that I wish you'd pay attention to because that's where the nightmare comes.

Now to help your understanding of this in the context of what I've been telling you about geology, I'm going to turn in three Department of Ecology documents created for distribution among the public and among government in the '90s under the federal Coastal Zone Management Act. They were part of what we used to create everything that's been done in terms of drainage or geology or geohazards. These three are part of it. The first one starts out with a lot that's a horror, and my question is, Why did the County permit it?

Chair Greenwood: Okay, thank you, Carol.

Ms. Ehlers: But it's this kind of thing where you relate the need to protect quality and the need to deal with quality. You may have four inches in four days. We did in 1990 twice. It was a nightmare. It destroyed all – the pollution that resulted from the water coming downhill going through people's septic fields was not good. So we really wanted to have something that worked, and I still do, obviously. But it's got to work whether it's 15 inches of rain like it was years ago, except that sometimes there was 12 inches of rain in December. But nobody paid attention to the rain charts. It's this interrelationship of one law, one code, one science to another that makes it complicated. And so I'll do my best to help you.

Chair Greenwood: Okay. Thank you, Carol. I appreciate it. Will you be submitting something in writing? I mean, it's not necessarily a requirement but it'd be helpful if you could do so.

Ms. Ehlers: If I could have another week it would be _____.

Chair Greenwood: I will take that under advisement.

Ms. Ehlers: Because I have these four things to turn in.

Chair Greenwood: Okay. Let's deal with that after the public's done. I notice that Mike See, you've listed your name for public speaking as well. Were you making yourself available for staff comment?

Mr. See: Yeah, as far as tonight?

Chair Greenwood: Yes.

Mr. See: Yeah, I'm available to answer questions.

Chair Greenwood: Okay, but you didn't have any particular –

Mr. See: No.

Chair Greenwood: Okay. With that, I'm thinking we can open it up to the Commissioners to ask any questions of the public members who have presented and the staff maybe for clarification, based upon what you heard from the public. Did anyone have any follow-up questions they wanted clarification on?

(silence)

Chair Greenwood: Okay, how about – oh, go ahead, Kathy.

Ms. Mitchell: Actually I do. Carol, I hate to impose upon you but I was trying very hard to follow what you were telling us and I realize it was important. If we can impress upon you in the next couple of days to get something in writing or for follow-up – or I'll meet you for coffee or something – but I had a hard time following what the take-home message was.

Ms. Ehlers: Well, I'm not surprised because when you try to talk fast enough for three minutes you – but I don't have a computer I can type to – working.

Ms. Mitchell: Okay. Okay. Part two is for the manuals that Carol turned in. Dale, how – or Mike – will somebody be scanning those in for us to see the content or how does that work?

Mr. See: Yeah, I spoke with Carol before the hearing and I'll look at it and see if Ecology published it themselves. I can request hard copies. If not, I'll see if I can find them electronically.

Ms. Mitchell: Thank you very much.

Mr. See: To share it with the Planning Commission.

Ms. Mitchell: Thank you.

Ms. Ehlers: And the tape?

Mr. See: We'll continue to search for the tape.

Chair Greenwood: Okay, I – go ahead. Annie, did you have one? Amy?

Ms. Lohman: We're going to have opportunity at deliberations for more questions?

Chair Greenwood: Yes.

Ms. Lohman: Okay.

Chair Greenwood: Amy, did you have anything?

Ms. Hughes: No.

Chair Greenwood: I guess I had one question pertaining to Carol's mention of the acronyms. You know, some of them are kind of long. I'm impressed that Ryan remembered what NPDES stood for. That's good, but how about SWPPP? But, with that, I think they point to chapters or portions of the stormwater manual so maybe we'll just recognize that as a lack of clarification and kind of like jargon. And if we could point a little more directly to that I think it might be helpful. It would be a footnote or what have you. It's just a good suggestion there.

Okay. I guess with that then, perhaps if the staff had any more clarification from what they heard from the public – is there any comments that you wanted to make in closing?

Mr. Pernula: Well, one thing is – Ryan mentioned it – that we would like to deliberate later this month if it's at all possible. But to get the consultant that worked with us on it here we would have to reschedule the Planning Commission meeting from July 21st to July 28th. So I wanted to discuss that with the Planning Commission to see if that would be acceptable.

Chair Greenwood: What's the feeling from the Commissioners?

Ms. Mitchell: Is that a Tuesday?

Mr. Pernula: That's a Tuesday. It's just the following Tuesday. Instead of the fourth Tuesday it would be the fifth.

Chair Greenwood: That's not my anniversary because that's tonight, so I'm covered there. That's good.

Ms. Mitchell: Tammy said she's unavailable that night. I am available that night – whenever you guys deem appropriate.

Ms. Lohman: And I'm not sure. It's crops.

Chair Greenwood: What's the importance you feel, as Commissioners, for having the consultant here for that? Do you feel it's essential for our deliberations or – I don't know that we necessarily have to have them here. I think Bill and Mike were pretty knowledgeable when we had the face-to-face meetings. I thought they were quite knowledgeable, and they gave me a lot of insight as to where we stand with it. I'm okay with going ahead without them on the 21st, if that's our scheduled meeting.

Mr. Walters: Can everyone make it on the 21st?

(unintelligible comments about holding deliberations on the 21st)

Chair Greenwood: Can we have a motion then to leave the –

Mr. Meenaghan: Do we need one? It's scheduled, right?

Chair Greenwood: Well, yeah, it is scheduled so it's not – as long as there's consensus I guess we're okay with that.

(more unintelligible comments about holding deliberations on the 21st)

Ms. Mitchell: I'd like to ask Mike something. Is there something that you see or that you know about the consultants and what they know that would be anything different from what you guys can tell us?

Mr. See: If we want to really get into the what-was-Ecology-thinking or real details of – the very small, specific of, say, the manual or how these changes would apply, I think their expertise of working with the subject every day is helpful. They're a lot quicker on their responses and they've been very helpful in this process and I think their presence would be preferred, but I don't know for sure that they couldn't come on the 21st. So, I mean, if the 21st works best for the Commission I think we go with that and we – if I can get one of them here, great; if not, we'll do our best.

Chair Greenwood: And then if we have more detailed questions that can't be answered by staff, then perhaps we can extend the deliberations to the following meeting or another time and we could have them address those, and sometimes we've addressed them in writing – correct? –

and we can get those answers back. That works good. Okay. With that, then, I think if we have consensus in favor then – everybody in favor of leaving the meeting as scheduled?

(sounds of assent from the Commissioners)

Chair Greenwood: Because there's only five of us so we all have to agree to that. Okay. Good. And then we will – at that, then – I'm sorry?

Tammy Candler: There's six of us.

Chair Greenwood: Are there six?

Ms. Candler: Yeah.

Chair Greenwood: Yeah, good. Well, we've got more than enough. So someone could say no and we'd still do it. All right. Well, with that, then we're going to close the hearing for the Stormwater Code Update and we will schedule – we've scheduled the – or we'll schedule deliberations to follow.

At this point we're then going to transition into – I'm glad Kirk just showed up because we're going to transition into the Housing Element Draft Discussion. And do we want to take a brief break or do we want to allow Kirk to shed some light here? Can we take just a few minutes – three or four minutes? Five minutes. All right. We'll do five minutes.

(break)

Chair Greenwood: ...begin, I think. Yes. Okay. Good. Well, the next item on our agenda is to discuss the – basically initial discussion of the draft update to the Housing Element and Profile. These are based on comments and discussion from, I believe, the February 17th Housing Workshop was the most recent, and we've incorporated some updated population numbers, economic numbers, and that information has been posted on the website. And so I think at this point we're going to introduce Kirk Johnson – I'm sure everybody knows him – and he's going to introduce us to this bunch of information, which is a synopsis of what we've gathered through workshops to date. Go ahead, Kirk.

Kirk Johnson: Okay. Thank you. Yeah, as the Chairman stated, we're looking at three documents tonight, and these are just discussion drafts for working with the Planning Commission. So the first is a memo titled "Draft Housing Element Amendments in Relationship to Public and Planning Commission Comments." So does everybody have a copy of that? I've got some extra copies here, if not. And the second one is basically the draft Housing Element and Profile, chapter 7, and it's in track changes format. So it's the current language and what's proposed to be added or deleted. Added is underlined and deleted is strikethrough. So there are some changes to the initial narrative and just a few proposed changes to policy, and then the most significant strikethrough and underline is in the Profile where, with the help of BERK Consulting, we've been updating population and demographic data and housing data and the like. I know that several of you, including Commissioner Greenwood, said they wanted to see that data before really getting into the policy discussion. So we have that to look at as well. So that's – yeah, there's the track changes version and then there's the clean version which incorporates that so it's a little bit easier to read.

So the memo, what it tries to do is summarize some of the key housing trends that we pulled together in advance of the February 17th workshop and had access to for that workshop. It discusses the workshop itself and what the discussion questions were for both the 50 or so participants in small groups, as well as for the Planning Commission at the end. Then it discusses some themes drawn from the small group discussions, including the flip chart notes that are on the website, as well as the Planning Commission members' comments at the end of the meeting that are also on the website. And then the last – page 2 and going into the table is kind of a graphic format showing what's proposed to change in terms of goals, objectives, and policies, and how that is related to the discussion at the workshop.

So I guess I can walk through that briefly. I don't think I'll spend time on page 1. Page 2, some of the themes were interest in reviewing permitting fees, impact fees, and how they affect the cost of housing; incentives to facilitate different housing types – incentives for urban areas, incentives for rural areas, maybe different housing type options that might be made available to address the needs in each setting. Farmworker housing was a very big issue of discussion, and then the need for the Cities to be involved in the conversation, given that most of the planned growth is projected and encouraged to locate in the cities and their urban growth areas rather than in the county.

So really there's very few proposed changes on page 3, which is the initial housing goals and objectives. I think item number 3, "consistent with the vision of Urban Growth Areas and rural character," is just trying to reflect some of the discussion from the workshop. There are just some editorial changes to start each policy with a verb – trying to be consistent with the other policies.

And then really the – probably the biggest proposed policy change throughout is on page 4, item number 10, which comes out of some ideas from Paul Schissler, who's the affordable housing consultant to the County's Public Health and Community Services Department, who presented at the Housing Workshop, who participated in the discussions and has been – we've been talking with him since then about how to incorporate some kind of measurable goals into either Countywide Planning Policies or County and City comprehensive plans to have something to strive for in terms of affordable housing. And what he has said is that a good goal that other Counties and their Cities and Towns have adopted is to try to match their supply of affordable housing to the percentage of the population in the county or in the particular city or town that has only enough money to purchase or rent that type of housing. So he said that a goal that's often used and that generally reflects Skagit County's kind of income makeup is a goal of having 40% of the countywide housing stock affordable at or below 80% of the area median income. So that's again kind of the biggest proposed policy change there. I see some questions.

Ms. Lohman: Yeah. I saw the word "regional" and I realized you were trying to come up with a word that incorporates the collaboration between the Cities and the County. But when I see "regional," because we use that word in other places in code and it suggests more of a reaching out of our county boundaries into other counties, and I don't think that's what we want. We want to make sure it's within Skagit County and our players, not anybody else.

Mr. Johnson: Mm-hmm. Yeah, that's what "regional" is intended to say there, not the broader region beyond the county.

Ms. Lohman: Okay.

Mr. Johnson: So you'd like to see –

Mr. Pernula: “Countywide” or something?

Mr. Johnson: Yeah, countywide context. And maybe we can go back to that if you want to discuss it more, but really I think the only other proposed changes at this point – and it’s certainly open for your discussion and proposed amendments – on the policy or goal language is just changing some goals into policies or policies into goals or just trying to make it create a separate, stand-alone goal rather than a sub-goal. So I don’t think there’s any real new policy or goal language. It’s just been moved around a little bit.

Chair Greenwood: I’m kind of hoping, Kirk, that you could highlight some of the key accomplishments before we get into asking specific questions, but pertaining to – there were several challenges, I think. You highlighted them on page 2 – the need for affordability, the need for Cities to be involved in the conversation, and then farmworker housing. Those were kind of key points at the workshop and I think you’ve addressed them both in policy and, well, goals. So maybe you could just highlight those – how they’re being addressed.

Mr. Johnson: Okay, so what did you identify those as?

Chair Greenwood: Well, I think it was – I guess you can call it affordable housing, but farmworker housing.

Mr. Johnson: Yeah.

Chair Greenwood: And I think the other one was having the Cities involved in the conversation, and then I think that’s probably the – those are the key ones there, unless there are other highlighted items that stuck out to you from the workshop.

Mr. Johnson: Yeah. No, I think you’re right there. I mean, Goal A is Housing Quantity. Goal A1 is Housing Affordability. And so I guess the prior drafters of the Comprehensive Plan felt that a lot of the existing goals in the Comprehensive Plan deal with housing affordability. Creative solutions – I’m looking on page 3, item 3 – creative solutions to infill and development using a variety of techniques: explanatory materials, pre-application conferences – that’s kind of the efficiency of the permitting process – support low income housing programs. You know, the thing – there’s a lot that the – I have to look at my crib notes here – Public Health and Community Services Department – they’ve been merged recently and I have a hard time merging them in my brain when I say that. I mean, there’s a lot that Community Services is doing in cooperation with the County Commissioners and with the Cities and Towns that isn’t necessarily – I mean, you know, there’s the Affordable Housing Advisory Committee that had a set of recommendations – I think ten separate recommendations – so they’re not entirely all repeated here, but there’s a lot of stuff that’s moving forward that’s not necessarily referenced directly in the Housing Element.

Chair Greenwood: But they’re in support of the goals and policies that are being expressed.

Mr. Johnson: Yeah, very definitely. And they’re talked about in the Housing Profile. But one of the goals of the Affordable Housing Advisory Committee – or one of the recommendations – was to implement the Housing Elements of the comprehensive plans because that will help to achieve the goals of affordable housing and a variety of housing choices. So I guess I’d say that affordable housing is really woven throughout the chapter as a whole and through a lot of the existing policies, but it’s also particularly emphasized in item 10, policy 7A-1.8.

Chair Greenwood: Okay.

Mr. Johnson: Develop strategies and programs to plan for affordable housing within the countywide context in collaboration with the Cities and housing providers, because really they're the ones who have more direct ability to provide housing, or affordable housing, than the County does to work on affordable housing issues. And then, really, we work with the Cities through the – it's now called the GMA Technical Committee, which is the planning directors come together on a regular basis and they represent the GMA Steering Committee which is the County Commissioners and the mayors from the larger Cities and Towns. And right now we're updating the – looking to update the Countywide Planning Policies, and so this talk about having a common goal of 40% of the countywide housing stock at or below 80% of the area median income is – I don't know. So we've had some discussions with the City planning directors and I'm not sure they're interested in seeing the Countywide Planning Policies change to reflect that, but I think they're comfortable with having that policy added to the County Comprehensive Plan and possibly the Cities adding similar policies to their comprehensive plans. And then through the annual land use and development monitoring program that's proposed through amendments to the Countywide Planning Policies we could monitor whether we're moving toward or away from this 40% goal or whatever the goal ends up being that's ultimately adopted. So I'd say in this proposed policy 7A-1.8 you have really the marriage of working with the Cities and housing providers in trying to do a better job of meeting affordable housing needs.

Chair Greenwood: Okay. Well, I think that helps.

Mr. Johnson: Then actually I kind of overlooked – so there's some discussion (on) page 6, item 25 – so there's an existing policy that says "Work in partnership with other public agencies and the private sector to ensure an adequate supply of farm worker housing." And then what's being added here is "Support strategic actions of the Skagit Valley Farmworker Housing Trust Advisory Council to develop new farmworker housing." I have a single copy of what those proposed actions are. I could run off and make copies and give that to you or give it to you between now and another meeting.

Chair Greenwood: Was that available on the website? I was thinking I might have seen that reference as well.

Mr. Johnson: Yeah. Yeah. So now, since the last time we updated the Comprehensive Plan and the present time, we have a strategy that was developed specifically for farmworker housing that we can look at to try to address those issues. And then really reflecting the discussion from the workshop and, I think the general consensus, if not the unanimous consensus, among the City planning directors at least is that recognize that "farmworker housing would occur primarily in urban areas where services are available and secondarily in rural areas when...designed to minimize loss of agricultural lands of long-term commercial significance," and that mean farmworker housing of a seasonal nature rather than a permanent nature. Well, I guess that's the third bullet, is seasonal housing that might happen in the rural area on agricultural lands. I mean, a lot of people have said that except for the subset of farmworker housing that is temporary, you know, during the growing season, there's a large portion of farmworker housing need that is for permanent farmworkers that's very similar to the overall affordable housing need and it may not be that useful to kind of separate that need out from the overall affordable housing need because it could be addressed through some of the same strategies or some of the same affordable housing development projects.

And then there is quite a bit of proposed update to the Profile. And really that's one of our major requirements under state law – under GMA – to update the housing needs assessment to be current with current population, demographic, housing, economic data. And so BERK, the consulting firm that we're working with, assisted quite a bit with just going through the entire Profile and drawing from the best and the most recent data sources available to update a number of the tables and charts and, in some cases, to add additional ones to the Profile. And Commissioner Mitchell had a question about the margin of error, or what is the validity or sensitivity of some of this data, so I asked BERK if they would pull together, where they could find it, the margin of error for the different data sources that are referenced here. And so they were able to do that today so I can hand that out.

Ms. Mitchell: Thank you.

Chair Greenwood: Dale, did you have additional staff presentation points that you wanted to make other than fielding questions and comments – initiating discussion from our side? Kirk, you okay? I'm sure we'll have some questions for you.

Mr. Johnson: Yeah, and I may or may not be able to answer them. I'm not a demographer by any means. No, only that a lot of this is really updating information that's already in the Profile. I think there are some new tables and graphs. I just wanted to go toward the end section.

Chair Greenwood: What page would that be? I'm looking at the marked version.

Mr. Johnson: Yeah, that's what I'm looking at too. So 21, it shows strikethrough through something called Affordable Housing Strategy. So it looks like that's being partially revised and added to on page 23, and really that is – I think we're just able to get more specific here because the Commissioners appointed the Affordable Housing Advisory Committee and they did work and came up with, I believe, ten different recommendations. And so we're proposing to include those into the Profile so you don't have to go looking for that document to see what those are. Priority Housing Needs is just kind of an update based on the data updates and the discussion at the workshop. General and Affordable Housing Stock Production and Preservation, Farmworker Housing, Aging Populations and Persons with Disabilities, and Homelessness because there are recent studies or data updates on those issues.

And then some of the recommendations from the Affordable Housing Strategy reference other documents, other plans that have been done in recent years, including the Skagit County 10-Year Plan to End Homelessness. So it briefly lists those strategies there. So what we tried to do was pull together all of the housing-specific work – or not all of it but a lot of it – that's been done by the County or associated agencies and organizations, and reference it in the Profile so that somebody can come to the Comprehensive Plan as a one-stop place for getting a good picture of the overall issue – set of issues. And then they can search for the specific plans if they want more detail.

Chair Greenwood: Okay, with that I was hoping to maybe just be a little more free-form and – different parts of these documents relate more to one person than another, so I would say let's just see how many questions we can have fielded by staff pertaining to these documents so that they have something to go back with and maybe we have something to go back with as well. Anyone want to start off? I know, Kathy, you had some questions about – if they weren't all answered already.

Ms. Mitchell: (inaudible)

Chair Greenwood: I think it'd be good to just –

Ms. Mitchell: May I?

Chair Greenwood: – when you have one, let's go for it.

Ms. Mitchell: Kirk, thanks for getting that margin of error information. Could you explain to the crowd why that's important?

Mr. Johnson: Well, I guess if we're citing statistics then people will want to know how valid or robust they are. And typically we're looking to what are considered some of the most reliable and available that's available to the County and the public in general, which is the ten-year census data, and then something called the American Community Survey, which is updated on an annual basis, that provides updates. You know, the census was completed for 2000 to 2010 but time marches on and here we are 2015 and so there's the American Community Survey data from the Census Bureau that provides 2001, '12, '13, '14 and '15 data. And in some cases – in most cases the ACS data, the Census Bureau, provides a margin of error factor. Interestingly, for the census itself it does not. Now my understanding is the census isn't a precise count of every single person who lives in the country, so there's obviously some estimation and extrapolation that goes on, but apparently, you know, that's not provided in a form of plus or minus .25% or whatever. It's just – I think it's just sort of assumed to be the best count that we have. Was there something that you wanted to add on that?

Ms. Mitchell: No, that really – that helps. It was one of those things. I've run into some of the American Community Census stuff before and sometimes, as you know, sometimes they've got really good margins and sometimes they're pretty high. As a matter of fact, I had gotten into a discussion with Liz McNett Crowell one day because I had quoted something that they had and she looked at me kind of funny, and it was because when I went back and looked at that compared to the U.S. Census numbers they were way off from each other. And so I try to remember that whenever I look at this data, and if anybody else is going to look at this in our Comp Plan they'll need to know how valid this stuff is. Sometimes it's the only information we have –

Mr. Johnson: Yeah.

Ms. Mitchell: – but it's pretty important to understand how much you can rely on that, so I think that's important to include somewhere in those charts.

On the Housing Element itself, on page 1 there was just one sentence that caught my attention, and it says – it's on page 1, third paragraph, middle of the paragraph – it says, "Since a community benefits from its residents, it has a responsibility to ensure that they have a desirable place to live." Although I believe that's an admirable statement, I don't believe that belongs in here. And part of that is I don't – to me that is a logic fallacy or a *non sequitur*. It's one of those things where it really just doesn't belong. So I don't know if anybody else feels the same way, but... In other words, a lot of the information that the County will be doing and is outlined in other places, yeah, that's addressed in different ways but I really don't think that statement itself belongs in here. That's more of a value judgment.

Ms. Candler: And I think I remember having some discussion about what the – not getting the County into a situation to have to *ensure* housing.

Ms. Mitchell: Yeah. Yeah.

Mr. Johnson: Yeah, so that's something that's currently in the Comprehensive Plan and if you, as a Planning Commissioner, are uncomfortable with it you can recommend that it be stricken in the proposal that goes out for public review and comment.

Ms. Mitchell: I would like to do that, just for the record. I don't think it belongs there.

Mr. Johnson: Okay. I don't know –

Mr. Meenaghan: Kathy, clarify for me which statement, which ___ you're talking about.

Ms. Mitchell: Page 1 –

Mr. Meenaghan: "Since a community," is it?

Mr. Johnson: So it's on the strikethrough draft on the first page – yeah, it's the third paragraph down – one, two, three, fourth line starting in the left margin: "Since a community benefits from its residents, it has a responsibility to ensure they have a desirable place to live."

Ms. Mitchell: The County can do an awful lot, but that's a pretty tall order.

Chair Greenwood: Is there preferred language or were you thinking of strike it versus – is there any –

Ms. Mitchell: I think it could be – my personal opinion is it can be stricken entirely because there are many, many places in the document that the County is outlining ways that they're going to try to address all these kinds of issues anyway in different ways.

Chair Greenwood: Well, this is a discussion so any other comment would be appreciated.

Mr. Johnson: Yeah, I guess what we'll be looking for is, Is that the sense of one Planning Commission member or is that the sense of many Planning Commission members?

Chair Greenwood: Correct. That's what I'm looking for.

Ms. Candler: I would support striking it.

Mr. Meenaghan: I wonder if we could possibly look at the word "responsibility" and maybe change that? I think we would all say a community benefits from its residents – true.

Ms. Mitchell: Yeah, it's the second half that I've got a problem with.

Mr. Meenaghan: It's the second half that is not worded right. Maybe simply changing the word "responsibility" to maybe something along the lines of "it's in our best interest to have a desirable place to live." I don't know – something that still preserves that you've got desirable place, community, made up of residents –

Ms. Mitchell: Right. Promoting and ensure are two very different things.

Mr. Meenaghan: Yeah.

Chair Greenwood: How about you, Annie and Amy? What do you think? Is that – which one sets well with you?

Ms. Lohman: I'm struggling with coming up with an alternative, and I haven't heard it yet.

Chair Greenwood: But the sentiment?

Ms. Lohman: But I agree that it's a tall order the way it's written, but I don't think that – part of it is you're in kind of a narrative section in this because when you read it – when you're just reading it, it *is* a narrative and it *is* somewhat, you know, 30,000-foot level. And I think the sentiment is that we all want to provide a nice place to live regardless of fear of means – that there's a place for everybody. Because when you read the sentence that just precedes this and then you follow it by this, I get it. But I haven't heard the sentence and I'm struggling to come up with one to replace it.

Ms. Hughes: I have no further comment. I see the point of not making it too large a goal.

Chair Greenwood: Right. And yet we do have some – we can't shirk all responsibility. We only have so much power and authority to do some things. Like you can adjust zoning, you can do things to promote. But the "ensure" is the word that I would struggle with. We have a desire to – we benefit from people who do a variety of tasks within our community. We benefit from one another. So for people to live here based upon just your means alone I think we need to provide that. So I'm saying "need"; everyone else is saying "ensure." So I think we want to maintain that sentiment but not make it a guarantee. So I think we're all agreed with that.

Ms. Lohman: Maybe if we can bring some proposed language to substitute in.

Mr. Johnson: Okay.

Ms. Lohman: But I don't think – I haven't heard it yet, unless somebody has it.

Chair Greenwood: Okay. I like that. I'd really like to have an alternative rather than just "I don't like it" and throw it back, you know, kind of stuff.

Mr. Johnson: Yeah, I understand the idea of being uncomfortable with "ensure" but then when I try to find something to take the place of it ____.

Chair Greenwood: And when you take the sentence out, the paragraph doesn't flow so well.

Mr. Johnson: Yeah.

Ms. Lohman: Well, maybe the whole sentence needs to just be restructured because –

Mr. Johnson: Yep, we can definitely do that.

Chair Greenwood: Okay, other sentiments from the documents? I don't want to restrict it to any particular area.

Ms. Candler: I have one. Okay, so I'm looking at the clean copy and I'm looking at page 8 on the chart at the bottom, and I'm wondering: In terms of the legend here or whatever it's called, we've got Single Parent, Children; we've got Single Parent, No Children. I'm assuming Single Parent, No Children means single parent, no minor – no children under 18? Does anyone know? Because I'm thinking if that is what it's trying to say, we need to maybe add the word "minor" or we could even put "Single Parent, Minors"; "Single Parent, No Minors" or something like that. I'm not even sure if that's what it's trying to say but I think it is.

Mr. Johnson: Yeah, I can – let's see. So in Skagit County Household Composition – Single Parent Female, Married, Children; Married, No Children Under 18 Years – yeah, I can do a little research to find out what specifically is meant by Children and No Children.

Ms. Candler: And just to not take up too much room, I feel like we could use the term "minor" or something. That would be my suggestion.

Mr. Johnson: Okay.

Chair Greenwood: Any other points of clarification or suggestions?

Ms. Hughes: I have a broad observation of this. As I read through this, I'm not seeing a lot of attention to housing trends with younger people. As I look at housing trends from World War II to present, every generation gets kind of a different thought of what their housing needs need to be, and it seems like every generation went higher housing needs, bigger houses, bigger garages, bigger everything. Since I have two children, adults who are now in their mid-20s, what they're looking at for housing is totally different than what I was looking at at that age. And are we being sensitive to that? Technology is almost as high a value as housing for this generation. They spend as much on making sure they have fast Wi-Fi, that every member of the family has a cell phone – all these things that we didn't have. So when we talk about 1/3 of their finances need to be directed towards housing, they may have different values. So we're looking at something going into the future. Have we taken care of that? And also I'm looking at – my husband's parents wanted to live into their homes until they passed away. My parents and grandparents, what I look at is you downsize. Well, if we look at a baby boom generation that is thinking about downsizing, we're going to have a lot of housing stock for families coming up so we don't – you know, new housing, just shifting of generations could take care of a lot of that. So I'm just wondering if we're looking progressively forward and how we're changing for 21st century over 20th century ideas and values.

Mr. Johnson: Yeah, I know that's a major subject of presentations and discussion in planning journals and magazines and at planning conferences – is just how dramatically demographics are changing. Sometimes you wonder if that is more descriptive of what's happening in Seattle than it is of what's happening in Skagit County, but we can certainly look into that and try to see if there're some dynamics that need to be emphasized a little bit more.

Ms. Hughes: Well, and to follow the conversation with Skagit County, I feel real sensitive that we are sandwiched between two international cities, two growing cities – Bellingham and Everett – and we need to be sensitive that we are going to have some of those same values that are coming both directions. So, you know, if we were in a more rurally-surrounded area I could agree with that. But I think in Skagit County we just really have to be sensitive.

Mr. Johnson: Okay. I can look to see if we can ___ the discussion of changing demographics for both the younger age group and older – kind of retirees.

Ms. Hughes: And I don't know how that fits in but I just think we're short-sighted if we don't look at that in our planning.

Chair Greenwood: Very insightful. Those are good. I hadn't even thought of those things myself. Very good. Any other comments from the Commissioners or questions for Kirk? Suggestions? Those who were at the Housing Workshop, is it reflective of the things that you heard at the meeting? We were in different groups but there was a synopsis there. Yeah, go ahead.

Ms. Candler: I think very much so. I think it's a really nice job. Although I don't know if this is what Amy was getting at, but the Ecology piece, I think we do have some very progressive, go-green, younger generation of people coming in. I think that did come up. I'm not certain. I may be expanding a little bit on that but yeah.

Chair Greenwood: I don't remember reading it in the proposal, but that's another good point. I think that's very important. That kind of fits into our previous hearing pertaining to low impact development, and there's a lot of elements of design that I think people want to incorporate with technology and living environment.

Ms. Hughes: Community.

Ms. Mitchell: I do have a quick question for Kirk.

Mr. Johnson: Yeah?

Ms. Mitchell: On page 1 – this is the strikeout version – Bayview Ridge is crossed out now?

Mr. Johnson: Yeah.

Ms. Mitchell: Swinomish: Where is that area? Where's that neighborhood UGA?

Mr. Johnson: Well, the – I think the residential core of it is down across the channel from La Conner, but then the commercial and maybe industrial portion is up by the Highway 20 bridge over the Swinomish Channel. And I'm just not remembering if it's a contiguous – you know, if it kind of –

Unidentified female voice in the audience: It's separated.

Mr. Johnson: Okay, so – all right. That's unusual because I think typically you can't have a UGA that's in two separate places.

Ms. Mitchell: That's why I was wondering.

Same unidentified female voice in the audience: (unintelligible)

Mr. Johnson: Yeah, there's a Swinomish Village basically right across from the town of La Conner where I think a lot of the residential is, and then I'm frankly – I haven't – Gary's really kind of our Swinomish planning expert. I could get back to you with an e-mail tomorrow to say, Here are the boundaries of the Swinomish urban growth area.

Ms. Mitchell: Thank you. I hated to sound silly but I didn't know what it meant.

Mr. Johnson: No. I knew at one point and it's kind of gotten foggy in my mind.

Ms. Ehlers: _____. Can you bring that up? There's not a thing in there about what it's like to be old and try to survive. The lack of transportation, for example.

Mr. Johnson: Well, what do you mean can I bring it up?

Ms. Ehlers: Well, tell *them* about the questionnaire if they haven't seen it.

Ms. Lohman: Mr. Chair?

Chair Greenwood: Yes? Point of order?

Ms. Lohman: Yes.

Chair Greenwood: Okay. Carol, can you keep those – let's have the exchange between the Commissioners and staff and then we'll consider – since we have such a small group, maybe we can entertain some comments from the public on this subject. At that point, it would be up to the Commission.

Mr. Johnson: If you want to do that one now or later, we could go to the County website where it's featured fairly prominently that the Community Health Trust – I think it's called – the health committee that the County has established is doing a survey of the county population with lots of questions about what kind of services and amenities people want and feel they need in ___ Skagit County.

Chair Greenwood: I guess what I was hoping to do is just to field the questions from the Commissioners and then maybe we could have a two-minute from the public if you wanted to just voice something and then they could respond as appropriate. If something's burning and you need to do that I think this would be appropriate for that.

Mr. Johnson: I would say – I was just reviewing Planning Commission members' comments at the end of the Housing Workshop and there's a lot of good stuff in here. There was some discussion about, you know, trying to encourage the revitalization of the Rural Villages and different housing opportunities in those Rural Villages. We did a little looking into whether we have much leeway under the Growth Management Act. You know, could a large house be turned into an apartment with maybe half-a-dozen units? Or could we permit duplexes? Or – and so we talked with the Department of Commerce and it's kind of been my sense, and also what they emphasize, was that the Growth Management Act puts some pretty tight restrictions on development that can occur in the rural area. So other than the accessory dwelling units, we don't have a whole lot of tools in the rural area for promoting affordable housing – I mean, maybe comparable to the way that Cities do in terms of densities or multifamily. So I know it was something that was talked about. I'm just not sure that we have much that we can offer.

Chair Greenwood: Don't you think that fits in well with the interagency type of approach that we were looking for – was to identify goals for the county and then make sure that there's an interagency discussion and there's a forum for that so that the proper entity could promote and provide for that need. Just like the farmworker housing: Where does it best fit? Well, it's some of each so how do we address it throughout the county?

Mr. Johnson: Yeah.

Chair Greenwood: Right? I remember hearing some of that.

Mr. Johnson: Yeah, and one thing that we have offered to the Cities as kind of the County's role as regional coordinator/convener is to have BERK do some kind of economic and housing profiles for the Cities that would be comparable to what we have for the County – that everybody could at least have kind of a snapshot of their – kind of the income profiles of their residents and then the profiles of their housing supply to see whether there *is* a good match or whether they're short in various areas. So we are doing that in cooperation with the Cities and the Towns, and with the help of BERK, to try to provide them some useful tools where they can then go and look at, Well, what are the strategies or approaches that we as Cities and Towns can use to try to address areas where we have needs within our own community?

Chair Greenwood: Good. Well, just an observation on my part was that this Profile is a lot more robust than the previous versions of the Comp Plan Profile. And it seems like a lot of numbers and data but it's also organized, so I like having that data there so that you can reference it. And that was one of the questions we had when we were making proposals or trying to make recommendations pertaining to, say, Bayview Ridge. What population numbers can you use? Well, we can't use those because they're not adopted yet so we just have to keep looking at the old one even though we know what the new ones are. And so having the new ones to update from I think is critical. So I like that aspect of it.

Annie, it looked like you had something?

Ms. Lohman: I have a question. Kirk, is there a way on those demographic information of periodically updating it, or is it only through the Comp Plan process that you can – so that we *don't* get so far behind?

Mr. Johnson: Yeah, the idea we had in the 2005 Update was that the profiles would be something that could be updated more frequently without really having to go through the whole docketing process and public comment and review. I mean, because the profile isn't a policy document.

Ms. Lohman: Right.

Mr. Johnson: And so numbers change over time. So I think we would have that ability if we had the time and the resources or the direction from the Commissioners to do some updates to those profiles, and maybe we could start doing that five years in advance of the next periodic update so that we have kind of a running process where we're knocking elements of the update off as we get closer and closer to the deadline _____.

Ms. Lohman: Because I think of the other things that we just routinely do, like we always go over the capital facilities.

Mr. Johnson: Yeah.

Ms. Lohman: It almost seems like if you could have it in a tickler like maybe every other year that you just – or as soon as the census comes out or whatever, because then we're current.

But I don't want to make it a stand-alone task because then it gets unwieldy and it becomes too big and it gets too old.

Mr. Johnson: Yeah, and that's the idea with the land use monitoring on an annual basis in cooperation with SCOG. I mean, a number of jurisdictions – the bigger ones, the Counties and their Cities – are required to do that on an annual basis – their buildable lands analysis and annual updates – and what we're saying is it just makes sense that we all do that. So the basic land use data – how much population growth has there been in the county in the last year? How much of that has gone to the cities? How much in the county? And if we have ways to measure affordable housing, progress towards those goals that are updated annually or however often they are updated we can do that. So it may not be every profile throughout the Comprehensive Plan but it might be, you know, the aspects that are really kind of the most important to know on an annual or every-other-year basis.

Chair Greenwood: Were there any outstanding issues that we need to address now from individual Commissioners?

Ms. Lohman: I liked having the ___ and the discussion box. I really liked how this was set up. Because I read it first then read this and then this made sense.

Mr. Johnson: Yeah.

Chair Greenwood: And I appreciate having the strikeout because I always – I don't relate too well to a clean version because then I've got the old and the new and I've got to put them side-by-side and I've got two eyes and they don't come in stereo so – because they're always so different. So I really appreciate the format here. And I guess I'm going to encourage us to go into as much depth as we need to and then give them feedback; otherwise, we'll end up just adopting what we like or we'll hear later that the public doesn't like it. And so we need to dive into it as much as we can, I think; otherwise, we'll just hear another element and then we'll have to digest it all at once later.

So I offered – what did you think about allowing the public to have just two minutes each? And don't go over the two minutes, Carol, please – just to – if you have a question for staff or – would you like to do that, Roger? Do you have any interest in that?

Mr. Mitchell: (unintelligible)

Chair Greenwood: Okay. How about you, Ellen? And Carol? And, Lisa, you're welcome to, as well. Yes, go ahead.

Ms. Bynum: Ellen Bynum. I'll have some more comments on the specifics, because one of the things I've been doing is tracking other counties and other states and what they're doing on housing. And one of them that I'm tracking is Marin County, which is a gigantic population difference to here, but some of the things that they're coming up with are quite interesting

One point on the trend towards the 20-somethings not wanting to have the same size housing as others, that's a national trend. I don't think that's something that's not happening here and I'll tell you why I know that's true. In Anacortes, the citizen advisory committee that is dealing with housing did an inventory of how many housing units they needed to determine what they needed, because they were being led somewhat by the planning department but also just by not having the information. They didn't know what they needed. And they're come up with a number

around 400 units in the process of doing their comp plan. You probably know about that. But they also have a lot of input and they have representatives on those committees of people in their 20s. And those people are continuously reminding them, both in the economic circumstances and the choices that they make and the housing stock, that there has to be a way to provide what they need. So it ranges from, you know, multi-podments/multi-apartments that have a single cooking/living area but have separate – it's like a rooming house, updated rooming house – to tiny houses as accessory dwellings to the traditional, more centralized small apartments – like the Wilson Hotel was done for affordable, right?

So there is a discussion in Anacortes that's happening with that, and it led me to be thinking about, Are the other Cities doing a similar kind of exercise and, if they aren't, can we go back to the planners group and say, This is how Anacortes did it. This is the way that you could get this data. And then you might find a little more accuracy on your estimates for your housing. Because I don't really think that you can – you know, I had a mayor – whose name will be left out of this statement – say, If you build it, they will come. So that's not exactly what planning's about, at least as I interpret planning. So I would like to encourage the Cities to do more on that area, both to get their data and then also to look at this demographic thing. Because basically what they had in Anacortes is a lot of people going away to college, coming back, starting their own businesses. And I think Mayor Gere, you know, recognized that, which is why the citizens committee went out and looked at the housing pieces. And the CAC model might be something that needs to come back and used here. I don't know. Thanks.

Ms. Ehlers: Carol Ehlers. There was an article in the *Wall Street Journal* the other day about the same issue that Amy brought up, only in that case people were being very careful to make sure that they bought *only* where there was *real* accessibility for the computer and the cell phone – no drops, no adds, none of the games that are typical of most – I understand – of most of rural Skagit County. There's a major differentiation between the – nationally it's 93% of the cities have *real* Internet service and 47% of the rural people have *real* Internet service. That is, that which doesn't interrupt; that which you can actually stream; that which you can actually do all the things you're supposed to do on it – which we don't have. And so I don't know how that fits into a Comp Plan. The only person I've ever seen pay attention to it here is Don Wick in 2010. But I think it's – it's the future. And in 1975 they were demanding in this county that you be able to call from Anacortes to Mount Vernon without paying a toll and that we all be able to have a single phone line so that you wouldn't have somebody else on your phone dialing at the same time you were dialing long distance. So this is a continuum here.

The second thing that was brought up at the meeting that Tammy and I were in the same group. You can talk about affordable housing, but if you're dealing with a certain group of people they can't drive. So you've got to have transportation. At the other end of the scale, this monkey questionnaire is very interesting. Ellen and I went through it. We spent about a half an hour. It's fascinating but it certainly doesn't deal with anything I'm facing. Once you get to a certain age, you face the issue of, Can you drive or can't you? If you can't you're sunk in this county in the rural area. Dial-a-Ride won't come if you're on the typical rural lane that the County has permitted. They won't come partly because they can't – physically can't. A lady told me a couple of weeks ago that she broke her hip and Dial-a-Ride couldn't come because it was too steep. Now it says here that 17% are 65 and older. When you get to the 85 and older – I'm nowhere near there, but I'll get there; we all will – your chances of being able to drive where you want to when you want to are less and less. Now Dial-a-Ride is what was supposed to be created. That's one of the Comp Plan policies. It was for people who could not drive, whether they couldn't drive because they couldn't pass the test, because they weren't bright enough, or they weren't visually able enough, or they weren't physically able enough. There's a hundred

reasons why you can't do it. This County doesn't care. Government in many places doesn't care. It's a national problem. They use the ambulance because it's the only way they can get to medical care. That's not a good use of either the ambulance or – and you can only go to the emergency room with the ambulance. That was a hearing here a couple of weeks ago. It was a good hearing. I learned a lot from it. I suggest you watch it. But these are relationship problems between the Housing Element and the Transportation Element.

Chair Greenwood: Okay, I was hoping you'd get back to that because that is the Transportation Element aspect of it. So if you could kind of cut it off, that would be helpful.

Ms. Ehlers: One more small point: The question was raised about infill. That's called the "Reasonable Use" section in the County Code. That is how we made sure that you could infill in the Rural Villages, infill in the Rural Intermediate. The only one who understands it is Grace Roeder. What you're going to do, what we're going to do when she retires I don't know, because it's complex and it's sophisticated and it looks easy when she does it, but that's like many sophisticated things. But that's what we did, and that is what has enabled the water systems – the 200-plus small water systems – to remain financially viable, because the County was going to prevent people from infilling in those little water systems. And since the law – let's say you have ten spots and seven of them were built. The County was going to say the last three couldn't be built. But state law requires that you build the infrastructure for ten. So we solved that problem.

Chair Greenwood: Okay. Carol, I really want to encourage you to stop there. I want to have the opportunities to open it up as we can but I want to make that not happen in the future.

Ms. Ehlers: Thank you.

Chair Greenwood: Okay. With that, I think we're going to close that session and move on to the next agenda item – if everyone's okay with that? All right – which is the Department Update.

Mr. Pernula: Just a few things. First of all, with the e-mail that went out with your packet I mentioned that we did not put on the Code Amendments on this agenda because we hadn't met with the Ag Advisory Board or the Forest Advisory Board yet. However, tomorrow night at 8 – or excuse me, 7 p.m. we will be meeting with the Ag Advisory Board and on Monday, July 13, at 7 in the morning we'll meet with the Forest Advisory Board. So we'll deal with the issues, particularly the notice issues, and explain what the proposed code amendments are and start discussing proposed possible alternatives to address each of those issues with those boards, and we'll bring back that information to you guys as soon as we can – maybe on the 21st.

Chair Greenwood: And at that time, perhaps we could cover some of those other elements that we didn't address when we got half-way through.

Mr. Pernula: Sure. We'll see –

Chair Greenwood: What were the dates and times?

Mr. Pernula: Pardon?

Chair Greenwood: What were the dates and times – I'm sorry – for Ag?

Mr. Pernula: Tomorrow night at 7.

Chair Greenwood: Okay.

Mr. Pernula: And July 13 – that’s a Monday morning – at 7 a.m.

Chair Greenwood: Now where are those meetings taking place?

Mr. Pernula: I believe they’re here.

Chair Greenwood: Okay. FAB is upstairs somewhere.

Mr. Pernula: Okay, that’s right. They’re upstairs is right. They’re in this building.

Chair Greenwood: Ag Advisory – anybody know?

Ms. Mitchell: Is the Ad Advisory in this room then?

Mr. Johnson: I think sometimes it has been. I attended the last meeting. It was in the Skagit Room because it was too hot in here, but I think normally they meet in here.

Chair Greenwood: It’s too hot in here tonight, too.

Mr. Johnson: Yeah, we were supposed to punch the air conditioner at 6:30.

Mr. Pernula: Okay, the next item is that we have scheduled before the Board of County Commissioners a review of the marijuana code. It’s just taking all the information that is received and asking them for direction. That’ll be on the 21st.

Ms. Ehlers: What time?

Mr. Pernula: I didn’t write it down. I think it’s in the afternoon. I could look that up for you. I’ve got it on my computer.

Ms. Mitchell: Will that be here, as well, in this room?

Mr. Pernula: That will be here, right here. And as I mentioned earlier, your next meeting will be the 21st instead of the 28th, as we suggested. That’s the regular time. That’s all I have.

Chair Greenwood: Okay. Then I think the last one was comments and announcements from the Commissioners, and I just wanted to lead in with something I forgot to mention before which Ryan’s not here so I can’t really ask him how, but perhaps you can answer, Dale. If we were to extend the comment period for the Stormwater plan, since we’re not deliberating till the 21st do you see any problem with extending that comment period?

Mr. Pernula: That might be a problem with us being able to assemble the information. Then we might not want to do it on the 21st. Because we have to compile the information and make recommendations and get it back to you guys. _____ tight.

Chair Greenwood: What about having it be in a published timeframe, which we said would be Thursday, and there was a request that we extend it a little bit. How much time would be

appropriate both from the posting and from the – now I'm sure that the rest of us want to do that, but –

Mr. Pernula: That I don't know. We may have to re-post it so that everybody has the same opportunity at the same time, so it might delay – I couldn't tell you exactly how we would do that.

Chair Greenwood: Okay, is there interest in this group to extend it, say, until – give it a weekend or something till Tuesday of the next week? I'm assuming staff won't be on it maybe first thing in the morning if they're like my Monday mornings.

Mr. Meenaghan: I would suggest maybe if there was a possibility of doing it, maybe close of business Monday. That extends it – what? – four more days.

Mr. Pernula: We might be able to do that but I don't know if we can do that without notice.

Mr. Meenaghan: Okay.

Chair Greenwood: Okay. All right. Well, if you could find out on that, I think that would be helpful. Is that the pleasure of the Commissioners to extend it if we could? Or do you see any obstacles to that? I mean, it's been noticed and people have had time to comment. It's not like a new thing. But also it doesn't really come to light oftentimes until the staff documents come out and they present them, and then people watch it on TV and then it gets more exciting. But I don't want to set a precedent that's wrong.

Ms. Candler: Actually I was thinking the opposite. It seems like a good precedent to set that the comments could be received after the meeting, in the future through the weekend or through the week or something that seems like it would make sense.

Chair Greenwood: Because it used to be right after the meeting. It used to be at the end of the day, but we've extended it beyond that in more recent times.

Ms. Lohman: Well, and the Commissioners themselves have, too.

Ms. Candler: Well, and then we don't have the notice requirements if we just post it up front to not coincide with the end of the meeting, or too close to the meeting.

Ms. Mitchell: So what I'm hearing from other folks is that most people would think if we could routinely change it to, say, the following Monday, 4:30 p.m. or something. Is that the idea?

Chair Greenwood: I'm not thinking so much routine but maybe we could try it this time, if it's acceptable to do that, just because –

Ms. Candler: But I think that's where the notice problem comes in that Dale's talking about. It needs to be something that they can do in advance or else we get into issues.

Ms. Lohman: But then how do we extend the comment period in the other situations when we did?

Ms. Candler: I think we extended our own comments, I think, but I'm not sure that we extended any others.

Ms. Lohman: Oh, oh. Okay. Okay.

Ms. Candler: That's different.

Ms. Lohman: Right, right.

Ms. Mitchell: I'm all for extending the comment period but I think we're really bound by the public notice part.

Mr. Pernula: There may be a way around it. I couldn't tell you right now.

Mr. Meenaghan: And I would also suggest that maybe we don't – we wouldn't necessarily want to extend it if it means we have to extend our meeting on it.

Chair Greenwood: Deliberations.

Mr. Meenaghan: Yeah. I don't think we want to change that. We have plenty of else – we have other stuff to get through.

Chair Greenwood: Well, what do you think? We have to be mostly in agreement here to do something like that.

Ms. Candler: Well, I think as proposed it was just if we're able, wasn't it? Wasn't that what you proposed?

Chair Greenwood: That's what I'm proposing. That's what I'd like to see.

Ms. Candler: And I'm in agreement with that.

Chair Greenwood: If we're able to. I don't think it's going to affect our deliberations unless there's additional information. And Carol wasn't able to get through all of her information that she'd like to share, and if that enables the public to fully vet then I think that might be helpful to us, and we'll see how it works. I'd like to try it, at least in this case. And if it doesn't add to the workload – I don't think it's going to be a large number of people. I'm wondering if a few more days is not like shortening it. Lengthening it is a little bit different and it might not be equal opportunity, it seems, but everybody's had up to Thursday so a little bit more doesn't seem like it's something someone would generally complain about. But I think we're somewhat reluctant. Can somebody make a motion then and we can...just to see if there's consensus. I don't want to ram something through.

Ms. Candler: I think the consensus would be that the Department inquires or looks at whether or not it's an issue – ask Ryan or whatever – and if it's not an issue then you send it, right?

Chair Greenwood: Yep. Is everybody okay with that?

Ms. Lohman: Yes.

Chair Greenwood: I see heads nodding.

Ms. Mitchell: I'm fine with what Tammy just stated.

Chair Greenwood: Okay, good. So if you can extend it till the close of business Monday, we'd like to see that.

Mr. Pernula: If not –

Mr. Meenaghan: It stays as is.

Chair Greenwood: Stays as is.

Ms. Candler: Because we need to leave it on the agenda for the 21st.

Chair Greenwood: So try and get your comments in by Thursday if you absolutely have to. There's usually not a significant opposition to the public making contributions, but it can be serious sometimes. When you get down to the deliberations, they say, Disregard this and disregard that, so really try and get them in by Thursday if you can.

Okay, any other comments from Commissioners?

Ms. Lohman: Is Matt coming back?

Chair Greenwood: Have you heard anything more, Dale? I haven't looked into it.

Mr. Pernula: The last time I talked to him, it's his intention of coming back. The problem is he had his own private business. He got a new job, so he's actually working on two jobs for the foreseeable future. But I don't know what kind of a timeframe it will be before he's able to come back.

Chair Greenwood: Okay.

Ms. Mitchell: Well, if you talk to him, let him know he's missed.

Mr. Pernula: Okay.

Chair Greenwood: Okay. Well, with that then, no other business it's closed. Can we adjourn?

Ms. Lohman: I move to adjourn.

Ms. Hughes: Second.

Chair Greenwood: Okay, good (gavel).