

**Skagit County Planning Commission
Public Hearing: 2018-2023 CFP and TIP
Workshop: Stormwater Code Updates
September 19, 2017**

Planning

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Kathy Mitchell, Vice Chair
Annie Lohman
Mark Lundsten
Tammy Candler
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Public Remarks

Commenters: Carol Ehlers

Public Hearing

Commenters: Carol Ehlers
Carl Bruner, Mount Vernon School District Superintendent

Chair Tim Raschko: (gavel) Good evening. I'd like to welcome everybody to the September – what is it?

Annie Lohman: 19th.

Chair Raschko: – 19th, 2017, meeting of the Skagit County Planning Commission. I presume everybody's has an opportunity to review the agenda. Everybody was all right with that? And as a first matter, I'd like to introduce Mark Lundsten, who is a new member on the Commission tonight. Have you anything to say for yourself?

Mark Lundsten: Uh, I –

Chair Raschko: Not to put you on the spot!

Mr. Lundsten: No, no, not at all! I am a resident of South Fidalgo Island. I've lived there for almost 10 years. We built a house there and I became aware of this Planning Commission's existence a year or two ago with some issues that came up in the neighborhood, and someone said a few months ago that I ought to put my name up for this Commission and I did. And here I am. I'm retired from commercial fishing and doing a few other things, including making some

movies and things since then, but I was real involved in fish politics so I kind of felt like land and water politics wasn't *that* far off from the arguments we had in Alaska about commercial fishing. So here I am and hope I serve you well.

Chair Raschko: Well, welcome. Thank you. The first order of business will be Public Remarks, if anybody wishes to address the Commission. You have three minutes.

Carol Ehlers: Carol Ehlers, also from South Fidalgo Island. Welcome to you. There was some discussion this spring that seemed to think that Fidalgo Island was flat like the floodplains are. So I have taken this map that I created at a National Geographic kiosk. This is one topographic map. This is another. You can see the demarcation here in the lake. Up here in the north is another topographic map, and then one over here to the left. You can see the demarcation in the lake. This illustrates the reality of doing anything on Fidalgo Island because each of these little humps is a very tough piece of igneous rock that came up from the center of the earth a long time ago. They call them plutons and they're very difficult to do anything with. In some cases like up here at the point, there are plutons separated by vertical sedimentary rock because the plutons came up *through* the sedimentary rock. And I have seen at least one expert who thought that this was a ditch. So you can't always trust the vocabulary of experts. And I do have maps to illustrate the geologic aspects of this.

But what I wish to illustrate tonight is that State Route 20 comes in here and you can see how close to the edge it is. These are mostly sedimentary rocks right there, which is why if you go there you'll see a chain link curtain over the rocks in an effort to keep them from coming down on the cars when the drainage isn't maintained properly up *here* in Skagit County. People don't make the connection between these things. State Route 20 then comes down here, and you can see why it comes where it comes because it really doesn't have much choice to be put anywhere else. Campbell Lake intersection is one that you'll hear me talking about this next year because they're going to put a roundabout here at Sharpe's Corner and there will be no more gaps for us to turn left to cross the traffic in. But that's more for later.

This is State Route 20 coming down here and then it crosses Deception Pass. The other major route across Fidalgo Island from north to south is Rosario Road, which meets 20 here, goes through something called Cougar Gap. That wasn't created until, I think, 1972, but that's also the area where the Navy, gunning their engines hour after hour when it was really wet, caused the road to slide two years ago in January – blocked it for a couple of days. Rosario Road comes up here and over here where it meets Campbell Lake Road. When it was installed, it was called "the level road to Rosario Beach," and it was built right before the Second World War. The way it was built and the difficulty of the construction, I think the Army built it because I don't think Skagit County had the money in those days.

Normally you go from Rosario Road up here to Havekost and Marine Drive. You can go right into Anacortes on A Street and then D Street or you can come along the edge and go to the ferry. The last couple of years since the traffic has gotten – increased, as you know it would, more and more people are turning left through the scenic route on Rosario Road. And those of us who have driveways or lane accesses which were inadequately developed or permitted by Skagit County because it was assumed –

(sound of bell ringing)

Ms. Ehlers: – there would never be any traffic there, we have some concerns. But the gist of it is that under each one of these is a very hard piece of rock and there is a document of South

Fidalgo Island, the Stormwater Management Plan, which shows all kinds of details about the island based on this essential topography. And I did want you to know what was available. I turned this in to the Commissioners and they made a PDF file. I don't know where it is, Dale. I hope you'll find it so that people can use it, because the more you know about what you're thinking about the more accurate you're likely to be and the less we're likely to be terrified. It's bad enough to have Sharpe's Corner a roundabout with 33,000 cars going through it. And their model says that cars are going to be driving through the roundabout next to trucks who won't be able to see them.

Chair Raschko: Thank you.

Ms. Ehlers: Thank you.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Well, with that, we'll move to the public hearing. The purpose of this public hearing is to receive testimony and written correspondence regarding proposed yearly updates to the Capital Facilities Plan and the Transportation Improvement Plan. There's a sign-up sheet at the back of the room for those who would like to testify. An opportunity will be given at the end of the hearing for those who wish to testify but did not sign up to speak. We ask you to limit your comments to three minutes. In addition, if you could please give your name and address to identify yourself it would be appreciated. Also the microphones are sensitive, so speak into the microphone but don't touch it.

Let's see. Written comments are also being accepted. They can be placed in the box located on the staff table that's in the rear of the room. When the – the written comment period is open until Thursday, September 21st, at 4:30 p.m. Written comments are encouraged and are not limited in length or on the number of issues that you might raise.

Before we start, the staff will give a brief presentation on the subject at hand.

Stacie Pratschner: Thank you, Commissioner. First, before we start the public hearing I just wanted to say congratulations to our three Planning Commissioners who were reappointed. Commissioner Lohman, Commissioner Rose, Commissioner Del Vecchio, thank you for your continued service on the Planning Commission. Of course, welcome to our new Planning Commissioner, Commissioner Lundsten. Thank you for joining us.

Well, good evening to the Commission, to administration and staff, to members of the community here this evening. Thank you for having me here this evening. This is the public hearing for the proposed annual updates to the Skagit County Capital Facilities Plan, or CFP, and the Transportation Improvement Program, or the TIP, T-I-P.

The purpose of capital facilities planning is to make sure that a jurisdiction provides adequate public facilities. Those are defined by Washington state as things like streets, water systems, sewer systems, parks and recreational facilities, and schools, to make sure that they can serve existing and new development and ensure that those facilities are in place when development occurs.

The plan is meant to demonstrate that the jurisdiction has a realistic plan to provide the needed facilities to serve development at the level of standards. LOS standards have been adopted in order to implement the vision of the community's Comprehensive Plan. The County's Capital Facility Plan is a six-year plan and this year's update concerns 2018 to 2023 updates of capital projects with estimated costs, and then also the proposed methods of financing, and that's updated annually. The Transportation Improvement Program – excuse me – is incorporated by reference into the Capital Facilities Plan, and that includes financing plans for roads and non-motorized transportation projects. The Public Works Department does run a parallel review and hearing process for their Transportation Improvement Program. That included a community discussion last week where the Public Works team – some engineers from Public Works – discussed their proposed updates and improvements.

Now over the last three months the Planning Department – a large part of the credit's going to go to Kathy Jewell, our incredible Administrative Assistant in the department – has been reaching out to our partner agencies like the school districts, fire districts, water districts, Parks and Recreation, the Sheriff, and then the Cities within Skagit County to request their updated capital facilities plans and then incorporate those updates into the County's document.

The important changes from last year's update include now – on pages 14 through 16 you'll see that the facilities inventory chart now identifies the next six years of known maintenance needs in that last column. Also different this year is that the Proposed Projects and Financing chart has been replaced by the Master Planning chart, which now includes projects and needs that are under consideration.

The role of the Planning Department in coordinating with our partner municipalities, the special districts, and those other public service providers is on a yearly basis to ensure that the Land Use and the Capital Facilities elements of the Comprehensive Plan are consistent with each other. As stated previously, an effective Capital Facilities Plan needs to describe that strategy for financing the facilities needed, and then also how it will be able to support the land use plan at those adopted levels of service.

In order to ensure that consistency and that effectiveness, staff evaluates the Capital Facilities Plan based on the legislative procedures that are located in both state and local codes. The Department has issued the Notice of Application, has also provided a SEPA analysis and threshold determination, and also requested review from the state Department of Commerce.

As of this evening's public hearing, I am not yet in receipt of any comments from the public or our partner agencies about these updates. That would include the SEPA and Department of Commerce outreach and the public comment period. Obviously we've been hearing from our partner agencies about the changes they need integrated into the Capital Facilities Plan.

The comment period for this hearing, as the Chair had mentioned, will end on Thursday, September 21st. At this point we look to or we anticipate scheduling deliberations with the Planning Commission in October and then eventually holding deliberations with the Board of County Commissioners either in November or December of this year.

With that review, staff concludes that this year's updates to the Capital Facilities Plan – and that includes the Transportation Improvement Program – are consistent with the Land Use element of the Comprehensive Plan because the proposed financing for the needed facilities will be able to support the plan at those adopted levels of service.

Thank you for allowing me to do that presentation. I'd be happy to take any questions or comments from the Planning Commission.

Chair Raschko: Has anybody questions or comment?

(silence)

Chair Raschko: Okay, thank you.

Ms. Pratschner: Thank you.

Chair Raschko: Have we a sign-up sheet? Okay, we have two people who have requested to address the Commission. First will be Carol Ehlers, followed by Carl Bruner. Carol.

Carol Ehlers: Carol Ehlers, West Fidalgo Island. You have the exact address on the document. I have come to compliment the Department for by far the best Capital Facilities Plan that I have seen in a long time. It's got the most information in it. I learned today why it says "No information provided." That's a way for the public to see that the various agencies outside the government didn't get around to responding to requests. I suspect they don't know what the importance of it is because I think this Capital Facilities Plan is part of the natural hazard mitigation requirements so that you have an up-to-date capital facilities plan that shows where your facilities are if there is a catastrophe. We won't have Harvey, but something local. And it's – when we first did it years ago the federal government said if you didn't have a list and you didn't have a plan you wouldn't get any money. And Commissioner Wesen told me that a couple of years ago there were major fires in eastern Washington and FEMA didn't give them any money. So I suspect that they held a standard to that that they might not hold in Texas, but that's not unusual.

Anyway, please read it because it – carefully – because it gives you a very – "it," the Capital Facilities Plan – gives you a very good survey over rural Skagit County tax bases. The fire departments are particularly interesting because a fire department, I understand, can't get insurance and isn't valid if it has equipment, as of this year, were earlier than 1987. So you can look to see which fire departments are careful in making sure their equipment is as up-to-date as it's supposed to be and which ones aren't. It's an estimate but it's an indicator for something to raise questions on.

I wish you would look particularly – because you're talking about your drainage in the future – look particularly at the Drainage Utility Capital Facilities Plan, because the Drainage Utility was created as a result of the floods and rainfall of November 1990, and what happened on Fidalgo Island and what happened in the Samish Valley downhill from Bayview Ridge. A lot of money was spent because there was a lot of damage. We finally raised enough hell on Fidalgo to get a Stormwater Management Plan dated July 2010. It is on the internet. The text in there – I'll give you an example: On page A-8-15 – 8 dash 15 – is a full page explaining –

(sound of bell ringing)

Ms. Ehlers: – the Salmon Beach problem, which is on this list of capital facilities. You will see what the Salmon Beach difficulties were, some of the financial costs, and it gives you a specific illustration of a specific relationship between one document and another.

I don't have time to talk about transportation, do I?

Chair Raschko: No. Sorry.

Ms. Ehlers: Please put some places on the sides of roads where you can pull over so that the insane person who's behind you so close that you can't even see they have headlights, that you can pull over and avoid them.

Chair Raschko: Okay, thank you.

Ms. Ehlers: Thank you.

Chair Raschko: Is it *Doctor Bruner*?

Carl Bruner: Good evening, Commissioners. My name is Carl Bruner. I'm Superintendent of the Mount Vernon School District located at 124 East Lawrence Street in Mount Vernon. And this evening I simply wanted to make you aware that we have not yet finalized our update to our Capital Facilities Plan. We anticipate it being finalized and adopted by our Board of Directors next month. What appears in the packet before you this evening is our 2014 plan as a placeholder. So it's our intent to come back before you with any changes that are reflected in our plan update sometime between October and your adoption of your Comp Plan updates. Thank you.

Chair Raschko: Thank you. Does anybody else wish to address the Commission?

(silence)

Chair Raschko: If not, we will close the public hearing. Thank you. And turn now to a Workshop on Skagit County Code Chapter 14.32, Stormwater Management Plan. Go ahead.

Tammy Candler: Just quickly before we move on, Ryan, I had a – or maybe Stacie. Somebody, I have a question. It's on page 26 on the Community Justice Center language. I see the strikethrough language has been updated to indicate that the newly constructed Community Justice Center began housing inmates in September 2017. When is this – how long before this is going to be presented to the Board of County Commissioners?

Dale Pernula: This Capital Facilities Plan?

Ms. Candler: Yeah.

Mr. Pernula: Probably in November, I would say. They have to adopt the budget, usually in December. But usually it'll go to them in November.

Ryan Walters: So we expect that'll – that language will be correct by the time it is adopted.

Ms. Candler: So that's my thought, is that I think that my suggestion would be to find some different language because it doesn't appear that that's going to be accurate. Maybe you have information I don't. Of course, I'm not asking for that, but it – you know, it may not be even close to accurate.

Mr. Walters: Yeah. It'd be an easy enough strikethrough if the jail hasn't really opened by then.

Ms. Candler: Right. And the other thing I noticed – and I only looked at sort of one – I’m wondering where some of these valuations come from. I’m looking specifically at Larry Moller, for example – the Larry Moller Building, which is our current jail. The value is listed on here as – if I’m reading this right – 25 million, and the Assessor values it closer to 5 million. I know that there can be differences. The Assessor can evaluate things on a different basis, but \$20 million seems like a huge difference. So I’m wondering if that is an error or if that is – I don’t know what accounts for that but do you want to speak to that?

Mr. Walters: We can get the answer to that question for you.

Ms. Candler: Okay.

Mr. Walters: All of those numbers were just provided by our Facilities Management Department.

Ms. Candler: Okay, so maybe it’s an error or maybe there’s something I don’t know. I just was curious where that comes from. Okay, thank you.

Ms. Pratschner: Thank you.

Chair Raschko: Are there any other comments or questions?

(silence)

Chair Raschko: Okay, thank you. Stacie?

Ms. Pratschner: Thank you. All right, thank you again, Planning Commissioners. This evening’s information workshop – this is the second workshop we’ll be holding to discuss and review proposed updates to Skagit County Code chapter 14.32, Stormwater Management. You can see there are some additional updates that we’re proposing in other chapters of the code. I’ll get to that in just a moment. This particular code update is one of six amendments that has been scheduled for the 2017 legislative work program.

On August 1st when we held our first workshop, we described how in September of 2015 Skagit County adopted the 2012 Stormwater Management Manual from Department of Ecology, which is in compliance with our Phase II municipal stormwater permit, or NPDES for short – the National Pollutant Discharge Elimination System. So I’ll use NPDES rather than saying that every single time. The NPDES permit is the permit that authorizes the discharge of stormwater to surface water, to ground waters of the state, defined as our municipal separate stormwater systems like our pipes, our ditches, and our storm drains. The manual provides guidance on the measures that are necessary to control both the quantity and the quality of stormwater runoff from new developments and also redevelopment projects.

The County’s Phase II permit, or NPDES permit, requires that the standards in the 2012 Manual apply to the urban growth areas, or UGAs, within unincorporated Skagit County. All the Cities – the incorporated areas – have their own municipal stormwater permits.

So the challenge for staff, and then also the challenge for our customers, the public, is how to effectively manage runoff on those areas that are outside the permit areas. You can see here on the slide in green those are our NPDES permit areas and the rest of the county is not. It’s a big part of the county where we need to be managing and looking at ways to manage stormwater.

The purpose of the proposed code redlines to the Stormwater Management chapter is to provide guidance for developers outside of those permit areas.

So as is often the case when we're doing updates with codes, we find other sections of code that we can simplify or where we want to get rid of inconsistencies. On page 2 of the staff report for the Stormwater Management Updates, I call out two of those sections. The first is looking at chapter 14.06 in our permit procedures. When we're looking at the requirements for a complete development permit application, we've added what the content of a site plan should include. The purpose of codifying the required site plan elements is to ensure consistency for the public and also for staff when they review plans for clearing and grading activities, stormwater management review, and building permit review.

Chapter 14.18 we've also proposed edits. This is the Land Division chapter in our code. Staff is proposing that for land divisions containing five or more lots a common stormwater facility would detain and disperse stormwater runoff. We're also recommending requiring a note on the face of a plat, so when a subdivision goes to get recorded a note that states the total amount of impervious surface that the stormwater facility has been designed to accommodate. The project proponents in this case would be responsible for tracking those total amounts as that subdivision is built out as a new house goes in on each lot.

The purpose of requiring these elements is to make explicit to future homeowners and to developers of those lots within a subdivision just how much hard surface can be installed – how much the stormwater facility has been designed for – without someone being on the hook to provide additional stormwater management above and beyond that.

Now in the previous memo and workshop we did go through some of our suggestions for edits to chapter 14.32, which is the Stormwater Management chapter. A number of these edits we are showing in the attachment, which is the code. I'll use the phrase that Commissioner Lohman used: We're in the sausage-making – kind of the ugly portion of putting this code together. So I would say we're still probably in that phase a little bit, but we have something a little more to kind of sink our teeth into this evening for review.

One thing we're looking for guidance on is a new table that's been proposed in the Stormwater Management chapter. What this table, or what we're proposing for this table to do is to list the modified stormwater performance standards for eligible projects that are located outside of those NPDES permit areas. I'm going to go ahead and put a picture of this up so our folks watching at home can see what I'm talking about. So what we've attempted to do with the table and with the rest of the work that we're doing in the Stormwater Management chapter is to make clear for folks who are within the UGAs – the NPDES areas – you'll follow the requirements of the Stormwater Management Manual. You'll go directly to that document. But for all the folks that are outside of those areas looking at prescriptive, easy-to-understand standards for doing stormwater management. I do have our inhouse expert here this evening, who I might end up putting on the spot. Shawn Christensen is here this evening. A shout-out to him, too, as he's been working really hard with us on doing these updates to the chapter as well.

So at this point I'd be happy to take any questions and just get the discussion started about some of the edits we've proposed. Thank you.

Chair Raschko: Are there any questions from the Commission?

Martha Rose: I had one comment.

Chair Raschko: Okay.

Ms. Rose: I have to find it first.

Ms. Pratschner: Okay!

Ms. Rose: Well, I have a couple comments to ___ with you. I tried – because I’m deep in this conversation about stormwater management. I’ve been through a lot of training, put a lot of them in, sat in a lot of meetings with different municipalities when they’re creating, you know, the template of what to do, and I find this chart very confusing.

Ms. Pratschner: Okay.

Ms. Rose: That’s one comment. And then but I do actually like the fact that on the next page you have some wiggle room for experimental best management practices. I guess the main thing I would like to comment on is that I want there to be some provision to allow a lot of open-mindedness about proposals that are brought forth that might not be in a book somewhere or might take an idea and modify it for practical reasons. I will give you an example. So everybody loves pervious concrete right now and I’ve put in a lot of pervious pavements, and I lived in a development where we used it and it was very successful. There’s a lot of misinformation, though, about maintenance. For example, the pervious concrete loves to grow moss in the voids and it’s beautiful and it does *not* impair the functionality at all. And so there’s this misunderstanding about that and the people that enforce the maintenance rules want you to go and vacuum it out, which actually is not good for the pervious concrete. And so I lived in my project with pervious pavement for eight years and I never saw any diminishment of the porosity because of the moss. It just got more beautiful as time went on, and the moss is actually helping to filter the water. So I’m bringing this up to put it on the record that people need to be a little more open-minded about it and listen to the people that are actually putting the stuff in instead of saying, Well, no. They’re teaching this down in Puyallup, you know, at the class – the stormwater classes that you *have* to do this. It’s just simply not correct. The City of Sedro-Woolley accepted our proposal to modify the concept of the pervious concrete, and I’m very optimistic about it. We’re not using pervious, but we are using an infiltration basin under the roadway to collect and absorb and disperse all the water. So that is our infiltration. It’s our low impact development storm system. And what we are doing instead is using regular concrete that nobody can argue about. It needs zero maintenance.

Ms. Pratschner: Right.

Ms. Rose: But we use an inverted V and collect all the water in the middle of the V with a series of small, 17-inch yard drains that are connected with trench drains that are weight-bearing – heavy weight-bearing trench drains. So and then the water goes in these catch basins that have a riser on them so there’s enough sump to collect debris ___, and then simply overflows out of them into the basin. It’s a very simple system and thankfully their engineers were open-minded enough where they accepted this as an alternate system. But I have actually tried to get this system accepted in other locations and they said no. And so I’m just urging you to be extremely open-minded and if somebody comes with a good idea it’s just not shut out because it’s not one that they’re teaching. Because there’s a lot of things they’re not teaching.

Ms. Pratschner: Right.

Ms. Rose: Right?

Ms. Pratschner: Right.

Ms. Rose: And that's my comment. I haven't had time to completely dissect this but I – like I said, I looked at this thing and I didn't – either I didn't understand the language or the exact words or the whatever but it was confusing to me.

Ms. Pratschner: Okay. Thank you for sharing your experience with the City of Sedro-Woolley. I feel like what you said can apply to a lot of planning. You know, let's be creative.

Ms. Rose: And when we did our last project in – it was in – I don't know if it was in or outside of the urban growth boundary but it was this building department. I was – and we had to submit three different plans and it was very frustrating and it cost us a lot of money just to get through that plan process. And then in the field, you know, the final concept was great but somebody here redlined it and made it so it didn't make any sense anymore. So full disclosure: We just did it the way we thought it should be done and we got chewed out but they bought it off. But the fact was is it was a beautiful system. You see what I'm saying?

Ms. Pratschner: I do.

Ms. Rose: But we couldn't come to agreement on paper and that was a very frustrating experience. So, at any rate, I'm in favor of it. Low impact development is a good thing. But there has to be – people doing review have to understand that even though somebody's not – doesn't have the degree after their name and the college that they have experience in the field, that they should be given some latitude there.

Ms. Pratschner: Thank you. I appreciate that. Thank you for being so frank!

Ms. Rose: Well, you need to know. I mean, seriously, you need to know, right?

Mr. Walters: One addition to that, though: If you are talking about a project that is within the NPDES area, which you might be if you're talking about a project inside an urban growth area, we are audited on how we do review of those projects. We *must* comply with the Stormwater Manual. We could face third-party lawsuits and significant penalties. So inside the NPDES area we are very constrained with what we can do. We do have that experimental BMPs section and we've had that for quite some time. But we do need to be very careful in that area. Now with that said, this code update is not about the NPDES area. We're really not proposing changes to the rules within the NPDES area. We're talking about outside. But I just wanted to give that caution.

Chair Raschko: Thank you. Are there any other comments, questions?

(silence)

Chair Raschko: I just have a small thing. But in the very beginning under 14.32.020, Applicability, under (2)(c), it strikes out the word "grading" and puts "land disturbance" in its place. Is this in anticipation of the future ordinance?

Ms. Pratschner: Yeah, it would be. We did have an opportunity to get some feedback during a Forest Advisory Board meeting that we had with the FAB. The phrase "land disturbance" – maybe we should rethink that phrase. But in this case we were thinking about looking at that future – that future ordinance and those rules going through.

Chair Raschko: And wouldn't it be –

Ms. Lohman: Excuse me, Mr. Chairman. Where are you in this packet?

Chair Raschko: I'm on the actual code amendment page.

Ms. Lohman: Page number?

Chair Raschko: Attachment 2, page 1. The only reason I asked – it just seems kind of awkward to –

Ms. Mitchell: I don't think all of us have that for some reason.

Ms. Pratschner: I think – I'm looking at page 9 of 21.

Ms. Mitchell: Again, please.

Ms. Pratschner: Oh, I'm sorry. Page 9 of 21 in the packet. That's section 14.32.020, Applicability, subsection (2)(c).

Ms. Mitchell: Do you want to see this?

Ms. Pratschner: Yeah, I better.

(several people speaking at the same time)

Amy Hughes: Okay, there you go. Thank you.

(inaudible remarks from several Commissioners)

Ms. Pratschner: Yeah, I'm sorry, Commissioner Raschko.

Chair Raschko: It's okay. I've got a little older version and I see that it's been changed somewhat here. So you can disregard my inquiry.

Ms. Pratschner: Okay, I can do that.

Chair Raschko: Okay. Okay, anybody else?

Ms. Rose: Well, there is one. I don't know where it is, but somewhere in here I read that if there's a development that includes five or more lots that there has to be a common storm system for the whole site. And I understand why. I think I understand why. But some of the conversations that we have in the meetings that I go to that are related to this is how do you – it's hard to – I guess you have to have some sort of covenant that binds everybody in that development to take care of it together.

Ms. Pratschner: Typically, yeah, the HOA is designated through the CC&Rs to maintain that stormwater facility. Correct.

Ms. Rose: Right. And there's also – tends to be a conversation about on much larger subdivisions. I don't know if that's in here or if it applies, but in some areas they want the

developer to be on the hook for – so you have the land developer and then you have a bunch of different builders.

Ms. Pratschner: Right. They're not always the same.

Ms. Rose: They're not always the same. I don't work on those so I don't – I don't – I'm not intimately familiar with it, but I hear the conversation, and there seems to be some sort of a general push to have the developer be on the hook until all the lots are built out, when, in fact, their work is done and they're gone and they don't have control over the individual builders that might build in that plat. So is that part of this addressing that?

Ms. Pratschner: Yeah, I think I understand. You tell me if I'm expressing that concern. We've been having those same conversations, which is why we are recommending a note on the face of the final plat when it is – before it is recorded saying there are x-number of lots within this subdivision. The stormwater facility has been designed to accommodate 20,000, 30,000, 50,000 square feet of hard surfaces, impervious surfaces. Then future developers/future builders, they have the expectation that, yes, we know how much impervious surface we can build. There's also an element there of needing to track that, though, as the lots are built out, and that's something we need to be thinking about further, as well – is how is that tracking taking place, you know? How do we warn someone when they get to lot 35 of the subdivision, Whoa –

Ms. Rose: Well, that's easy. No that's easy. You establish it up front how much impervious surface is allowed per lot. Otherwise you don't have control over it. You can't track it.

Ms. Pratschner: Right, and it's a disservice to the future developers and homeowners who may not know that a certain amount of impervious surface has already been developed through the subdivision, and maybe –

Ms. Rose: Right. You have to establish that limit up front – this lot gets 3000; that lot gets 4 – based on size. You know, it has to be – I mean, that's my thought on it.

Ms. Pratschner: Right. I would only take caution with that when we start breaking it down lot by lot, because we have Title 14 which has development regulations that allow, say, 35% or 65% impervious surface on a lot, and those regulations may change in five years, 10 years. And so a stormwater system is designed for a subdivision, but stating the allowed amount of impervious surface per lot we just – we want to be careful that we're not rule-making where we can't rule-make.

Ms. Rose: Sure. Sure.

Ms. Pratschner: I hope that doesn't sound like I'm arguing with you.

Ms. Rose: No, it doesn't.

Ms. Pratschner: But, yeah, just trying to think about all those different angles.

Mr. Walters: Although we do have an existing code provision that requires a maximum impervious surface per lot within the NPDES area, but we don't require that outside the NPDES area. And we realize that creates potential problems down the road if you don't have a maximum and you have a common facility and it's not sized to be able to handle the stormwater from every lot. But on the other hand, as Stacie said, do we want to be so constraining at the

time of land division? Within the NPDES area we take a more conservative approach sort of because we have to. But we're open.

Ms. Rose: Is it possible to have an allotment per – like, your storm system is finite for the whole plat, and then you say, Well, x-percent or this-many square feet of your lot has been handled by the group storm system. If you want to develop more than that you can, but you have to now add to the storm thing for your own site.

Mr. Walters: Yes. So that's another approach. We are working on a subdivision right now – a final subdivision – issuing the building permits for a final subdivision – where they planned for a stormwater facility that will not handle all the stormwater for the size of the houses that they want to put in the subdivision. And it's a single sub-divider/developer/builder, all in one, and they are not coordinated amongst themselves on this question. So that is another approach and that is more what we have been kicking around internally about what we might do outside the NPDES permit area. So to get down to brass tacks there, you'd have a stormwater pond that's sized for 30,000 square feet of impervious surface on 10 lots, so each lot gets 3,000 square feet of impervious surface – right? – or however the calculation goes. And then if a lot wants to build more than 3,000 feet of impervious surface – more than their 10th – then they'd have to handle the stormwater onsite. There might be some other possibility, but almost certainly it would be handle the stormwater onsite. Now if they have a small lot, that may not be possible. So it may function as a limit on their total impervious surface effectively, because on a small lot they may not be able to do the infiltration then handle it onsite. Or there could be other constraints preventing them from infiltrating onsite.

Mr. Pernula: Since this is affecting areas outside the NPDES area, this – generally the new lots are going to be larger than inside – the UGAs that are in the NPDES area. So you have more options.

Ms. Rose: Thank you.

Ms. Pratschner: Thank you.

Chair Raschko: Are there any other questions or comments?

Mr. Lundsten: Just to make sure I kind of get what this is: You have a strict system of stormwater management within the urban areas – the towns and the UGAs and the NPDES.

Ms. Pratschner: That's correct.

Mr. Lundsten: And outside of that in the county you really have nothing that's codified. And this is an attempt to make some sort of system in which you can develop regulations for building and land development – land use, in general. That's what this –

Mr. Walters: We do have rules outside the NPDES area. We do.

Mr. Lundsten: Can you tell me sort of what is the framework that exists now? What are you building on? Can you kind of – without going into great detail?

Ms. Pratschner: Sure. Sure. So right now outside of those NPDES areas – if I understand correctly – Shawn, we are following the manual currently outside of those? He's going to get up and tell you all about it because he's the one reviewing the permits.

Shawn Christensen: Yes, we have a limit currently for – as an example, we require minimum requirements 1, 2, 4, 8, and 9. So 1 is a site plan; 2 is the erosion control plan; and 4 is preserving the natural vegetation; and then 8 and 9 are wetlands, and operations and maintenance manuals. It's not too often that 8 and 9 come into play necessarily, but 8 comes into play a lot more than 9 does. So on large developments in the county, there's no requirement for them to currently do things such as flow control or water quality, and these are on lots that we're talking where people are constructing 12-, 15,000 square feet of impervious and hard surface areas on a single lot.

Mr. Lundsten: A lot of what size roughly?

Mr. Christensen: Say a two-acre lot.

Mr. Lundsten: Okay.

Mr. Christensen: And they're discharging, as an example, 15,000 square feet of stormwater offsite somewhere else because there are currently no regulations requiring that they handle flow control or water quality or quantity in some shape or fashion.

Ms. Pratschner: Did that answer your question, Commissioner?

Mr. Lundsten: More or less.

Ms. Pratschner: Good!

Ms. Rose: Can I make a comment? So I think sometimes we assume that people understand *why* these rules are in place but the real reason is for – most of the pollution in Puget Sound is from single-family homes. A lot of people think it's from industry but it's actually from houses. It's from all the stuff they put all over their yard and – you know, the herbicides and pesticides. It's also from the runoff from the driveways. But the other thing is keeping the stormwater onsite controls flooding, too, so it's both water quality and the flooding. So I don't know if that's common knowledge. We talk about this all the time but I don't know if we get down to the root of why we're doing this.

Ms. Mitchell: Can I make a comment?

Chair Raschko: Kathy.

Ms. Mitchell: I'm glad you said that because my next question was going to be – and this is not tough on anybody: But with the runoff, so what? It's been out there for a long time. The ground absorbs an awful lot of things. So I did want to know why this was such a big deal, so any more enlightenment's helpful.

Ms. Candler: Okay, I have one: road erosion the Public Works Department has to deal with. There's one that I drive through anytime it's raining with signs saying "Caution," or whatever the sign says, and pooling on the roadway from a fairly recent development that apparently didn't quite get it.

Ms. Pratschner: Yeah, I appreciate that it's taking that step back. And just to follow up what Commissioners Mitchell and Rose are talking about as well, the more pavement that goes down, the more homes that are built, the busier and the more growth we see in Puget Sound,

the less places there are for stormwater to soak in. So here we are with some rules and regulations to try and manage that – prevent flooding and protect people’s property.

Ms. Rose: I’d like to add one more thing on this same topic that Kathy said why are we doing this. Department of Ecology has done some really simple, good experiments where they run stormwater from a very polluted roadway through a very short cylinder of sand. But before they – they do it both ways. They expose several different aquatic species to it before they filter it and they get 100% death rate, and then they run it through a very short cylinder of sand and they get 100% live rate. So it’s really all about keeping our fishing alive and keeping – cleaning up Puget Sound. And, you know, the more you learn about it it’s like yes, we have to do this but we have to do it in a smart way, in a way that’s not too rigid – you know, where it allows creative solutions.

Mr. Walters: And we actually sent you that video.

Ms. Candler: We saw a fantastic presentation. Is that the one you’re referring to?

Mr. Walters: Yeah.

Ms. Candler: It was – what – two years ago, a year-and-a-half ago? They came and brought the fish lady.

(several Commissioners talking at the same time)

Mr. Walters: We could give you that video again. We could include it in the staff report for release of the proposal.

Ms. Candler: It’s fantastic. You go out and take the whale tour, they’ll tell you about the first three calves from any female whale will die in Puget Sound. The first three die and then the females live a lot longer because they’re able to discharge those toxins, and the males die sooner because they don’t have a way to discharge the toxins. But anyway, so yeah, I agree with what Commissioner Rose was saying about the pollution aspect.

Ms. Lohman: I don’t know how to ask the question so it might be sort of ugly. But where you’re talking about the operation and maintenance going forward how the owner of the property is required to do a whole list of things, having seen, you know, with small Group B or even small Group A water systems and what happens 15 years down the road or – you get – nobody wants to do it. What – who is the owner when you’re developing the plat? Is it the HOA? Or is it individuals have some kind of something attached to their individual lot? How are you putting that onus and that – I know how it works in a drainage district because we assess ourselves, but here you’re talking on it like on a micro-scale. So how are you going to achieve your operation and maintenance plan? It sounds really good and it sounds really robust but put yourself out there several years. We’ve all seen the ponds that have been dug that have been long abandoned.

Ms. Pratschner: Yep, yep, and the HOA disappeared 10 years ago and they’re not there to upkeep it sometimes. I might direct that question to Shawn since he’s on the ground and hearing from folks and inspecting these. I think I can answer the first part of the question. I guess kind of the textbook answer is, yes, typically when a subdivision is created the responsibility for maintenance of the stormwater facility is going to go to the homeowners association through the covenants that are created when that subdivision is recorded. But

maybe Shawn can shed some additional light about that ongoing maintenance as the years pass.

Mr. Christensen: Unfortunately I don't really have a good answer for you. As you mentioned, in some cases, yes, the maintenance has fallen by the wayside and we don't always have a way to track it or be aware of it. The HOAs are not always in existence anymore. So, unfortunately, I don't have a good answer for you in this case as to a good solution to try and maintain it and correct it. The same thing applies to the small, single-family homeowners if they have a rain garden, as an example, on their property. How do the future homeowners who recognize that they have to maintain it, keep a certain type of plants in there – that's still a challenge that we're trying to figure out as to how to best solve it.

Ms. Rose: So in Shoreline, where I lived for eight years, they put a cloud on your title so that when you buy a property if you read your title report you're alerted to the fact that you have some sort of facility that needs maintenance. Then what they do is they go around – I don't know how they can do this. They go around every year – which seems excessive to me – but they inspect these systems every year and if they feel like they're not being maintained they send a letter out that says it needs attention. And you have an opportunity as the owner or as a homeowner group to fix it, whatever "it" is. And then if you don't, then Shoreline will hire somebody to fix it and then they'll charge everybody or put a lien on your property. So they're pretty serious about it. At the same time they – this is for low impact development systems, and I think some places actually do it for any storm system where they look at detention vaults. So that would be a pond, as well. That would be more like a detention vault. They – I don't know how often it happens that they actually have to take the bull by the horns and do the repair themselves or hire somebody to do it and then go after the property owners with a lien, but I think that is the remedy, or at least that's how they do it.

Mr. Christensen: And I know we do have people in the Public Works Department that go through and monitor and inspect our County-owned facilities. And I don't know what the exact process is with regards to the privately-owned ones. I don't know that offhand myself and whether or not they do something such as you suggested with the letters and the corrective action.

Mr. Walters: We have a requirement under our NPDES permit to inspect these facilities annually, so that's probably why Shoreline was doing that. So we would – we need to be doing that now under our NPDES permit for the area *inside* the permit area. Outside the permit area our code directs the Administrative Official to develop an inspection program, which I don't think we've gotten around to doing yet, but we will have an ongoing obligation to check to see if these are working. Because if they're – if the facilities aren't working, that means that some downstream property owner is likely being affected, so there's going to be complaints. And we do have a requirement in the code today that does require an owner and operator of a stormwater facility to continuously maintain it for the life of the facility that it's supposed to benefit. And if they're not maintaining it, then they could be theoretically subject to code enforcement with – again theoretically because we've not done this – we could abate a public nuisance that is a violation of the code by going in and doing the work ourselves and then reclaiming the cost as a lien against the property. So there are some remedies in our existing code for some of those things.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Okay, well, thank you, Stacie.

Ms. Pratschner: Thank you so much. As you can see, we still have some work to do on this, so thank you for good comments and questions.

Chair Raschko: So we'll turn to a Department Update, please.

Mr. Pernula: Okay, several different things. First of all, Stacie and I and Commissioner Janicki met with the Forestry Advisory Board last Wednesday morning regarding the Rural Forestry Initiative, which has been – we've been working on for some period of time now, and I think we covered an awful lot of issues with them. They had several questions that we hope we have addressed subsequent to that meeting. Some of the questions they had dealt with, first of all, a requirement that they have a forest management plan. I think that's mainly being required to make sure that they do have a parcel of land that's eligible for forestry. So we're going to reach out to the Assessor's office and see if we can take their requirements for their tax designations, add whatever we need in addition to that, and keep a very – make a very simple requirement for a forest management plan that way without it being too much of a burden to the forester.

The second thing is the assuming the jurisdiction of the Class IV-G forest practices. There are a lot of questions. We provided them with a table of where we would assume that jurisdiction. And outside the UGAs it would be the County's responsibility; if there's a conversion, we would cover it. Within the UGAs, in general, if it's less than 20 acres we would assume responsibility.

And as Stacie mentioned a little bit earlier, there was a question about the term "land disturbance." We are going to look and see if there's something that's more appropriate than "land disturbance." We'll find an answer to that soon.

And those were some of the big questions. There's a lot of little things that came up too. I don't know if – Tim – if you've got anything to add to that.

Chair Raschko: Well, unfortunately, I was out of town and had to miss that particular meeting. Bad timing. But I do know that there was angst over management plans, and to my understanding the chief concerns of mine would be whether the plan would be similar to what you would have to do if you had a current forest practice rather than a conceptual plan that would anticipate a forest practice sometime out in the future. Because if it's an expensive, detailed plan, then you have that capital investment pushed forward in time with no cash flow. And it sounds like hopefully the Assessor's form will take care of that concern.

Mr. Pernula: A part of it. I think there might be some additional requirements, but we'll see where that goes.

Chair Raschko: Okay.

Mr. Pernula: The next step, we're probably going to hold a workshop before the Planning Commission in October before we hold a public hearing on it. But we'll come back to the Planning Commission sometime next month and then put together a finalized program and hold a public hearing on that.

Ms. Rose: On – on –

Ms. Mitchell: On which?

Mr. Pernula: The Rural Forestry Initiative in October. I also have letters of appointment to the four members who were appointed or reappointed to the Commission I'll hand out after the meeting. And I think Stacie wanted to talk a little bit about the ag legislative tour that she did.

Ms. Pratschner: Yeah, thank you, Dale. I had the opportunity last week to attend the Agricultural Legislative Tour that was hosted by the Skagitonians to Preserve Farmland. I just wanted to share with you guys what an excellent event that was to attend that day. I got to meet lots of different farmers in the community, as well as some of our legislators out of Olympia. We got to tour a dairy. We got to take a look at a drainage district site. We also visited the Washington State University Extension campus and look at some of the research that they're doing, which was awesome, and some of the graduate students that they have there who are doing work there in modern agriculture. So I just wanted to share with you guys what a great experience that was, as a staff member, to be able to attend that.

And then just I'll mention that we've got some Planning staff next week that are going to be attending the Washington APA conference at Sea-Tac. Those are always great events for planners, officials, other people involved in the industry to attend, because it turns out the challenges each of us are having in our jurisdictions are the same things that other people are dealing with and it's good to talk to other jurisdictions and municipalities about those things. Thank you.

Mr. Pernula: That's it.

Chair Raschko: Thank you, Dale. So have we any comments or announcements by members of the Commission? Josh?

Josh Axthelm: (unintelligible)

Ms. Mitchell: Good, thank you.

Chair Raschko: Wow. That's good. Okay, I want to thank everybody for attending and wish you all a good evening. Do we have a motion to adjourn?

Female Commissioner: So moved.

Ms. Mitchell: Second.

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: All right (gavel).