

**Skagit County Planning Commission
Workshop: Stormwater Management Code Updates
April 17, 2018**

Planning

Commissioners: Tim Raschko, Chair
Kathy Mitchell, Vice Chair
Annie Lohman
Amy Hughes
Martha Rose
Hollie Del Vecchio
Tammy Candler
Mark Lundsten
Josh Axthelm (absent)

Staff: Hal Hart, Planning Director
Ryan Walters, Assistant Planning Director
Stacie Pratschner, Senior Planner
Shawn Christensen, Stormwater Engineering Technician

Public Remarks

Commenter: Katie Rowley

Chair Tim Raschko: (gavel) Good evening, everybody, and welcome to the April 17th, 2018, meeting of the Skagit County Planning Commission. I am recently aware we have a requirement to vacate the building by 9.

Ryan Walters: 9:30, I think it is.

Chair Raschko: Is it 9:30?

Mr. Walters: Yeah.

Chair Raschko: Okay. Hopefully it won't last that long but it would probably be prudent to adjourn by 9:15 so that staff has time to tear the room down, or whatever they need to do, and get the doors locked, so we'll do that.

Are there any changes to the agenda that anybody wishes to propose?

Commissioner Kathy Mitchell: No.

Chair Raschko: No? Okay. All right, then it's time for Public Remarks. Anybody who wishes to address the Commission may do so. Bear in mind, please, that you're limited to three minutes and that will be timed, so go ahead and please take the podium over here. State your name and go ahead.

Katie Rowley: Hi, my name is Katie Rowley and I'm here to address the South Fidalgo changes that have been proposed. My husband Ashley and I, we purchased a seven-acre farm last year

on Campbell Lake Road, which is on South Fidalgo, and so we want to discuss some of this. This was around the time when all of these proposed changes were occurring. And so I wanted to bring this up from the viewpoint of someone who will be very specifically affected by these changes.

I know that looking through and talking with some of the people it's very different from someone who's living, you know, in a house in a planned development in Rosario Beach versus someone who's actually living on a farm with the intent of farming in the area. I know that it has been – in speaking with some of the people that are involved in this, it's been brought up recently one of those people had written an op-ed piece in the – one of the local newspapers specifically addressing the concerns for this. And why it was brought up was because they were looking to make sure that they are preserving the rural character of the area. I wanted to point out that it's very important if people are looking to preserve the rural character of the area is to be certain that they're actually preserving farming in the area. One of the things that was a change that was brought about or requested to be brought about was the elimination of any production of farming products. And if we're looking at an area like South Fidalgo Island, we're talking about very small farms. We're not talking about big, open, huge agricultural lots with very cheap land like in Burlington. We're looking at very small areas where the only way to actually be able to do farming is if we're talking about small production where you have value-added products. So if you have fruit on your property, to make jams. If you have sheep on your property, to be able to make some cheese, or small things like this. So if we are to eliminate any sort of value-added types of products that's going to be eliminating any farming essentially in the area because small farms would not be able to be producing these types of things. So if that were the case, then if people's real intention is to be preserving the rural character of this area, in order for people to be able to get the value out of their land that's going to be requiring for them to be able to produce some sorts of farm products if we're looking to preserve farming and the rural character of the area.

Another thing is we would have had to abandon the open space agriculture designation that we have. So in addition to that it we're looking to preserve rural character, open spaces, and farming then those are things that we should be specifically looking to do, and eliminating farming in this area is – that would be against that. What I had understood to be the proposed idea was to be maintaining this rural character.

So in another – sorry, I wasn't keeping track on how much time we have – so another thing people have brought out was saying that it's just predominantly from Fidalgo Island, but if you're making jams your number one thing is sugar. We don't make sugar on Fidalgo Island. So some of these types of restrictions, I think, are really important to consider.

Across the board I'm opposed to the changes in general on there – the proposed changes – specifically just out of principle. Some of the people that are asking for changes aren't directly going to be affected by these. People have bought some of these properties knowing what these allowed uses were with the intention of using these.

(sound of timer)

Ms. Rowley: If the concern for some people – it sounds like that's my time. Okay, thank you for your time. Any – do I answer you back if you have questions? I don't know. I haven't been to one of these yet. Nope, I just go. Okay, thank you.

Chair Raschko: Thank you. Anybody else?

(silence)

Chair Raschko: If not, we'll move on to the main item of the night – is a workshop to discuss updates to Skagit County Code chapter 14.32, which is Stormwater Management. So Stacie, please?

Stacie Pratschner: Yes. Thank you, Chair, and thank you, Planning Commission. Good evening. Thank you to members of the public who are here this evening also. Thank you.

Just a couple housekeeping things before we start. Just a reminder from our film crew to have everyone speak into the microphones clearly. If you have cell phones on the table, just be sure that they're away from the microphones. It causes some feedback, and we do transcribe our meetings and sometimes it can be hard for a transcriptionist if we're not speaking right into the microphone or have that feedback going on. Thank you.

So this evening we are holding a workshop to discuss the Department's proposed amendments to the Stormwater Management chapter, Skagit County Code 14.32, and also the proposal for a new chapter, Skagit County Code 14.22, Land Disturbance.

The purpose of the Stormwater code amendments, as we've discussed at the past workshop, is to provide those prescriptive stormwater standards for developments that are outside of our NPDES Phase II permit areas and that aren't necessarily held to the strict requirements of the Stormwater Management Manual. The Land Disturbance chapter that is being developed is a required element of taking on permit issuing authority for the Class IV-G forest practices or the conversion permits from the Department of Natural Resources. The goal of the Land Disturbance chapter has been to harmonize the requirements for flood and stormwater management, critical areas protection, and also requirements in the building code into a single permit application.

The past workshops we've held on the stormwater management and land disturbance updates have focused on appropriate thresholds for when we require that management, clarifying the types of activities that are exempt, and – sorry, I lost my place. Thank you – and working flexibility into the code so that the County can consider a range of stormwater management techniques outside of these Phase II permit areas.

So this evening the edits that have been completed by the Department subsequent to this evening's meeting are listed on page 2 of the staff report. As you can see, we've proposed additional definitions in chapter 14.04. We've provided some additional discretion for the review of the shared versus those individual stormwater facilities for residential subdivisions. We've made some verbiage changes to the Land Disturbance chapter that was per our last workshop with the Planning Commission. We've also updated that illicit discharge language in chapter 16 and made sure it aligns with our NPDES permit.

This evening, and you know him by now – I've also invited Shawn Christensen who's our department Stormwater Engineering Tech, to help facilitate our discussion, or if any more technical questions come up that, you know, I shouldn't answer then that Shawn should probably answer.

Thank you. That is the end of that intro and we'd be happy to answer questions and get working.

Chair Raschko: Well, there're a lot of changes to the code. I presume the best way to do this would be go through these and ask questions of staff as we encounter them. So why don't we

start on page 4, section 14.04.020, and then ask for comments on any of the verbiage in that first part on the first page, page 4.

Commissioner Mitchell: No comment.

Chair Raschko: No comments. All right, we're rolling right along. And page 5. I recall these changes were made in reply to things brought up at the last workshop, and they look fine to me. Any comments?

Commissioner Mitchell: Nope, no comments.

Chair Raschko: Page 6, and I do have a question. It's in the chapter 14.06, Permit Procedures. Has that not been composed at all?

Ms. Pratschner: We had presented a draft at the last workshop, but we do have a long range work program item for this year that includes updates – major updates to chapter 14.06, which is where those requirements were last seen in the draft. So we're proposing to take those site plan requirements out of this work we're doing with the Stormwater chapter and roll it into the updates we're doing in chapter 14.06.

Chair Raschko: Thank you.

Ms. Pratschner: Thank you.

Chair Raschko: Now page 7. Nothing?

Commissioner Mitchell: No.

Chair Raschko: Page 8.

Commissioner Annie Lohman: I have a question. I brought it up before. Are you going to leave the acronym IBC for International Building Code?

Chair Raschko: I'm sorry. Could you explain?

Commissioner Lohman: The – at the bottom of page 8.

Ms. Pratschner: Oh, right.

Commissioner Lohman: On Applicability, 14.22.020?

Ms. Pratschner: Oh, yeah. Thank you. Oh, yes, I see that it has the acronym but is not spelled out. I'll make that change.

Commissioner Lohman: I mean we've all had the benefit of dialogue and narrative and so we know it but the general public is going to say, What?

Ms. Pratschner: Yes. Yeah, absolutely. Yes, and I hear often that I'm a little too close to my acronyms, so thank you for pointing that out.

Chair Raschko: Okay, page 9, 10.

Commissioner Amy Hughes: On 9 I have a question.

Chair Raschko: Okay.

Commissioner Hughes: Or a concern. Page 9 (e)(i).

Ms. Pratschner: Yes.

Commissioner Hughes: When we talk about development activities, do we need a definition for that? Or is it too open-ended? Do we need to clarify a little bit more? "For this exemption to apply, development activities must occur outside all critical areas...." So do we need to define that whether it needs to be new, existing – what that actually –

Ms. Pratschner: I believe – let's see, we have a definition of "new development" in 14.32 but that's as it pertains to land disturbance activities. Chapter 14.04 does contain a definition for "development."

Mr. Walters: It has a definition of "development activity." 14.04, our Definitions chapter for the title, has a definition of "development activity." "Development activity" is "type of construction, placement, conversion, or expansion of a residential building or structure or mobile home, or change in use of a residential building or structure, or a mobile home, or a change in use of land that creates or has the potential in the present or future to create an additional dwelling unit" – which is probably not the definition you might expect for "development activity." Oh, and that's because it is limited to chapter 14.30, which is Impact Fees, so irrelevant for the purpose of this chapter. So disregard all that. I think that we must have stolen this language from 14.24, maybe without reviewing it, so –

Commissioner Martha Rose: Well, except in 14.22.020 under Applicability, the first item describes land disturbing activity and then everything that follows it is an exception. So it kind of takes the Big Ten approach and then starts taking away the things.

Mr. Walters: That's deliberate. Yeah, to start big and then –

Commissioner Rose: Yeah, I mean, that seems pretty big, pretty – does that satisfy – does that answer that question?

Mr. Walters: I think that the point is good though that that sentence for this exemption to apply –

Commissioner Lohman: The paragraph – the marriage of the two sentences is the problem.

Ms. Pratschner: Right. They don't belong together.

Commissioner Lohman: Correct. And because I think it's mixing two different thoughts.

Ms. Pratschner: Right.

Commissioner Rose: Oh, I see.

Mr. Walters: So I think that we should take a look at that but we should also find where else in the code that sentence lives because I feel fairly confident we did not write that sentence. We copied and pasted it from another chapter.

Commissioner Lohman: I actually tried to find it and it is difficult to find. I did not find it. But in the agriculture world we have a lot of complication because we also have the VSP and the Shoreline and the language in the Stormwater – upcoming Stormwater chapter, and a whole bunch of competing regulations, if you will.

Ms. Pratschner: Okay, we'll review that language because I'm in agreement with Commissioner Lohman. I think those two sentences are talking about two different things that don't necessarily belong together.

Commissioner Lohman: I have something on this page too. On number (f) in the same section, why is there a callout for a non-mechanical removal of plants? Is a weed eater not allowed?

Ms. Pratschner: I think we were envisioning heavy equipment when we were looking at the non-mechanical.

Mr. Walters: I've seen that in other codes.

Ms. Pratschner: Yeah.

Chair Raschko: What I was inferring from it was no herbicides.

Commissioner Lohman: I think – you know, I mean –

Mr. Walters: Yeah, that might be –

Commissioner Lohman: Or a backhoe.

Mr. Walters: That's what I've seen in other codes is no backhoe. It's written a little differently.

Commissioner Lohman: Like mowing is a mechanical.

Mr. Walters: Right.

Commissioner Lohman: And so is a weed eater.

Commissioner Hollie Del Vecchio: But that doesn't – but it's trimming not –

Commissioner Lohman: But it's suppression.

Mr. Walters: But I think I agree that it probably means herbicides. So if –

Commissioner Lohman: I don't think that's –

Chair Raschko: Would it be appropriate if it did?

Mr. Walters: Right. Yeah. First of all, if we have to *guess* at what it means, that's probably an issue.

(laughter)

Mr. Walters: I think that we would want to really clearly exempt application of herbicides because that's really not a land disturbing activity. I mean, arguably it's not to begin with, so it doesn't even need an exemption.

Ms. Pratschner: Right.

Mr. Walters: But maybe – maybe just what we want to say is the removal of noxious weeds.

Commissioner Mitchell: Right, because you want them removed. Right?

Ms. Pratschner: Right.

Commissioner Mitchell: So why limit it? Right.

Mr. Walters: Right, and we don't exempt it separately from the permit requirement so why not just exempt it from the –

Ms. Pratschner: I agree. I think we just take out the –

Mr. Walters: The word “non-mechanical.”

Chair Raschko: Is that adequate?

Commissioner Lohman: Because the next one, it's clearly allowed but you limit it when it's noxious weeds.

Ms. Pratschner: Right.

Commissioner Del Vecchio: Are we potentially creating a loophole if somebody just claims there were some noxious weeds in there?

Mr. Walters: Potentially, I suppose, but I don't think it gives you – I don't think it gives you carte blanche.

Commissioner Del Vecchio: Although I suppose that can apply to other of these provisions as well. Do you need me to repeat my comment?

Chair Raschko: Yes, please.

Commissioner Del Vecchio: I was wondering if just by removing – by just stating the removal of plants designated as noxious or invasive weeds if that creates a kind of a loophole if people are just claiming that there were: Oh, yeah, there were noxious weeds in there we had to get rid of. But how do we prove that? Yeah, I'm not sure how to prevent that and it probably shows up in a – I was just wondering if that was part of the reasoning behind having some language in there. But I'm not – I don't feel strongly about keeping the language in there either. I'm just going to be quiet now.

Mr. Walters: You got the good mic!

Chair Raschko: Okay, so where are we now?

Commissioner Mitchell: That was page 9.

Chair Raschko: Yes, well, I know that. Are we done with 9? No more from that. Page 10.

(silence)

Chair Raschko: Nothing on page 10? Go to 11.

Commissioner Mitchell: Thanks for adding that piece about adding the written documentation. That'll help people.

Ms. Pratschner: Yep. Helpful for staff, too, to create that – anything to create that paper trail and that decision-making.

Chair Raschko: Okay, page 12.

(silence)

Chair Raschko: Nothing on page 12? Page 13.

(silence)

Chair Raschko: I have one question. It may not be real intelligent. Why do you take out the references to the LID?

Ms. Pratschner: At a previous workshop, LID and the updated Stormwater Management Manual is no longer a goal; it's a requirement within those NPDES areas.

Chair Raschko: Okay, so it's stating the obvious.

Ms. Pratschner: Right. So we just widen the language to say, What are the goals of this chapter overall? And the LID is baked into the cake, so to speak.

Chair Raschko: Okay, let's move to page 14.

(silence)

Chair Raschko: Okay, on (2)(c) –

Mr. Walters: Yeah, there used to be Grading there but we lost that. But we meant to strike it. I made a note to reflect that it was stricken in the next draft.

Chair Raschko: Okay, page 15.

Commissioner Tammy Candler: No, wait. On 14 a question: The grading is still referenced in (1). Is that intentional then?

Mr. Walters: Right. Yeah, that's just the catch to make sure that those activities get reviewed.

Commissioner Candler: Okay.

Chair Raschko: Okay, page 15.

Commissioner Candler: I have a question. Is – on number (2), the native electronic format that is required to be provided – I guess for, like, engineered facilities. Is that defined – like, what – is that defined somewhere else or what?

Mr. Walters: No, I think we imagined we would prescribe the format, which would – Shawn, would that just be a standard CAD format? Or I think most places are just asking for PDFs. Is that right?

Shawn Christensen: Depending on the circumstances, it could be PDF, it could be the WWHM calculation files. It could be _____ files.

Mr. Walters: Yeah, there's this modeling software that you do.

Commissioner Candler: Is it anticipated that that'll be continually changing –

Mr. Walters: Yes.

Commissioner Candler: – and upgrading and you can't really put anything beyond that in there? Okay.

Mr. Walters: We have acquired software for electronic plan review – two copies. Shawn doesn't have one of them yet. But we're moving in that direction but we also wanted to require it only for people that are going to have it anyway, which are people that hire engineers – have that design done.

Commissioner Candler: I'm just wondering, like, what if the people have a lesser – like, an older version. Is that going to be – do you guys anticipate a problem?

Mr. Walters: Well, most of the electronic plan review that we do and that other jurisdictions do – because we're in the middle of getting new permit software right now. They're just submitting PDFs, so pretty much everybody can generate that.

Commissioner Candler: So that would – okay.

Mr. Walters: But then the other thing that Shawn mentioned, the WWHM – that thing is modeling software that generates calculations.

Mr. Christensen: The stormwater calculations used for sizing the stormwater facilities, ___ sizing, and that sort of thing, and that's used predominantly by the engineers designing larger stormwater facilities.

Mr. Walters: So that doesn't do us much good if they submit it on paper.

Commissioner Candler: I'm just trying to think of a circumstance where you'd be working with someone who wouldn't have what you need for that. But probably would – okay. Thank you.

Commissioner Rose: I'm going to suggest that if you're working on a project that needs that, you're hiring the engineer that has that software. If it's a homeowner type project, that wouldn't be required correctly, right? Or correct?

Ms. Pratschner: Correct.

Commissioner Rose: Yeah.

Chair Raschko: Anything else on 15? Okay.

Commissioner Lohman: So, Mr. Chair? That's making me ask the question then, Are we very clear on what would trigger that level of detail in the project so that you would – we are clearly differentiating a small, single-family residence or a two-family residence and a subdivision?

Mr. Walters: As we go through the code here, we have tried to build in exemptions for smaller projects, usually based on square footage. And then the Stormwater Manual itself prescribes when you need an engineer for certain facets of it.

Commissioner Lohman: Okay. I just wanted to make sure that – and it made me ask the question – the discussion.

Mr. Walters: So we'll be hitting some points in a couple pages where that, I think – we'll be able to point to that.

Chair Raschko: Anything else on 15?

Commissioner Mark Lundsten: I have a question about just the timing of some of these regulations. Doesn't have much to do with this – just for my own frame of reference. When was the NPDES set of standards developed and when was it put into effect around here, and the areas in which it was put into effect?

Mr. Walters: Well, I think we did our first major update of the stormwater code in 2009, if I recall correctly. We did an interim ordinance – an emergency ordinance – because it was fairly new for us. And then after that it came to the Planning Commission, went through the whole process of adopting permanent codes, and I think that that resulted in our adoption within the NPDES permit area of the 2005 Stormwater Manual. And then we came back in 2016 and – no, 2015 –

Commissioner Lundsten: So it's 2009 for the NPDES and 2012 –

Mr. Walters: For the first adoption of the NPDES standards for the NPDES permit –

Commissioner Lundsten: I've just been referring to the 2012 Storm – looking up a little thing or two here or there to understand something. I'm just wondering: Was it derived from NPDES? That's really – it's an academic question. Forgive me for digging in the weeds.

Mr. Walters: Well, to back up a little bit, the EPA regulates water through the Clean Water Act and they pass that responsibility down to the states for states that would like to take on that responsibility, and Washington State raised its hand. And they have the Department of Ecology manage it. They issue permits to local governments including Skagit County to discharge stormwater to waters of the state, and that's where sort of the chain of authority comes for the federal government to then regulate what happens on small parcels in Skagit County. The terms of the permit that is issued by Ecology are things that the County has to comply with and those terms include things like make sure the development that occurs within your permit area complies with our Stormwater Manual that we wrote. And so they give us the Stormwater Manual, and then every several years they update both the permit and the Stormwater Manual. And some counties

were Phase I counties – we're a Phase II county – so as you can imagine there – with all those permutations there are multiple phases of counties, there are multiple types of permits, there are multiple years that the permits are issued, and then there are multiple versions of the Stormwater Manual. And then people sue about each version of the permit so they make additional updates to the permit. Where we are now is the 2012 Stormwater Manual as amended in 2014 as a result of the last set of lawsuits, and the permit that was issued back then with that version of the Manual. And we have adopted that Manual countywide but then we back out a lot of the requirements for the area outside the permit area. Does that capture everything you wanted to know?

Commissioner Lundsten: That makes it a little less murky, yes.

Mr. Walters: Okay.

Commissioner Lundsten: Thank you.

Ms. Pratschner: To synopsise –

Mr. Walters: That's probably a good idea.

Ms. Pratschner: By the time we're done doing *these* updates they'll update the Stormwater Manual again –

Mr. Walters: Yes.

Ms. Pratschner: – and we'll be right back here updating our code to match that.

Mr. Walters: But we think we will have a better –

Ms. Pratschner: Yes.

Mr. Walters: – base from which to operate. Because we have been moving more toward just using the Manual directly. Prior to our adoption of the 2005 Manual in 2008 or 9, we were using the 1992 Manual, so we've really caught up. We're – you know, we're almost to Windows 10 here.

Mr. Walters: We're making progress.

Ms. Pratschner: We're making progress.

Commissioner Lundsten: Thank you.

Chair Raschko: Okay, so are we done with page 15?

Female Commissioner: Yes.

Chair Raschko: All right, page 16.

(silence)

Chair Raschko: Okay.

Mr. Walters: One of the notable things we did here – although you didn't have any questions – is that we adopted these specs from WSDOT's manual because in the absence of those adoptions you don't really have some of the details that we need. For instance – Shawn, can you give a couple of the examples of what we face every day? I think that would be informative. And by "we" I mean you.

Mr. Christensen: The WSDOT's standard specs will help provide us a basis of standards for things such as the aggregates that people use within their concrete for their driveways, for the pipe bedding. It will provide a – help provide a standard for the erosion control measures they're using during construction. And then the type of pipe that they're using for their storm __ piping, their culverts. And something else I wanted to point out too is that these standards are already adopted and used by our Public Works Department for all their road construction and standards.

Chair Raschko: Thank you. Okay, anything on page 16?

(silence)

Chair Raschko: I myself was a little – had a little difficulty interpreting how in the code this chart goes away and the verbiage replaced. Can you address that a little bit?

Ms. Pratschner: Yeah, certainly. The chart that we proposed removal, that was a chart that was developed by our consultant in the last update with the Stormwater Management Manual. And so since we wanted to provide some prescriptive standards for folks outside of those NPDES areas, instead of using the chart format we've gone ahead and listed those MR1s through the MR9 from the Stormwater Management Manual. We did try putting it in a chart. I think originally maybe it was at the first or second workshop, but we're not getting the clarity that we wanted so we're hoping that writing it out in the code is a little bit easier than the chart we attempted.

Chair Raschko: But it accomplishes the same thing basically?

Mr. Walters: It does different things. It's a different way to do it. To give you some example, I mean, basically each minimum requirement in the Stormwater Manual addresses some aspect of what you would think of for stormwater management. For instance, minimum requirement 2 is your construction pollution prevention plan. That's how you are planning to manage stormwater during construction, how you're – you know, you're stripping the site and then it rains and you get all this muddy water flowing down the street. That addresses that. So in the chart we said that's always required, and that worked great. That has been very simple because it's always required.

All the other cells in the chart are much more complicated and you've got to look at two charts to really figure it out, because first you have to determine your land use intensity, which is a whole new concept that we came up with, and then you go to the chart for the column that you found under land use intensity. And if you are exceeding 7000 square feet of new plus replaced hard surface then, okay, you're going to have to do MR4, Preserve natural drainage, even if you're low land use intensity. The problem is MR4 by itself is not necessarily very hard to comply with. Just some aspects of it might be. And if you don't have to do any compliance with any of the minimum requirements, which is almost the case if you are low intensity, that's bad. Like development of a house that is under 7000 square feet, under 14000 square feet of land disturbing activity should have to do *some* stormwater management. But right now it doesn't have to do any of the minimum requirements. It has to do some of the other things that is in the chapter, like not channelize your stormwater and aim it at your neighbor, but we would like there to be a little bit higher standard than that.

On the other hand, we don't want people outside the permit area to have to do all the paperwork and documentation that people have to do – that Ecology makes us do – inside the permit area. So what we say in the list form that now would replace the chart, is here's the easier way to do MR1; here's the easier way to do MR2 and MR3. For instance, MR2 – that construction stormwater management – the Manual makes you generate a document that describes how you're going to do the construction stormwater manual, or management.

What we have done is generate the document for you and we've written it down here that you can use our model construction management – stormwater pollution prevention plan under certain circumstances and you don't have to do any work. Just follow the plan. And we have copies of it at the counter. You can take a look at it. It's now being used by three different jurisdictions. They took our work, which we are happy to let them do because it means that people are doing a consistent thing throughout the county. But it just makes things really a lot simpler for applicants. And it also means there's a chance they might actually comply with it, because if you make them generate a 50-page document or if someone does it for them are they going to comply with it? I mean, stormwater management during construction is relatively simple and it doesn't really require a 50-page document. You'd need to not pour your concrete into the gutter or a stream. You need to have some silt fence. Here's where you can get the silt fence. You know, we've tried to make it very simple for people while accomplishing the environmental outcome that we're trying to achieve.

Chair Raschko: The thing is – it's very helpful to me anyway. Okay, page 16: Are we done?

(silence)

Chair Raschko: Okay, page 17?

(silence)

Chair Raschko: Page 18.

(silence)

Chair Raschko: Anything on page 18?

Commissioner Lohman: Is that – my pages are slightly different than yours. Is that the one with Experimental Best Management Practices on it?

Mr. Walters: Page 19.

Ms. Pratschner: 19.

Commissioner Lohman: Okay.

Chair Raschko: Well, I'm on 18. Are we done with 18?

Female Commissioner: It appears so.

Chair Raschko: Okay. I have one question. For instance, in (3)(e), MR4 Preservation of Natural Drainage. Reserved. I'm sorry, but what does the "Reserved" –

Mr. Walters: Whenever you use “Reserved” in drafting, it’s just we’re preserving the order here. We don’t have anything to put in there right now.

Chair Raschko: All right.

Mr. Walters: But if we think of something we won’t have to renumber all the others later.

Chair Raschko: Right. I just learned something – thank you.

Ms. Pratschner: It makes life easier in the future.

Mr. Walters: Yeah.

Chair Raschko: Okay. All right, page 19.

(silence)

Chair Raschko: Page 20?

Commissioner Lundsten: I have a question about Basin Planning – that is for – can you define it for me, and is there an example of it in the county that would be easy to – I mean, I assume it’s an area that has one plan that applies to everyone in that area. Who does that? How big are they? Who decides that they’re going to do that? I’ve been just having a hard time figuring out what it was.

Ms. Pratschner: There’s a number of draft and unadopted basin plans that are currently on Public Works’ website. Are they the – yeah.

Mr. Walters: Yeah, there’re several plans. The one I’m most familiar with because we went through it for the purpose of putting in the South Fidalgo stuff – it is a plan that is full of projects for Public Works to do. It is not a plan that describes how development should manage stormwater. So we have a number of these plans that Stacie describes but none of them have been adopted as required by the NPDES permit and I suspect – although I haven’t reviewed them; I don’t know if Shawn has either – I suspect that they don’t necessarily have a lot of prescriptions for how development is to be done because Public Works chartered these plans and so they generally end up with lists of projects that Public Works should do in them. But I guess the idea is you could do a basin plan that would say, look, we’re all going to channel our stormwater into this shared facility, or, you know, we’re going to do things a certain way in this area because we’ve studied this area and we know it’s different from other areas. But until we really do that with a focus on development standards, we don’t have any that can be applied. And so these edits are trying to make that clear that the way to do this is to not just have something called a plan but to do a particularized plan and then have it be adopted by the Board. And it’s supposed to provide equivalent protection to the regular stormwater management rules.

Ms. Pratschner: Some jurisdictions have equivalent what they call “watershed plans,” like our neighbors to the north of us, and it provides a whole suite of methods that do effectively take the place of following the strict letter of the NPDES permit because it recognizes this as a unique geographic area and will – as Ryan said, will _____.

Mr. Walters: It might be stricter in some places.

Ms. Pratschner: It might be stricter – the Lake Whatcom Watershed, for example.

Commissioner Lundsten: So basically, realistically this is about something that exists elsewhere that really doesn't apply to us that much but it should be in this document in order to accommodate it, should it be something that we confront. Is that right?

Mr. Walters: It could be used. Yeah, and we have had applicants – and Shawn can chime in – applicants show up and say, Oh, well, we have this plan for this area. But unless it's an adopted plan we can't just substitute its judgment.

Commissioner Lundsten: Okay.

Commissioner Lohman: So how does the plan get adopted then?

Mr. Walters: Well, the Board –

Commissioner Lohman: So if we've gone to this trouble of creating these plans, what keeps them from being adopted?

Mr. Walters: Well, for example, the Bayview Ridge stormwater plans, which I have just a passing familiarity with, are another set that have a bunch of projects in them, and they start to talk about the constraints of Bayview Ridge on how it can – it's difficult to do infiltration there and those kinds of things. But unless you write one of these plans with an eye toward substituting for things in the Manual, you probably can't really use it and adopt it and make it be a substitute for the Manual. So I'm not sure that any of the plans that we have could be adopted but we could start from them: Write a plan for that area and then have it be adopted. The NPDES permit doesn't say anything about going to planning commissions or anything like that, or whether it's a development regulation or not. In my judgment, I think it pretty much is a development regulation and there's no –

Ms. Pratschner: Right.

Mr. Walters: – authority granted here to treat it otherwise. So I would think that we would want to come through the planning commission process with that, have the Board adopt it, and then maybe make it a bulleted item beneath.

Ms. Pratschner: Do they require Ecology's review?

Mr. Walters: I think so.

Ms. Pratschner: Yeah, blessing.

Mr. Walters: Yes, the plan must be reviewed and approved by the Department of Ecology.

Commissioner Rose: So it seems like – I was involved in a project a long time ago that was an industrial size project and the stormwater engineer was required to create – I think it was a basin plan. I think it's kind of what we're talking about here except that it's – it was – what triggered it was the size of the project. The size of the parcel is huge. And so I don't think it would apply to most situations at all. Is that what we're saying here? Does everybody agree it's just for big swaths of land where you would actually look at the whole drainage basin and analyze it and come up with your storm plan based on that? Is that what –

Mr. Walters: I think so.

Commissioner Rose: Yeah, and it's just – it seems like the Stormwater Manual is a simpler way to go and there would be no point in doing this unless the project was huge, you know, and there was –

Mr. Walters: If the project was huge, if you couldn't do infiltration and wanted to avoid having to demonstrate that every time – but then there are simpler ways to avoid that potentially – or if the County wanted to impose stricter standards. For like in Lake Whatcom where they drink all that lake, they are sort of concerned about what flows into it. I'm not sure that it would be important enough for any particular development to pursue.

Commissioner Rose: Mm-hmm, yeah.

Mr. Christensen: I'll expand on that a little bit here. To clarify, there's kind of a couple different basin plans. So this type is on a really grand scale covering an entire area such as Bayview that may be going all the way up to Bayview-Edison area all the way down to the La Conner area, for the sake of argument. I mean, that's how big of an area it might cover. Then on a smaller project your engineers are always looking at the basins for the developed basin, the pre-developed basin, the existing basin for that immediate surrounding area. So as an example, we had one project where they wanted to **tightline** and fill in a County ditch. Based on our current code, that required an offsite basin analysis. The basin that was going to that ditch ended up being 53 acres. So that's an example of where the smaller studies can come into play.

Commissioner Del Vecchio: In the approval process for these basin plans, is it – is there going to be – is it required that these be not approved if they do not include development regulation-type provisions?

Mr. Walters: I don't think they're really effective without that.

Commissioner Del Vecchio: Right, but if that – I mean, is that a requirement for gaining approval? If that's what we're needing to see in order for that to be – to qualify under this provision – we're needing something that has those development regulation-style requirements in it – is that a – is the inclusion of those types of requirements mandatory for getting the approval that we have stated in here?

Ms. Pratschner: I think the answer is yes, that all ordinances and regulations called for by the basin plan must be in effect.

Commissioner Del Vecchio: That just says they have to be in effect and that doesn't say that there have to *be* ordinances/regulations. That just says if there *are* ordinance and regulations they need to be in effect.

Ms. Pratschner: Right.

Commissioner Del Vecchio: Is how I read that.

Mr. Walters: I think sort of the point is that you – maybe it's not a development regulation but maybe it's at least like the Stormwater Manual, a technical manual on –

Commissioner Del Vecchio: Right.

Mr. Walters: Okay, so maybe the Bayview Ridge basin plan – if we were to have one – would say something like, Thou shalt not worry about infiltration because it don't work in Bayview Ridge or in this defined area or something like that, whereas ordinarily in the NPDES area – which is where Bayview Ridge is – you need to demonstrate. Even though we kind of know that infiltration doesn't work, you've got to demonstrate. You've got to go through the process of identifying why it doesn't work.

Commissioner Del Vecchio: And I'm with that. I mean, I'm with you on that. I understand what we're trying to accomplish with these basin plans, I think – what we would be looking for in those basin plans in order for it to qualify here – meet the goal that we're trying to accomplish here. What I'm wondering is if the – so the basin plans, you were saying, currently exist; they just have these, you know, projects, Public Works projects, and there's no development regulation or regulationesque type stuff in there. Are those – is it possible that those will get adopted? I mean, does the Board or these approving entities, do they have the basis to say, no, I'm sorry you don't have those requirements in here; we cannot approve this?

Mr. Walters: I guess what I'm saying is that there isn't much point to it if it – if it doesn't –

Commissioner Del Vecchio: Other than it exempts you from – I mean, you get a basin plan approved – that's my worry. If we're able to get a basin plan approved that does not have these development regulations in it, then all of a sudden, oh, well, we don't have anything that needs to be in effect because we don't have anything in there. And I'm not –

Mr. Walters: I don't think you could get it approved, I mean, because it's also got to be approved by Ecology.

Commissioner Del Vecchio: That's what I'm asking. That is exactly my question.

Mr. Walters: Yeah.

Commissioner Del Vecchio: *Can you get that approved if you don't have those things in it?*

Mr. Walters: Oh, I don't think so. So you're going to be inside the NPDES area. You've got to comply generally with the standards of the Stormwater Manual, and the plan can tell you how you're going to go about doing that in a different way for that particular basin. But if the plan that you're pushing forward just has a bunch of projects Public Works is going to do, then you're not addressing the requirements of the Stormwater Manual even in a different way. So I don't think it would get approved.

Commissioner Lohman: Starting halfway down on line 4.

Commissioner Del Vecchio: Mm-hmm, yeah, that's what I'm looking at.

Mr. Walters: Because I think the intent of this provision here is to provide guidance to development, and a project list for Public Works doesn't do that.

Commissioner Del Vecchio: Agreed. So I think so we have the sentence before, so the purple – the sentence before the purple is that we have “Basin planning may also be used to...” So _____ kind of explains what we want that to accomplish. But then the purple sentence, “In order for a Basin Plan to serve as a means of modifying the minimum requirements of this Chapter...” and then we have basically three – to me that's, Now this is what I need to show in my basin plan in

order to get – in order to qualify under this provision. And there's only three things in there: It must be formally adopted under – "...by all jurisdictions with responsibilities under the plan; all ordinances and regulations called for by the plan must be in effect; and the basin plan must be reviewed and approved by the Department of Ecology." So what I'm wondering is in the three-prong test we just laid out, is there a requirement in there that it actually include these regulations?

Mr. Walters: Yes, I have done this long range mind meld with your lawyer brain here and I see exactly –

Commissioner Del Vecchio: (unintelligible)

Ms. Pratschner: I could actually see it!

Commissioner Del Vecchio: As soon as I threw out "three-prong" I knew I was in trouble!

Mr. Walters: We pasted this directly from the NPDES permit, did we not?

Ms. Pratschner: We did, yes.

Mr. Walters: So this was not written by a lawyer.

Commissioner Del Vecchio: Clearly!

Mr. Walters: It was written by whoever works on the Department of Ecology. So, yeah, I don't think that we should take that three prong test as the end-all, be-all, because Ecology won't approve it unless we _____.

Commissioner Del Vecchio: Okay, yeah. If Ecology won't approve it then that is one of the three prongs that we have in the list. I'll stop using the word "prong" but the three-item list here. One of them is approval by Department of Ecology, so if they are not going to approve something that is just a list of Public Works projects, then that takes care of the issue. I just want to make sure that that's –

Mr. Walters: And they must have a whole set of criteria that is not articulated here in this sentence.

Ms. Pratschner: I believe that's why we have a website that lists a number of unadopted basin plans.

Mr. Walters: Well, also this may have appeared well after they were drafted.

Ms. Pratschner: That's true.

Commissioner Lohman: So who is "all jurisdictions" then?

Commissioner Del Vecchio: First prong.

Mr. Walters: Right, "...formally adopted by all jurisdictions..."

Ms. Pratschner: "...with responsibilities under the plan..."

Hal Hart: In Whatcom County how we did it is there were signature jurisdictions that all agreed to work together within the basin. So it's everybody that's at the table working together in the basin. Those would be the identified –

Mr. Walters: Basin might cross county lines, cross into cities.

Mr. Hart: Yeah, that's typically what we did.

Mr. Walters: Yeah.

Commissioner Mitchell: I've got some –

Commissioner Lohman: You're anticipating then this reaching beyond just the county – within the county.

Mr. Walters: Some particular ones might. Not – it might mean not all of them.

Commissioner Mitchell: So that's a segue into what I'd like to know. So did I understand correctly that there are no basin plans like this in existence for this county right now? Correct? Okay. Have you heard any rumblings or is anybody talking about doing one?

Mr. Hart: I haven't.

Ms. Pratschner: I haven't heard anything.

Commissioner Mitchell: So then, three, what somebody had mentioned earlier – this is really pretty much just a placeholder in case something like that comes along.

Mr. Hart: That is correct.

Commissioner Mitchell: Okay, thank you.

Commissioner Del Vecchio: But if it comes along, we want to still make sure it achieves the goal that we – I don't want to just sit back and assume that, Well, nobody's going to do this so we don't need to pay attention to the details.

Commissioner Mitchell: Right. So are you asking if we need to have better language now? Is that what –

Commissioner Del Vecchio: Well, I don't – if the approval by the Department of Ecology accomplishes – if we know that they have, you know, their approval list that they're going to go through is going to make sure that we don't wind up with just a list of Public Works projects, then I don't know that we need improved language. I just would maybe just want some assurance that that really is the case and that they're not just going to rubberstamp something because, well, all of the parties that were at the table, which may or may not be focused on –

Commissioner Mitchell: Right. It may change.

Commissioner Del Vecchio: – be under these kinds of regulatory-type requirements.

Chair Raschko: I've never seen them rubberstamp anything.

(laughter)

Commissioner Mitchell: It's usually pretty stringent!

Commissioner Del Vecchio: So I'm guessing that that's – that that alone – I mean because the DOE requirement is going to accomplish that. I just wanted to make sure.

Mr. Walters: Yeah, I think one of our objectives was to make it clear that there are no approved basin plans until the permit requirements are met.

Chair Raschko: Is everybody satisfied?

(silence)

Chair Raschko: Okay. We'll move on to page 21.

Commissioner Lundsten: So I – on, let's see, the new section number (1) starting on page 21, (b): "Runoff may not discharge into a private road's ditch system..." I think Josh was talking about this last month or last meeting. That just seems contradictory to me now. Can you explain how that works? How does runoff *not* go into a private road's ditch system? I mean –

Chair Raschko: Public road ditch.

Commissioner Lundsten: So it has to be in a *public* road ditch?

Mr. Walters: Nope. Nope, not supposed to be in a public road ditch either.

Commissioner Lundsten: So where does – I mean, it goes in the ditch. That's the low point. Then it comes off the road and it comes off the hillside.

Commissioner Mitchell: I think they're saying make another low point.

Commissioner Lundsten: I don't understand.

Commissioner Mitchell: Or handle it differently.

Mr. Walters: Yeah. That is –

Ms. Pratschner: Manage onsite.

Mr. Walters: Yeah, and anyone can jump in here. But sort of the long-standing understanding – the concept has been – the understanding amongst the public is water goes in the ditch. The understanding amongst especially Public Works staff is to keep your water out of our ditches. Because the ditches are sized to handle the water from the road. They're not –

Commissioner Lundsten: Okay, so the road water is not runoff.

Mr. Walters: Right, and that's not 100% true for reasons we should get into next. But start from that premise.

Commissioner Lohman: Well, some of those roads are using drainage and irrigation ditches.

Mr. Walters: Right.

Commissioner Lohman: A *lot* of roads are using.

Mr. Walters: Yes. So that is also true – simultaneously true. So start from that premise. If the County were to put in a new road they would size the ditches for runoff from the road.

Commissioner Lundsten: Okay.

Mr. Walters: Which means those ditches are not capable of handling runoff also from all the development that occurs next to the road.

Commissioner Lundsten: So what you're talking about with runoff is things that come off driveways and sidewalks and roofs and buildings of any sort and not just on a hillside, but rather from some other impermeable structure that causes runoff that wasn't there before things were developed.

Mr. Walters: Right, because the introduction to this list is "development." You're supposed to be managing your water from development. Pre-existing water, whatever state of nature it was in before you develop the property, can continue to go wherever it wants to go.

Commissioner Lundsten: Okay. That's understandable now. I guess I didn't really realize what runoff was. But when it is a specific definition it makes a lot more sense.

Mr. Walters: So now at some previous workshop Planning Commissioners asked for a real good explanation of all the stormwater background, related especially to drainage districts. And we had really big plans for that and I really think we're just never going to achieve that with our one long range planner.

Ms. Pratschner: I'd like to make a comment about that, Assistant Director. I may possibly be getting an intern in the long range planning department and one of their projects would be to produce that stormwater white paper – we're calling it.

Mr. Walters: Some fingers crossed.

Ms. Pratschner: We are going to do it one way or another.

Commissioner Rose: I'd like to make one comment and that is my project that Sedro-Woolley approved, they're allowing all my stormwater to go in the public right-of-way. But that was one of these special cases, and it says there is – that it's built into this. It said under (c) "except with the authorization of the Public Works Director," which is how I got my authorization to discharge my stormwater, my runoff into the public right-of-way. It's a dead-end street and the water could – I had to have a soil engineer and the water can absorb and infiltrate so they approved it because it will never be developed. But you know what I'm saying? There was a reason to. And this allows for that so that's good. Right?

Mr. Walters: Yeah.

Commissioner Rose: At least that's the way I read (c). Is that – you would also approve one if it made sense.

Ms. Pratschner: Yep. We did the same thing down in Snohomish County as well when it was warranted to have that.

Commissioner Rose: Mm-hmm. Yep. Yep.

Mr. Walters: And (d), there are situations where the drainage district, they're there to convey stormwater. And also under (b) they have situations where you've got a subdivision that was designed to collect people's stormwater in the roadside ditch. They put in the roads, they put in the ditches, and take it to a pond or something. So there are those exceptions to the general rule. We tried to build that in. But when you're using the County right-of-way, Public Works is very particular that you need permission from Public Works and generally you need a permit from Public Works and generally you need insurance demonstrated to Public Works. So that's why we have (c).

Commissioner Del Vecchio: Can I actually ask a question about (c) as well? So that the last provision there at the "or when the lot is within a recorded subdivision." Is there – does the runoff from *all* of the lots have to be handled by the capacity of the facility? I'm just wondering if we're just looking at one lot that's one thing but if it's one lot plus all of the other lots in the subdivision, I think – how are we measuring that?

Mr. Walters: Yeah, that's an ongoing problem. Shawn?

Commissioner Mitchell: Nice handle!

Ms. Pratschner: That's what I was going to say!

Mr. Christensen: It depends on how the development is designed. Sometimes a developer will design the stormwater facility for all of the lots to flow to a regional system. Sometimes they'll design it so only *part* of the lots will go to the stormwater facility, whereas the other lots will handle their water onsite, on their own individual lots, and quite often that's because the terrain may limit it.

Commissioner Del Vecchio: So shouldn't – should this exception here – it seems to me like that should tie back to the original plan. I mean, how the subdivision is actually planned then. Because there doesn't seem to be any link here.

Mr. Walters: If we're very lucky, we will have a copy of that plan.

Mr. Christensen: And that's typically one of the things that we look at during each building permit review if we're looking at the drainage report and the plat to see how it was designed to handle the runoff from each lot.

Mr. Walters: But are you suggesting that we add a phrase that says "consistent with the drainage plan for the subdivision"?

Commissioner Del Vecchio: It seems like something needs to be taken into account there. I mean, it's one thing if we're looking at – you know, if we're approving just the entire subdivision all at once, but it looks like there's going to be circumstances when we're looking at it at a lot-by-lot basis in years future. So it seems – there doesn't seem to be any allowance here for tying that back to how the drainage system in that subdivision was designed. Was it designed to accommodate all of the lots? Was it designed – just like you were saying: There's different ways

of designing that. But there's no connection here, and not even a – really no basis for the County even requiring there to be a connection. Because this is – to me this is separate from the “except with the authorization of the Public Works Director.”

Mr. Walters: It is.

Commissioner Del Vecchio: Those are two different things.

Mr. Walters: That's deliberate.

Commissioner Del Vecchio: Right. So that's – so there's no Director approval or authorization on this. This is just if the lot is within a recorded subdivision with an approved stormwater facility and the runoff is directed in the facility and will not exceed the capacity of that facility. But we're just looking – from my reading of this, we're just looking at that one lot, not the cumulative effect.

Commissioner Rose: Hollie, what about on page 7? On page 7 it's talking about plats and individual lots and stormwater and it seems like that section addresses what you're talking about. Doesn't it?

Mr. Walters: We tried to get that to but it will only address it going forward.

Commissioner Rose: Right, it won't – no history involved there. Yeah, I see.

Commissioner Del Vecchio: Yeah, so I don't – I mean, I don't know the fix to that or if there is even a fix. It seems like there may be.

Mr. Walters: But maybe it should say “consistent with the drainage plan for the land division.”

Commissioner Del Vecchio: That would make me happy. And then my only other question about this is the runoff. Does it not make – does it make sense to have a definition of “runoff” somewhere? It's not in there, if you're looking.

Chair Raschko: It's not in the Definitions section?

Commissioner Del Vecchio: No, unless I completely looked over it. But I *did* look back before I asked the question.

Ms. Pratschner: Shawn, is there a definition within the Stormwater Management Manual?

Mr. Christensen: I believe there is but I'd have to verify.

Commissioner Del Vecchio: Okay.

Commissioner Lohman: But this is all within the topic of development. It's not going to reach into timberland or –

Mr. Walters: Correct.

Commissioner Lohman: – actively farmed land?

Ms. Pratschner: Right. Yeah, this is all under that heading of Development.

Commissioner Lohman: On that same page, going down where you have a prohibition about putting runoff into a manure lagoon, et cetera, is it a capacity issue that you're concerned with?

Mr. Christensen: It's a combination of capacity and then you're also mixing clean and dirty water, so it's a matter of trying to achieve the water quality standards that the DOE requires.

Commissioner Lohman: But isn't a lagoon a basin?

Mr. Christensen: But where is that lagoon discharging to? So once again it comes back to the capacity.

Commissioner Lohman: Okay.

Mr. Walters: We have had at least one application to convert former ____ – right? – into a stormwater vault. So that's fine. Just have to pick *one* of those uses for the vault.

Chair Raschko: Okay, anything else for page 21?

(silence)

Chair Raschko: Okay, 22?

(silence)

Chair Raschko: Nothing? I do have a question on 14.32.070(1)(c). Why does the Administrative Official require copies of delivery tags and purchase statements?

Mr. Christensen: Within our NPDES area we have a requirement. It's called BMP T5.13 Amended Soils, and then there's also specific landscaping requirements as well. That Amended Soil has a specific criteria set by Department of Ecology and without those delivery tags it's difficult to verify that the correct soil is being delivered and meeting the DOE requirements.

Commissioner Rose: Do I read this section right that it's not necessarily an absolute? It says "upon request." That to me leaves a little bit of room for judgment. Is that correct?

Mr. Christensen: Yes.

Commissioner Rose: And I was appreciative of that because I've had to provide these delivery slips in the past and it doesn't always seem warranted. So I think I like the way that that's worded because it has – leaves a little wiggle room for a judgment call.

Mr. Christensen: Yes.

Chair Raschko: Anything else on 22?

(silence)

Chair Raschko: 23?

(silence)

Chair Raschko: Okay, 24?

(silence)

Chair Raschko: Nothing on 24? Go to 25.

(silence)

Chair Raschko: 26?

Commissioner Lundsten: I have a question just for the – a practical question in the life of the County Planning Department. How effective is inspections and supervision of things that are mandated to be maintained and, you know, every few years, or this replaced every – how well – does the County follow up on that successfully? Is that generally a realistic policy in the County to mandate these things and then have annual or biannual inspections for development?

Ms. Pratschner: I'm the newest employee so I'm going to defer that question.

Mr. Walters: Think septic. So septic tanks are not new technology. We've been using them for a long time. And I'm not sure when but eventually we came up with this requirement that they be inspected every three years for gravity systems, one year for more complicated systems. And no, by itself that requirement does not function. But now we are more aggressive and we have, you know, spent millions of dollars on our Clean Samish Initiative trying to clean up Samish Bay where you've got shellfish growing in polluted water, maybe largely from septic systems. So we've got Western Washington University trying to figure out where all the septic systems are. We've got the Health Department sending out mailings to all the known septic systems all the time. We have people dye-testing. We have a little dog that sniffs fecal and they take him around. His name is Crush. He's very cute.

Commissioner Rose: What's his name?

Mr. Walters: Crush. He's on loan from some place. They get him every couple months. And he's been in the paper. Some of you have seen him. And they sniff if out. That won't work as well with stormwater. I mean, fecal is actually maybe an easier problem to solve and we know everybody's got a septic tank. Stormwater is much more diverse in terms of what kinds of facilities are present. It's harder to tell when they're failing. There's no dye test you can do in your toilet to determine if your stormwater system isn't working. So that will be a larger problem going forward and I don't think that we have solved it yet; however, inside the NPDES permit area we are required to maintain through an inspection system certain stormwater facilities. And you'll see we've modified the language. The green language under (2) on page 27 used to say "stormwater facilities." This was our first cut at this, you know, a couple years ago. "Stormwater facilities" generally is too broad. The permit doesn't really require that. It requires stormwater treatment and flow control facilities which has a definition and it's at the beginning of the document. But for those we really do need to track them, inspect them on a schedule, and make sure that we are following up. And we have to report every year to the state as to what we're doing with those. Last year was the first year because we were one year ahead of the crowd on adoption of the stormwater code last time around. Maybe the only time we can ever say that we were ahead of schedule on anything. But it didn't pay very much to be ahead of the game because our stormwater consultants had to catch up and they were relatively inexperienced, and that's why we're coming back and doing it again. But also we are fairly confident that we are getting it much more right now than we would have if we were doing it –

Commissioner Mitchell: First round.

Mr. Walters: Yeah.

Chair Raschko: Okay. So is there anything on page 26?

(silence)

Chair Raschko: Move to page 27.

(silence)

Chair Raschko: Nothing on page 27?

Commissioner Mitchell: No.

Chair Raschko: Page 28?

(silence)

Chair Raschko: And page 29?

Commissioner Mitchell: No.

Chair Raschko: Nothing? Page 30?

(silence)

Chair Raschko: And if nothing for 30, how about 31?

(silence)

Chair Raschko: And that is the last page. So has anybody any other general comments or ___?
Yes?

Commissioner Lohman: I just want to – I can see some of our language. We were heard and I just appreciate that so I want you guys to know that, you know, it goes – you guys are working hard too, but you're also hearing us. So I appreciate it.

Ms. Pratschner: Thank you also to all of you. You know, you're here volunteering your time trying to help us write the best code we can and put together policies so I just appreciate your patience while we work on that. And I just want to say thank you too. You know, you guys have had an opportunity to meet Shawn but things like this are definitely an effort on a number of staff members. I depend on a lot of folks for their technical expertise. So, yeah, I think we're seeing the results of good work across lots of parties. Thank you.

Chair Raschko: Yeah, I'd like to echo that comment. I've found it heartening to see the changes that – you know, you recall, yeah, we talked about that one. I think it was a nice job done here. Thank you.

Ms. Pratschner: Thank you, Chair.

Mr. Walters: All right, I'll jump in too. Yes, I thought that your comments have been very helpful to this code development process. And I also (give) thanks to Shawn. Shawn is a relatively new employee. He's already more senior than ten other people in the department. But he sort of came in as the permit requirement went into effect. I think he started in April and the permit requirement went into effect in January. And we had struggled along with the old version of the code for about a year and he quickly identified some of the problems that resulted in our need to put this on the work program and on the draft that you see in front of us. And having him in the department was clearly invaluable to us because we were able to get that instant feedback on this is the stuff that's not working. Previously it was administered by Public Works so even though they're in the same building, a little bit separate from us. So anyway we have greatly improved our stormwater processing for building permits in the last year and this will help us a lot as well.

Chair Raschko: Great. Well, with that we'll go to the Department Update.

Mr. Hart: You'll have to excuse me. I was gone last week but at this point we're working on a number of areas. We're continuing to work on water resource questions. What else are we working on? We are – we have our docket that we're working on, right? So it wouldn't be a lot different than the last report that I gave you. We are still churning through those items to bring them out to the public. What is the date that – the next docket date that we're heading for is?

Ms. Pratschner: We'd like to do mid- or late March. Typically here at the County we want to allow that 30 days for comment where we're doing a large project like that, whether it's code amendments or whether it's something like the docket. I am working through all the analysis right now and then legal will be reviewing – our legal team will be reviewing the code amendments as well before we go public with it. So we have – we've been actively working with our Agricultural Advisory Board, with other stakeholder groups across a whole gamut of issues, so we'll have lots of good things to talk about.

Commissioner Candler: Time is moving fast. I think you lost a couple months there. I think you mean May.

Ms. Pratschner: May. Did I say March?

Commissioner Lohman: Yeah.

Ms. Pratschner: I'm a little tired right now!

Mr. Hart: Thank you for bringing that ___.

Commissioner Lundsten: We all do.

Ms. Pratschner: Thank you.

(several people speaking at the same time)

Commissioner Mitchell: I do have a question for you.

Mr. Hart: Yes?

Commissioner Mitchell: Last time before you left you asked us about the invitations for the Ruckelshaus thing.

Mr. Hart: Right.

Commissioner Mitchell: And at that point I think we thought it was going to be elsewhere and it turned out that it was going to be here. Was there any update you wanted to give us from that?

Mr. Hart: I was not able to attend that one because of a previous obligation, but Stacie did a nice write-up which I gave to the Commissioners yesterday. Essentially – do you have those four bullets in your head still?

Ms. Pratschner: Yes. Certainly.

Mr. Hart: I could go run and get them.

Ms. Pratschner: Yep. No, certainly I'd be happy to give a synopsis. So, yeah, we held the first meeting hosted by the Ruckelshaus, Joe Tovar and his associates. We had folks from all across the land use planning spectrum. We had developers, we had folks from our resource industries, we had folks from EPA and Ecology. One of the city planners was there as well as myself. Ryan attended, as well as some of our advisory board members as well.

So the four big points that came up – and none of these will surprise the Planning Commission – issues of housing availability, affordability, attainability; traffic in our region; explosive population growth; and the need for better collaboration not just between cities and counties, but collaboration at a regional scale as well. And so the analysis that the Ruckelshaus folks are going to be doing is: How does GMA get us to our vision of what we want Washington to be in the next 25 years? And so they are going to lots of different jurisdictions throughout the state over the course of the year gathering up that information.

Commissioner Mitchell: Can you send us the write-up? Is that kosher to do that?

Ms. Pratschner: Of course it is. I will do that. It won't be tomorrow – I've got a planners forum tomorrow – but probably Thursday.

Commissioner Mitchell: That's fine.

Mr. Hart: One thing I will add, when I brought that up there was then a discussion about collaboration on housing issues. And so there has been some ongoing collaboration between, say, the City of Mount Vernon and the County. But I'm just getting apprised of that, being the new guy in the room. But I did – even today there were meetings going on on that and then earlier this week several folks from the Health Department, which is leading up the housing effort for the county, they were touring in other places in Puget Sound looking at different housing options – looking for affordable housing and how to meet those demands. We are falling behind and we're not offering – within our cities, the discussion was that we weren't offering the full range of types of housing that you would see in other cities. So the question then is, Why aren't our cities providing that kind of housing? What are the impediments that are ___? And there are some good exceptions to that. So that's not – we're not the primary person or entity in that. That's the cities. But we do support housing in a variety of ways.

Commissioner Mitchell: Okay, good. Do you mind, as we move forward, if there's little tidbits that you need to tell us as we move on, go ahead and put that in Department Updates to us?

Mr. Hart: Yes.

Commissioner Mitchell: The reason being – I guess – was it a year-and-a-half ago? I guess it was two – they had us all go to one of the housing summits. Remember? And so that was quite amazing. But because some of that overlaps into what we deal with, it's nice to know what else is going on. So I'd appreciate that.

Ms. Pratschner: I guess – and just another comment I made, and you'll see this when I e-mail the synopsis to you. We had lots of spirited discussions kind of from all sides of the aisle about the function of the Growth Management Act. That's something that everyone in the room agreed on, is that our codes need more flexibility built into them and need the ability for us to be more creative so we can handle – be resilient and respond more quickly to things that are changing really fast. So I – that's been sticking in my mind over the past week and so I just want you guys to think about that as well.

Commissioner Mitchell: Okay, thank you.

Mr. Walters: And in addition to housing affordability, which was a major topic there, we did bring up – I mean, and really it was just us – brought up water availability and there was some amount of discussion about that. But that is obviously tied to housing availability here in Skagit County.

Commissioner Mitchell: So do you think we'll get help?

Mr. Walters: No.

Commissioner Mitchell: Ouch.

Chair Raschko: Anything else?

Mr. Hart: No, not at this time.

Chair Raschko: Okay, thank you very much. Planning Commissioner Comments and Announcements. We can start with Hollie and go around the table.

Commissioner Del Vecchio: I don't have anything.

Chair Raschko: Okay. Thank you.

Commissioner Rose: The only thing I have is to add my piece to the housing affordability problem. It's more than water. I think it's rooted in lack of bodies – available bodies to do the work.

Mr. Walters: Right now.

Commissioner Rose: And that means the ones that are there are charging a whole lot more for their services than they used to be. And then scarcity of materials and tariffs. Steel has gone up 10% in just the last few weeks. Canadian lumber went up 30% and even in our region some of our lumber comes out of Canada, especially the cedar. But any rate, so it's – but I think the labor shortage is possibly even more of a factor than any of the above. Any rate, I just thought I'd mention that. Everybody knows it but we have to figure that one out – how to get parents to encourage their kids to go into the trades instead of sending them off to college – at least some certain percentage of parents should recognize if their kids would be more cut out for their hands-on – using their brains and their hands. Yep.

Chair Raschko: Okay, thank you. Annie?

Commissioner Lohman: Nothing for me.

Chair Raschko: I have nothing myself so –

Mr. Walters: One other thing. May 8th the students that presented the setbacks presentation to you are going to present to the Board of County Commissioners. That's at 10 a.m. And there may or may not be lunch available after that. We haven't figured that out yet. And there's also something else at 11 o'clock. We have a public hearing on something that I don't recall. Not sure what that might be.

Ms. Pratschner: Do I have to speak at that public hearing?

Mr. Walters: We'll get you more information about that, but we may also be able to have the student that's working on a rainwater catchment system design speak on at May 8th. But I'm not sure that he'll be ready yet. But definitely the setback students May 8th at 10 a.m.

Commissioner Mitchell: Do you know if the setback students were able to find some of the information that a few of the Planning Commissioners asked for?

Mr. Walters: I don't know that – don't know that yet.

Commissioner Mitchell: Okay.

Chair Raschko: Anything else? If not, I'd entertain a motion to adjourn, please.

Commissioner Mitchell: I move to adjourn.

Chair Raschko: Second?

Commissioner Del Vecchio: Second.

Chair Raschko: It's moved and seconded to adjourn. All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Aye. So it'll be adjourned. Thank you (gavel).