

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, January 23, 2001**

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|----------------------------|---|
| 8:30 a.m. – 9:00 a.m.      | Work Session – Operations Division Manager/District Maintenance Supervisors.  |
| *T 9:00 a.m. – 10:00 a.m.  | <u>Public Works Department – Chal Martin, Director.</u> <ol style="list-style-type: none"><li>1) Public Hearing – To Consider Testimony regarding the renaming of a portion of County Road known as Llama Lane, No. 23620, to East Llama Lane, No. 23640.</li><li>2) Discussion – Anacortes Waterline Installation Detour Request on South March’s Point Road.</li><li>3) Update – Endangered Species Act Requirements for Road Maintenance Activities.</li><li>4) Update – Skagit River Flood Feasibility Study.</li><li>5) Miscellaneous.</li></ol> |
| *T 10:00 p.m. – 11:00 a.m. | Work Session – West Bow Hill Road Reconstruction Project.   |
| 11:00 a.m. – Noon          | Work Session – Parks Projects.  |
| 6:00 p.m. – 9:00 p.m.      | Joint Meeting with the Skagit County Planning Commission, Cotton Tree Inn and Convention Center, Orcas Room, 2300 Market Street, Mount Vernon.  |

The Skagit County Board of Commissioners met in regular session on Tuesday, January 23, 2001, with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

**PUBLIC WORKS DEPARTMENT – Chal Martin, Director.**

**1. Public Hearing – To Consider Testimony regarding the renaming of a portion of County Road known as Llama Lane, No. 23620, to East Llama Lane, No. 23640.**

Steve Flude, Assistant County Engineer, reviewed the exact location of the subject roadway under consideration for renaming. He commented briefly on this change being generated in order to expedite emergency services by clarifying the addressing. All of the residents along the roadway were petitioned and no comment was received. Mr. Flude advised that the Public Works Department recommended approval of this road name change.

There being no public testimony forthcoming, Commissioner Munks moved to close the public hearing. Commissioner Dahlstedt seconded the motion. The motion passed with a unanimous vote, and the public hearing was closed.

Commissioner Munks moved to rename a portion of County Road known as Llama Lane, No. 23620, to East Llama Lane, No. 23640. The motion was seconded by Commissioner Dahlstedt, and passed unanimously. **(Resolution No. 18159)**

**2. Discussion – Anacortes Waterline Installation Detour Request on South March’s Point Road.**

Mr. Flude discussed a necessary road closure requested by the City of Anacortes along South March’s Point Road for a waterline installation. The Engineer and City are requesting a 70-day road closure from

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April 13 to June 22, which is an unusually long period of time. Mr. Flude advised that there would be no access through the project area. He described the specifics of the narrow roadway. He reported that the traffic section of the Public Works Department had worked with the City in developing the closure plan. The total detour length is about 1.5 miles.

David Voigt, Montgomery Watson Engineers, Bellevue, reported on the intended activities of the general contractor for this project. He stated that the project would begin at Thompson Road, with pipe being placed adjacent to the roadway. Construction will head in an easterly direction, with approximately 300 feet of pipeline per day being installed, together with necessary excavation and backfill. He advised that the contractor would not proceed beyond East March Point Road until after paving and restoration of the road. Subsequently, the contractor will then move to the portion of roadway between SR20 and East March Point Road utilizing the same process, but at a slower rate of 150 linear feet per day. The difference is attributed to soil conditions and groundwater problems, which do not exist west of East March Point Road. Mr. Voigt commented that there might be some dewatering operations and excavation of poor soils in this portion of the project.

Chairman Anderson asked if school busses travel this road, noting the need for coordination efforts with the school district for potential modification of routes. He reminded Staff that road closures are sensitive topics, and that the road should not be closed one day longer than need be. He stated that in the County, great efforts are made to limit the extent of closures such as this. He requested that the inconvenience be minimized to the 700 people per day utilizing the road.

Commissioner Munks stated that the majority of traffic on the roadway is going to the refinery. Consequently, the refinery needs to be advised that the road is going to be closed so that they, in turn, can notify their employees. He urged Staff to share the detour route with the refinery to alleviate some of the confusion.

Mr. Voigt appreciated the advice to notify the refinery, which would help the motoring public.

A brief discussion ensued regarding the location of an old landfill in the area.

Mr. Flude advised that the appropriate paperwork for closure of the roadway would be forthcoming for the Board's approval.

### **3. Update – Endangered Species Act Requirements for Road Maintenance Activities.**

Chal Martin, Director, reported that the final 4-D rule was put in place the first part of January, and contains exceptions for road maintenance activities if approved by the National Marine Fisheries Service (NMFS). He advised that Skagit County had not taken the lead on developing required road maintenance manuals. The 4-D rule only affects those areas with threatened species including Chinook salmon, and specifically talks about the Oregon Maintenance Manual to be used as a template. However, during the public phase of the 4-D rule, it came about that Washington State apparently because of our State regulations, did not think that the O-DOT manual contained the proper guidelines. Instead, it was recommended that jurisdictions follow the Tri-County Road Maintenance Manual developed for King, Pierce and Thurston Counties. These counties have worked together to develop this road maintenance manual. Mr. Martin advised that part of the manual has to do with best management practices and discusses road maintenance activities that would pass muster with NMFS. He indicated the need to have some sort of guidance and support to allow the County to adhere to the 4-D rule. However, the Tri-Counties Manual has not been approved and is only a draft. Consequently, we still do not have good guidance at this point, but it is likely that the Tri-County Maintenance Manual will be the one approved at the State level. In order to follow the procedures outlined in this manual, Skagit County would need to sign an agreement with NMFS wherein the County would accept a 10-point program. We must discuss and coordinate our Endangered Species Act (ESA) activities, and our program must be approved by Washington State Department of Transportation (WSDOT), NMFS, and the Department of Fish & Wildlife.

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Mr. Martin reported that Skagit County would need to implement the best management practices as outlined and embark on an extensive training program, which will add to the Department's training workload and affect the number of hours to actually devote to projects. He detailed some of the projects that this could potentially impact, including our routine maintenance activities such as chip sealing.

Commissioner Munks stated that it sounds like the State is forcing Skagit County to follow the standards of big metropolitan areas. He indicated that it is not fair to force rural areas to spend money to educate, train and follow the same standards as Seattle and Tacoma, when our traffic situations are much different.

Mr. Martin reported that in addition to training, the County must also have a compliance monitoring program with supervisors and outside overseers. The scientific research program may dovetail with the Critical Area Ordinance (CAO), but we lack the scientific expertise among our County Staff and it is unclear how Skagit County would work that part of the program. He suggested that the County may be able to piggyback on research done by larger organizations, and that the County must run an adaptive management program with data collection. It will be necessary to outline how we would respond to emergencies. Mr. Martin also commented that in the past the County has had difficulties in dealing with permitting agencies and emergency work, and that component of the program would involve informing resource organizations as quickly as possible of emergencies.

Chairman Anderson stated that the County should have learned a lesson from the farmland buffer issues in that we do not want to be out front trying to formulate our own guidelines.

Mr. Martin stated that in many ways the Tri-County Manual is good, noting that the Best Management Practices portion of the document is quite well written. He stated that the tasks themselves are not difficult, they just take time. He stated that many jurisdictions are heading toward developing a planning function to establish best management practices for various maintenance activities.

Chairman Anderson responded that Department of Ecology (DOE) standards are difficult to comply with, and that a planning function in this regard would convolute the process. He stated that it is necessary for Skagit County to utilize weather windows and common sense, but we would be limited if our road supervisors are unable to "switch gears" to take advantage of a window of good weather.

Mr. Martin concurred with Chairman Anderson's remarks, stating that planning functions may take more time and may not be productive, but may be something that is required.

Chairman Anderson stated that until the Legislature takes it away, the County Commissioners have the right to declare an emergency. He indicated that he would not approve a planning process that would inhibit the Board's right to declare an emergency to protect public health and safety.

Commissioner Munks commented that what bothered him the most is that the County is being mandated to carry out programs like buffers that are in areas that are not going to be affected and have no relationship to metropolitan areas. He stated that he does not mind doing things that are right, but hates to have mandates where the taxpayers in Skagit County are forced to cover the costs incurred for this extra work. If the County must apply ESA standards, the burden comes back to the taxpayers to pay the bill. He stated that it is easy for State agencies to tell us what we have to do, but they need to understand that we are not getting compensated for this extra work that they are requiring.

Mr. Martin added that the result is having to shift more monies to road maintenance while reducing allocations to road construction.

Mr. Dahlstedt commented that the Tri-County areas were exempt from the burdens that Skagit County has had for quite some time. If Skagit County is forced to come up with a document, he would encourage Public Works Staff to find and utilize a document pertinent to our rural area. He stated that he does not

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want to adopt a document that the larger metropolitan areas are exempt from adopting. He indicated that what we potentially agree to we might not be financially able to carry out.

Chairman Anderson commented that certain road maintenance activities that have been performed in the past to allow for recreational activities may have to be eliminated. These types of things will have to be looked at on a case-by-case basis.

Mr. Martin reviewed that some of the best management practices may not be acceptable, and part of this project may be subjective. He stated that the Best Management Practices contained in the Tri-County Manual are fairly extensive, and are well described. Not all apply to Skagit County, as some apply more to urban areas. He stated that if we do not adopt the Tri-County Manual, we may be pressured to in the future as we would be, in effect, without official protection under the 4-D rule. However, he added, if we continue to perform our road maintenance activities in a fish-friendly manner, we will still be in compliance.

Chairman Anderson reiterated that the County is being forced to adopt something that the State has not adopted, and that bells should go off. Mr. Martin confirmed that nothing has been approved at the State level at this time.

Chairman Anderson added that the State has not adopted a salmon plan, and that, consequently, the County is shooting at a target that keeps moving. Until the State adopts a standard, we are only guessing at what the rules will be. He spoke to the subject of takings, noting that other than GMA, there are absolutely no requirements on the County to set aside habitat or to protect it. There is only the "takings" part of it, which is a very narrow window. To prove that the County's road activities result in a taking, is tenuous ground. He stated that the State does not want to adopt any guidelines because then they would be required to send funding to support such required guidelines.

Mr. Martin stated that this has all boiled down to every jurisdiction adopting their own program, hoping that it will comply with State standards that are not yet adopted.

Commissioner Dahlstedt commented that Skagit County is a leader in developing culverts and streams in a fish-friendly manner. He stated that, consequently it sounds as if the State is unduly pressuring the County when we are making every effort to comply with the ESA. He concurred with Commissioners Anderson and Munks that Skagit County does not want to be a pioneer in this regard.

A discussion ensued regarding State standards and guidelines for road maintenance, together with County Road Standards.

#### **4. Update – Skagit River Flood Feasibility Study.**

Dave Brookings, briefed the Board on a meeting that took place last week with the Army Corps of Engineers regarding the feasibility study on the Skagit River. He reviewed that the County and Corps have been looking at a long-term flood control project for the lower delta to reduce risk. He stated that this is a \$3,000,000 investment in a four-year study to look for alternatives to reduce risk. He reported that the study effort is broken into two phases, the first of which is to develop a state of the art hydrologic model, which has been completed and cost \$1,000,000. Different alternatives for flood control on the lower delta are being analyzed as a result of this model. The results have been shared with various jurisdictions in the valley and with other members of the public. Consequently, many questions are being generated and the response to inquiries was not forthcoming adequately from the Corps. This lack of response was what generated the meeting with the Corps.

Staff met with the new Colonel to discuss the results and status and talk about the next phase. Mr. Brookings reported that the meeting was very cordial, and that they talked frankly about the project and concern about the response from the Corps. They emphasized the need to share information with our

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citizens on how the model was developed, the assumptions utilized and the construction of a project at the end of this effort. Mr. Brookings reviewed that in the past, there have been funds spent on similar efforts that did not result in a project other than a document sitting on the shelf. It is intended this time to share results of the hydrologic model with the community, and make an investment for flood control. He stated that a complex flood control project such as this must go through an intensive permitting process. He spoke to the desire to attract outside funding for such a project.

Commissioner Munks expressed appreciation to Mr. Brookings and his Staff for expressing to the Corps the County's commitment to this project. He stated that too many times we take on studies and spend taxpayer money and it gets put on the shelf. He indicated that flooding is a real issue of concern and the County needs to move forward to try to correct deficiencies. He stated that he does want to see this study completed and all of the possibilities for flood control reviewed.

Commissioner Dahlstedt reviewed that some of these studies were started back in 1933, so for the past 68 years we kept studying and studying. He emphasized the need to be more pro-active and not just study. He expressed his appreciation also to Mr. Brookings for keeping this project moving along.

### 5. Miscellaneous.

- A. Mr. Brookings discussed the fish passage/culvert project situation. He reviewed recent media reports about WSDOT being sued for their lack of response in dealing with these problems along State roadways. He provided the Board with a two-page summary that explains Skagit County's history related to our culvert and fish passage projects. He reported that over the last ten years, Skagit County has accomplished over 25 of these culvert projects, noting that Skagit County is a leader in the State as being pro-active in taking care of such problems. He explained that these projects are expensive and complex and represent quite an investment. He reviewed the utilization of State funds in this regard. He stressed that permitting agencies need to create exemptions to allow the continuation of these activities.

Upon query from Commissioner Dahlstedt, Mr. Brookings advised that the State Departments causing the most delays are Fish & Wildlife and NMFS. He stated they have indicated that two projects held up last year would not adversely affect the life of salmon. Based on this feedback, the Public Works Department is ramping these projects back up for 2001.

Mr. Martin noted that these fish passage projects are getting more and more expensive ranging from \$250,000 to \$750,000 depending on the scope of the project. These are large resource expenditures for the County.

- B. Mr. Martin advised that the draft agriculture buffer program would be completed by February 2, and that Staff is working to fill the vacancies on the Science Advisory Panel. He stated that it is hoped to have the Science Advisory Panel approve the Baseline Monitoring Plan by the second or third week of February.

Chairman Anderson encouraged the involvement of Geoff Almvig of the GIS/Mapping Department in this project.

Mr. Martin stated that the Western Washington Growth Management Hearings Board detailed decision is scheduled to be issued by February 8, and will give the County more direction.

Commissioner Munks commented that there has been much discussion about the utilization of the \$1.5 million received from the State. He said that the County has not yet used this money, other than for monitoring, until a final direction is given. He stated that it is anticipated that the program will cost the County closer to \$3 million annually.

**ADJOURNMENT.**

Chairman Anderson made a motion to adjourn the proceedings. Commissioner Munks seconded the motion and it passed unanimously.

**BOARD OF COMMISSIONERS**  
**SKAGIT COUNTY, WASHINGTON**

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Ted W. Anderson, Chairman

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Kenneth A. Dahlstedt, Commissioner

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Don Munks, Commissioner

ATTEST:

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Patti J. Chambers, Clerk of the Board  
Skagit County Board of Commissioners