

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MARCH 22, 2005**

8:30 a.m. – 8:45 a.m.

Consideration of the Hearing Examiner's Recommendation for Approval For the Following Timber Open Space Application:

1. Alan and Janan Carter For Property Located at Clark Point, Guemes Island (C/U PL99-0015).

Consideration of the Hearing Examiner's Recommendation for Approval For the Following Open Space Applications:

1. Mark and Gladene Knudson For Property Located South of East College Way (C/U PL01-0573)
2. Gerard and Geoffrey Gent For Property Located at West Shore Drive, Guemes Island (C/U PL02-0125)
3. Jerry Cummings For Property Located East of Fruitdale Road (C/U PL02-0283)
4. Steven Johnson For Property Located Off Trumpeter Lane and North of Martin Road (C/U PL03-0056)
5. Leland and Charlotte Fox For Property Located South of Kelleher Road and East of Green Road (C/U PL03-0108)
6. Skagit Land Trust For Tracts 58-62 of Panoramic Plateau, Along South Skagit Highway (C/U PL03-0912)
7. Jeffrey and Maureen Haddock For Property Located in the Bacus Hill Area (C/U PL04-0471)
8. Larry and Teresa Davis For Property Located North of Highway 20, Near Lyman (C/U TROS 1-2004)
9. Steven and Harriet Koscho For Property Located East of Beaver Lake, Near Clear Lake (C/U TROS 3-2004)
10. Skagit Land Trust For Property Located Along the Skagit River, Near Lyman (C/U TROS 4-2004)
11. Christy Garlinghouse For Property Located Off Highway 534 Between Conway and Lake McMurray (C/U TROS 5-2004)
12. Lucille Werner For Property Located North of Campbell Lake Road and East of Heart Lake Road (C/U TROS 6-2004)
13. Kevin and Rebakah Kowalski For Property Located East of State Route 9 and West of Lake Cavanaugh (C/U TROS 7-2004)
14. Eugene Kahn For Property Located North of the Skagit River, East of Suter Creek and East of Conrad Road (C/U TROS 9-2004)

8:45 a.m. – 9:00 a.m.

Bid Opening – South Fork Skagit River Bridge #40008 Deck Overlay

**\*T** 9:00 a.m. – 10:00 a.m.

Public Works Department – Chal Martin, Director

1. Presentation – Certificate of Commendation for Public Service to John L. Abenroth
2. Update – Edison Slough Self-Regulating Tidegate and Drainage Project
3. Discussion/Possible Action – McElroy Slough Estuary Restoration Project
4. Update – Status of the Draft Comprehensive Solid Waste Management Plan
5. Update – FERC Relicensing of Baker Dam
6. Miscellaneous

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- \*T 10:00 a.m. – 11:00 a.m.           Deliberations/Possible Decision – Planning Commission  
Recommendation For Approval of Parks and Recreation Comprehensive  
Plan Amendment
- 11:00 a.m. – 11:15 a.m.           Final Plat Approval for Charlton Estates (PL04-0297) as Submitted by  
Fred Charlton

The Skagit County Commissioners met in regular session on Tuesday, March 22, 2005, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

**CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL FOR A TIMBER OPEN SPACE APPLICATION.**

Commissioner Dahlstedt moved approval of the timber open space application for Alan and Janan Carter for property located at Clark Point, Guemes Island (C/U PL99-0015). Commissioner Anderson seconded the motion, which carried unanimously. **(Resolution No. R20050098)**

**CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL FOR FOURTEEN OPEN SPACE APPLICATIONS.**

Commissioner Dahlstedt moved approval of the following open space applications:

1. Mark and Gladene Knudson for property located south of East College Way (C/U PL01-0573) **(Resolution No. R20050099)**
2. Gerard and Geoffrey Gent for property located at West Shore Drive, Guemes Island (C/U PL02-0125) **(Resolution No. R200500100)**
3. Jerry Cummings for property located east of Fruitdale Road (C/U PL02-0283) **(Resolution No. R20050101)**
4. Steven Johnson for property located off Trumpeter Lane and north of Martin Road (C/U PL03-0056) **(Resolution No. R20050102)**
5. Leland and Charlotte Fox for property located south of Kelleher Road and east of Green Road (C/U PL03-0108) **(Resolution No. R20050103)**
6. Skagit Land Trust for Tracts 58-62 of Panoramic Plateau, along South Skagit Highway (C/U PL03-0912) **(Resolution No. R20050104)**
7. Jeffrey and Maureen Haddock for property located in the Bacus Hill area (C/U PL04-0471) **(Resolution No. R20050105)**
8. Larry and Teresa Davis for property located north of Highway 20, near Lyman (C/U TROS 1-2004) **(Resolution No. R20050106)**
9. Steven and Harriet Koscho for property located east of Beaver Lake, near Clear Lake (C/U TROS 3-2004) **(Resolution No. R20050107)**
10. Skagit Land Trust for property located along the Skagit River, near Lyman (C/U TROS 4-2004) **(Resolution No. R20050108)**
11. Christy Garlinghouse for property located off Highway 534 between Conway and Lake McMurray (C/U TROS 5-2004) **(Resolution No. R20050109)**
12. Lucille Werner for property located north of Campbell Lake Road and east of Heart Lake Road (C/U TROS 6-2004) **(Resolution No. R200501010)**
13. Kevin and Rebakah Kowalski For Property Located East of State Route 9 and West of Lake Cavanaugh (C/U TROS 7-2004) **(Resolution No. R20050111)**
14. Eugene Kahn For Property located north of the Skagit River, east of Suter Creek and east of Conrad Road (C/U TROS 9-2004) **(Resolution No. R20050112)**

Commissioner Anderson seconded the motion, which carried unanimously.

**BID OPENING – SOUTH FORK SKAGIT RIVER BRIDGE #4008 DECK OVERLAY.**

Barb Hathaway opened the following three bids for the South Fork Skagit River Bridge #4008 deck overlay:

Advanced Construction, Inc.  
12322 Hwy 99, Suite 104  
Everett, WA 98204  
Bid: \$769,426.00

Concrete Barriers, Inc.  
13036 Beverly Park Rd.  
Mukilteo, WA 98275  
Bid \$387,996.00

N.A. Degerstrom, Inc.  
P. O. Box 425  
Spokane, WA 99210-0425  
Bid \$456,624.28

The bid information will be reviewed and a recommendation will be forthcoming.

**PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR**

**1. Presentation – Certificate of Commendation for Public Service to John L. Abenroth.**

Janice Marlega, Project Division Manager, presented John Abenroth a Certificate of Commendation for his service to Skagit County. Mr. Abenroth has been with the County since June 1991, and is leaving for other employment. The Board commended him for his service.

**2. Update – Edison Slough Self-Regulating Tidegate and Drainage Project.**

Tom Karsh, Special Projects, reported on the Edison Slough Self-Regulating Tidegate (SRT) and Drainage Project and sought the Board's approval to develop a solution to address the malfunctioning tidegate and improve drainage flow and habitat in the Edison Slough. This proposal is linked to the McElroy Slough project in that there are similarities in the project and in the communities. In the mid 90's both communities were linked to pollution of Samish Bay because of failing on-site sewage systems due to poor drainage and high groundwater. The County replaced the culverts and tidegates on Edison Slough in 1999 and installed a SRT to meet State fish passage requirements. These requirements have been removed under ESSB 1418, but existing SRT's must remain. The SRT on Edison Slough malfunctions on certain incoming tides, which causes problems and concerns about saltwater intrusion and water table increases for local farmers. The SRT has restored upstream habitat and salmon presence have been observed. The Department of Public Works would like to replace the existing SRT with a more reliable unit and work with surrounding property owners, local drainage districts, and the Washington State Department of Fish and Wildlife (WDFW) to improve drainage and habitat in the Edison Slough. The estimate cost to replace the SRT would be \$30,000-\$40,000.

Commissioner Munks asked about the additional work beyond the SRT. Mr. Karsh said there would need to be some excavating to widen the existing slough upstream from the SRT and a new drainage pipe installed to drain a nearby field; however, there is no specific design at this point other than the aerial photos that were presented to the Board.

Commissioner Anderson asked if the WDFW was supportive. Mr. Karsh said that the WDFW has indicated that they would support the concept, but have not indicated any financial support.

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Commissioner Dahlstedt said that there needs to be a gate that works and some type of agreement with WDFW.

Lyle Wessen, Commissioner for Drainage District 18, said that he has been a farmer in the Bow Edison area since 1952. He was involved in the Governor's ag/fish water program. Speaking for agriculture, he said that they are in favor of clean water and fish, and also the protection of the ag base. They supported the strong zoning to keep development out of the valley, which has kept development up on the hills and has caused drainage problems. He said that pumping stations do not handle nearly the volume of water that can be handled by a properly functioning tidegate. He added that the McElroy project is supported by ag as long as the drainage south of Colony Road and west of the railroad tracks is protected.

Brian Williams of the WDFW stated that the Director of WDFW said that if the County wanted to remove or shut down the SRT the County would need to develop some sort of mitigation package. The other option was to engage the local parties to find a constructive solution. Meetings were held with locals and WDFW feels that it makes perfect sense to replace the existing SRT. He feels that local parties would accept the project in concept, but they have not seen a refined proposal. WDFW has made a commitment to work with the Drainage Districts with the permitting process. He said that the Corps permitting process is more complex, but he feels there could be a more streamlined process for the replacement of the SRT. The upstream excavation may take more time, so the County might want to do this project in phases.

Commissioner Anderson confirmed that WDFW would be partners in the permitting process if the County presents a concept that everyone buys into. Mr. Williams said WDFW is supportive of this.

Commissioner Anderson said that he likes the phased approach. People have been waiting for a long time for a solution to their drainage problems.

Commissioner Dahlstedt moved to direct Public Works to develop a project to replace the existing SRT with a more reliable unit and to work with the surrounding property owners, nearby drainage districts, and WDFW to improve drainage flow and habitat in the Edison Slough. Commissioner Anderson seconded the motion, which carried unanimously.

**3. Discussion/Possible Action – McElroy Slough Estuary Restoration Project.**

Mr. Karsh reported that one of the issues that caused this project to be delayed was the need for more analysis of saltwater intrusion and drainage impacts from the SRT. The County hired an engineering firm to produce a supplement hydrology report. He stated that a number of people with expertise on the project were present at the meeting to answer questions.

Mr. Martin said that he was interested in the WDFW position on putting a gate on Colony.

Bob Warner, WDFW, said that he spoke with Rich Johnson and he sated that if there is fish passage it needs to be preserved. A floodgate could be put in with a light flap that allows for passage.

Mr. Martin stated that there were concerns from the community about increases in ground water salinity. Gerald Bibee, engineer from Montgomery Water Group, Inc., said that there is a series of monitoring wells and the results do not show that under existing conditions there will be any increase in salinity at Colony Road. If the elevations in the NAVD 88 data are correct the saltwater would not reach the culvert.

Commissioner Munks said that his biggest concern is that it only takes one mistake to ruin the land. He would like to move ahead with the project, but would like some assurances that there will not be a mistake.

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Lyle Wessen said that the agriculture community would be completely behind this project if there was a dike with a pumping station, but he hears Mr. Warner saying that if there was incidental passage of fish WDFW would not be supportive.

Bob Warner said that there could be a screw gate that could be shut down to resolve the issue. WDFW wants to come up with a solution, and they are also interested in protecting farmland.

Dave Brookings, Public Works Administrator, pointed out that the Blanchard Flood Sub-Control Fund has a very small budget. His recommendation is to move forward with the project and consider the long-term interests of this zone.

Mr. Martin proposed that based on the discussion today, Public Works would come back with a revised resolution. The Commissioners agreed.

**4. Update – Status of the Draft Comprehensive Solid Waste Management Plan.**

Dave Brookings, Public Works Administrator, reported that Gary Rowe and Gary Sorenson met with the Municipalities Committee and presented the Board's recommended changes to the Solid Waste Management Plan. It was officially requested that this information be taken back to the city councils. The County will follow-up with a letter to confirm that request.

**5. Miscellaneous.**

a) Director Chal Martin provided an update on FERC relicensing. There was a technical conference in Seattle last Wednesday. Staff advised that the conference was an instrumental helpful step. The County is waiting on some decision on how FERC will address the environmental study on additional flood storage. There will be a meeting on Friday set up by Congressman Larsen between the County and the Army Corps of Engineers to work through difficulties and move forward on this issue.

b) Mr. Martin said some of the debt on the transfer station site was refinanced to reduce the interest rate on a series of bonds from 5.1 percent to 3.5 percent, which will result in a savings of \$360,000 and changed the bond payoff date from 2015 to 2013 to correspond with the long haul contract.

Mr. Martin shared pictures of equipment at the transfer station. Money was provided in the budget to change out the equipment, and he feels that it is now time to do that. The crane in particular needs attention since staff is spending a lot of their time making repairs to keep it running.

**DELIBERATIONS/POSSIBLE DECISION – PLANNING COMMISSION  
RECOMMENDATION FOR APPROVAL OF PARKS AND RECREATION COMPREHENSIVE  
PLAN AMENDMENT.**

Senior Planner Kirk Johnson provided background information regarding the Planning Commission recommendation for an amendment to the Parks and Recreation Comprehensive Plan to address a compliance issue. A major update to the Plan was adopted last May. The Plan was appealed by a couple of organizations who were concerned about the Frailey Mountain Shooting Range site. The Hearings Board found that a portion of the Plan was out of compliance. Planning, Parks, and legal counsel developed a proposed amendment to address the issue. The Planning Commission held a public hearing on February 8, 2005. They deliberated on February 22, 2005, and voted 5-2 to recommend approval of the proposed amendment. Mr. Johnson read the one finding which stated that this amendment is not related to the permitting of any specific project, but is necessary to achieve consistency with development regulations and to bring the Plan into compliance. He also noted that one opposing member Harry Ota asked that his opinion be attached. Mr. Johnson pointed out that two letters were received late; one from the Department of Trade and Economic Development, and one from the Lake Cavanaugh Improvement Association. He read his cover memo that he provided to the Board with the letters, which stated that the Board may review those letters, but are not obligated to take that information into consideration as part of their decision.

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The Commissioners each commented in support of the amendment.

Commissioner Dahlstedt moved and Commissioner Anderson seconded the motion to approve the amendment to the Comprehensive Parks and Recreation Plan pursuant to the Planning Commission recommendation and recorded motion. The motion carried unanimously.

**FINAL PLAT APPROVAL FOR CHARLTON ESTATES (PL04-0297) AS SUBMITTED BY FRED CHARLTON.**

Associate Planner Marge Swint presented a final plat approval of an Administrative Long CaRD for Charlton Estates to allow approximately 18 acres to be divided into three 1 acre lots for residential development and one lot that is 15+ acres designated as Open Space-Recreational Amenities. The property is located at 20178 Echo Hill Road in Sedro-Woolley. All the required signatures from various departments have been obtained and the Planning Department is recommending approval.

Commissioner Dahlstedt recommended approval of the final plat of Charlton Estates. Commissioner Anderson seconded the motion, which carried unanimously. **(Resolution No. R20050113)**

**ADJOURNMENT.**

Commissioner Dahlstedt made a motion to adjourn the proceedings. Commissioner Anderson seconded the motion, which passed unanimously.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Don Munks, Chairman

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Kenneth A. Dahlstedt, Commissioner

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Ted W. Anderson, Commissioner

ATTEST:

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JoAnne Giesbrecht, Clerk of the Board  
Skagit County Board of Commissioners