

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 24, 2012**

The Skagit County Board of Commissioners met in regular session on Tuesday, January 24, 2012, with Commissioners Kenneth A. Dahlstedt, Sharon D. Dillon, and Ron Wesen present.

I. CALL TO ORDER:

Chairman Dahlstedt called the proceedings to order at 8:30 a.m.

II. PLEDGE OF ALLEGIANCE:

Chairman Dahlstedt led the gallery in the salute to the flag.

III. AGENDA:

a) 8:30 a.m. - 9:30 a.m. Public Works - Henry Hash, Director:

1. Discussion/Possible Action: Approval of a Resolution Regarding the Approval of Maps, Plans, and Specifications and Call for Bids for Anderson/LaVenture Road Extension Projects: Cedardale to Blodgett, Blodgett to Blackburn, and South LaVenture Sanitary Sewer Extension (Date and Time of Bid Opening to be Determined and Announced at a Later Date)

Director Hash was present to seek the Commissioners approval to move forward with the Anderson/LaVenture Road Extension projects. The Commissioners said they were pleased with the progress made and were looking forward to going out to bid.

Chairman Dahlstedt said that Skagit County partnered with multiple agencies on the project. He said that utilization of the Anderson/LaVenture Park and Ride would increase.

Commissioner Dillon said that after the project was completed, transportation throughout Skagit County would be improved. She pointed out that Skagit County was also thinking ahead to the future and putting utilities in the ground so that the road would not need to be torn up.

Commissioner Wesen thanked multiple partners and funding sources and stated that the project was strategically placed to benefit all of Skagit County. He said a lot of work and planning ahead for the future has gone into the project.

Chairman Dahlstedt thanked his fellow Commissioners for their support, as well as Senator Haugen, other legislative representatives, Skagit Council of Governments, the mayors of the cities in Skagit County, Representative Larsen, Senator Cantwell, the City of Mount Vernon, Public Works staff, and the Department of Transportation. He stated that only one or two buildings would need to be removed and that the project would be completed in approximately 18 months.

A motion was made by Chairman Dahlstedt to approve the Resolution for the approval of maps, plans, and specifications and call for bids for the Anderson/LaVenture Road Extension Projects: Cedardale to Blodgett, Blodgett to Blackburn, and South LaVenture Sanitary Sewer System City of Mount Vernon. **(Resolution No. R20120014)** Commissioner Dillon seconded the motion. The vote passed unanimously.

2. Submittal: 2011 Year-End Drainage Utility Report

Assistant Section Manager Jan Flagan was present to discuss the various construction and drainage projects, public outreach and education, National Pollutant Discharge Elimination System (NPDES), and stormwater facility maintenance activities throughout 2011 in Skagit County.

Ms. Flagan said that many successful projects had been completed, and most of the drainage concerns reported had been resolved. Ms. Flagan briefed the Commissioners on the stormwater facility maintenance workshops held, drainage district meetings, rain garden workshops, and landslide awareness workshops. She also reported that Skagit County has performed more work under the NPDES which included completing mapping each stormwater facility in the County.

Ms. Flagan showed a drainage assessment comparison graph, and stated that Skagit County's average annual assessment is one of the lowest when compared to other cities and counties.

Natural Resources Division Manager Dan Berentson introduced and thanked his staff, and other divisions in Public Works, for their hard work and responsiveness to issues and complaints.

Discussion was held on the status of the abolishment of the sub flood control zones in Skagit County which became unnecessary in 1994 when the Drainage Utility was established. Mr. Berentson reported that the last of the sub flood control zones had been assimilated at the end of 2011.

Discussion was also held on the status of Skagit County's fish passage projects. Mr. Berentson said that a report was being prepared on the status of the fish passage projects, culvert projects, and restoration projects, and they would be back before the Commissioners in one month for a presentation.

The Commissioners thanked Public Works for the information.

Chairman Dahlstedt recessed the proceedings at 9:09 a.m.

3. Miscellaneous

There were no miscellaneous items to discuss.

- b) 9:30 a.m. - 10:00 a.m. Presentation by the Port of Skagit

Chairman Dahlstedt reconvened the proceedings at 9:31 a.m.

Port of Skagit Commissioner Bill Shuler, of district two, was present to thank Skagit County for their partnership and support. He informed the Commissioners that he reviewed the report and recommendations from the Envision Skagit 2060 committee and he said he was impressed by their suggestions for moving Skagit County thoughtfully towards the future. Port of Skagit Commissioner Shuler reported on two capital facility projects the Port was focused on: completing work on the airport runway, and securing funding for the dredging of the Swinomish Channel. Port of Skagit Commissioner Shuler said that the Port was performing a crown conversion on the runway in order to accommodate heavier cargo planes and that they received \$12 million dollars from the Federal Government towards funding the project. He also said that their other major project was working on securing funds for dredging the Swinomish Channel. He said that many portions of the channel would become impassable if not dredged by 2015.

Executive Director Patsy Martin was present to discuss the Port's role in Skagit County. She gave some history on the Port and discussed their goal of balancing environmental stewardship needs with economic growth needs. Director Martin discussed the marina located on the Swinomish Channel, and projects including: analyzing business infrastructure, extending and connecting their fiber optic system, locating buildable industrial land, the Swinomish Channel, the airport runway crown conversion, partnering with Economic Development Association of Skagit County as well as the County and Cities, food production, an aerospace summit, marine fabrication, updating leasing policies, and promoting funding options for financing projects. Director Martin ended her presentation by saying that the Port of Skagit promises excellence in public service and leadership within a business landscape that inspires success and enhances the quality of life in Skagit County.

Commissioner Wesen asked for more information on the status of dredging the Swinomish Channel. He thought it was dredged every three years.

Director Martin said that the Swinomish Channel was first dredged in 1888 to make a safer passage for boats and that it typically got dredged every three years. She said that it used to be dredged more thoroughly, but as funds have been more difficult to obtain, dredging has not been as aggressive. Director Martin said that this was because in 1996 the Federal Government declared that waterways which were shallower than minus fourteen feet do not warrant automatic maintenance unless 10 million tons of cargo passes through it each year. The Swinomish Channel is at minus twelve feet. Director Martin stated that, nationwide, not many waterways fit that criteria, and so since 1996 the Port has traveled to Washington D.C. with the Pacific Northwest Waterways Association (PNWWA), which represents ports and waterway interests throughout the Pacific Northwest, to ask for funds for dredging.

Director Martin said that the channel needed to be dredged. It was due for dredging in 2011. The last time it was done was in 2008, and it was not very aggressive. She said that the Port of Skagit is doing its best to secure funding for the job and the Port has set aside \$400,000 towards dredging. They are working with local tribes, PNWWA, and the U.S. Army Corps of Engineers to explore funding options. Director Martin reported that not only would the channel become impassable by

2015 if not dredged, but over 500 jobs and \$40 million dollars in revenue would be lost.

Port of Skagit Commissioner Shuler stressed the importance of dredging the channel since it benefited all of Skagit County.

Chairman Dahlstedt said that the Commissioners would be happy to meet with the Army Corps of Engineers and support the Port in Washington D.C. to help secure funds for dredging the channel.

Envision Skagit 2060 committee member Tim Rosenhan stated that he was familiar with the channel and the type of traffic it gets. He pointed out that the users of the channel are not confined to people who live and work in Skagit County, but many types of vessels from many locations utilize the channel and could be approached to partner with the Port to secure sufficient funding for dredging.

Chairman Dahlstedt thanked the Port of Skagit for the information, for their partnership, and he recessed the proceedings at 10:07 a.m.

- c) 10:00 a.m. - 10:30 a.m. Presentation by People First of Skagit County

This presentation was cancelled and will be rescheduled at a later date.

- d) 11:00 a.m. - 11:30 a.m. Public Works - Henry Hash, Director:

Chairman Dahlstedt reconvened the proceedings at 11:00 a.m.

1. Public Hearing: To Consider Testimony Regarding Closing a Portion of Similk Bay Road #16010, for the Skagit River Cooperative's Turner's Bay Pocket Estuary Restoration Project

Director Hash introduced Skagit County Engineer Paul Randall-Grutter who said that the project was brought to Skagit County by the Skagit River System Cooperative (SRSC). SRSC would like to restore salmon habitat in Turners Bay Lagoon and in order to complete the project, a portion of Similk Bay Road would need to be removed. Mr. Randall-Grutter introduced Steve Hinton, representative from SRSC, to discuss their project.

Mr. Hinton said that the restoration project began in 2005 after a feasibility study was performed. Mr. Hinton said that the goal was to restore fish access and tidal inundation to 7.8 acres of juvenile Chinook salmon rearing habitat. He said that fish access was currently being impeded by a malfunctioning tide gate. Mr. Hinton discussed the design and approach of the project and reported that numerous meetings were held with nearby landowners in order to hear and address any concerns. He said the main impact of this project would be on Culbertson Marine Construction which has large vehicles and trucks that need sufficient access and available turning radius. Mr. Hinton said that the project had received funding and all permits had been obtained and that they are ready to construct a turnout off of Reservation Road at East end of Similk Bay Road. And, if the Commissioners approve the project and approve the closure of a portion of Similk Bay Road, then the next steps SRSC would take will be to:

1. Construct a turnout off Reservation Road at the East end of the Similk Bay road crossing. Mr. Hinton said this turnout would also be designed to give the public access to shoreline.
2. Construct another turnaround on West Similk Bay Road near Culbertson's property line.
3. Excavate the road prism.
4. Construct improvements on Culbertson's property to mitigate impediments to truck access.
5. Install plantings and interpretive signs.
6. Abandon the western right-of-way along Culbertson's property to Western terminus.

Mr. Hinton said if approved, work would start on March 15th, when the fish window opens to allow for construction, or in the summer if approval was delayed. He said that the results would include the ability to rear an additional 4,735 Chinook smolts, the capacity of the lagoon would increase and improve over time, access for other native Puget Sound salmonids would be improved, and daily tidal inundation to isolated marsh surfaces would be restored. Mr. Hinton thanked the Commissioners for their time and handed them a Resolution signed by the Swinomish Indian Senate approving the project for the benefit of native fish and wildlife.

Commissioner Wesen said he thought it was a good project. He wanted to know if this restoration project would count towards the agreement in place for the recovery of Puget Sound, and what would the cost be to Skagit County?

Mr. Hinton said that the project did count towards the agreement and to this point, the county's cost has been staff's investment of time taken to review documents.

Commissioner Dillon asked if SRSC was also asking for Skagit County to abandon the right-of-way when closing the road?

Discussion was held regarding access and the right-of-way. Mr. Hinton said that if the county partnered with SRSC on the project, then the abandonment of the right-of-way could be made in-kind.

Chairman Dahlstedt thanked Mr. Hinton for the presentation and he asked Mr. Hinton if this project was minor or major.

Mr. Hinton said that the impact the project would have on fish and wildlife would be major since this area is in the heart of fish habitat. Mr. Hinton said that traffic patterns were studied and Mr. Hinton said that the portion of road they have requested be closed was serving two functions: as access for Mr. Culbertson's company, and as a shortcut for local citizens.

Chairman Dahlstedt opened the public hearing at 11:20 a.m.

Andy Culbertson of Anacortes was present and said that his property would be the most impacted by the road closure. He thanked Commissioner Wesen for coming out to look at the project. Mr. Culbertson discussed his concerns,

briefed the Commissioners on his business, and said that he cannot have his access to the shoreline impeded. He requested that the road be abandoned to him since this project greatly impacts his property and business.

Commissioner Wesen asked what the value of the road would be if it was abandoned.

Skagit County Engineer Paul Randall-Grutter did a quick estimate that 400 feet of road would be worth approximately \$37,000 to \$40,000.

Commissioner Dillon shared her concerns over abandoning county owned right-of-way.

Seeing no further public testimony forthcoming, Commissioner Dillon made a motion to close the public hearing at 11:32 a.m., which was seconded by Commissioner Wesen. The motion passed unanimously.

The Commissioners decided they would need some time to gather and review more information before making a final decision on the matter.

A motion was made by Commissioner Dillon to approve that the Commissioners come back on February 6, 2012, at 2:00 p.m. to render their decision. Commissioner Wesen seconded the motion. The vote passed unanimously.

Chairman Dahlstedt recessed the proceedings.

- e) 11:30 a.m. - 11:45 a.m. Public Comment Period

Chairman Dahlstedt reconvened the proceedings at 11:37 a.m.

Chair of the Upper Skagit Library Board Keith Alesse was present to express the Library District's appreciation for Skagit County's ongoing support.

Each Commissioner thanked Mr. Alesse in turn for his dedicated service on the Board for the benefit of Skagit County's citizens.

Seeing no other public present to comment, Commissioner Dillon made a motion to close the public comment period at 11:42 a.m., which was seconded by Commissioner Wesen. The motion passed unanimously.

- f) *6:30 p.m. Marine Recovery Area (MRA) Community Meeting (Samish Elementary School, 23953 Prairie Road, Sedro-Woolley)

IV. ADJOURNMENT:

Chairman Dahlstedt adjourned the proceedings.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Sharon D. Dillon, Commissioner

Ron Wesen, Commissioner

ATTEST:

Linda Hammons, Clerk of the Board