



TITLE VI ACCOMPLISHMENTS & GOALS REPORT

This outline is for LPA and other governmental entities to report Title VI activities that occurred over the past year and report Title VI goals for the upcoming year. Reports must be returned on or before due date to meet eligibility requirements for federal funding. Send to TitleVI@WSDOT.wa.gov

DUE DATES: November 1, 2021

Contact Information

County Administrative Head (signature on Standard Assurances): Trisha Logue, Skagit County Administrator

Mailing Address: 1800 Continental Place

City: Mount Vernon, WA Zip Code:98273

County: Skagit

Phone #:360-416-1400

email address: trishal@co.skagit.wa.us

County Engineer: Grace Kane, P.E

Mailing Address: 1800 Continental Place

City: Mount Vernon, WA Zip Code:98273

County: Skagit

Phone #: 360-416-1400

email address: gracek@co.skagit.wa.us

Title VI coordinator*: Grace Kane, P.E., Public Works Director/County Engineer

Mailing Address: 1800 Continental Place

City: Mount Vernon, WA Zip Code:98273

County: Skagit

Phone #:360-416-1400

email address: gracek@co.skagit.wa.us

*When the Title VI coordinator changes, notify TitleVI@WSDOT.wa.gov within 30 days.

To comply with Title VI requirements, each annual report submission must include signed Standard Assurances (USDOT1050.2A).

- See Appendix "A" for current signed DOT Assurances form #USDOT1050.2A.

Accomplishments:

1. Have there been any changes to the approved Title VI Plan that have not been reported to OEO? If yes, please submit an update to the Title VI Plan with a new signature.
 - An updated Title VI Plan will be submitted in conjunction with the Annual Report in October 2022 to reflect staff changes in the Public Works Department.
2. Organization, Staffing, Structure – Describe the Title VI Program reporting structure including the Title VI Coordinator, Administrative Head, and transportation-related staff. The list should include name, race, color, and national origin of each individual.
 - County Administrator – The County Administrator is authorized to ensure compliance with provisions of the County's policy of nondiscrimination and with the law, including

the requirements of 23 CFR Part 200 and 49 CFR Part 21. The County’s grants compliance function and Title VI coordination shall be performed under the authority of the County Administrator.

- Title VI Coordinator – Skagit County Public Works has assigned the Public Works Director/County Engineer within Public Works to act as the Title VI Coordinator and ensure implementation of the County’s Title VI Federally Funded Transportation Program. The Title VI Coordinator has direct access to the County Administrator.
- Title VI Specialist – Skagit County Public Works has a designated Title VI Specialist. The Specialist shall work with the Title VI Coordinator to compile data for annual reporting and share information with other departments regarding the Title VI plan and reporting period goals. The Specialist also collaborates with the Title VI Coordinator to implement Skagit County Public Works Title VI annual goals and assist with the preparation of the annual report.
- Title VI Liaisons - Additionally, Skagit County Public Works has designated Title VI Liaisons in departmental special emphasis program areas. These key programs or departmental areas are subject to receiving federal assistance through grants or other types of transportation related funding or are responsible for implementing County directives and policies to ensure civil rights compliance and equal opportunity. The liaisons are responsible for enduring compliance, program monitoring, reporting, and training within the respective programs.
- Reporting Structure Staffing Table:

Name	Title	Race	Color	National Origin
Trisha Logue	County Administrator	Caucasian	White	USA
Grace Kane, P.E.	Public Works Director / County Engineer / Title VI Coordinator	Asian	Olive	Asia
Brenda Olson	Administrative Assistant, Contracts & Grants / Title VI Specialist	Caucasian	White	USA
Bonnie Beddall	Human Resources Manager / Title VI Liaison	Caucasian	White	USA
Forrest Jones	Transportation Section Manager / Title VI Liaison	Caucasian	White	USA
Jennifer Johnson	Natural Resources Division Manager / Title VI Liaison	Caucasian	White	USA
Cheryl Dawson	Administrative Supervisor / Title VI Liaison	Caucasian	White	USA

3. Community Demographics – Using a map of the LPA’s boundaries, describe the demographics of the LPA’s service area (e.g., race, color, national origin, low-income). List, by individual languages, the percent of the population(s) that is limited English proficient.
 - Skagit County Public Works utilizes data from a number of sources including Census.gov, Statisticalatlas.com, and Skagit Council of Governments (SCOG) to track current demographics within the County. See attached Appendix “B” for maps and census data

regarding race, ethnicity, and income maps of Skagit County. Appendix “C” shows the most recently tracked data for the limited English proficient population within Skagit County (sourced from SCOG Demographic Profile 2020).

4. Complaints – Provide a copy of the LPA’s Title VI complaint log, including new Title VI complaints received during this reporting period and any still pending. Include the basis of the complaint (race, color, national origin) and describe the disposition (status/outcome).
 - Skagit County Public Works will respond to Title VI complaints in accordance with the County’s approved Title VI Plan. No complaints were received during this reporting period. See Skagit County’s 2021-2022 Complaint Log attached as Appendix “D”.

5. Planning – Describe the transportation planning activities performed this reporting period. Describe the actions taken to promote Title VI compliance regarding transportation planning, including monitoring and review processes, community involvement, their outcome or status. Include examples of community outreach.

- The County Transportation/Programs Section Manager has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to County citizens. The County Transportation/Programs Section Manager annually updates and coordinates Skagit County’s six-year plan for transportation improvement programs and projects. The update also informs other Skagit County jurisdictions of the current planning direction for transportation needs.

Public Meetings are held to encourage community awareness and involvement in upcoming plans and projects. Public Hearings are advertised on the County webpage as well as in the local newspaper. When in-person attendance was not an option, attendance was possible via phone, Zoom, MS Teams, or Gotomeeting.com.

In addition to public Hearings, project related public meetings are sometimes held to share upcoming information within the community. Skagit County utilizes the County Webpage, Facebook, Twitter, and sometimes paper mailings to advertise these upcoming project events to encourage participation from all members of the community.

A list of Public Hearings and Project Meetings, including legal notices and social media advertisements is attached as Appendix “E”.

To continue to improve Skagit County Public Work’s Title VI program staff will be notified or reminded as needed to ensure that the Voluntary Title VI Public Meeting form is available at all public meetings.

6. Right-of-way actions – Describe activities during this reporting period associated with the purchase, sale, lease/use, or transfer of real property (related to highway transportation/public right-of-way use). Include demographic information of affected populations. For example, the race, color, national origin of affected property/business owners(s)/tenant(s).
 - Skagit County conducted 12 right of way transactions during this reporting period that were related to transportation/public right-of-way use. There were no relocations during this reporting period. Demographic information is as follows:

ROW	Project	Race	Color	National Origin
3	Temporary Construction Easement - Francis Road Section 1	Caucasian Caucasian Caucasian Caucasian	White White White White	Unknown Unknown Unknown Unknown
3	Temporary Construction Easement - Garden of Eden / Willard Creek	Caucasian Caucasian Hispanic Caucasian	White White Brown White	Unknown Unknown Unknown Unknown
1	Right-of-Way Easement - Right of way Vacation	Caucasian	White	Unknown
5	Warranty Deed - Francis Road Section 1	Caucasian Caucasian Caucasian Caucasian	White White White White	Unknown Unknown Unknown Unknown

7. Identify right-of-way appraisers and acquisition staff (used during this reporting period) by race, color, national origin.
- Skagit County worked with subconsultants RES Group NW, LLC & DCI Engineers for ROW appraisal and acquisition.

Name	Race	Color	National Origin
RES Group NW, LLC Sonja Davis	Asian	Olive	USA
DCI Engineers Roxanne Grimm	Caucasian	White	USA
DCI Engineers Dantae Cruz-McDaniel	Pacific Islander / 2 or more races	Olive	USA

8. Studies and Plans – Were any transportation studies (including environmental reviews) conducted or transportation plans completed during this reporting period? Identify the data source(s) and provide data summary (Title VI/Environmental Justice Analysis) relative to ethnicity, race, languages spoken, neighborhoods, income levels, physical environments, and/or travel habits. Explain how data was used in these studies/reviews/plans.
- Studies Conducted Which Provide Data Relative to Minority Persons, Neighborhoods, Income Levels, Physical Environments, and Travel Habits – Skagit County Public Works will continue to review all proposed projects for their potential to have a disproportionate impact on low-income and minority populations that are subject to additional consideration in accordance with applicable Title VI and Environmental Justice provisions. No EJ reports were completed for this reporting period.

Environmental Review – Skagit County Public Works strives to ensure that the promotion of environmental integrity in the design, construction, and maintenance of transportation systems that serve the needs of the Skagit County’s various communities. Skagit County Public Works responds to the requirements of the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) to ensure that all projects meet these provisions, as required by Washington State and the Federal Government.

During this reporting period, Skagit County Public Works conducted (2) NEPA and (1) SEPA environmental reviews. The completed environmental reviews did not identify impacts to minority or economically disadvantaged communities.

See Appendix “F” for the list of names for each project that was subject to an environmental review during this reporting period. A copy of the SEPA exemption determination and determination of non-significance is included for each project.

9. Project Location and Design – Provide a list of construction projects that began during this reporting period. Using a map of the LPAs service area, identify project locations, and a brief description of the projects’ benefits/burdens to affected populations.

- Construction Project beginning during this reporting period:



1. Illuminate Channelized Intersections ES10910-3
2. Upper Finney Creek Bridge ES40093-2
3. Prairie Road Guidance Improvements ES50000-7
4. 2022 HMA Overlay ESHMA22-1
5. Install/Upgrade Guardrail w/Reflectors ES07000-12
6. Ovenell Slough (Cedar Grove Culvert) WA402229

+

Project Name	Location	Project Benefits	Burden to Population
Illuminate Channelized Intersections	1. Chillberg & Best Rd 2. Marine Dr & Havekost Rd 3. S. Skagit Hwy & Concrete Sauk Valley Rd	Install Street Lighting at intersections	Street lights at intersections
Upper Finney Creek Bridge	Finney Creek Road Bridge – Mile Post 4.6 to Mile Post 4.7 – Concrete, WA	Seismically Retrofit the bridge structure	Bridge Closure - Traffic to be detoured during 140 working days of construction

Prairie Road Guidance Improvements	Prairie Road Mile Post 0.00 to Mile Post 7.79	Install signage and guidance improvements.	Shoulder work could cause temporary traffic slowing during 10 days of construction.
2022 HMA Overlay	Pioneer Highway Mile Post 0.00 to Mile Post 1.991	This project preserves the roadway and underlying road structure.	Traffic delays due to single lane road closures over the 10 working days of construction.
Install/Upgrade Guardrail w/Reflectors	<ol style="list-style-type: none"> 1. South Skagit Hwy MP 11.66 – 12.13 2. South Skagit Hwy MP 17.21 – 17.56 3. Concrete Sauk Valley Rd MP 1.21 – 1.66 4. Concrete Sauk Valley Rd MP 4.39 – 4.5 	Install & Upgrade Guardrail with Reflectors.	Shoulder work and temporary single lane closures could cause temporary traffic delays during 35 days of construction.
Ovenell Slough (Cedar Grove Culvert)	Ovenell Slough / Cedar Grove Culvert – Concrete, WA	Replacement of existing road culvert & installation of a new pre-cast concrete girder single span bridge with pile foundations.	Traffic delays due to detours or lane closures as needed during 110 day construction window.

10. Other Public Meetings – List other public meetings held during this reporting period. Identify efforts used to encourage citizen participation at those meetings. Detail dates, times, locations, attendance, and provide examples of outreach materials.

- Skagit County Public Works held ten hearings open to public comment on various topics were held during this reporting period. Legal Notices for Public Hearings are published at least twice in the Skagit Valley Herald prior to the date of the meeting. Skagit County has begun utilizing Vimeo to broadcast a weekly “Need to Know” to share County information, including Public Hearings, with all members of the public. Skagit County Public Works continues to work toward consistent use of the Washington State Department of Transportation (WSDOT) form for collecting data on public hearing and public meeting attendees for Title VI reporting requirements, per Title 23, Code of Federal Regulations, Part 200.9(b)(4). See public Meeting list, Legal Notices and Vimeo links in Appendix “E”.
- Identify members of the LPA’s transportation planning groups by race, color, and national origin.

Transportation Programs Staff	Race	Color	National Origin
Forrest Jones	Caucasian	White	USA
Given Kutz	Caucasian	White	USA

Torey Nelson	Caucasian	White	USA
Steven Pietig	Caucasian	White	USA
William Collins	Caucasian	White	USA
Design Team Staff	Race	Color	National Origin
Rachael Simms	Caucasian	White	USA
Devin Willard	Caucasian	White	USA
Daron Browning	Caucasian	White	USA

- Specify methods used to collect demographic information from the transportation-related public meetings. (Self-identification surveys, notes by staff, etc.) Include summaries of Public Involvement Forms collected at each meeting, listing the demographics of those who attended by meeting.
 - Skagit County Public Works utilizes the WSDOT Voluntary Public Involvement Form to track data from Public Hearings and meetings. Completed forms are submitted to the Title VI Specialist for record keeping and reporting purposes. To continue to improve Skagit County Public Work’s Title VI program staff will be notified or reminded as needed that we have a Title VI public meeting form that should be available at all public meetings.
- List any language assistance services requested. For which languages? Who provided the service? In addition, list vital documents translated during the reporting period and identify the languages.
 - No language services were requested during this reporting period.

11. Transportation-related Construction and Consultant Contracts (if applicable) – Briefly describe the process used to advertise and award construction contracts during this reporting period. Include the process for negotiated contracts (e.g., consultants).

- Construction Contracts – Locally funded projects are procured according to the Skagit County Purchasing Policy (see attached Appendix “G”). State or Federally funded projects are procured by following the procedures listed in the Skagit County Purchasing Policy and Chapter 46 of the WSDOT LAG Manual. This process includes, but is not limited to, executing a Resolution to Call for Bids, public advertisement of the Legal Notice in the local newspaper, public posting of the Resolution/Legal Notice, Plans, Specifications, and Estimate on the Skagit County Website, public Bid Openings broadcast via Skagit 21, and posting of bid results to the Skagit County Website.
- Consultant Contracts:
Design activities are performed by the Skagit County Public Works Engineering Technician Design Team. When workloads increase to a level beyond levels that can be completed by internal staff alone, Skagit County follows the procedures laid out in LAG Chapter 31 to solicit contracts with consulting firms to assist with the design of upcoming projects.
Procurement Information System – Skagit County Public Works requests Letters of

Interest, Statement of Qualifications and Proposals from all firms qualified and interested in providing professional services for contracts awarded by Skagit County Public Works. Skagit County posts information on current Requests for Proposals on its Internet Website. Proposals identify the types of sub consulting opportunities that may be available on the project for informational purposes.

Advertisement in Local Papers and Agency Procurement Website – Skagit County Public Works advertises Requests for Proposals for consulting services in local papers and on its Procurement Website. The scope, size and duration of these contracts vary in size to promote diversity in the number and size of firms competing for these awards. Some contracts are for complete design services on a single project. Others may be for environmental reviews, traffic analysis, mediators or a wide range of professional services. Skagit County Public Works solicits some small A&E contracts from Consultants using the MRSC Roster.

Negotiation Process with Consultants – Skagit County notifies the consultant of their selection in writing, and corresponds via phone or email with the consultant to reach a complete and mutual understanding of the scope of services, and begin negotiations on the terms of the agreement and fees. Fees are submitted by the consultant and reviewed by the Project Manager. Upon approval of the scope, fee and contract terms, the contract is assembled and routed for signatures and execution.

12. Describe the actions taken to promote construction contractor/consultant compliance with Title VI by construction contractors/consultants, including monitoring and review processes, and their outcomes/status (e.g. what Title VI language was included in contracts and agreements; were contractors and consultants reviewed to ensure compliance; what Title VI responsibilities are explained to contractors and consultants?)

- Skagit County Public Works agrees to continue to insert the following notification in all solicitations for bids or work or material subject to the Regulations made in connection with the Federal Aid Highway Program and in adapted form in all proposals for negotiated agreements. The bid documents (plus any applicable addendums) become the binding Contract between the County and the Contractor upon signing.

Skagit County, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Efforts Made to Utilize Minority and Female Consultants and Sub-consultants in Federally-Assisted Contracts – It is the policy of Skagit County to comply with Title 49 of the Code of Federal Regulations, Part 26, to ensure that Disadvantaged Businesses, including minorities and women, have an equal opportunity to receive and participate in federally-assisted contracts. Skagit County does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate in connection

with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin. Efforts made to use minority and female consultants during the reporting period include the following outreach activities:

Disadvantaged Business Enterprise (DBE) Goals – As part of Skagit County Public Works outreach efforts to use minority and female consultants, when appropriate, proposals include a Disadvantaged Business Enterprise (DBE) goal as assigned by the WSDOT LPE. When a DBE goal is not assigned by the LPE, a voluntary goal is indicated in accordance with the current Standard Specifications for Roads, Bridges, and Municipal Construction Manual. Certified DBE firms can encompass small, minority and women-owned firms.

Consultants Selection Procedures – Consultants are selected according to the procedures outlined in the RCW, and *Local Agency Guidelines* procedures for federally-assisted projects. Skagit County Public Works encourages all consultant firms that are registered in Washington State to conduct business and who possess the requisite professional license(s) to present their qualifications for highway design projects.

For non-Federally funded projects Skagit County Public Works utilizes the Municipal Research and Services Center (MRSC) Architecture and Engineering, Professional Services, and the Construction Small Works Rosters in accordance with RCW 39.80 and MRSC practices. Skagit County places advertisements in various minority newspapers (Skagit Valley Herald and Daily Journal of Commerce) that have existing contracts with the Agency.

13. List construction, right-of-way, and consultant contracts with your LPA entity for this report period with dollar value of each. Identify funding sources (federal, state, local, other), and how many were awarded to certified disadvantaged contractors (as a prime contractor/consultant).

- For reporting purposes, contracts which have been amended are considered contracts awarded. The accompanying tables summarize the contracts awarded, including amendments, and the total contract dollar value or dollar value changed by amendment.

Contract #	Contractor/Consultant Name	P=Prime C=Consultant	Dollar Value	Funding Source	DBE Status
C20210471	Reichhardt & Ebe Engineering, Inc.	C	\$300,000.00	LA Funds	N/A
C20210509	H.W. Lochner, Inc.	C	\$300,000.00	LA Funds	N/A
C20210510	Transpo Group USA, Inc.	C	\$200,000.00	LA Funds	N/A
C20210511	Mayes Testing Engineers, Inc. a Terracon Company	C	\$200,000.00	LA Funds	N/A
C20210490	TranTech Engineering, LLC	C	\$200,000.00	LA Funds	UDBE/SBE D2W0025137
C20210491	H.W. Lochner, Inc.	C	\$200,000.00	LA Funds	N/A
C20210483	Pacific Surveying & Engineering, Inc.	C	\$200,000.00	LA Funds	N/A
C20210484	Watershed Science & Engineering, Inc.	C	\$200,000.00	LA Funds	N/A
C20210485	Tierra Right of Way Services, LTD	C	\$200,000.00	LA Funds	N/A
C20210486	Cowling & Company LLC dba Widener & Associates	C	\$200,000.00	LA Funds	WBE W2F0026333
C20210557	Puget Sound Energy	P	\$48,361.69	Fed Funds	N/A
C20210559	Puget Sound Energy	P	\$23,815.78	Fed Funds	N/A

C20210558	Puget Sound Energy	P	\$17,330.81	Fed Funds	N/A
C20210560	Northwest Hydraulic Consultants, Inc.	C	\$200,000.00	LA Funds	N/A
C20210540	KBA, Inc.	C	\$300,000.00	LA Funds	N/A
C20210527	GeoEngineers, Inc.	C	\$200,000.00	LA Funds	N/A
C20210528	Fehr & Peers	C	\$200,000.00	LA Funds	N/A
C20210581	Coral Construction Company	P	\$529,450.00	Fed Funds	N/A
A20210225	MacLeod Reckord, PLLC	C	No Change	Fed Funds	DBE D2F0026189
A20220008	KBA, Inc.	C	-\$97,397.00	RAP Funds	N/A
A20220009	KPFF, Inc.	C	\$297,012.80	State / Fed	N/A
A20220021	IMCO General Construction, Inc.	P	\$54,769.28	LA / Fed	N/A
A20220011	Glosten, Inc.	C	No Change	LA Funds	N/A
A20220012	AtWork! Commercial Enterprises, LLC	P	\$23,270.00	LA Funds	N/A
C20220023	Natural Systems Design	C	\$100,000.00	LA Funds	N/A
A20220031	Glosten, Inc.	C	No Change	State Funds	N/A
A20220032	KPFF, Inc.	C	\$40,657.05	LA Funds	N/A
A20220033	KPFF, Inc.	C	\$40,672.77	LA Funds	N/A
C20220074	TranTech Engineering, LLC	C	\$774,698	LA / Fed	UDBE/SBE D2W0025137
C20220122	Cowling & Company LLC dba Widener & Associates	C	\$35,416.80	LA Funds	WBE W2F0026333
A20220042	MacLeod Reckord, PLLC	C	\$35,642.65	Fed Funds	DBE D2F0026189
C20220138	Cowling & Company LLC dba Widener & Associates	C	\$35,416.80	LA Funds	WBE W2F0026333
C20220146	Culbertson Marine Construction, Inc.	P	\$176,386.12	LA Funds	N/A
C20220147	Dakota Creek Industries, Inc.	P	\$2,339.02	LA Funds	N/A
C20220193	Veca Electric & Technology, LLC	P	\$250,000.00	LA Funds	N/A
A20220073	Veca Electric & Technology, LLC	P	\$75,000.00	LA Funds	N/A
A20220089	KPFF Consulting Engineers	C	\$325,937.87	LA / Fed	N/A
C20220204	Dakota Creek Industries, Inc.	P	\$1,242.00	LA Funds	N/A
C20220231	IMCO General Construction, Inc.	P	\$463,934.00	Fed Funds	N/A
C20220226	Lakeside Industries, Inc.	P	\$494,544.90	LA Funds	N/A
C20220244	GeoTest Services Inc.	C	\$200,000.00	LA Funds	N/A
A20220107	Century West Engineering Corporation	C	No Change	LA Funds	SBE S000026280
A20220110	Glosten, Inc.	C	\$462,142.13	State Funds	N/A
A20220120	Bronlea M Consulting, LLC	C	No Change	LA Funds	WBE W2F0027394
C20220306	Specialized Pavement Marking, LLC	P	\$127,716.75	Fed Funds	N/A
C20220365	Exeltech Engineering, Inc.	C	\$236,886.80	LA / RCO	UDBE/SBE D4M0004220

14. Education & Training – Describe actions taken to promote Title VI compliance through education and trainings, including monitoring and review processes, and their outcomes/status.

- List Title VI training/webinars Public Works Staff attended this reporting period. Include dates and entity that conducted the training.

- The WSDOT Webinar training for Phase I Title VI training has been added to the onboarding training for the Public Works Engineering team. 12 Certificates of Completion acquired during this reporting period are attached in Appendix “H”.
- When was Title VI internal training provided to staff? Who conducted the training? What was the subject of the training? Provide the job titles and race/color/national origin of attendees.
 - Title VI Training was held on September 27, 2022 to discuss the purpose and importance of Title VI, our responsibility as an Agency, and the use of the Voluntary Public Involvement form in Public Meetings. This training was led by Brenda Olson (Caucasian, White, USA), and attended by Public Works Engineering Division Staff (Engineering Technicians, Project Managers, Assistant County Engineer).

2021 – 2022 Period Title VI Goals

What area(s) of Title VI does your agency plan to focus on in the upcoming year? Describe by particular program area what your agency hopes to accomplish. Include any significant problem areas to focus on and plans to address those.

1. Complete at least 1 internal Title VI training led by the Title VI Coordinator. Obtain Title VI Phase I training certificates for at least 3 additional members of staff.
 - a. In person Title VI Training was held during Engineering Staff Meeting on September 27, 2022 to discuss reporting requirements and the purpose and use of the Voluntary Public Involvement forms.
 - b. Title VI training was added to the onboarding training for Public Works Engineering staff. 12 staff members completed Title VI training and received certificates from OEO during the 2021-2022 reporting period.
2. Skagit County Public Work’s Title VI program staff will continue to be trained on the use of the Title VI public meeting form that should be available at all in person public meetings.
 - a. Staff has been reminded to utilize Title VI Voluntary Public Involvement forms during bi-weekly engineering staff meetings.
3. Create and implement the use of a Title VI Tracking form for annual reporting purposes. This form can be used to track the race, color, and national origin of ROW consultants, Skagit County Public Works Staff (as applicable), and persons affected by ROW transactions.
 - a. A spreadsheet has been created and will be utilized going forward to gather and track data required for annual Title VI reporting. Information will be added to the list during bi-weekly Engineering staff meetings.
4. Add statement in both English and Spanish stating that translation services are available upon request for Public Meetings.
 - a. Incomplete – Goal to be completed in next reporting period.

Title VI Goals for 2022 – 2023 Reporting Period

What area(s) of Title VI does your agency plan to focus on in the upcoming year? Describe by particular program area what your agency hopes to accomplish. Include any significant problem areas to focus on and plans to address those.

1. Include “811 Call before you dig” verbiage in Spanish on all plan sets for road construction projects.
2. Add statement to Legal Notices for Public Hearings in both English and Spanish stating that translation services are available upon request for Public Meetings.
3. Create and implement the use of a ROW Data Tracking Worksheet to obtain demographic data for Title VI reporting.

Appendix "A" **Standard Assurances**

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Skagit County (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Washington State Department of Transportation (WSDOT), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Washington State Department of Transportation.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Skagit County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Skagit County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Skagit County access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Skagit County. You must keep records, reports, and submit the material for review upon request to Skagit County, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Skagit County gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration. This ASSURANCE is binding on Washington State Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Skagit County
(Name of Recipient)

by 
(Signature of Authorized Official)

Trisha Logue / Skagit County Administrator
Name/Title

DATED 10-25-22

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Skagit County will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Skagit County all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Skagit County and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Skagit County, its successors and assigns.

The Skagit County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Skagit County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Skagit County pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Skagit County will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Skagit County will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Skagit County and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Skagit County pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Skagit County will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Skagit County will there upon revert to and vest in and become the absolute property of Skagit County and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

Appendix "B" Map & Census Data Race, Ethnicity & Income

Demographic Data

Source: Statisticalatlas.com

Race and Ethnicity by Place in Skagit County

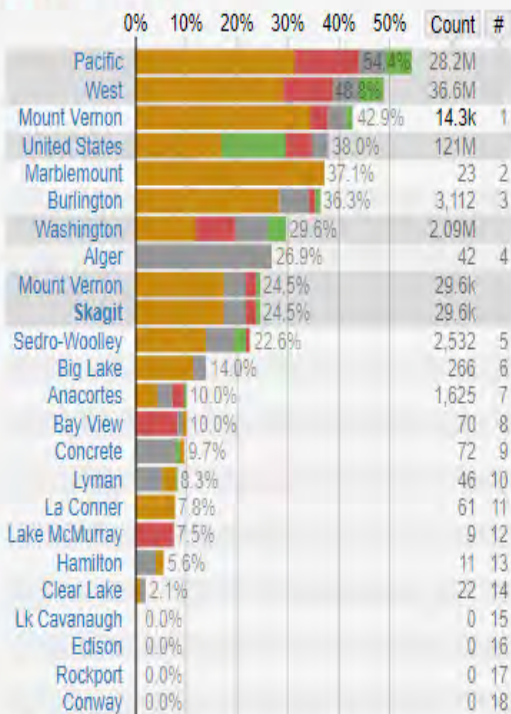
There are 18 places in Skagit County. This section compares all 18 of those to each other, Skagit County, and other entities that contain or substantially overlap with Skagit County.

Non-White Population by Place #25

Percentage of the total population.

Scope: population of Skagit County, selected places in Skagit County, and entities that contain Skagit County

White¹ Hispanic² Black
Asian Other¹



Count number of non-whites

rank of place out of 18 by percentage non-white

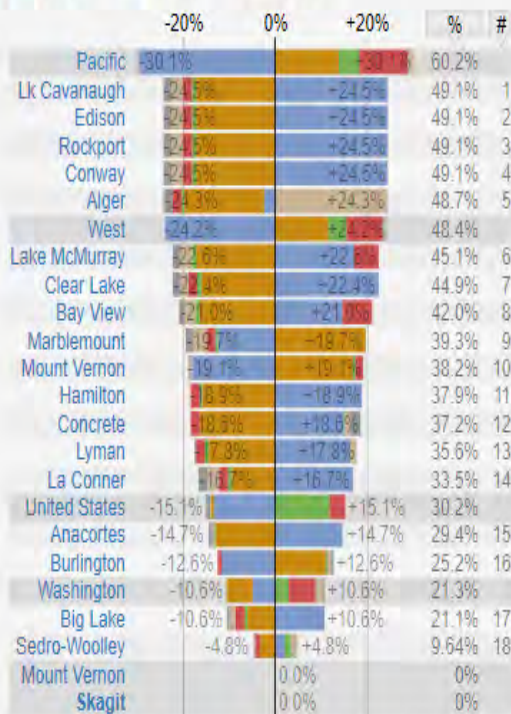
¹ non-Hispanic ² excluding black and Asian Hispanics

Relative Race and Ethnicity by Place #26

Percentage point difference from Skagit County.

Scope: population of Skagit County, selected places in Skagit County, and entities that contain Skagit County

White¹ Hispanic² Black
Asian Mixed¹ Other¹



% sum total percentage point deviation of place from Skagit County

rank of place out of 18 by %

¹ non-Hispanic ² excluding black and Asian Hispanics

Income Data

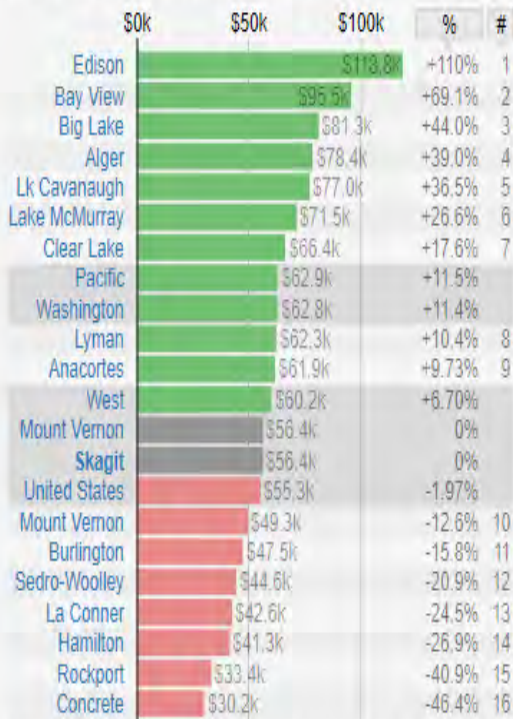
Source: Statisticalatlas.com

Household Income by Place in Skagit County

There are 18 places in Skagit County. This section compares all 18 of those to each other, Skagit County, and other entities that contain or substantially overlap with Skagit County.

Median Household Income by Place #20

Scope: households in Skagit County, selected places in Skagit County, and entities that contain Skagit County



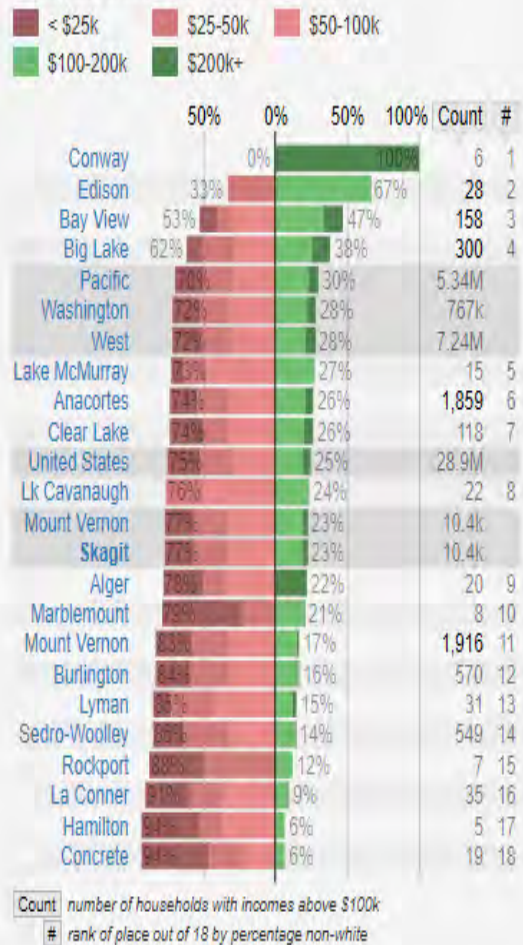
% percentage above or below median household income of Skagit County

rank of place out of 16 by median household income

Six-Figure Incomes by Place #21

Percentage of households with incomes above \$100k.

Scope: households in Skagit County, selected places in Skagit County, and entities that contain Skagit County



Count number of households with incomes above \$100k

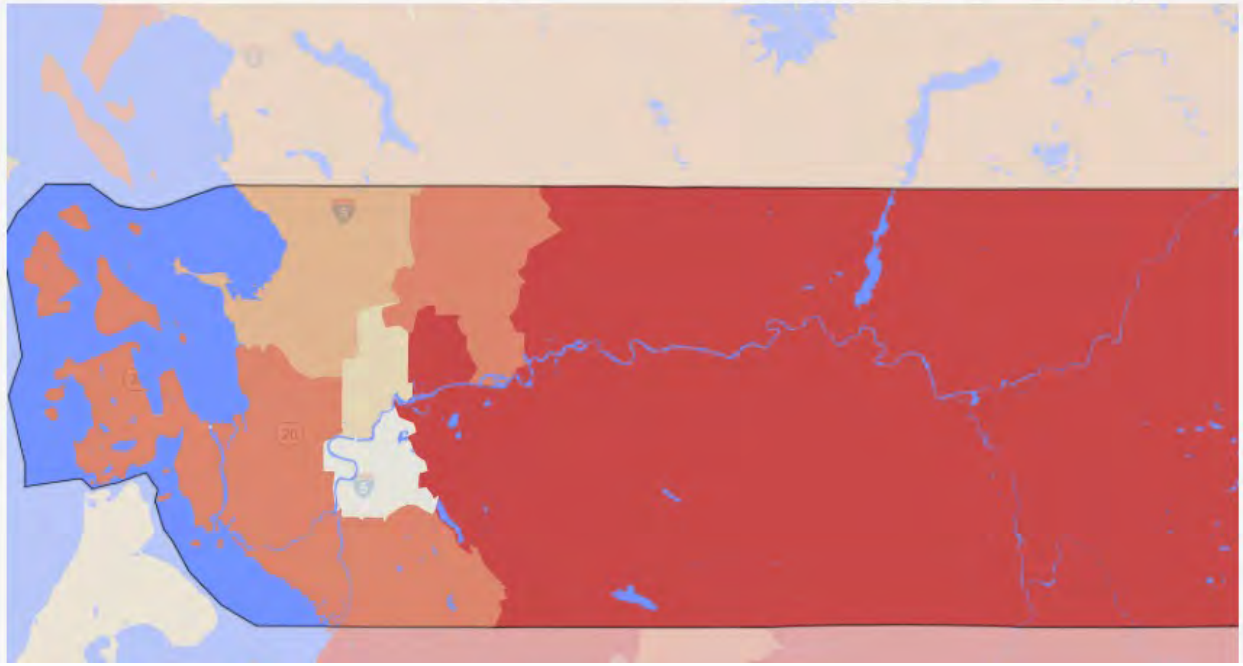
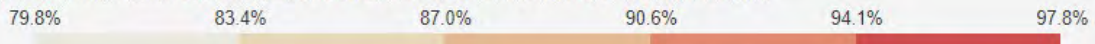
rank of place out of 18 by percentage non-white

United States Europe Asia Africa Australia Americas

United States National Origin by County Subdivision

#4

Born in the United States (excluding Puerto Rico and other US territories) as a percentage of the population (%):

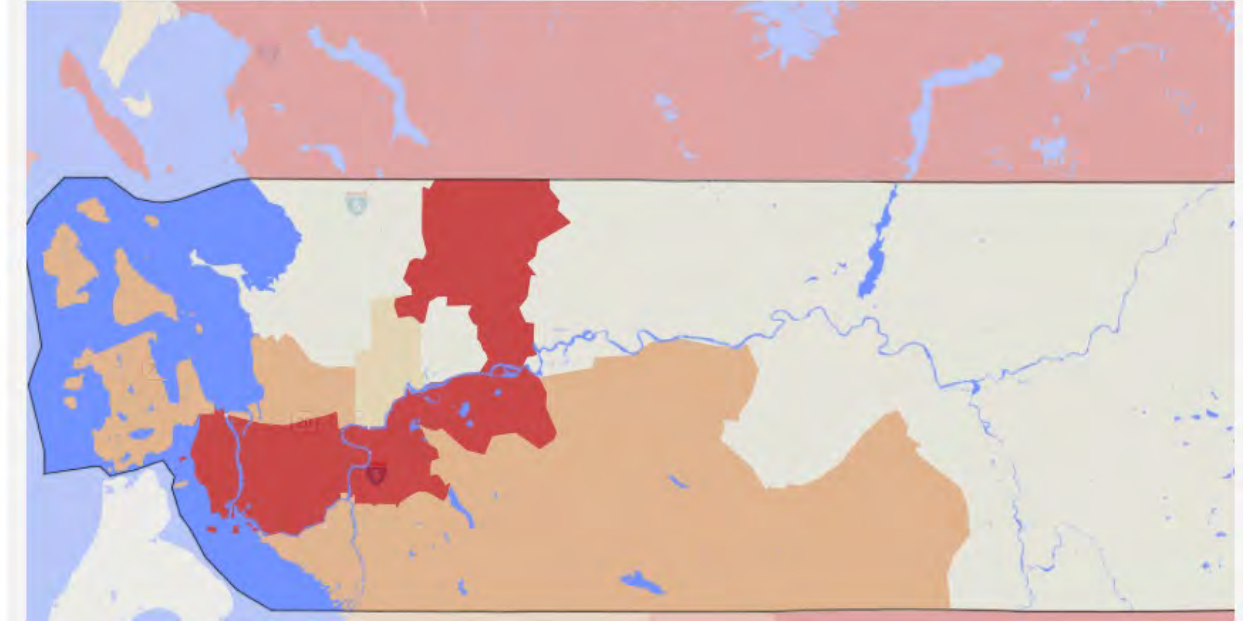


United States Europe Asia Africa Australia Americas

Europe National Origin by County Subdivision

#5

Born in Europe as a percentage of the population (%):



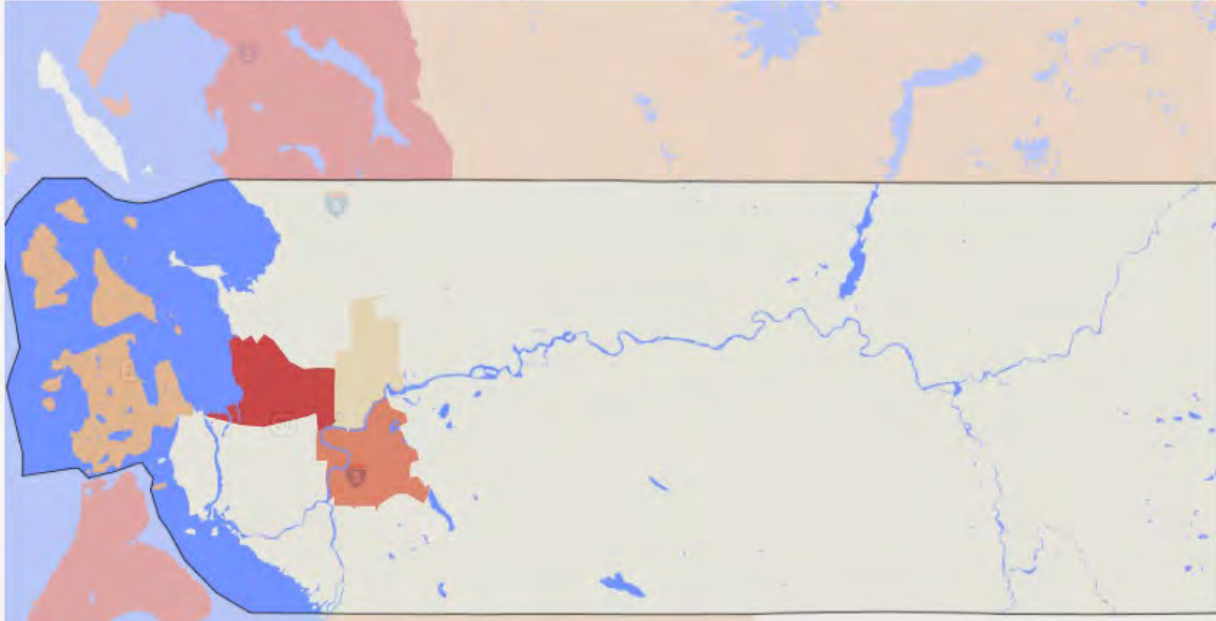
United States Europe **Asia** Africa Australia Americas

Asia National Origin by County Subdivision

#6

Born in Asia as a percentage of the population (%):

0.0% 0.6% 1.2% 1.8% 2.5% 3.1%



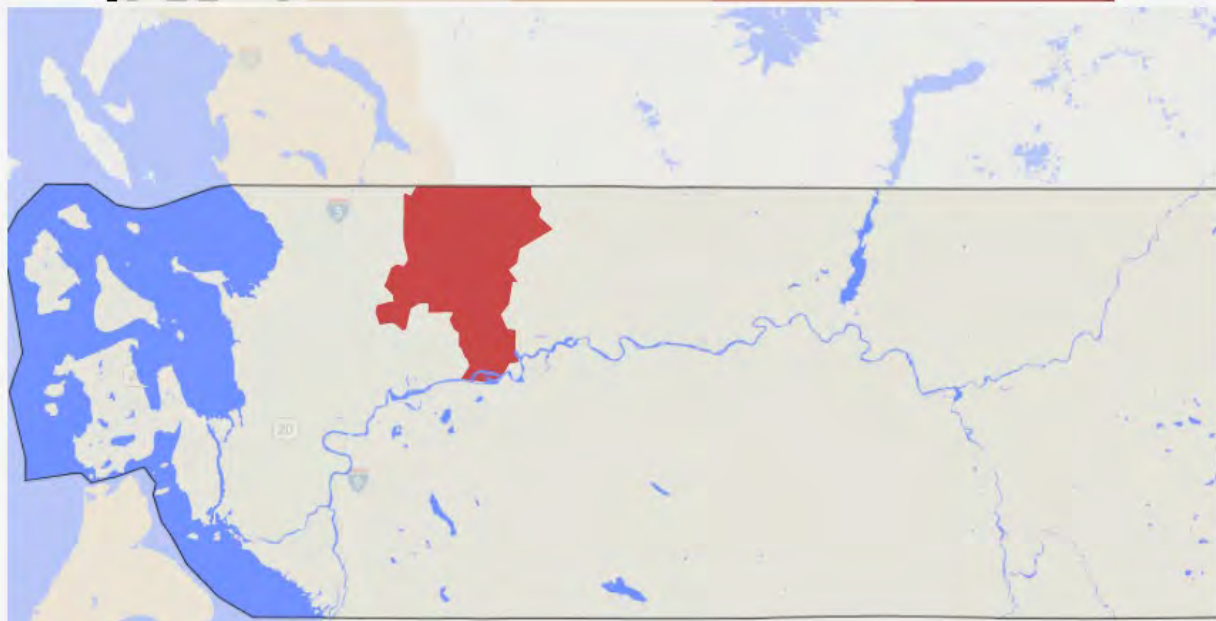
United States Europe Asia **Africa** Australia Americas

Africa National Origin by County Subdivision

#7

Born in Africa as a percentage of the population (%):

0.00% 0.23% 0.45% 0.68% 0.91% 1.14%



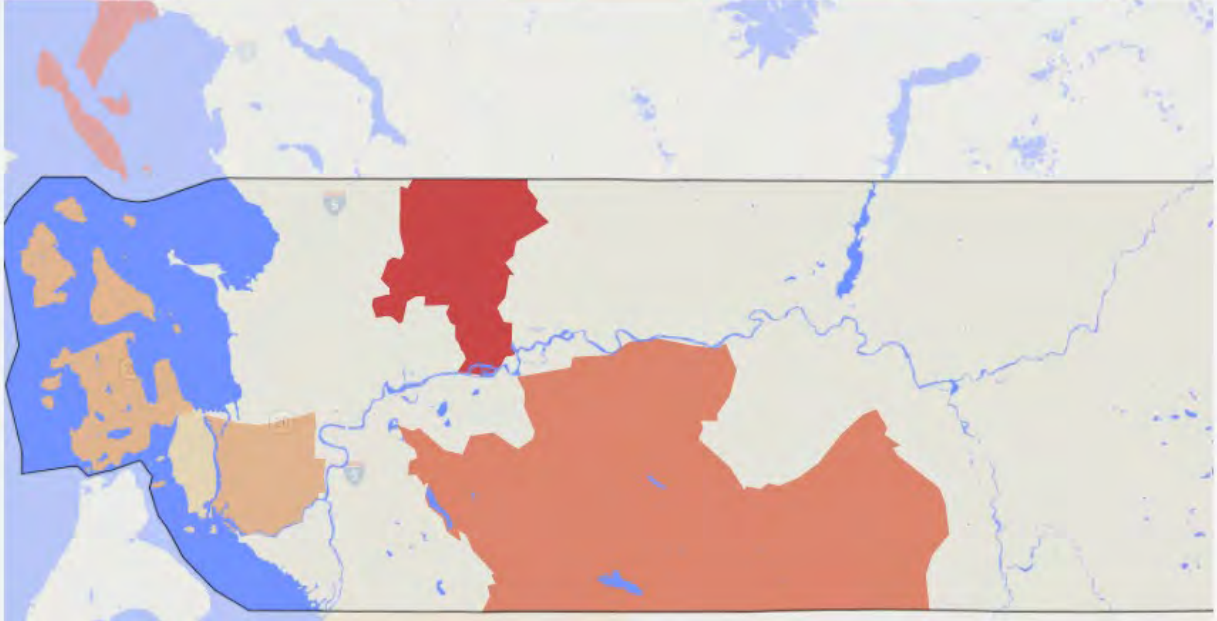
United States Europe Asia Africa **Australia** Americas

Australia National Origin by County Subdivision

#8

Born in Australia or New Zealand as a percentage of the population (%):

0.00% 0.11% 0.23% 0.34% 0.45% 0.57%



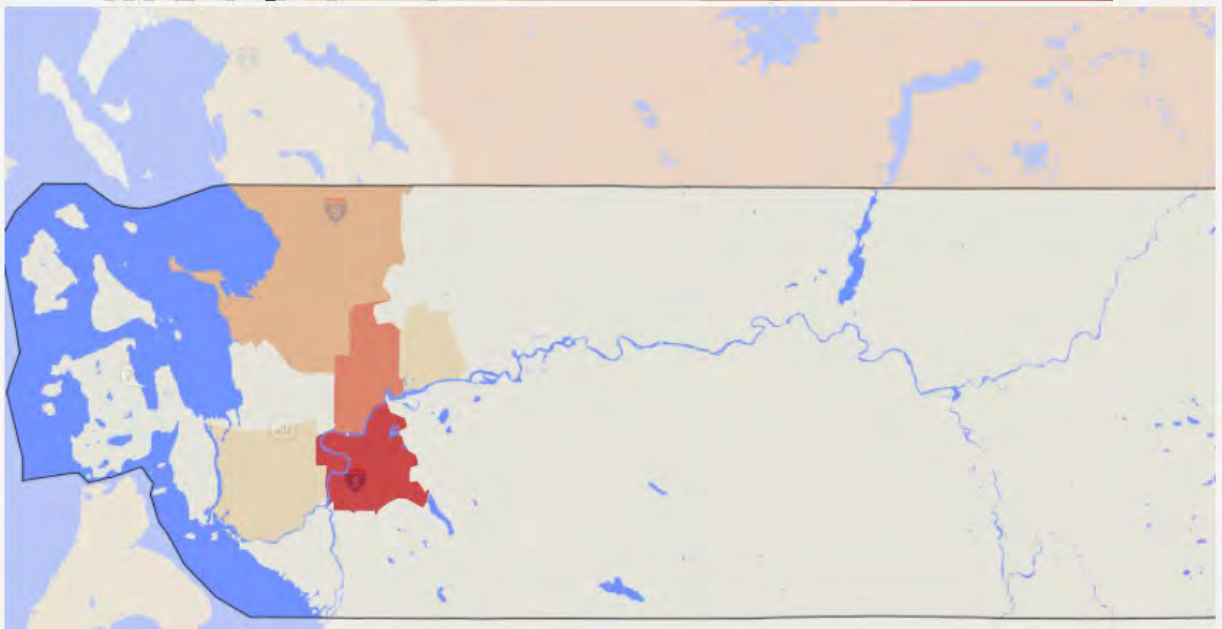
United States Europe Asia Africa Australia **Americas**

Americas National Origin by County Subdivision

#9

Born in the Americas other than the United States as a percentage of the population (%):

0.1% 2.9% 5.6% 8.3% 10.9% 13.7%





QuickFacts Skagit County, Washington

QuickFacts provides statistics for all states and counties, and for cities and towns with a **population of 5,000 or more**.

Table

All Topics	Skagit County, Washington
Population Estimates, July 1 2021, (V2021)	130,696
PEOPLE	
Population	
Population Estimates, July 1 2021, (V2021)	130,696
Population estimates base, April 1, 2020, (V2021)	129,523
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	0.9%
Population, Census, April 1, 2020	129,523
Population, Census, April 1, 2010	116,901
Age and Sex	
Persons under 5 years, percent	5.4%
Persons under 18 years, percent	21.3%
Persons 65 years and over, percent	21.8%
Female persons, percent	50.2%
Race and Hispanic Origin	
White alone, percent	89.9%
Black or African American alone, percent (a)	1.1%
American Indian and Alaska Native alone, percent (a)	2.7%
Asian alone, percent (a)	2.5%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.4%
Two or More Races, percent	3.4%
Hispanic or Latino, percent (b)	19.5%
White alone, not Hispanic or Latino, percent	73.0%
Population Characteristics	
Veterans, 2016-2020	10,744
Foreign born persons, percent, 2016-2020	9.4%
Housing	
Housing units, July 1, 2021, (V2021)	56,423
Owner-occupied housing unit rate, 2016-2020	70.0%
Median value of owner-occupied housing units, 2016-2020	\$341,600
Median selected monthly owner costs -with a mortgage, 2016-2020	\$1,780
Median selected monthly owner costs -without a mortgage, 2016-2020	\$588
Median gross rent, 2016-2020	\$1,145
Building permits, 2021	914
Families & Living Arrangements	
Households, 2016-2020	49,263
Persons per household, 2016-2020	2.55
Living in same house 1 year ago, percent of persons age 1 year+, 2016-2020	86.1%
Language other than English spoken at home, percent of persons age 5 years+, 2016-2020	16.2%
Computer and Internet Use	
Households with a computer, percent, 2016-2020	93.9%
Households with a broadband Internet subscription, percent, 2016-2020	89.7%
Education	
High school graduate or higher, percent of persons age 25 years+, 2016-2020	90.6%
Bachelor's degree or higher, percent of persons age 25 years+, 2016-2020	27.4%
Health	
With a disability, under age 65 years, percent, 2016-2020	9.6%
Persons without health insurance, under age 65 years, percent	8.9%
Economy	
In civilian labor force, total, percent of population age 16 years+, 2016-2020	58.5%
In civilian labor force, female, percent of population age 16 years+, 2016-2020	53.2%
Total accommodation and food services sales, 2017 (\$1,000) (c)	411,709
Total health care and social assistance receipts/revenue, 2017 (\$1,000) (c)	922,273
Total transportation and warehousing receipts/revenue, 2017 (\$1,000) (c)	193,661
Total retail sales, 2017 (\$1,000) (c)	2,272,095
Total retail sales per capita, 2017 (c)	\$18,054
Transportation	

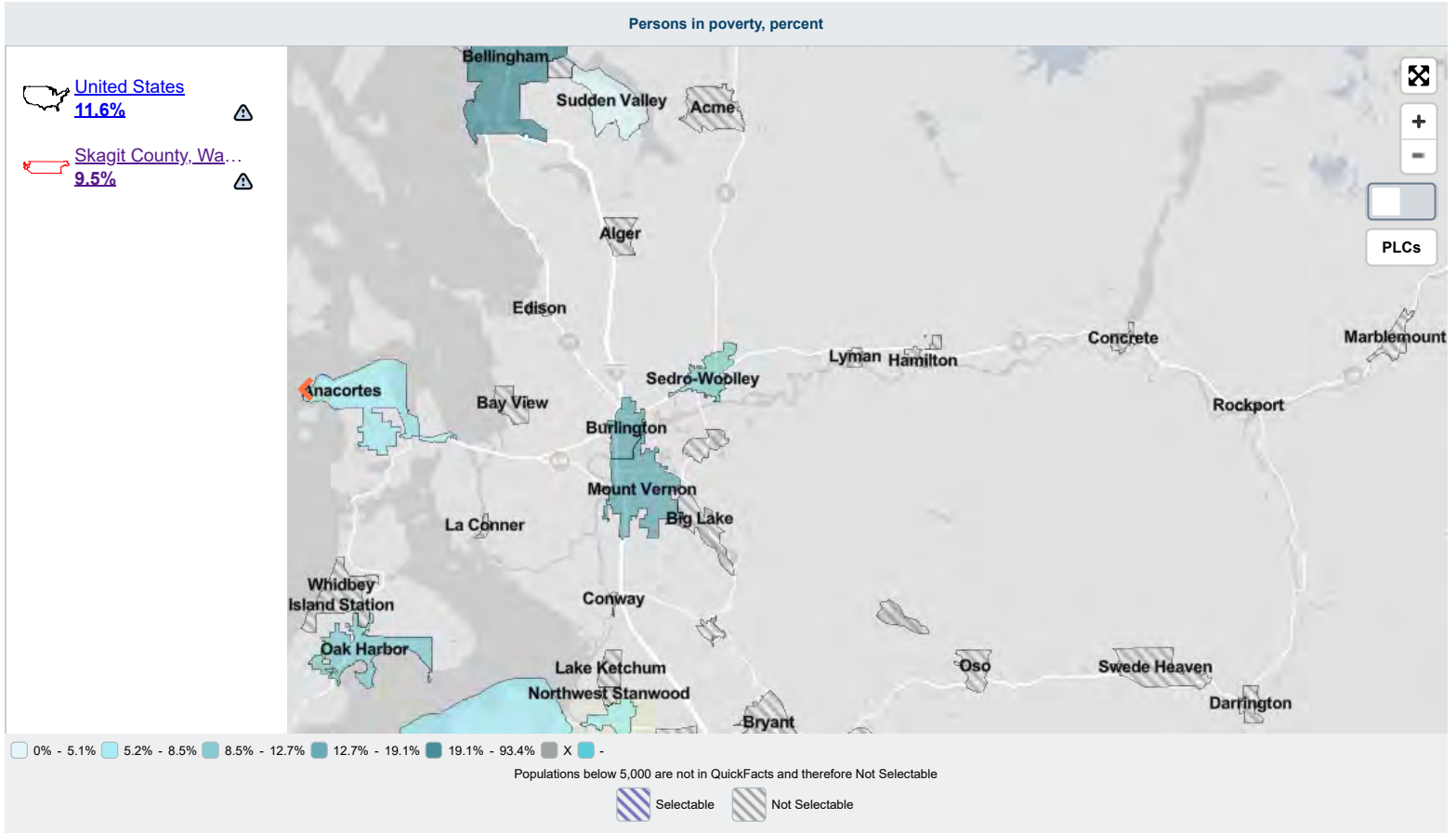
Mean travel time to work (minutes), workers age 16 years+, 2016-2020	26.1
Income & Poverty	
Median household income (in 2020 dollars), 2016-2020	\$71,021
Per capita income in past 12 months (in 2020 dollars), 2016-2020	\$35,172
Persons in poverty, percent	△ 9.5%
BUSINESSES	
Businesses	
Total employer establishments, 2020	3,540
Total employment, 2020	45,128
Total annual payroll, 2020 (\$1,000)	2,188,291
Total employment, percent change, 2019-2020	1.2%
Total nonemployer establishments, 2019	8,306
All employer firms, Reference year 2017	3,135
Men-owned employer firms, Reference year 2017	1,498
Women-owned employer firms, Reference year 2017	482
Minority-owned employer firms, Reference year 2017	348
Nonminority-owned employer firms, Reference year 2017	2,380
Veteran-owned employer firms, Reference year 2017	180
Nonveteran-owned employer firms, Reference year 2017	2,390
GEOGRAPHY	
Geography	
Population per square mile, 2020	74.9
Population per square mile, 2010	67.5
Land area in square miles, 2020	1,730.25
Land area in square miles, 2010	1,731.20
FIPS Code	53057

QuickFacts Skagit County, Washington

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Map

[TIGERweb](#)





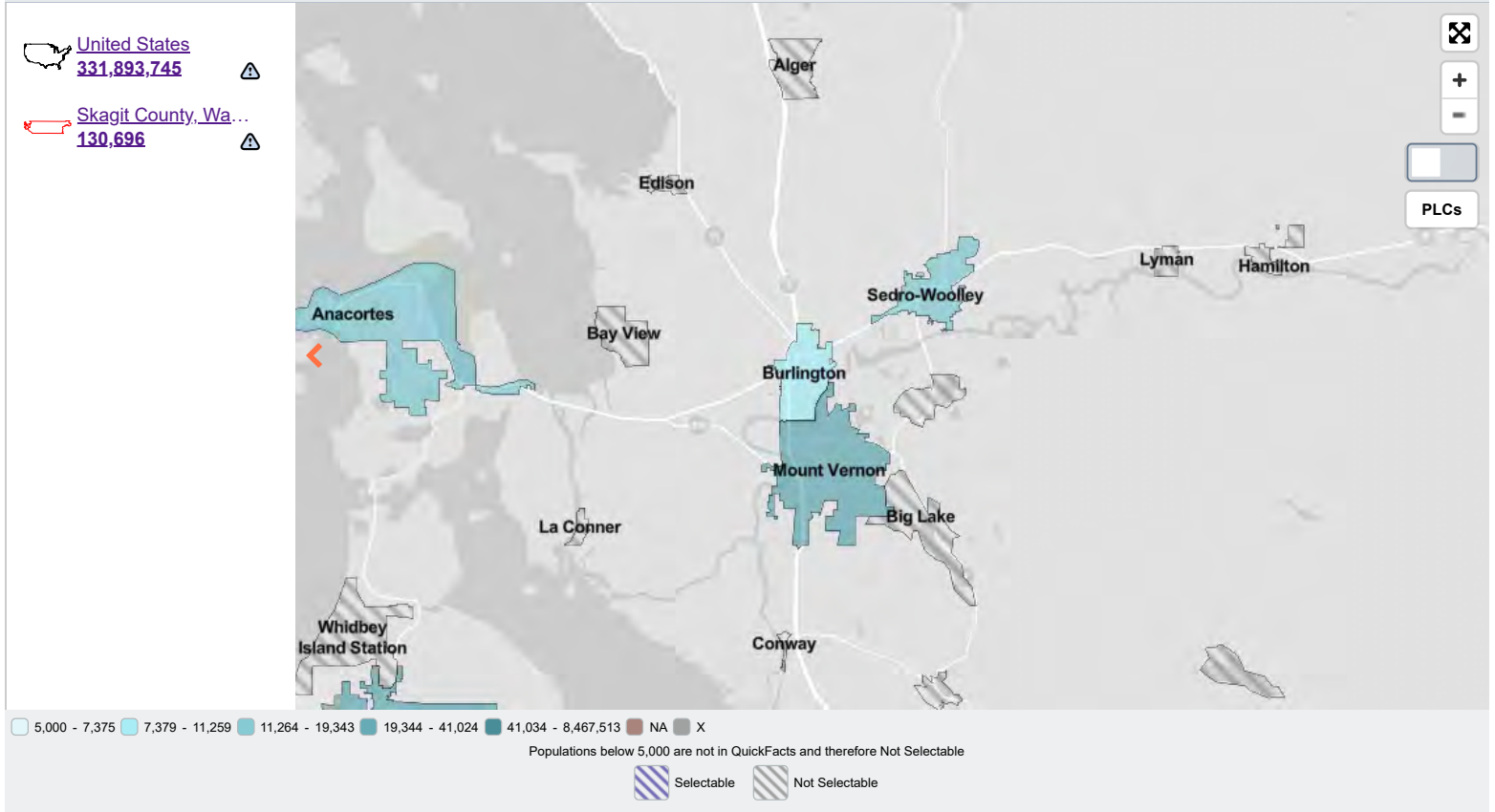
QuickFacts Skagit County, Washington

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Map

[TIGERweb](#)

Population Estimates, July 1 2021, (V2021)





QuickFacts Skagit County, Washington

QuickFacts provides statistics for all states and counties, and for cities and towns with a **population of 5,000 or more**.

Map

[TIGERweb](#)

Population Estimates, July 1 2021, (V2021)



POPULATIONS: LANGUAGE

Table 10. Persons with Limited English Proficiency: 2018

Limited English Proficiency											
Total Population Age 5 and Over		Persons with Limited English Proficiency		Language Spoken At Home Other Than English							
				Spanish		Other Indo- European Languages		Asian and Pacific Island Languages		Other Languages	
Estimate	Margin of Error (+/-)	Estimate	Margin of Error (+/-)	Estimate	Margin of Error (+/-)	Estimate	Margin of Error (+/-)	Estimate	Margin of Error (+/-)	Estimate	Margin of Error (+/-)
120,397	297	7,742	2,066	6,165	1,693	881	1,091	697	360	22	291

Source: 2018 American Community Survey 1-year Estimates, Table C16004

Notes: Estimates highlighted in red indicate unreliable data. Coefficients of variation for these data were above the rate of 15%. 2014-2018 5-year Estimates, which likely would have produced more reliable data, were not available for Table C16004.

In 2018, there were an estimated 7,742 persons with limited English proficiency in Skagit County, of the total population age 5 and over. This estimate is over 6% of the population of Skagit County. Among individuals who spoke English less than "very well," the most prevalent language spoken was Spanish or Spanish Creole. Other notable languages spoken around Skagit County include other Indo-European Languages such as Russian, Polish, and other Slavic Languages, and Asian and Pacific Island Languages such as Tagalog and Korean.

Table 11. Language Spoken at Home by Ability to Speak English, Persons Age 5 Years and Over: 2014-2018

Language Spoken at Home		Estimate	Margin of Error (+/-)	Percentage of Total Population
Speaks English Less than "Very Well"	Spanish or Spanish Creole	6,665	736	5.7%
	Other and Unspecified Languages	553	119	0.5%
	Russian, Polish, and other Slavic Languages	429	262	0.4%
	Tagalog	281	201	0.2%
	Korean	185	139	0.2%
	All other Languages	424	123	0.4%
	All Languages	8,537	836	7.3%
Speaks English "Very Well" or "Speaks Only English"		107,798	1,186	92.7%
Total Population		116,335	N/A	100.0%

Source: 2014-2018 American Community Survey 5-year Estimates, Table C16001

Notes: Table B16001 was not available for the 2014-2018 period.

POPULATIONS: LANGUAGE

Table 12. Common Languages Other than English Spoken in Skagit County: 2018

Rank	Language(s)	Estimate	Margin of Error (+/-)
1	Spanish or Spanish Creole	17,497	1,473
2	Slavic languages	1,516	1,138
3	Chinese	906	431
4	Other Indo-European languages	665	380
5	Tagalog	548	207
6	Other Asian and Pacific Island languages	511	319
7	Korean	248	196
8	French (including Patois, Creole, Cajun)	141	129
9	German or other West Germanic languages	129	83
10	Other and unspecified languages	118	105
11	Arabic	64	86
12	Vietnamese	60	96

Source: 2018 American Community Survey 1-year Estimates, Table C16001

Notes: The Coefficients of variation are above 15% for all language estimates other than Spanish or Spanish Creole, and are not considered reliable by the U.S. Census Bureau. These values are highlighted in red.

Of the languages spoken in Skagit County in 2018 other than English, only Spanish or Spanish Creole had a reliable estimate - ranking number one among all non-English languages spoken. Compared with 2015 estimates, the number of Spanish or Spanish Creole speakers increased by 2,584 speakers. Compared with 2015, the Arabic language has been added as an estimate in 2018, although it is an unreliable estimate.

Compared to 2015, the “Other and unspecified languages” estimate has sharply declined, from 1,131 speakers to 118 speakers. This category encompasses all languages not included in other categories, and may include indigenous and native languages such as Lushootseed, Mixtec, and Triqui languages.

The following figures 23 and 24 illustrate the distribution of limited English proficiency populations across Skagit County, along with the highest rates of limited English proficiency households by Census tract. An average of 2.8% of households across Skagit County were identified as having limited English proficiency; this average was used as a threshold to map these geographies.

POPULATIONS: LANGUAGE

Figure 23. Households with Limited English, Skagit County: 2014-2018

Cartographer: Katie Bunge

Date: 1/29/2020

Data Sources: U.S. Census Bureau, Washington State Office of Financial Management, Skagit Council of Governments, Skagit County GIS, ESRI, Here, Garmin, (c) OpenStreetMap contributors, and the GIS user community

% HH with Limited English Proficiency

0% to 1.3%

1.4% to 2.7%

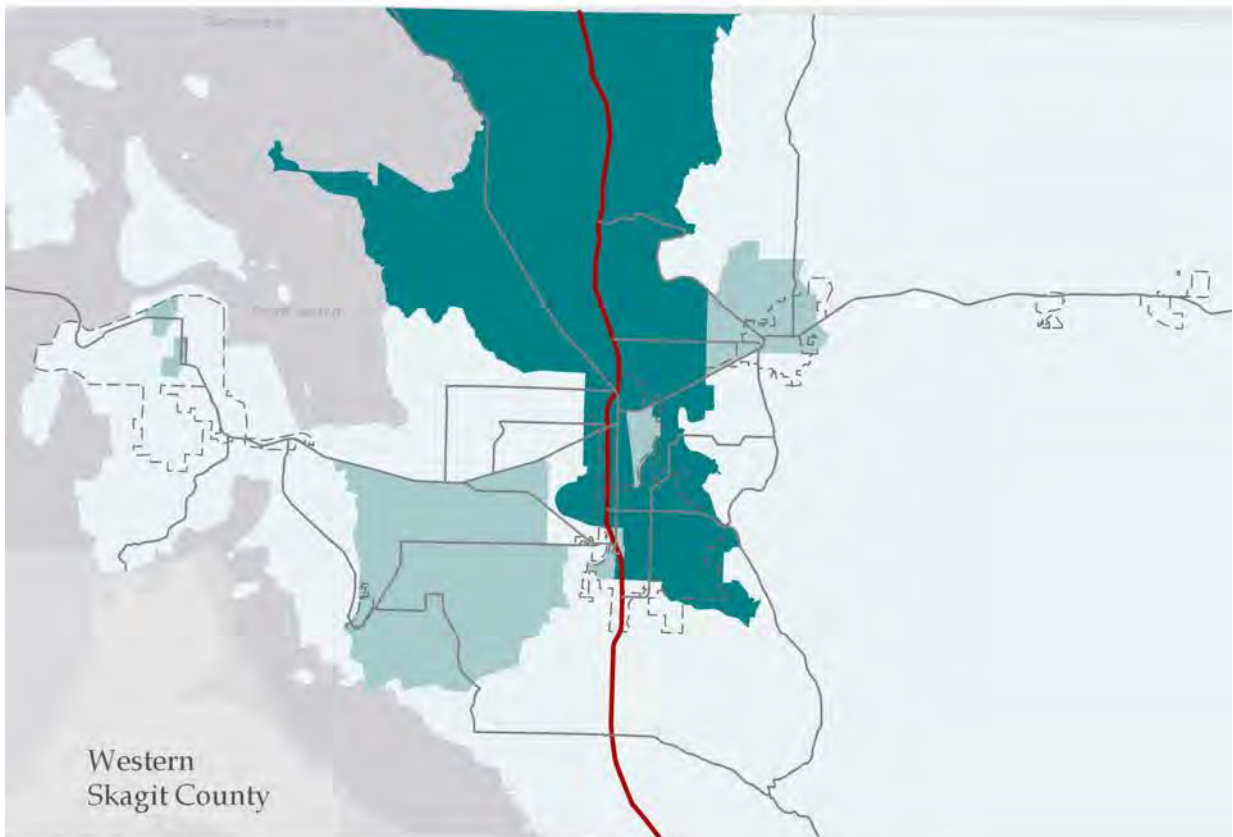
2.8% to 3.5%

3.6% and over

— Incorporated Areas

— Regional Transportation Network

— I-5



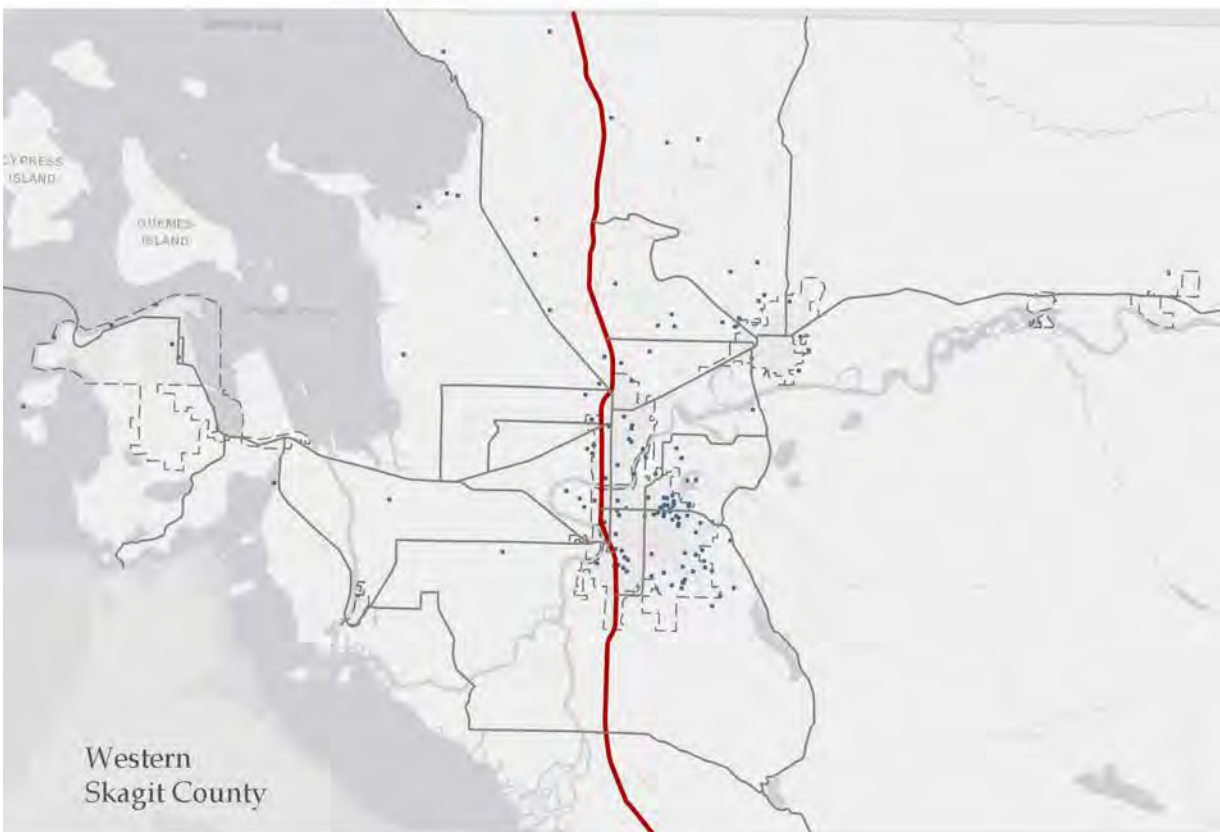
Source: 2014-2018 American Community Survey Five-Year Estimates, Table S1602

POPULATIONS: LANGUAGE

Figure 24. Households with Limited English, Skagit County: 2014-2018

Cartographer: Katie Bunge
Date: 1/29/2020
Data Sources: U.S. Census Bureau, Washington State Office of Financial Management, Skagit Council of Governments, Skagit County GIS, ESRI, Here, Garmin, (c) OpenStreetMap contributors, and the GIS user community

HH with Limited English Proficiency
1 dot = 10 households
• household
[] Incorporated Areas
— Regional Transportation Network
— I-5



Note: Dot density mapping randomly assigns points within geographies. The data geography used for this map is Census tract.

Source: 2014-2018 American Community Survey Five-Year Estimates, Table S1602

Appendix "D"
 2021-2022 Complaint Logs



2021 Title VI Complaint Log

Case Number	Complainant/ Address	Filing Date	Basis	Status	Disposition



Case Number	Complainant/ Address	Filing Date	Basis	Status	Disposition

Appendix “E”
Community Outreach / Public Hearings

Resolution Number	Date/Time	Location	Subject
R20210199	11/2/2021 @ 9:00 am	Remote / Zoom	Public Hearing regarding a non-exclusive Franchise Agreement with Zayo Group, LLC for right of entry, use, and occupation of the public rights-of-way.
R20210223	11/23/2021	Remote / Zoom	Public Hearing to allow the public an opportunity to give public comment in front of the Board of County Commissioners regarding the adoption of the 2022-2027 Six-Year Transportation Improvement Program.
R20210221	1/20/22 @ 5:30 pm	Remote / MS Teams	Public Hearing for the purpose of reviewing and considering alterations and designations to the 2022 Skagit County Noxious Weeds List, and to receive public Comment related thereto.
R20210243	1/6/2022 @ 5:30 pm	Remote / MS Teams	Public Hearing regarding the vacancy of board seats for Districts 1, 3, & 5 of the Skagit County Noxious Weed Control Board and for consideration of applications for the recommended appointment of members to said Board.
R20210277	1/25/22 @ 8:30 am	Remote / Zoom	Public Hearing for the consideration of vacating Portions of County Unopened Right-of-Way known as Chestnut Street and Alleyway within C.W. Griest’s Plat of Grassmere.
R20220013	2/8/22 @ 9:00 am	Remote / Zoom	Public Hearing regarding the 2022 – 2027 Six-Year Transportation Improvement Program Revision No. 1.
R20220069	4/26/22 @ 9:00 am (Rescheduled Per R20220083)	Commissioners Hearing Room – or – Remote via web link or phone	Public Hearing regarding the proposed amendment of 4 separate non-exclusive Franchise Agreements with Astound.
R20220083	5/24/22 @ 9:00 am	Commissioners Hearing Room – or – Remote via web link or phone	Public Hearing regarding the proposed amendment of 4 separate non-exclusive Franchise Agreements with Astound.
R20220093	6/14/22 @ 8:30 am	Commissioners Hearing Room – or – Remote via web link or phone	Public Hearing regarding the proposed reestablishment of Skagit County Lake Management District No. 1.

R20220148	9/6/22 @ 10:30 am	Commissioners Hearing Room – or – Remote via web link or phone	Public Hearing for the purpose of considering Revision No. 2 to the adopted comprehensive 2022 – 2027 Six-Year Transportation Improvement Program.
-----------	-------------------	---	--

Vimeo Links:

- R20210223 <https://vimeo.com/647885968>
- R20220093 <https://vimeo.com/719206916>

**CALL FOR PUBLIC HEARING REGARDING
FRANCHISE AGREEMENT WITH ZAYO GROUP, LLC**

WHEREAS, the Public Works Department requests the Board of Skagit County Commissioners to hold a public hearing regarding a non-exclusive Franchise Agreement with the Zayo Group, LLC, a Delaware limited liability company, for right of entry, use, and occupation of the public rights-of-way to construct, operate, and maintain its facilities for purposes of offering and providing Network Services, including Telecommunications Service, in the defined Franchise Area within Skagit County, Washington; and

WHEREAS, the Franchise Area is described as;

Any, every, and all County roads, streets, avenues, alleys, rights-of-way, and county public ways as now, or may be hereafter, laid out, platted, dedicated, established, or improved within the boundaries of the County lying outside of any incorporated town or city (whether owned in fee simple or as an easement by the County), but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq.

Situate in the County of Skagit, State of Washington

WHEREAS, it becomes the duty of the Board of Skagit County Commissioners to fix the time and place for a public hearing upon said request.

NOW, THEREFORE, BE IT RESOLVED and Hereby Ordered that the Board of Skagit County Commissioners hereby requests the Clerk of the Board to publish and post notice of Public Hearing to be held on November 2nd, 2021, at the hour of 9:00 a.m., or as soon as possible thereafter. This Hearing shall be held in the Commissioners' Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, Washington.

DATED this 18 day of October, 2021.

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





Lisa Janicki, Chair



Peter Browning, Commissioner

ABSENT


Ron Wesen, Commissioner

Attest:



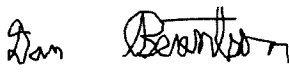

Clerk of the Board

Approved as to Form:

 9/30/21

Civil Deputy Prosecuting Attorney

Recommended:

Department Head

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Skagit County Commissioners will hold a Public Hearing in the Commissioners' Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, WA, on **Tuesday, November 2, 2021, at 9:00 a.m.**, or as soon as possible thereafter, regarding a non-exclusive Franchise Agreement with the Zayo Group, LLC, a Delaware limited liability company, for right of entry, use, and occupation of the public rights-of-way to construct, operate, and maintain its facilities for purposes of offering and providing Network Services, including Telecommunications Service, in the defined Franchise Area, described as:

Any, every, and all County roads, streets, avenues, alleys, rights-of-way, and county public ways as now, or may be hereafter, laid out, platted, dedicated, established, or improved within the boundaries of the County lying outside of any incorporated town or city (whether owned in fee simple or as an easement by the County), but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq.

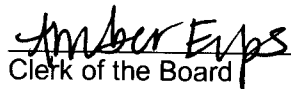
Situate in the County of Skagit, State of Washington

This proposal may be approved, modified and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against this matter are invited either by attendance, representation, or letter. Attendance will be remote by computer, tablet or smart phone: <https://us06web.zoom.us/j/87180001980?pwd=eEVGUGkxZ3NkQkhYSnhBMEo2RTQrdz09> or by telephone: 1 253 215 8782; Meeting ID: 871 8000 1980 Passcode: 143573. Please contact Torey Nelson, 360-416-1400, with any questions. For citizens with special needs, the Commissioners' Hearing Room is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at 360-416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Skagit County, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Coordinator, Grace Kane, P.E. at (360) 416-1400.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS this

18 day of October, 2021.


Clerk of the Board

Published in the Skagit Valley Herald on October 21st and October 28th, 2021

RESOLUTION NO.

CALL FOR PUBLIC HEARING REGARDING SELECTION OF NOXIOUS WEEDS FOR CONTROL BY SKAGIT COUNTY NOXIOUS WEED CONTROL BOARD


WHEREAS, pursuant to RCW 17.10.090, the Skagit County Noxious Weed Control Board must select weeds from the State Noxious Weed List (as adopted by the State Noxious Weed Control Board) that it finds necessary to be controlled in the County, subsequent to a public hearing thereon; and

WHEREAS, the Skagit County Noxious Weed Control Board, by and through the Skagit County Noxious Weed Coordinator, requests that the Board of Skagit County Commissioners publish Notice of a Public Hearing before the Skagit County Noxious Weed Control Board regarding the Adoption and Designation of the 2022 Washington State Noxious Weed List for the Skagit County Noxious Weed Control Board, and for the public consideration of alterations and additions to the 2022 Skagit County Noxious Weed List.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED, that the Board of Skagit County Commissioners hereby requests the Clerk of the Board to publish a Notice of Public Hearing to be held on Thursday, January 20, 2022, at the hour of 5:30 p.m., or as soon as possible thereafter. This Public Hearing shall be held before the Skagit County Noxious Weed Control Board remotely via Microsoft Teams.

DATED this 8 day of November, 2021.

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



Lisa Janicki, Chair



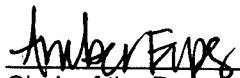
Peter Browning, Commissioner



Ron Wesen, Commissioner

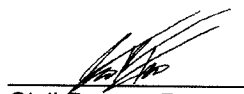


Attest:




Clerk of the Board

Approved as to form:



11/2/21
Civil Deputy Prosecuting Attorney

Recommended:



Department Head

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to RCW 17.10.090, the Skagit County Noxious Weed Control Board will hold a Public Hearing remotely via Microsoft Teams on **Thursday, January 20, 2022, at 5:30 p.m.**, or as soon as possible thereafter, for the purpose of reviewing and considering alterations and designations to the 2022 Skagit County Noxious Weed List, and to receive public comment related thereto.

Suggested revisions and designations for the 2022 Skagit County Noxious Weed List may be submitted at any time prior to the Public Hearing to the Skagit County Noxious Weed Office at 1800 Continental Place, Mount Vernon, WA 98273, no later than 4:30 p.m. on Thursday, January 20, 2022, and/or may also be submitted to the Skagit County Noxious Weed Control Board at the Public Hearing. Pursuant to RCW 17.10.090, each county noxious weed control board shall, within ninety days of the adoption of the State Noxious Weed List from the State Noxious Weed Control Board and following a hearing, select those weeds from the Class C list and those weeds from the Class B list not designated for control in the noxious weed control region in which the county lies that it finds necessary to be controlled in the county. The weeds thus selected and all Class A weeds and those Class B weeds that have been designated for control in the noxious weed control region in which the county lies shall be classified within that county as noxious weeds, and those weeds comprise the County Noxious Weed List. Nothing in this chapter limits a county noxious weed control board, or other branch of county or city government, from conducting education, outreach, or other assistance regarding plant species not included on the State Noxious Weed List if the county or city determines that the plant species causes localized risk or concern. Your views for or against this proposal are invited by attendance, representation, or letter.

Participation in the public hearing, pursuant to Proclamations currently in place, shall be through remote access via Microsoft Teams. To participate in the public hearing, call: 1-323-553-1010, Phone Conference ID: 993 103 509# or join from your computer, tablet or smartphone:

https://teams.microsoft.com/join/19%3ameeting_NTRhYWQwYzktMzA5OS00N2M0LThkNTItNTRINTUzMzkxNTMy%40thead.v2/0?context=%7b%22Tid%22%3a%2279572502-f11c-4f30-b941-b7276048d3ce%22%2c%22Oid%22%3a%224a734cba-e51a-45a5-8408-cd8ced0e417c%22%7d


Skagit County, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Coordinator, Grace Kane, P.E., at (360) 416-1400.

For citizens with special needs, the Quartz Room (or Public Hearing Room) is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at (360) 416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Copies of the Adopted 2022 Washington State Noxious Weed List and additional information can be obtained through Joseph Shea, Skagit County Noxious Weed Coordinator, 1800 Continental Place, Mount Vernon, WA 98273; Ph: (360) 416-1467; or at jshea@co.skagit.wa.us.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS this 8 day of November, 2021.


Clerk of the Board

Published in the Skagit Valley Herald on November 11 and 18, 2021.

RESOLUTION NO.

**CALL FOR PUBLIC HEARING REGARDING
THE 2022-2027 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM**

WHEREAS, under R.C.W. 36.81.121 Skagit County is required to formally adopt a comprehensive 2022-2027 Six-Year Transportation Improvement Program; and

WHEREAS, the Board of County Commissioners of Skagit County, Washington, is required to hold one or more Public Hearings upon the proposed 2022-2027 Six-Year Transportation Improvement Program; and

WHEREAS, copies of the 2022-2027 Six-Year Transportation Improvement Program are on file for public inspection in the offices of the Public Works Department.

NOW THEREFORE, BE IT RESOLVED that the Board of Skagit County Commissioners shall hold a Public Hearing at 9:30 a.m. or as soon thereafter as possible, on November 23, 2021. This hearing shall be held in the Commissioners' Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, Washington.

DATED this 8 day of NOVEMBER 2021.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Lisa Janicki
Lisa Janicki, Chair

[Signature]
Peter Browning, Commissioner

[Signature]
Ron Weson, Commissioner

ATTEST:

Amber Epps
Clerk of the Board

APPROVED AS TO FORM:

[Signature] 11/4/21
Civil Deputy Prosecuting Attorney

Recommended:

Dan Berentaon *[Initials]*
Department Head

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners will hold a public hearing in the Commissioners Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, WA, on Tuesday, November 23, 2021 at 9:30 a.m., or as soon thereafter as possible, for the purpose of considering public comment on the comprehensive 2022-2027 Six-Year Transportation Improvement Program.

This Public Hearing is to allow the public an opportunity to give public comment in front of the Board of County Commissioners. Your views for or against the adoption of this 2022-2027 Six-Year Transportation Improvement Program are invited by remote attendance, representation, or letter.

Participation in the public hearing, pursuant to Proclamations currently in place, shall be through remote access via Zoom. To participate in the public hearing, call (253) 215-8782, Meeting ID: 871 8000 1980 Passcode: 143573 or join from your computer, tablet or smartphone: <https://us06web.zoom.us/j/87180001980?pwd=eEVGUGkxZ3NkQkhYSnhBMEo2RTQrdz09>

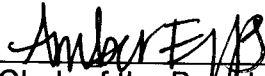
Citizens who would like to sign up to provide public testimony must call the clerk of the Board at (360) 416-1300 before the meeting is scheduled to start. The Clerk will need each citizen's name and the town or city where they reside. Once the public hearing is opened, those who signed up will be called on one-at-a-time to provide public testimony for up to 3 minutes.

For citizens with special needs, the Commissioners Hearing Room is accessible. Persons with special needs or disabilities are asked to call the Commissioners Office at (360) 416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Skagit County, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Coordinator, Grace Kane, P.E. at (360) 416-1400.

Additional information can be obtained through Forrest Jones, Public Works Department, 1800 Continental Place, Mount Vernon, WA 98273, (360) 416-1400.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS
this 8th day of November 2021.


Clerk of the Board

Skagit County Board of Commissioners

Published in the Skagit Valley Herald on November 11, 2021 and November 18, 2021

**CALL FOR PUBLIC HEARING AND NOTICE OF EXPIRATION OF TERMS OF
OFFICE FOR SKAGIT COUNTY NOXIOUS WEED CONTROL BOARD**

WHEREAS, pursuant to Resolution No.: 8393, dated April 14, 1980, and SCC 6.56.080, the Skagit County Board of Commissioners established five Skagit County Noxious Weed Control Board districts, as provided therein; and

WHEREAS, the board seat for District 1 of the Skagit County Noxious Weed Control Board has expired and is currently vacant; and

WHEREAS, the board seat for District 3 of the Skagit County Noxious Weed Control Board is currently vacant; and

WHEREAS, the board seat for District 5 of the Skagit County Noxious Weed Control Board is currently vacant; and

WHEREAS, pursuant to RCW 17.10.050, the Skagit County Noxious Weed Control Board, by and through the Skagit County Noxious Weed Coordinator, requests that the Board of Skagit County Commissioners publish notice of a public hearing before the Skagit County Noxious Weed Control Board regarding the vacancy of above-described terms of office for the Skagit County Noxious Weed Control Board, and for the consideration of applications for the recommended appointment of members to the Skagit County Noxious Weed Control Board.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED, that the Board of Skagit County Commissioners hereby requests the Clerk of the Board to publish a Notice of Expiration of Terms of Office for Skagit County Noxious Weed Control Board and Notice of Public Hearing to be held on January 6th, 2022 at the hour of 5:30 p.m., or as soon as possible thereafter. This Public Hearing shall be held before the Skagit County Noxious Weed Control Board in the Commissioners' Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, Washington (and/or online via Microsoft Teams).

DATED this 29 day of NOVEMBER 2021.



BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Lisa Janicki

Lisa Janicki, Chair

ABSENT

Peter Browning, Commissioner

Ron Wesen

Ron Wesen, Commissioner

Attest:

Ambur Epps

Clerk of the Board

Approved as to form:

[Signature] 11/23/21

Civil Deputy Prosecuting Attorney

Approved as to Content:

Dan Berentson

Department Head

NOTICE OF EXPIRATION OF TERMS OF OFFICE FOR SKAGIT COUNTY NOXIOUS WEED CONTROL BOARD AND NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN of expiration of terms of office for the Skagit County Noxious Weed Control Board, and that the Skagit County Noxious Weed Control Board will hold a Public Hearing online Via Microsoft Teams or in the Commissioners' Hearing Room, at the Skagit County Administration Building, 1800 Continental Place, Mount Vernon, WA, on **January 6th, 2022, at 5:30 p.m.**, or as soon as possible thereafter, for the purpose of reviewing and considering applications for appointments to serve as board members of the Skagit County Noxious Weed Control Board for the board seats for District 1, 3 and 5. The board seat for District 1, 3 and 5 of the Skagit County Noxious Weed Control Board is currently vacant. Interested persons living within District 1, 3 and 5 may apply for appointment.

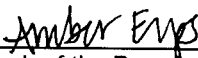
Written applications describing interest and background, along with signatures of at least ten registered voters living in the same Noxious Weed Control Board District, shall be submitted to the Skagit County Noxious Weed Office at 1800 Continental Place, Mount Vernon, WA 98273, no later than 4:30 p.m. on January 5th, 2022. Pursuant to RCW 17.10.050, recommendations for appointment of the most qualified persons will be posted and published by the Skagit County Noxious Weed Control Board and forwarded to the Board of Skagit County Commissioners who will subsequently appoint persons to serve on the board seat for District 1, 3 and 5 of the Skagit County Noxious Weed Control Board. Pursuant to RCW 17.10., the Skagit County Noxious Weed Board administers Skagit County's Noxious Weed Control Program. Members meet quarterly, serve four-year terms, and receive no salary but are compensated for actual and necessary expenses incurred in the performance of their official duties. Your views for or against the proposed recommendations for appointment to serve on the board seat for District 1, 3 and 5 of the Skagit County Noxious Weed Control Board are invited by attendance, representation, or letter.

Participation in the public hearing, pursuant to Proclamations currently in place, shall be through remote access via Microsoft Teams. To participate in the public hearing, call: 1-323-553-1010, Phone Conference ID: 991 877 559# or join from your computer, tab let or smartphone:
https://teams.microsoft.com/join/19%3ameeting_ODc3YjBIOTEtZmUyNy00M2VmLTg2OTItMTZjZiY2MzkyMjkw%40thread.v2/0?context=%7b%22tid%22%3a%2279572502-f11c-4f30-b941-b7276048d3ce%22%2c%22oid%22%3a%224a734cba-e51a-45a5-8408-cd8ced0e417c%22%7d

Skagit County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from the federally assisted programs and activities. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Coordinator, Grace Kane, P.E., at (360) 416-1400.

Application forms and additional information can be obtained through Joseph Shea, Skagit County Noxious Weed Coordinator, 1800 Continental Place, Mount Vernon, WA 98273; Ph: (360) 416-1467; or at jshea@co.skagit.wa.us.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS this 29 day of November, 2021.



Clerk of the Board

Published in the Skagit Valley Herald on December 9th, and December 16th, 2021.

RESOLUTION_

**Call for Public Hearing
Regarding a Petition to Vacate Portions of County Unopened Right-of-Way
Known as Chestnut Street and Alleyway within C.W. Griest's Plat of Grasmere
(Recorded in Volume 3 of Plats, Page 94, Records of Skagit County)**

WHEREAS, the Skagit County Public Works Department has received a petition from Mr. Adam Kearns, requesting the Board of Skagit County Commissioners to consider vacating a portion of Unopened Chestnut Street Right-of-way and a Portion of Alley in Block 13, described as follows:

That portion of unopened Chestnut Street right-of-way as shown on the Plat of C.W. Griest's Plat of Grasmere, recorded in Volume 3 of Plats, page 94, records of Skagit County Auditor adjacent to the South line of Lots 11, 12, 13, 14 and 15, Block 13 of said plat. (The Westerly limit to be the Southerly extension of the West Line of said Lot 11).

AND ALSO that portion of the unopened alley as shown on said Plat of C.W. Griest's Plat of Grasmere lying contiguous to Lots 6-15, Block 13 of said plat.

ALL BEING SUBJECT TO any existing utility rights (public or private)

ALL ALSO SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.

Containing 12,000+/- sq ft in unopened Chestnut Street
3,000+/- sq ft in unopened alley

WHEREAS, said petitioner has paid the required application fee and provided sound justification that said County road is useless as part of the County road system and the public is benefited by its vacation and abandonment, and

WHEREAS, it becomes the duty of the Board of Skagit County Commissioners to fix the time and place for a public hearing upon said request.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED that the Board of Skagit County Commissioners hereby requests the Clerk of the Board to publish and post notice of Public Hearing to be held on January 25, 2022 at the hour of 8:30 a.m., or as soon as possible thereafter. The County Engineer is directed to prepare an

Engineer's Report for said hearing. Participation in the public hearing, pursuant to Proclamations currently in place, shall be through remote access by computer, tablet or smartphone: <https://us06web.zoom.us/j/87180001980?pwd=eEVGUGkxZ3NkQkhYSnhBMEo2RTQrdz09> or by telephone: 1 (253) 215-8782; Meeting ID: 871 8000 1980
Passcode: 143573

DATED this 21st day of December, 2021.



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



Lisa Janicki, Chair



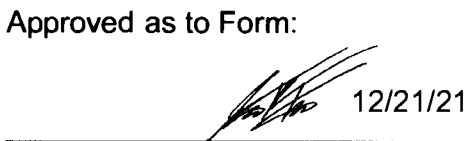
Peter Browning, Commissioner



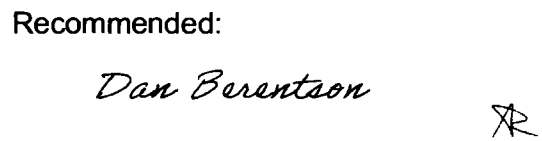
Ron Wesen, Commissioner

Attest:


Kerri Mung
Clerk of the Board

Approved as to Form:


12/21/21
Civil Deputy Prosecuting Attorney

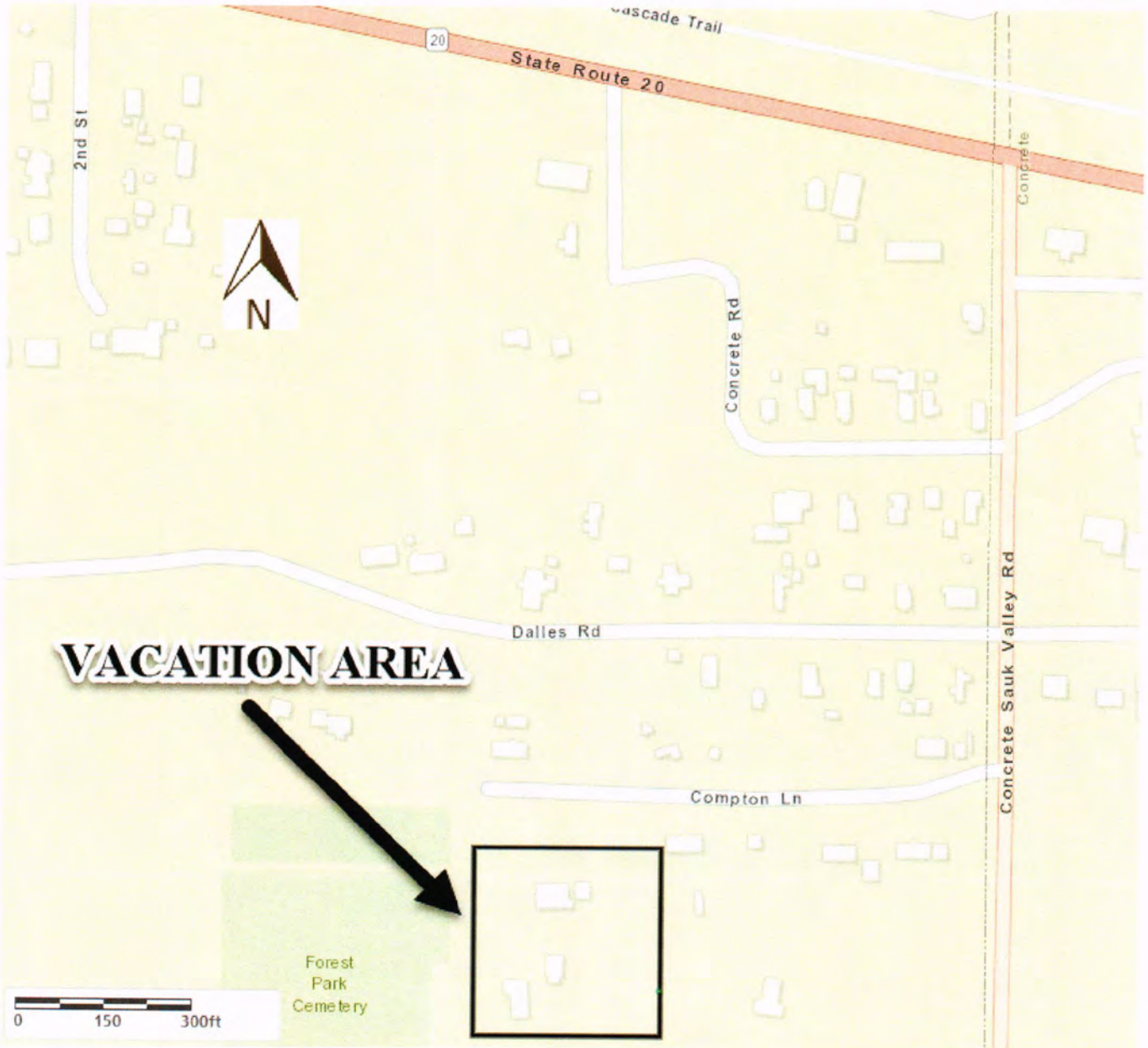
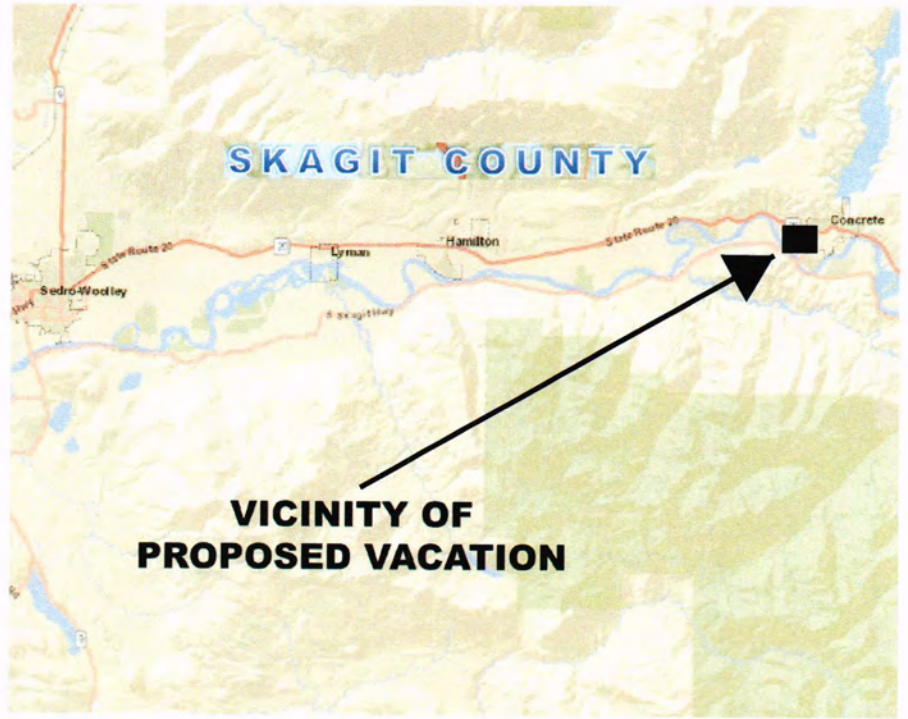
Recommended:


Dan Berentson
Department Head

ATTACHMENT A

VICINITY MAP

PROPOSED UNOPENED RIGHT-OF-WAY VACATION OF CHESTNUT STREET



NOTICE OF PUBLIC HEARING
For the Consideration of Vacating Portions of County Unopened Right-of-Way
Known as Chestnut Street and Alleyway within C.W. Griest's Plat of Grasmere
(Recorded in Volume 3 of Plats, Page 94, Records of Skagit County)

NOTICE IS HEREBY GIVEN that the Board of Skagit County Commissioners will hold a Public Hearing on **Tuesday, January 25, 2022, at 8:30 a.m.**, or as soon thereafter as possible thereafter, for the purpose of receiving oral and written testimony regarding the vacation of County unopened right-of-way, described as follows:

That portion of unopened Chestnut Street right-of-way as shown on the Plat of C.W. Griest's Plat of Grasmere, recorded in Volume 3 of Plats, page 94, records of Skagit County Auditor adjacent to the South line of Lots 11,12,13,14 and 15, Block 13 of said plat. (The Westerly limit to be the Southerly Extension of the West Line of said Lot 11).

AND ALSO that portion of the unopened alley as shown on said Plat of C.W. Griest's Plat of Grasmere lying contiguous to Lots 6-15, Block 13 of said plat.

Situate in the County of Skagit, State of Washington.

12,000+/- sq ft in unopened Chestnut Street
3,000+/- sq ft in unopened alley

Participation in the public hearing, pursuant to Proclamations currently in place, shall be through remote access by computer, tablet or smartphone:

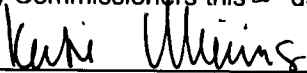
<https://us06web.zoom.us/j/87180001980?pwd=eEVGUGkxZ3NkQkhYSnhBMEo2RTQrdz09>
or by telephone: 1 (253) 215-8782; Meeting ID: 871 8000 1980 Passcode: 143573

This proposal may be approved, modified and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against this matter are invited either by attendance, representation, or letter. Please contact Daron Browning, 360-416-1400, with any questions. Persons with special needs or disabilities are asked to call the Commissioners' Office at 360-416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Skagit County, in accordance with Title VI of the Civil Rights act of 1964, 78 Stat. 252,42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, handicap/disabled, age in consideration for an award.

For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Coordinator, Grace Kane, P.E., at (360) 416-1400.

Notice given by order of the Board of Skagit County Commissioners this 27th day of December 2021.



Clerk of the Board

To be published in the Skagit Valley Herald on January 13th and January 20th, 2022.

RESOLUTION NO. _____

**CALL FOR PUBLIC HEARING
REGARDING THE 2022 - 2027 SIX-YEAR
TRANSPORTATION IMPROVEMENT PROGRAM REVISION NO. 1**

WHEREAS, under R.C.W. 36.81.121, Skagit County may revise the adopted comprehensive Six-Year Transportation Improvement Program at any time; and

WHEREAS, the Board of Skagit County Commissioners of Skagit County, Washington, are required to hold one or more Public Hearings to revise the 2022-2027 Six-Year Transportation Improvement Program; and

WHEREAS, copies of the proposed revisions to the 2022-2027 Six-Year Transportation Improvement Program are on file for public inspection in the offices of the Skagit County Public Works Department.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED that the Board of Skagit County Commissioners shall hold a Public Hearing at 9:00 a.m. or as soon thereafter as possible, on February 8, 2022. Participation in the public hearing, will be remote by computer, tablet, or smartphone through the following link: <https://us06web.zoom.us/j/87180001980?pwd=ZEVGUkxZ3NkQkhYSnhBMFo2RTQrdz09> or by telephone: 1 (253) 215-8782; Meeting ID: 871 8000 1980 Passcode 143573

DATED this 24 day of January 2022.



BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Peter Browning, Chair

Ron Wesen

Ron Wesen, Commissioner

Lisa Janicki

Lisa Janicki, Commissioner

Attest:

Kerri Williams

Clerk of the Board

Approved as to form:

[Signature]

Civil Deputy Prosecuting Attorney

1/18/22

Recommended:

[Signature]

Department Head

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners will hold a public hearing on Tuesday, February 8, 2022, at 9:00 a.m., or as soon thereafter as possible, for the purpose of considering Revision No. 1 to the adopted comprehensive 2022-2027 Six-Year Transportation Improvement Program. Attendance will be by computer, tablet, or smartphone: <https://us06web.zoom.us/j/87180001980?pwd=eEVGUGkxZ3NkQkhYSnhBMEo2RTQrdz09> or by telephone: 1 (253) 215-8782; Meeting ID: 871 8000 1980 Passcode 143573

Items to be revised or added on the TIP are: Active Warning Signs, Illuminate Channelized Intersections, Prairie Road Guidance Improvements. Other additions may emerge before the Public Hearing and be considered at that time. For additional information about the proposed changes to the Six-Year Transportation Improvement Program, contact Forrest Jones at the Public Works Department, 1800 Continental Place, Mount Vernon, WA 98273, or (360) 416-1422.

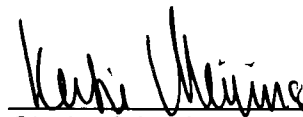
This proposed revision to the Transportation Improvement Program may be approved, modified, and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against Revision No. 1 to the 2022-2027 Six-Year Transportation Improvement Program are invited by attendance, representation, or if sent written letter, must be received by February 7, 2022.

Skagit County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from the federally assisted programs and activities. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Liaison, Grace Kane, P.E. at (360) 416-1400.

For citizens with special needs, the Commissioners' Hearing Room (or Public Hearing Room) is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at (360) 416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Additional information can be obtained through Forrest Jones, Works Department, 1800 Continental Place, Mount Vernon, WA 98273, (360) 416-1422.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS this 24 day of January, 2022.



Clerk of the Board

Published: Skagit Valley Herald on January 27, 2022 and February 3, 2022.

RESOLUTION NO. _____

**CALL FOR PUBLIC HEARING REGARDING AMENDMENTS TO FOUR (4)
FRANCHISE AGREEMENTS WITH ASTOUND**

WHEREAS, the Public Works Department requests the Board of Skagit County Commissioners to hold a public hearing regarding the proposed amendment of four (4) separate non-exclusive Franchise Agreements with Astound as follows: WaveDivision I, LLC (C20110525); WaveDivision II, LLC (C20090372); Cedar Communications, LLC (C20090373); and Astound Broadband, LLC (C20140313), collectively herein the "Astound Franchise Agreements", to provide five (5) year extensions of the existing terms of the Astound Franchise Agreements (until June 2, 2027) to allow for the continued right of entry, use, and occupation of the public rights-of-way to construct, operate, and maintain its facilities for purposes of offering and providing Network Services, including Cable and Telecommunications Service (as applicable), in the defined Franchise Areas within Skagit County, Washington; and,

WHEREAS, WaveDivision I, LLC, WaveDivision II, LLC, Cedar Communications, LLC, and Astound Broadband, LLC may be collectively referred to herein as "Astound"; and

WHEREAS, the WaveDivision I, LLC (C20110525) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

Township 36 North, Range 10 & 11 East
Township 35 North, Range 6, 7, 8, 9, 10, & 11 East
Township 34 North, Range 9 & 10 East
Township 33 North, Range 6 & 10 East

Situate in the County of Skagit, State of Washington; and,

WHEREAS, the WaveDivision II, LLC (C20090372) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

Township 33N, Range 4E, Sections 23, 24, 25, 26, 35, & 36
Township 33N, Range 5E, Sections 19, 20, 29, 30, 31, & 32
Township 34N, Range 1E, Section 24
Township 34N, Range 2E, Sections 3, 4, 8, 9, 17, & 18

Situate in the County of Skagit, State of Washington; and,

WHEREAS, the Cedar Communications, LLC (C20090373) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

Township 33N, Range 3E, Sections 12, 13, 24, 25, & 36
Township 33N, Range 4E, Sections 1-3, & 7-36
Township 33N, Range 5E, Sections 7-9, 16-21, & 28-33
Township 34N, Range 4E, Sections 1, 2, 11-14, 22-27, & 34-36
Township 34N, Range 5E, Sections 4-9, 16-21, & 28-33
Township 35N, Range 4E, Sections 35 & 36
Township 35N, Range 5E, Sections 31-33

Situate in the County of Skagit, State of Washington; and,

WHEREAS, the Astound Broadband, LLC (C20140313) Franchise Area is described as:

Any, every and all of the County roads, streets, avenues, alleys, rights of way, and public ways as now and may be hereafter laid out, platted, dedicated, established, or improved within the boundaries of the County lying outside of any incorporated town or city, (whether owned in fee simple or as an easement by the County), but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq.

Situate in the County of Skagit, State of Washington; and,

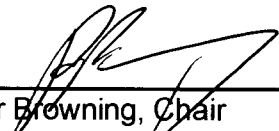
WHEREAS, it becomes the duty of the Board of Skagit County Commissioners to fix the time and place for a public hearing upon said request.

NOW, THEREFORE, BE IT RESOLVED and Hereby Ordered that the Board of Skagit County Commissioners hereby requests the Clerk of the Board to publish and post notice of Public Hearing to be held on April 26th, 2022, at the hour of 9:00 a.m., or as soon as possible thereafter. This Hearing shall be held in the Commissioners' Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, Washington.

DATED this 11 day of April, 2022.

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





Peter Browning, Chair



Ron Wesen, Commissioner



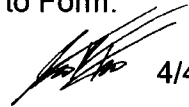
Lisa Janicki, Commissioner

Attest:



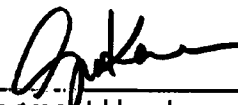
Clerk of the Board


Approved as to Form:

 4/4/22

Civil Deputy Prosecuting Attorney

Recommended:



Department Head 

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Skagit County Commissioners will hold a Public Hearing in the Commissioners' Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, WA, on **Tuesday, April 26, 2022, at 9:00 a.m.**, or as soon as possible thereafter, regarding a the proposed amendment of four (4) separate non-exclusive Franchise Agreement with Astound as follows: WaveDivision 1, LLC (C20110525); WaveDivision II, LLC (C20090372); Cedar Communications, LLC (C20090373); and Astound Broadband, LLC (C20140313), for right of entry, use, and occupation of the public rights-of-way to construct, operate, and maintain its facilities for purposes of offering and providing Network Services, including Cable and Telecommunications Service, in the defined Franchise Areas as follows:

WaveDivision I, LLC (C20110525) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

- Township 36 North, Range 10 & 11 East
- Township 35 North, Range 6, 7, 8, 9, 10, & 11 East
- Township 34 North, Range 9 & 10 East
- Township 33 North, Range 6 & 10 East

Situate in the County of Skagit, State of Washington.

WaveDivision II, LLC (C20090372) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

- Township 33N, Range 4E, Sections 23, 24, 25, 26, 35, & 36
- Township 33N, Range 5E, Sections 19, 20, 29, 30, 31, & 32
- Township 34N, Range 1E, Section 24
- Township 34N, Range 2E, Sections 3, 4, 8, 9, 17, & 18

Situate in the County of Skagit, State of Washington.

Cedar Communications, LLC (C20090373) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

- Township 33N, Range 3E, Sections 12, 13, 24, 25, & 36
- Township 33N, Range 4E, Sections 1-3, & 7-36
- Township 33N, Range 5E, Sections 7-9, 16-21, & 28-33
- Township 34N, Range 4E, Sections 1, 2, 11-14, 22-27, & 34-36
- Township 34N, Range 5E, Sections 4-9, 16-21, & 28-33
- Township 35N, Range 4E, Sections 35 & 36
- Township 35N, Range 5E, Sections 31-33

Situate in the County of Skagit, State of Washington.

Astound Broadband, LLC (C20140313) Franchise Area is described as:

Any, every and all of the County roads, streets, avenues, alleys, rights of way, and public ways as now and may be hereafter laid out, platted, dedicated, established, or improved within the boundaries of the County lying outside of any incorporated town or city, (whether owned in fee simple or as an easement by the County), but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq.

Situate in the County of Skagit, State of Washington; and,


This proposal may be approved, modified and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against this matter are invited either by attendance, representation, or letter. Attendance at meetings will be in person. You may also attend meetings remotely by computer, tablet or smart phone with the following link: <https://bit.ly/SkagitBoCCMtg> or calling: 1 (253) 215-8782, Meeting ID: 871 8000 1980 Passcode: 143573. Please contact Torey Nelson, 360-416-1400, with any questions.

For citizens with special needs, the Commissioners' Hearing Room is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at 360-416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Skagit County, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Coordinator, Grace Kane, P.E. at (360) 416-1400.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS this

11 day of April, 2022.


Clerk of the Board

Published in the Skagit Valley Herald on April 14th and April 21st, 2022

RESOLUTION NO.

**CALL FOR PUBLIC HEARING REGARDING AMENDMENTS TO FOUR (4)
FRANCHISE AGREEMENTS WITH ASTOUND**

WHEREAS, the Public Works Department requests the Board of Skagit County Commissioners to hold a public hearing regarding the proposed amendment of four (4) separate non-exclusive Franchise Agreements with Astound as follows: WaveDivision I, LLC (C20110525); WaveDivision II, LLC (C20090372); Cedar Communications, LLC (C20090373); and Astound Broadband, LLC (C20140313), collectively herein the "Astound Franchise Agreements", to provide five (5) year extensions of the existing terms of the Astound Franchise Agreements (until June 2, 2027) to allow for the continued right of entry, use, and occupation of the public rights-of-way to construct, operate, and maintain its facilities for purposes of offering and providing Network Services, including Cable and Telecommunications Service (as applicable), in the defined Franchise Areas within Skagit County, Washington; and,

WHEREAS, WaveDivision I, LLC, WaveDivision II, LLC, Cedar Communications, LLC, and Astound Broadband, LLC may be collectively referred to herein as "Astound"); and

WHEREAS, the WaveDivision I, LLC (C20110525) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

Township 36 North, Range 10 & 11 East
Township 35 North, Range 6, 7, 8, 9, 10, & 11 East
Township 34 North, Range 9 & 10 East
Township 33 North, Range 6 & 10 East

Situate in the County of Skagit, State of Washington; and,

WHEREAS, the WaveDivision II, LLC (C20090372) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

Township 33N, Range 4E, Sections 23, 24, 25, 26, 35, & 36
Township 33N, Range 5E, Sections 19, 20, 29, 30, 31, & 32
Township 34N, Range 1E, Section 24
Township 34N, Range 2E, Sections 3, 4, 8, 9, 17, & 18

Situate in the County of Skagit, State of Washington; and,

WHEREAS, the Cedar Communications, LLC (C20090373) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

Township 33N, Range 3E, Sections 12, 13, 24, 25, & 36
Township 33N, Range 4E, Sections 1-3, & 7-36
Township 33N, Range 5E, Sections 7-9, 16-21, & 28-33
Township 34N, Range 4E, Sections 1, 2, 11-14, 22-27, & 34-36
Township 34N, Range 5E, Sections 4-9, 16-21, & 28-33
Township 35N, Range 4E, Sections 35 & 36
Township 35N, Range 5E, Sections 31-33

Situate in the County of Skagit, State of Washington; and,

WHEREAS, the Astound Broadband, LLC (C20140313) Franchise Area is described as:

Any, every and all of the County roads, streets, avenues, alleys, rights of way, and public ways as now and may be hereafter laid out, platted, dedicated, established, or improved within the boundaries of the County lying outside of any incorporated town or city, (whether owned in fee simple or as an easement by the County), but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq.

Situate in the County of Skagit, State of Washington; and,

WHEREAS, the Public Hearing previously scheduled for April 26, 2022 per Resolution #R20220069 must be rescheduled due to a lapse in publication; and

WHEREAS, it becomes the duty of the Board of Skagit County Commissioners to fix the time and place for a public hearing upon said request.

NOW, THEREFORE, BE IT RESOLVED and Hereby Ordered that the Board of Skagit County Commissioners hereby requests the Clerk of the Board to publish and

post notice of Public Hearing to be held on May 24th, 2022, at the hour of 9:00 a.m., or as soon as possible thereafter. This Hearing shall be held in the Commissioners' Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, Washington.

DATED this 2 day of May, 2022.

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



Peter Browning
Peter Browning, Chair

Ron Wesen
Ron Wesen, Commissioner

Lisa Janicki
Lisa Janicki, Commissioner

Attest:

Linda Hamner
Clerk of the Board

Approved as to Form:

[Signature] 4/22/22
Civil Deputy Prosecuting Attorney

Recommended:

[Signature] [Signature]
Department Head

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Skagit County Commissioners will hold a rescheduled Public Hearing in the Commissioners' Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, WA, on **Tuesday, May 24, 2022, at 9:00 a.m.**, or as soon as possible thereafter, regarding a the proposed amendment of four (4) separate non-exclusive Franchise Agreement with Astound as follows: WaveDivision 1, LLC (C20110525); WaveDivision II, LLC (C20090372); Cedar Communications, LLC (C20090373); and Astound Broadband, LLC (C20140313), for right of entry, use, and occupation of the public rights-of-way to construct, operate, and maintain its facilities for purposes of offering and providing Network Services, including Cable and Telecommunications Service, in the defined Franchise Areas as follows:

WaveDivision I, LLC (C20110525) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

- Township 36 North, Range 10 & 11 East
- Township 35 North, Range 6, 7, 8, 9, 10, & 11 East
- Township 34 North, Range 9 & 10 East
- Township 33 North, Range 6 & 10 East

Situate in the County of Skagit, State of Washington.

WaveDivision II, LLC (C20090372) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

- Township 33N, Range 4E, Sections 23, 24, 25, 26, 35, & 36
- Township 33N, Range 5E, Sections 19, 20, 29, 30, 31, & 32
- Township 34N, Range 1E, Section 24
- Township 34N, Range 2E, Sections 3, 4, 8, 9, 17, & 18

Situate in the County of Skagit, State of Washington.

Cedar Communications, LLC (C20090373) Franchise Area is described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved, but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq., within the boundaries described as:

- Township 33N, Range 3E, Sections 12, 13, 24, 25, & 36
- Township 33N, Range 4E, Sections 1-3, & 7-36
- Township 33N, Range 5E, Sections 7-9, 16-21, & 28-33
- Township 34N, Range 4E, Sections 1, 2, 11-14, 22-27, & 34-36
- Township 34N, Range 5E, Sections 4-9, 16-21, & 28-33
- Township 35N, Range 4E, Sections 35 & 36
- Township 35N, Range 5E, Sections 31-33

Situate in the County of Skagit, State of Washington.

Astound Broadband, LLC (C20140313) Franchise Area is described as:

Any, every and all of the County roads, streets, avenues, alleys, rights of way, and public ways as now and may be hereafter laid out, platted, dedicated, established, or improved within the boundaries of the County lying outside of any incorporated town or city, (whether owned in fee simple or as an easement by the County), but excluding all County recreational non-motorized trail right-of-way, and also excluding any County road right-of-way located on Indian Land as defined and provided by 25 CFR § 169., et seq.

Situate in the County of Skagit, State of Washington; and,

This proposal may be approved, modified and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against this matter are invited either by attendance, representation, or letter. Attendance at meetings will be in person. You may also attend meetings remotely by computer, tablet or smart phone with the following link: <https://bit.ly/SkagitBoCCMtg> or calling: 1 (253) 215-8782, Meeting ID: 871 8000 1980 Passcode: 143573. Please contact Torey Nelson, 360-416-1400, with any questions.

For citizens with special needs, the Commissioners' Hearing Room is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at 360-416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Skagit County, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Coordinator, Grace Kane, P.E. at (360) 416-1400.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS this

2 day of May, 2022.



Clerk of the Board

Published in the Skagit Valley Herald on May 5th and 12th, 2022

RESOLUTION DECLARING THE INTENTION TO RE-ESTABLISH LAKE MANAGEMENT DISTRICT NO. 1 FOR BIG LAKE PURSUANT TO CHAPTER 36.61 RCW AND SETTING THE PUBLIC HEARING ON FORMATION OF THE SAME

WHEREAS, RCW 36.61.030 allows for the creation of a Lake Management District by petition or Resolution of Intent; and

WHEREAS, there exists strong support from the Big Lake property owners to reform Lake Management District No.1 as evidenced by:

- Recommendation from the citizen's Lake Management District Advisory Committee.
- The majority of questionnaires completed by waterfront property owners from the Big Lake community were in support of reforming the District; and

WHEREAS, reforming Lake Management District No. 1 protects the beneficial uses and water quality of Big Lake is in the public interest as described by the Integrated Aquatic Plant Management Plan (IAPMP) for Big Lake; and

WHEREAS, the Lake Management District Advisory Committee recommends increasing and revising the current rate structure that was previously established per Resolution #R20120314 to cover additional and/or increased estimated costs; and

WHEREAS, the Board of County Commissioners enters the following findings of fact:

1. The properties, by category, will benefit in the following ways:
 - a. **Residential Waterfront Category:** Residential waterfront properties have significant opportunity to enjoy the lake through passive and active recreation. These property owners will collectively share the greatest amount of benefit from the lake management program. Proposed property rates include a charge based on the number of residential dwellings and estimated recreational use and benefit derived from the Lake Management District (LMD) program. Property owners in this and all other categories would see a benefit from LMD activities in improved water quality and recreational value.
 - b. **Commercial Property Category:** Includes lakefront property developed principally for commercial purposes. Property owners in this category would also receive direct benefit from the activities of an LMD via increased recreational opportunities and improved water quality.
 - c. **Undeveloped Waterfront Category:** It is in the interest of the health and ecosystem of Big Lake and the community at large to support undeveloped natural shoreline habitats by charging these properties at a reduced rate. Property owners in this category would also see increased benefit in recreation and improved water quality.
 - d. **Public Boat Launch Category:** The Washington Department of Fish and Wildlife's (WDFW) public boat launch on Big Lake receives high use by both local and non-local recreational visitors. In addition, public boat launches are often the sources of noxious weed infestations and the re-introduction of weeds after eradication. The wide spectrum of visitors that use the public boat launch would enjoy the benefit of increased recreational opportunities and improved water quality.
 - e. **Community Access Category:** Includes lakefront properties managed principally for recreational purposes that do not have a public boat launch. Recreational activities include: boating, fishing, swimming and other shoreline uses. Recreational properties would benefit from the activities of the LMD through enhanced water quality and recreational value of the lake by controlling aquatic weed growth.
2. The financing of the improvement or maintenance activities is feasible. This is evidenced by the following:

a. Integrated Aquatic Plant Management Plan (IAPMP) for Big Lake (Executive Summary Table – Summary of Estimated Costs for the Treatment Plan). These costs have been updated and extended to cover the next ten (10) year period as appropriate.

b. A preliminary count of 338 waterfront parcels within the boundaries of the Lake Management District includes:

• (U) Undeveloped	50
• (D1) Residential w/ 1 dwelling	272
• (D2) Residential w/ 2 dwellings	8
• (D4) Residential with more than 2 dwellings	4
• (CA) Community access	1
• (C) Commercial	2
• (PL) Public Boat Launch	1

3. Adequate provisions have been made to protect fish and wildlife in conformance with the IAPMP and applicable permit requirements (specifically, the Washington State Department of Ecology’s National Pollutant Discharge Elimination System permit requirements).

4. Financial security, in the form of a bond, is not required to cover the costs of the Lake Management District process.

NOW, THEREFORE, BE IT RESOLVED by the Board of Skagit County Commissioners that:

1. Pursuant to RCW 36.61.030, the Board of Skagit County Commissioners hereby designates the proposed Lake Management District as Skagit County Lake Management District No. 1 for Big Lake.

2. The nature of the lake improvement or maintenance activities proposed to be financed includes:

- a. Management of aquatic plants in Big Lake to meet recreational and aesthetic needs, fishery and wildlife requirements, and a healthy aquatic ecosystem.
- b. Employment of the best techniques based on environmental safety, effectiveness, and cost.
- c. Monitoring of aquatic vegetation and water quality as specified by aquatic herbicide permit conditions.
- d. Surveying of non-native invasive aquatic weeds such as Brazilian Elodea and Eurasian milfoil.
- e. Implementation of a prevention program focused on community education.
- f. County staff time involved in the administration of the above activities.
- g. Any and all other lake improvement and/or maintenance activities as authorized by RCW 36.61.020.

The strategy and methods used to accomplish these objectives are detailed in the IAPMP. Implementation of the plan will be in conformance with applicable Skagit County policies. Any additional lake management activities, if determined necessary by the County during the duration of the proposed Lake Management District, are allowed, as otherwise provided by RCW 36.61.020.

3. The duration of the proposed Lake Management District is ten (10) years (2022 - 2032), expiring on December 31, 2032.

4. The proposed boundaries of the District are all properties fronting or having access to Big Lake.
5. The proposed special assessments will be imposed annually for the ten (10) year duration of the Lake Management District and will be determined as part of the reformation process. Revenue bonds are not proposed to be issued.
6. The total maximum proposed to be collected in special annual assessments for all properties within the Lake Management District boundaries over the ten (10) year duration of the District will not exceed \$996,362.

ANNUAL ESTIMATED FUNDING PROJECTIONS

Property Type	Number of Parcels	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Undeveloped	50	\$80	\$87	\$95	\$104	\$113	\$123	\$134	\$146	\$159	\$174
Parcel with 1 dwelling	272	\$183	\$200	\$218	\$237	\$258	\$282	\$307	\$335	\$365	\$398
Parcel with 2 dwellings	8	\$262	\$285	\$311	\$339	\$369	\$403	\$439	\$478	\$521	\$568
Parcel with more than 2 dwellings	4	\$305	\$333	\$363	\$395	\$431	\$470	\$512	\$558	\$608	\$663
Community access	1	\$305	\$333	\$363	\$395	\$431	\$470	\$512	\$558	\$608	\$663
Commercial	2	\$414	\$451	\$492	\$536	\$585	\$637	\$695	\$757	\$825	\$900
Public Boat Launch	1	\$7,325	\$7,984	\$8,703	\$9,486	\$10,340	\$11,270	\$12,284	\$13,390	\$14,595	\$15,909
Total Annual Revenue	338	\$65,581	\$71,483	\$77,916	\$84,929	\$92,572	\$100,904	\$109,985	\$119,884	\$130,674	\$142,434

7. Exemptions: The following parcels will be exempt from charges:
 - a. Lands covered by water.
 - b. Contiguous parcels in common ownership not meeting requirements for a legal lot.
 - c. Parcels located within Skagit County Lake Management District No. 1 that are otherwise qualified per RCW 84.36.381, and are currently enrolled in the Senior Citizen and Disabled Persons Exemption Program, for a partial exemption as administered by the Skagit County Assessor's Office.
 - d. Properties used exclusively for private roads or utilities.
8. Financial security, in the form of a bond, shall not be required to cover costs of the Lake Management District process.
9. A public hearing on the proposed reformation of Lake Management District No. 1 shall be held:

DATE: Tuesday, June 14, 2022
 TIME: 8:30 AM
 PLACE: Commissioners Hearing Room
1800 Continental Place
Mount Vernon, WA 98273-5625

The Clerk of the Board is hereby requested to provide published Notice of Public Hearing.

NOTICE OF PUBLIC HEARING

Proposed Reestablishment of Skagit County Lake Management District No. 1 For Big Lake

Date of Hearing: Tuesday, June 14, 2022, 8:30 a.m.

Place of Hearing: Commissioners' Hearing Room
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

Purpose of Hearing: To consider oral and written comments regarding the proposed reestablishment of Skagit County Lake Management District (LMD) No. 1 for Big Lake and consideration of a Resolution to mail out ballots for affected landowners to vote on the proposed reformation before the Skagit County Board of Commissioners. You may attend the Public Hearing in person or remotely through Zoom from your computer, tablet or smartphone with this link: <https://bit.ly/SkagitBoCCMtg> or calling: 1 (253) 215-8782, Meeting ID: 871 8000 1980 Passcode: 143573. Property owners and/or other interested persons need not be present to comment. If you are unable to attend, written comments should be sent to the Clerk of the Board of Skagit County Commissioners, 1800 Continental Place, Suite 100, Mount Vernon, WA 98273, or can be provided by sending an email to commissioners@co.skagit.wa.us or by calling the Commissioner's office at (360) 416-1300.

A Resolution of Intention to reestablish Skagit County LMD No. 1 was adopted by the Skagit County Board of Commissioners on May 9, 2022. The nature of lake management activities proposed to be financed includes:

- Management of aquatic plants in Big Lake to meet recreational and aesthetic needs, fishery and wildlife requirements, and a healthy aquatic ecosystem.
- Employment of the best techniques based on environmental safety, effectiveness, and cost.
- Monitoring of aquatic vegetation and water quality as specified by aquatic herbicide permit conditions.
- Surveying of non-native invasive aquatic weeds such as Brazilian Elodea and Eurasian milfoil.
- Implementation of a prevention program focused on community education.
- County staff time involved in the administration of the above activities.
- Any and all other lake improvement and/or maintenance activities as authorized by RCW 36.61.020.

The strategy and methods used to accomplish these objectives are detailed in the Integrated Aquatic Plant Management Plan (IAPMP). Implementation of the plan will be in conformance with applicable Skagit County policies. Any additional lake management activities, if determined necessary by the County during the duration of the proposed LMD, are allowed, as otherwise provided by RCW 36.61.020.

The proposed special assessments will be imposed annually for the ten (10) year duration of the District and will be determined as part of the reformation process. The total proposed special assessment revenue collected for the ten (10) year duration will not exceed \$996,362. The LMD will expire on December 31, 2032. Revenue bonds are not proposed to be issued. The estimated annual assessments are as follows:

ANNUAL ESTIMATED FUNDING PROJECTIONS

Property Type	Number of Parcels	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Undeveloped	50	\$80	\$87	\$95	\$104	\$113	\$123	\$134	\$146	\$159	\$174
Parcel with 1 dwelling	272	\$183	\$200	\$218	\$237	\$258	\$282	\$307	\$335	\$365	\$398
Parcel with 2 dwellings	8	\$262	\$285	\$311	\$339	\$369	\$403	\$439	\$478	\$521	\$568
Parcel with more than 2 dwellings	4	\$305	\$333	\$363	\$395	\$431	\$470	\$512	\$558	\$608	\$663
Community access	1	\$305	\$333	\$363	\$395	\$431	\$470	\$512	\$558	\$608	\$663
Commercial	2	\$414	\$451	\$492	\$536	\$585	\$637	\$695	\$757	\$825	\$900
Public Boat Launch	1	\$7,325	\$7,984	\$8,703	\$9,486	\$10,340	\$11,270	\$12,284	\$13,390	\$14,595	\$15,909
Total Annual Revenue	338	\$65,581	\$71,483	\$77,916	\$84,929	\$92,572	\$100,904	\$109,985	\$119,884	\$130,674	\$142,434

Outcome: This proposal may be approved, modified, and approved, or rejected by the Board of Skagit County Commissioners.


Questions: Any questions can be directed to Tracy Alker, Water Resources Technician, Public Works Natural Resources Division, 1800 Continental Place, Mount Vernon, WA 98273; (360) 416-1462; (360) 416-1405 fax, or 'tracya@co.skagit.wa.us'.

Skagit County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on this basis of race, color, national origin, or sex in the provision of benefits and services resulting from the federally assisted programs and activities. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Liaison, Grace K. Kane, P.E., at (360) 416-1400.

For persons with special needs or disabilities, the Commissioners' Hearing Room (or Public Hearing Room) is accessible.

Dated this 9th day of May 2022.

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

BY: 
Linda Hammens, Clerk of the Board

Please do not publish below this line:

Published in the Skagit Valley Herald on May 12, and May 19, 2022.

RESOLUTION NO.

**CALL FOR PUBLIC HEARING
REGARDING THE 2022 - 2027 SIX-YEAR
TRANSPORTATION IMPROVEMENT PROGRAM REVISION NO. 2**

WHEREAS, under R.C.W. 36.81.121, Skagit County may revise the adopted comprehensive Six-Year Transportation Improvement Program at any time; and

WHEREAS, the Board of Skagit County Commissioners of Skagit County, Washington, are required to hold one or more Public Hearings to revise the 2022-2027 Six-Year Transportation Improvement Program; and

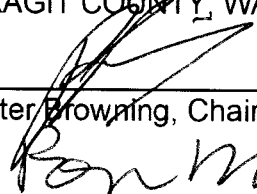
WHEREAS, copies of the proposed revisions to the 2022-2027 Six-Year Transportation Improvement Program are on file for public inspection in the offices of the Skagit County Public Works Department.

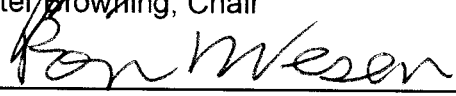
NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED that the Board of Skagit County Commissioners shall hold a Public Hearing at 10:30 a.m. or as soon thereafter as possible, on September 6, 2022. Participation in the public hearing, will be remote by computer, tablet, or smartphone through the following link: <https://us06web.zoom.us/j/87180001980?pwd=eEVGUGkxZ3NkQkhYSnhBMEo2RTQrdz09> or by telephone: 1 (253) 215-8782; Meeting ID: 871 8000 1980 Passcode 143573

DATED this 15 day of August 2022.



BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Peter Browning, Chair


Ron Wesen, Commissioner


Lisa Janicki, Commissioner

Attest:



Clerk of the Board

Approved as to form:



Civil Deputy Prosecuting Attorney

8/10/22

Recommended:

p.p. 

Department Head

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners will hold a public hearing on Tuesday, September 6, 2022, at 10:30 a.m., or as soon thereafter as possible, for the purpose of considering Revision No. 2 to the adopted comprehensive 2022-2027 Six-Year Transportation Improvement Program. Attendance will be in person in the Commissioners Hearing Room or by computer, tablet, or smartphone:

<https://us06web.zoom.us/j/87180001980?pwd=eEVGUGkxZ3NkQkhYSnhBMEo2RTQrdz09> or by telephone: 1 (253) 215-8782; Meeting ID: 871 8000 1980 Passcode 143573

Items to be revised or added on the TIP are: Guemes Ferry Electric Shore-Side Facilities and Terminal. Other additions may emerge before the Public Hearing and be considered at that time. For additional information about the proposed changes to the Six-Year Transportation Improvement Program, contact Forrest Jones at the Public Works Department, 1800 Continental Place, Mount Vernon, WA 98273, or (360) 416-1422.


This proposed revision to the Transportation Improvement Program may be approved, modified, and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against Revision No. 2 to the 2022-2027 Six-Year Transportation Improvement Program are invited by attendance, representation, or if sent written letter, must be received by September 5, 2022.

Skagit County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from the federally assisted programs and activities. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Coordinator, Grace Kane, P.E. at (360) 416-1400.

For citizens with special needs, the Commissioners' Hearing Room (or Public Hearing Room) is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at (360) 416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Additional information can be obtained through Forrest Jones, Works Department, 1800 Continental Place, Mount Vernon, WA 98273, (360) 416-1422.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS this 15 day of August, 2022.


Clerk of the Board

Published: Skagit Valley Herald on August 25, 2022 and September 1, 2022.

Appendix "F"
SEPA / NEPA

Projects 10/1/2021 - 9/30/2022

SEPA

NEPA

Francis Rd Section 1	Yes	No
Upper Finney Creek Bridge (Seismic Retrofit)	No	Yes - CE
Lane Departure Reduction	No	Yes - CE

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable: *Francis Road Reconstruction Section 1*
2. Name of applicant: *Skagit County Public Works*
3. Address and phone number of applicant and contact person:

David Walde, Project Manager
1800 Continental Place
Mount Vernon, WA 98273

4. Date checklist prepared: *March 17, 2022*
5. Agency requesting checklist: *Skagit County Planning and Development Services*
6. Proposed timing or schedule (including phasing, if applicable): *Construction is scheduled for the Summer of 2022*
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. *No, this proposal is limited to the current project.*
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. *The project is federally funded with Federal Highway Administration funding and as such requires the full NEPA process including wetland determination, USACE permitting, cultural resources investigation, as well as the following permits from Skagit County: Floodplain Development, Shorelines Substantial Development, and a Critical Areas Review.*
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. *Yes, currently the US Army Corps of Engineers are reviewing permitting for the project. Additionally the project is federally funded and has followed the NEPA process.*
10. List any government approvals or permits that will be needed for your proposal, if known. *USACE permitting, cultural resources investigation, as well as the following permits from Skagit County: Floodplain Development, Shorelines Substantial Development, and a Critical Areas Review.*
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) *The project will improve an existing county road to current road standards.*
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.
The project is located on Francis Road northeast of Mount Vernon between milepost 5.05 and 5.66. The closest street address on the west end of the project is 22903 Francis Road, Mount Vernon, WA 98273. The closest street address near the east end of the project is 23447 Francis Road, Mount Vernon, WA 98273.

B. Environmental Elements [\[HELP\]](#)

1. **Earth** [\[help\]](#)

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)? *Approximately 2%*

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. *Soils in the area are comprised of sandy loam topsoil over clays and very fine lahar silt. The primary use outside of the road right-of-way is for agricultural activities.*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. *No.*

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. *The purpose of the proposed project is to reconstruct and widen Francis Road to current road standards to improve safety, mobility, drainage, and stabilize the road base. The project will encompass approximately 6.90 acres, of which 6.10 will be disturbed by construction activities for filling, excavation, and grading. The quantity of fill material will be approximately 26,700 cubic yards, with approximately 7,300 cubic yards of excavation occurring. The source of materials will be determined by the contractor.*

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. *Yes, during construction the site will have exposed soils. However, the contractor will be required to maintain approved BMP's until work has been completed and the site stabilized.*

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? *Approximately 35 percent of the project area will be covered with impervious surface when complete. Approximately 55 percent of the impervious surface already exists as the current roadway.*

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: *During construction the contractor will be required to maintain approved BMP's consistent with the current DOE stormwater manual for Western Washington to control erosion on the site. Once active construction has completed, the site will be stabilized using approved permanent BMP's.*

2. **Air** [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. *During construction potential emissions would be limited to dust and equipment exhaust. Upon completion of the project emissions will return to original levels associated with the traffic flow on Francis Road.*

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. *No.*

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
During hot dry weather the contractor will water the project site to control dust.

3. **Water** [\[help\]](#)

a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
Four wetlands identified as B, D, E, and F, are adjacent to the roadway. Wetland B is located north of Francis Road. Wetlands D, E, F are located to the south of Francis Road. There are two bodies of water, Debay Slough and Mud Lake, near the project site, however these water bodies are not hydraulically connected to the wetlands within the project vicinity.
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. *Yes, the project will require work within the identified wetlands. The project has been designed to use as much of the upland area as possible to avoid the wetlands below the slope off the road. Minimal vegetation will be removed, and standard erosion control will be implemented. A portion of each wetland will be filled due to their proximity to the road.*
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. *Approximately 4,371 yards of gravel base fill will be placed within the identified wetland areas within the project area. The source of the material will be determined by the contractor and will not be known until the bid is awarded and the materials are submitted for approval.*
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. *No, construction of the project will be done during the summer when the area is dry.*
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. *Yes, the entire project is located within the 100-year floodplain.*
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. *No.*

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. *No.*
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. *No waste material is anticipated during construction of the project.*

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. *Roadway runoff will flow through vegetated roadside treatment strips or into drywells for treatment and infiltration.*
- 2) Could waste materials enter ground or surface waters? If so, generally describe. *The project will not generate waste materials above previous levels from road runoff.*
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. *No, currently water from the roadway sheet flows off the road to the adjacent fields or into shallow ditches where it ultimately infiltrates into the ground*

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: *The project will install appropriately sized culverts to facilitate the flow of ground, surface, and flood water under Francis Road. This will maintain even water levels on each side of the road to reduce erosion during flood events.*

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered? *Grasses, scrub brush, and blackberries will be removed to approximately 20-feet from the edge of the existing road to allow for widening of Francis Road.*

c. List threatened and endangered species known to be on or near the site. *None known.*

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: *Disturbed soils will be amended and seeded with a standard erosion control grass mix consisting of fescues, clover, and blue grass.*

e. List all noxious weeds and invasive species known to be on or near the site. *Himalayan Blackberry and Reed Canary Grass are currently present within the project site.*

5. **Animals** [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other: Trumpeter Swan

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site.

No species listed under the federal Endangered Species Act is expected to occur in the project vicinity or be affected by the proposed work. A species list generated through the U.S. Fish and Wildlife Service is included below. The likelihood of these animals occurring within the project vicinity is very low due to their extirpation from the state as well as a general lack of suitable habitat in the area.

- *Gray wolf (Canis lupus)*
- *Marbled Murrelet (Brachyramphus marmoratus)*
- *Streaked Horned Lark (Eremophila alpestris strigata)*
- *Yellow-billed Cuckoo (Coccyzus americanus)*
- *Oregon Spotted Frog (Rana pretiosa)*
- *Bull Trout (Salvelinus confluentus)*

- c. Is the site part of a migration route? If so, explain. *Yes, the area lies within the migration route of the Trumpeter Swan (Cygnus buccinator) who utilizes the area during the winter months.*

- d. Proposed measures to preserve or enhance wildlife, if any: *If threatened or endangered species are encountered during construction, a biologist will be consulted to determine the best course of action.*

- e. List any invasive animal species known to be on or near the site. *None known.*

6. **Energy and Natural Resources** [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. *The project will utilize propane, diesel, and gasoline to supply the energy needs to power the construction vehicles and equipment.*

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. *No.*

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: *None.*

7. **Environmental Health** [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. *None known.*
- 1) Describe any known or possible contamination at the site from present or past uses. *None known.*
 - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. *None known.*
 - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. *During construction of the project the contractor may temporarily store fuel and lubricants on the site. Any stored materials will require spill protection and cleanup measures to be in place prior to storage.*
 - 4) Describe special emergency services that might be required. *No special emergency services are anticipated to be needed.*
 - 5) Proposed measures to reduce or control environmental health hazards, if any: *No known environmental health hazards exist or will be created by this project.*

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *Current background noise comes from traffic and agricultural activities in the area.*
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. *The project will create some short-term noise associated with construction activities. Typically this noise would be during daytime between 07:00 am and 5:00 pm, but may extend later on occasion as the work dictates. Work after 5:00 pm is expected to be rare.*
- 3) Proposed measures to reduce or control noise impacts, if any: *General work hours will be between 07:00 am and 5:00 pm on most days. Equipment working on the project will be required to have appropriate mufflers to reduce engine noise.*

8. Land and Shoreline Use [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. *A majority of the site has historically been County road right-of-way. A portion of the project site was utilized for farmland, and the remainder is classified as wetlands. These areas were incorporated into the project through the fee simple purchase to become road right-of-way.*
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated,

how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? *A portion of the project area was previously used as working farmland. As part of this project, approximately 3.42 acres will be converted to road right-of-way for improvement of Francis Road.*

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: *The project will temporarily affect adjacent farming during the construction phase of the project. The impacts will range from minor delays to short-term full closures of the road to accommodate installation of utilities and culverts.*
- c. Describe any structures on the site. *The project site is currently a two lane county road with no structures.*
- d. Will any structures be demolished? If so, what? *No.*
- e. What is the current zoning classification of the site? *Ag-Nrl and Rvr.*
- f. What is the current comprehensive plan designation of the site? *Currently Francis Road is classified as a Rural Major Collector.*
- g. If applicable, what is the current shoreline master program designation of the site? *Rural*
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. *Yes, the project site is located in an area Skagit County classifies as a critical area.*
- i. Approximately how many people would reside or work in the completed project? *The number of people who currently reside or work in or near the project area is approximately 14-28, and will not change after the project has been completed.*
- j. Approximately how many people would the completed project displace? *No one will be displaced by the project.*
- k. Proposed measures to avoid or reduce displacement impacts, if any: *N/A*
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: *The project will improve Francis Road to current road standards while retaining it's rural character. This is compatible as it will provide additional lane width and paved shoulders to more easily accommodate local agricultural machinery as it moves between fields.*
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: *The project was designed to maintain the existing alignment which did not reduce the total acreage affected, but did reduce the amount of farmland loss to individual properties.*

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *No housing units will be removed or added as part of the project.*

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *None.*
- c. Proposed measures to reduce or control housing impacts, if any: *None.*

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? *No structures will be constructed above ground level.*
- b. What views in the immediate vicinity would be altered or obstructed? *The views will not be blocked or altered by this project.*
- b. Proposed measures to reduce or control aesthetic impacts, if any: *Once construction activities have been completed the exposed soils will be hydro seeded to re-establish vegetation. Generally the improved project will be aesthetically similar to the existing road, only wider to meet current safety standards.*

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *No light or glare will be created by the project.*
- b. Could light or glare from the finished project be a safety hazard or interfere with views? *No, there will be no light or glare generating materials incorporated into the project.*
- c. What existing off-site sources of light or glare may affect your proposal? *None.*
- d. Proposed measures to reduce or control light and glare impacts, if any: *None.*

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity? *Within the surrounding area but not within the project boundary the Washington State Department of Fish and Wildlife have a designated location for waterfowl and upland bird hunting. Additionally there are public fishing accesses for Mud Lake and Clear Lake within a mile radius of the project.*
- b. Would the proposed project displace any existing recreational uses? If so, describe. *No.*
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: *None.*

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. *There are no buildings or structures within the project site. There are private homes and agricultural structures older than 45 years in the vicinity of the project. However, the project will not alter these buildings or structures.*

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. *No, A cultural resources investigation was completed as part of the project permitting. The cultural resources report indicates, based on past historical, environmental and cultural review, that the project area has been used as roadway and agriculture since the early 1900s. The alignment of Francis Road has been in the same location since at least 1911 and has experienced multiple upgrades. Surrounding land use has been used for agriculture throughout the same period.*
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. *Consultation occurred in 2019 and the Washington State Department of Archaeology and Historic Preservation (DAHP) provided a No Historic Properties Affected letter to Skagit County on June 17, 2019.*
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. *Should cultural resources be encounter during the construction of the project, work will be stopped and the Inadvertent Discovery Plan will be initiated. Work will not resume until consultation has been completed and the project receives approval to continue construction.*

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. *The project area is on Francis Road. This is a public road.*
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? *No, the closest transit stop is approximately .40 miles south of the project in Clear Lake, WA at the U.S. Post Office.*
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? *N/A*
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). *The project will add 8' paved shoulders along this portion of Francis Road.*
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. *No.*
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? *No new vehicle trips will be generated as a result of the project.*

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. *Yes, it is likely that the project will affect agricultural activities in the area during construction. Once construction has concluded the finished project will improve agricultural activities by providing wider drive lanes and shoulders to ease in movement of equipment and products.*

h. Proposed measures to reduce or control transportation impacts, if any: *None.*

15. Public Services [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. *No.*

b. Proposed measures to reduce or control direct impacts on public services, if any. *None.*

16. Utilities [\[help\]](#)

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. *Currently the existing utilities within the project are transmission and distribution lines for PSE (power), a buried phone cable for Zply, and a 3-inch PVC waterline for Skagit PUD.*

In preparation for the project, the PSE power lines have been previously relocated to be outside of the current work area. The Zply phone line will be relocated during construction of the project. Skagit PUD will be replacing the 3-inch PVC waterline with a new 8-inch ductile iron waterline.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee Paul A. Randall-Grutter, P.E.

Position and Agency/Organization County Engineer

Date Submitted: 3.24.22

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The project will likely not increase discharges, releases, emissions, or noise from current background levels.

Proposed measures to avoid or reduce such increases are: *None*

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The project will disturb some grasses and scrub brush within the new footprint. Animal impacts will be very minimal.

Proposed measures to protect or conserve plants, animals, fish, or marine life are: *None*.

3. How would the proposal be likely to deplete energy or natural resources?

During construction of the project energy will be expended by heavy equipment to excavate, fill, and grade the site. Additional energy will be expended to haul materials to and from the site, as well as to prepare materials offsite.

Proposed measures to protect or conserve energy and natural resources are:

Existing bituminous surface treatment (BST) will be pulverized and incorporated into the road base to reduce the amount of materials imported into the project.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? *A portion of the project will be constructed within the identified wetlands, and the entire project falls within the 100-year floodplain.*

Proposed measures to protect such resources or to avoid or reduce impacts are:
The project will utilize wetland bank mitigation credits for the areas where wetlands will be disturbed. Because the entire roadway is submerged during a two-year flood event. A number of culverts will be installed under Francis Road to allow flood waters to flow freely. This should eliminate the erosion caused when floodwaters back up and spill over Francis Road.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
The project will transition a small area of wetlands and farmland into public right of way.

Proposed measures to avoid or reduce shoreline and land use impacts are: *None*

6. How would the proposal be likely to increase demands on transportation or public services and utilities?
The project will not increase demands on transportation, public services, or utilities.

Proposed measures to reduce or respond to such demand(s) are: *None*

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. *The project will adhere to all local, state, and federal laws and requirements.*

**NOTICE OF DECISION OF
THE SKAGIT COUNTY HEARING EXAMINER**

Applicant: David Walde, on behalf of Skagit County Public Works

Request /File No: No. PL22-0153

Location: A 0.61-mile section of Francis Road, northeast of Mount Vernon between mile posts 5.05 and 5.66, on property situated within Skagit County, Washington.

Land Use Designation: Agriculture-Natural Resources Land

SEPA Determination: The County acted as lead agency issued a Determination of Nonsignificance (DNS) for the proposal on May 5, 2022, and provided a SEPA comment deadline of May 19, 2022. The County did not receive any comments in response to its notice materials and the DNS was not appealed by the appeal deadline of June 3, 2022, that was provided in the DNS.

Public Hearing: The Skagit County Hearing Examiner held an open record hearing on the application on July 27, 2022, as required by SCC 14.06.160(1)(b).

Summary of Decision: The request for a shoreline substantial development permit to reconstruct and widen a 0.61-mile section of Francis Road, located northeast of Mount Vernon between mile posts 5.05 and 5.66, is **APPROVED**, with conditions.

Decision Date: **August 25, 2022**

Appeal: As provided in Section 13.01 of the County’s Shoreline Master Program, any person aggrieved by the granting of a shoreline permit by the Skagit County Hearing Examiner may request a reconsideration before the Examiner or submit an appeal to the Board of Commissioners in accordance with Title 14 of the Skagit County Code. All requests for reconsideration or appeals must be submitted in writing within five (5) days of the date of the Examiner’s written decision or decision after reconsideration.

Any person aggrieved by the granting of a shoreline permit may seek review from the State Shoreline Hearings Board by filing a written request for review with the Hearings

Board within thirty (30) days of receipt by the Department of Ecology of the final order of the Hearing Examiner or Board of County Commissioners. The requester shall also file a copy of such request with the Department of Ecology, the Attorney General and the Board of County Commissioners. All procedures for appeal shall comply with RCW 90.58.180.

The entire decision can be obtained at Skagit County Planning and Development Services, 1800 Continental Place, Mount Vernon, WA.

**BEFORE THE HEARING EXAMINER
FOR SKAGIT COUNTY**

In the Matter of the Application of)	No. PL22-0153
)	
David Walde, on behalf of)	Public Works Francis Road SSDP
Skagit County Public Works)	
)	
For Approval of a Shoreline Substantial)	FINDINGS, CONCLUSIONS,
<u>Development Permit</u>)	AND DECISION

SUMMARY OF DECISION

The request for a shoreline substantial development permit to reconstruct and widen a 0.61-mile section of Francis Road, located northeast of Mount Vernon between mile posts 5.05 and 5.66, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on July 27, 2022, utilizing a hybrid approach allowing for participation in person or through remote access technology.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Leah Forbes, County Senior Natural Resources Planner
David Walde, Applicant Representative, County Public Works Project Manager
Sarah Edgett

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated July 19, 2022
2. Shoreline Substantial Development Permit Application, dated March 29, 2022
3. Joint Aquatic Resources Permit Application, dated August 4, 2021
4. Aerial Photographs (6 Photos), undated
5. Permit Drawings (13 Sheets), dated October 15, 2021
6. Notice of Application, dated May 3, 2022
7. SEPA Environmental Checklist, dated March 17, 2022
8. Determination of Nonsignificance, dated May 5, 2022
9. Joint Public Notice, with Permit Drawings, dated January 24, 2022
10. Notice of Public Hearing, undated
11. Shoreline Area Designation Map, undated

Findings, Conclusions, and Decision
Skagit County Hearing Examiner
Public Works Francis Road SSDP
No. PL22-0153

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. David Walde, on behalf of Skagit County Public Works (Applicant), requests a shoreline substantial development permit (SSDP) to reconstruct and widen a 0.61-mile section of Francis Road, a rural major collector road. Existing 11-foot-wide travel lanes and substandard shoulders would be increased to 12-foot travel lanes and 8-foot shoulders. Associated works would include clearing, grubbing, regrading, paving, and relocating utilities. Construction would require approximately 26,700 cubic yards of fill material and 7,300 cubic yards of excavation. The Applicant would remove eight existing culverts and install 22 new culverts. The project would be built within existing and recently acquired County right-of-way. The proposal would stabilize the road base and bring the road into compliance with road infrastructure standards. The property is located on Francis Road northeast of Mount Vernon, between mile posts 5.05 and 5.66. *Exhibit 1, Staff Report, pages 1 and 2; Exhibits 2 through 5.*

2. Skagit County Planning and Development Services (County) determined that the application was complete on November 4, 2021. On or around May 3, 2022, the County provided notice of the application by mailing or emailing notice to property owners within 300 feet of the subject property and to reviewing departments and agencies and by posting notice on the property, with a comment deadline of June 13, 2022. The County published notice of the application in the *Skagit Valley Herald* on May 5 and 12, 2022. On or around July 13, 2022, the County provided notice of the open record hearing associated with the application in the same manner, in accord with the notice requirements of Skagit County Code (SCC) 14.06.150(3). The County did not receive any comments on the proposal from reviewing agencies or members of the public in response to its notice materials. *Exhibit 1, Staff Report, page 3; Exhibit 6; Exhibit 10.*

State Environmental Policy Act

3. The County acted as lead agency and analyzed the environmental impact of the proposal, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County reviewed the Applicant's environmental checklist and other information on file and determined that the proposal would not have a probable significant adverse impact on the environment. Accordingly, the County issued a Determination of Nonsignificance (DNS) for the proposal on May 5, 2022, and provided a SEPA comment deadline of May 19, 2022. The County did not receive any comments in response to its notice materials and the DNS was not appealed by the appeal deadline of June 3, 2022, that was provided in the DNS. *Exhibit 1, Staff Report, page 3; Exhibit 7; Exhibit 8.*

*Findings, Conclusions, and Decision
Skagit County Hearing Examiner
Public Works Francis Road SSDP
No. PL22-0153*

Existing Site and Surrounding Area

- Francis Road is classified as a Rural Major Collector and is bordered on both sides by active agricultural fields and a few homes. Outside of the right-of-way, the terrain slopes downward to mostly flat areas, next to roadway fill, and consists mainly of weedy vegetation such as Himalayan blackberry, Douglas spirea, and reed canary grass. Emergent species, including white clover, broadleaf cattail, perennial ryegrass, and common velvet grass, run along the roadway corridor. The proposal would temporarily affect adjacent farming during construction. Impacts would range from minor delays to short-term full closures of the road to accommodate installation of utilities and culverts. The road currently consists of an 11-foot-wide travel lane and substandard shoulders, below current road infrastructure standards. Road improvements would increase motorist safety and stabilize the road base. *Exhibit 1, Staff Report, pages 2 and 3; Exhibit 2; Exhibit 3.*

Comprehensive Plan and Zoning

- The property is designated “Agriculture-Natural Resources Land” (Ag-NRL) by the Skagit County Comprehensive Plan. Agriculture-Natural Resource Lands are those lands with soils, climate, topography, parcel size, and location characteristics that have long-term commercial significance for farming. *Skagit County Comprehensive Plan, page 106* The Natural Resource Lands Element promotes preservation of the agricultural land base, reduction of land use conflicts, and support for a diverse and economically strong agricultural industry. *Skagit County Comprehensive Plan, page 106. Exhibit 1, Staff Report, page 1.*
- The property is zoned “Rural Village Residential” (RVR). The purpose of the RVR zoning district is to “preserve the residential character of those portions of Rural Villages designated for residential use, while allowing for limited nonresidential uses appropriate to the village through the special use permit process.” *SCC 14.16.310(1). Exhibit 1, Staff Report, page 1.*

Cultural Resources

- A cultural resources investigation was completed as part of the project permitting process. The cultural resources report indicates that the project site has been used as a roadway, and that the surrounding area has been used for agriculture, since the early 1900s. The alignment of Francis Road has been in the same location since at least 1911. On June 17, 2019, the Washington State Department of Archaeology and Historic Preservation (DAHP) provided a “No Historic Properties Affected Letter” to the County. Construction would halt upon findings of cultural resources and would not resume until an Inadvertent Discovery Plan was undertaken and the project received approval to continue construction. *Exhibit 1, Staff Report, page 4.*

Critical Areas Review

8. The proposal was reviewed for compliance with Chapter 14.24 SCC, the Critical Areas Ordinance (CAO). Four Category II palustrine emergent wetlands were identified adjacent to the roadway. The ordinary high-water marks (OHWM) of Debay Slough and Mud Lake are about 1,000 feet from the project, but neither water body is hydraulically connected to the wetlands within the project vicinity. SCC 14.24.240(6)(a) permits road construction across Category II wetlands if:
- a. It is demonstrated to the Administrative Official that there are no alternative routes that can be reasonably used to achieve the proposed development; and
 - b. The activity will have minimum adverse impact to the wetland area; and
 - c. The activity will not significantly degrade surface or groundwater; and
 - d. The intrusion into the wetland area and its buffers is fully mitigated.

County staff determined that the proposed road improvements are necessary for road stabilization and public safety; there are no alternative routes that can be reasonably used to achieve the proposal; the project has been designed to have the least amount of impact on nearby wetlands; the improvements would not significantly degrade surface or groundwater; and impacts to the wetland and associated buffers would be fully mitigated by purchase of credits from the Skagit Environmental Bank. Up to 4,371 cubic yards of fill would be discharged into the nearby wetlands and a ditch under federal jurisdiction. The Applicant proposes to purchase 1.091 acres of credits from Skagit Environmental Bank to compensate for the permanent impacts to 0.909 acres of wetland. *Exhibit 1, Staff Report, pages 3 and 4; Exhibit 2; Exhibit 3; Exhibit 9.*

9. Pursuant to SCC 14.24.040(3), Jurisdictional Substitution, the permits required by the Washington State Department of Ecology (DOE) and U.S. Army Corps of Engineers (Army Corps) to address/allow wetland and ditch impacts would ensure compliance with the requirements of the CAO, obviating the need for additional critical areas permits under the municipal code. *Exhibit 1, Staff Report, pages 3 and 4; Exhibit 2; Exhibit 3; Exhibit 9.*

Shoreline Substantial Development Permit

10. The State Shoreline Management Act (SMA) and the County Shoreline Master Program (County SMP) govern work within the Nookachamps Creek basin shoreline designation, which flows to Skagit River, a shoreline of statewide significance. *RCW 90.58.030(2)(f); County SMP Section 2.01.* The location of the proposed road reconstruction is within the shoreline jurisdiction of the Nookachamps basin and is therefore subject to the County SMP. The purpose of the County SMP is to carry out the responsibilities imposed by the SMA; promote the public health, safety, and general welfare by providing long range, comprehensive policies and effective, reasonable regulations for development and use of County shorelines; and comply with the shoreline master program guidelines set forth in

Chapter 173-26 WAC. *County SMP Section 1.03*. Any “substantial development” within the shoreline requires approval of an SSDP. *Substantial development* is any development in which the total cost or fair market value exceeds \$7,047, or any development that materially interferes with the normal public use of the water or shorelines of the state. *RCW 90.58.030(3)(e)*.¹ The project cost exceeds this threshold and does not qualify for any shoreline permit exemption under WAC 173-27-040. *Exhibit 1, Staff Report, pages 1 and 5; Exhibit 2; Exhibit 11*.

11. The County SMP designates the property as within the “Rural” shoreline environment. The Rural shoreline environment is a shoreline area “typified by low overall structural density and low to moderate intensity of uses. Primary uses include activities related to agriculture, residential development, outdoor recreation, and forestry operations.” *County SMP Section 6.04.3.a*. The Rural shoreline designation is intended to:
 - protect agricultural land from urban density expansion, regulate intensive development along undeveloped shorelines, function as a buffer area between Urban and Conservancy Shoreline Areas, and maintain open spaces and opportunities for recreational activities and a variety of uses compatible with agriculture and the shoreline environment.*County SMP Section 6.04.3.b*.

Transportation facilities are permitted in the Rural shoreline environment, subject to the County SMP policies and regulations addressed below. *County SMP at 7-2 (Allowable Uses Matrix); County SMP Section 7.17.2.A(3); County SMP Section 7.17.2.B*.

Shoreline Stabilization and Flood Protection

12. In order to ensure that shoreline stabilization and flood protection measures are consistent with the SMP, as required by RCW 90.58.140(1), the Applicant must obtain an SSDP prior to commencing work. Roads located within the 100-year floodplain subject to the SMP shall not measurably increase flood levels or profiles, or restrict or otherwise reduce floodplain and floodway capacities. *County SMP Section 7.17.2.B(2)(a)*. To prevent interference with floodwater, the reconstructed section of the roadway would include installation of 22 new culverts to allow for improved flow across the roadway. The new culverts would include 16 corrugated metal pipe arches, 6 round corrugated polyethylene pipes, and one 48-inch by 48-inch concrete box culvert. Eight existing culverts would be

¹ *Development* is defined as:

a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.

RCW 90.58.030(3)(a).

removed during construction. The proposal would be consistent with the County's flood damage prevention guidelines under Chapter 14.34 SCC. Additional review of the floodplain requirements would be completed during the floodplain development permit application process. *Exhibit 1, Staff Report, page 5; Exhibit 2; Exhibit 3; Exhibit 5.*

Location

13. The County SMP provides that roads shall be located landward of estuaries and their associated wetlands, erosion or accretion shore forms and associated drift sectors backshore marshes, and officially designated fish, shellfish, and wildlife habitats. *County SMP Section 7.17.2.B(3)(a)(1-3)*. The proposal would have direct, unavoidable impacts to 0.909 acres of Category II wetlands. The Applicant would fully mitigate for the impacts by purchasing 1.091 acres of credits from Skagit Environmental Bank. Roads and other transportation facilities must not block or appropriate public accesses to publicly owned shorelines and water bodies. *County SMP Section 7.17.2.B(3)(c)*. There are no public access shoreline areas within the project area, and public access areas to the west of the project would not be impacted by the proposed improvements. *Exhibit 1, Staff Report, pages 5 and 6; Exhibit 2 through 5; Exhibit 11.*

Design, Construction, and Maintenance

14. Excavated materials from both construction and maintenance activities must be deposited in stable locations where reentry and erosion into waterways is prevented and not be deposited into water bodies or natural wetlands. *County SMP Section 7.17.2.B(4)(c)*. All excavation materials and soils exposed to erosion during phases of road and culvert construction must be stabilized and protected by seeding, mulching, or other effective means immediately upon construction completion. *County SMP Section 7.17.2.B(4)(d)*. Relief culverts must not discharge onto erodible soils, fills, or side cast materials. *County SMP 7.17.2.B(4)(e)*. All excavated materials that are not used in reconstruction of the roadway would be placed in appropriate locations, and exposed soils would be stabilized during all phases of construction to prevent erosion into nearby waterways. The Applicant would limit vegetation removal and would implement standard erosion control measures.

The Applicant would install quarry spalls within culvert outlets to maintain surface water flow through current drainage pathways and would provide outfall protection as needed at the discharge points of all culverts. All surface and drainage systems (described in further detail below) have been designed to prevent erosion and sedimentation. The right-of-way would continue to be maintained by County Road Maintenance personnel utilizing mechanical means, as preferred under County SMP Section 7.17.2.B(4)(h). If herbicides are deemed necessary, they would be applied by a licensed applicator in compliance with applicable regulations. *Exhibit 1, Staff Report, pages 6 and 7; Exhibit 2; Exhibit 3.*

Stormwater Management

15. The proposed development would result in net new impervious surfaces of 52,276 square feet. The Applicant would place four-foot-wide compost-amended vegetated filter strips (CAVFS) and dispersion trenches along the four-to-one slope on both the north and south sides of the road to prevent untreated runoff from entering wetlands and adjoining fields. Stormwater runoff would be treated pursuant to requirements of the current Washington State Department of Ecology Stormwater Management Manual for Western Washington and current Washington State Department of Transportation Highway Runoff Manual standards. All surface and drainage systems have been designed to prevent erosion and sedimentation in accordance with County SMP 7.17.2.B(4)(g). *Exhibit 1, Staff Report, page 2; Exhibit 2; Exhibit 3.*

Landfills

16. Landfills² associated with transportation facility developments are not permitted in or on water bodies and associated wetlands except when all structural or upland alternatives have been proven infeasible and for uses in a location consistent with the County SMP. *County SMP 7.17.2.B(5)*. County staff determined that the proposed wetland fill associated with the proposal is necessary to accomplish road safety and stability improvements and there are no feasible alternatives. *Exhibit 1, Staff Report, page 7.*

Testimony

17. County Senior Natural Resources Planner Leah Forbes testified generally about the history of the project site and how the proposal would comply with the requirements for approval of an SSDP under the County municipal code and SMP. She noted that the proposed improvements are necessary for road stabilization and safety, no feasible alternatives are available, and the Applicant would fully mitigate unavoidable impacts to wetlands. Ms. Forbes explained that several other agencies have jurisdiction over various aspects of the proposal—including the Army Corps and DOE—and, because of this, the County determined that detailed environmental review of the proposal and final wetland delineation would be addressed through the permitting processes of these other reviewing agencies. She noted that the Applicant has submitted a floodplain development permit and that the proposal does not include any water bodies that are designated as fish-bearing. *Testimony of Ms. Forbes.*
18. Applicant Representative David Walde, a Project Manager for Skagit County Public Works, testified generally about the proposal and how the improvements would decrease flooding events on Francis Road. He noted that the proposed culverts would be strictly for flood flow and that no habitat streams would be affected by the proposal. *Testimony of Mr. Walde.*

² *Landfill* means the creation, extension, or raising of land area by filling or depositing sand, soil, gravel, dredge spoils, or other materials onto a shoreline, wetland, or water body. *County SMP, page 3-12.*

19. Sarah Edgett expressed concerns about draining of flood waters near Mud Lake Road. *Testimony of Ms. Edgett.*

Staff Recommendation

20. Ms. Forbes testified that the County recommends approval of the SSDP, with conditions. Mr. Walde testified that the Applicant understands and would comply with the recommended conditions of approval. *Exhibit 1, Staff Report, page 7; Testimony of Ms. Forbes; Testimony of Mr. Walde.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide requests for Shoreline Substantial Development Permits. *SCC 14.06.050(1); County SMP Section 9.06.*

Criteria for Review

The Shoreline Management Act is codified at Chapter 90.58 RCW. Applicable policies of RCW 90.58.020 include those to foster “all reasonable and appropriate uses”; protect against adverse effects to the public health, the land, and vegetation and wildlife; and give priority to single-family residences and appurtenant structures in authorizing alternations to the natural condition of the shoreline. Nonetheless, “private property rights are ‘secondary to the SMA’s primary purpose, which is to protect the state shorelines as fully as possible.’” *Samson v. City of Bainbridge Island*, 149 Wn. App. 33, 49, 202 P.3d 334 (2009) (internal quotation marks omitted) (quoting *Lund v. Dep’t of Ecology*, 93 Wn. App. 329, 336-37, 969 P.2d 1072 (1998)). Permitted shoreline uses must be designed to “minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public’s use of the water.” *RCW 90.58.020*. See also *Buechel v. Dep’t of Ecology*, 125 Wn.2d 196, 203, 884 P.2d 910 (1994).

In promulgating the Shoreline Management Act of 1971, the legislature recognized that “ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development” of the state’s shorelines. *RCW 90.58.020*. The legislature also determined that “unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest.” *RCW 90.58.020*. Accordingly, the Shoreline Management Act requires local governments to develop a master program to regulate shoreline uses consistent with its guidelines. *RCW 90.58.080(1)*.

Shoreline Management Act Regulations

The Department of Ecology shoreline regulations are located in Chapters 173-26 and 173-27 of the Washington Administrative Code (WAC). Chapter 173-26 WAC sets forth procedures and guidelines for local adoption of shoreline master programs that are not applicable to the

Applicant's permit request. Chapter 173-27 WAC sets forth permitting procedures and permit criteria. The Hearing Examiner reviews the application under the following criteria:

- (1) A substantial development permit shall be granted only when the development proposed is consistent with:
 - (a) The policies and procedures of the act;
 - (b) The provisions of this regulation; and
 - (c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.
- (2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

WAC 173-27-150.

Thus, the Hearing Examiner must review the SSDP application against the County SMP policies and regulations. The County SMP contains management policies and regulations related to transportation facilities and shoreline stabilization and flood protection uses, as detailed in the findings above. *County SMP Section 7.16; County SMP Section 7.17.* Consistent with the requirements under WAC 173-27-150, the County SMP provides that SSDP application shall be reviewed in accordance with the following criteria:

- [A] shoreline substantial development permit . . . shall be granted only when the proposed development is consistent with:
- a. Policies and regulations of the Skagit County Shoreline Master Program; and
 - b. Applicable policies enumerated in RCW 90.58.020 in regard to shorelines of the state and shorelines of statewide significance; and
 - c. Regulations adopted by the Department of Ecology pursuant to the Act (WAC 173-14).

County SMP Section 9.02.

The criteria for review adopted by the Skagit County Board of County Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

*Findings, Conclusions, and Decision
Skagit County Hearing Examiner
Public Works Francis Road SSDP
No. PL22-0153*

Conclusions Based on Findings

1. **With conditions, the proposal would be consistent with the policies of the Shoreline Management Act.** Applicable policies of RCW 90.58.020 include those that foster “long term over short term benefit” and protect the resources and ecology of the shoreline. Permitted shoreline uses must be designed to “minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public’s use of the water.” *RCW 90.58.020*. The proposal is to reconstruct and widen a 0.61-mile section of a rural major collector road in order to stabilize the road base and increase safety for motor vehicles. The proposed road improvements, designed to bring the section of Francis Road into compliance with applicable road infrastructure standards, is a reasonable and appropriate use within the Rural shoreline environment of the Nookachamps Creek basin and within Agricultural-Natural Resource Land designated lands.

The County provided reasonable notice and opportunity to comment on the proposal. The County did not receive any comments from reviewing agencies or members of the public. The County analyzed the potential environmental impacts of the proposal, determined that it would not have a probable significant adverse impact on the environment, and issued a DNS. The County did not receive any comments into response to its SEPA notice materials, and the DNS was not appealed. The Applicant would install compost amended vegetated filter strips (CAVS) on both sides of the road to treat stormwater runoff. The Applicant would also purchase credits from the Skagit Environmental Bank, in excess of the project’s permanent, unavoidable impacts to adjacent Category II wetlands to mitigate for environmental impacts from development. As proposed and conditioned, the project would be consistent with SMA policies designed to minimize adverse ecological impacts.

Conditions, as detailed below, are necessary to ensure that the Applicant substantially complies with the recommendations of submitted reports and studies; complies with state water quality, surface water, groundwater, and maximum environmental noise levels criteria; utilizes erosion and sedimentation control measures in accordance with County codes; complies with all relevant provisions of the County’s zoning ordinance; commences and completes construction within a specified period; strictly adheres to the project drawings; and notifies Planning and Development Services prior to the start of construction. *Findings 1 – 20*

2. **With conditions, the proposal would be consistent with applicable shoreline regulations.** The Department of Ecology shoreline regulations are located in Chapters 173-26 and 173-27 of the Washington Administrative Code (WAC). Chapter 173-26 WAC sets forth procedures and guidelines for local adoption of shoreline master programs that are not applicable to the Applicant’s permit request. Chapter 173-27 WAC sets forth permitting procedures and permit criteria. This proposal is being reviewed

under the criteria set forth in WAC 173-27-150. These criteria are intended to implement the policies of the SMA, which require that all shoreline projects be consistent with an approved local Shoreline Master Program. With the conditions noted above in Conclusion 1, the proposal would be consistent with the County SMP, as described in more detail below. *Findings 1, 4 – 20.*

- 3. With conditions, the proposal would be consistent with the County Shoreline Master Program (County SMP), and applicable shoreline regulations.** Transportation facilities and shoreline stabilization and flood protection uses are allowed in the Rural shoreline environment, subject to County SMP policies and regulations. County staff reviewed the proposal and determined that it would be consistent with County SMP policies and regulations governing transportation facilities and shoreline stabilization and flood protection uses in the Rural shoreline environment. The Hearing Examiner concurs with County staff's assessment.

The proposed road reconstruction would stabilize the road base and improve motor vehicle safety. County staff determined that there are no alternative routes that can reasonably achieve the purpose of the proposal. The proposal would not impact existing public access to shorelines. The proposed improvements would also comply with County SMP requirements for flood protection. Improvements include installation of 22 new culverts to allow for improved water flow under the roadway. The proposal has been designed to have the least impact possible on adjacent wetlands and shorelines, meeting erosion, sedimentation, and stormwater design standards. The wetland fill associated with the proposal is necessary to accomplish the road stabilization and safety improvements and there are no feasible alternatives. The Applicant would fully mitigate unavoidable impacts to the wetland and associated buffers by purchasing credits from the Skagit Environmental Bank. Moreover, additional review of critical areas impacts would be performed by the Army Corps and DOE during additional permitting review. As noted in Conclusion 1, conditions are necessary to ensure the proposal fully complies with the County SMP and meets all requirements for an SSDP. *Findings 1 – 20.*

DECISION

Based on the preceding findings and conclusions, the request for a shoreline substantial development permit to reconstruct and widen a 0.61-mile section of Francis Road, northeast of Mount Vernon between milepost 5.05 and 5.66, is **APPROVED**, with the following conditions:

1. The Applicant and its contractors shall comply with the State Water Quality Criteria, Surface Water Washington Administrative Code (WAC) 173-201A and Ground Water WAC 173-200, and WAC 173-60 Maximum Environmental Noise Levels for noise and light.

2. Purchase of credits from the Skagit Environmental Bank must be completed prior to the start of construction.
3. Temporary erosion/sedimentation control measures shall be utilized in accordance with the SCC 14.32 Stormwater Management.
4. The project shall be commenced within two years of the shoreline permit approval and completed within five years.
5. The Applicant shall strictly adhere to the project information (site diagram) submitted for this proposal. If the Applicant proposes any modification of the subject proposal, they shall notify Planning and Development Services prior to the start of construction.

Decided this 25th day of August 2022.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center

Federal Aid Project Number WA-08577, Project #2029(057)	NEPA Start Date 7/9/21	Intent of Submittal <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final <input type="checkbox"/> Re-Evaluate
Agency Skagit County	Project Title Upper Finney Creek Bridge (Seismic Retrofit)	
County Skagit		
Beginning terminus: 4.60	Township(s): 34N	
Ending terminus: 4.70	Range(s): 9 E	
Miles: 0.10	Section(s): 6	

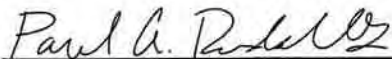

Part 1 - Project Description (Attach Vicinity Map) Attachment 1 - Vicinity Map


The Upper Finney Creek Bridge is a 1950s era five-span concrete bridge that supports the logging industry and outdoor recreation near the community of Rockport, WA. The bridge was identified as a priority for seismic retrofit after a 2019 seismic vulnerability assessment that identified it as a high-risk structure, and Skagit County received a federal grant in 2020 to seismically retrofit the bridge. Work elements include retrofitting the existing superstructure with cast-in-place concrete drilled shaft abutment constraints and rock anchors. The bridge will be strengthened by the addition of concrete bolsters with rebar. Rock anchors will be installed into a rock face adjacent to the creek, with a row of six anchors proposed below the Ordinary High Water Mark (OHWM) and another row above the OHWM. No changes to stormwater are proposed. For further details on construction methods, best management practices and construction timing, see attached project drawings (Attachment 2) and project description (Attachment 3).

Part 2 - Categorical Exclusion & STIP

- Identify one CE from 23 CFR 771.117 (CE Guidebook - Appendix A) that fits the entire project Exclusion #28
- Per 23 CFR Part 452(l) identify the subsequent project phase identified on the STIP? ROW Construction
- Attach a copy of the STIP page to the CE documentation form. [Attachment 4 - STIP Record](#)

NEPA Approval Signatures


Local Agency Approving Authority Date: 2.15.22

Digitally signed by Mehrdad Moini, PE
Date: 2022.02.24 14:09:44 -08'00'


Local Programs Environmental Engineer Date: 2/25/22
CE per PA
Federal Highway Administration Date

Digitally signed by
Melanie Vance
Date: 2022.02.25
11:51:13 -08'00'

Completed By (Print Official's Name)	Telephone (include area code)	E-mail Address
--------------------------------------	-------------------------------	----------------

Part 3 - Permits, Approvals & Right of Way (ROW)

Yes	No	Permit or Approval	Yes	No	Permit or Approval
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Corps of Engineers <input type="checkbox"/> Sec. 10 <input type="checkbox"/> Sec. 404 <input type="checkbox"/> Nationwide Type _____ <input type="checkbox"/> Individual Permit No. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Quality Certification - Section 401 Issued By _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Coastal Zone Management Certification	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tribal Permit(s) (if any) _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Critical Areas Ordinance (CAO) Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Permits (List) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Forest Practices Act Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is permanent ROW acquisition needed? If yes, amount needed: _____ (acres/sq. ft.).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hydraulic Project Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any temporary ROW needed?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Building or Site Development Permits	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is relocation required?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Clearing and Grading Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Has ROW (property and/or property interests) been acquired for <u>this project</u> prior to the NEPA start date? If yes, documentation demonstrating compliance with 23 CFR 710.501 may be required.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	National Pollutant Discharge Elimination System (NPDES) Baseline General for Construction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is a detour required? If yes, please attach detour information. Attachment 5 - Detour Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shoreline Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	State Waste Discharge Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Rights Permit			

U.S. Coast Guard Permitting

- a. Does the project propose any new or modify **any** existing bridges or culverts crossing a waterway? Yes No
- b. If Yes, attach a copy of the jurisdictional determination email or letter from the U.S. Coast Guard. Attachment 6 - USCG Email

Other Federal Agencies - Does the project involve any federal properties, approvals or funding from other/additional federal agencies? Yes No If Yes, please describe.

Part 4 - Environmental Considerations

**Will the project involve work in or affect any of the following? Identify proposed mitigation.
Attach additional pages or supplemental information if necessary.**

1. Air Quality - Identify any anticipated air quality issues.

Is the project exempt from Air Quality conformity requirements? Yes No

- a. If Yes, identify exemption - please refer to Appendix G in the CE Guidebook for a list of exemptions.

Safety: Pavement resurfacing and/or rehabilitation; Safety Projects (Seismic Retrofit)

- b. Is the project included in the Metropolitan Transportation Plan? Yes No

If Yes, date Metropolitan Transportation Plan was adopted _____

- c. Is the project located in an Air Quality Non-Attainment Area or Maintenance Area for carbon monoxide, ozone or PM 10 or PM 2.5? Yes No

2. Critical and Sensitive Areas

Attachment 7 - Critical Areas Assessment Report

Based on EPA's Sole Source Aquifer Mapper <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b>

- a. Is this project within a sole source aquifer? Yes No

If located within a sole source aquifer, is the project exempt from EPA approval?

If Yes, please list exemption: _____

If No, date of EPA approval: _____

- b. Will this project impact Species/Habitat other than ESA listed species? Yes No Explain your answer.

- c. Is this project within one mile of a Bald Eagle nesting territory, winter concentration area or communal roost?

Yes No If Yes, the local agency must go to the US Fish & Website (<http://www.fws.gov/pacific/eagle/>) and work through the Do I Need a Permit? section.

- d. Are wetland present within the project area? Yes No If Yes, estimate the impact in acres: _____

Please attach a copy of the proposed mitigation plan.

3. Cultural Resources/Historic Structures - Identify any historic, archaeological or cultural resources present within the project's Area of Potential Effects.

Does the project fit into any of the exempt types of projects listed in Appendix J of the CE Guidebook?

Yes No If Yes, note exemptions below.

Attachment 8 - Email from Trent deBoer (WSDOT)

A-28 (work on bridge including structural walls), A-17 (rock anchors), A-22 (construction staging)

If No: Date of DAHP concurrence: _____

Date of Tribal consultation(s) (if applicable): _____

Adverse effects on cultural/historic resources? Yes No

If Yes, date of approved Section 106 MOA: _____

4. Floodplains and Floodways

a. Is the project located in a 100-year floodplain? Yes No

b. If Yes, is the project located within a 100-year floodway? Yes No

c. Will the project impact a 100-year floodplain? Yes No If Yes, describe impacts.

The only activity within the 100-year floodplain is drilling rock anchors into bedrock. No fill placed.

5. Hazardous and Problem Waste - Identify potential sources and type(s).

a. Does the project require excavation below the existing ground surface? Yes No

b. Will groundwater be encountered? Yes No

c. Will any properties be acquired as part of this project? Yes No

d. Is this site located in an undeveloped area (i.e. no buildings, parking, storage areas or agriculture)? Yes No

e. Is the project located within a one-mile radius of a known Superfund Site? Yes No

f. Is this project located within a ½-mile radius of a site or sites listed on any of the following Department of Ecology databases?

Yes No If Yes, check the appropriate boxes below.

Voluntary Cleanup Program (VCP), State Cleanup Site (SCS), or Independent Cleanup Program (ICP)

Underground Storage Tank (UST)

Leaking Underground Storage Tank (LUST)

Confirmed and Suspected Contaminated Sites List (CSCSL)

g. Has site reconnaissance (windshield survey) been performed? Yes No (Please identify any properties not identified in the Ecology or ERS database search as an attachment -- name, address and property use).

h. Based on the information above and project specific activities, is there a potential for the project to generate, acquire or encounter contaminated soils, groundwater or surface water? Yes No

Please explain: **Attachment 9 - Hazardous Materials Technical Report**

See attached Hazardous Materials Memo.

If you responded Yes to any of these questions above (5A - 5F or 5H), contact your Region LPE for assistance as a "Right-Sized" HazMat Analysis Report/Memorandum most likely will be required.

6. Noise

- a. Does the project involve constructing a new roadway? Yes No
- b. Is there a change in the vertical or horizontal alignment of the existing roadway? Yes No
- c. Does the project increase the number of through traffic lanes on an existing roadway? Yes No
- d. Is there a change in the topography? Yes No
- e. Are there auxiliary lanes extending 1-½ miles or longer being constructed as part of this project? Yes No
- f. If you answered Yes to any of the preceding questions, identify and describe any potential noise receptors within the project area and subsequent impacts to those noise receptors. Please attach a copy of the noise analysis if required.

If impacts are identified, describe proposed mitigation measures.

7. 4(f)/6(f) Resources: parks, recreation areas, wildlife refuges, historic properties, wild & scenic rivers, scenic byways

- a. Please identify and 4(f) properties within the project limits and the areas of impacts.

None present

- b. Please identify any properties within the project limits that used funds from the Land & Water Conservation Fund Act.

None present

- c. Please list any Wild and Scenic Rivers and Scenic Byways within the project limits.

None present

8. Agricultural Lands -

- a. Are there agricultural lands within 300 feet of the project limits? Yes No If Yes, describe impacts:

- b. Are impacted lands considered to be unique and prime farmland? Yes No
If Yes, date of project review by Natural Resource Conservation Service (NRCS): _____

9. Rivers, Streams (continuous or intermittent) or Tidal Waters

- a. Identify all waterbodies within 300 feet of the project limits or that will otherwise be impacted.

Finney Creek

- b. Identify stream crossing structures by type.

Upper Finney Creek Bridge - five-span concrete bridge

10. Tribal Lands - Identify whether the project will occur within any Tribal lands, including reservation, trust and fee lands. Please do no list usual and accustomed area.

Not applicable

11. Water Quality/Stormwater

a. Will this project's proposed stormwater treatment facility be consistent with the guidelines provided by either WSDOT's HRM, DOE's stormwater management manual for eastern/western Washington or a local agency equivalent manual?

Yes No

If No, explain proposed water quality/quantity treatment for the new and any existing pollution generating impervious surface associated with the proposed project.

b. Amount of existing pollution generating impervious surface within the project limits: 3,150 square feet

c. Net new pollution generating impervious surface to be created as a result of this project: 0

d. Amount of proposed post-project untreated pollution generating impervious surface: 3,150 square feet

12. Previous Environmental Commitments

Describe previous environmental commitments that may affect or be affected by the project - if any.

None

13. Environmental Justice - Does the project meet any of the exemptions noted in Appendix L of the CE Documentation Guidebook? Attachment 10 - Environmental Justice Matrix, Memo and Supporting Documentation

If Yes, please note the exemption and appropriate justification in the space below.

If No, attach Appendix M and supporting documentation as required per the decision matrix. This will include at least two demographic information sources and possibly a description of anticipated project impacts.

Appendix M attached. See attached Memo and associated references for more information.

Please refer to the CE Guidebook for more information.

Part 5 - Biological Assessments and EFH Evaluations

1. Do any listed species potentially occur in the project's action area and/or is any designated critical habitat present within the project's action area? Yes No Attach species listings. Attachment 11 - BE No Effects Letter

Affected ESA Listed Species	2. Will any construction work occur within 0.25 mile of any of the following?	3. Does the project involve blasting, pile driving, concrete sawing, rock-drilling or rock-scaling activity within one mile of any of the following?
Oregon Spotted Frog proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Yellow-billed Cuckoo suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Spotted Owl management areas, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Marbled Murrelet nest or occupied stand, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Western Snowy Plover designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the project within 0.25 mile of marine waters? If Yes explain potential effects on Killer Whales and on Marbled Murrelet foraging areas.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Killer Whale designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Grizzly Bear suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Gray Wolf suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Canada Lynx habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Columbia White-tailed Deer suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Woodland Caribou habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Streaked Horned Lark designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Taylor's Checkerspot designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mazama Pocket Gopher designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Eulachon designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Rockfish proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A mature coniferous or mixed forest stand?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Will the project involve any in-water work?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Will any construction work occur within 300 feet of any perennial or intermittent waterbody that either supports or drains to waterbody supporting listed fish?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Will any construction work occur within 300 feet of any wetland, pond or lake that is connected to any permanent or intermittent waterbody?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. Does the action have the potential to directly or indirectly impact designated critical habitat for salmonids (including adjacent riparian zones)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8. Will the project discharge treated or untreated stormwater runoff or utilize water from a waterbody that supports or drains into a listed-fish supporting waterbody?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9. Will construction occur outside the existing pavement? If Yes go to 9a.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9a. Will construction activities occurring outside the existing pavement involve clearing, grading, filling or modification of vegetation or tree-cutting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10. Are there any Federally listed Threatened or Endangered plant species located within the project limits? If Yes, please attach a list of these plant species within the action area.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11. Does a mature coniferous or mixed forest stand occur within 200' of the project site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Analysis for No Effects Determination – If there are any Yes answers to questions in Part 5, additional analysis is required. Attach additional sheets if needed.</p> <p>See Attached Biological Evaluation No Effects Letter (Attachment 11).</p>		

work will occur waterward of the OHWM on a rockface - not in-water

Analysis for RRMP ESA 4(d) determination for NMFS – A local agency must be certified by the Regional Road Maintenance Forum to utilize 4(d).

Maintenance Category (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> 1. Roadway Surface | <input type="checkbox"/> 6. Stream Crossings | <input type="checkbox"/> 11. Emergency Slide/Washout Repair |
| <input type="checkbox"/> 2. Enclosed Drainage Systems | <input type="checkbox"/> 7. Gravel Shoulders | <input type="checkbox"/> 12. Concrete |
| <input type="checkbox"/> 3. Cleaning Enclosed Drainage Systems | <input type="checkbox"/> 8. Street Surface Cleaning | <input type="checkbox"/> 13. Sewer Systems |
| <input type="checkbox"/> 4. Open Drainage Systems | <input type="checkbox"/> 9. Bridge Maintenance | <input type="checkbox"/> 14. Water Systems |
| <input type="checkbox"/> 5. Watercourses and Streams | <input type="checkbox"/> 10. Snow and Ice Control | <input type="checkbox"/> 15. Vegetation |

Describe how the project fits in the RRMP 4(d) Program:

Effect Determinations for ESA and EFH

If each of the questions in the preceding section resulted in a "No" response or if any of the questions were checked "Yes," but adequate justification can be provided to support a "no effect" determination, then check "No Effect" below. If this checklist cannot be used for Section 7 compliance (i.e., adequate justification cannot be provided or a "may effect" determination is anticipated), a separate biological assessment document is required.

NE OK per HP	NMFS	USFWS	EFH Determination
<input checked="" type="checkbox"/> No Effect	<u>12/22/21</u>	<u>12/22/21</u>	<input checked="" type="checkbox"/> No Adverse Effect
<input type="checkbox"/> NLTAA - Date of Concurrence	_____	_____	<input type="checkbox"/> Adverse Effect - Date of NMFS concurrence _____
<input type="checkbox"/> LTAA - Date BO Issued	_____	_____	
<input type="checkbox"/> RRMP 4(d)	_____	_____	<input type="checkbox"/> Not Applicable

Part 6 - FHWA Comments



Federal Aid Project Number HSIP-000S(620)	NEPA Start Date July 21, 2022	Intent of Submittal <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final <input type="checkbox"/> Re-Evaluate
Agency Skagit County	Project Title Lane Departure Reduction	
County Skagit		
Beginning terminus: <u>varies</u>	Township(s): <u>33N / 34N / 35N / 36N</u>	
Ending terminus: <u>varies</u>	Range(s): <u>4E & 5E / 2E & 3E / 3E / 3E & 4E</u>	
Miles: <u>varies</u>	Section(s): <u>varies</u>	




Part 1 - Project Description (Attach Vicinity Map)

Add/upgrade pavement markings and signing.

Part 2 - Categorical Exclusion & STIP

- Identify one CE from 23 CFR 771.117 (CE Guidebook - Appendix A) that fits the entire project **C#8**
- Per 23 CFR Part 452(l) identify the subsequent project phase identified on the STIP? ROW Construction
- Attach a copy of the STIP page to the CE documentation form.

NEPA Approval Signatures

 Digitally signed by Grace Kane DN: cn=US, o=Engineer@co.skagit.wa.us, ou=Skagit County, OU=Public Works, cn=Grace Kane Date: 2022.07.26 09:29:37 -0700	Date	 Digitally signed by Melanie Vance Date: 2022.08.02 15:18:34 -07'00'	Date
 Digitally signed by Mehrdad Moini, PE Date: 2022.08.01 17:23:01 -07'00'	<u>08/01/2022</u>	CE per PA	8/2/22
Local Agency Approving Authority	Date	Local Programs Environmental Engineer	Date
Regional Local Programs Engineer	Date	Federal Highway Administration	Date

Completed By (Print Official's Name) Joel Shroyer	Telephone (include area code) 360-416-1473	E-mail Address joels@co.skagit.wa.us
--	---	---

Part 3 - Permits, Approvals & Right of Way (ROW)

Yes	No	Permit or Approval	Yes	No	Permit or Approval
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Corps of Engineers <input type="checkbox"/> Sec. 10 <input type="checkbox"/> Sec. 404 <input type="checkbox"/> Nationwide Type _____ <input type="checkbox"/> Individual Permit No. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Quality Certification - Section 401 Issued By _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Coastal Zone Management Certification	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tribal Permit(s) (if any) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Critical Areas Ordinance (CAO) Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Permits (List) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Forest Practices Act Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is permanent ROW acquisition needed? If yes, amount needed: _____ (acres/sq. ft.).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hydraulic Project Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any temporary ROW needed?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Building or Site Development Permits	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is relocation required?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Clearing and Grading Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Has ROW (property and/or property interests) been acquired <u>for this project</u> prior to the NEPA start date? If yes, documentation demonstrating compliance with 23 CFR 710.501 may be required.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	National Pollutant Discharge Elimination System (NPDES) Baseline General for Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is a detour required? If yes, please attach detour information.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shoreline Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	State Waste Discharge Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Rights Permit			

U.S. Coast Guard Permitting

- a. Does the project propose any new or modify any existing bridges or culverts crossing a waterway? Yes No
 b. If Yes, attach a copy of the jurisdictional determination email or letter from the U.S. Coast Guard.

Other Federal Agencies - Does the project involve any federal properties, approvals or funding from other/additional federal agencies? Yes No If Yes, please describe.

Part 4 - Environmental Considerations

**Will the project involve work in or affect any of the following? Identify proposed mitigation.
Attach additional pages or supplemental information if necessary.**

1. Air Quality - Identify any anticipated air quality issues.

Is the project exempt from Air Quality conformity requirements? Yes No

- a. If Yes, identify exemption - please refer to Appendix G in the CE Guidebook for a list of exemptions.

Safety

- b. Is the project included in the Metropolitan Transportation Plan? Yes No

If Yes, date Metropolitan Transportation Plan was adopted _____

- c. Is the project located in an Air Quality Non-Attainment Area or Maintenance Area for carbon monoxide, ozone or PM 10 or PM 2.5? Yes No

2. Critical and Sensitive Areas

- a. Is this project within a sole source aquifer? Yes No

If located within a sole source aquifer, is the project exempt from EPA approval?

If Yes, please list exemption: _____

If No, date of EPA approval: _____

- b. Will this project impact Species/Habitat other than ESA listed species? Yes No Explain your answer.

- c. Is this project within one mile of a Bald Eagle nesting territory, winter concentration area or communal roost?

Yes No If Yes, the local agency must go to the US Fish & Website (<http://www.fws.gov/pacific/eagle/>) and work through the Do I Need a Permit? section. See attachment for letter that no permit is needed. This project will have little to no impact as the only construction activities will be for the brief installation of the guardrail.

- d. Are wetland present within the project area? Yes No If Yes, estimate the impact in acres: _____

Please attach a copy of the proposed mitigation plan.

3. Cultural Resources/Historic Structures - Identify any historic, archaeological or cultural resources present within the project's Area of Potential Effects.

Does the project fit into any of the exempt types of projects listed in Appendix J of the CE Guidebook?

Yes No If Yes, note exemptions below.

A-36 **OK per TD 7/21/22**

If No: Date of DAHP concurrence: _____

Date of Tribal consultation(s) (if applicable): _____

Adverse effects on cultural/historic resources? Yes No

If Yes, date of approved Section 106 MOA: _____

4. Floodplains and Floodways

- a. Is the project located in a 100-year floodplain? Yes No
- b. If Yes, is the project located within a 100-year floodway? Yes No
- c. Will the project impact a 100-year floodplain? Yes No If Yes, describe impacts.

5. Hazardous and Problem Waste - Identify potential sources and type(s).

- a. Does the project require excavation below the existing ground surface? Yes No
- b. Will groundwater be encountered? Yes No
- c. Will any properties be acquired as part of this project? Yes No
- d. Is this site located in an undeveloped area (*i.e.* no buildings, parking, storage areas or agriculture)? Yes No
- e. Is the project located within a one-mile radius of a known Superfund Site? Yes No
- f. Is this project located within a ½-mile radius of a site or sites listed on any of the following Department of Ecology databases?
 Yes No If Yes, check the appropriate boxes below.
- Voluntary Cleanup Program (VCP), State Cleanup Site (SCS), or Independent Cleanup Program (ICP)
 - Underground Storage Tank (UST)
 - Leaking Underground Storage Tank (LUST)
 - Confirmed and Suspected Contaminated Sites List (CSCSL)
- g. Has site reconnaissance (windshield survey) been performed? Yes No (Please identify any properties not identified in the Ecology or ERS database search as an attachment -- name, address and property use).
- h. Based on the information above and project specific activities, is there a potential for the project to generate, acquire or encounter contaminated soils, groundwater or surface water? Yes No

Please explain:

Sign posts and profiled plastic paint will be installed and no excavation will be performed.

If you responded Yes to any of these questions above (5A - 5F or 5H), contact your Region LPE for assistance as a "Right-Sized" HazMat Analysis Report/Memorandum most likely will be required.

6. Noise

- a. Does the project involve constructing a new roadway? Yes No
- b. Is there a change in the vertical or horizontal alignment of the existing roadway? Yes No
- c. Does the project increase the number of through traffic lanes on an existing roadway? Yes No
- d. Is there a change in the topography? Yes No
- e. Are there auxiliary lanes extending 1-½ miles or longer being constructed as part of this project? Yes No
- f. If you answered Yes to any of the preceding questions, identify and describe any potential noise receptors within the project area and subsequent impacts to those noise receptors. Please attach a copy of the noise analysis if required.

If impacts are identified, describe proposed mitigation measures.

7. 4(f)/6(f) Resources: parks, recreation areas, wildlife refuges, historic properties, wild & scenic rivers, scenic byways

- a. Please identify and 4(f) properties within the project limits and the areas of impacts.

Deception Pass State Park, no impact to park land, all work to be performed within County Right of Way.

- b. Please identify any properties within the project limits that used funds from the Land & Water Conservation Fund Act.

None Identified

- c. Please list any Wild and Scenic Rivers and Scenic Byways within the project limits.

None Identified

8. Agricultural Lands -

- a. Are there agricultural lands within 300 feet of the project limits? Yes No If Yes, describe impacts:

There will be no impacts to the farmland, work will be done within the road right of way

- b. Are impacted lands considered to be unique and prime farmland? Yes No

If Yes, date of project review by Natural Resource Conservation Service (NRCS): _____

9. Rivers, Streams (continuous or intermittent) or Tidal Waters

- a. Identify all waterbodies within 300 feet of the project limits or that will otherwise be impacted.

no water bodies will be impacted.

- b. Identify stream crossing structures by type.

There are various culvert crossings.

10. Tribal Lands - Identify whether the project will occur within any Tribal lands, including reservation, trust and fee lands. Please do not list usual and accustomed area.

A portion of this project will occur within the Swinomish Reservation

11. Water Quality/Stormwater

a. Will this project's proposed stormwater treatment facility be consistent with the guidelines provided by either WSDOT's HRM, DOE's stormwater management manual for eastern/western Washington or a local agency equivalent manual?

Yes No there will be no new impervious surface created for this project. During the project construction appropriate BMP's will be used to ensure that water quality is not affected.

If No, explain proposed water quality/quantity treatment for the new and any existing pollution generating impervious surface associated with the proposed project.

b. Amount of existing pollution generating impervious surface within the project limits: 3,430,000 square feet

c. Net new pollution generating impervious surface to be created as a result of this project: None

d. Amount of proposed post-project untreated pollution generating impervious surface: None

12. Previous Environmental Commitments

Describe previous environmental commitments that may affect or be affected by the project - if any.

There are no known previous commitments

13. Environmental Justice - Does the project meet any of the exemptions noted in Appendix L of the CE Documentation Guidebook?

If Yes, please note the exemption and appropriate justification in the space below.

2) - Installation of signs and other traffic control devices.

If No, attach Appendix M and supporting documentation as required per the decision matrix. This will include at least two demographic information sources and possibly a description of anticipated project impacts.

Please refer to the CE Guidebook for more information.

Part 5 - Biological Assessments and EFH Evaluations

1. Do any listed species potentially occur in the project's action area and/or is any designated critical habitat present within the project's action area? Yes No Attach species listings.

Affected ESA Listed Species	2. Will any construction work occur within 0.25 mile of any of the following?	3. Does the project involve blasting, pile driving, concrete sawing, rock-drilling or rock-scaling activity within one mile of any of the following?
Oregon Spotted Frog proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Yellow-billed Cuckoo suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Spotted Owl management areas, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Marbled Murrelet nest or occupied stand, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Western Snowy Plover designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the project within 0.25 mile of marine waters? If Yes explain potential effects on Killer Whales and on Marbled Murrelet foraging areas.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Killer Whale designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Grizzly Bear suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Gray Wolf suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Canada Lynx habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Columbia White-tailed Deer suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Woodland Caribou habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Streaked Horned Lark designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Taylor's Checkerspot designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mazama Pocket Gopher designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Eulachon designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Rockfish proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A mature coniferous or mixed forest stand?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Will the project involve any in-water work?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Will any construction work occur within 300 feet of any perennial or intermittent waterbody that either supports or drains to waterbody supporting listed fish?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Will any construction work occur within 300 feet of any wetland, pond or lake that is connected to any permanent or intermittent waterbody?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Does the action have the potential to directly or indirectly impact designated critical habitat for salmonids (including adjacent riparian zones)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Will the project discharge treated or untreated stormwater runoff or utilize water from a waterbody that supports or drains into a listed-fish supporting waterbody?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9. Will construction occur outside the existing pavement? If Yes go to 9a.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9a. Will construction activities occurring outside the existing pavement involve clearing, grading, filling or modification of vegetation or tree-cutting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10. Are there any Federally listed Threatened or Endangered plant species located within the project limits? If Yes, please attach a list of these plant species within the action area.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11. Does a mature coniferous or mixed forest stand occur within 200' of the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Analysis for No Effects Determination – If there are any Yes answers to questions in Part 5, additional analysis is required. Attach additional sheets if needed.</p> <p>Some work will take place outside of the paved roadway, but within the right of way, any disturbance of the existing shoulder will be from installing sign post.</p>		

Analysis for RRMP ESA 4(d) determination for NMFS – A local agency must be certified by the Regional Road Maintenance Forum to utilize 4(d).

Maintenance Category (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> 1. Roadway Surface | <input type="checkbox"/> 6. Stream Crossings | <input type="checkbox"/> 11. Emergency Slide/Washout Repair |
| <input type="checkbox"/> 2. Enclosed Drainage Systems | <input type="checkbox"/> 7. Gravel Shoulders | <input type="checkbox"/> 12. Concrete |
| <input type="checkbox"/> 3. Cleaning Enclosed Drainage Systems | <input type="checkbox"/> 8. Street Surface Cleaning | <input type="checkbox"/> 13. Sewer Systems |
| <input type="checkbox"/> 4. Open Drainage Systems | <input type="checkbox"/> 9. Bridge Maintenance | <input type="checkbox"/> 14. Water Systems |
| <input type="checkbox"/> 5. Watercourses and Streams | <input type="checkbox"/> 10. Snow and Ice Control | <input type="checkbox"/> 15. Vegetation |

Describe how the project fits in the RRMP 4(d) Program:

Effect Determinations for ESA and EFH

If each of the questions in the preceding section resulted in a “No” response or if any of the questions were checked “Yes,” but adequate justification can be provided to support a “no effect” determination, then check “No Effect” below. If this checklist cannot be used for Section 7 compliance (i.e., adequate justification cannot be provided or a “may effect” determination is anticipated), a separate biological assessment document is required.

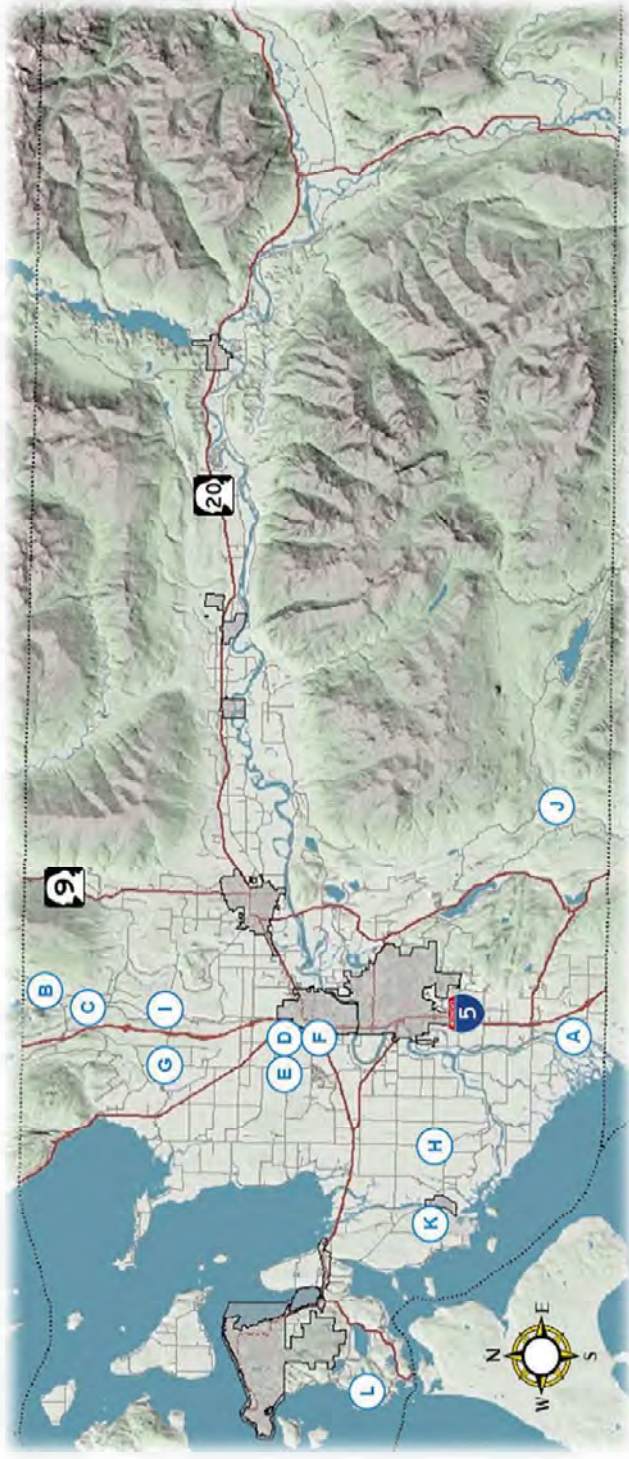
OK per HP	NMFS	USFWS	EFH Determination
<input checked="" type="checkbox"/> No Effect	<u>7/21/22</u>	<u>7/21/22</u>	<input checked="" type="checkbox"/> No Adverse Effect
<input type="checkbox"/> NLTAA - Date of Concurrence	_____	_____	<input type="checkbox"/> Adverse Effect - Date of NMFS concurrence _____
<input type="checkbox"/> LTAA - Date BO Issued	_____	_____	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> RRMP 4(d)	_____	_____	

Part 6 - FHWA Comments

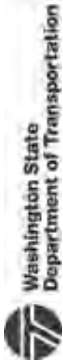


HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)

2021 COUNTY SAFETY PROGRAM PRIORITY PROJECT VICINITY MAP



- A) Pioneer Highway, MP 0.00 - 3.05
- B) Alger-Cain Lake Rd, MP 0.05 - 2.60
- C) Old Hwy 99 N., MP 5.27 - 9.80
- D) Josh Wilson Rd / Pulver Rd
- E) Josh Wilson Rd / Avon Allen Rd
- F) Peterson Rd / Pulver Rd
- G) Bow Hill Rd / Ershig Rd
- H) Best Rd / Chilberg Rd
- I) Old Hwy 99 N. / Bow Hill Rd / Prairie Rd
- J) Lake Cavanaugh Rd, MP 0.05 - 10.200
- K) Snee-Oosh Rd, MP 0.00 - 5.16
- L) Rosario Rd, MP 2.70 - 4.30



Six Year Transportation Improvement Program From 2022 to 2027

Agency: Skagit Co.

County: Skagit

MPO/RTPO: SCOG

Y Inside

N Outside

Functional Class	05	Priority Number		A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required	
				LANE DEPARTURE REDUCTION, INTERSECTION AWARENESS, SIGNAGE & DELINEATION IMPROVEMENTS Varies Varies to Varies Add/upgrade pavement markings and signing. a Alger-Cain Lake Road (#53540) from MP 0.05-2.60 – profiled lines b Old Highway 99 North (#50510) from MP 5.27-9.80 – profiled lines c Pioneer Highway (#80090) from MP 0.00-3.05 – profiled lines d Lake Cavanaugh Road (#00200) from MP 0.05-10.20 – curve signing, guideposts, reflectors e Rosario Road (#10310) from MP 2.70-4.30 – curve signing, guideposts, reflectors f Snee-Oosh Road (#40010) from MP 0.00-5.16 – curve signing, guideposts, reflectors g Best Road (#44010) and Chilberg Road (#42200) and Calhoun Road (#43200) – LED stop signs h Bow Hill Road (#21200) and Ershig Road (#23210) – LED stop signs i Josh Wilson Road (#33000) and Pulver Road (#34410) – LED stop signs j Josh Wilson Road (#33000) and Avon Allen Road (#33110) – LED stop signs k Old Highway 99 N (#50510) and Bow Hill Road (#21200) and Prairie Road (#50000) – LED stop signs l Peterson Road (#32400) and Pulver Road (#34410) – LED st	WA-14029					21				CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	S	PE		2022	HSIP	183,000		0	0	183,000
	S	CN		2023	HSIP	672,000		0	0	672,000
					Totals	855,000		0	0	855,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase	PE	0	0	0	0	0
	CN	0	672,000	0	0	0
	Totals	0	672,000	0	0	0

11.29.2021

SKAGIT COUNTY

PURCHASING AND CONTRACTING

GUIDELINES

(2003)

Table of Contents

Statement of Purpose

Flow Chart

Section 1 – Purchases and Leasing of Equipment, Materials, Supplies, and Routine Services

1.0	Purchases of Equipment, Materials, Supplies, and Routine Services Less than \$2,500	1-1
1.1	Purchases of Equipment, Materials, and Supplies Between \$2,500 and \$5,000	1-1
1.1.1	Quotation Process	1-1
1.1.2	Exceptions to Obtaining Competitive Bids	1-2
1.2	Purchases of Equipment, Materials, and Supplies Between \$5,000 and \$25,000	1-2
1.2.1	Notice of Intent (NOI) Process	1-2
1.2.2	Quotation Process	1-3
1.2.3	Exceptions to Obtaining Competitive Bids	1-4
1.3	Purchases of Equipment, Materials, and Supplies Over \$25,000	1-4
1.3.1	Competitive Bidding Process	1-4
1.3.2	Exception to Competitive Bidding Process	1-5
1.4	Purchases of Services, Equipment, Materials, Supplies and Vendor Services	1-5
1.5	Advertising Schedule for Purchase of Maintenance Materials	1-6
1.6	Lease of Personal Property/Equipment	1-6
1.6.1	Rental of Equipment	1-6
1.7	Preferential Purchase of Recyclable Materials	1-6
1.8	Purchase Card Policies	1-6
1.8.1	General Terms and Conditions	1-6
1.8.2	Roles and Responsibilities	1-7
1.8.3	User Terms and Conditions	1-8
1.8.4	Disputed Transactions	1-9

Section 2 – Purchase of Consultant Services and Leases

2.0	Purchase of Architectural and Engineering Services	2-1
2.0.1	Request for Qualifications	2-1
2.0.2	“Professional Services” – Advance Publication of Need for Professional Services	2-1
2.0.3	Negotiation Process	2-2
2.0.4	Selection of Most Qualified Firm	2-2
2.0.5	Request for Proposals	2-2
2.0.6	Exceptions for Emergency Work	2-2
2.1	Lease of Personal Property/Equipment	2-2

2.2	Other Consultant Services	2-2
2.3	Leases of Real Property	2-3

Section 3 – “Public Work” Projects

3.0	Public Work Projects Totaling Less than \$1,000	3-1
3.1	Public Work Projects Totaling Between \$1,000 and \$10,000	3-1
3.1.1	Exceptions to Competitive Bidding Requirements	3-2
3.2	Public Work Projects Totaling Over \$10,000	3-2
3.2.1	Competitive Bidding Process	3-2
3.2.2	Exceptions to Competitive Bidding Requirements	3-3
3.2.3	Bid Deposits Procedure	3-4
3.3	Small Works Roster Requirements	3-4

Section 4 – Contract Information and Forms

4.0	Contracting Authority	4-1
4.0.1	Examples of Delegated Authority	4-1
4.1	Insurance Requirements	4-2
4.2	Contract/Agreement Approvals	4-2
4.2.1	Exceptions	4-3
4.3	Personal Service Agreements	4-3
4.4	Vendor Service Agreements	4-3
4.5	Interlocal Agreements	4-4
4.5.1	Types of Interlocal Agreements	4-4
4.5.2	Requirements for Interlocal Agreements	4-4
4.5.3	Authorizing Resolution	4-5
4.5.4	Recording	4-5
4.6	Contract Forms	4-6
4.6.1	Contract Amendments	4-7
4.6.2	Non-Standardized Contract Forms	4-7
4.7	Contract Change Orders	4-7
4.7.1	Contract Change Order Authority	4-7
4.7.2	Change Orders	4-7
4.8	Retainages/Holdbacks	4-8
4.8.1	Retainage Placement Upon Receipt	4-8
4.8.2	Process Upon Completion of Contract Work	4-8
4.9	Prevailing Wages	4-9

Section 5 – Real Property Acquisitions

5.0	Land Acquisitions	5-1
5.0.1	Land Acquisitions through Facilities	5-1
5.0.2	Right of Way Acquisitions	5-1
5.0.3	Acquisition of Park Property	5-1
5.1	Lease of Real Property	5-1

Definitions

Appendix A - Phone Bid Quote Form
Appendix B – Notice of Intent Form
Appendix C - Vendor Services Agreement Form
Appendix D – Guest Speaker Contract Form
Appendix E – Document Routing Form
Appendix F – Personal Services Agreement Form
Appendix G – Interlocal Agreement Form
Appendix H – Authorizing Resolution Form
Appendix I – Recording Cover Page Form
Appendix J – Amendment Form

These forms can be found online on the County's internal website.

Statement of Purpose

This document sets forth guidelines for the acquisition of goods and services by Skagit County. This document should not be construed as a step-by-step procedures manual or as a substitute for legal counsel, but should be used as a basic guide for County purchasing personnel. These guidelines do not, and should not be construed as, conferring third-party beneficiary status on any person. These guidelines are solely to assist Skagit County Department Heads and Elected Officials, and their employees, in the development of good government practices in purchasing and contracting.

The following objectives are to be considered whenever a procurement is made.

- A) Obtain goods and services and work as economically as possible.
- B) Purchase items of a quality best suited to the requirements of the department making the purchase.
- C) Allow flexibility in the process, particularly in cases of emergencies, smaller projects and acquisitions, and situations of repetitive types of work.
- D) Encourage and allow as many different vendors and contractors to perform the work or provide the purchases as is reasonable under the circumstances.
- E) Assure a level playing field for vendors and contractors.

(INSERT FLOW CHART)

SECTION I

Purchases and Leasing of Equipment, Materials, Supplies, and Routine Services RCW 36.32.245

1.0 Purchases of Equipment, Materials, and Supplies Totaling Less than \$2,500 (RCW 36.32.245; Resolution No. 14168)

Purchases of equipment, materials, and supplies totaling less than \$2,500 (including freight, excluding sales tax) do not require a formal bid process. If the item(s) appear on a state bid list, regardless of the amount, the item may be purchased from a vendor submitting bids for that item. The state bid list can be found on-line at www.ga.wa.gov/pca/pcacont.htm. The County vendor list for material can be found online at the County's internal website.

1.1 Purchases of Equipment, Materials, and Supplies Between \$2,500 and \$5,000 (RCW 39.04.190; 36.32.245, Resolution Nos. 14168, 15344, and 16625)

Purchases of equipment, materials, and supplies totaling between \$2,500 and \$5,000 (including freight, excluding sales tax) require telephone quotes from three (3) different vendors with the selection of the lowest responsible bidder. (Exceptions may apply, but must be documented.) Three (3) quotes may be obtained from the vendor list maintained pursuant to RCW 39.04.190.

1.1.1 Quotation Process (RCW 39.04.190; 39.04.200; Resolution Nos. 14168 & 15344)

- a. Whenever possible, not less than three (3) prospective vendors shall be contacted by telephone or by letter and advised as to the specification for the item or items for which quotations are being sought. The number of vendors contacted may be reduced if the materials, equipment, supplies, or services being sought are available from a smaller number of vendors. A written explanation shall be attached to the Phone Bid Quote Form (See App. A) when fewer than three (3) proposals are requested, or if there are fewer than three (3) replies.
- b. Telephone or written requests for quotations shall specify the following:
 - 1) Materials, equipment, supplies, or services to be purchased
 - 2) Freight costs
 - 3) Tax
 - 4) Delivery time requirements
 - 5) Point of delivery
 - 6) Terms of payment
 - 7) Total cost

- c. Tabulation of telephone or written quotations shall be on the Phone Bid Quote Form and shall include at a minimum the information described in Section b above.
- d. The materials, equipment, supplies, or services shall be ordered from the lowest responsible bidder whose quotation meets all specifications established for the item or items being purchased.
- e. Written confirmation of telephone quotations from responsible vendors is not required.
- f. A copy of the Phone Bid Quote Form shall be attached to the payment voucher when submitted for payment to the County Auditor.

1.1.2 Exceptions to Obtaining Competitive Bids (\$2,500 - \$5,000)

Competitive bidding may be waived and/or is not required for the following:

- a. Purchases involving an intergovernmental sale. (RCW 36.34.130)
- b. Purchases involving an interlocal agreement. This includes the state bid list, of which Skagit County is a paid subscriber in the State Purchasing Cooperative. (RCW 39.34)
- c. Purchases in the event of an emergency. (RCW 36.32.270, 39.04.280; Board resolution required within two weeks of award of the contract).
- d. Purchases involving special facilities or market conditions. (RCW 36.32.270 and 39.04.280) (Board resolution required.)
- e. Purchases that are clearly and legitimately limited to a single source of supply. (RCW 36.32.270, 39.04.280) (Board resolution required.)
- f. Electronic data processing and telecommunications equipment and services may be purchased through competitive negotiation. (RCW 39.04.270)

1.2 Purchases of Equipment, Materials, and Supplies Between \$5,000 and \$25,000
(RCW 39.04.190; Resolutions 14168 & 15344)

Purchases of equipment, materials, and supplies totaling between \$5,000 and \$25,000 must be accompanied by a Notice of Intent to obtain telephone/written quotations (NOI) form signed by the Board and a completed Phone Bid Quote form, which includes at least three (3) quotes and the selected vendor. The only difference between purchases between \$2,500 - \$5,000 and \$5,000 - \$25,000 is that no NOI is required for purchases made between \$2,500 - \$5000.

1.2.1 Notice of Intent Process (NOI)

Complete the standard NOI form (See App. B)

Various departments may have specific steps outlined for internal routing procedures. Upon approval from the department head/elected official, the NOI form is routed to the Clerk of the Board for approval by the Budget/Finance Director. The Clerk of the Board returns the signed NOI form to the originating department. After receipt of the approved NOI, the department may proceed with the quotation process and/or purchasing process. Note that NOI's are not agenda items.

1.2.2 Quotation Process (RCW 39.04.190; Resolution No. 14168)

- a. Prior to initiating the quotation process, a NOI form should be presented to the Budget/Finance Director for approval.
- b. Whenever possible, not less than three (3) prospective vendors shall be contacted by telephone or by letter and advised as to the specification for the item or items for which quotations are being sought. The number of vendors contacted may be reduced if the materials, equipment, supplies, or services being sought are available from a smaller number of vendors. A written explanation shall be attached to the Phone Bid Quote Form when fewer than three (3) proposals are requested, or if there are fewer than three (3) replies.
- c. Telephone or written requests for quotations shall specify at a minimum the following:
 - 1) Materials, equipment, supplies, or services to be purchased
 - 2) Freight costs
 - 3) Tax
 - 4) Delivery time requirements
 - 5) Point of delivery
 - 6) Terms of payment
 - 7) Total cost
- d. Tabulation of telephone or written quotations (by letter, fax or e-mail) shall be on the Phone Bid Quote Form and shall include at a minimum the information described in section c above.
- e. The materials, equipment, supplies, or services shall be ordered from the lowest responsible bidder whose quotation meets all specifications established for the item or items being purchased.
- f. Written confirmation of telephone quotations from responsible vendors is not required.
- g. Immediately after the award is made, the bid quotations obtained shall be recorded on the Phone Bid Quote form, open to public inspection, and shall be available by telephone inquiry. A contract awarded pursuant to this section need not be advertised. The Department should maintain a copy of the completed Phone Bid Quote form.
- h. A copy of the quotation forms shall be attached to the payment voucher when submitted for payment to the County Auditor.

1.2.3 Exceptions to Obtaining Competitive Bids (\$5,000 - \$25,000)

Competitive bidding may be waived or is not required for the following:

- a. Purchases involving an intergovernmental sale. (RCW 36.34.130)
- b. Purchases involving an interlocal agreement. This includes state bid list, of which Skagit County is a paid subscriber in the State Purchasing Cooperative. (RCW 39.34)
- c. Purchases in the event of an emergency. (RCW 36.32.270, 39.04.280; Board resolution required within two weeks of award of the contract).
- d. Purchases involving special facilities or market conditions. (RCW 36.32.270, 39.04.280) (Board Resolution required.)
- e. Purchases that are clearly and legitimately limited to a single source of supply. (Board resolution required.) (RCW 36.32.270; 39.04.280)
- f. Electronic data processing and telecommunications equipment and services may be purchased through competitive negotiation. (RCW 39.04.270)

1.3 Purchases of Equipment, Materials, and Supplies Over \$25,000 (RCW 36.32.245)

Purchases of equipment, materials, and supplies over \$25,000 must be formally bid.

1.3.1 Competitive Bidding Process

- a. Bid specifications, i.e., the requirements for the intended purchase, must be submitted in writing to the Clerk of the Board for public inspection.
- b. An advertisement shall be published in the local newspaper with the current County publishing contract stating the time and place where bids will be opened. The time by which bids are due, the materials, equipment, supplies and/or services to be purchased, and that the bid specifications may be obtained by contacting the Clerk or department initiating the bid. The bid specification should be sufficiently certain and definite in order to form a fair basis for competitive bidding. This advertisement must be published at least once 13 days before the date by which the bids are due.
- c. The bids must be in writing and filed with the Clerk. The bids must be opened and read in public at the time and place advertised. The contract must be awarded to the lowest responsible bidder. No contract should be awarded to a bidder whose bid was not in substantial accordance with the terms of the call for bids.

- d. Immediately after the award of the contract is made, the bid quotations shall be recorded in the minutes of the Board and shall be open to public inspection and available by telephone inquiry. Any bid may be rejected for good cause.

1.3.2 Exceptions to Competitive Bidding Process

Competitive bidding may be waived or is not required for the following:

- a. Purchases involving an intergovernmental sale. (RCW 36.34.130)
- b. Purchases involving an interlocal agreement. This includes state bid list, of which Skagit County is a paid subscriber in the State Purchasing Cooperative. (RCW 39.34)
- c. Purchases in the event of an emergency. (RCW 36.32.270; 39.04.280; Board resolution required within two weeks of award of the contract).
- d. Purchases involving special facilities or market conditions. (RCW 36.32.270; 39.04.280) (Board resolution required.)
- e. Purchases that are clearly and legitimately limited to a single source of supply. (RCW 36.32.270, 39.04.280) (Board resolution required.)
- f. Performance-based contracts as defined in RCW 39.35A.020(3) that are negotiated under Chapter 39.35A RCW (RCW 36.32.245)
- g. Contracts and purchases for the printing of electronic ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles. (RCW 36.32.245)
- h. Electronic data processing and telecommunication equipment and services may be purchased through competitive negotiation. (RCW 39.04.270)

1.4 Purchases of Services, Equipment, Materials, Supplies and Vendor Services

Purchases of equipment, materials, and supplies with a service are considered purchases of vendor services and follow the purchase requirements noted in the previous sections. "Vendor" generally means a person who sells goods or services.

"Vendor services" means services provided by a vendor to accomplish routine, continuing and necessary functions. (See RCW 39.29.006) Additionally, a Vendor Services Agreement should be written when the purchase involves a service as well as materials. (See App. C)

1.5 Advertising Schedule for Purchase of Maintenance Materials (Applicable to Public Works only)

The intent to purchase maintenance materials is advertised twice each year in the local newspaper with the current County publishing contract. These solicitations are normally published the first or second week in February and again the first or second week of August. The proposals received are then valid from April 1 to September 30 and October 1 through March 31 each year. The detailed procedure for this process is maintained by the ER&R Coordinator. The vendor list may be found online on the County's internal website.

1.6 Lease of Personal Property/Equipment (RCW 36.32.253)

No lease of personal property may be entered into by the Board or by any elected or appointed officer of the County except upon the use of the procedures specified in RCW 36.32.245 and Chapter 39.04.190 for awarding contracts for purchases when it leases personal property from the lowest responsible bidder.

1.6.1 Rental of Equipment (Resolution No. 16914)

Skagit County's Road Superintendent advertises at the beginning of each year to establish an eligibility list of vendors who bid certain equipment rental rates. Any time an employee of the County desires to rent a piece of equipment, this bid list should be checked to see if the equipment has been bid. If the equipment needed has been bid, the lowest bidder on the list should be contacted for the rental. Contracts should be entered into with vendors with whom the department expects to spend over \$25,000 annually. The resolution number or contract number should be written on the invoice when signing as the receiver of services. If the equipment has not been bid, use the dollar benchmarks to get quotes, NOI, etc.

1.7 Preferential Purchase of Recyclable Materials (RCW 36.32.245)

A Department may establish a preferential purchase policy for recyclable materials or products that may be recycled or reused. Such a policy may require a Resolution from the Board.

1.8 Purchase Card Policies (RCW 43.09.2855)

1.8.1 General Terms And Conditions:

All purchases made with credit cards must be made in compliance with these Guidelines, Skagit County Code, and applicable state statutes.

The purchasing card is to be used for **business related purchases only**. The following uses **are prohibited**:

- Personal use
- Cash advances
- Meals
- Personal or professional services
- Manpower of any type
- Purchases restricted by policy guidelines

The maximum amount that can be spent on a single transaction is \$2,499. The maximum credit line per card is \$2,499 (unless a higher limit is requested by the department and approved by the Auditor's Office.)

1.8.2 Roles and Responsibilities:

The Auditor's Office:

- Shall establish purchasing card limits and give authorization to purchasing card users designated by the requesting Department Head.
- Shall provide training for all purchasing card users.
- Shall monitor purchasing card activity by reviewing management reports provided by the financial institution
- Shall assure payment is made to the financial institution within the contractual obligation period
- Shall retain original payment documentation in accordance with approved retention requirements.
- May perform audits for compliance with policy requirements.

Department Heads/Elected Officials:

- Are responsible for designating purchasing card users and recommending credit card limits between \$0 - \$2,499.
- Are responsible for proper card usage, security controls, timely statement reconciliation, and approval within their department.
- May establish and maintain additional controls and restrictions as deemed appropriate within departments.
- Are required to prepare a Purchase Card Application to authorize issuance of new purchasing cards. This form is sent to the Auditor's Office.
- Shall designate an employee to approve invoices and forward reconciled packet to the Auditor's Office Accounts Payable by the third (3rd) business day of the new month.

Card Users:

- Are required to have a working knowledge of all applicable policies, rules and guidelines, and are responsible for adherence to these controls and procedures. All purchases must be made following applicable Skagit County Purchasing and Contracting Guidelines, Skagit County Code, Washington State laws and Purchasing Card Policies.
- Are expected to seek the best price available and request available discounts at the time of purchase.

- Must maintain receipts, sales slips, supplier invoices, packing slips and other related documentation. A sales draft (“yellow” credit card receipt) is not sufficient. A cash register slip or other itemized listing must be included. These must be submitted with the reconciled packet at the end of the month.
- Must maintain a purchasing transaction log for reconciliation purposes.
- Shall resolve discrepancies with the supplier or financial institution.
- Must print and reconcile the purchasing card statement, and forward to the designated employee within own department for approval.
- Must safeguard cards from theft, loss, and misuse.
- Will notify the financial institution and the Auditor’s Office immediately if the card is lost or stolen. (J.P. Morgan Chase toll free at 1-800-270-7760)
- Shall maintain strict security of card numbers.

1.8.3 User Terms and Conditions:

Purchases:

- When a purchase is made, the card user must request a supplier sales receipt or itemized printout from the internet which clearly describes the items purchased, price and any applicable shipping charges and tax.
- The card user must maintain a transaction log as purchases are made to assist in statement reconciliation.
- All purchases are posted in the Payment Net software supplied by J.P. Morgan Chase. The software is available to card users through the internet. The card user will review purchases on-line and enter the appropriate account codes for the purchase. A designated supervisor or department head will approve the transaction on-line.
- At the end of the month, the card user will print the card statement from the internet. The card user will reconcile and attach all receipts and documentation to the statement. The card user will stamp all receipts with a certification stamp and sign the certification. The card user will submit the statement, all receipts and supporting documentation and an accounts payable certification with the proper approvals to the Accounts Payable Section of the Auditor’s Office **no later than three business days** after the end of the month.
- In the event a damaged shipment is received, the card user shall note the damage, notify the carrier, and file a damage claim as required for claim resolution with the carrier or supplier.
- Cards issued in the name of a department instead of an individual will be assigned to a card custodian. The card custodian will be responsible for the card use by department staff. The card custodian will maintain a log for recording the assignment of this card. The card custodian will be responsible for securing approvals as well as the statement reconciliation for that card.

Other:

- When a card user terminates County employment or transfers to another department, the employee will return their purchase card to the Auditor’s Office.

- The card user will surrender and the Auditor's office will cancel a card if it is used for any prohibited transaction or in a manner inconsistent with County policy, if the reconciled statements are not sent to Accounts Payable according to schedule, or if finance charges are incurred as a result of the card user's negligence. Misuse may subject user to dismissal per Skagit County Personnel Policies and Procedures Manual Section 12.2 category 3 (d).
- The card user is financially responsible for unauthorized purchases and purchases not supported by receipts. Such transactions may be deducted from the card user's paycheck.
- A single purchase transaction may not be broken down into a series of smaller purchases to circumvent transaction dollar limitations.
- A card user will not accept cash in lieu of a credit to the purchasing card account for the return of a purchase.
- For Internet purchasing, the card user will only enter the purchasing card number in a secure web browser that supports encrypted transactions. Card users can check for this by looking at the bottom of the screen on the status bar for a picture of a padlock. A locked padlock indicates the transaction site is secure.

1.8.4 Disputed Transactions:

In the event the card user does not recognize a charge that has been posted to the billing statement, or the charge is disputed with the supplier and cannot be resolved, the card user should contact J.P. Morgan Chase's customer service center at 1-800-270-7760. The card user will be responsible for documenting the dispute according to the financial institution's instructions within 60 days of the first statement on which it appears. Subsequently, J.P. Morgan Chase will note the disputed items on the following month's statement for reconciliation purposes. The disputed item will be reflected in the outstanding balance of the statement, but will not be part of the total amount due. When the dispute is resolved, J.P. Morgan Chase will add an adjustment line to the statement.

SECTION 2

Purchase of Consultant Services and Leases **RCW 39.80/RCW 36.32.240**

2.0 Purchase of Architectural and Engineering Services (“Professional Services”) (RCW 39.80.010 & .030; RCW 39.80.040, Resolution No. 17872)

The County shall publicly announce its needs for architectural and engineering services, and it will do so either by general announcement or on a per project basis. Contracts for such services shall be awarded based on demonstrated competence and qualifications for the type of professional services required and whether the services are offered for a fair and reasonable price. “Professional Services” has a specific meaning and is limited to services provided by architects, engineers, land surveyors, and landscape architects.

Solicitation of projects, services and products should be advertised over as wide an area as possible. Advertisement must, at a minimum, appear in publications awarded the County publishing contract, and the Department may advertise elsewhere as it deems necessary.

For engineering and land surveying services, the Public Works Department shall comply with the selection process terms of Resolution No. 17872. Under \$100,000 the non-interview process may be followed. Over \$100,000 the interview process should be used.

2.0.1 Request for Qualifications (RCW 39.80.030)

Request for Qualifications (RFQ) are conducted in order to learn of the general availability of firms or companies qualified to do the anticipated work. The announcement states concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the agency who can provide further details. Most often this enables the procuring department to draft a better scope of work to be performed when it subsequently sends out a Request For Proposals.

2.0.2 Professional Services – Advance Publication of Need for Professional Services (RCW 39.80.030)

Each Department shall publish in advance that Department’s need for Professional Services. The announcement shall state concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the Department who can provide further details. A Department may comply with this section by:

- a. Publishing an announcement on each occasion when Professional Services provided by a consultant are required; or

- b. Announcing generally to the public the projected requirements for any category or type of Professional Services.

2.0.3 Negotiation Process for Professional Services (RCW 39.80.050)

The department shall negotiate a contract with the most qualified firm for architectural and engineering services at a price which the department determines is fair and reasonable to the department. In making its determination, the department shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature thereof.

If the department is unable to negotiate a satisfactory contract with the firm selected at a price the department determines to be fair and reasonable, negotiations with that firm shall be formally terminated and the agency shall select other firms in accordance with RCW 39.80.040 and continue in accordance with this section until an agreement is reached or the process is terminated.

2.0.4 Selection of Most Qualified Firm

When selecting the most qualified person/firm, the department should adhere to the following procedure: review notes and criteria points; select the candidate; advise other candidates (include reasons that the particular firm was selected including expertise and particular strengths); and secure evaluation sheets, notes, and other documents in a safe place to support the ranking, procedure, and selection.

Once the department has successfully negotiated an agreement with the selected firm, the department must formalize the agreement in a Personal Services Agreement, or other acceptable contract form, for signature by the Board.

2.0.5 Request for Proposals

A Request for Proposals (RFP) defines the work to be performed and the expected qualifications and asks for price quotations. If the RFP is for consultant-type services, price quotations need not be obtained, but price is to be negotiated once the most qualified consultant has been selected. Specific guidelines are set forth in the Local Agency Guidelines Manual, Section 31.3, for the solicitation and selection of consultants for Engineering and Land Surveying Services.

2.0.6 Exceptions for Emergency Work (RCW 39.80.060)

If the Board makes a finding and passes a Resolution that an emergency requires the immediate execution of the work involved, the RFQ and RFP process need not be followed. The Board must comply with applicable laws limiting emergency expenditures.

2.1 Leases of Personal Property/Equipment (see Section 1.6) (RCW 36.32.253)

2.2 Other Consultant Services

There is no formal bid process required to obtain other consultant-type services, which

are considered “Personal Services.” A Request for Qualifications process may be followed, but does not need to be. (See Section 2.0.1) “Personal services” are services provided by a consultant to accomplish a specific study, project, task, or other work statement that requires professional expertise, i.e., a special skill or ability of a highly technical or scientific nature is required, or the exercise of artistic judgment or advanced education or knowledge is required to accomplish the task(s). (See RCW 39.29.006) Personal services do not include vendor services, where the work can be performed by essentially any competent or skilled worker, but does include “professional services” as defined by RCW 39.80.020. Examples of personal services are those services provided by consultants, attorneys, and mental health counselors. **If your service does not fall within a Personal Services Agreement, use the Vendor Services Agreement and follow the requirements for a Vendor Services Agreement.**

2.3 Leases of Real Property (see Section 5.2)

SECTION 3

“Public Work” Projects

RCW 36.32.235(12); RCW 36.32.250; RCW 36.32.265; RCW 36.32.270

This section addresses “public work” projects. The term “public work” includes all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. (RCW 39.04.010) The term “public work” is a statutory term or art and should not be confused with the work performed by the “Public Works Department” of Skagit County.

3.0 “Public Work” Projects Totaling Less than \$1,000 (RCW 36.32.250; Resolution No. 15498)

A contract for “public work” involving less than \$1,000 does not require a formal bid procedure. Therefore, the department may select/contact any vendor they desire to have the work completed.

3.1 “Public Work” Projects Totaling Between \$1,000 and \$10,000 (RCW 36.32.235 (12); RCW 36.32.250; RCW 36.32.265; RCW 36.32.270; Resolution No. 15498)

A contract for “public work” in an amount between \$1,000 and \$10,000 may be obtained via a formal bid procedure (see Section 1.3.1) or according to the following written quotation procedure:

- a. Notice of intention to let a “public work” contract between \$5,000 and \$10,000 shall be presented to the Budget/Finance Director. This notice will then be posted by the Board on a bulletin board in their office not less than three days prior to making such contract.
- b. Whenever possible, not less than three (3) prospective bidders shall be contacted by telephone or by letter and advised as to the specifications for the item of “public work” for which quotations are being sought. A written explanation shall be included on the Phone Bid Quote Form when fewer than three (3) proposals are requested, or if there are fewer than three (3) replies.
- c. Telephone or written requests for quotations shall specify at a minimum the following:
 1. Scope of work
 2. Work location
 3. Tax
 4. Contract time requirements
 5. Terms of payment
 6. Total cost
 7. Statement that prevailing wages apply to the project.

- d. Tabulation of telephone or written quotations shall be on forms provided by the County and shall include, at a minimum, the information described in section b. above.
- e. The contract shall be awarded to the lowest responsible bidder, whose bid meets all specifications established for the work.
- f. Written confirmation of telephone quotations from responsible bidders is not required.
- g. A copy of the quotation form shall be attached to the payment voucher when submitted for payment to the County Auditor.

**3.1.1 Exceptions to Competitive Bidding Requirements
(RCW 39.04.280; RCW 36.32.270)**

Competitive bidding may be waived or is not required for:

- a. Purchases that are clearly and legitimately limited to a single source of supply (Board Resolution required)
- b. Purchases involving special facilities or market conditions (Board Resolution required)
- c. Purchases in the event of an emergency (Board Resolution required)
- d. "Public work" in the event of an emergency (Board Resolution required)
- e. Purchases of insurance or bonds

3.2 "Public Work" Projects Totaling Over \$10,000

Contracts for a "public work" in an amount over \$10,000 must follow a competitive bidding procedure or a small works roster process (for projects up to \$200,000). (Note: The County is not currently using the small works roster procedure).

**3.2.1 Competitive Bidding Process
(RCW 36.32.250)**

- a. No contract for "public work" may be entered into by the Board or by any elected or appointed officer of the county until after bids have been submitted to the county upon specifications therefore. Such specifications shall be in writing and shall be filed with the Clerk of the Board for public inspection.
- b. An advertisement shall be published in the County official newspaper stating time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications may be seen at the office of the Clerk.
- c. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the County in which such work

is to be done. If the County official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such "public works" are to be done, then the publication of an advertisement of the applicable specification in the County official newspaper shall be sufficient. Such advertisements shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

- d. Bids shall be in writing, filed with the Clerk, opened and read in public at the time and place named therefore in the advertisements, and after being opened, shall be filed for public inspection. Immediately after the award is made, the bid quotations obtained shall be recorded in the minutes of the Board and open to public inspection and shall be available by telephone inquiry.
- e. No bid may be considered for "public work" unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.
- f. The contract shall be awarded to the lowest responsible bidder. Any and all bids may be rejected for good cause. No contract may be awarded to a bidder whose bid was not in substantial conformance with the call for bids.
- g. The Board shall require from the successful bidder a contractor's bond in the amount and with the conditions imposed by law.
- h. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten (10) days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the County and the contract awarded to the next lowest responsible bidder.
- i. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.
- j. The bid deposits of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the Board.

3.2.2 Exceptions to Competitive Bidding Requirements (RCW 39.04.280; RCW 36.32.270)

Competitive bidding may be waived or is not required for:

- a. Purchases that are clearly and legitimately limited to a single source of supply (Board Resolution required)
- b. Purchases involving special facilities or market conditions (Board Resolution required)
- c. Purchases in the event of an emergency (Board Resolution required)

- d. "Public work" in the event of an emergency (Board Resolution required)
- e. Performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

3.2.3 Bid Deposits Procedure (RCW 36.32.250)

Bidders must submit either a bid bond or bid deposit when bidding on a project. In the event a bid deposit is received in the form of a postal money order, cash, cashier's check, or certified check, it shall be transferred to the Auditor with the following information:

- a. County Department and contact person
- b. Name of bidder
- c. Name of project
- d. Bid opening date

The Auditor will safeguard the funds until such time as the bids are opened and awarded and the bid deposit needs to be returned to the bidder. Upon notification, the Auditor will return the "deposit" to the appropriate County department for return to the bidder.

3.3 Small Works Roster Requirements ("Public Work" projects between \$10,000 and \$200,000)

The County does not currently utilize a small works roster. However, there are specific requirements per RCW 39.04.155 for establishing a small works roster. If a small works roster becomes desirable or necessary, notify the Risk Manager.

SECTION 4

Contract Information and Forms

4.0 Contracting Authority

The sole contracting authority of the County is the Board regardless of the dollar amount of the contract. (RCW 36.32.120(6)) No elected official, employee or agent can commit the County to a legally binding contract without the express, written consent of the Board. Upon occasion, the Board may delegate authority to certain County personnel to bind the County in contracts and agreements. (RCW 36.32.240) Any such delegation of authority must be set forth in a resolution, specifying the scope of authority, signed by the Board. A copy of any and all contracts signed pursuant to valid delegated authority must be sent to the Clerk of the Board for inclusion in the County's contract database.

4.0.1 Examples of Delegated Authority:

- Administrative Officer and Risk Manager: have authority to commit Skagit County to binding Vendor Services Agreements, and to Personal Services Agreements on matters relating to claims, litigation, mitigation, land acquisition and personnel. (Resolution No. 15946)
- The Administrative Officer/County Administrator: has authority to commit Skagit County to binding Personal Service Agreements and Vendor Service Agreements and other contracts where the maximum amount payable is less than five thousand (\$5,000). The Administrative Officer/County Administrator may further delegate that authority to a Department Head/Elected Official as he deems appropriate, via a memorandum of delegation of authority.
- The Prosecuting Attorney, the Chief Civil Deputy Prosecuting Attorney and the Civil Litigator: have authority to commit Skagit County to binding Personal Service Agreements on matters relating to claims, litigation, mitigation, land acquisition and personnel. (Resolution No. 15946)
- The Public Works Director, or his/her designee: has the authority to bind Skagit County in order to lease equipment in emergency situations to deal with problems relative to County roads. (Resolution No. 16337)
- Director of Parks, Recreation and Fair: has the authority to bind Skagit County by contract for the following: referees and official scorers in the Recreation Division; School Facilities Use Agreements; contracts associated with the operation of the Skagit County Fair; entertainment contracts for the Recreation Division; and for Instructional Services Contracts for the Recreation Division. (Resolution No. 16337)

- Director of the Public Defender’s Office: has the authority to enter into binding contracts for expert witnesses in pending criminal cases where the contract is for less than \$5,000 is approved by the Risk Manager and the pre-approved Personal Service Agreement form is used. These contracts must be routed to the Clerk of the Board for entry into the County’s database system once the criminal case has been resolved. (Resolution No. 20020106)
- Guest Speaker Contracts under \$500: Contracts with persons/companies for the provision of guest speaker services for less than \$500 may be approved by the Department Head or Elected Official as long as the Guest Speaker Contract Form is used. (App. D) (Resolution No. 20020106)

4.1 Insurance Requirements

Insurance, and proof thereof, is required on all construction and vendor contracts and the majority of service contracts. Risk Management is responsible for determining the appropriate insurance limits and requirements for any given contract. There are general insurance limits which are incorporated into the Personal Services Agreement form and the Vendor Services Agreement form. If the department desires to deviate from the general limits, the department should contact the Risk Manager during the specification of scope of work process. If a Request for Proposal is not part of the process, the consultant should be informed ahead of time of the insurance requirements.

The County should be named as an additional insured, which gives the County the same rights as the named insured under the policy, i.e., the County can file a claim directly to the insurance company. Insurance companies affording coverage should be rated in the BEST KEY RATING GUIDE as A- or better. Thirty (30) days written notice of cancellation of any policy is required and the County should be named as a certificate holder. If the insurance policy is due to expire during the term of the contract, a renewal certificate in the proper amounts should be received by the County by the expiration date of the policy, or the work should be halted until it is received.

GENERAL INSURANCE REQUIREMENTS

<u>Type of Contract</u>	<u>Type of Insurance</u>	<u>Insurance Limit</u>
1. “Public Work” Contracts and Vendor Services Agreements	General Liability	\$1,000,000/2,000,000 [check with Risk Manager for specific amount]
2. Professional/Personal Services Agreements	General Liability or Professional Liability	\$1,000,000

4.2 Contract/Agreement Approvals

Prior to the Board signing any contract, Personal Services Agreement, lease or rental agreement, the contract should be signed by the Contractor and the following approvals secured:

- a. Department Head/Elected Official: approves as to substance of the contract.
- b. Chief Civil Deputy Prosecuting Attorney or his/her designee: review to ensure proper contracting authority and form of the legal document only. (Resolution 16400)
- c. Risk Manager: reviews to ensure acceptable hold harmless, indemnification and insurance provisions.
- d. Budget/Finance Director: reviews to ensure that funds exist and the expense is allocated to the appropriate BARS code.

Upon approval, the signed contract/agreement is submitted to the Clerk of the Board for inclusion on the Board's agenda for approval. All contracts to be submitted to the Board for approval should be accompanied by a Document Routing Form. (App. E)

4.2.1 Exceptions:

- Delegated Authority: See Section 4.01
- Emergencies: If the Board makes a finding that an emergency requires the immediate execution of the work involved, the work may proceed before a contract has been entered into with the contractor. The Board must comply with applicable laws limiting emergency expenditures and must pass a Resolution declaring an emergency. In the event of an emergency, the Department Head will contact two members of the Board, individually, for verbal approval of the necessary work and follow up with a contract that will be routed the usual approvals as soon as is reasonably possible.

4.3 Personal Service Agreements

The Personal Service Agreement form (App. F) should be used for agreements for personal services and professional services. **Personal Service Agreements generally should not exceed a two-year time period.**

Personal Services Agreements are performed by the person ("Contractor") as an "independent contractor." Qualifications and performance are the primary considerations in selection of the Contractor with price being secondary or subject to negotiation. Contracts for personal services do not need to follow any particular bid procedures, although the Request for Qualifications process may be helpful.

4.4 Vendor Service Agreements

Generally, vendor services are services for the provision of supplies, materials and/or equipment for general government purposes, e.g. for routine equipment maintenance services. This includes services that essentially can be performed by any competent or skilled worker, e.g., data-entry services or landscape maintenance services. (This does not include services for a "public work" project.)

Vendors to be used by the County should be licensed, bonded and insured Contractors that are known to be reputable and guarantee their service and/or provide warranties for their products. A Vendor Services Agreement form should be used for all contracts with vendors. (See App. C)

4.5 Interlocal Agreements

Interlocal Agreements are agreements between or amongst two or more public agencies for the provision of services, facilities, or grants. "Public agency" is defined as "any agency, political subdivision or unit of local government...; any agency of the state government; any agency of the United States; any Indian tribe recognized by the federal government; and any political subdivision of another state." (RCW 39.34.020) Local government units include municipal corporations, special purpose districts and local service districts. (RCW 39.34.020)

The purpose of the statute is to enable public agencies to cooperate in the provision of services and facilities within their powers, so as to make the most efficient use of those powers. Typical services covered by interlocal agreements include jail, law enforcement, and code enforcement services. An interlocal agreement also allows for the joint use of equipment, personnel and facilities.

Unless there is statutory authority for the agreement other than RCW 39.34, any agreement between two or more governmental agencies must have a Resolution signed by the Board authorizing the interlocal agreement, in addition to the contract/agreement itself.

4.5.1 Types of interlocal agreements:

- **Service Contract**
Under this type of interlocal agreement, one unit of local government contracts with another to provide one or more services for a stated amount. One government entity is the supplier of the service and the other pays for the service. This is the most common method of intergovernmental contracting. Grants are included in this category.
- **Joint Agreement**
This type of interlocal agreement involves the establishment of a joint entity or an administrative board to oversee a joint project. An example of this type of interlocal agreement would be the Skagit 911 Center.
- **Memorandum Of Understanding**
This agreement takes the form of a mutual aid agreement between or amongst public agencies but in this context there is no definite written contract but merely an informal understanding.

4.5.2 Requirements for Interlocal Agreements

All interlocal agreements entered into pursuant to Chapter 39.34 RCW must comply with the requirements of Chapter 39.34 RCW. A generic draft form for an Interlocal Agreement is attached as Appendix G. Agreements must address and specify certain terms and conditions. RCW 39.34.030:

Agreements where no separate entity is formed must specify the following:

- a. Duration
- b. Purpose
- c. Manner of financing entity
- d. Means of partial/complete termination and disposition of property upon termination
- e. Provision for administrator/joint board, and if joint board, public agencies to be represented
- f. Manner for acquisition and disposition of real and personal property used pursuant to the agreement.
- g. Other necessary, proper matters

Agreements where a separate, joint entity is formed must specify the following:

- a. Duration
- b. Precise entity to be formed, enumerating legal powers of entity delegated to such
- c. Purpose
- d. Manner of financing entity, including establishment and maintenance of its budget
- e. Means of partial/complete termination and disposition of property upon termination
- f. Other necessary, proper matters

4.5.3 Authorizing Resolution:

In addition, all interlocal agreements must be authorized by resolution, ordinance or otherwise by law. A copy of the authorizing resolution should accompany the interlocal agreement when processed for signature. (See App. H) There is specific statutory authority for some state agency/county contracts, e.g., contracts with the Department of Transportation for maintenance of public roads (RCW 36.75.030 & .035), and contracts with DSHS for public health (RCW 70.12.015, .040, .050, and 70.96A.040-.045). Thus, a resolution would not be required for those types of interlocal agreements.

4.5.4 Recording (RCW 39.34.040)

All agreements entered into with other governmental jurisdictions pursuant to Chapter 39.34 RCW must be recorded with the County Auditor. The Auditor's office has special formatting requirements for recording that must be adhered to:

- (1) The first page of the document to be recorded shall contain the following:

- a. A top margin of at least three inches and a one-inch margin on the bottom and sides;
 - b. The top left-hand side of the page shall contain the name and address to whom the document will be returned.
 - c. The title or titles of the document to be recorded indicating the kind or kinds of transactions contained therein;
 - d. Reference numbers of documents assigned or released with reference to the document page number where additional names are, if applicable;
 - e. The names of the “grantor(s)” (first government entity) and “grantee(s)” (second government entity) with reference to the document page number where additional names are, if applicable;
 - f. If the agreement concerns a real estate transaction, an abbreviated legal description of the property, including lot, block, plat, or section, township, and range, and reference to the document page number where the full legal description is included, if applicable;
 - g. If the agreement concerns a real estate transaction, the assessor’s property tax parcel or account number.
- (2) All pages of the document shall be on sheets of paper of a weight and color capable of producing a legible image that are not larger than fourteen inches long and eight and one-half inches wide with text printed or written in eight (8) point type or larger.
- (3) The document must have a one-inch margin on the top, bottom, and sides for all pages except page one, be prepared in ink color capable of being imaged, and have all seals legible and capable of being imaged.

A recording cover page may be used in lieu of these formatting requirements. (See App. I)

4.6 Contract Forms

There are standard contract forms for Personal Services Agreements (PSA), Vendor Services Agreements (VSA) and Interlocal Agreements (IA) that can be found within Skagit County’s internal website and are attached as App. F, App. C and App. G, respectively. The PSA and VSA forms have already been approved by the Board as to the general content of the language of the agreements. These should be used for all County contracts for Personal Services and Vendor Services. While the Board has approved these forms, the Board still must sign each specific contract.

The forms may be modified if a particular section or clause does not apply to a specific contract. If a particular clause or section is not applicable, a strikethrough may be used to reflect the deletion, but the clause or section should not be physically deleted from the agreement. The following section headings or clauses should be included in all agreements:

- a. Scope of the contractor’s service
- b. Beginning date of contract

- c. Ending date of contract. This should not be excluded from the contract as it does ensure that the work will be performed within a reasonable amount of time. **Contracts should normally not exceed two (2) years in duration.**
- d. Maximum amount of compensation
- e. Accounting information (GL expenditure coding and payment schedule for contractor services)
- f. Independent contractor
- g. Taxes
- h. Regulations and requirements
- i. Defense and indemnity agreement
- j. Severability
- k. Waiver
- l. Internal Revenue form W-9 (This form is required in order to process payment in favor of the contractor. The original form must be obtained with Federal Tax Identification number listed, the name of the contractor's business, and the contractor's signature.)

Once a contract has been signed by the required signatories, a copy of the contract must be sent to the Clerk of the Board for inclusion in the County's contract database system. The Clerk shall assign a contract number to the contract.

4.6.1 Contract Amendments

The Contract Amendment Form is the appropriate form to use if a supplement or amendment to an original contract is necessary. (App. J) The original contract title and number, plus any and all affected amendments and the purpose of the supplement/amendment, should be included in the language of the supplement/amendment.

4.6.2 Non-Standardized Contract Forms

If at all possible, it is preferable that staff use the existing standard contract forms. The PSA, VSA, and Guest Speaker forms have been formally adopted by the Board. However, in the event that a different format is necessary, the contract must still be reviewed according to the process listed in Section 4.2 and must be approved by the Board. For example, when contracting with the State, typically the State's contract form is used.

4.7 Contract Change Orders

A contract change order is any written modification in the terms of a contract. This generally applies to the Facilities and Public Works departments only.

4.7.1 Contract Change Order Authority

The Director of Facilities Management may approve and sign Construction Change Orders up to 10 percent of the original contract amount per modification, but shall not exceed the established contingency level without prior approval from the Board.

The County Engineer may execute construction change orders up to 10 percent of the contract bid award dollar amount, however, construction change orders in excess of 10 percent of the contract award are to be executed by the County Engineer and the Board. (Resolution No. 17106)

4.7.2 Change Orders

All Change Orders must contain the County Contract Number from the original contract. Preferably, the number should be placed at the top of the form next to the Change Order Number.

4.8 Retainages/Holdbacks (RCW 60.28.011)

Retainages and holdbacks are only required for construction contracts. A retainage bond may be used in lieu of a retainage or holdback.

County construction contracts shall provide for and the County shall reserve a contract retainage not to exceed five (5) percent of moneys earned by the contractor. The retainage acts as a trust fund for the protection and payment of: a) the claims of any person arising under the contract; and b) the state with respect to taxes imposed under Title 82 RCW.

4.8.1 Retainage Placement Upon Receipt

The moneys reserved by Skagit County under the provisions of a construction contract, at the option of the contractor, shall be:

- a. Retained in a fund by Skagit County
- b. Deposited by Skagit County in an interest bearing account in a bank, mutual savings bank, or savings and loan association;
- c. Placed in an escrow account with a bank or trust company by Skagit County. This check shall be converted into bonds and securities chosen by the contractor and approved by Skagit County and bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues
- d. Copy of the retainage agreement must be forwarded to the managing department along with the contract and other relevant documents.

4.8.2 Process Upon Completion of Contract Work

- a. After completion of all contract work other than landscaping, contractor may request that Skagit County release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to provisions of RCW Chapters 39.12 and 60.28.

- b. Department fills out Form RV310020 (1-17-96) Notice of Completion of “Public Work” Contract and sends it to Department of Revenue
- c. Sixty days after completion of all contract work the department must release and pay in full the amounts retained during the performance of the contract subject to the provisions of Chapters 39.12 and 60.28 RCW.
- d. For contracts over \$20,000, before releasing the entire retainage, regardless of the 60-day limit, the department must obtain: 1) a certificate from the Department of Revenue signifying that all applicable use and sales taxes have been paid and that the Department releases its lien rights (RCW 60.28.051 & RCW 60.28.060); 2) a copy of the approved Affidavit of Wages Paid from the Contractor regardless of the 60-day limit; and 3) a letter from the Department of Labor & Industries that releases Skagit County from any further liability for industrial insurance premiums.
- e. The department should verify receipt of Certificate of Payment of Contributions, Penalties and Interest on Public Work Contracts (EMS 8449 760 R7-84) from Employment Security Department Division of Washington State Department of Labor and Industries. This Certificate ensures contractor and subcontractors have paid any taxes due Employment Security Dept and that Employment Security has released its lien on the retainage per RCW 60-28-040.
- f. If liens are filed, but Department of Revenue and Department of Labor and Industries clearances have been obtained, be prepared to release all the retainage except that required to satisfy the liens when the 60-day limit for retainage release RCW 60.28.011(3)(b) is up.

A copy of the retainage letter to the contractor and escrow agreement forms can be found on-line within Skagit County’s web page.

**4.9 Prevailing Wages
(RCW 39.12.010)**

All “public work”, including maintenance, when performed by contract shall comply with the provisions of RCW 39.12.020, et seq., requiring the payment of prevailing wages to laborers, workers or mechanics on all such contracts.

SECTION 5

Real Property Acquisitions

5.0 Land Acquisitions

Generally, all real estate transactions, excluding right of way acquisitions and tax title properties, but including rental and lease options, should go through the Director of Facilities Management for review before presentation to the Board. Land acquisitions within the Public Works Department should go through the County Engineer.

5.0.1 Land Acquisitions through Facilities

The general process for land acquisitions involves hiring an appraiser to obtain a fair market value, reviewing results of the appraisal, consolidating the appraisal into report format, and presenting such information to the Board in executive session to discuss the parameters of a potential offer to the land owner(s).

5.0.2 Right of Way Acquisitions

Contact the County Engineer in the Public Works Department for further detail.

5.0.3 Acquisition of Park Property

The County may acquire real property (or any interest therein) for parks, recreational, viewpoint or greenbelt purposes, or for the conservation of land or natural resources. (RCW 36.34.340)

5.1 Lease of Real Property

When the county desires to lease property from a private individual and/or business, the Director of Facility Management negotiates in the best interest of the county. Upon completion of negotiation with the property owner(s), the Director of Facility Management prepares and presents a report to the Board for discussion. Consideration is given to such issues as potential business related conflicts of interest when a final determination is made. All leases of real property must be reviewed with the Director of Facility Management prior to any negotiations with property owner(s).

RCW 36.34 provides specific detail regarding leasing county-owned property to private individuals and/or businesses. An application for lease of County real property shall be submitted to the Board and then the board must issue a Notice of Intent to Lease and hold a public hearing. (See RCW 36.34.190).

No lease may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. The county shall use the same procedures specified in RCW 36.32.245 and 39.04.190 for

awarding contracts for purchases when it leases property from the lowest responsible bidder.

Definitions

Note: Unless the context clearly requires otherwise, the definitions listed below shall apply throughout this policy and procedures manual.

Administrative Officer – The County Administrator

Application - A completed statement of qualifications together with a request to be considered for the award of one or more contracts for professional services.

Board – Board of County Commissioners, the legislative authority for Skagit County.

Clerk – Clerk of the Board of Skagit County Commissioners

Consultant - Any person providing Personal Services who is not an employee of the agency for which the services are provided.

Contractor - The entity that is entering into a contract with the County.

Department – refers to departments of the County, including the offices of elected officials.

Emergency - Unforeseen circumstances beyond the control of the municipality that either: (1) present a real, immediate threat to the proper performance of essential functions; or (2) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. (RCW 39.04.280)

Emergency Exception – An exception to the competitive bidding requirement. In the event of an emergency and upon resolution of the Board declaring the existence of such emergency and reciting the facts constituting the same, the Board may waive the requirements of RCW 36.32 with reference to any purchase or contract. (RCW 36.32.270; 39.04.280)

Interlocal Agreements - Interlocal Agreements are agreements between or amongst two or more public agencies for the provision of services or facilities. There are three (3) basic types of interlocal agreements: “Service Contract”, “Joint Agreement” and “Memorandum of Understanding”.

Letter – written document, including e-mail.

Maintenance – Activities related to “keeping existing facilities in a good, usable, operational condition.” (WAC 296-127-010(7)(a)(iv))

Ordinary maintenance – Work performed on a regularly scheduled basis to service, check, or replace items that are not broken; or that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary. (See WAC 296-127-010(7)(b)(iii))

Person - Any individual, organization, group, association, partnership, firm, joint venture, corporation, or any combination thereof.

Personal Service - Professional expertise provided by a consultant to accomplish a specific study, project, task, or other work statement that requires professional expertise in which a special skill or ability of a highly technical or scientific nature is required, or the exercise of artistic judgment or advanced education or knowledge is required to accomplish the task(s).

Professional Services - Services rendered by architects, engineers, land surveyors, structural designers, and landscape architects. (RCW 39.80.020)

Public Work - The term “public work” shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. It is not to be confused with work performed by or at the request of the Public Works Department.

Request for Proposals (RFP) – Defines the work to be performed, the expected qualifications of the vendor and solicits price quotes.

Request for Qualifications (RFQ) – An advance publication of an agency's requirement for Professional or Personal Services.

Responsible Bidder – A responsible bidder is determined by considering the bidder's ability, capacity, and skill regarding the contract or service; the bidder's reputation and experience; the bidder's demonstrated ability to perform the contract within the time specified; the quality of performance of the bidder's previous contracts or services; and the bidder's previous or current compliance with laws related to the contract or services.

Sole Source Exception - One of three (3) limited exceptions to the competitive bidding requirement. This exception provides that where the municipality can only procure a certain product from one source, and it would be futile to go to competitive bidding for such product, requirement for competitive bidding may be waived. “Sole source” must have a genuine and proven basis.

Vendor - A person who sells goods or services.

Vendor Services - Services provided by a vendor to accomplish routine, continuing and necessary functions. (See RCW 39.29.006(9))

RESOLUTION NO.

**AMENDING THE SKAGIT COUNTY CONTRACTING GUIDELINES TO AWARD
PUBLIC WORKS CONTRACTS RESOLUTION R20020106**

WHEREAS the Board of County Commissioners ("Board") adopted Resolution R20020106 on April 1, 2002 to adopt the Skagit County Purchasing and Contracting Guidelines with subsequent amendments including, but not necessarily limited to, R20030146, R20050471, R20060009, R20070572, R20090443, R20110406, and R20210275; and

WHEREAS, Resolution R20070572 was adopted November 26, 2007 to establish a small works process to award public works contracts; and

WHEREAS, Resolution R20090433 was adopted October 26, 2009 to increase the small works and formal public works bidding threshold to three hundred thousand dollars (\$300,000); and

WHEREAS, in 2022 a Contracts Taskforce consisting of several County staff members was assembled to review the previously established Purchasing and Contracting Guidelines; and

WHEREAS, the Contracts Taskforce has recommended updating Public Works Contract bid limits set by the Revised Code of Washington (RCW) and as noted on Attachment A (incorporated herein); and

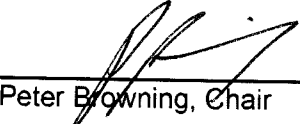
WHEREAS, public works projects using Federal funds will be subject to a separate procurement policy consistent with Federal guidelines.

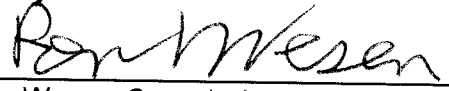
NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY ORDERED, by the Board of Skagit County Commissioners that the Skagit County Purchasing and Contracting Guidelines for public works contracts is hereby amended and adopted as provided in Attachment A hereto (and incorporated by reference).

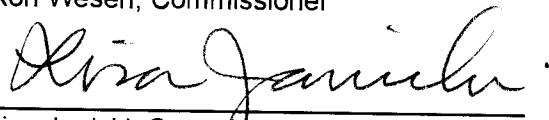
PASSED this 15 day of August, 2022.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

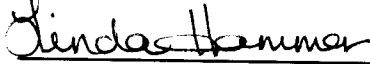



Peter Browning, Chair


Ron Wesen, Commissioner



Lisa Janicki, Commissioner

Attest:



Clerk of the Board

Approved as to form:



Civil Deputy Prosecuting Attorney

ATTACHMENT A

Bid Requirements for Public Works Contracts

Contract Amount	Procurement Process	Notes
Less than \$40,000	Minimal Competition	No bid requirement
Less than \$50,000	Limited Public Works	- Option to request only 3 quotes from vendors on small works roster, although this option requires maintaining a list of contractors that have been contacted during past 24 months. - Cannot favor certain contractors and must equitably distribute contract opportunities. - Formal sealed bidding not required.
Less than \$350,000	Small Works Roster	- Must solicit from entire roster or a minimum of five contractors, although this option requires maintaining a list of contractors that have been contacted during past 24 months. - Cannot favor certain contractors and must equitably distribute contract opportunities. - If soliciting less than entire small works roster for projects greater than \$250,000, must notify the remaining contractors that quotes are being sought. - Formal sealed bidding not required.
Greater than \$350,000	Formal Bidding	

Additional Notes:

- All public works projects subject to prevailing wage.
 - o Only contracts below \$2500 may utilize the combined Intent & Affidavit form.
- All contracts utilizing federal funds must follow separate guidelines not applicable to this County policy.

RESOLUTION NO. _____

**AMENDING RESOLUTION R20020106 ADOPTING THE SKAGIT COUNTY PURCHASING
AND CONTRACTING GUIDELINES**

WHEREAS the Board of County Commissioners ("Board") have adopted Skagit County Purchasing and Contracting Guidelines pursuant and in accordance with R20020106, as subsequently amended (including by, but not necessarily limited to, R20030146, R20050471, R20060009, R20070572, R20090443, R20110406, and R20130116); and

WHEREAS in 2021 a Contracts Taskforce consisting of several County staff members was assembled to review the previously established Purchasing and Contracting Guidelines; and

WHEREAS the Contracts Taskforce has recommended updating Equipment, Materials and Supplies purchase limits and bid requirements to align with current bid limits set by the Revised Code of Washington (RCW) as noted on Attachment A (incorporated herein); and

WHEREAS purchase of materials and supplies using Federal funds will be subject to a separate procurement policy consistent with Federal guidelines.

WHEREAS the Contracts Taskforce is continuing its efforts and will continue to review and update the Skagit County Purchasing and Contracting Guidelines going forward.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY ORDERED, by the Skagit County Board of County Commissioners that the Skagit County Purchasing and Contracting Guidelines is hereby amended and adopted as provided in Attachment A hereto (and incorporated by reference).

PASSED this 27 day of December, 2021.




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



Lisa Janicki, Chair




Peter Browning, Commissioner



Ron Wesen, Commissioner

Attest:



Kerri Williams
Clerk of the Board

Approved as to form:



Civil Deputy Prosecuting Attorney

ATTACHMENT A

Bid Requirements for Procurement of Equipment, Materials, and Supplies¹

	Cost	Requirement
1	Less than \$10,000	No Bidding Requirement
2	From \$10,000 to \$50,000	Three (3) Phone Quotes
3	Greater than \$50,000	Formal Bidding

1—As authorized by Skagit County Board of Commissioners, advertising and formal sealed bidding are not required for any Equipment, Materials and Supplies purchases that are less than \$10,000.

2—For the procurement of Equipment, Materials, and Supplies in the amount of \$10,000 to \$50,000, properly maintained vendor list may be used. Telephone or written quotations shall be obtained from at least three (3) different vendors for the purchase of any materials, equipment, or supplies to the lowest responsible bidder.

3— For the procurement of Equipment, Materials, and Supplies in an amount greater than to \$50,000, formal bidding is required.

See, RCW 36.32.245

¹All Procurements utilizing federal funds must follow separate guidelines not applicable to this County policy.

Appendix "H"
Training Certificates

Certificate of Completion

Awarded to

Rachael Simms

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Oct. 28, 2021**



**Washington State
Department of Transportation**

Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Kelley Marriott

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Dec. 17, 2021**



**Washington State
Department of Transportation**

Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Given Kutz

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Dec.16, 2021**



**Washington State
Department of Transportation**

Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Albert Eydam

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Dec. 21, 2021**



**Washington State
Department of Transportation**

Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Paul Erickson

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Dec. 29, 2021**



**Washington State
Department of Transportation**

Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Joel Shroyer

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Dec. 29, 2021**



**Washington State
Department of Transportation**

Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

David Walde

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Dec. 29, 2021**



**Washington State
Department of Transportation**

Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Sonny Andrew

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Dec. 30, 2021**



**Washington State
Department of Transportation**

Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Kathleen Cantrall

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Dec. 30, 2021**



Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Devin Willard

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **02/09/2022**



**Washington State
Department of Transportation**

Brooke Leslie, Title VI Compliance
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Will Collins

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **June 21, 2022**



**Washington State
Department of Transportation**

Doris Karolczyk, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Marie Lambert

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **July 20, 2022**



**Washington State
Department of Transportation**

Doris Karolczyk, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity