

**From:** [Rita Ordonez](#)  
**To:** [PDS comments](#)  
**Subject:** Skagit Co. Capital Facilities Plan Comment  
**Date:** Thursday, October 24, 2013 12:58:04 PM

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Hi-

On the Facilities Inventory on pg. 14 under - Other Facilities - Concrete Food Bank - there is nothing listed under "Needed Capital Improvements". It is my belief that this building has foundation damage that will not be fixed by the County. Something should be noted under the Needed Capital Improvements column.

Thank you-

Rita

--

Rita Ordóñez  
123 S. 9th St.  
Mount Vernon, WA 98274  
360-336-0932

**FRIENDS**  
of Skagit County

110 N. First Street | Suite C  
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Executive Director

**Gerald Steel, P.E.**  
Olympia  
Counsel

*People dedicated to  
preserving Skagit County's  
rural character by protecting  
the natural environment;  
supporting sustainable,  
resource-based economies; and  
promoting livable urban  
communities for present and  
future generations.*

October 24, 2013

Skagit County Planning Commission  
1800 Continental Place  
Mount Vernon, WA 98273

Dear Commissioners:

Thank you for the opportunity to comment on the Capital Facilities Plan update which was presented at the Planning Commission's October meeting. We note that at that meeting members of the Commission had concerns about the re-formatting of the plan removing reference language that would make the plan easier to understand. We hope the Commission has had sufficient review time to determine if additional information is needed to clarify the plan for the public.

We continue to have concerns that trails projects proposed by Skagit County Parks and Recreation Department must be included in the Capital Facilities Plan (CFP) but are not required to be included in the County's Transportation Improvement Plan (TIP). We ask that all trails be included in the CFP and the TIP no matter the perceived trail use to provide consistency as well as opportunity for the public to review and comment on these projects.

Skagit County Comprehensive Plan Policy 8A-6.3 states that all non-motorized projects must be included in the 6-year TIP update. A memo of Jan. 20, 2004 approved by current Commissioner Dahlstedt states that the Cascade Trail is an existing transportation facility and is described as such in the County's Transportation Systems Plan.

Coordination of the CFP with the Skagit County Comprehensive Plan and Policies is required under the State Growth Management Act (GMA). Consistency and concurrency are required under GMA. Consequently, projects included in the CFP and subsequently implemented are also subject to environmental review under SEPA. The CFP discusses this requirement generally but gives no method of enforcing compliance on how the coordination and concurrency will happen.

The changes which may be required under the Bay View Ridge Subarea Plan, including school placement, road level of service, stormwater management, which facilities developers will fund and other requirements, are not fully described in the CFP. We ask that the Commission consider including the specific requirements for Bay View Ridge in the CFP so that a reader will have information consistent and in one document. While we recognize that BVR is a designated UGA, because it is not yet fully planned or developed, we consider it important to document the public facilities funding that may be needed for its transition.

There may be additional comments sent to us after the deadline today, which we will forward for information purposes and future review by the Commission, but we understand would not be part of the record for the Commission's review of the CFP.

Thank you for your time and consideration.

Yours sincerely,

  
Ellen Bynum, Executive Director  
cc: FOSC Board, BOCC, PD&S.

RECEIVED

OCT 24 2013

SKAGIT COUNTY  
PDS

**From:** [wayne.palmer8@frontier.com](mailto:wayne.palmer8@frontier.com)  
**To:** [PDS comments](#)  
**Subject:** Capital Facilities Plan  
**Date:** Thursday, October 24, 2013 4:26:51 PM

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Planning and Development Services,

We would like to provide comment on the maintenance of the Lake Chiquita Bypass.

We own the property at 3993 Chiquita Lane, Anacortes. Parcel number P68218. We moved here in August 1991.

The Lake Chiquita Bypass was built due to a massive landslide and destruction of property of our neighbor, Ernest Armstrong. His parcel number is P68228, however he's not the current owner. The current owner is Howard Holman.

According to Mr. Armstrong, the landslide was caused by extreme runoff of rain water due to the absence of a catch basin at The Pointe development. Mr. Armstrong claimed that he had to sue the county to replace a portion of his hillside property and then had to sue again because the county had destroyed his septic drain field. Also, a large amount of soil ended up in the saltwater lagoon, known as Lake Chiquita. As a result of the lack of county oversight to the development at The Pointe, a cement ditch was made on the north side of Marine Drive and a large metal pipe was installed to carry surface water from The Pointe to Burrows Bay.

Maintenance of this bypass is the only way that exists to control surface water runoff from The Pointe. It was built by Skagit County and is currently maintained by Skagit County and we ask that Skagit County's maintenance of the Lake Chiquita Bypass continue.

Thank You,

Wayne and Cheryl Palmer  
3993 Chiquita Lane  
Anacortes, WA 98221

360.293.3637

**From:** [S.Maricich](#)  
**To:** [PDS comments](#)  
**Subject:** Marine Drive/Alexander Beach Storm Drain  
**Date:** Thursday, October 24, 2013 11:36:25 AM

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October 24, 2013

To whom it may concern,

It is my understanding the storm water drainage and Lake Chiquita By-Pass is under review to no longer be maintained by Skagit County. I would like to address the matter as a homeowner with two parcels, 3957 Chiquita Lane, and the adjoining Vacant Lot, on the down slope side of the drainage.

Firstly, the area of Marine Drive serviced by the drainage is a known area of falling rock, especially during the "wet" season. This is confirmed by the installation of FALLEN ROCK signs by Skagit County. In addition to the Fallen Rock, other debris, such as tree branches and foliage also end up in the drainage ditch, which has in the past caused blockages to the storm drain.

During times of heavy rain, the Man Hole Access Cover, on Chiquita Lane, spurts like a fountain out of the "finger hole" due to the pressure of the runoff surging through the pipe. The runoff pipe also passes down the steep slope between two homes, with the amount of water routed through the pipe, an up slope failure would be catastrophic to these properties and endanger those below.

The drainage system also runs through Skagit County property west of Chiquita Lane, to a County installed concrete outflow terminus. Due to the nature and exposure of Alexander Beach, the terminus is in the surf zone and subject to being battered by debris during high surf storm surge. The natural inflow and outflow of beach sand and gravel also impact the terminus.

Flooding and landslide issues of the drainage are well documented. Damages to home and property, corrected at the cost of Skagit County, due to storm water runoff on the then, Ernest Armstrong property, should also be on your records.

In conclusion, NOT maintaining the Lake Chiquita By-Pass has nothing but negative impact on the surrounding area. The By-Pass was installed to protect the down slope properties from mismanaged runoff from upland development at The Pointe. If runoff issues dictated the installation of the drainage and bypass, then the issues also dictate the importance of this system being properly maintained.

I will be happy to further discuss the drainage system and walk the area with you.

Sincerely,

Shawn Maricich  
3957 Chiquita Lane  
Anacortes, WA 98221  
(360) 588-3161  
[maricich@hotmail.com](mailto:maricich@hotmail.com)

RECEIVED  
OCT 24 2013  
SKAGIT COUNTY  
PDS

3998 Wind Crest Lane  
Anacortes, WA 98221  
October 23, 2013

Skagit County Planning Department  
1800 Continental Place  
Mount Vernon, WA 98273

Dear Planning Commission and Jan Flagan,

As the public on Burrows Bay understand it, there are four major drainage sites on the main north-south roads of west Fidalgo Island - Marine Drive and Rosario Road. Two of these, designed and constructed by the Public Works Dept., are listed in the Drainage Utility Inventory: South Burrows Bay and Sunset Lane. Two of these, mandated to be designed and constructed by developers as condition for platting with later maintenance within the plats by the owners and on public property by the County, are not listed - White Cap Lane and the Lake Chiquita By-pass.

We are told that, in the case of the BayView PUD, the developer must design and construct a drainage system to be later maintained by the Drainage Utility. The first such project, decided on while the Utility was in process of creation, illustrates the potential complexity of this simple idea. Lake Chiquita is several hundred feet inland from Alexander Beach. It is within Del Mar Subdivision # 1, platted in 1945, downhill from a large rock and dirt cliff. About 1959, Marine Drive was built at the 100' level on this cliff. A subdivision with a public road was permitted above Marine Drive in 1964. Development began again in 1987 for a series of plats (cf. Fig 8). The torrential rains of 1990 came down onto Alexander Beach via the existing road system and gullies, eroding the dirt cliff below Marine Drive, and flooding the Lake, lanes, and land knee deep. It should not be surprising that the preliminary plat of Pointe 3 required management of uphill drainage across the downhill subdivisions.

As became the standard, plat drainage was to be managed by owners on private land, and road drainage managed by Public Works (PW) on public land. In this case, there are public and private roads, private collection ponds, and a public pipeline that runs under Marine Drive, down the cliff via 2 private easements, and continues through a 190' public owned parcel well into the Bay. As is all too common, Public Works engineering approved the plans without PW operations agreement that it could maintain the public part as designed. For example, PW maintains ditches with a backhoe or a vac-sweeper. A concrete lined trough cannot be cleaned with either. Dirt and plant debris blow in with seeds; as there is a constant supply of water, plants grow and cannot be poisoned; their roots grow through the concrete, and the ability of the ditch to control water is compromised.

While those of us who have records and understanding still live and own property around these 4 sites, please let us regularize the process of maintaining, and recognizing PW responsibilities. Please start by listing the four correctly in the inventory and correcting the county's records. Jan has offered to meet; I am one of those with records

and certainly will cooperate. It would help Jan with authorizing time for her to work with the public, if PW inventory listings were expected to be consistent. See pages 8-4 through 8-6 from the 2010 South Fidalgo Island Stormwater Management Plan to see what PW has already agreed to as an inventory for west Fidalgo Island, as well as to read about the problem area of Lake Chiquita.

I will attend the deliberations of the PC on this issue in case there are questions. When is that scheduled?

Sincerely,



Carol Ehlers

Attachments:

On October 15, 2013, documents were given to the Planning Commission and staff to provide background for the four sites. Colored docs were given PC from the 2010 South Fidalgo Island Stormwater Management Plan so they could easily see the complex of drainage basins now for the Burrows Bay side of the island, and have the maps next year for references in the SMA discussion.

1. Fig. 6-2 Subbasins
2. Fig. 4-5 Stormwater Inventory
3. Pages 8-4 through 8-6 Identified Areas of Concern

Information re. Lake Chiquita By-pass:

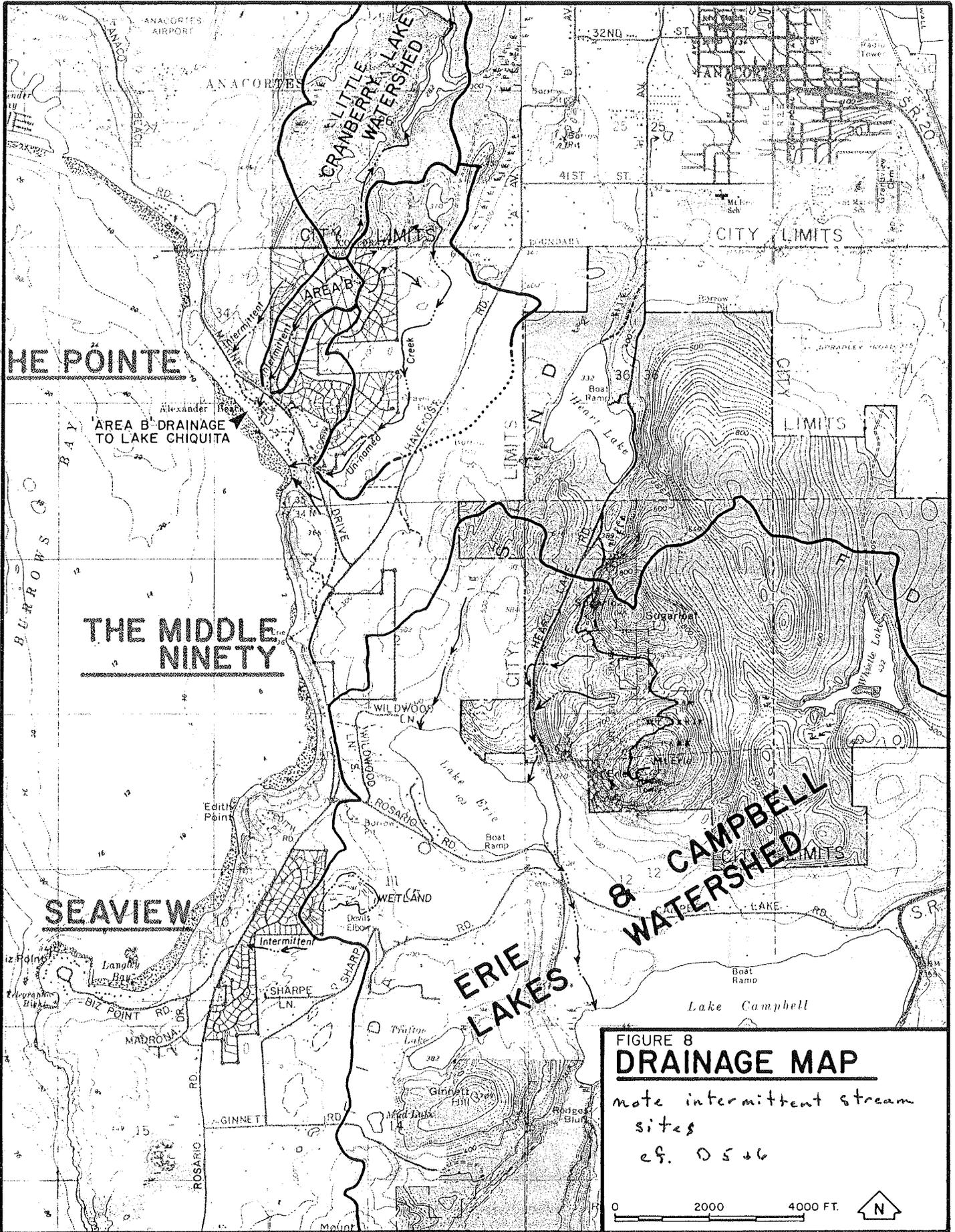
1. Resolution 12559 approving the Preliminary Plat of Pointe 3 dated July 9, 1990
2. Notice of Public Hearing April 17, 1991

General information for Burrows Bay shoreline:

1. Drainage map - Fig. 8 from the 5 volume EIS for San Juan Holding Co, 1989-94, showing the land areas proposed for development.

Added with text of October 23, 2013 is a copy of the 1978 DOE Coastal Zone Atlas showing recognized areas of instability. Note how close Jones and Dodson Canyons are to public roads.



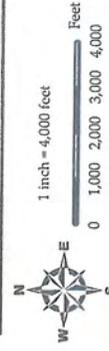


# SOUTH FIDALGO ISLAND



FIGURE 6-2  
SUBBASINS

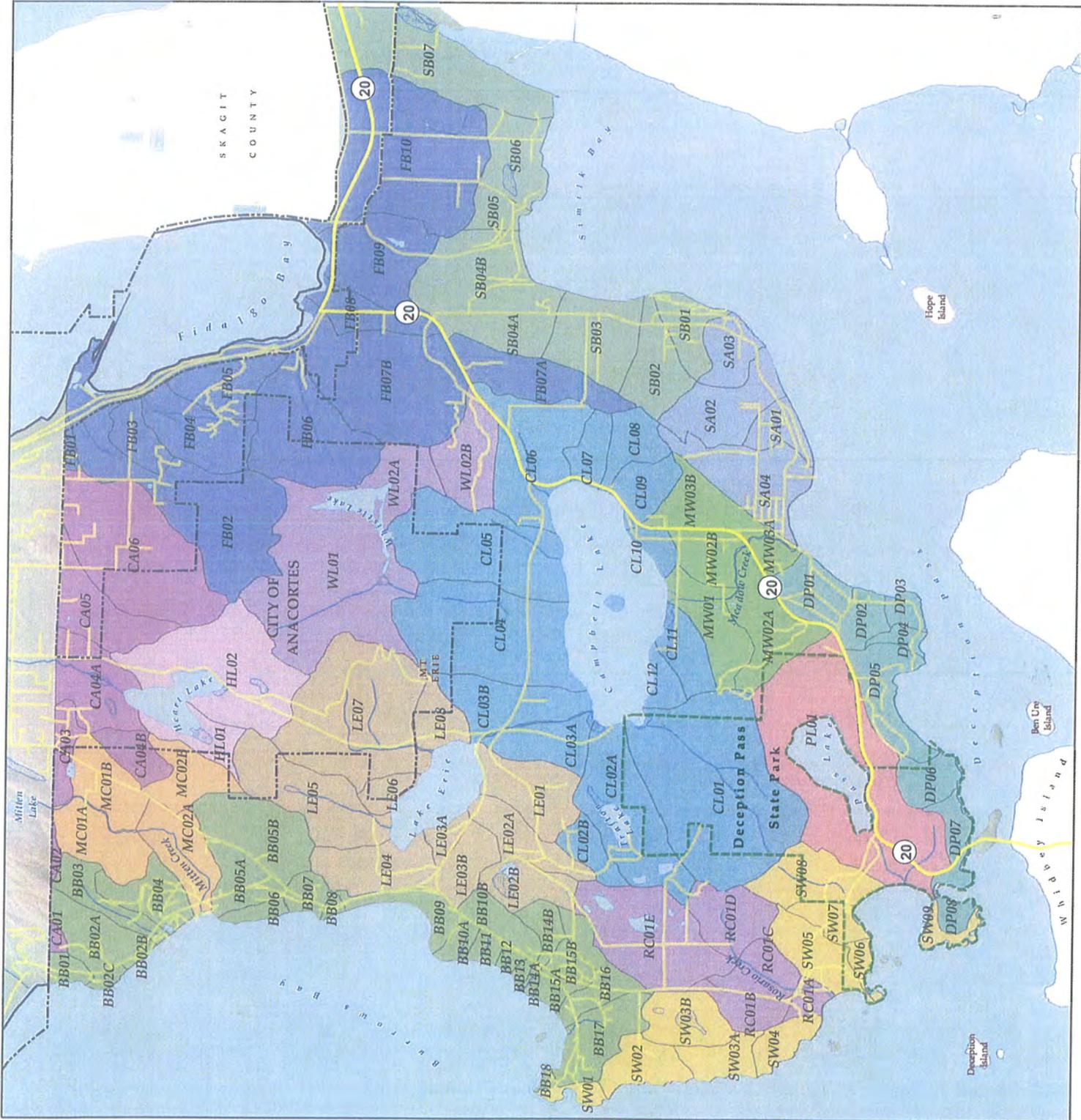
- Burrows Bay (BB)
- City of Anacortes (CA)
- Campbell Lake (CL)
- Deception Pass (DP)
- Fidalgo Bay (FB)
- Heart Lake (HL)
- Lake Erie (LE)
- Mitten Creek (MC)
- Meadow Creek (MW)
- Pass Lake (PL)
- Rosario Creek (RC)
- Salmon Beach (SA)
- Similk Bay (SB)
- Southwest (SW)
- Whistle Lake (WL)

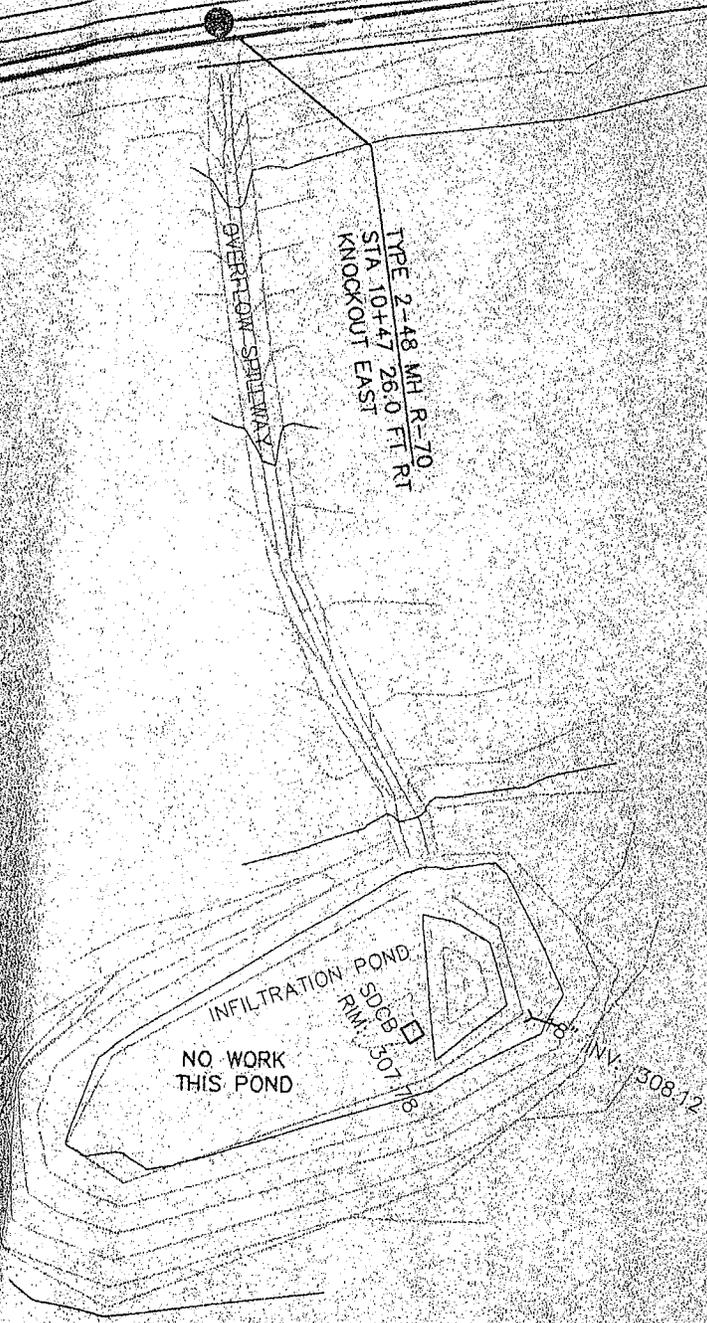


This map was created from available public records and existing map sources, and not from field surveys. Map features from all sources have been adjusted to achieve the "best fit". While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. This is not a substitute for field survey.



Data provided by Skagit County GIS  
Cartography by Tetra Tech, Inc.  
March 2010





**PRELIMINARY  
NOT FOR CONSTRUCTION**



**DAVID EVANS  
AND ASSOCIATES, INC**  
 119 GRAND AVENUE, SUITE D  
 BELLINGHAM, WA 98225-4400 (360) 647-7151

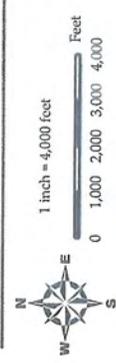
**SOUTH BURROWS BAY  
STORM DRAINAGE IMPROVEMENTS  
ROSARIO ROAD PLAN & PROFILE  
STA 0+00 TO 12+00**

# SOUTH FIDALGO ISLAND



FIGURE 4-5  
STORMWATER INVENTORY

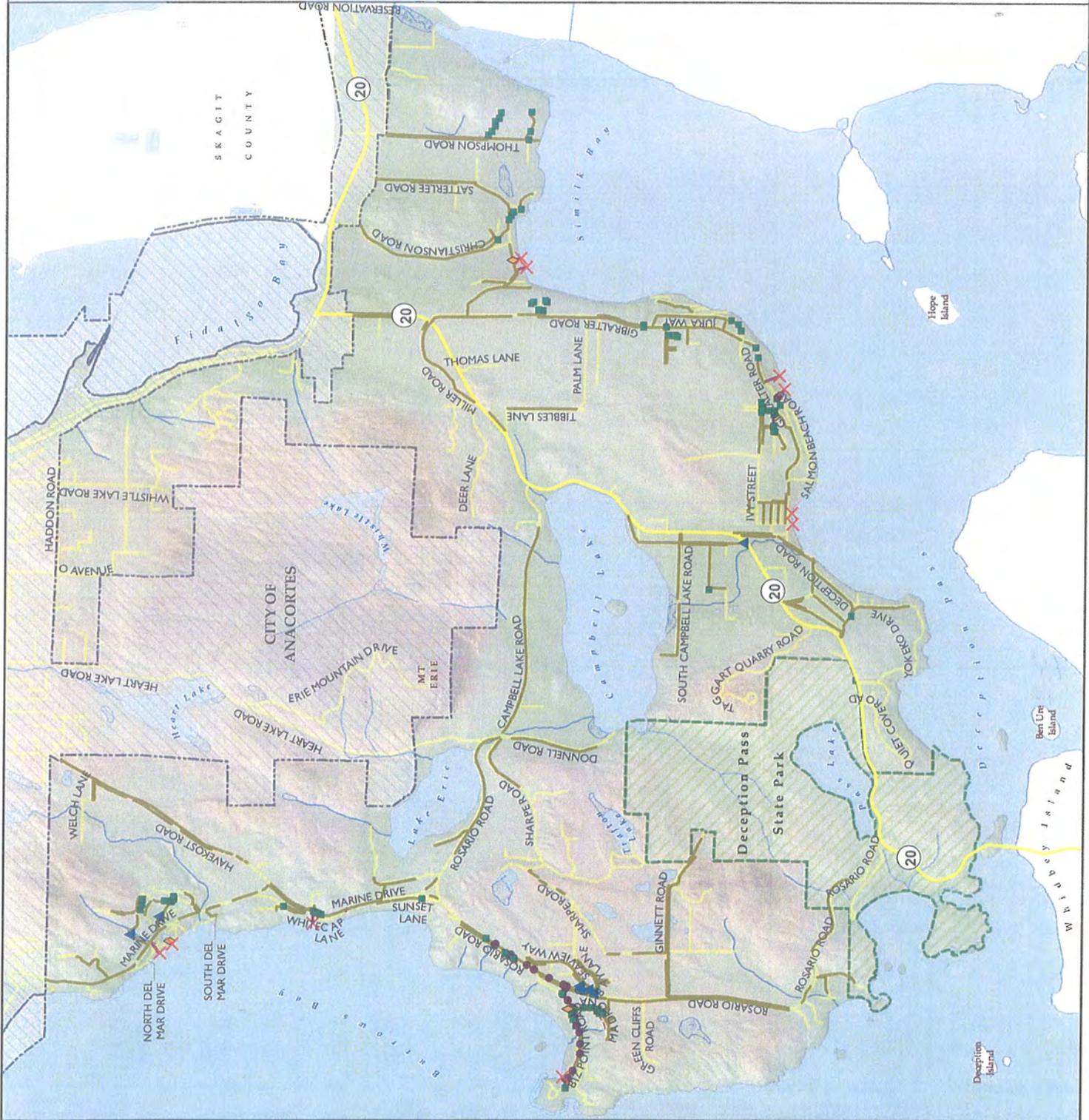
- Drainage Structures
- ▲ Ponds
  - CBs and Inlets
  - Manholes
  - ✕ Outfalls
  - ◇ Pump Station
  - Ditches
  - ≡ Berms
  - Pipes



This map was created from available public records and existing map sources, and not from field surveys. Map features from all sources have been adjusted to achieve the best fit. While great care was taken in this process, maps from different sources may agree as to the precise location of geographic features. This is not a substitute for field survey.



Data provided by Skagit County GIS  
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March 2010



RESOLUTION NO. 12559

APPROVING THE PRELIMINARY PLAT OF THE POINTE #.

SAN JUAN FIDALGO HOLDING COMPANY, INC.

WHEREAS, the Skagit County Planning Commission held a public hearing on June 4, 1990 to review the staff findings and recommendation, to receive public testimony and written correspondence, and to consider request P-90-004 for a preliminary plat by San Juan Fidalgo Holding Company, Inc. for the creation of 18 residential lots on an approximate 20 acre parcel located adjacent to and north of the Pointe 2, within the West 1/2 of Section 35, Township 35 North, Range 1 East, W.M., Skagit County, Washington; and

WHEREAS, the Skagit County Planning Commission has considered and deliberated the merits of the application and recommended that the preliminary plat of the Pointe #3 be approved, as evidenced by the attached recorded motion; and

WHEREAS, the Skagit County Board of Commissioners, at a public meeting on June 26, 1990, reviewed the application, findings and recommendation of the Planning Commission and discussed and deliberated the action to be taken in open session; and

WHEREAS, the Skagit County Board of Commissioners adopts the following findings made by the Planning Commission:

1. The public hearing has been advertised in accordance with RCW 58.17.090 and Chapter 14.12 of the Skagit County Code.
2. The preliminary plat has been reviewed in accordance with the State Environmental Policy Act Rules (WAC 197-11). An environmental checklist was submitted as part of the application and a determination of nonsignificance was issued on April 30, 1990. The draft and final environmental impact statements, Long Term Development Plan Concept and Short Term Subdivision Proposal for San Juan Fidalgo Properties were adopted by reference for this proposal.
3. The subject property is zoned Residential and the Islands District Comprehensive Plan designates the area as Rural Open Space.
4. The subject property is located adjacent to property previously platted as the Pointe 2, a 20 lot plat. The first division of the Pointe was approved for 9 lots. This preliminary plat proposes to create 18 additional lots on an approximate 20 acre parcel.
5. Access to the proposed plat would be from Marine Drive, to McCorkle Place, to Coronado Blvd. and then to the extension of San Juan Blvd. An extension of Islander Way would also serve proposed lots within Division #3. Olympic Crest, partially developed to serve an existing short plat (SP 10-89) is also being extended to serve several lots of this proposed plat.

All roads within the plat are proposed to remain private roads, to be maintained by the homeowners' association.

The Skagit County Department of Public Works has reviewed the preliminary plat and has indicated that the roads as shown meet minimum standards for private roads within a preliminary plat. There are sections of the roads that would be a maximum 13.9 % grade. The applicant has indicated that fire department emergency equipment may access the lots from a proposed loop that would connect San Juan Blvd. and Olympic Crest. This proposal has been reviewed by the Skagit County Fire Marshal and representatives of Fire District # 11.

The proponent gave testimony at the public hearing which indicated that it is negotiating with landowners to gain access to Havekost Road for an alternate access to mitigate potential traffic impacts.

The Skagit County Fire Marshal has also reviewed the placement of fire hydrants within the project and the projected fireflows from the water system and has indicated that the minimum standards are being met for the preliminary plat.

6. Soils information has been submitted for the individual lots within the preliminary plat. Lot areas range from approximately .57 acres to approximately 1.5 acres. The soils evaluations have been reviewed and approved by the Health Unit of the Department of Planning and Community Development. Alternative mound sand filter systems have been recommended for 5 of the lots.
7. The drainage calculations for this proposed plat were included with the calculations from the two previous divisions. Most of the drainage from this proposed plat will be collected and directed to the existing detention pond located adjacent to McCorkle Place. The pond was sized to include runoff from this proposal. The sedimentation collection system recently constructed within the pond appears to be functioning properly. Skagit County received several complaints regarding sedimentation and runoff from construction activities of the applicant. Upon investigation, it was determined that the temporary erosion and sedimentation measures that had been proposed as part of the development had not been installed prior to construction activity. The problems were alleviated when the systems were installed as proposed. Additional temporary erosion and sedimentation controls have been installed within the existing drainage off the cul de sac of San Juan Blvd., which also collects the runoff from Lots 28, 29, 31 and 32.

The applicant and his engineer are developing drainage calculations for the remainder of the watershed to be developed in order to determine the size of the proposed future detention pond. These calculations and information shall be submitted prior to or along with any future requests for subdivision.

The Skagit County Department of Public Works has reviewed the drainage plan and has indicated that it meets the minimum standards as set forth in the Skagit County Water Drainage and Erosion/Sedimentation Control Ordinance.

Testimony at the public hearing indicated that the proponent is working with the Del Mar Association to develop a drainage system that would bypass the Lake Chiquita area and flow directly into Burrows Bay.

In order to prevent additional sedimentation or surface water runoff problems, the Del Mar Association has requested that the proponent submit a construction schedule, indicating when the drainage structures will be installed, so that an inspection schedule and sign off procedure may be developed.

8. Water for the proposed plat is available from the City of Anacortes. The proposed water plan indicates that a 30,000 gallon storage reservoir will be constructed at 450 foot elevation and a future reservoir (unsized) would be developed at an elevation of 650 feet. A series of pumps is also part of the water system design.
9. Sections 14.12.070 - 14.12.080 of the Skagit County Code, RCW 36.70.680 and RCW 58.17.100 state that when considering a preliminary plat, the planning commission shall make recommendations to the legislative body, assuring conformance of the proposed subdivision to the general purposes of the comprehensive plan, the zoning ordinance, the subdivision ordinance and other applicable codes and ordinances of Skagit County. Section 14.12.080 of the Skagit County Code also states that the planning commission may grant or deny an application, or may require of the applicant conditions, modifications and restrictions as are found necessary to make the application compatible with its environment and carry out the goals and objectives of the comprehensive plan and other Skagit County codes and ordinances.
10. The Islands District Comprehensive Plan sets forth the following applicable statements and policies

The variety of lifestyles available in the Island area, both rural and urban, should be maintained or expanded in those areas where the physical environment and existing developments are compatible.

New development should be directed to floodsafe uplands of the Island area.

3.4.1.1 Provide and maintain lifestyles which best preserve the natural beauty of the area, minimize public investments and which allows private investment the greatest possible latitude within the interests of community health, safety and welfare.

3.4.1.8 The coordination of urban services should be handled on a metropolitan level to insure efficiency and economy of operation, and to provide specialized, regional facilities.

3.4.1.9 Municipal, public, quasi-public and private standards, plans, regulations and efforts should be coordinated with those of the area, the county and the region, realizing that successful integration of development cannot be accomplished without coordination of efforts.

4.2.1.7 The unincorporated upland areas with good physical characteristics are suitable for light residential use. The degree to which these areas are utilized varies with each alternative plan.

4.2.1.9 The areas shown as high intensity residential should have all the urban services including sewer systems. The light residential areas should have septic tanks or package plants.

6.3.1 ...The rural open space density is one dwelling unit per five acres.

6.6.4 The urban area should take advantage of the existing vacant land area and fill in these areas at approximately the same level as the adjacent neighborhoods, prior to expansion of existing boundaries.

6.6.5 Where possible, planned unit residential development should be used to cluster neighborhoods and to create open space areas within residential areas.

6.6.6 The areas designated for high density residential development should only be fully developed when all urban services are available.

6.6.7 Low density development of a significant degree should occur in areas where the physical environment is compatible and the resource production and extraction activities do not occur.

6.6.8 Residential development should continue in the same density, provided adequate water and sewer conditions are present. High density development should occur only if public water and a sewerage system are installed to serve the area.

6.6.5.1 Plans for new utilities (sewer, water, solid waste) should be coordinated on a regional basis to attain more efficient, equitable and economical levels of service throughout the community.

6.6.5.2 The use of package plant sewage systems or other new technology systems should be utilized where possible in the rural areas of the county. Efficient systems at a reasonable price would greatly facilitate residential development in the outlying areas.

6.6.5.4 Library service within the county should become coordinated at the regional level to assure a more equitable, cheaper, efficient system throughout the county. Once accomplished, a more comprehensive service would develop.

6.6.5.5 The various school districts which have not already prepared a comprehensive plan should do so. These plans, when completed, will be incorporated into the comprehensive regional plans for Skagit County.

11. Section 14.04.090, Residential District, of the Skagit County Code (zoning ordinance) states that the purpose of the Residential zoning District is to provide for and protect land for development density designed to meet contemporary building and living standards for single family dwellings and other related uses.
12. Section 14.04.210(e) of the Skagit County Code states that the Planning Commission shall consider the following in approving or denying an official control or amendment:
  - i. Conformity to the comprehensive plan.
  - ii. Automobile traffic and parking and its effect on the surrounding community.
  - iii. Noise, odors, heat, vibration and air and water pollution potential of the proposed use.
  - iv. Intrusion on privacy.
  - v. Design of site and structures as to possible effects on the neighborhood and on the region.
  - vi. Availability of suitable alternate locations.
  - vii. Potential effects regarding the general public health, safety, morals and general welfare.
13. It has been determined that the preliminary plat conforms to the zoning ordinance and goals and policies of the Islands District Comprehensive Plan. The proposal does not conform to the anticipated density of the comprehensive plan's Rural Open Space classification; however, Section 14.04.050 (2) of the Skagit County Code states that the zoning map and use regulations of that district shall take precedence over any designation of that land area in the comprehensive plan. The requirements of Chapter 14.12, Skagit County Subdivision Ordinance, have been satisfied.

NOW, THEREFORE, BE IT RESOLVED and hereby ordered that the Skagit County Board of Commissioners adopts the recommendation of the Planning Commission and approves the preliminary plat request of the Pointe #3, subject to the following conditions:

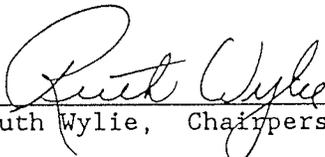
1. Prior to final plat approval, all proposed roads shall be built or a bond posted with Skagit County to ensure construction of road improvements to Skagit County standards.
2. Concrete monuments shall be set at all exterior angle points prior to final plat approval, in accordance with Section 14.12.120 (2)(a) of the Skagit County Code.
3. Corporate roads on the final plat shall be labeled as corporate roads and designated as Tract 'A'. The dedication portion of the final plat shall reflect that Tract 'A' is to be held in individual ownership by the owners of the lots served by corporate roads.
4. The standard construction and maintenance obligations set forth in Section 14.12.120(5) of the Skagit County Code shall appear within the dedication portion of the final plat.
5. The emergency access loop road proposed shall not exceed a grade of 12%. The road shall be constructed as an all weather road, with crushed surfacing, remain cleared of obstructions at all times and shall be maintained by the homeowners' association. The road shall be constructed prior to the issuance of any building permits within the Pointe # 3.
6. Prior to any road construction, the applicant shall be responsible for scheduling a road pre-construction meeting with the Skagit County Department of Public Works to determine construction requirements and a construction and inspection schedule for the proposed roads. Additional road development being conducted and anticipated by the applicant shall also be discussed.
7. The applicant shall submit, as part of the final plat packet, a construction schedule for drainage improvements within the entire watershed to include temporary erosion and sedimentation control devices and permanent installations to the Skagit County Department of Planning and Community Development. A construction schedule shall be a part of the drainage plan, in order to develop an inspection schedule and sign off procedure by the Skagit County Department of Public Works.
8. The water system shall be constructed or a satisfactory bond to cover construction costs shall be submitted to Skagit County prior to final plat approval.

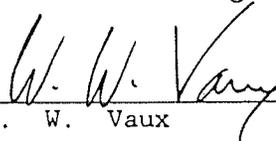
Res. No. \_\_\_\_\_  
page seven

9. The preliminary plat shall be valid for a period of three years from the date of approval by the Skagit County Board of Commissioners.
10. The applicant, in cooperation with the property owners, shall develop an alternative drainage system, which would include the bypassing of runoff water to Lake Chiquita. The Skagit County Department of Planning and Community Development and Skagit County Department of Public Works shall give careful consideration to such an alternative system.

IN TESTIMONY WHEREOF, we hereunto set our hands and affix the official seal of our office, this 9<sup>th</sup> day of July, 1990.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
\_\_\_\_\_  
Ruth Wylie, Chairperson

  
\_\_\_\_\_  
W. W. Vaux

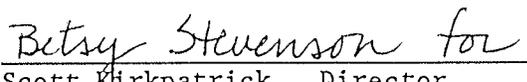
\_\_\_\_\_  
Dave Rohrer

\_\_\_\_\_  
Stephanie Wood, Clerk  
Board of County Commissioners

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John R. Moffat, Chief Civil Deputy  
Prosecuting Attorney's Office

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Betsy Stevenson for  
Scott Kirkpatrick, Director  
Planning and Community Development

*Nielson*

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Skagit County Hearing Examiner will hold a public hearing on Wednesday, April 17, 1991 in Hearing Room C of the County Administration Building, Mount Vernon, Washington, at the hour of 1:30 p.m., or as soon thereafter for the purpose of determining whether the Hearing Examiner should approve, modify and approve or deny the following requests:

AGENDA

PUBLIC HEARING

- ✓ A. Variance Request # 91-002 of Hubert Johnson to allow the subdivision of approximately 16,000 square feet with an existing residence from 120 acres to allow for repairs due to flooding. Located at 1547 Polson Road within a portion of Section 12, Township 33 North, Range 3 E.W.M., Skagit County, Washington.
- ✓ B. Variance Request # 91-004 of John Skeele to allow the placement of a residence that would exceed the 150 foot rear yard setback. Located at 1171 Rawlins Road within a portion of Section 8, Township 33 North, Range 3 E.W.M., Skagit County, Washington.
- ✓ C. Special Use Request 91-005 of 3M National Advertising to convert an existing sign approximately 7' X 16' to an on-premise sign and for the construction of a new off-premise sign approximately 10' X 24' located approximately 400' east of the existing sign. The site is located at the Northeast corner of Reservation Road and Highway 20, within a portion of Section 3, Township 34 North, Range 2 E.W.M., Skagit County, Washington.
- David Johnson* ✓ D. Shoreline Substantial Development/Conditional Use/Variance Request # 91-006 of San Juan Fidalgo Holding Company Inc. for the development of a tight line drainage system consisting of plastic pipe to convey drainage surface water from The Pointe Developments to by-pass Lake Chiquita, located west of the Plat of the Pointe, Division #3 and west of Marine Drive, within the west 1/2 of Section 34, Township 35 North, Range 1 E.W.M., Skagit County, Washington.
- E. Special Use Request # 90-046 of Hayes Well Drilling Company to construct a new shop approximately 50' X 80' and office approximately 28' X 40'. The new buildings will be constructed adjacent to an existing shop. The property is located on the west side of Ershig Road approximately 1 mile north of Bow Hill Road within a portion of Section 35, Township 36 North, Range 3 E.W.M., Skagit County, Washington.

## RECOMMENDED PROJECTS TO ADDRESS CURRENT CONCERNS

This section describes projects that have been developed to address the concerns identified in Chapters 4 and 5. Projects were not developed for all of the areas of concern because some were determined not to require any action at this time. Table 8-1 summarizes all the areas of concern and the proposed actions to address them, if any. Descriptions of recommended projects follow.

<b>TABLE 8-1. DISPOSITION OF IDENTIFIED AREAS OF CONCERN</b>	
Areas of Concern	Disposition
<b>Previously Addressed</b>	
Dodson Canyon	South Burrows Bay Storm Drainage Improvements
Jura Way	Previously reported problem addressed by property owner
Sunset Lane	County storm drainage project; regrading ditch and installing stormwater inlets
Whitecap Lane	County storm drainage project; partial paving of ditch, installing stormwater inlets, new outfall to Burrows Bay
<b>Addressed by Recommendations in This Plan</b>	
Chiquita Lane	North Del Mar Drive/Chiquita Lane Recommendation
North Del Mar Drive	North Del Mar Drive/Chiquita Lane Recommendation
Biz Point–Tingley Creek	Biz Point–Tingley Creek Recommendation
Yokeko Drive	Yokeko Drive Recommendation
Similk Golf Course	Similk Golf Course Recommendation
Day Break Lane	Day Break Lane Recommendation
Salmon Beach	Salmon Beach Recommendation
Biz Point Road	Biz Point Road Recommendation
South Del Mar Drive	South Del Mar Drive Recommendation

Note that maps in this chapter were created from existing maps and other available public records. Discrepancies between sources may be reflected as alignment errors in some figures.

## North Del Mar Drive/Chiquita Lane Recommendation

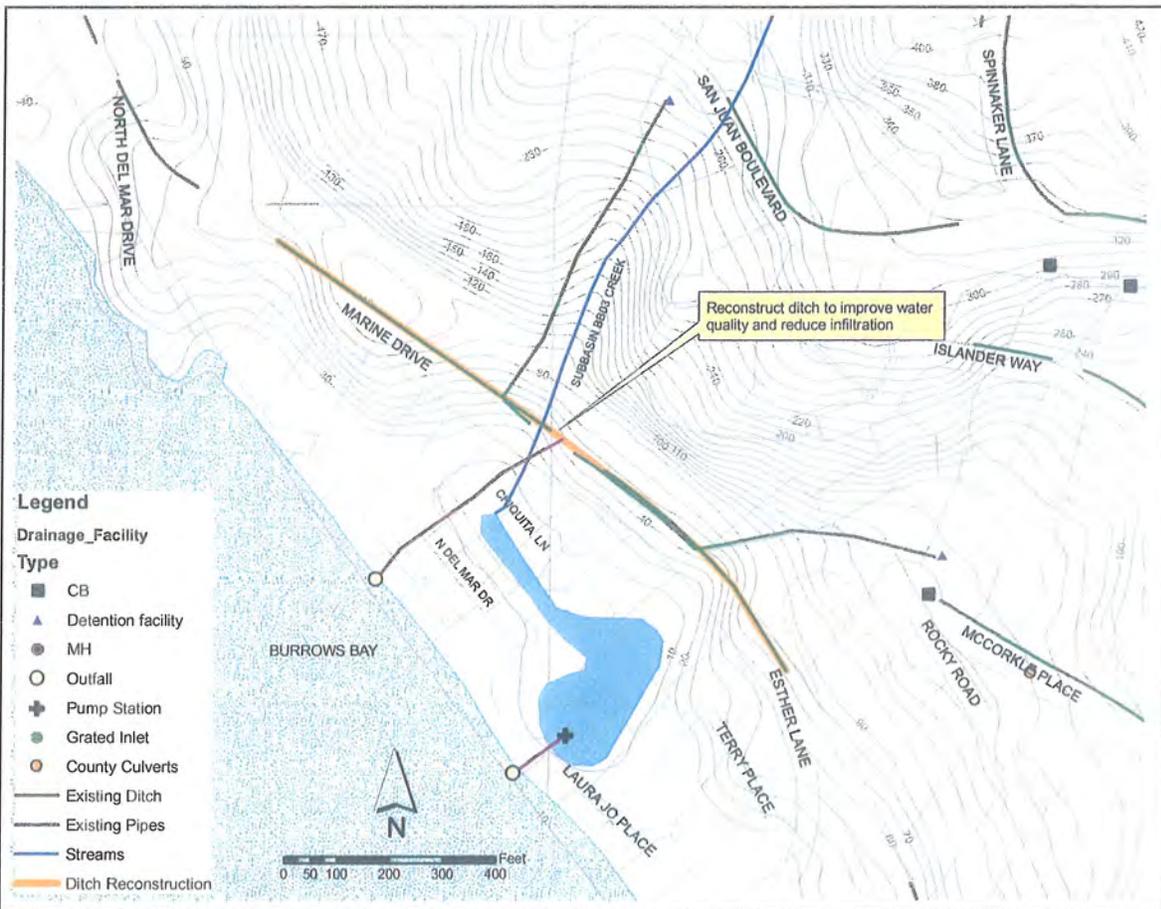


Figure 8-1. North Del Mar Drive and Chiquita Lane Problem and Recommendation Location Map

### Problem Description

Groundwater levels appear to lead to flooding and structural problems at properties along Chiquita Lane. Increased groundwater may be due to local drainage or to infiltration from runoff in roadside ditches adjacent to Marine Drive. Concerns about runoff water quality may indicate that existing roadside ditches do not provide adequate water quality treatment.

The drainage inventory of the area shows one piped outfall from Marine Drive. The stream flows to Chiquita Lake, which has a pump station discharge to Burrows Bay. Road runoff from Marine Drive does not enter the stream; stream flow from the creek in Subbasin BB03 does not intersect the road or existing pipe.

### Recommendation

The recommended solution includes the following:

- Conduct an inventory of drainage structures to identify the location of culverts, ditches, pipes and outfalls in the North Del Mar area.
- Assess how local drainage along Chiquita Drive may lead to increased groundwater levels.

- Reconstruct roadside ditches along Marine Drive to improve water quality treatment and decrease infiltration.

PLANNING LEVEL CONSTRUCTION COST OPINION				
PROJECT: <u>North Del Mar Drive / Chiquita Lane</u>			BY: <u>smf</u>	
DESCRIPTION: <u>Groundwater and Water Quality Improvements</u>			CHECKED BY: _____	
BASIN/SUBBASIN: <u>Burrows Bay - BB03 &amp; BB04</u>			DATE: <u>10-Mar-10</u>	
BID ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
<b>ADDITIONAL STUDY</b>				
DETAILED DRAINAGE INFRASTRUCTURE INVENTORY	1	EA	\$ 5,000.00	\$ 5,000
LOCAL DRAINAGE REVIEW	1	EA	\$ 4,000.00	\$ 4,000
<b>Study Subtotal</b>				<b>\$ 9,000</b>
<b>CONSTRUCTION</b>				
RECONSTRUCT ROADSIDE DITCHES	1,300	LF	\$ 25.00	\$ 32,500
<b>Construction Subtotal</b>				<b>\$ 32,500</b>
DEWATERING	5%			\$ 1,625
EROSION & SEDIMENTATION CONTROL	10%			\$ 3,250
TRAFFIC CONTROL	5%			\$ 1,625
CONTINGENCY	30%			\$ 9,750
<b>Subtotal</b>				<b>\$ 48,750</b>
MOBILIZATION (GENERAL REQUIREMENT)	10%			\$ 4,875
<b>Project Subtotal (Rounded)</b>				<b>\$ 63,000</b>
STATE SALES TAX	8.2%			\$ 5,166
ENGINEERING/LEGAL/ADMIN	50%			\$ 31,500
CONSTRUCTION MANAGEMENT	20%			\$ 12,600
PERMITTING	10%			\$ 6,300
<b>2009 Dollars</b>				<b>Total Estimated Project Cost (Rounded) \$ 119,000</b>
Notes:				
1. The above cost opinion is in 2009 dollars and does not include future escalation, financing, land acquisition, or O&M costs.				
2. The order-of-magnitude cost opinion has been prepared for guidance in project evaluation from the information available at the time of preparation and for the assumptions stated. The final costs of the project will depend on actual labor and material costs, actual site conditions, productivity, competitive market conditions, final project scope and schedule, and other variable factors. As a result, the final project costs will vary from those presented above. Because of these factors, funding needs for individual projects must be scrutinized prior to establishing the final project budgets.				

Skagit County Planning Commission  
Mount Vernon Wa. 98273  
October 14, 2013

RE; Comments on 2014 -2019 Capital Facilities Plan update;

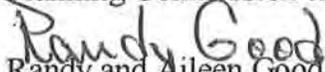
Language has been added to Capital Facilities Plan (CFP) on not one but two pages (pages 10 & 31 copies attach.) by Ryan Walters in my opinion to cover up his erroneous statements made June 4th. to County Commissioners. They were considering the paving project on the Path of Corruption ( Cascade Trail ). Skagit County Comp Plan Policy 8A-6.3 (copy attached) requires all non-motorized projects be included on 6 yr.TIP in order to be funded. I displayed and read this policy to Commissioners on TV screen June 4th prior to the vote and also day's earlier in a meeting with Dillon. Walters advised commissioners claiming paving project was a recreation, not a transportation project so was not necessary to include on 6 year TIP as stated in June 4th commissioners minutes ( attached).

Oops did Walters fail to read and abide by the following laws and county policies?

1. RCW 47.30.030 Facilities for nonmotorized traffic - Expenditure of available funds.  
(copy attached)  
Which stipulates money that they did use from Fund 102 Special Paths is for non-motorized uses only.
2. Skagit County Transportation Systems Plan, Transportation Inventory 2003. (copy attached)  
Cascade trail identified as Transportation facility that Dahlstedt promoted, signed in 2003 to be identified as transportation facility.
3. Memorandum from Kirk Johnson Jan. 20, 2004 stating Cascade Trail is existing Transportation facility and that non-motorized projects must be included on 6 year TIP.  
(copy attached).

And Oops Walters in my opinion did not think about the consequences his erroneous advice would cause to the budget leading to double dipping lines. One as a recreation project and the other as transportation project. With these erroneous statements in my opinion Dillon and Dahlstedt voted 2-1 to break county and state law with full knowledge that this paving project was a non-motorized project not a recreation project.

In my opinion documentation attached clearly shows county officials cover up and intentional breaking of the law. Non-motorized projects must be listed on 6 year TIP as Comp Plan now requires. We encourage Planning Commission to remove added language on pages 10 & 31 of CFP dealing with what appears to be Walters cover up of his erroneous advice. We encourage Planning Commission to question Walters ability to be the Planning Commissions legal advisory.

  
Randy and Aileen Good



35482 state Route 20 Sedro Woolley WA. 98284 360-856-1199

2014-2019 Draft 4-25-19

### Definition in this CFP

The following definition replaces the definition of "capital facility" in Comprehensive Plan Policy 10A-1.1 and Comprehensive Plan Appendix A.

"Capital facility" means any publicly-owned structure, improvement, or asset (including land) that meets all of the following criteria:

- is related to providing one of the facilities or services identified above;
- exists now or may be needed during the current GMA 20-year planning period (2005-2025);<sup>19</sup>
- requires the expenditure of public funds over and above annual maintenance and operational expenses; and
- costs \$10,000 or more; and
- has a life expectancy of 10 years or more;

but not:

- existing vehicles and equipment, the replacement of which is programmatically-funded by the County's Equipment Rental & Repair fund.

Because the County's *Transportation Systems Plan* ("TSP"), which includes an inventory, and the six-year *Transportation Improvements Program* ("TIP"), which includes a financing plan, are incorporated by reference, roads and non-motorized transportation projects that are included in those plans need not appear in the text of this CFP. Accordingly, trail projects for the purpose of recreation, not transportation, may be included in the CFP rather than the TIP.

## LOS and Facilities Necessary for Development

GMA provides that a CFP must include each of the following:

- Explicit statements about which of the included public facilities are determined necessary for development. A facility *should* be identified as necessary for development if the need for the new facility is related to the impacts of development. A facility *must* be identified as necessary for development if the county imposes an impact fee as a funding strategy.<sup>20</sup>
- Clearly-identified minimum Level of Service standards (not just guidelines or criteria) for all facilities determined necessary for development. Counties and cities are not required to set level of service standards for facilities that are not necessary for development.<sup>21</sup>
- For each of the facilities designated as necessary to support development, either a 'concurrency mechanism' or an 'adequacy mechanism' to trigger appropriate reassessment if service falls below the baseline minimum standard. Transportation facilities are the only facilities required to have a concurrency mechanism, although a local government may choose to adopt a concurrency mechanism for other facilities.<sup>22</sup>

### NOTES

<sup>19</sup> Pat Dugan, "Third Promise of GMA Revisited: the New Urban Growth Area Guidebook," MRSC Planning Advisor, August 2013.

<sup>17</sup> "Public facilities" are defined by RCW 36.70A.030(12). See also WAC 365-196-415.

<sup>18</sup> "Public services" are defined by RCW 36.70A.030(13).

<sup>19</sup> Only the financing plans for fulfilling those needs may be limited to the next six years.

<sup>20</sup> WAC 365-196-415(5)(a).

<sup>21</sup> WAC 365-196-415(2)(b)(iii)(C).

<sup>22</sup> Jody L. McVittie v. Snohomish County, CPSCMH Case No. 01-3-0002, Final Decision and Order, July 25, 2001.

## Proposed Projects & Financing

### Road Projects

In addition to the projects described below, this Capital Facilities Plan incorporates by reference the Skagit County 2013-2018 Transportation Improvement Program (“TIP”) as adopted and amended on March 12, 2013.

Project	Funding Source	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	Total	Notes/Description
Burlington Complex	Road Fund	0	0	0	150	0	0	150	Add equipment storage pole building
Concrete Shop Building	Road Fund	0	0	250	0	0	0	250	Shop building improvements
Marblemount Shop Complex	Road Fund	90	0	0	0	0	0	90	Add pole building; fence property
Total		90	0	250	150	0	0	490	

### Non-Motorized Transportation Projects

RCW 36.81.121 requires the TIP “include proposed road and bridge construction work...deemed appropriate,” but also “include any new or enhanced bicycle or pedestrian facilities identified pursuant to” the Comprehensive Plan transportation element, “or other applicable changes that promote nonmotorized transit.”

Moreover, RCW 36.81.121(2) requires that the TIP include “information as to how a county will expend its moneys, including funds...for nonmotorized transportation purposes” and subsection (3) requires that the TIP “contain information as to how a county shall act to preserve railroad right-of-way in the event the railroad ceases to operate in the county’s jurisdiction.”

The Board of County Commissioners has directed through Skagit County Comprehensive Plan Transportation Element policy 8A-6.3 that the TIP fully comply with the statute by including any capital project anticipated in the next six years that is for a trail intended for non-motorized transportation. Parks and Recreation Department capital projects for trails that are intended for

recreation rather than transportation must be included in the CFP, but need not be included in the TIP.

### Anacortes-Guemes Ferry

Skagit County performs capital planning for the ferry between Anacortes and Guemes Island through the fourteen-year Ferry Capital Improvement Plan required by RCW 36.54.015 and already incorporated into this Capital Facilities Plan by reference. Improvements to the ferry system are also included in the Transportation Improvement Program.

## ■ Non-motorized Transportation

### Goal A-6, Network

*Provide a safe and efficient network of trails and bikeways, including both on- and off-road facilities that link populated areas of the County with important travel destinations.*

*Achieve high standards in meeting the needs of non-motorized users through appropriate planning, design, construction and maintenance of user-friendly facilities.*

*Increase education, information and traffic enforcement efforts associated with non-motorized transportation as a means of lowering collision and injury rates associated with these modes.*

### Policies

- 8A-6.1** The Skagit County non-motorized transportation system is comprised of all streets and highways to which access by bicyclists and pedestrians is permitted, separated trails and pathways which have a transportation function as defined in the Non-Motorized Transportation Plan, and any system or design accommodations meant to serve non-motorized users.
- 8A-6.2** The County's Non-Motorized Transportation Plan should identify non-motorized needs in the County. Based on those needs, the plan should then identify and prioritize potential non-motorized projects. However, the inclusion of a project in the plan does not constitute a commitment that the County will fund or construct a project.
- 8A-6.3** Like all transportation projects, non-motorized transportation projects must be added to the Six-Year Transportation Improvement Program (6-Year TIP) in order to be funded.
- 8A-6.4** Provide for the diverse needs of bicycle, pedestrian and equestrian modes through appropriate routing and the utilization of single-use and shared-use facilities.
- 8A-6.5** Connect all significant traffic generators (such as neighborhoods and communities) with each other as well as with a wide variety of destinations including schools, employment and commercial centers, medical and social service centers, other transportation facilities and



**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JUNE 4, 2013**

The Skagit County Board of Commissioners met in regular session on Tuesday, June 4, 2013, with Commissioners Sharon D. Dillon, Ron Wesen, and Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Dillon called the proceedings to order at 8:30 a.m.

II. PLEDGE OF ALLEGIANCE:

Chair Dillon led the gallery in the salute to the flag.

III. AGENDA:

a) 8:30 a.m. - 9:30 a.m. Planning and Development Services - Dale Pernula, Director:

1. Discussion/Work Session: Skagit County Urban Growth Area (UGA) Open Space Concept Plan Implementation

Director Dale Pernula mentioned that the Urban Growth Area (UGA) Open Space Concept Plan was adopted by the Board of County Commissioner on September 8, 2009. He pointed out that the next step would be to form a UGA Open Space Advisory Committee. Mr. Pernula indicated that in April of 2012 the Skagit Council of Governments (SCOG) contracted with Skagit Healthy Communities in part to coordinate with Skagit County and other stakeholders to implement UGA Open Space Plan. The scope of the contract was limited to elements that pertain to non-motorized transportation portion of the Plan.

There was a discussion regarding establishing a Skagit County UGA Open Space Advisory Committee, the support staff for the Committee, funding that would be needed to set up the Committee and implement the plan, and the need for communication with the cities, towns and community partners to develop the Committee.

Ms. McNett Crowl discussed the potential composition, function, structure and tasks of the UGA Open Space Advisory Committee and her portion of the work which she said would relate to non-motorized transportation.

Commissioner Dillon discussed the possibility of having SCOG coordinate the development of the Committee. Commissioner Dahlstedt and Wesen agreed and tasked Ms. McNett Crowl with adding the topic of creating the criteria and development of the UGA Open Space Advisory Committee to a future SCOG meeting agenda.

2. Miscellaneous

Mr. Pernula reported that building permit application activities were picking up and indicated that they were looking forward to a good construction season.

Chair Dillon recessed the proceedings at 9:34 a.m.

b) 9:30 a.m. - 9:45 a.m. Office of Assigned Counsel Introduction of New Staff: Office Assistant II Maria Cambron

Chair Dillon reconvened the proceedings at 9:30 a.m.

Director of Assigned Council Letty Alvarez introduced Staff Assistant II Maria Cambron. Ms. Cambron provided a brief history of her professional experience.

The Commissioners welcomed Ms. Cambron to Skagit County.

Chair Dillon recessed the proceedings at 9:34 a.m.

- c) 10:00 a.m. - 10:30 a.m. Parks, Recreation and Fairgrounds - Brian Adams, Director:

Chair Dillon reconvened the proceedings at 10:01 a.m.

1. Discussion/Possible Action: Bid Award for Cascade Trail Mile One (1) Trailhead Project #ES97-74

Director of Parks, Recreation and Fairgrounds Brian Adams provided a drawing depicting the Fruitdale Road parking area and explained the need for the project. He indicated that the surface to be paved was a ten (10) foot wide surface. Mr. Adams indicated that the asphalt surface parking facility and trail would be safer and more aesthetically pleasing for trail users and would reduce maintenance costs. He indicated that the project had received multiple letters of support from a number of agencies. He thanked Dr. Larry Campbell and the Sedro-Woolley Rotary Club for all their hard work and dedication to the Cascade Trail Mile One (1) Trailhead Project.

Ryan Walters, Civil Deputy Prosecuting Attorney, provided information in response to public comments that non-motorized transportation projects were required to be added to the Transportation Improvement Program (TIP). He indicated that this project was not on TIP because it was a recreation project and not a transportation project. He stated the project was on the Capital Facilities Plan, which has had multiple levels of review and was part of the Comprehensive Plan.

Mr. Walters further addressed concerns that the railroad corridor was a taking of property. He explained that the takings issue had been resolved when Skagit County first obtained rights to the railroad corridor when the Burlington Northern Railroad (Railroad) decided to discontinue use of the corridor. He indicated that when the Railroad discontinued use of the of railroad corridor, they filed an application with the Surface Transportation Board which triggered a provision in federal law, the National Trails System Act, that allowed Skagit County to obtain use of the railroad corridor and operate it as a trail. Mr. Walters indicated that the State Court of Appeals have addressed the takings matter and have said that there was not an issue of a takings and there was not a constitutional problem. Mr. Walters stated that the matter was settled in 2001.

Commissioner Dahlstedt said that trails have been identified by numerous members of the community as an important need. He indicated that the cost to maintain the trail would be less if the trail was paved and he thanked the Sedro-Woolley Rotary Club for their hard work and commitment to the community.

Commissioner Wesen thanked the Sedro-Woolley Rotary Club for the improvements made to the trail and the parking lot. He expressed concerns about the cost to remove the paved the trail if the Railroad decided to install a railway in the future.

Randy Good of 35482 State Route 20 in Sedro-Woolley said that he disagreed with Mr. Walters's assessment that the Rails to Trails was not a taking of property from landowners. He expressed concerns that if in the future the railroad reinstalled the railway that it would cost additional funds to remove the paved trail. Mr. Good read from Chapter 8 of the Comprehensive Plan "Non-motored Transportation" and reiterated his concerns that the project was not added to the Transportation Improvement Project (TIP). He went on to show pictures of other projects that needed funding.

A motion was made by Commissioner Dahlstedt to approve the Resolution Awarding the Bid for the Cascade Trail Mile 1 Trailhead Project ES97-74 to Lakeside Industries, Inc. in the amount of \$143,162.75 (**Resolution No. R20130141**) Chair Dillon seconded



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[RCWs](#) > [Title 47](#) > [Chapter 47.30](#) > [Section 47.30.030](#)

[47.30.020](#) << [47.30.030](#) >> [47.30.040](#)

### RCW 47.30.030

## Facilities for nonmotorized traffic — Expenditure of available funds.

Where an existing highway severs, or where the right-of-way of an existing highway accommodates a trail for pedestrians, equestrians, or bicyclists or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially increase the motor vehicle safety, the provision of facilities for pedestrians, equestrians, or bicyclists which are a part of a comprehensive trail plan adopted by federal, state, or local governmental authority having jurisdiction over the trail is hereby authorized. The department of transportation, or the county or city having jurisdiction over the highway, road, or street, or facility is further authorized to expend reasonable amounts out of the funds made available to them, according to the provisions of RCW [46.68.090](#), as necessary for the planning, accommodation, establishment, and maintenance of such facilities.

[1999 c 269 § 10; 1979 ex.s. c 121 § 1; 1974 ex.s. c 141 § 12; 1972 ex.s. c 103 § 2.]

### Notes:

**Effective date -- 1999 c 269:** See note following RCW [36.78.070](#).

**Severability -- 1972 ex.s. c 103:** "If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1972 ex.s. c 103 § 8.]



**TABLE 2-6 Average Length of 1-Way Bike Trip**

RESPONSE	%	Sum%
Up to 1 Mile	21.8	21.8
1 to 2 Miles	26.2	48.0
3 to 5 Miles	35.1	83.1
6 to 10 Miles	12.0	95.1
Over 11 Miles	4.9	100.00

2. Current Facilities

Presently, the primary facilities that accommodate non-motorized uses in the unincorporated County are the County roads. Many roads lack adequate shoulder widths making them dangerous for pedestrian use. The same holds true for bicycle use on roads without adequate paved shoulders.

There are a few facilities in the County either built for, or specifically designated for non-motorized transportation usage. One is the Padilla Bay Trail. Both bicyclists and walkers can use it, but it functions primarily as a recreational trail. The limited inventory of signed on-road bikeways in Skagit County includes portions of the following:

- Bayview-Edison Road
- La Conner- Whitney Road
- McLean Road
- West Big Lake Road

The County has invested in two unused railroad corridors that may provide opportunities for the future development of some major non-motorized facilities in the County. One includes parts of an abandoned Burlington Northern Railroad (BNRR) line running north-south along SR-9 between Snohomish County and Sedro-Woolley. It is to be called the Centennial Trail and, if completed, will link up to the Centennial Trail in Snohomish County. The other includes a 23-mile stretch of an unused BNRR line between Sedro-Woolley and Concrete which is under a rail banking agreement. (Through rail banking, the right of way is retained, intact, by one jurisdiction. The Railroad then retains the right to reacquire the line for rail use in the future.)



# PLANNING AND PERMIT CENTER

LOUIS J. HAFF, PE, INTERIM DIRECTOR

GARY R. CHRISTENSEN, AICP  
Administrative Official &  
Assistant Director of Planning

KENDRA SMITH, ASLA, AICP  
Assistant Director  
Community Development

BILL DOWE, CBO  
Building Official  
Permit Center

## MEMORANDUM

**To:** Skagit County Planning Commission  
**From:** Kirk Johnson, Senior Planner  
Kendra Smith, Assistant Director  
**Date:** January 20, 2004  
**Re:** Non-Motorized Transportation Plan Remand from Board of County Commissioners

On February 3, 2004, the Planning Commission will reconsider the Skagit County Non-Motorized Transportation Plan, as remanded by the Board of County Commissioners (BCC) to the Planning Commission for further consideration. This memorandum summarizes the purpose for the BCC remand.

The BCC considered the Planning Commission's recorded motion on the Transportation Systems Plan (TSP) and Non-Motorized Transportation Plan (NMTP) on November 17, 2003. As recommended by the Planning Commission, the BCC voted to approve Chapters I - IX of the TSP, including related Comprehensive Plan and Code amendments. These were formally adopted by Ordinance No. O20030033 on December 22, 2003 (Attachment 1). That ordinance also remanded Chapter X, the NMTP, to the Planning Agency (the Planning and Permit Center and Planning Commission) for further consideration. The BCC included the following findings in the ordinance as conditions of that remand:

1. The Planning Commission recommended removing references to the Cascade Trail from the Transportation Systems Plan. The trail runs between Sedro-Woolley and Concrete on a currently unused stretch of Burlington Northern Railroad line that is under a rail-banking agreement. In agreeing to adopt Chapters I - IX of the Transportation Systems Plan, the BCC does not approve that recommendation. The Cascade Trail is an existing transportation facility and is described as such in the Transportation Systems Plan. In addition to being used as a trail, it is important to preserve the right-of-way as a railroad corridor for potential future industrial use, for instance if a sawmill were to locate in Hamilton.<sup>1</sup>
2. The Non-Motorized Transportation Plan should identify non-motorized needs in the County. Based on those needs, the Plan should then identify and prioritize potential non-motorized projects in the County. However, the inclusion of a project in the plan does not constitute a commitment that the County will fund or construct that project.

3. Once the Non-Motorized Transportation Plan is adopted, there will be a public process conducted by the BCC to consider placing non-motorized transportation projects identified in the plan onto the 6-year Transportation Improvement Program (TIP). The TIP is the County's plan showing

<sup>1</sup> A transcript from a portion of the BCC's Nov. 17, 2003 deliberations on the TSP, specifically addressing the Cascade Trail, is included for the Planning Commission's reference as Attachment 2.

- X specific proposed expenditures for transportation capital projects over a 6-year period. Only after the BCC puts a specific project onto the 6-year TIP will that project be eligible for County funding.
- X 4. The Planning Commission should recommend a process under which the BCC would consider non-motorized transportation projects and place them on the 6-year TIP, as is currently done with "motorized" transportation projects.
5. The Planning Commission shall provide its recommendation to the Board of County Commissioners no later than February 12, 2004, in order to meet a deadline that the County has stipulated to in Western Washington Growth Management Hearings Board Case No. 97-2-0060c, "Long-Term Postponed Issues."

The Department has redrafted the enclosed NMTP (Attachment 3) to address the BCC findings. In order to meet the deadline identified in Finding #5 above, the Planning Commission has the evening of February 3<sup>rd</sup> to deliberate and forward a recommendation. If the Planning Commission is unable to issue a recommendation on the plan, the BCC will take its own action.

#### SUMMARY OF REVISED NMTP

Following is a brief summary of the revised proposal which, when adopted, will become Chapter X of the adopted TSP. Portions of text inserted from the 2000 plan version are shown in regular shaded text. New text additions or deletions, including edits to the text inserted from the 2000 version, are shown with shaded underline or ~~striketrough~~ text.

#### *Project Listings*

As requested by the BCC, the Department has reinserted project listings from the 2000 Draft NMTP into the plan. These projects were identified through a selection process that was developed with public input, after establishment and analysis of a county-wide network of key streets and facilities, and of design guidelines to assist in the development of project recommendations.

Listing of projects in this plan does not represent a commitment by Skagit County to fund and develop these projects. As with all other general transportation projects, project recommendations contained within a plan must first be included in the County's 6-Year TIP, which requires public review and Board of County Commissioners approval. Projects must also undergo design and environmental processes, including further public input, before the project can be funded and implemented. Funding for these projects – particularly if grant support is sought from either state or federal sources – includes more public review and Commissioner certification.

#### *Funding Sources*

Also at the direction of the BCC and the Planning Commission, the plan includes a listing of potential sources of grant revenue that might support implementation, as drawn from the 2000 Draft NMTP. The use of grant revenues implies that there may be conditions imposed by the granting body in exchange for the dedication of outside revenue. In the context of non-motorized transportation, this usually amounts to the following general types of conditions:

1. The project is listed in an adopted plan;
2. If funding is for construction, the project has been designed and has received necessary approvals and environmental review; and
3. The project is designed to a standard consistent with the standards of the granting agency (usually American Association of State Highway Transportation Officials (AASHTO) Bicycle Facilities Guidelines, or the Washington State Department of Transportation Design Manual).

As most jurisdictions in Washington State have already adopted standards that meet Federal guidelines, these conditions are usually easy for the local jurisdiction to meet. Such constraints and conditions are already a consideration in the development of general transportation projects for Skagit County. These requirements are an established element of the State Transportation Improvement Board (TIB) process for allocating state and federal revenue for road projects. Similar constraints for non-motorized projects are normal and expected.

Some case-by-case consideration should be given to the use of Federal funds for development of facilities on County roads, as the attachment of general Federal standards for roadway design may force design changes to the roadway at a cost that exceeds the value of the desired non-motorized facility.

#### DEPARTMENT RECOMMENDATION

The Department recommends **approval** of this revised version of the NMTP. With the restoration of the project list and funding sources, the Department believes the plan satisfies the requirements in the GMA and related laws, and the Comprehensive Plan, for non-motorized transportation planning. The requirement that projects listed in the plan must be added to the 6-year TIP before being eligible for funding satisfies the BCC's and Planning Commission's concerns that inclusion in the plan should not, by itself, constitute a commitment to construct the project. This will also ensure opportunities for additional public review.

Because the proposed plan combines elements of the 2000 and 2003 versions of the NMTP, public hearings held on July 9, 2002, and on September 16, 2003, satisfy the legal public review requirements for the current document.

Given the substantial amount of time the County has spent considering this plan, and the impending Growth Management Hearings Board compliance deadline, it is time to move the plan as presented forward to the BCC for approval.