

MEMO

TO: Jeroldine Hallberg, Skagit County Planning & Development Services
FROM: Larry Otos, Director Mount Vernon Parks, and Recreation
DATE: March 19th, 2009
RE: Skagit Co. Open Space Plan

Jeroldine,

Please pass along these comments to the Planning Commission so they can be entered into the record.

The Mount Vernon Parks and Recreation Comprehensive Plan process was a two year process. Our plan was adopted in 2008 and went through all of the public processes required for adoption.

Our plan is a planning document that helps direct future planning elements of parks and recreation. In many cases the plan is conceptual. I believe one of the major concerns expressed at the planning commission meeting was the extension of trails. I will try to address this element and provide excerpts from our adopted plan as it exists.

As stated previously, our plan is a conceptual planning tool for future growth. Our assumptions and planning were based on public input through workshop planning sessions, community surveys, environmental inventories, field analysis and demand analysis for the next 20 years.

In section 8 of the development plans we clearly state: *"The proposals are CONCEPTUAL, in some instances, subject to further study and coordination with public and private participants that may modify the eventual project particulars"*.

We also state in the proposed multipurpose trails section: *"The following multipurpose trail system MAY be developed to provide combined hike and bike trail opportunities across the City subject to feasibility studies with appropriate public and private participants"*.

This plan clearly spells out that we must work with property owners to develop future trails and public access. I have attached **RCW 4.24.210 Recreation Land Use Statute**, which addresses property owners' protection from liability if property is used for recreation purposes. As well as direct excerpts from our comp plan and survey results for trail needs.

Please let me know if you need any further information.

RCW 4.24.210

Liability of owners or others in possession of land and water areas for injuries to recreation users — Limitation.

(1) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowners or others in lawful possession and control of any lands whether designated resource, rural, or urban, or water areas or channels and lands adjacent to such areas or channels, who allow members of the public to use them for the purposes of outdoor recreation, which term includes, but is not limited to, the cutting, gathering, and removing of firewood by private persons for their personal use without purchasing the firewood from the landowner, hunting, fishing, camping, picnicking, swimming, hiking, bicycling, skateboarding or other nonmotorized wheel-based activities, hanggliding, paragliding, rock climbing, the riding of horses or other animals, clam digging, pleasure driving of off-road vehicles, snowmobiles, and other vehicles, boating, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users.

(2) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowner or others in lawful possession and control of any lands whether rural or urban, or water areas or channels and lands adjacent to such areas or channels, who offer or allow such land to be used for purposes of a fish or wildlife cooperative project, or allow access to such land for cleanup of litter or other solid waste, shall not be liable for unintentional injuries to any volunteer group or to any other users.

(3) Any public or private landowner, or others in lawful possession and control of the land, may charge an administrative fee of up to twenty-five dollars for the cutting, gathering, and removing of firewood from the land.

(4) Nothing in this section shall prevent the liability of a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted. A fixed anchor used in rock climbing and put in place by someone other than a landowner is not a known dangerous artificial latent condition and a landowner under subsection (1) of this section shall not be liable for unintentional injuries resulting from the condition or use of such an anchor. Nothing in RCW 4.24.200 and this section limits or expands in any way the doctrine of attractive nuisance. Usage by members of the public, volunteer groups, or other users is permissive and does not support any claim of adverse possession.

(5) For purposes of this section, the following are not fees:

(a) A license or permit issued for statewide use under authority of chapter 79A.05 RCW or Title 77 RCW; and

(b) A daily charge not to exceed twenty dollars per person, per day, for access to a publicly owned ORV sports park, as defined in RCW 46.09.020, or other public facility accessed by a highway, street, or nonhighway road for the purposes of off-road vehicle use.

Notes:

Finding -- 2003 c 16: "The legislature finds that some property owners in Washington are concerned about the possibility of liability arising when individuals are permitted to engage in potentially dangerous outdoor recreational activities, such as rock climbing. Although RCW 4.24.210 provides property owners with immunity from legal claims for any unintentional injuries suffered by certain individuals recreating on their land, the legislature finds that it is important to the promotion of rock climbing opportunities to specifically include rock climbing as one of the recreational activities that are included in RCW 4.24.210. By including rock climbing in RCW 4.24.210, the legislature intends merely to provide assurance to the owners of property suitable for this type of recreation, and does not intend to limit the application of RCW 4.24.210 to other types of recreation. By providing that a landowner shall not be liable for any unintentional injuries resulting from the condition or use of a fixed anchor used in rock climbing, the legislature recognizes that such fixed anchors are recreational equipment used by climbers for which a landowner has no duty of care." [2003 c 16 § 1.]

Purpose -- 1972 ex.s. c 153: See RCW 79A.35.070.

Off-road and nonhighway vehicles: Chapter 46.09 RCW.

Snowmobiles: Chapter 46.10 RCW.

8 Development plans

The proposals outlined in this document concerning elements of the open space, trail, and park plan are based on the results of environmental inventories, field analysis, demand analysis, workshop planning sessions, and the mail-out/phone-back survey of resident registered voter households. The proposals outline the vision developed for open space, trails, and parks within Mount Vernon for the next 20 years. The proposals are CONCEPTUAL, in some instances, subject to further study and coordination with public and private participants that may modify the eventual project particulars.

The proposals are described referring to a site or property that may provide a major type of open space, trail, or park activity. Any particular site or property may include one or all of the described element plan features. The proposals in each section describe the improvements that will be accomplished under each major type of plan element - see also the park planning exhibits in Chapter 5 for a composite description for any particular site.

Proposed multipurpose trails

The following multipurpose trail system may be developed to provide combined hike and bike trail opportunities across the City subject to feasibility studies with appropriate public and private participants. *The trails generally follow railroad, utility right-of-way, and public road corridors, but may be relocated onto public and/or private property where owners approve.*

Trail needs

38	Downtown streetscapes, plazas, and amenities?	9%	21%	31%	17%	22%
39	On-road sidewalks to schools, parks, business districts with trees, benches, signs, and amenities?	3%	13%	16%	30%	38%
40	Off-road walking and hiking trails between neighborhoods, parks, schools, and other locations?	4%	8%	21%	28%	39%
41	On-road bicycle routes to schools, employment centers, business districts - citywide?	7%	4%	26%	33%	30%
42	Off-road bicycle trails into backcountry areas?	11%	21%	36%	20%	12%
43	Off-leash dog trails and parks?	26%	23%	28%	8%	14%