

**From:** [PDS comments](#)  
**To:** [Stacie Pratschner](#)  
**Cc:** [Ryan Walters](#)  
**Subject:** FW: Permitting of Non-Motorized Trails in the Industrial Forest - Natural Resource Lands (IF-NRL) Zoning Designation  
**Date:** Monday, July 24, 2017 8:04:44 AM

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FYI

*Sincerely,*

*Kathy Jewell*  
*Administrative Coordinator*  
*Skagit County Planning and Development Services*  
*direct: 360-416-1338*  
[www.skagitcounty.net/planning](http://www.skagitcounty.net/planning)

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**From:** Ellen Bynum [mailto:skye@cnw.com]  
**Sent:** Friday, July 21, 2017 3:51 PM  
**To:** PDS comments  
**Cc:** FOSC Office  
**Subject:** Permitting of Non-Motorized Trails in the Industrial Forest - Natural Resource Lands (IF-NRL) Zoning Designation

Dear Commissioners and PDS Staff:

Friends of Skagit County opposes the proposed changes to allow non-motorized trails (NMT) within Industrial Forest (IF) zones without County permits.

We understand that the request for this change was initiated by a County Commissioner responding to a request from an adjacent jurisdiction who wishes to continue a trail it is planning to develop (or has already developed) into Skagit County IF lands. While we do not support changing County codes at the request of a single project (spot zoning), we do think that limiting the change to the proposed project is more appropriate than making the change for all IF lands in the county. We understand that the proposal was reviewed and approved by the WA State Dept. of Commerce for GMA compliance. We request the County re-submit the proposal to DOC to determine if limiting the change to a one-time project in one location in IF as part of a cooperative recreation area with Darrington is compliant with GMA.

Under the proposed change, proposed trailheads (primary and secondary) will continue to need permits from PDS, while trails inside the IF will not. We presume this means that the beginning of a trail cannot be developed without a permit, but a trail that has no formal trailhead would be allowed. Does this mean that an IF landowner can apply for a single trailhead permit and then create as many trails as they wish on their property without any permits? Examples might be a mountain bike trail system or horse trails with a single trailhead. At what point does this compromise the use of the land as IF and what are the standards to determine when a conversion has happened? Who, if anyone, monitors the effects of trail developments on forest practices?

While DNR policy has allowed trails in Industrial Forest zones, it is unclear where liability for the use of those trails lies. Is the landowner liable for injuries? Is the user liable for damages

to the land, water or forest? What is the County's exposure in this instance?

It is unclear to us how allowing the establishment of non-motorized trails as an outright permitted use in the IF-NRL zone would "mitigate conflict between public recreational opportunities and on-going commercial forestry". How would not requiring a permit for NMT to allow public recreation opportunities on private IF lands lessen conflict? And how would this change affect those private IF landowners who do not want to develop trails on their lands?

We understand that establishment of NMTs now requires a County permit which presumably allows the County to know the location of such trails, contact information for the property owner and any details which may be important to the provision of emergency services or fire protection. We consider this process to be important for the landowner, trail users the County service providers and the public. Emergency services are more difficult when accidents happen on land (or water) with limited or unclear access.

Without a permit, the public and the County may not know if there is an NMT in IF zone. Absent a requirement to notify adjacent and surrounding landowners, we do not see any advantage to allowing NMT construction without a permit.

The GMA requires identification, protection and preservation of all Resource Lands in Skagit County, including IF lands. Skagit County has identified these lands through the Comprehensive Plan process and created policies and codes to ensure their preservation. These public processes require public notice and provide certainty on the use of the land to both landowners and the public.

Adjacent landowners and the public would not have input or recourse as to the establishment and/or use of these trails. While IF lands are private property and the property owner certainly has the choice of whether to allow trails or not, the public use of these lands for other purposes introduces public liability for their use as well as for oversight and management. There is no requirement for monitoring this use and it is assumed that the property owner would have to provide these services.

The County permit also provides data on the cumulative number and acres of trails in the County. Without permits, how would this data be determined or monitored for evaluating whether Skagit County has actually identified and protected IF - Natural Resource Lands under the Comprehensive Plan and GMA?

Fire hazard from public uses is a liability concern for private landowners. Skagit County Board of County Commissioners passed a clear resolution prohibiting new developments without adequate fire protection. We consider trails to be a development, albeit with less capital investment, and fire protection should be a consideration in development of trails and trailheads.

Please review this proposal and consider these comments in making your decisions. Thank you for your consideration and time.

Yours sincerely,

Ms. Ellen Bynum, Executive Director

cc: Friends of Skagit County Board.

Ms. Ellen Bynum  
Executive Director

EB/

cc: FOSC Board members.