

**Skagit County Planning Commission
Deliberations: IF-NRL Proposed Code Amendments
August 17, 2017**

Planning

Commissioners: **Tim Raschko, Chair**
 Kathy Mitchell, Vice Chair
 Martha Rose
 Annie Lohman
 Kathi Jett
 Amy Hughes
 Josh Axthelm (absent)
 Tammy Candler (absent)
 Hollie Del Vecchio (absent)

Staff:

Dale Pernula, Planning Director
 Ryan Walters, Assistant Planning Director
 Stacie Pratschner, Senior Planner

Guests:

**Glenn Glover, State of Washington Department of Natural Resources
Recreation Program Manager**

Chair Tim Raschko: (gavel) Good evening, everybody. The August 17th, 2017, meeting of the Skagit County Planning Commission is hereby in session. The purpose of the meeting tonight is to follow up on the public hearing and deliberations for the Industrial Forest-Natural Forestlands proposed code changes. Before I proceed, is there any input on the agenda?

(silence)

Chair Raschko: No changes? Okay. Move on – just to bring everybody up to speed, at the last meeting we had presentations made by the Mayor of Darrington, by staff, by the Department of Natural Resources regarding the proposed trail on North Mountain and the effect on it of having it pass through Skagit County, which required a permit from the County. Ryan Walters was there as well.

My take on it was that this was generally supported by the Planning Commission, that it was a good proposal to build this trail. The only missing ingredient was an opinion from the Forestry Advisory Board who had not had an opportunity to review the proposal. So this final deliberation was put off until tonight pending a report from the Forestry Advisory Board.

My understanding is that there hasn't been any formal communication from the Forestry Advisory Board to the Planning Department; however, I'm a member of the Forestry Advisory Board myself and at the meeting we also had Commissioner Mitchell, and Ryan Walters from staff, and Commissioner Janicki all present. Among the members showing up – of the Forestry Advisory Board – were most of the landowner representatives from the Industrial Forestland in the county.

My gist of the meeting was that in general people supported what Darrington was trying to do to have the trailhead and the trails to bring people to Darrington to promote the tourist economy and provide things for the young people in Darrington to do.

The other opinion, though, of the Industrial Forest landowners was that they will police their own properties and they don't need a formal system by the County to govern the trails or whatever that might occur on their properties. And, therefore, and the consensus was that the Forestry Advisory Board would support the proposed codes changed and eliminate the permit requirement for trail-building on Industrial Forestland.

So with that little summary, I'd like to open this up to discussion and see how people feel about things.

Kathy Mitchell: I'd like to add one piece into that that might make a difference in what somebody might be asking or saying. One other piece that they said is – Lisa Janicki at the end of that FAB meeting brought up to the FAB guys the possibility of tossing around just having it for public lands versus public and private, because the Planning Commission had teed up that kind of question towards the last of the last meeting. And could you tell us what the consensus was of that, please?

Chair Raschko: The consensus generally is that there should be no difference between what is allowed and disallowed, both in forest management terms and others, between private forest industrial lands and State-owned or DNR lands. They've always held on that they do not want a precedent for the two being managed differently. It more has to do with regulations – the forest practice rules and regulations. But the consensus on the FAB (was) that they didn't want this to overlap into County code, as well. Is that pretty much it?

Ms. Mitchell: Yep, that was it.

Chair Raschko: Okay. Yes, Martha?

Martha Rose: So there is a small difference between the private and public land in that it's my understanding that the publicly-owned land that would be managed by DNR and they would make sure that the trails were constructed in a way that wouldn't do a lot of damage to the environment, and then they would maintain them that way. On private land, I'm not sure that there would be a mechanism. If we took away the requirement for the permit on private land, I'm not sure there'd be a mechanism in place to guarantee that the trails might – that may or may not be built there would be done in a way that would be sensitive to environmental issues such as erosion and vegetation and wildlife. I read that report that was sent out, and coincidentally I was just up in the area where that report was – the Rocky Mountains of Canada: I just was there last week. I just rode my mountain bike down one of these trails for the first time in my life, and so I have a direct experience with it now, and it was scary!

But at any rate, it was heavily graveled. It was really heavily graveled in most places. And my thought is that, you know, it's not just about – and I also looked at the photos of the beginning of the construction of the trail in the Snohomish part of the trail. And I know it's just a work in progress but without measures to make sure that the whole area doesn't get trashed, it does. It would be terrible. And so the permit process allows for some oversight, and so I'm hesitant to have the same rules apply to public and private land without some other mechanism in place, and the permit process is that mechanism. I mean, Department of Natural Resources at least say that they're going to do that oversight, but a private landowner doesn't – probably doesn't

have the necessary expertise to be able to do it at the same level. And so we want to see this trail go in but I'd like to see us not allow it on privately-owned land without a permit. So I'm not sure what that looks like, but that's my thought on it.

Chair Raschko: Anybody else?

Ms. Mitchell: Kathi?

Annie Lohman: I thought it was interesting because I researched, Well, what *does* Snohomish County have? Because it starts in Snohomish County and it was – they don't have the same – the way they go after their trail situation is different than ours. They have criteria for how it's going to be built and they reference what the DNR fellow referenced, which was the Forest Service guide and whatnot as their criteria, their handbook for building a trail. We don't have that constraint in our code. So it isn't like Snohomish County has nothing. They do have something. And their exclusion for the trail is only limited to the trail itself. It doesn't include trailheads, parking areas, campsites, challenge courses, and things like that. So it is – their exclusion is limited to just the trail. So it isn't like you're comparing apples to apples when you look at our code versus their code. Our code has a special use requirement where maybe those kind of things get ferretted out, where Snohomish County's it appears that they just put the requirement right in the code.

Chair Raschko: Kathi?

Kathi Jett: Can Skagit County do that to avoid the Department to get a special use permit?

Dale Pernula: Instead do what then? I'm not sure what you're saying.

Ms. Jett: Instead of a special use permit for this project – the trail-building in Skagit County – could Skagit County amend their code so it was similar to or the same as Snohomish County as far as just trails are concerned?

Mr. Pernula: This proposal would still require trailheads to get an administrative special use permit. This proposal would only allow trails that are non-motorized to be permitted as a permitted use. There may be other things that would still be necessary for the applicant to get. If it meets the threshold for a grading permit, for example, or if it goes into – it disturbs a wetland, a critical area, then it would still have to get permits, perhaps.

Stacie Pratschner: To add to that conversation a little bit and also reference back to what Commissioner Lohman was talking about is, well, the section of Snohomish County Code in their Land Disturbance chapter does exempt the construction and maintenance of recreational trails but, yeah, not the parking areas, challenging areas, trailheads, et cetera. Certainly we could draft code that says that land has to be located in the particular zone, which is what we're looking at; located in a public park or a private park. The trail in this case – what the Commissioner was referring to – was the United States Forest Service Trail Construction and Maintenance Notebook, is what it's called – the standard. So, yeah, there is the exemption for trails in Snohomish County but with those caveats.

Ryan Walters: I wanted to weigh in too, since everybody else at the table was.

Chair Raschko: Please do so.

Mr. Walters: The proposal before you says nothing about trailheads and those other types of activities. Those would continue to require a special use permit. I wanted to make that clear.

In particular response to Commissioner Jett's question, it is, I think, generally preferential to include the list of performance standards for uses rather than require a special use permit, especially when you're talking about uses that promote economic development because it's more of a streamlined permitting process.

Chair Raschko: I'd like to help with your concerns perhaps. I had a lot of experience both as an employee of firms that own land with bike trails as well as a bike trail user. I've been all over Galbraith Mountain and down here at Pilchuck Tree Farm. I used to work for the former owner of Galbraith Mountain and the former owner of the mountain bike park in Glacier, and I also managed timberlands in Comox, British Columbia, where there was a vast network of trails. And I seriously doubt any landowner would ever submit an application for a permit to build a trail. What happens is they discover the trails are already there without their knowing it. And then – and this happened to Sierra Pacific, who now own the one in Glacier. Their person told me the other day that he didn't know who they were so he took a chainsaw and cut all their jumps down, and then he quickly found out who they were. They popped out of the woods and they had a conversation. And most of these end up where this landowner and some representative of the mountain bikers will talk about, Well, let's get organized here. And there's a very good organization up at Galbraith Mountain. They just changed their acronym lately. They used to be the WIMPS, W-I-M-P-S. But they have national standards to which trails are built and they make agreements that the trails have to be approved in advance where they go, and they have to comply with these standards. And the standards are sort of like logging road standards. They want water to be treated specially, so if there's a place where you're going to cross a wetland or something there's rocks built up with a culvert underneath and these types of things to try to protect it.

So I totally agree with you that a lot can go wrong, and I can – I'll bet you there's places on the DNR I could show you where nobody's been discovered yet, and there's a lot of this stuff going on that's not good for the land. But that is not going to be remedied by having a regulation. It's going to be remedied by finding out where they are and talking with the people and getting an understanding and having it done correctly. So my own opinion is that you really don't – I mean, having the permit process is only going to punish the people who want to do it upfront and in the open.

Ms. Rose: Right.

Chair Raschko: Yes?

Amy Hughes: What's the status with Sierra Pacific on the – between the trailhead and the mountain?

Chair Raschko: I can speak to that.

Ms. Hughes: Oh, okay.

Chair Raschko: They're negotiating a land trade.

Ms. Hughes: Okay. And are there specifics to that? Do we know the timeline? Do we know –

Chair Raschko: No.

Ms. Hughes: – how this is all –

Chair Raschko: And I can also talk of some experience in land trades with the DNR. They don't happen real fast or easily. But with this situation in Darrington as an impetus, it'll probably go to the top of the list of potential land trades, and I imagine it would be happening as quickly as possible. The most difficult part is coming to agreement on the value of each person's relative piece that's going into the trade.

Ms. Hughes: So as I think of this situation, I am wondering if Skagit County's getting into the same position that they did with – help me, you Bow people. Is it Blanchard Mountain?

(sounds of assent)

Ms. Hughes: If the trail's going to be loved to the point that our national parks are loved and pretty soon that whole mountain needs to be more recreational than forestry, and the whole mountain seems to be in Skagit County. So here we have a mountain on the northeast side of our county and then southeast side that the other county's coming in and using it to the extent we lose it as a natural resource. Along with that is my question: If this hadn't come up before the work on the forest initiative, would it be part of that initiative planning? Did this just kind of get jumped ahead but this is part of what we'd be doing with the forest initiative?

Chair Raschko: Are you talking about the Rural Forestry Initiative?

Ms. Hughes: Yeah.

Chair Raschko: No.

Ms. Hughes: No. They're two separate things?

Chair Raschko: Not in my opinion.

Mr. Pernula: No, it has nothing to do with it.

Ms. Hughes: Okay.

Mr. Pernula: Totally different.

Ms. Hughes: So putting it off to that issue and looking at the big picture, it would – it's two different things.

Mr. Pernula: It's two different things.

Ms. Hughes: Okay.

Ms. Mitchell: Can I respond?

Chair Raschko: Sure.

Ms. Mitchell: I'd like to address that part. Our backyard looks at Blanchard. You can see it from – we've had – we've been watching that for years – love the forest, small forest owners, as well – and see the same problems everybody else has with, you know, surprise trails, hunters using things, people trespassing, and all the love and joy that you have for land ownership. People use it for you! And it's always a conundrum. Also the fire just this recently, which somebody else can address if they'd like. And the thing is is with the Blanchard problem – at the last Planning Commission meeting one of the speakers or the commenters had mentioned how well it had been worked and had gone on with that for years for negotiations and stuff. That's one side of the story. The other side of the story is how much problems there were, how much it cost, how difficult it was coming to agreements, how agreements had to be redone and funding for things had been – it's been a nightmare. The junior taxing district was not getting some of the funding that they needed and they're trying to work on some of that stuff now. It's not been easy. It's been really hard and it's really tough and it's not a piece of cake. Extremely costly for a whole lot of people. And the thing is is that the FAB guys the other morning brought up the same thing with what happens when people end up loving a land so much because they like to use the trails. I think we're all guilty of that to some extent. And if they get used to using it then what happens when it's a working forest? And a number of the FAB people brought this situation up. It's an ongoing thing forever. I'm sure the DNR deals with this all the time. One of the things that we see in our area with Blanchard is you always see the signs that say "Save Blanchard," and, you know, do this, do that, and that kind of thing from that angle, which is fine. But you don't see – hardly ever see anything about the working forest and the education that goes with. And that – you know, that might be a 40-year cycle for educating people on how it's used. I think somebody might have told the story what happens with – I think it was Gordy Iverson, one of the speakers last time, had told the story where they were loading logging trucks and then they were supposed to be cordoned off and yet a biker comes swinging by and they're not supposed to be through there. There's always those issues. But what they do not see is a consistent thing for education for working forests. You always see the flip side that's saying, you know, "Save the forest" or "Save the nature," or use the trails and use the land for the fun and the recreation, which is great, but when we cross into the Industrial Forest – and this is one of the concerns that I have, watching on Blanchard for all these times, is there's just not much there to support the working forest. And that's where, I think, there's going to be a problem from here on out. And if the County increases the position on supporting the working forests locally, visually, educationally, perhaps that'll help, and working with the other groups to do the same maybe that'll help. I don't know if we're ever going to have it solved. But, yes, it's been a problem. It's not always rosy and it's not a piece of cake.

Chair Raschko: Yes?

Ms. Rose: I have a couple thoughts. After reading that report that was sent to us, it talked about how in many places horses do more damage, as well as hikers and bicyclers, even on the downhill trails. Not always. It said it wasn't black and white at all. There were – it depends on soil type, how much rain there has been, and many other factors. But we don't seem to have too many quarrels about people hiking on pathways or people riding horses on pathways. It seems like the biggest – there's something about bicycles that tend to put us off. But the other – so I'm just – that's on observation. It's not necessarily an opinion.

But I do have a question about – this is an economic development initiative and it originates in Snohomish County and yet a big chunk of the trail is in Skagit County. So how does Skagit County – how does Snohomish County share that prosperity with Skagit County from the people that will be *using* Skagit County? How – has that been discussed or is there some sort of proposal to, you know, compensate Skagit County for that land that's being used?

Mr. Pernula: Not that I know of; however, there is a benefit: the recreational benefits that people from Skagit County would be able to utilize.

Ms. Rose: Right, but what I see is that most of the – most of the activity that'll create – you know, the economic activity will be down in the Snohomish area. So in other words, people from Skagit might go down there and spend their money. And there's also talk about somebody using the lookout as a lodge where they can rent it out and stuff, and a shuttle bus that goes up in there. I think it's worth asking the question and that there – I really – I know that if I was the owner of the land I would probably say yes, somehow there should be some sort of monetary compensation for use.

Chair Raschko: Have you anything to add, Mr. Glover?

Glenn Glover: Yes, so –

Ms. Lohman: You have to come to the mic, please.

Ms. Mitchell: Thank you.

Ms. Lohman: Sorry.

Ms. Mitchell: And thank you for coming again.

Mr. Glover: Absolutely. And, Chair and Commission members, thank you again for considering this important topic. Our focus on the economic side was strictly for the Darrington area, the upper valley area. We weren't – we weren't really trying to consider economic benefits beyond that, but we were looking at the recreational benefits and that this would be a regional draw, and that it would be providing recreation benefits for people from a very wide range. We would expect people to come to this area from within about a two-hour window, two-hour driving window. So I do believe there are benefits to Skagit County accruing from that, but not that there would be any specific economic benefits to it.

Ms. Rose: Right. Okay, thank you.

Ms. Lohman: Can I ask him a question? This is not my area so I'm kind of – definitely a layman in this kind of thing. But my question is: Like we see on Blanchard Mountain, it becomes recreational, then it starts trumping the ability to harvest. And when you gave your presentation, you were talking about how trail activities are temporarily set aside for a harvest. How do you guarantee that then? Because, I mean, I'm watching the legislature with their budgeting crisis, and there was oral commitments to coming up with an alternative if you take the harvest off the table for Blanchard. So how do you – so now that switch, then, is in jeopardy so there's the harvest is possibly on the table again. How do you get out of that and guarantee that this recreational opportunity isn't going to trump the trust obligations?

Mr. Glover: I don't want to minimize that concern. I believe that there is – there has been and that there always will be a tension between that. But I do think there're a few things that really mitigate against it, at least for North Mountain. One of those things – and we've just actually received preliminary results from surveys that I asked – I brought in an intern that we initiated asking so that we can better understand this exact issue. Do people understand the value that comes from a working forest? Do they understand, for example, with Department of Natural

Resources that there's over two million acres of land that is essentially protected from development and the value that comes from that, or that we have a habitat conservation plan in place? We asked a bunch of different questions to try to understand how we can better communicate to the public the importance of – specific to DNR – DNR-managed working forests and how can we better share that to the public. One of the big misunderstandings that we've already found through this was that most of the people at very active recreation locations thought that they were on a state park. So that leads to a very fundamental misunderstanding because state parks – those are not working for us. So we, DNR, have a great opportunity in front of us, which is to better communicate the fact that they are on DNR lands and that this is a working forest.

The other thing that I would say is different recreation user groups have – they are coming to the lands for different reasons. And for mountain biking and some other activities, the trail experience itself is the primary issue or the primary use. They are more understanding of a working forest. And going through an area that has been harvested is not as much of a concern for them. That is, again, based on the survey. That's not necessarily the same case all the time with hiking, and so there's a tension there that gets a little stronger for the – sort of an inconsistency in their mind with working forests. But the Department is – we have our commitment to generating revenue from these forests and that doesn't go away.

Ms. Hughes: And this is not a question pointed to biking or anything. I'm doing more of an inventory of what's available. Are there other biking trails Seattle north, or is this going to be the first one?

Mr. Glover: No, there are other areas on DNR land. There is a short – there's a very short, inadequate area for mountain biking in R___ State Forest off Highway 2. But there is also right in Mount Vernon – it's off on – I forget the name of your mountain here.

Ms. Hughes: Little Mountain?

Mr. Glover: Little Mountain. Thank you. There's trails which also allow multiuse and mountain bikes there. As was mentioned, the Pilchuck Tree Farm is a private area but there's an extensive network there. Galbraith, an extensive network. So there is a shortage of public lands providing good, high quality mountain biking opportunities.

Chair Raschko: Kathy?

Ms. Mitchell: I've got a question for you too. I just want to make clear from what you said last time so if anybody's new tonight. This specific project for why we're looking at this code change – you are overseeing the project down there for the Darrington area. The DNR, in fact, will be the ones that'll be overseeing the construction and the maintenance of that biking trail. Is that correct?

Mr. Glover: Correct.

Ms. Mitchell: Okay. I think people need to know that for reinforcement.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Thank you.

Ms. Hughes: I have another question, though not directed to him. How will the County work with the group if they want to go forward with this rental hut idea that was presented?

Mr. Pernula: Well, nothing formal's been made about making that a rental hut, so I don't know if there are special permits that would be required. We would evaluate that. Or if there's building code improvements that they need to make, we'll work with them on that as well.

Ms. Hughes: So that's a potential Skagit County –

Mr. Pernula: It could be if it's up on top of the mountain. Sure.

Ms. Hughes: Yeah. Okay.

Ms. Mitchell: I've got a follow-up on that. This would be to Glenn again. Do you know any details about any of that hubbub?

Mr. Glover: That is on Forest Service land. Yes.

Ms. Mitchell: Okay. And so for the shuttle and the – oh, please. Yeah. Thank you.

Ms. Hughes: Oh, sorry. I let you sit down! I guess –

Ms. Mitchell: So upon reading that, I was a little bit concerned about that one as well. We don't know what's coming. People have all kinds of great plans. That would certainly shift the thrust of what would be being done there and how you would approach things, I'm sure. But how much can you tell us about those plans so far?

Mr. Glover: So I can only tell you to the extent that I have participated in coordination on that project to make sure that what we are doing is consistent with what the group called the Friends of North Mountain and the U.S. Forest Service are planning. That is on a small parcel of Forest Service land that is on the top of North Mountain at the top of the North Mountain Road. That lookout had been closed a number of years ago. The Forest Service had proposed removing the lookout, and the Friends of North Mountain instead came to them and said, We want to restore this, and they created a volunteer group to do exactly that. They've done quite a bit of work on it so far restoring the access to it, restoring the roof, rebuilding the interior. They are now in the process of installing the lightning arresters on there. And their goal, although they – and they do not yet have the special use permit with the Forest Service, but their goal is that they would have the opportunity to rent that out for overnight stays. And the coordination or the potential opportunity then is that it could also be a location where mountain bikers and/or any other users in the area could work with the Friends of North Mountain for that rental.

Ms. Mitchell: Does the DNR see any shift on how the DNR would look or view it – view that? Would that be something that you would support or would that change a lot of what you do for the use for the working forest nearby?

Mr. Glover: Oh, not at all.

Ms. Mitchell: Okay.

Mr. Glover: It doesn't – it does not have any impact on us, and we've been – we've enjoyed working with them and we think that it's a great project, and it is on Forest Service land.

Ms. Hughes: So then Skagit County would have no say on that.

Mr. Pernula: If it's a federal project on federal land, then it's exempt from our regulations.

Ms. Hughes: Okay.

Chair Raschko: Okay. I'd like to say that I agree with people's concern about the effect of mountain bike trails on trust lands – their effect on the trust, the fact you might have a de facto park, and all the controversy that may arise out of it. I don't think that this issue we are talking about here, though, pertains unless it's to be used as a tool to try to affect the other. I think that's inappropriate. I think what we're trying to do here is whether we want this permit requirement on the books or not. If we leave it on the books, they can still put in for a permit to build the trail on North Mountain. So, I mean, I agree very passionately with this concern about the public trusts. But my own opinion is that it doesn't pertain in this particular discussion. Yes?

Ms. Jett: I just want to say I'm just sitting here listening to everybody and I agree with you. We're just talking about a *trail* right now –

Ms. Hughes: But we're talking about – oh, excuse me. I'm sorry.

Ms. Jett: – for – it's a mountain bike trail. And I think that's probably – the primary users will be mountain bikers and not people riding horses or hiking. I mean, there may be some of those people, but I just think in this instance I support it.

Chair Raschko: Yes, Amy?

Ms. Hughes: I do want to be clear, though. We're talking about change to County code that will affect all lands, and we can't take that lightly and we can't make a change because we might be supportive of one project. To me that's where a variance or a special use permit would be more appropriate. So I need to feel at peace with a code change that we are making.

Ms. Lohman: I guess I ditto.

Ms. Jett: Isn't this code change *just* for the trail, not for –

Ms. Lohman: No.

Chair Raschko: No, the code change is to eliminate a requirement for a – is it a special use permit?

Mr. Pernula: An administrative special use permit for the *trail*. The trailheads would still be required to get a permit.

Ms. Mitchell: Annie, you were next.

Ms. Lohman: I guess I just ditto what Amy said, because the whole impetus for this coming up is this project. Well, there's an awful lot about this project that we don't know and, granted, we don't look at individual permits but we're asked to sweepingly make a very large change. And

when I look in the code there's – the majority of our zones – arguably not in Industrial Forest, but the other zones all require a special use permit for a trail, every single one except four and those are more – are UGA-type areas. So I agree. I think when you look at changing code you need to kind of look and see what other things – what other blocks are going to be touched or fall down or still stand up. I mean, it could go both ways.

Chair Raschko: Did you have more, Martha?

Ms. Rose: So Tim's argument that these trails are going to be built whether it's in the code or not has affected my point of view a little bit. And I forgot what the other thought was that I had so when I get it back I'll raise my hand again.

Chair Raschko: Okay, Kathy.

Ms. Mitchell: Okay, I concur with what Amy and Annie were saying. I have the same concerns because we are changing the code throughout the county and that's a problem. And I realize that the trails come up different places for different reasons. If we can't get a handle around it that way, then perhaps in our recommendations we could say that we *are* concerned about having the County look at a different way to approach some of the permits. I don't know if that's – if that would satisfy or not. But I still am concerned about this change – doing a sweeping change for Skagit County even knowing what the FAB guys said and knowing that this is a good project. I don't disagree with any of those things, but I'm still concerned about what do we not know how this can change for our county and I don't know if anybody else has got information on it.

Ms. Rose: So I thought – I remembered what I wanted to bring up. I believe at the last meeting it was pointed out that the way the Skagit County permit process is for this particular type of trail would basically shut this project down because it's a little bit onerous. It has to do with the Department of Natural Resources' rule about not having their – they can't have their ability to log be stymied in any way, or something like that. I don't recall exactly how it was. Can you please reiterate?

Ms. Mitchell: We should give you a highchair!

Ms. Rose: Well, and so in other words it seemed like it came out that the process was more onerous than it needed to be, but the only way to get around that is to eliminate the code. So it almost seems like we're caught between a rock and a hard spot on this. Yeah, please explain.

Mr. Glover: So I'll give you my perspective and then I think maybe Stacie can also. The concern for us was that because it required a permit, as I understand it, it became viewed as development and the moratorium on development after a harvest had been done came into effect. And so we would have to apply for a waiver of the development moratorium, which is essentially us taking the position that single-track trails within our forests are development and that's not our perspective. Our perspective is that our recreation has to fit within our working forest. It's not displacing or converting our working forest.

Ms. Pratschner: Thank you.

Ms. Jett: I just wanted to reconfirm that this is a non – that the DNR ruled this was nonconversion – the trail is a nonconversion project. Is that correct?

Chair Raschko: Do you want to speak to that?

Ms. Pratschner: Yes. Thank you, Commissioner Raschko. Yeah, thank you, Mr. Glover. You expressed that really well. We'll just go ahead and do a follow-up to that. The way our code is currently constructed in chapter 14.24, our code requires that a six-year development moratorium be placed on a property that's been granted those Class II, III, or Class IV-Special forest practices permit. And then you have the section of code in the Industrial Forest-Natural Resources Land section that says you need a development permit to construct a trail. So right now if you're engaged in active commercial forestry timber management on a property the County doesn't have any ability to issue you a development permit. And that's what the administrative special use permit is, is a development permit.

Also to follow up on your comment, Commissioner Jett, yes, the construction of a trail is not considered a conversion activity, per the State laws.

Chair Raschko: Is there anything else?

Ms. Lohman: Then why do we – why do we consider it a conversion then?

Mr. Walters: I want to be clear. There's nothing in our code that says it's a conversion. What our code says is that if you do a forest practice and then you come to get a permit from us, you are going to be subject to the six-year moratorium. And you *will* have to get a permit from us because we say that a trail requires a permit. So that's why our proposal is to remove that link in the chain so a trail, which is a pretty low-impact land use, doesn't require an administrative special use permit.

Ms. Mitchell: So we really are between a rock and a hard place.

Mr. Walters: Well, we thought this was a fairly simple proposal.

Ms. Mitchell: Yeah, but you guys are at Planning!

Ms. Pratschner: I think we'd know better.

Ms. Mitchell: We do appreciate the work that you're doing and for understanding what's necessary from the County's perspective and the Planning perspective, but you can still see we're still struggling from, you know, landowner layman's person's perspectives.

Chair Raschko: To – pardon me?

Ms. Mitchell: Martha.

Chair Raschko: Martha?

Ms. Rose: When you pointed out that these trails tend to get built whether they're permitted or not, to me that was – that changed my attitude a lot. It's kind of like people putting mother-in-law apartments in their houses without permits. People do it every day of the week and they rent them out, and technically you're supposed to have a permit for it. But common practice is to not get a permit for those things and life goes on and nobody cares. So I kind of think this is one of those examples. Again, you persuaded me with your comments about how these trail groups have a standard and they sort of uphold these standards. So I was in favor of changing the code

to exempt – to have an exemption for publicly-owned lands. I'd still vote for that – to have an exemption for publicly-owned lands – but now I'm leaning towards the exemption for everybody, to get rid of it. So at any rate, I just wanted to put that on the record.

Chair Raschko: Okay. I'd entertain a motion but before so I would just like to reiterate that we think carefully about the fact that there are some land use issues wrapped up in one particular project, and how appropriate is it to try to use this as an instrument to influence those projects? Any more comment?

(silence)

Chair Raschko: Would anybody like to make a motion?

Ms. Lohman: I'll make it. I move that we accept the proposal as presented in the July 14th amendment – memo.

Ms. Mitchell: Second.

Chair Raschko: There's a motion and a second to accept the proposed code change. Is there discussion?

Ms. Rose: I'd like you to read it.

Ms. Lohman: The motion would be to make non-motorized trails a permitted use in the Industrial Forest-NRL lands. And so we would change from an administrative use to a permitted use, with the exception that other trails that are motorized trails would not be included. It would be all just non-motorized.

Chair Raschko: So I'm not clear. So your motion –

Ms. Lohman: It's the one that they gave us.

Chair Raschko: Can we see that on the screen?

Mr. Walters: Just to accept the proposal? Stacie can put –

Ms. Lohman: Yes.

Mr. Walters: – the proposal up on the screen.

Ms. Pratschner: And you'd like to see the draft code as it was presented in the –

Ms. Mitchell: Yes, please.

Ms. Lohman: The maker of the motion is not saying I agree with the motion. It's just so we can –

Ms. Mitchell: Getting it on the table.

Ms. Lohman: – move on.

Ms. Pratschner: That should be on the screen now.

Chair Raschko: Okay, thank you.

Ms. Lohman: Thank you.

Chair Raschko: So the motion is to accept the code change as shown in Skagit County Code chapter 14.16, Zoning – 14.16.410 – which would make a non-motorized trail a use that does not require a permit, and therefore it is permitted/allowed.

Mr. Walters: It is – yeah. I would phrase it just a little bit differently just to be a little bit more accurate. It removes the requirement for a special use permit for a non-motorized trail and makes it a permitted use under the land use code.

Chair Raschko: Okay. Is that clear to everybody?

(sounds of assent)

Chair Raschko: All right. Is there discussion?

Ms. Mitchell: Does anybody have any knowledge of any repercussions for long-term change if we recommend this?

Chair Raschko: Okay.

Ms. Lohman: My only concern is that we take a working land – and, being a farmer, working lands are hugely important to me – that we make it not-working. And I don't know how to write language to prevent that.

Ms. Mitchell: All I can say is from listening to the FAB's discussion last week in the morning, they reiterated a couple or a few times – some of the guys saying – and gals – saying that they had the same concerns, and that was why they were talking about the education and that kind of thing. And it's an ongoing problem. I don't know how we can address that. I really don't.

Ms. Lohman: I mean, I think on the ag side where we let people with horses ride in our certain fields – you can't let them in food kind of fields but in certain times – and we get along great. No harm, no foul. We still continue to farm and they get a spot to come. But I don't know how you protect that relationship, if you will, from the unforeseeable.

Chair Raschko: Going on my own experience again, when you discover who these people are that are building your trails you establish a relationship with them, and it's a very formalized one. There's a written agreement and basically timber harvest is part of it. And when I worked at Comox, we did everything we could to protect the trails as we did our timber harvest, and they came back and rebuilt them when we were done, and it worked. And that's on private land. I know of one example: Galbraith Mountain, when it changed ownership, the new landowner wasn't exactly ___ and he wanted to change the use of the land, and there was a big uproar from both hikers, bikers, horse people. So he just closed it to the public and that started a new dialogue, and they've been logging up there ever since and everybody has gotten along just fine. The only question I have is if it's on public land if there's more of that park aspect – de facto park wrapped up in it so it's not so easy. Any other?

Ms. Mitchell: Kathi?

Ms. Jett: I just had a comment. All we're eliminating is the requirement for the special use permit for these trails?

Chair Raschko: Yes.

Ms. Jett: So all these problems are there if you go through a special use permit or if you don't.

Ms. Lohman: Mm-hmm.

Ms. Jett: I mean to me. The problems are going to be there.

Chair Raschko: That was basically my point.

Ms. Jett: Okay. I just wanted to make sure I was on track.

Chair Raschko: No further discussion?

Ms. Jett: So by eliminating the special use permit, you aren't creating any additional problems.

Ms. Mitchell: I've got one more thing.

Chair Raschko: Okay.

Ms. Mitchell: Dale, you've had vast experience in Alaska and other kinds of places. Surely you've seen the same kind of thing before. Can you recommend anything from your experience on recommendations that we could make to the Board voicing our concerns where they're taken seriously?

Mr. Pernula: I would say most of my experience dealing with mountain bike trails is as a user less than as a planner. Most places I've been – and I rode mountain bikes all over northern Idaho for about 10 years and in Alaska for about 10 years, and I would say probably 80 or 90% of those trails were informal trails that were just present. They might be old logging roads. They might be game trails or whatever that people used and they became mountain biking trails. Probably 10 or 20% of those were more formally developed trails, but I was not involved in their permitting at all. We've had some here in Skagit County but not specifically for mountain biking. There's been a couple of trails around Skagit County, one recently on Fidalgo Island.

Chair Raschko: Amy.

Ms. Hughes: Ryan, is this a whereas in the usual format that we usually do when we recommend something to the –

Mr. Walters: Yeah, Stacie has a draft of that.

Ms. Hughes: So we could put in a whereas – “these type of concerns.”

Chair Raschko: Facts and findings?

Ms. Mitchell: Yep.

Chair Raschko: Okay, we'll call for a vote.

Ms. Lohman: Did somebody second the motion?

Ms. Mitchell: Yes.

Chair Raschko: Yes, it was seconded. If we could have a show of hands, please. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: So that passes unanimously. Thank you. So facts and findings.

Ms. Pratschner: Thanks in advance for your patience with me. I'm ready.

Ms. Mitchell: How about because so many trails are informal trails – that's a given – the Planning Commission does have concerns about how that will be treated moving forward, and requests the Board of County Commissioners to seek possible education solutions?

Ms. Pratschner: So the – sorry. I didn't mean to interrupt, Commissioner. The Planning Commission has concerns about –

Ms. Mitchell: Informal trails.

Ms. Pratschner: Informal trails. And the ongoing –

Ms. Mitchell: Associated problems and forest, yeah, whether it was public or private. And because of that, if they would look into educational – you know, educational for working forests. Help me, guys.

Ms. Hughes: Would that be a recommendation, though?

Ms. Mitchell: Yeah, that would – yes. We'll split that part off. Yes. Thank you.

Ms. Hughes: So don't forget it.

Ms. Mitchell: Yeah, let's not forget it.

Ms. Hughes: I also would like – is it a finding of fact to discuss the financial impact it could have on our county if these parcels become protected? Is "protected" the right word?

Ms. Mitchell: Or sacred.

(several Commissioners speaking at the same time)

Ms. Hughes: Like what happened at – is happening at Blanchard.

Ms. Lohman: Unharvestable. Unharvestable.

Ms. Mitchell: Unharvestable, yeah.

Chair Raschko: Are you referring to the effect on the trusts on public trust land?

Ms. Hughes: Yes.

Chair Raschko: Yes.

Ms. Mitchell: But that – couldn't that happen to private owners too – like Weyerhaeuser or Sierra Pacific or anybody else – if the trails become owned by the users?

Chair Raschko: Well, I've given a few anecdotes on that. I don't think it'll end up that way.

Ms. Mitchell: Okay. Okay, thank you.

Chair Raschko: There might be a lot of angst.

Ms. Hughes: "The Planning Commission has concerns regarding financial impacts if trails..."

Ms. Mitchell: Supersede? Take precedence?

Ms. Hughes: What is the term that we're working on for Blanchard right now? They're working on it being purchased from the County, correct?

Ms. Walters: Not from the County.

Ms. Lohman: The trust.

Ms. Hughes: The trust.

Mr. Walters: Conveyance? I think – isn't that the –

Ms. Pratschner: Or if it reverts to the trust?

Chair Raschko: I believe what they're working on at Blanchard is there was an agreement that replacement lands would be found and the legislature would fund the purchasing of those lands, but they haven't.

Ms. Hughes: Yeah.

Chair Raschko: And there was a timeline on that and so now they're going to move ahead and start to harvest timber. Am I correct on that?

Ms. Mitchell: Can you help with the terminology to finish this sentence out, though?

Chair Raschko: Well, I think what we're concerned about – I believe what you're concerned about is – and I share the concern – is that with trails being built on certain trust lands that the income derived from those lands would be compromised due to the mountain bike use superseding the ability to harvest timber.

Ms. Mitchell: Or actually any trail use, right?

Chair Raschko: Right. Recreational use.

Ms. Mitchell: Recreational use.

Ms. Pratschner: Okay, thank you. "...has concerns regarding the financial impacts if trails on trust lands..." I apologize. I wasn't sure.

Ms. Mitchell: We're working on it.

Ms. Pratschner: Okay, no problem!

Chair Raschko: Oh, you didn't get all that?

Ms. Pratschner: No! I'll get better as I go on.

Chair Raschko: "...on State trust lands."

Ms. Mitchell: Is that good?

Chair Raschko: That looks adequate.

Ms. Lohman: I have a finding. "State law does not consider a trail to be a conversion."

Ms. Mitchell: Right?

Ms. Pratschner: Oh – yes! Thank you. That's correct, according to the WACs.

Ms. Lohman: Isn't that a finding?

Ms. Mitchell: Let's put that down. Yep.

Chair Raschko: And the County as well? I think that's an important point.

Ms. Mitchell: Right. And that is true: the County as well. Correct?

Chair Raschko: Okay.

Ms. Mitchell: Okay. And how about the piece about the FAB guys –

Chair Raschko: The Industrial Forest landowner representatives' consensus was that they would lease trail-building on their lands by themselves – on private lands.

"The consensus of the landowner representatives on the Forestry Advisory Board was that they would prefer to police the building of trails on their respective lands without the County permit requirement."

Are you ready? There was also – the opinion it is very important that particularly on State trust lands that trail facilities be signed appropriately to educate the users on the trust obligations and the fact that it is a working forest.

Ms. Lohman: Is that a recommendation?

Ms. Mitchell: Well, that's a finding of fact that they thought that. But we can put that in recommendations, too, when it comes time.

Ms. Lohman: Aren't we just conveying the facts wished then –

Ms. Mitchell: Yep.

Ms. Lohman: – as a recommendation?

Ms. Mitchell: Yeah, they discussed that several times. Their discussions were – while she's typing – their discussions were very much like ours in that they went several rounds while they were hashing through the different positions.

Is that okay?

Ms. Lohman: But this code change is only limited to the trail. Any of the hut rental, parking, trailhead – all that other stuff, though, that is a permit-triggering event.

Ms. Pratschner: That's correct. We're not proposing any changes to those _____.

Ms. Mitchell: Do we want to put that in?

Chair Raschko: Well, can we polish this up a little bit? Because “On State trust lands, trail facilities should be signed appropriately to educate the users about the working forest, the nature of the property, and the...”

Ms. Mitchell: What do you call it when you have the 40-year thing?

Chair Raschko: The rotation.

Ms. Mitchell: Rotations, yeah.

Chair Raschko: No. “...about working forests and their trust obligations.”

Ms. Pratschner: Was there a third – “Trail facilities should be signed appropriately to educate the users about the working forest, the trust obligations...” I'm sorry: Was there a third?

Ms. Lohman: Can you *not* say the word “harvest”?

Ms. Mitchell: How about “harvest and rotation”?

Chair Raschko: “...and the importance of timber harvest.”

Ms. Mitchell: And rotation, because that's one of the – the reason I keep saying “rotation” is one of the things that a few of the guys talked about more than once was people not understanding that it can be like the time they do come back and the first couple, three years may not look so good. You know, by 40 years they're looking really good but it's going to start over. So I do think it's important we put “harvest and rotation.”

Chair Raschko: I don't think rotation. What you're talking about is just the rejuvenation of the forest or the sustainability.

Ms. Mitchell: Whatever you think's best to convey the message. I'm going to be awkward in this. It's not my bailiwick.

Chair Raschko: You're the one that wants it.

Ms. Lohman: Well, maybe strike the last two words and put a period after "harvest." I mean, we don't have to write the sign. Right?

Chair Raschko: Right. Okay. Thank you. Anything else?

Ms. Lohman: Well, and this is about non-motorized trail. Is that a finding – it's limited to non-motorized?

Ms. Mitchell: Dale, do you see anything that we're missing?

Mr. Walters: We can't _____.

Ms. Mitchell: I'm putting you on the spot, yeah!

Chair Raschko: You know, there's one aspect of this that really bothers me. On Blanchard what I noticed when a real change came about was when they built very fancy permanent bathrooms, guardrails, and other touristy-looking facilities that really gave the impression that it was a park. And the permitted part at the trailhead is going to have this skills course, and I presume it will have bathroom facilities and other amenities which will give the rest of it a park thing. Now I don't know where that comes into this discussion, but I can certainly see the potential for that aspect of it – not the trail itself, but the trailhead facilities sure lending the idea to the public that it's a park.

Ms. Mitchell: Perhaps – if you'll forgive me for bringing you up again, Glenn, you had mentioned just a little earlier that one of the facts that you found – the DNR found with their questionnaires is that a number of people *did* think that they were on State park lands. And would that be acceptable to use that as a finding of fact in general terms or not?

Mr. Glover: It's the preliminary results of our survey. I would hesitate to call it fact.

Ms. Mitchell: So would we say – would you be okay if we said "preliminary results indicate oftentimes"? Or is that even worth saying? I wouldn't want to put you on the spot.

Mr. Glover: I believe that that second statement is accurate.

Ms. Mitchell: Okay. Does that help, Annie, or not?

Ms. Lohman: I think it's just narrative.

Ms. Mitchell: Okay.

Chair Raschko: Yeah.

Ms. Lohman: Mr. Chair?

Chair Raschko: Yes?

Ms. Lohman: On number 6, can we expand that “in Industrial Forest”? Add the words “in the Industrial Forest zone”? Because I don’t want to open up a floodgate that all of a sudden anybody – Tom, Dick, and Harry can build a trail just any old place.

Ms. Mitchell: Right.

Ms. Lohman: Because the code amendment – code change – is only in the Industrial Forest.

Chair Raschko: Okay. Does that look okay?

Ms. Mitchell: Anybody else?

Chair Raschko: Anything else? If we can wrap up this part....

Ms. Mitchell: Okay. How about recommendations then?

Chair Raschko: Recommendations. Yes?

Ms. Hughes: I’d like to put forth a recommendation that we propose an inventory of County lands that have converted to non-resource land use since the Growth Management Act was enacted. I think it’s time. It’s been 25 years since GMA and it’s time to start doing some inventory of – I think last year there was 400 acres that was converted to a camp. That would have taken it off the tax rolls – around Lake McMurray. We have had several projects in our county that we’ve lost tax base, and I think it’s time that we start inventorying that.

Chair Raschko: Okay. How’s everybody’s feelings on that?

(several sounds of assent)

Ms. Mitchell: I’m okay with that.

Ms. Pratschner: “Inventory the...”

Ms. Hughes: “Inventory of County lands that have converted to non-resource lands use since the GMA was enacted.” And I don’t know if legally that’s the right terminology, but...thank you.

Mr. Walters: So normally we would call that an additional recommendation because it’s not a recommendation about the proposal itself.

Ms. Hughes: Okay.

Ms. Mitchell: That’s fine.

Chair Raschko: Kathy?

Ms. Mitchell: Well, this may end up being an additional one as well. When you get through with that, either Ryan or Stacie, one of you might know – in Skagit County code now – I meant to look before we got here and I forgot – do we have definitions of the trails, different types of trails? Big trails, mountain bike trails, et cetera?

Mr. Walters: I don’t think so.

Ms. Pratschner: Yeah, we define “primary” and “secondary trailhead,” but I don’t believe _____.

Ms. Mitchell: Then maybe we’ll pony up to the other guys. Maybe it’s time we have definitions of those if we’re writing code. If we’re writing code about it, we probably ought to define what these things are.

Ms. Lohman: Can I ask...because it was a project that sort of instigated this whole thing, it’s hard not to think about *that* project. But how does the County keep tabs on something like that if the main feature, which is the trail, is basically an allowed activity? How do you *know* they didn’t build a slight turnout for camping? How do you *know* that all the other stuff doesn’t happen?

Ms. Pratschner: If the trail construction isn’t requiring a permit, I’m not sure how we would be notified of that process.

Ms. Lohman: That was probably a dumb question.

Mr. Pernula: If you’re talking about a major conversion of a land use, like taking it out of agricultural production, one way to monitor it is through issuance of building permits and seeing that it’s being taken out. But the other way is with aerial photography where we check past photographs with more recent photographs and you can see that something’s been converted. So there’s different ways of doing it. It may be more difficult with something that’s linear like a trail.

Ms. Mitchell: It might be – tell me if this is right or not – is it appropriate to say “definitions” – plural – of “trail” or “trails,” because there’s different types? Or does that matter to our Comp Plan and recreation stuff?

Ms. Pratschner: Are we looking – it’s like a definition of a – maybe a hiking trail versus a –

Ms. Mitchell: Well, I know this may sound simplistic but non-motorized versus hiking versus horse versus foot – you know, understand ____.

Ms. Pratschner: Yep, I do.

Ms. Mitchell: We could be talking different things.

Mr. Pernula: I think I can understand what you’re talking about, but be broad now because you don’t know yet what specific definitions you need.

Ms. Mitchell: Right, so what would you recommend? Just say “definition” or “definitions of ‘trail’”?

Mr. Pernula: Sure.

Ms. Mitchell: However that makes sense – general meaning so you know what we’re –

Mr. Pernula: Or definitions of various trail types, if you want to put it that way.

Ms. Mitchell: Thank you.

Ms. Pratschner: Thank you.

Chair Raschko: Any more recommendations?

Ms. Mitchell: Well, we're still under – only under additional. We probably should go back up. Can we see 1 through 6 so we know where we need to go?

Ms. Pratschner: You bet. Yes.

Ms. Mitchell: And, Amy, maybe you can help me with this. You told me to remember it and I've already forgotten it.

Ms. Hughes: Education.

Ms. Mitchell: Oh, education. Thank you.

Ms. Hughes: You're welcome.

Ms. Mitchell: "...recommend that the County encourage..."

Mr. Pernula: Is that a recommendation or a finding?

Ms. Mitchell: This would be a recommendation.

Ms. Pratschner: Oh, I'm sorry. I'm so sorry. I'm sorry. I should have told you what I was thinking. I was looking at number 1, which was the part coming up with how it led to education. So now we go to number 1 in recommendations, and that would be – help me with the words, guys.

Ms. Pratschner: So this would be a third – the third recommendation that there be –

Ms. Mitchell: Well, we still need number 1 under recommendations. We just did additional.

Ms. Pratschner: Yep, you're right.

Ms. Mitchell: Am I thinking right?

Ms. Pratschner: Yeah, it's connected to those.

Ms. Mitchell: Okay, so "The Planning Commission recommends that the County encourage and support education and signage for working forests."

Chair Raschko: Is that relevant to bike trail location or just in general?

Ms. Mitchell: In general.

Chair Raschko: Okay.

Ms. Mitchell: But certainly – and thank you for saying that – certainly would apply to the trails because that's where oftentimes it runs away with some of the trails becoming so dear and

endearing and precious that they can't be used, and we want to keep the working forest working. Can we go back up and see 2, 3, 4, 5, and 6, please?

Ms. Pratschner: You bet.

Ms. Mitchell: Was number 2 yours, Annie?

Ms. Hughes: No, that was mine.

Ms. Mitchell: Was that yours, Amy? So do you have a recommendation off that?

Ms. Hughes: That was where the inventory, I guess, came from.

Ms. Mitchell: Okay.

Ms. Lohman: Tim, when you were talking with the FAB or at the FAB or on the FAB, in Snohomish County they have a design requirement and it follows the same books as the DNR uses for their trail construction.

Ms. Pratschner: The Forest Service.

Ms. Mitchell: That's good. Yeah.

Ms. Lohman: Do the private landowners *not* want to have any constraining trail criteria?

Chair Raschko: Well, in my experience – I can't speak for everybody, but yes, they generally want to have those users organized. They meet and they have standards, and the standards that they go to are the national – I don't know if they're national or what, but there are standards for how to properly build a mountain bike trail in order to minimize damage to the soils and to water and everything else and be able to hold up on the soils. And my experience is that most landowners want that in place. Because to degrade the land, first of all you could lose your certification under the – I can't remember what it is – SFI, Sustainable Forestry Initiative. That's important. Second, you're out of compliance with DNR regulations if you're putting silt and mud into water and that type of thing. So it's in everybody's best interest to have the trails built to the – you know, the highest standard possible and maintained on a regular basis. Does that answer what you're looking for?

Ms. Lohman: Well, I guess that was my question, because where's the landowner protection if there's no trail standard? Say the user group wants to build the trail. They shake hands. They build their trail. And then all of a sudden there's a big slide and you've contaminated xyz Creek.

Chair Raschko: Well, things can happen but I find that one a little – I mean, a big slide resulting –

Ms. Rose: I'd like to respond to that one because I don't think that – building a trail is less likely to cause a slide than logging.

Ms. Lohman: Well, I was thinking of looking at some of the construction photos. I mean, they were using a jackhammer and earthmoving tools in the photo, and so a lot of things can happen. But if it's – you know, the design specs are following a Forest Service handbook, you know, you're kind of going by like an industry normal or a –

Chair Raschko: Best management practices?

Ms. Lohman: Best – BMP.

Ms. Mitchell: Right. And to the point, there were some other photos – I don't know if everybody saw them or not, but how about the ones where they were putting in the culvert pipe and that kind of thing?

Ms. Lohman: I guess my question was in Snohomish County they use the U.S. Forest Service Trail Construction and Maintenance Notebook and the United States Forest Service Standards Specification for Construction. And I guess my question was, Would the FAB support having that as at least a basic trail standard or not?

Ms. Mitchell: That's a good question.

Chair Raschko: That's a good question. I would, but I can't speak for everybody on the FAB.

Ms. Lohman: Because we don't have anything – any criteria.

Ms. Mitchell: Can I make a recommendation then? Because I do think that that was a good question.

Ms. Lohman: I mean, I don't know if we – I don't know whether it's a good idea to have it or not have it. I don't know.

Ms. Mitchell: Well, how about putting in the recommendation to the Board to approach the FAB with that question? There's no harm and no foul for asking.

Ms. Hughes: Put it back on the agenda.

Ms. Mitchell: Yeah, because if that's on the list or ponied up here somewhere then perhaps it will be addressed.

Chair Raschko: Are you talking about making a requirement to adhere to those?

Ms. Lohman: Because that's what our neighbors to the south do.

Ms. Mitchell: Mm-hmm.

Ms. Lohman: It's a permitted activity. It's excluded – it gets a lot of exclusions, as long as the construction follows these handbooks. It's not a blank check.

Chair Raschko: I don't see why anybody would object to that because the adherence to those best management practices would just default to those people who have organized to build the trails in the first place. It shouldn't be a burden on the landowner. The only thing that would be a burden on the landowner is to make sure that they do it.

Ms. Mitchell: Do you want to build that into a recommendation?

Ms. Lohman: Well, maybe the recommendation would be to investigate having some trail-building standards as specified in the United States Forest Service Trail Construction. I can hand you the title if that would help you.

Ms. Pratschner: Yeah, thank you. All right, so I'll go ahead and – and was the recommendation that the Board of County Commissioners approach the FAB about that requirement?

Ms. Lohman: Mm-hmm.

Ms. Mitchell: Yes.

Ms. Pratschner: Thank you.

Chair Raschko: Practically speaking, are you talking about making it a requirement of the County's?

Mr. Pernula: I think the term that Annie used was "investigate." So for investigating it might be a requirement, it might not be. It might be a BMP. Who knows?

Ms. Mitchell: Annie, I've got a question for you. Did you want to pass this down for everybody to look at?

Ms. Lohman: Yeah, I was going to pass it to Stacie so she has the name of those manuals.

Ms. Pratschner: I know exactly where it is in Snohomish County Code, but it's easier this way.

Ms. Lohman: I just cut and pasted their code.

Ms. Pratschner: Perfect.

Ms. Lohman: It's a 10-yard-long name. I don't know if we want to do it or not, but they're the experts.

Ms. Mitchell: I sure would like to know what they think. Or maybe even as simply as having it under Best Practices lists, unless it's already there. Ryan, do you know? No?

Ms. Pratschner: Thank you, Commissioners.

Chair Raschko: Okay. Moving on....

Ms. Mitchell: Can we go back up and see number 3 and 4, please?

Chair Raschko: Pardon me.

Ms. Mitchell: 3, 4, 5, and 6: Are there any recommendations to build off of those?

(silence)

Chair Raschko: All right. Is there nothing else?

(silence)

Chair Raschko: So that will complete our findings of fact and recommendations. Do we need to vote on this?

Mr. Pernula: Probably just to acknowledge that it's what you all approved, yeah. We'll print it out and have you sign it.

Chair Raschko: So is there a motion to approve?

Ms. Rose: I move that we approve all the recommendations and findings.

Ms. Jett: Second.

Chair Raschko: It's been moved and seconded to approve the recommendations and findings. Discussion?

(silence)

Chair Raschko: Nope. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: So that passes. And that concludes our deliberations on the IF-NRL issue, so may we please have the Department Update?

Mr. Pernula: Okay, the first thing is that this will be taken to the Board on Tuesday at 10:30 a.m. Second item is the next meeting that we believe will be scheduled will probably be September 19 because that's when we'll have some of these things ready to go – a couple of them. First of all is the Capital Improvements Program. We should have it done in just several days from now, and then we'll schedule it before the Planning Commission on September 19, and probably a continuation of the Stormwater workshop that we had a few weeks ago. So we want to talk about Stormwater, as well, on the 19th. So the 19th is the next time.

One other item, and that's the County's Voluntary Stewardship Program has been approved by the State. I don't know if Ryan wants to mention something about it but it's something that's been in the works for a long period of time.

Mr. Walters: Ten years. Ten years on that.

Ms. Rose: Ten years?

Mr. Walters: Well, 10 years that I've been working on it. Longer for other people.

Ms. Lohman: So, Brian – "Brian" – where'd I get that? Ryan, is it only limited to Ag-NRL? Or is it ag activity regardless?

Mr. Walters: It's basically Ag-NRL and Rural Resource-NRL. Ag-NRL and Rural Resource-NRL.

Ms. Lohman: Okay. Not Rural Reserve?

Mr. Walters: Correct.

Ms. Lohman: Okay.

Ms. Mitchell: You said Ag-NRL and what was the other, please?

Mr. Walters: Rural Resource.

Chair Raschko: Did I see another hand? No? Well, congratulations. Thank you. I presume this is a pretty big accomplishment?

Mr. Walters: It is. The Planning Commission dealt with this many years ago, culminating in 2003-2004 with the most recent significant change to the Ag-Critical Areas Ordinance, and then you revisited it in, I think, 2011 with a few tweaks to the Ag-Critical Areas Ordinance but mainly to enroll – recommend to the Board of County Commissioners that we enroll in the Voluntary Stewardship Program, which is an alternative pathway under the Growth Management Act to compliance with our critical areas obligations in areas of agricultural activity. The reason that they created an alternative pathway – the legislature did – and the reason we chose that alternative pathway is because we had been embroiled in a significant amount of litigation over whether or not we were fully complying with the Growth Management Act in terms of protecting critical areas in areas of agricultural activity, and this alternative pathway that we have chosen, the Voluntary Stewardship Program, insulates us from that litigation – litigation that we spent millions of dollars on in the early aughts.

Chair Raschko: Great. Well, thank you.

Ms. Rose: Yeah, good job. Yeah.

Ms. Mitchell: Can I ask Dale to repeat something please? When is the Board of County Commissioners going to hear this issue?

Mr. Pernula: Tuesday, 10:30 a.m.

Ms. Mitchell: Thank you.

Mr. Pernula: That's all I had.

Chair Raschko: Thank you. I have Planning Commissioners' Comments and Announcements. Kathi? Amy?

Ms. Hughes: Nope.

Chair Raschko: Martha?

Ms. Rose: Nothing.

Chair Raschko: Nothing. I just – the only I have is to thank the Commissioners for their diligence and hard work. And once again, congratulations to the Planning Department for their accomplishment. Is there a motion to adjourn?

Ms. Mitchell: I move to adjourn.

Female Commissioner: Second

Chair Raschko: Been moved and seconded. All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay, we stand adjourned (gavel)