

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, August 4, 1998**

- 7:30 a.m. – 8:30 a.m. Commissioners' Staff Meeting.
- *T 9:00 a.m. – 10:00 a.m. **Board of Health – Peter Browning, Director:**
 - 1) Reporting on the Child Care Parent and Provider Survey.
 - 2) Student Intern Project.
 - 3) Childcare Consultation.
- 10:00 a.m. – 11:00 a.m. Parks Projects Update – Jon Aarstad, Director.
- 11:00 a.m. – 11:30 a.m. Consideration of the Hearing Examiner's Recommendation for Approval of Timber Open Space Applications:
 - 1) Yong S. Sol for property located at 492 Robinwood Lane, Bow (OT-95-0096).
 - 2) Carol B. Allison for property located at 590 Honeysuckle Lane, Marblemount (OT-95-0095).
 - 3) Cornay Associates LLC for property located at 569 West Shore Drive, Anacortes (OT-98-0093).
- 2:00 p.m. – 4:00 p.m.
 - 1) Presentation and Possible Authorization to Proceed with Repair and Maintenance of the Cascade Trail and public hearings on related matters – **Hearing Room "C"**.
 - 2) Public Hearing: Supplemental Budget – Special Paths Fund #102, **Hearing Room "C"**.
 - 3) Public Hearing: Consideration of the Repeal of Existing Skagit County Code Section 9.04.105 – Non-motorized Use of the Cascade Trail, and adding a new Chapter to Title 9 entitled Parks and Public Trails, which includes two new Sections entitled Motor Vehicles on The Cascade Trail and Impoundment of Motor Vehicles Operated on the Cascade Trail, **Hearing Room "C"**.

The Skagit County Board of Commissioners met in regular session on Tuesday, August 4, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

BOARD OF HEALTH – Peter Browning, Director.

- 1. Reporting on the Child Care Parent and Provider Survey.

Alex Von Cube, Health Assessment Coordinator, reported on a recent survey regarding parents and childcare providers. He stressed that affordable and accessible safe childcare and after school programs are of the utmost importance. Mr. Von Cube reviewed demographic shifts including the growth of one-parent families, dual worker households, increase of parents in the workforce, providing childcare as an element of recruiting, the growth process through age 10, early brain development, and the activities of the childcare consortium in Skagit County,

Mr. Von Cube reported that the net affects of social changes are the number of children who are spending the larger number of their waking hours in the care of a childcare provider.

Mr. Von Cube discussed the various short range, medium range and long range recommendations of the consortium.

Chairman Hart commented on the importance of spending time with children rather than dealing strictly with technical details. He stated that there is a need to have loving caregivers who show interest in youngsters.

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2. Student Intern Project.

Katie Pickering, *Summer Intern*, reviewed the Edison Sewer Project data that she has been collecting. She reviewed the history of this project, and illnesses caused by the failing sewage system flowing to the Edison slough and on into Colony Bay, which caused oysters and other shellfish to be contaminated. She noted that grants were obtained by the community of Edison to assist in correcting their problems. She reviewed a chart showing fecal coliform contamination levels. The data she is collecting will assist with the determination of what long-term monitoring should occur.

3. Childcare Consultation.

Donna Gustin, Public Health Nurse, explained that child care consultation is the sharing of knowledge and expertise on health and safety issues with child care providers. She reviewed many of the aspects of this program.

Corinne Story, *Environmental Health*, stated that there are many aspects to safe childcare including ventilation, food safety issues, and the composition of physical structures, among others.

Ms. Gustin reviewed action steps from Health Child Care America. She reviewed the local happenings and activities within the county and the Child Care Consortium.

4. Miscellaneous.

Vin Sherman, *Environmental Health Specialist*, spoke briefly regarding the problems of waste tires, and the resulting impact to the solid waste system. After a brief discussion, Commissioner Hart asked for further information in a written report.

Commissioner Anderson was absent from this point in the proceedings.

PARKS PROJECTS UPDATE.

Jon Aarstad, Director, advised that he would be in Olympia this afternoon for a presentation regarding Pressentin Park and a request for IAC monies. He said that gun range issues are being addressed and that budget preparation is underway.

Chairman Hart asked about the use of credit cards for the various recreation programs offered by the Department. Mr. Aarstad indicated that the use of credit cards has not yet been instituted by the Department, and stated that it is anticipated that the Department will be accepting credit cards for the Fall recreation programs.

Dennis Lind, Recreation Supervisor, stated that July is the busiest month for recreation activities. He discussed the summer camp program, track camp, boys baseball camp, girls softball camp, pitchers' camps, lifetime sports camp, and an outdoor camp at Howard Miller Steelhead Park. He reported that 425 kids participated in the summer camping program. Mr. Lind reviewed the recently held Clear Lake Triathlon, and the Girls Fastpitch Tournament. He noted the summer leagues are wrapping up now, with play-offs underway.

Mr. Linda gave a brief report on the beach closure at Clear Lake.

Mr. Lind further enumerated upcoming events and fall classes.

Mr. Lind displayed a 30-second advertisement for the Parks & Recreation programs.

Lori Anderson and Tony Rees, Fair Division, reviewed the status of the upcoming Skagit County Fair.

Pete Mayer, Operations Manager, noted that Fair Staffing should be finalized shortly. He advised that the State Masters 35 and over Tournament would be held during the same time as the Fair. He briefly commented on the construction of the ticket booth on Cleveland Street, and thanked the Mount Vernon Parks & Recreation Department for their coordination of the best location of the ticket booth.

Mr. Mayer next discussed the Clear Lake Beach problems of the past week. He thanked the County Health Department for their assistance in this regard.

A brief discussion ensued regarding the DOE grant to clean up illegal dumpsites.

Mr. Mayer advised that budget preparation is underway. He further noted that the Department has received a \$33,000 grant for the snowmobile grooming program. He added that he is working with the Department of Corrections for the completion of new signage for various parks throughout the County.

Mr. Mayer next discussed the Cascade Trail public hearing for later in the day, and the particulars of the code section dealing with motorized vehicles on the Cascade Trail.

The Board indicated that there needs to be a similar set of rules for all trails and parks throughout the County to make certain that uniformity prevails.

MISCELLANEOUS.

1. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing, which has been made available to the Board.

As of this date, August 4, 1998, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Payroll warrants numbered 19497 through 19497 in the total amount of \$282.54 (Transmittal No. P-36-98).

CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL OF TIMBER OPEN SPACE APPLICATIONS:

1. Yong S. Sol for property located at 492 Robinwood Lane, Bow (OT-95-0096).

Marge Swint, Planning Staff, reviewed the exact location of the subject property with the Board. After a brief review, Commissioner Wolden moved to approve the Timber Open Space application of Yong S. Sol for property located at 492 Robinwood Lane, Bow. Chairman Hart seconded the motion, and it passed with a unanimous vote. **(Resolution No. 17087)**

2. Carol B. Allison for property located at 590 Honeysuckle Lane, Marblemount (OT-95-0095).

Ms. Swint reviewed the exact location of the subject property. After a brief review, Commissioner Wolden moved to approve the Timber Open Space application of Carol B. Allison for property located at 590 Honeysuckle Lane, Marblemount. Chairman Hart seconded the motion, and it passed unanimously. **(Resolution No. 17088)**

3. Cornay Associates LLC for property located at 569 West Shore Drive, Anacortes (OT-98-0093).

Ms. Swint reviewed the exact location of the subject property on Guemes Island. Commissioner Wolden moved to approve the Timber Open Space application of Cornay Associates LLC for property located at 569 West Shore Drive, Anacortes. Chairman Hart seconded the motion, and it passed with a unanimous vote. **(Resolution No. 17089)**

Commissioner Anderson was present again from this point in the proceedings.

PRESENTATION AND POSSIBLE AUTHORIZATION TO PROCEED WITH REPAIR AND MAINTENANCE OF THE CASCADE TRAIL AND PUBLIC HEARINGS ON RELATED MATTERS; PUBLIC HEARING ON SUPPLEMENTAL BUDGET – SPECIAL PATHS FUND #102; PUBLIC HEARING FOR CONSIDERATION OF THE REPEAL OF EXISTING SKAGIT COUNTY CODE SECTION 9.04.105 – NON-MOTORIZED USE OF THE CASCADE TRAIL, AND ADDING A NEW CHAPTER TO TITLE 9 ENTITLED PARKS AND PUBLIC TRAILS, WHICH INCLUDES TWO NEW SECTIONS ENTITLED MOTOR VEHICLES ON THE CASCADE TRAIL AND IMPOUNDMENT OF MOTOR VEHICLES OPERATED ON THE CASCADE TRAIL.

Mike Woodmansee, County Administrator, gave a presentation regarding the history of the trail, the ordinance regulating trail usage, and a proposed budget amendment. He advised that this project began in 1990, with a trail that was actually acquired in 1993. The goal of the presentation was to bring those gathered at the public hearing current as to where the County is today regarding the Cascade Trail. Mr. Woodmansee explained that there are two specific issues for the Board to consider. One is an amendment to the 1998 budget, which would allow monies to be spent in 1998 for the repair and maintenance of the Trail, and also an ordinance to control motorized vehicles on the Trail. Mr. Woodmansee advised that approval of the budget amendment will enable County departments and contractors to proceed with trail maintenance work. Mr. Woodmansee advised that there may be a brief recess between the presentation portion of the meeting and the actual public hearing, which was scheduled to begin at 3:00 p.m.

Mr. Woodmansee briefly outlined a chronological history of the acquisition of the Cascade Trail. He discussed the purchase of the right-of-way. The Rails to Trails Conservancy acquired the right-of-way from Burlington Northern, and Skagit County purchased the trail for the sum of \$98,000. The trail has existed in its current state, with gates and bollards installed, becoming known as the Cascade Trail. He reported that there has been only very basic maintenance since 1994.

Mr. Woodmansee reviewed 34 slides of the trail, which had been taken within the past thirty days.

Mr. Woodmansee then proceeded to review the course of the trail on a map displayed in the Hearing Room. He reviewed specific proposed trailhead locations on this map.

Mr. Woodmansee pointed out several areas in the County's Comprehensive Plan where the Cascade Trail is referenced. He reported that maintenance and wooden decking on the trail is exempted from SEPA and there is a letter on file to confirm this fact. The requirements of the Critical Areas Ordinance do not apply as this is normal routine repair and is limited to outdoor activities. A draft environmental checklist was prepared, and the determination of exemption was made.

As noted by Chairman Hart, the hearings today are on a budget amendment and the changes to the Skagit County Code. He reiterated that the issues before the assembled group are not about owning or not owning the right of way. He stated that the reality is that, as explained by Mr. Woodmansee, the right of way has been in County hands since 1993 and will remain so regardless of what is decided today. The issue is should the Trail be left in its current state of maintenance or should it change.

Pete Mayer, Parks & Recreation Operations Manager, reviewed the maintenance proposals and operations plan for the Cascade Trail. He advised that this is a plan of attack for providing greater access on to the Cascade Trail. He reviewed the decking of existing trestles, replacing ties that are worn, and installing handrails on those trestles, together with fencing portions of the corridor. Mr. Mayer reviewed the trailhead areas which Mr. Woodmansee highlighted, together with proposed toilet and parking facilities. He briefly discussed the draft easement of the use of right of way by adjoining property owners, the installation of signage, installation of gates and bollards and additional traffic control devices, and communicating the plans and dialogue with neighboring communities and towns. He commented on the need to strengthen the current laws to control illegal use of the Trail. Mr. Mayer reviewed cost estimates to accomplish the aforementioned tasks.

Mr. Mayer next discussed the Implementation strategy, which includes working with the Skagit County Sheriff's Office and Department of Corrections to assimilate a 5-7 member inmate crew to do maintenance work, with access to chemical toilets and handwashing facilities. Other issues include washout and trail bed maintenance, which could be done by Skagit County Public Works or independent contractors as desired.

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Chairman Hart commented on garbage control at the trailhead sites and along the trail, the issue of pet control and waste, and unauthorized motorized vehicle usage on the trail.

Commissioner Anderson indicated that a public process is necessary to move forward with any part of the plan. He indicated his feeling that Staff is now fast-tracking the plan by calling this "maintenance" rather than a project.

Mr. Mayer indicated that to make the trail accessible, maintenance is necessary at this point in time.

Alicia Huschka, Budget Director, explained the supplemental budget proposal. She advised that the 1998 budget was adopted on December 1, 1997, and that the Cascade Trail Repair & Maintenance Plan was not a part of the budget. Therefore, it is necessary to proceed with the budget amendment process. She explained the origin of the Special Paths Fund, and the revenue sources for same.

Mr. Mayer reviewed the other portion of the Public Hearing, that being the proposal to repeal Skagit County Code 9.04.105, Nonmotorized Use on Trails, and adding a new chapter under Skagit County Code Section 9, with a specific section regarding Motor Vehicles on the Cascade Trail and the Impoundment of Motor Vehicles Operated on the Cascade Trail. He reviewed the history of the existing code section, and the need to add language that specifically identifies that it is unlawful to operate a motor vehicle on or over the Cascade Trail. He reviewed the specific examples of vehicles that will be allowed to use the trail.

Commissioner Anderson stated that he has pushed hard for this ordinance due to the continuing problem of motor vehicles on the trail. He stated, however, that he does not want to burden property owners simply destined to go over the trail to access their property.

Mr. Woodmansee reviewed a list of individuals who have procured access to their property utilizing portions of the Trail. He stated that this entails a very simple easement procedure.

A discussion ensued on the easement requirements for ingress, egress and utilities.

A brief question and answer period was held prior to the opening of the public hearing.

After a brief, five-minute recess, Chairman Hart opened the public hearing. He indicated that each speaker would be allowed three minutes to speak.

Judy Lipsey, 35701 Lyman-Hamilton Highway, expressed concerns about the budget, specifically because there was no mention of the cost of brush being removed. She expressed concern that there are undesirable individuals who may use the trail for illegal purposes. She asked who would be responsible to pick up horse droppings, and wondered how often the trail would be cleaned. She mentioned problems with horses getting stuck in railroad tracks or trestle decking. She expressed concern about the placement of restrooms, and the unnecessary need for easements. She further noted that fencing would be very expensive.

Leonard Halverson, 11558 Sterling Road, Sedro Woolley, stated that the maintenance part of this proposal shows \$250,000 to be spent by Skagit County. Mr. Halverson stated that the money would be better spent buying the right-of-way from adjoining property owners. He read from a memo written by John Moffat in 1992. He expressed the opinion that there is contempt for property owners in District 3, and that he does not understand the attitude of the Commissioners in taking property from individuals.

Ralph Clemons, 101 Crawford Drive, Lyman, agreed with Mr. Halverson, and read into the record a letter dated August 4 from a law firm regarding numerous legal issues. He stated that decisions to spend money today may be unwise.

Randy Good, Minkler Road, Sedro Woolley, advised that the Comprehensive Plan states that property owners' property rights must be legally addressed. He stated that the Comprehensive Parks & Recreation Plan requires compliance with the County's Comprehensive Plan, and he questioned whether this is the case. He stated that property rights have not been addressed. He stated that no planning or financing with tax money should be done without the determination of the ownership of the trail.

Ellen Nulson, 26417 Minkler Road, Sedro Woolley, read a letter from William Blake, regarding the protection of property rights in this County. She stated that the land can only be used for transportation purposes once the railroad abandons the easement. She commented that the Comprehensive Plan clearly acknowledges property rights. She stated that citizens should press for removal from office of the commissioners who apply this illegal ordinance.

Ed Lipsey, 1157 Cockreham Road, Sedro Woolley, stated that he is still waiting for his property rights to be addressed. He stated that he was told that there would be nothing done to the trail for another five years. Mr. Lipsey indicated that he does not want bathrooms on the corner of his property. He commented on the poor condition of the railroad bridge pilings

Mr. Shanzenbach, 2012 Cook Road, stated that the Board he has lost respect for the Board because they are unethical. He stated that the letter from Mr. Moffat was certainly unethical. He questioned the Board making modifications to property that does not legally belong to the County. He suggested that the Board take some classes in ethics.

Tom Solberg, 19019 Minnie Road, Alger, urged the Board to not put another nickel into any improvement of this corridor until the issues of ownership have been determined. He suggested saving the money for future litigation. He advised that private property is a fundamental right and made this country what it is today, and asked the Board not to infringe on this right. He suggested that taking private property for the public benefit is the foundation of communism.

Gary Carter, 14771 Channel Drive, stated that he is an avid bicyclist, and expressed the need for trails in this County. He stated that he uses the Padilla Bay Trail quite frequently, but that it is not long enough. He stated that money spent on the trail would be well spent and of benefit to families.

Gary Ash, 17509 So. Skyridge Drive, Mount Vernon, indicated that he was present as an advocate and a supporter for the passage of this ordinance and resolution.

Harriett Smith, 7690 Frederickson Road, Sedro Woolley commented on the small number of people who use the trail. She stated that there are other trails and places for people to ride or walk. She asked that the Commissioners start respecting property rights. She stated that if people want to ride a bicycle, they should go buy themselves 50 acres of land.

Hugh Schmidt, 842 Hoehn Road, Sedro Woolley, spoke to the nuisances that currently exist with the trail including dogs, people hiding in the bushes, and unsavory things that have happened on the trail. These include the improper handling of trash and inconsiderate parking. He stated that fences would not satisfy the adjoining landowners' concerns. Mr. Schmidt asked that the Board first determine the proper ownership of the corridor before spending money on upgrading the trail.

Bill Blunt indicated that he agreed with Mr. Halverson's comments, stating that the money could be better spent on tax relief until the issues of the right-of-way ownership are addressed. He asked the Board to look at volunteer work for the trail maintenance, saying that he does not want inmates working in the area. He stated that people, horses and dogs are just as noisy as motorized vehicles.

Ivan Bacus, Jr., 838 Harrison Road, stated that there have been a lot of problems since County has been involved with this trail. He complained about the difficulties in getting permission from the Parks Department to do anything. He indicated that landowners do not want to deal with the Parks Department, stating that the Parks Department is worse to deal with than the Environmental Protection Agency. He further commented on the lack of public input regarding matters to do with the trail.

Leo Roozen, 1564 Beaver Marsh Road, expressed his support for the proposal before the Commissioners. He stated that he is an avid outdoorsman, biker and climber, and has supported opportunities for youngsters to experience the outdoors. Mr. Roozen stated that this type of project is not a new concept, and has been duplicated in other places throughout the State. He stated that when we get into a room with differences of opinion, we have to be pro-active and listen to each other and move forward. Mr. Roozen stated that If we say we

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won't or we can't, realistically things stand still and someone else will come in and make something happen that is not acceptable at all.

Jim Katrin stated that he does not want to look at bathrooms, and that his property is located near one of the proposed trailheads. He expressed concern about cars left near the trail for several nights, temporary bathrooms and their condition, and adequate parking spaces. He asked if the proposed restrooms would meet all regular Skagit County codes. Mr. Katrin indicated that there should be public comment to have the whole legality of this issue taken care of first before another dime is spent.

Joan Melcher, 13595 Avon-Allen Road, representing a group of hikers, stated that she organizes approximately 50 hikes throughout the year. She stated that as long as it is a public trail, her group will continue to use it. She indicated that it would be safer for the public, if the Board proceeded with the funding proposal and motorized vehicle ordinance.

Dave Towne, Mount Vernon, commented on the motorized vehicle ordinance, stating that such an ordinance will make the Cascade Trail safer for public use. Mr. Towne indicated that he supports the development of the trail for public use and urges 100% funding of the maintenance proposal before the Board. He commented briefly that State law supports the Federal railbanking law. He asked that the Board take action today so that work can begin on the trail.

Tim Holloran, 211 Claremont Place, Mount Vernon, spoke as an advocate for young people in the Valley. He indicated that this trail would provide a safe alternative to children for areas to ride bicycles.

Randy Good, 2346 Minkler Road, Sedro Woolley, spoke that the Parks Board has not approved this maintenance plan. He stated that landowners had no input and that the plan does not make sense. Mr. Good stated that there is not enough money to finish all of the trail as proposed, and that there are many questions that need to be answered.

Mr. Katrin asked when there would be some idea as to the design of the trailheads and the restrooms.

There being no further public comment forthcoming, Commissioner Wolden moved to close the public hearing, leaving the acceptance of written comment open until Friday, August 7, 1998 at 4:30 p.m. on both issues that were before the Board. Commissioner Anderson seconded the motion, which passed unanimously. The public hearing was closed.

ADJOURNMENT.

Chairman Hart made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.



BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Robert Hart
Robert Hart, Chairman

Ted W Anderson
Ted W. Anderson, Commissioner

Harvey Wolden
Harvey Wolden, Commissioner

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ATTEST:



Patti J. Chambers, Clerk of the Board
Skagit County Board of Commissioners