

**Skagit County Planning Commission  
Public Hearing & Deliberations: IF-NRL Non-Motorized Recreational Trails  
Workshop: Stormwater Update  
August 1, 2017**

**Planning**

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

**Staff:** Dale Pernula, Planning Director  
Ryan Walters, Assistant Planning Director  
Stacie Pratschner, Senior Planner  
Shawn Christensen, Stormwater Review Technician

**Public Remarks**

**Commenters:** Carol Ehlers

**Others:**

Lisa Janicki, Skagit County Commissioner  
Dan Rankin, Major of Darrington  
Glenn Glover, State of Washington Department of Natural Resources  
Recreation Program Manager

**Public Hearing**

**Commenters:** Andrea Xaver  
Gordon Iverson, Forest Advisory Board  
Randy Good, Friends of Skagit County  
Paul Kriegel, Forest Advisory Board  
Carol Ehlers  
Liz McNett Crowl

Chair Tim Raschko: (gavel) Good evening, everybody. We'd like to welcome you to the August 1<sup>st</sup>, 2017, meeting of the Skagit County Planning Commission. The purpose of tonight's meeting is to have a public hearing on proposed code amendments on Industrial Forest-Natural Resource Lands Regarding Non-Motorized Recreational Trails. And that will be followed by a Stormwater Update Workshop.

(sounds of beeping)

Chair Raschko: We have an amber alert occurring. Okay.

The first order of business is to review the agenda. I presume everybody's had opportunity to review it. Are there any remarks or requests for change?

(silence)

Chair Raschko: I'd like to remark on the fact that it just seems strange to me to be having this public hearing followed immediately after by the deliberations, and I can lean on Josh Axthelm's letter to staff regarding the same issue. It just seems like in the past when there's been a public hearing there is a period of time afterwards allowing time for written comment from the public and then deliberations at a later time. And I only found out this was on the agenda when I got the meeting notice not that long ago. Does anybody else have any concern or comments?

Commissioner Tammy Candler: I read that as well and it seemed like a request from a fellow Commissioner to be involved in the discussion, and I want us to honor that if we could put the deliberation portion out. That's how I read it.

Chair Raschko: Yes?

Commissioner Kathi Jett: I agree with Tim.

Commissioner Annie Lohman: We need to make sure we project – oh, please.

Commissioner Jett: I agree with Tim. I would like to see an – I think they're usually three days or four days after the public hearing for additional public comment, and then it closes and then at the next Commissioners' meeting we have public – we have deliberation. Is that correct?

(sounds of assent)

Vice Chair Kathy Mitchell: And I would concur as well. I've already gotten a number of phone calls from people saying pretty much the same. And the reason being is if the written public period was closed today at 4:30. More information is going to be disseminated by staff. We don't know what's going to come from staff or from any other entities, let alone from people that might speak at the microphone. And so there's going to be more information from people to digest and to go through, and so it's imperative that they have that input to be able to think about it and then have a little bit of time to put in. So normally – that's why normally we have the public comment period by usually, I think, the following Thursday at 4:30. And so I do request that we figure that out or not do it that way again because it's really upset a lot of people.

Chair Raschko: The other comment I'd make is that the issue involved regarding commercial timberland is one that is probably not very familiar to my fellow Commissioners and I would be fully expecting some of them to have questions when we're done with this and not ready to necessarily make a decision in short order. But that's up to them. We can proceed or we can decide otherwise. One question I have for staff is whether there's a reason to expedite this and move it along faster.

Dale Pernula: There is a reason and that's that there is a project that is waiting to be constructed real soon and we'll address that in a few minutes with the project.

Chair Raschko: Okay. Anything else?

Commissioner Martha Rose: I don't have any problem with learning about it and discussing it and then we can decide. I mean, we might – it might be an obvious – there might be consensus or there might not be, but I think we can't make that decision without hearing the information.

Chair Raschko: All right. Thank you. Okay, so we'll move along then and go to Public Remarks. Is there anybody who wishes to address the Planning Commission prior to the public hearing? Since we have a small number of people wishing to speak tonight, why don't we go ahead for five minutes?

Carol Ehlers: Thank you.

Chair Raschko: Oh, you're welcome.

Ms. Ehlers: Carol Ehlers, West Fidalgo Island. The only times the Planning Commission did not get a response time there was a battle royal. I can give details about what happened and when. One of them was the pipeline fiasco that ended up with a whole bunch of people in the County Planning Department losing their jobs and us getting an education in how the Chinese Communists operated. But that's another story.

I want – since I came expecting someone else would bring this up, but there is a hearing on the 29<sup>th</sup> of September – of August. It was in the paper. I'm sorry I didn't bring the details. I thought someone else would do it. But there's a hearing on the elk plan. And if you've been reading the paper for the last five or six years you know there's all kinds of problem. The Nooksack elk are in the Skagit Valley and every EIS up there has dealt with how you provide more and more and more acreage for them so that this Indian group can do this and someone else, and they're proposing to increase the amount of acreage that you can use for hunting. There's a whole – there's a bunch of things that are sensible but I see nothing, as usual, with Fish and Wildlife people, whether federal or local, about the economy of the eastern part of the county, and the economy is crucial. We have to keep the tax base.

Now drainage: You folks haven't had the privilege yet of needing anything about the drainage utility. It came as a result of the disaster of 1990 and the fact that Fidalgo Island lost roads and land and property, and Bayview lost a lot of problems in the farmland. And because there were two areas that had problems, we were able to convince the County to pay attention to drainage. So there's a drainage utility. I'm not going to explain it now but you folks have to know about its existence. You have to know where it is. You have to know what it does, so that when you're talking about a drainage ordinance you know how it fits in. It's crucial. There is an annual report. You can get it from Jan Flagan. This is a particularly useful one, but any one she wants to give you. Now when it comes to Fidalgo Island, we didn't get a plan. There was almost a riot in the Anacortes High School gym, and they finally agreed that they would do a stormwater management plan. Anything that deals with drainage on Fidalgo Island must use this document. If you don't, the County is liable for suit and a number of us have corporations ready to do it if we have to. That's not the way things should be done but that's the way it's been necessary to operate in this county for the last 50 years, and I would like to see it stop. We're supposed to work together.

Now this is on the internet, but you have a problem. It was written as a paper document so the roadmap is in chapter 1 but the topography and the drainage problems are in chapter 6. If I only knew who to contact to get the drainage map, the topography map also presented in chapter 1, it would make it a lot easier for the readers. So if anyone can suggest how that practical thing can be done I would be most appreciative. But in this – it's a very good document. You're used

to that map. Get to chapter 6, Sub-basins. And eventually you learn that the sub-basin that's this area and all of this blue area goes out this little creek into the bay. And there's some funny stories to tell you, but not tonight. The best one is the time that it rained for three days at Memorial weekend, and the 60,000 fish that Fish and Wildlife had stocked the lake with washed out into the bay, and people took pictures of 50 or 60 eagles stuffing themselves to death and so grateful for this sudden amount of food that they were not even able to walk.

(sound of bell ringing)

Chair Raschko: Okay, thank you very much. Is there anybody else who would like to make public comment at this time? This is not the public hearing. This is just general things to address.

Ms. Ehlers: I couldn't say it during the hearing or during the workshop.

Chair Raschko: Okay. If not, the public hearing regarding proposed amendments to Skagit County Code chapter 14.16.410, Industrial Forest-Natural Resource Lands Non-Motorized Recreational Trails, is hereby in session. We have a list of speakers. We'll allow five minutes. First is – yes?

Commissioner Lohman: Point of order. Could we have a staff report first?

Mr. Pernula: Yes, we'd like to make a presentation to begin with, and I believe Commissioner Janicki would also like to make one.

Chair Raschko: All right.

County Commissioner Lisa Janicki: Thank you, Mr. Chair. Thank you, Planning Commission: So I asked for just a little – the staff has a report to present and I asked for just a little bit of time to give some background to this issue, which some have said has been fast-tracked or somewhat surprised upon both the Planning Commission and the Forest Advisory Board. And I guess, you know, I just want to take responsibility for that. The background for that is I'm going to let Mayor Rankin from Darrington – we have – Dan Rankin is here to give you a little bit behind the particular project that started this. But from my perspective, I got a phone call from a major who said, Hey, we're building a mountain biking trail that crosses Snohomish and Skagit County borders but starts in the Town of Darrington and it's viewed as an economic development project. And he can talk about that. The trail is being constructed in Snohomish County, had gone through public process in 2015, but the DNR owns the land and the DNR had run into problems getting permits from Skagit County. So as it turns out, Skagit County staff had conveyed via phone – there was no permit application in, so there was really nothing to chase down but the fact that our staff had told the DNR that the building of a bike trail – a non-motorized trail – through that DNR property, so DNR building trails through DNR property; owner-built trails; 24 to 40 inches wide is the track – constitute a conversion of timber, resulting in a six-year moratorium on harvest. On so at that point, DNR stopped because they said, We can't convert that. It's school trust lands and so they can't risk a conversion with a moratorium because they have to be able to harvest those on a sustainable basis.

And so I asked the question, Well, is it a conversion? You're the DNR. You tell *me* if that's a conversion. They said, No, we don't view this as a conversion. So I was a little bit, you know: What are we, as County, trying to, you know, outguess or rule on something that's clearly forestry that the DNR has the authority on? But based on that answer that there was no – that

the County, Skagit County, would view it as a conversion, the DNR said that they didn't put in for a special use permit, which is the path for building trails, because they couldn't risk the conversion. And so I actually asked them to write a letter to staff – communicate with our staff that this was not viewed as a conversion so that they can move forward. And it was after the – you know, I hung up with the DNR and talked to Planning Department staff, and I said, you know, How long does it take to get a special use permit? Why are we going through a special use permit? You know, Why isn't this just a permitted use on industrial property – Industrial Forest land? And my reasoning for this was simply that forest owners are building trails on their own property for various purposes, whether it's survey lines, whether it's access to do their own timber cruises or whatever. There are certain uses – I mean trail uses – that are being made, but I can guarantee that the County is not issuing special use permits for those particular instances.

So the question that I really had is: Why does the County pretend that they're going to permit something that they're not currently doing? And so with that being said, I'm – I guess I want to take responsibility because some people have thought there's conspiracy, some people have thought that staff is trying to shove through something really quick on – you know, without it getting adequate review. And I – belatedly – but I did talk to almost every member of the FAB board. They meet – the Forest Advisory Board – they meet tomorrow morning and will discuss this again. So I guess I want to (a) take responsibility and, you know – but reiterate it seemed to make sense to be able to allow something that is already happening on forestlands.

But with that being said, I really would like Major Rankin to come up and talk about the project and the little bit more history behind that project and what that means to Darrington. Dan?

Mayor Dan Rankin: Good evening, everybody. It's good to be here in Skagit Valley and Skagit County, that for once it's not raining in either of the valleys at this point.

So a little bit of the background of the project: Shortly after 2014 – the landslide – there was a big push for economic development in the Stillaguamish Valley. And we made a lot of headway with a lot of different projects, one of them being the mountain bike – North Mountain Bike Trail System, just one facet of it. And that system is going to be about 18 to 20 miles of mountain bike trails that are from the top of North Mountain, which you can actually drive to, to the bottom of North Mountain, and it includes a skills course at the very bottom that's about four miles of developing your skill before you go up on the upper mountain. So that's the project in general. The facets of that project are much deeper. Darrington, like a lot of our rural communities, is in small, remote rural communities having just as many problems with kids playing with their thumbs, being indoors. Getting those kids outside and experiencing their neighborhood and the wilderness that's around it is just as important for those kids as it is for their urban counter- and suburban counterparts. So our youth, together with Evergreen Mountain Bike Association and the DNR, have been working for the last three years on developing the ideas, the trail system, and some of the volunteer labor that has gone into them. When we hit this snag, I guess, in the permitting process, it was tough from a standpoint – I did – I have a timber history. I didn't see it as a conversion issue with the DNR. We have folks recreating on forest industry – Industrial Forest lands everyday throughout both of our counties. When are you going to annex Darrington? But that's another story!

If you built a road and closed it in for forest practices and then closed it, it is still by definition with the DNR – you can still use that for non-motorized use. And our equestrians, our bikers, our walkers all use these roads, and some of them have been closed for a number of years. Seeing that a bicycle track, a non-motorized bicycle track, cutting through DNR land or any private

forestry-zoned land, I don't see that as being a conversion. It is less intrusive than a lot of the alternatives that happen.

And there's a couple other things that I'm trying to catch up with myself on. Sorry for the pause, folks, but it's – I guess I do have other things, but they're not coming to me. Is there any questions about the project or anything that I could answer? Yes, sir?

Chair Raschko: Go ahead.

Ms. Rose: Well, where are you pointing to? I have a lot of questions, but I don't know if they're going to be answered in the slide presentation so...but one of them is, Is that land used for hunting?

Mayor Rankin: Absolutely.

Ms. Rose: Right. And you already named a bunch of other uses. What is the anticipated level of use from this – the bikes?

Mayor Rankin: At this point, it's fairly unknown. When we opened the skills course a couple of weeks ago, we had about 75 folks. I've returned to the course on numerous occasions. There's always *somebody* on it. It's hard to tell. There's not parking at that – at the site. You start from Darrington, you ride to the mountain, and then you start into the skills course.

Ms. Rose: And then once the trails are built, how do you keep them on the trails?

Mayor Rankin: It's – the trails that I've experienced so far, it's really tough to get off the trail. It's either recently logged, logged within the last 50 to 80 years. Most of it's second growth with some reprod and some recent clearcuts. And so it's pretty difficult – I don't know if Glenn is going to speak to this later, but they're steep, it's rugged country, and it's brushy on both sides. Having that path is really important.

Ms. Rose: And has anybody analyzed what that does to the root systems for the trees and stuff? The compaction issues and stuff like that.

Mayor Rankin: I'm not – I – my forestry doesn't go into that. I can't answer that question.

Ms. Rose: Okay. All right. For now that's all my questions.

Chair Raschko: Okay, Kathi?

Ms. Rose: Thank you.

Ms. Jett: I'm sorry but I just don't understand. Why are we hearing this? If the State doesn't view it as a conversion, then why is it – why is the County looking at it?

Mayor Rankin: I'm not sure but I think it's because code and state code are conflicting.

Ms. Jett: Oh, County code –

Mayor Rankin: But I'm not – I'm not sure.

Mr. Pernula: Well, right now it requires an administrative special use permit and would take a few months to process – or up to a few months.

Ms. Jett: Thank you.

Ms. Candler: The skills course that you're talking about. Is that crossing over to the Skagit County line at all? Or how far is that from the trail line?

Mayor Rankin: Okay, so Darrington is about three miles by the way the crow flies from the county line. The skills course is just about halfway in between the county – both the county line and town. It doesn't extend far enough up to be interrupted by the county line.

Chair Raschko: There's a map that Amy's offering you. Could you put it on the projector?

Commissioner Hughes: Yeah, Dan, could you use this and kind of explain with that map?

Mayor Rankin: Okay, so county line is right here. Our skills course/skills park is listed at this point, so we're a long ways away from the county line at that point. The proposed track starts here – basically the lookout area. It'll come all the way down, back into Snohomish County, and back to the skills park at some point. Darrington is just out of this square – probably about there. The gray is city limits. The darker gray is Snohomish County Regional. It's going to be a regional park for camping and other recreation activities. And the reason we go to the west in this project, there are some habitat issues for Murrelet and spotted owl on the eastern slopes of this project. We're still trying to get something over there but it's – you know, we – it's going to take a lot more planning to get around those centers.

Chair Raschko: Go ahead, Martha.

Ms. Rose: You said there's a road that people can drive up there. Where's that road?

Mayor Rankin: I guess I misspoke. I'm sorry. I'm not familiar with this map. The green line is the North Mountain Road that goes to the North Mountain Lookout. We'll be coming off of that first switchback coming from the top and it'll be – Glenn, 18 miles to the bottom?

Glenn Glover: The entire trail system including the skills area \_\_\_\_\_.

Mayor Rankin: Okay, so that would be 14 miles of different trails coming down.

Ms. Rose: So the road's not in yet.

Mayor Rankin: That road exists. It's been in existence since the early, early '60s.

Ms. Rose: Oh, I see. Oh, I see. So that – what we're looking at is the road – that dark –

Mayor Rankin: Yes.

Ms. Rose: – black line.

Mayor Rankin: I'm sorry.

Ms. Rose: Oh, I thought that was the bike trail. Okay.

Mayor Rankin: I did too!

Chair Raschko: I have a question about the trail location then. It comes off that switchback. The skills park is the pink down there. It's got the white box that says "Skills Park" with an arrow pointing to the pink with a dashed dark line going around it. And if it's on state land that's pink, and in order to get from the upper very large pink area to the skills park, you have to cross either a yellow area or a white area, which would – and I imagine – I know the yellow property is Sierra Pacific. I don't know who the white is but is there permission to cross over those lands?

Mayor Rankin: It's being negotiated at this time with Sierra Pacific.

Chair Raschko: Okay. Thank you.

Ms. Mitchell: I'm curious about your answer about time and wondered what staff is going to – so this has been in existence from – you've been working on this since 2015? So what's the rush right now?

Mayor Rankin: We have started constructing. We started construction in the Snohomish County end of it. We thought we were going to be able to start from the top of the hill and work to the bottom and there's different hand work that is actually being done that is in compliance. But it's – we'd hoped to open this park – the whole entire mountain – by early 2018. And the granting process – and I don't know if Glenn can speak to this at a later time, but the grant process is getting tight with funding. You know, as you drag a project out longer and longer – it's over two or three winters – it gets more challenging to keep that funding source alive and working for you.

Chair Raschko: Okay.

Ms. Lohman: Other than that area right next to the skills park, will the project be entirely on DNR land?

Mayor Rankin: It's my understanding.

Chair Raschko: Anything else for Mayor Rankin?

Ms. Rose: How are you going to accommodate – you know, people are going to drive up there, right? Is there a parking lot up there?

Mayor Rankin: There's parking. It's a mountain road and so there's primitive parking throughout. There'd be also – there's going to be a pedal-up, which is about a 3000 feet elevation gain that bikers – you know, bikers – the hard core bikers – tend to like. They like the pedal up and then the reward of coming back down. That's not for all of us, me included, and so we're hoping that somebody in the community is inspired by it and actually creates a shuttle business, not only for the bike trails but also for river rafting, steelhead fishing – well, we don't have that anymore, but other recreation projects that are going on in the community.

Chair Raschko: Okay.

Ms. Candler: I have a question. The pedal-up: Would that be the logging road then or –

Mayor Rankin: No, it's a completely separate system. It's a – if I'm not mistaken, Glenn, is it a two-way – I'm sorry I have to –

Mr. Glover: Some of the trails are two-way. Some of the trails are one-way, descent-only, and provide the \_\_\_\_\_.

Ms. Candler: So it would be on the same track as the proposed trail but it would be a different lane kind of? Does that sound right?

Mayor Rankin: You'll have various trails. They'll split and the real severe downhill or steeper trails will be one-way downhill.

Chair Raschko: Can I suggest that – are you going to be presenting, sir? – that these technical questions we save for him so he doesn't have to be asking directly? And so unless there's anything else for Mayor Rankin –

Mayor Rankin: And I'll be here till the end if you think of something.

Chair Raschko: All right, thank you very much. Dale, what's next?

Mr. Pernula: Stacie Pratschner. She has a presentation she'd like to make on this proposed code amendment.

Stacie Pratschner: Thank you. First, thank you, Commissioner Janicki, Mayor Rankin, and we'll be hearing from Mr. Glover from the DNR very shortly here. Good evening, Planning Commission members, as well as members of the public and staff here this evening. This is the public hearing for proposed amendments to Skagit County Code chapter 14.16.410 to allow the installation of non-motorized trails in the Industrial Forest-Natural Resource Land district. We're proposing that this be allowed as an outright permitted use instead of currently requiring the administrative special use permit. That is the prerequisite right now. The Department is not proposing to modify the requirement for an administrative special use permit for the construction of a primary or secondary trailhead.

The end of the public comment period for this code amendment is at the conclusion of the hearing being held today. Between the time of the writing on the staff report on the 14<sup>th</sup> and then the hearing this evening, the County is now in receipt of seven written comments from members of the public for the Planning Commission and the public's deliberation. Staff did issue a supplemental – some supplemental comments on July 25<sup>th</sup> to respond to comments submitted on the 24<sup>th</sup>. That e-mail and comments are included in your packet that you have this evening. I would like to submit during the public hearing and into the record the additional seven comment letters. I'm working to respond to them. You'll see some of my responses in there. I haven't gotten through all of them. So may I approach the bench to submit these into the record?

Chair Raschko: Proceed.

Ms. Pratschner: Thank you. The comments submitted for the project include some of the comments that we've already heard as we were speaking earlier. That includes a concern that the Forest Advisory Board did not have sufficient time to review the proposed amendments for changes to forestry land. Also concerns that without a County permit Skagit County would not have any way to track the installation of these non-motorized trails within the Industrial Forest zone. There was also a concern that without the special use permit that members of the public

would not get notice if the trail was being installed and would not have an opportunity to review and comment on the installation, as well. Also concerns about property owner liability. If someone were to be hurt on the trails, concerns about access for emergency services and fire protection. There's also been a concern expressed about whether the County followed code requirements for the public noticing of this project. Some of these concerns I tried to address in the supplemental comments that I submitted, but I'll try to address some of those this evening – some additional comments as well.

As you had already heard from Mayor Rankin and from Commissioner Janicki, the proposed amendments to the Industrial Forest-Natural Resources Land zoning designation to allow those non-motorized trails to be installed as an outright permitted use was really pursuant to the mountain bike trail system project that the City of Darrington has been working on with Snohomish County and the DNR over these past couple of years. I won't repeat some of that project information that was submitted, but as they had mentioned, that portion of the proposed bike system in Skagit County has not started construction yet.

The State laws governing forest practices, as well as Skagit County code, both require that for property owners who have been granted a Class II, III, or IV forest practices permit by the Department of Natural Resources that they are then subject to a six-year development permit moratorium. So in other words, and then it also works that other way as well. If the County issues a development permit allowance for a conversion – well, we will be doing that once we take over the Class IVs – but currently in Skagit County if the DNR issues that conversion permit, that also means a six-year moratorium on forest practices. So in other words, those State and local codes are currently constructed so that a landowner who may be engaged in ongoing commercial forestry, with very few exceptions, would not be eligible to be granted the development permit for six years after being issued that forest practices permit. So that was – perhaps gets back to Commissioner Jett's comment about, Why are we looking at this? As Commissioner Janicki had talked about earlier, the DNR per State law does not consider the construction of these type of non-motorized trails as a conversion activity. Conversion means development, and right now the County is requiring a development permit – i.e., the administrative special use permit in order for someone to install those trails.

So the purpose of this code amendment is to hopefully give property owners the opportunity to offer public recreation on their land if they wish, while also not precluding their ability to continue timber harvesting.

The Growth Management Act of Washington does require that jurisdictions comply with the State Environmental Policy Act, Department of Commerce for GMA review, and also provide notice to the community per our local code requirements when adopting or amending regulations. We have received as of this morning – being granted by the Department of Commerce – our request for expedited review of this code amendment. We have also completed the SEPA comment period as well. Staff is not in receipt of any comments from our SEPA agencies concerning the Determination of Non-Significance that was issued for the code amendment. We have also fulfilled the requirements for public noticing with the 15-day comment period as well.

In conclusion, the Department concludes that the proposed code amendment is supported by the policy in the Natural Resources Element of the Comprehensive Plan for providing recreational opportunities on forestland; that the County has also met State and local requirements – procedural requirements – for a code amendment. Staff would then recommend

adoption of the proposed code amendment to allow trails as an outright permitted use in the Industrial Forest and Natural Resources Land zoning designation.

I tried to make that quick. I appreciate your time. At this time I'd be happy to take any comments or questions. I think I saw a – oh, sorry. I think I saw your hand first, Commissioner Rose.

Ms. Rose: Okay, so I'm confused about the – I get it about allowing the use without it being a change.

Ms. Pratschner: Right.

Ms. Rose: Will a permit be required – a simple permit? Or no permit?

Ms. Pratschner: Right. What we're proposing right now is an outright permitted use, and so there would not be a County permit required.

Ms. Rose: Because a lot of times you have permitted uses but you still have to get a permit to do it.

Ms. Pratschner: Right.

Ms. Rose: And you're saying no permit.

Ms. Pratschner: Right. That's the proposal.

Ms. Rose: So is there a way to allow the simpler designation where it's a permitted use but still require some sort of permit application so that some of those concerns that were raised can be addressed, such as, Where is the exact location of this trail? And how do we know how you're handling all the parking for all those cars, for example, that are going to be driving up to the top of the mountain and they're going to run out of parking spots? I mean, it seems reasonable to me that to loosen up the rule to allow it to be an outright permitted use but to still require some sort of a permit – an expedited permit process that could address all of those issues. Otherwise, I'm inclined to, you know, hold back on saying, Yeah, that's a great idea. I think I love the idea of sharing the land and having multiple uses and incorporating good, healthy activities for kids of all ages – I think that's an honorable goal – and for economic development. All those things are good. But I feel like it's almost – not quite, but it's in some ways, you know, it's almost like putting in ski runs. Right? They're not, but in some ways ski runs – you know, they have all that mechanical equipment, but people are skiing on top of the snow. Here we're compacting the soil. So to me there should be some sort of a regulatory oversight there instead of just saying, Yeah, go for it, you're on your own, no review. At any rate, that's –

Ms. Pratschner: Yeah, I really appreciate those comments. So our challenge – staff's challenge – is because it's not considered a conversion activity by the DNR, the County is in the business of issuing *development* permits and our definition of "development permit" is sweeping. It can include a fill and grade permit. It can include plats, short subdivisions. And so whether there is some sort of permit that would not be considered a development permit, that wouldn't get you in that six-year moratorium range, I'm not sure what that permit would look like.

Ms. Rose: Right.

Ms. Pratschner: Or if there would be an option. I don't understand also the comment about maybe there's another option for some sort of notice. We haven't explored that possibility.

Ms. Rose: Sure.

Ms. Pratschner: Thank you.

Ms. Lohman: Kind of following along with Martha's thought is just because you said it was an outright permitted use doesn't take away that it's still technically a development activity that is not forestry. So just because you put it above the line rather than below the line, whether it needs an administrative special use permit or not, it's – you're still doing an activity that's going to have a lot of ancillary issues like bathrooms, emergency access for participants. Then when you want to do the timber harvest, you've got the do-you-close-the-trail. There's a lot of issues that gets back to Martha's, you know, maybe you need a permit-type system. So whether it's an outright permitted use it possibly could still have some requirements that you need to fulfill just because of the public safety and the emergency management and just facilities management viewpoint. It's not just about let's-just-put-a-trail-between-trees. Because I grew up in Alaska too. I lived there when I was a kid and – I, mean, I rode the original ATV; it was a two-wheel bike – and we had lots of trails going all the way through. And that's not what this is. This is a lot more professional. It's a little more beyond just a primitive trail. It's using the primitive and natural resources and, you know, testing somebody's limits but it's a little bit more than just a forestry trail for access for your timber hurlers and that sort of thing, or berry pickers' path, you know. And I am not in any way saying I don't think this is a great idea. I'm just saying wait a second. You don't just open the barn door and let all the cows out first.

My next question is: What is Snohomish County's – or how are they handling the permitting and the rule-making on their side?

Ms. Pratschner: Sure. I can certainly answer for the code requirements that Snohomish County has. Within their land disturbance and stormwater chapter, Snohomish County excludes trails from requiring a permit from the County if they meet some certain criteria. They either have to be in a rural – or I believe Rural Reserve zone. They have to be constructed according to a trail standard. I apologize. I don't remember what that standard is right now, but there are criteria; however, that code's more far reaching. It covers more zoning designations than this code requirement would.

Ms. Lohman: Because I actually looked up in our code. There is only four zones where it's an outright permitted use for a trail. And everybody else, all the other NRL zones except public Open Space of Regional or Statewide significance and Urban Reserve public open space – all the other NRLs require an administrative special use permit. So I guess I'm a little bit more cautious like Martha but I'm again in no way slamming the project. So thank you.

Chair Raschko: Okay, Amy?

Ms. Hughes: I'm going back to the very beginning, and it looks like we have two different issues here. We have a six-year moratorium and we have the need for a permit process. Why was – I give great respect to the original authors of our codes, and so I would like to know, Why a six-year moratorium in this type of use, or in any kind of use like this?

Ms. Pratschner: Well, the six-year moratorium comes from State law.

Ms. Hughes: Okay.

Ms. Pratschner: So – and I'll bet Glenn knows the RCW right off the top of his head! Yeah, I apologize that I don't know that RCW. And so that State law is then reflected in local codes.

Chair Raschko: Okay. Did you have something, Kathy?

Ms. Mitchell: You can go first.

Ms. Hughes: Okay, and that might need some follow-up.

Ms. Pratschner: Okay.

Ms. Hughes: Because we've heard two things. It's state law but then it doesn't matter for DNR. I'm totally confused why it's there. Why – why – the logical reason to have a six-year moratorium? Safety? Why would it have been a six-year moratorium for forest practices?

Ms. Pratschner: That's probably a question I would refer to the DNR since they are in the business of looking at those State laws and those RCWs for forest practices. I'll invite Glenn up to speak for a moment.

Ms. Hughes: Is there DNR? Oh, okay, \_\_\_.

Ms. Lohman: Can you come to the mic?

Mr. Glover: (unintelligible)

Ms. Pratschner: Yeah. Thank you, Glenn. Yeah, you want to come up? Thanks. This is Glenn Glover with the Department of Natural Resources and he's acting as Project Manager for this project with the DNR. Thanks, Glenn. I'll move out of your way.

Mr. Glover: Chair and Commission members, thank you very much for the opportunity to speak with you. I am the acting Recreation Program Manager for the Department of Natural Resources. We manage 1100 miles of trails and about 160 facilities, and provide opportunities for millions of user visits across the state. We do most of that on 2.2 million acres of trust land. Those are lands that are managed with, as you probably are familiar, with undivided loyalty to the trust beneficiaries. And fundamentally that means that we have a responsibility to generate revenue for the trust beneficiaries on those 2.2 million acres of lands. We also were allowed and encouraged by the legislature through the multiuse concept to put other types of uses onto that trust land when that can occur either without impairment of the ability to generate revenue or where the trust beneficiaries are compensated for any impairment. And recreation is one of those things then that becomes allowable on those trust lands through that multiuse concept as long as it doesn't reduce revenue for the beneficiaries or there's compensation to the trust where that does happen. Examples of where that may happen are campgrounds or trailheads or 4x4 challenge courses, which are large fundamentally roads that are produced strictly for recreation purposes. In those cases we actually have an appraisal done by our staff to determine what is the lost compensation to the trust, and we do a 35-year restrictive covenant – what you could think of as a lease in those cases. And that compensation, we transfer it from the recreation program to the trust that amount of money, the equivalent for a 35-year lease of that land – lost productive value, things like that. So we have a very high standard of compensating the trust if there is any loss of revenue generation. What we and the forest

practices and our product sales and leasing have determined is that single-track trails built on working forests are not subject to that. They do not result in a loss of revenue for the trust and equivalently are not a conversion of our trust land.

As you've already heard, and I won't go too much into the details of it, but we are working on the mountain bike projects outside of Darrington. It's intended – it was a project that we did working closely with the Town of Darrington and the community. So this is something where we determined through working with folks there what is desirable, and we created something that provides a resource for the community as well as an economic draw and a recreational benefit for – oh, I'm sorry – a recreational, economic incentive for the community. So this wasn't a – this wasn't an either/or. This wasn't something that was just intended to bring people in and spend money. It was intended to be something that, as Mayor Rankin said, the local kids could also come out and utilize. We did that through not creating trailheads on the mountain itself. The intent is that people will come, park in Darrington, use Darrington. There's already too much traffic *through* Darrington. There's too many recreational opportunities that exist *around* Darrington but that don't bring people to stop in Darrington. So this is intended to bring people to Darrington. People ride from Darrington or they may do, as Mayor Rankin indicated, a commercial shuttle if someone pursues that option. That could drive them in and drop them off and then they could ride down the mountain.

The challenge that we had in the beginning in approaching Skagit County was that we were told that it was viewed as a development because a permit was required and, therefore, the forest practice moratorium was in place. We could apply for a waiver of that moratorium but for a number of reasons, timing one of them, but the other is also that this kind of would set the precedent that we were agreeing that it was a conversion and, in fact, that would be troubling for us. This is not a conversion of our trust lands. This is an allowed use. From our perspective, this is a compatible use with our trust mandate. And so that was when we had the discussion about what can we do to move forward from here. Thank you.

Chair Raschko: Go ahead.

Ms. Rose: So most of us know that the purpose of a permit is to make sure that the design of the trail and the installation of the trail isn't going to wreak any havoc. And so if this is a use that's permitted outright and no permit is required, does DNR, Department of Natural Resources, jump in and design it and make sure it's installed in a way that's not going to harm things or cause, you know –

Mr. Glover: Environmental damage?

Ms. Rose: Yeah, environmental damage – mudslides or whatever?

Mr. Glover: Absolutely. We do all of this consistent with our own habitat conservation plan. Any work near water is controlled by the hydraulics project applications through Department of Fish and Wildlife. We have an obligation to protect and manage our state lands well and the Recreation Program follows all of that. As far as the design and construction of the trails themselves, we utilize either – as Stacie indicated, Snohomish County requires we also follow either U.S. Forest Service trail standards, or for some aspects of mountain bikes we utilize – the Forest Service standards have not kept pace with the growing sport, and so in that case we utilize the draft Deschutes National Forest mountain bike trail standards. So those are the ones that we utilize for more mountain bike-specific aspects, but in general we're following Forest Service trail standards. And an important part of that is dealing with water and erosion and

essentially avoiding having any large point sources of water, and instead ensuring sheet flow across the trail throughout most of the project area.

Ms. Rose: Right. Okay.

Chair Raschko: Other questions?

Ms. Candler: I have a question but it's for the Department.

Chair Raschko: Go ahead.

Ms. Candler: I have a question for the Department; I don't know who wants to answer. But does anybody happen to know if there have been requests for permits under this code section? Whether there've ever been any denied or approved or – for that?

Mr. Pernula: Permit for a what?

Ms. Candler: For a trail under the code section that we're proposing to amend.

Mr. Pernula: I don't recall any of them. You know, if it's a federal project on federal lands, they don't have to get any local permits anyway, so that may be one of the reasons. Forest Service properties, for example.

Ms. Hughes: So why would DNR be different?

Mr. Pernula: It's not federal.

Ms. Hughes: Yeah. Yeah, and so I'm just kind of going down the ladder here. We've got federal, State, local, public, personal property. Okay.

Ms. Rose: So I have a question for Stacie. So one of the – well, maybe for both you. I don't know. But one of the concerns was that reclassifying this type of thing or eliminating the need for – call it by – you know, saying it's not a development; it doesn't need a permit. And in this case I'm convinced that it would be monitored and well-regulated. In other words, there wouldn't just be somebody slapping it in there however they wanted. But if this amendment is passed, does that open the door for anybody who owns timberland to do it however they want and where we – like where we can't be guaranteed that an environmentally sensitive process would be – you know, would be used? You know what I'm saying? Like, is – I'm not concerned about this project after hearing what I just heard.

Ms. Pratschner: Right.

Ms. Rose: But if it's a blanket code amendment that applies to all property – and I don't know how many properties are out there or who owns them, and I'm guessing most people wouldn't want a bunch of bike trails on their property so that would probably keep that from happening. But can you respond to that, please?

Ms. Pratschner: Right. Yeah, I think so. So, yes, as you had mentioned, DNR – this is part of their project and they'll be following their standards. Without a County permit, projects are still – or projects or land use activities, you're still – it's still against the law to modify a critical area in any way without some sort of review. You can't cause negative downstream effects because of

stormwater runoff. So is there a way for the County to be reviewing that if a private property owner decides to install that non-motorized trail? I don't see a way we would be notified of that. Would DNR – do you require any kind of permit for trail –

Mr. Glover: (unintelligible)

Ms. Pratschner: Well, if there's a forest owner who decides – okay. Okay.

Mr. Glover: No, it's not a forest practice activity.

Ms. Pratschner: Okay. So, yeah, that's probably the best way I can answer your question is, No, we wouldn't have a way to take a look at that.

Mr. Pernula: I would add that if there is damage to wetlands we would probably get a complaint, and also if they meet the minimum threshold for requiring a grading permit they would also have to get a grading permit in that case. This – in this particular case, they probably would not be required to get a grading permit, but that could happen. But for wetlands or some other critical area encroachments, I would assume that we might get complaints.

Chair Raschko: I'd just like to comment very quickly. I don't want this to devolve into the deliberation part. We haven't had public comment yet. So I appreciate technical questions being asked, but.... Are there more people as part of your presentation? Or is this –

Mr. Pernula: That's it.

Chair Raschko: That's it? I would hope that people will still be here for questions during the deliberation point if there are technical questions that are wished to be asked. But unless there's any objections from my fellow Commissioners, I would suggest that we move on to the public comment.

Ms. Mitchell: I've got two hopefully short questions.

Chair Raschko: All right.

Ms. Mitchell: And this will probably be for Stacie.

Ms. Pratschner: Yeah.

Ms. Mitchell: On your staff reports – July 25<sup>th</sup>, on page 2; and there's another one later. I'll ask you to explain both. I don't understand the logic and the connection, so I need help with that. This one says "The goal of the proposed amendment to allow trails as an outright permitted use in the IF-NRL zone is to provide a property owner the opportunity to offer public recreation on their land while not precluding their ability to conduct timber harvesting."

They already can, right?

Ms. Pratschner: Well, the way the code is currently constructed, if a property owner wishes to install a non-motorized trail on their property they would come to the County for the administrative special use permit. At that time the moratorium would go into place when that permit was issued and that would preclude you from then doing commercial forestry on your property. It could also work the other way as well. If you're doing ongoing commercial forestry,

you've been granted the Class I, II, III or Class IV-Special from the Department of Natural Resources, the County would not have the ability to issue that administrative special use permit for you for the non-motorized trail.

Chair Raschko: Are you sure you're right on that, that you cannot do commercial forestry if you have a moratorium?

Ms. Pratschner: The RCWs discuss that if you are issued the Class I, II, III, or IV-Special, then the moratorium gets put in place for a development permit.

Chair Raschko: Excuse me. I couldn't hear that.

Ms. Pratschner: Oh, I'm sorry. That then the moratorium gets put in place.

Chair Raschko: And that's the moratorium on *development*.

Ms. Pratschner: Correct.

Chair Raschko: But there is no moratorium on forest practices.

Ms. Pratschner: Unless, as the DNR was being discussed earlier and also from Mayor Rankin, if there is a conversion that happens on a piece of property – i.e., conversion in the issuance of a development permit, the administrative special use – that would also trigger a moratorium. I believe I understand that correctly.

Chair Raschko: On timber harvest.

Ms. Pratschner: Correct.

Ms. Lohman: But couldn't the special – sorry.

Ms. Mitchell: Go ahead.

Ms. Lohman: But couldn't the special use permit explicitly say "This is not a conversion"? Couldn't the administrative process ferret that out, and that's part of the reason for going through that? It's because of these odd ducks.

Ms. Pratschner: "Odd duck" – I like that description of it. Staff's challenge right now is that our definition in chapter 14.04 of a "development permit" – and "conversion" is also defined as development, so the two sort of run together – "development permit," we cast our net really wide when we say "development permit." That includes our – it includes anything where we make an administrative decision about something so that would include the special uses. That includes the conditional use permits, fill and grade applications, as well. We hadn't explored – or we haven't explored the possibility of modifying the definition of "development permit" or making this particular special use exempt from that.

Ms. Rose: Why can't you, instead of having a special administrative permit, just have a regular permit that's not administrative? Why can't you just redefine the type of permit that's needed for this activity and get around the problem that way?

Ms. Pratschner: I'm not aware of any permits that the County issues that are not development permits.

Ryan Walters: That's right. All of the permits that we issue fall into that category. All of the permits that the Planning Department issues fall into that category.

Ms. Pratschner: Yeah.

Mr. Walters: And it might be helpful to explain this another way. The idea behind the State statutory scheme here is that if you're doing a forest practice – a harvest – we want you to follow the local jurisdiction's rules if what you're planning to do is development. And this gets back to what we've talked about before in the context of the Rural Forestry Initiative. If you're planning to do development, the State wants us to take jurisdiction eventually and for us to apply our local rules. To ensure that this happens, they've set up this second process where if you do a harvest the local jurisdiction is supposed to prevent any development permits for a period of six years after the harvest. And that's what we do. We have code on that already. If you do a harvest, we are not going to let you then proceed with doing a subdivision or doing a building permit or something like that. You can't do it for a period of six years. That's the six-year moratorium. And the way the statute reads, we can't issue any permit. So if we have a permit requirement, which we currently do for this trail, there is no path after they've done a harvest to obtain that permit for the trail. So our proposal is to eliminate the permit requirement because then we won't have to issue a permit, and they can proceed with the use without the requirement and without the – without triggering – without hitting up against that six-year moratorium. Does that make sense?

Ms. Lohman: So does that mean that this – there's been harvest somewhere in this proposal within the last six years? Is that the – that's the hang-up?

Ms. Pratschner: Yes, that's correct. That's what I understand.

Ms. Mitchell: I've got another piece to that question for Stacie. Does anybody need to follow up on that issue first?

(silence)

Ms. Mitchell: Okay, second piece: If you go to page – that same – this is July 14<sup>th</sup> –

Ms. Pratschner: Thank you.

Ms. Mitchell: – staff report from page 1 to page 2. It says, "Staff proposes to allow establishment of non-motorized trails as an outright permitted use in the IF-NRL zone in order to mitigate conflict between public recreational opportunities and ongoing commercial forestry." Can you guys explain that, please, because –

Ms. Pratschner: Certainly. So as it stands right now, the County, if there is ongoing forestry happening, if a property owner has been issued a Class I, II, III, or that Special IV from the Department of Natural Resources, we don't have any ability because of the six-year moratorium to issue a development permit to allow that public recreation.

Chair Raschko: Okay, anything else?

Ms. Pratschner: Did that – I'm –

Ms. Mitchell: Do you know what's happening?

Ms. Pratschner: Okay.

Ms. Mitchell: And it's not your fault or anything.

Ms. Pratschner: Okay.

Ms. Mitchell: There's an awful lot of information going around for people that are not familiar with it.

Ms. Pratschner: Sure.

Ms. Mitchell: So to digest it and process it it's going to take a little bit, so that's what it's going to be.

Ms. Pratschner: Okay. Okay. Is there any additional questions that I can maybe provide some more clarification?

Ms. Mitchell: Not until I get a handle on the first part.

Ms. Pratschner: Sounds like a plan.

Chair Raschko: Okay. Thank you.

Ms. Pratschner: All right. Thank you so much.

Chair Raschko: I would suggest then that we move on to public comment. And we have six people. We'll stick with five minutes. We please ask you at the end of five minutes if you're asked to please finish your thought in five or ten seconds and respect the time of everybody else. So first up will be Andrea Xaver, followed by Glenn Glover.

Andrea Xaver: My name's Andrea Xaver, 19814 State Route 9, Mount Vernon, Washington. And first of all I want to say I'm not opposed to Darrington trying to do certain things, but I am opposed to the proposal that seems like it opens the door for much broader opportunities across the county, and I'm not quite sure what those might mean.

I worked for the State Department of Natural Resources for almost 32 years and I'm afraid that opening up – opening the door to extensive trail systems is too much risk to resource lands, animals, and people. Along the way in my duties with the DNR, I was a wildfire dispatcher for several years. Trails – opening up trails can create many more risks of forest fires by careless hikers, bikers, campers, smokers, and fireworks advocates, not to mention wandering arsonists. Walker Valley gets interesting after hours, and I can hear Walker Valley from my house and I'm, you know, a couple miles away or so. But you can hear gunshots and fireworks and all manner of things.

Also there could be more risks for accidents from loggings, logging operations. Curious people hear equipment and wander off the trail to see what's happening, then get hit by heavy equipment or a falling tree. A little over three years ago a lady I used to work with at DNR went

to check on some tree removal she wanted done on her property. She was standing in the wrong place at the wrong time. A falling tree hit and killed her.

Trails on Industrial Forestlands are not land conversions to other uses. Of course that's being debated. So I'm wondering: Why is the County involved in this in the first place? What's next? Change forestry zoning to recreation? Are some people behind the scenes wanting to, quote, "save these lands" so only *they* can use them? Is this plan tying into more ecotourism or whatever names? And Blanchard Mountain comes to mind. Who's going to build and maintain the trails really? Who's going to monitor them for property use and safety? Would it be County money that may be needed for truly necessary projects? The Industrial Forest trails proposal is so broad it doesn't seem to exempt any of these resource lands within Skagit County. Will the trails proposal then spill over into agricultural lands more than what it is being attempted right now?

Rumor has it that – and I don't know – I didn't know about the Darrington thing until I heard people speak and, like I said, I'm not opposed to Darrington trying to do something. But if Darrington is in need financially and needs nearby forested lands that could then become more recreational in use, which leads to more benefits for the town, and if a trails plan is the financial solution, then why didn't Darrington, Snohomish County, Skagit County, and DNR work out a local, specific strategy for Darrington's needs? Sounds like that's being attempted or has been attempted, but it's not doing too well it doesn't sound like. And if Seattle folks likely come to the area prepared from REI and other popular recreational items places, they may not take the time to stop in Darrington for much of anything. And today's kids? They're kind of hard to separate from what I call "magic fingernails," which is the little electronic devices that they can't part with ever. But I appreciate and understand why you'd want to get kids out into the wilderness and so on. They need to get out of the house and away from that stuff.

And then, again, why the hurry to push this proposal through? Written comments ended for the Planning Department today at 4:30 and public testimony is done tonight so far. The Forest Advisory Board will be meeting tomorrow morning to hear the proposal, and isn't that a little out of sequence? Where is due process?

Dangers regarding potential landslide areas, forested properties, and people on them abound. Why risk more? About 90% of the wildfires are started by humans. Firefighters are put in peril and some are killed. Over my DNR years and beyond I've seen the horrific results of wildfires and heard the anguish in voices of people threatened or affected by these fires, myself included. As I write this, the news keeps reporting yet another wildfire. This one, guess where? Near Darrington. And if you go outside and look to the north you'll see what DNR – at least they used to anyway – called "drift." It's smoke and it's coming from the Canadian wildfires. How many more of these do we really want to encourage in our areas?

Chair Raschko: Thank you. Glenn Glover, did you intend to speak or were you a presenter?

Mr. Glover: \_\_\_\_\_. I'm available to answer questions after that.

Chair Raschko: And Dan Rankin, are you wanting to speak again?

Mayor Rankin: I can answer questions.

Chair Raschko: All right. So next up would be Gordon Iverson followed by Randy Good.

Gordon Iverson: Gordon Iverson. I am a member of the FAB and one of those that – I'm learning more about this proposal tonight than I knew before.

Just a matter of clarification of a few things. This moratorium, that's not an absolute. There's a process by which you can show that you have not harmed anything – any resources – and that moratorium can be lifted. We've done it, even to the extent of lifting it so we could have a housing development built on land that was just harvested the year before. So this moratorium issue is not an issue. To me the conversion issue is not an issue. As timberland owners and managers, we've advocated for years that recreational use and Industrial Forestry uses are not mutually exclusive. Most of us welcome some form of recreation use of our lands. In the case of this project that Dan's working on, I know he's been working on it for quite a while and I'm sure it was quite a surprise to find that putting a trail through the woods was going to be a conversion. By the way, I appreciate the interest and the questions you all have had. I think they're great and I'm glad to see a group like this working for us.

The comments I was going to make really are more like what Andrea had. We contract log all over the western part of the state and we've been in eastern Washington in the Winthrop country where they claim to be the – what? – the mountain biking capital of the world or something over there. And believe me, we worked through lots of them. We've been on them here in Whatcom, Skagit, Kitsap, and now in King County. And my concerns are – well, first off, I don't see why we can't fix a way for them to go ahead with their trail. I don't – I'm trusting that the DNR is going to properly condition it so that there isn't a problem. But Andy mentioned fires. In the last two years, and the last time was just about a month ago in an area very close to where we're operating in King County, a fire was started. The only known way for that to have started was from a mountain biker because that's where it was. It was in a remote area right next to a mountain biker trail. The other one was up in Whatcom County two years ago – same thing. There was no access to this place, there was no way anybody could have driven up there, but there was a fire started. So fire is an issue.

Safety's the second one. Almost every one of these organized mountain biking parks has rules, and in the case of the places we work they put up signs when they've got an active timber operation saying, okay, this area's closed for three weeks. We have to reopen those trails when we get done, and I can tell you they can't read signs because we've had trucks loading and a guy rides right by us with his mountain bike. So that's a concern.

Trespass. We also have land that's adjacent to active parks. And one day we were hauling gravel to fix a road and the mountain bikers that were there just tried to stop us from going up that road because it was going to make it more difficult for them to ride their bikes up after we put fresh rock on it. Another time we were pre-commercial thinning and they were out there harassing our pre-commercial thinner workers. So I can't imagine this being successful if we make this a use on industrial land with no permit requirements at all. I know that not everybody's going to obey the rules of the road, but at least there needs to be some rules to start with and there needs to be a way of enforcing them. And I'm sure that as a part of the presentation we're going to hear tomorrow from Glenn we'll get more detail on that. But, I mean, I just can't imagine putting this kind of a project – or whitewashing this for the whole county. I think that Darrington has gone far enough with their process already that they can probably answer those issues, but to just open it up for the whole county there is no way in the world that I would ever support that. Thank you.

Chair Raschko: Thank you. Randy Good, followed by Paul Kriegel.

Randy Good: Randy Good, the President of Friends of Skagit County, 35482 State Route 20, Sedro-Woolley.

I want to stress a few points from our Friends of Skagit County's comments that we submitted July 21<sup>st</sup>. Friends of Skagit County opposes the proposed changes to allow non-motorized trails within the Industrial Forest (IF) lands without permits. While we do not support changing County codes at the request of a single project, we do think that limiting the change to the proposed project is more appropriate than making the change for all IF lands in the county. We understand that the proposal was reviewed and approved by the Department of Commerce for GMA compliance. We request the County resubmit the proposal to the Department of Commerce to determine if limiting the change to a one-time project in one location in the Industrial Forest as part of a cooperative recreation area with Darrington is compliant with the GMA.

A few questions that maybe need to be answered:

Can an IF landowner acquire a single trailhead permit, then create as many trails as they want on their property without permits?

Another one: At what point does non-motorized trails compromise the use of the federal land – forestlands – as IF and what are the standards to determine when a conversion happens?

And another one: Who monitors users' damages to the land, water, and the forest?

Another one: How would not requiring a permit for non-motorized trails recreation on private Industrial Forestlands lessen conflicts?

Permits allow the County to know the location, contact information of the landowners, provide emergency services and fire protection. County's history in developing trails is very poor, such as failing to provide location markers for emergencies and Sheriff reports; failing to address SEPA issues such as erosion on trails. And by the way, on the SEPA for this project it – oh, no erosion problems, but maybe it needs to be reconsidered.

Permits provide data. Without permits how would data be determined or monitored for evaluating whether the County has actually identified and protected the IF-NRL lands? Fire again: Fire hazards from public users is a liability concern for private landowners. County Commissioners passed a clear resolution prohibiting new developments without adequate fire protection. We consider trails to be a development and fire protection must be addressed in the development of non-motorized trails and trailheads.

The Planning staff has failed to present this proposal to the Forest Advisory Board for their expertise, yet staff has already published their uninformed response to our Friends of Skagit County's July 21<sup>st</sup> comments without even considering the expertise of the Forest Advisory Board. In fact, we recommend the Planning Commission limit the Department staff reports to just issues the Planning Commission members request clarified from now on.

We see absolutely no advantages to allow non-motorized trails construction without being required to get permits.

Yesterday I e-mailed comments to – in on this proposal and I want to read one, two sentences: Please consider extending the public comment deadline to allow the Forest Advisory Board to

meet and give input comments on this important forestry issue. The PDF (sic) staff should be well-advised by the FAB before commenting on public input. The FAB, appointed by the County Commissioners, are the best qualified to give advice on this issue to the staff, to the Planning Commission, and the County Commissioners. Thanks for the opportunity to talk.

Chair Raschko: Thank you. Next is Paul Kriegel.

Paul Kriegel: I'm Paul Kriegel and I've been a small timberland owner representative on the Forest Advisory Board and a number of other panels here in the county for over the last 30 years.

My concerns about this really don't have anything to do with what you're dealing with, and so I'm not going to keep you. We're going to apparently get a presentation tomorrow morning. So I'm more concerned with the staff continuing to try to get their hands on forestry issues. The DNR manages forest practices quite well and I don't think that this requires a DNR permit. You've got trails on Blanchard Mountain, a horse camp at Hamilton, Walker Valley, and I doubt that there are any County permits that have been issued on any of those. I could be wrong but I'd be very surprised. I don't see it as an issue for the County staff at all so I don't have a problem with what Dan's trying to do in Darrington. I'm not convinced that the economic success is going to be all that great, but that's their problem, not ours. Thank you.

Chair Raschko: Thank you. That completes the list of people who have signed up. Is there anybody else who wishes to –

Ms. Ehlers: There's another page over here.

Chair Raschko: There's another page?

Ms. Ehlers: I know it has one name on it.

Chair Raschko: Okay. Thank you. Oh, Carol Ehlers.

Ms. Ehlers: Carol Ehlers, West Fidalgo Island. I've been on an awful lot of trails in forests in a number of states and conditions and countries. If it's a big, wide trail that's going to allow motorcyclists to meet one another or motorized bikers to meet one another that's a completely different kind of a trail than if it's a foot trail or a horse trail. Foot trails and horse trails that I've been on and that I've seen built around here go around the trees and in between them. You cut the shrubs. You cut some of the undergrowth. But you don't have to cut the forest down in order to make this trail. But there is a problem that I have heard at meeting after meeting, hearing after hearing in this county and that is trails that are put on somebody's property without their knowledge and agreement. The Planning Department has in its permit process – and this is not the special use, long term, detailed and, you know, horrible process. This is an ordinary process. You have to now sign that you own the property and you agree to what's being done. That would have eliminated all kinds of uproar at a number of hearings. It turns out there's four or five or six different ways in this county for trails to be developed. Okay, but there has to be a way of controlling on whose land they go, in which way, and whether it's done according to any kinds of standards that are considered natural by those people who build trails and use them. So I'd like to have a permit.

The second, this whole discussion is DNR but Industrial Forest is private forestland. So let's include them. You have to have a written agreement and I think you really do have to have the

Forest Advisory Board's input and comments on this before you do any kind of deliberation because otherwise – I mean, we – the Forest Advisory Board was created for the purpose of doing exactly what they're supposed to do tomorrow morning. So figure out a way in which you can deal with the basic issue, which is more than one trail; it's numerous trails. It's the desire of people to be able to create something on their property or work with someone else to create it. And then perhaps this Darrington problem can be settled separately. I really like what Martha's been asking, so let me second it. Thank you.

Chair Raschko: Thank you. That completes – unless there's somebody else....

Liz McNett Crowl: Good evening, Liz McNett Crowl, 13797 Trumpeter Lane, Mount Vernon. And I want to speak in support of non-motorized trails in the IF-NRL zone code amendments as proposed by the Skagit County Planning staff.

I just wanted to make an additional comment on examples of DNR managing some of their properties that are in the education trust. We have a great example up at Blanchard Mountain, and there's (an) example of recent logging that was done at that location where they simply put up notices that the area would be closed because of logging. It was done well in advance so that the users of that area knew that that was going to occur. There's an example of that: the education trust currently planning to log Oyster Dome, which is one of the most popular trails in northwest Washington. And so there are local individuals and organizations that have been working, I think, with DNR, with state legislation, and through an example of private-public partnerships have raised most of the money to pay for what the trust would have provided for the education fund in lieu of logging. That's not complete and right now it is, I think, at a standstill because of the capital projects budget not being approved. But, you know, there are good examples of DNR, the public, and local organizations working on facilities where (the) public *does* have access to the lands, where trails *already* exist, and that when they do need to log or, in this case, raise money in lieu of logging, that there's an opportunity to do that. So I think that the system works and that there's not a conflict, at least in that area, which was something that one of you brought up.

So again, I just want to say that I support the amendment moving forward.

Chair Raschko: Thank you. I think everybody in the room's had a chance to speak so we will now close the public hearing and move into the deliberation phase of the meeting. I'd like to start out by saying first of all I think it's a good project in Darrington. I don't know whether I'll go down and use it but I think it's a worthwhile project and wish them success. I think that there's been a lot of concentration here tonight on DNR lands. I think the major question – agreeing with some of the people who have given testimony – is the Industrial Forest lands that are privately owned. And I will say that my own experience is that, in answer to one of the questions of staff: Has there ever been a permit request for a trail by a landowner? Boy, I'd absolutely bet everything: no. The way this usually develops is trails are clandestinely built by individuals and you have absentee landowners or landowners who do not visit these \_\_\_\_\_ forests very often, and suddenly if they find out there's a whole network of recreation going on that they are totally unaware of, and that can result in conflict. It doesn't have to. Generally, from what I have seen, these landowners come to accommodations with an organized group and they work things out. But the problem is that in these incipient stages a lot of these trails are not very well built because the people doing it don't know much about trail building. I've seen ones that are absolute quagmires in the winter with mud going everywhere. That improves as you get an organization formed. But the whole point to me boils down to control by the landowner. And so if this is something that just is kind of thrust on him with no process, then he's just going to have

to react rather than control things that are happening on his property. I don't think that's a good situation. But I really think that the whole question tonight is boiling down to the County's definition of what is a conversion. And maybe I misunderstand, but what I'm taking it to be is that if you go through this permit process it has to be considered a conversion, and if that's the case then there's a real problem. You know, we either do away with the whole permit proposal – or, excuse me, the existing permit process, and the landowner has no choice of what happens on his property and we also give cover to those people who are clandestine because what they're doing is not illegal; it's only trespassing. Or we keep the status quo and the people in Darrington have a problem. I'd sure like to know if there is a way to accommodate those people or change this definition of these permits in such a way that they are not considered on a blanket basis to be conversions.

So with that, I'm open up for discussion from others.

Ms. Rose: I think that was a really good summary of the issues and I have the same attitude. I think that we need to figure out a way to – the County needs to figure out a way to redefine the parameters of development and conversion and whatever else needs to be done to allow – because I think we're all supportive, or most of us are supportive of the idea of this bike trails on this mountain.

Hollie Del Vecchio: Can I ask you a question?

Chair Raschko: Go ahead, um...

Ms. Del Vecchio: Holly.

Chair Raschko: That's right!

Ms. Del Vecchio: I don't know if we've actually asked this specific question to staff yet, but is there a way to limit the proposed amendment? Not necessarily to a project because that doesn't seem appropriate for what we're considering here, but to projects that have DNR oversight. And I'm guessing that if we are generally – feel good about how DNR is handling this and that there's some oversight in how this is built, they would handle it the same on another project that's on their property. So is there a way to make this more limited in terms of, you know, DNR land or projects with DNR oversight as opposed to just this specific project?

Mr. Walters: It'd probably be simplest to say projects on publicly-owned land, or DNR-owned land, or State-owned land.

Ms. Del Vecchio: Okay.

Female Commissioner: Park property?

Mr. Walters: Something like that.

Ms. Del Vecchio: So we can do that?

Mr. Walters: If we're talking about Industrial Forest only, we're mainly talking about DNR-owned land, you know, versus some other park or something like that.

Ms. Del Vecchio: Okay. And that was my other question. So we were getting some –

Mr. Walters: Maybe I could expand on that. I'm not saying that Industrial Forest isn't composed entirely of land owned by DNR. I'm saying that we don't have land zoned Industrial Forest that is part of a park.

Ms. Del Vecchio: Okay. Do we know percentagewise how – Industrial Forest-NRL – what portion of that is DNR versus private?

Mr. Walters: We don't have – really have access to GIS tools, so I can't generate those numbers –

Ms. Del Vecchio: Okay.

Mr. Walters: – really quickly. But we could probably analyze that.

Ms. Del Vecchio: Okay. It seems to me – I know we're trying to move this thing quickly for obviously, you know, I think good reasons as far as the project that's before us. Obviously this is – we are talking about a code amendment, not a project approval. So, you know, I feel like that it's been nice to have an example of, you know, what kind of projects are we looking at, you know, with this kind of a code amendment, but it has been very much swayed towards, you know, what this would look like on public land with DNR involvement. And if there's a – so, like I say, if there is a way to kind of at least for right now limit this to DNR land, public land, whatever verbiage you want to come up with that would accomplish that, and then open up the – have some more – save some time for more discussion about what this would look like on private lands, then that's – you know, I feel like I would be in support of that.

Chair Raschko: Thank you.

Ms. Jett: I agree.

Chair Raschko: Thank you. Any other –

Ms. Lohman: Well, I have a question for staff. Isn't there some kind of mechanism for doing like a – I'm blanking on the phrase that I want, but where you've got a cooperative agreement with the neighbor – your neighboring County, Snohomish; DNR; and Skagit, and you work on this project simultaneously together?

Ms. Pratschner: Well, like an interlocal –

Ms. Lohman: There you go.

Ms. Pratschner: – agreement?

Ms. Lohman: Yes. Can you use something like?

Mr. Walters: Not to violate the law.

Ms. Mitchell: Rats!

Mr. Walters: I mean, people have thought of that obviously.

Ms. Lohman: Well, it seems like of funny to me that in Snohomish County their permitting and their – they have rules for building trails and constructing trails, so on their side they're all covered and they have some specific guidelines. And our County, because we want to call it a development and, therefore, development equals conversion, yet you just drive a few miles across the line and just because you got a permit doesn't equal conversion. I'm struggling with that, because I know you get a lot of – you have permits for stuff that is clearly not conversion of anything. You have sign permits. You have building fence permits – and it goes on and on in your development code – that are clearly not conversions, so I can't imagine why you have this big fortress in front of you that you can't come up with some kind of language to fix this.

Ms. Candler: I have \_\_\_\_\_.

Chair Raschko: Go ahead.

Ms. Candler: One of the commenters brought up a very good point that their moratorium is not an absolute. Does anybody know off the top of their head what it would take to get the permit that they need in this case? I know, Ryan, what you said was it's not possible, but I – there's some conflicting information about that, too. Could you explain that?

Mr. Walters: What I said is it's not possible without getting the waiver.

Ms. Candler: Okay, the waiver.

Mr. Walters: It is true that if you were to get the waiver, then you wouldn't have the moratorium. In the presence of the moratorium, you can't do it.

Ms. Candler: Right. So there's the waiver that's required and a permit. What kind of process are we talking about? I mean –

Mr. Walters: Well, I think we know what the permit is. It's an administrative special use permit.

Ms. Candler: Which takes how long?

Mr. Walters: Generally – actually I was just looking at those statistics – about 120 days.

Ms. Mitchell: And cost?

Mr. Walters: The cost is 3000 or \$3500.

Ms. Candler: And the waiver of –

Mr. Walters: Plus publications and some other additional fees.

Ms. Candler: Just for the permit, because the waiver of the moratorium also has a fee.

Mr. Walters: That's just for the permit. The waiver is governed by Skagit County Code 14.24.110 and currently it requires, in order to obtain the waiver, you need to do critical areas review. So on a particular site, critical areas review might be doable. On a linear trail, critical areas review might be quite a bit more involved. And we haven't, you know, fully analyzed this project for what a waiver would entail. The idea of the waiver is to identify whether you've impacted critical

areas. If you haven't impacted critical areas, then there's no purpose of the moratorium; then you get the waiver.

Ms. Candler: Would it be a critical area review of the entire area logged or the entire area that they want to take out of the moratorium – the trail area?

Mr. Walters: Hopefully the latter, but I would have to review the code to be able to tell you for sure.

Ms. Candler: Okay. Thank you.

Chair Raschko: That was \_\_\_\_\_. Even seeking a waiver, would that be undesirable to the DNR because of its, well, implications involving – so you would not want to go that route anyway?

Mr. Glover: I have not run it up the ladder, but the implication that it's a conversion is troubling to the Department.

Ms. Mitchell: So we're really –

Mr. Glover: And it hasn't been interpreted that way before. Other Counties' codes do not put that same restriction in force.

Ms. Mitchell: If that's the stumbling block, why don't we just take that stumbling block out? That seems to be the most simple thing so far. Really it's just semantics at this point that's causing the problems, right?

Mr. Walters: It's really *not* semantics. It *is* the permit requirement.

Ms. Mitchell: So don't we have the ability to adjust that to where it makes sense?

Mr. Walters: Yes, that's what we proposed.

(laughter)

Ms. Mitchell: Well, yes and no. The disagreement would be blanket for the entire county Industrial Forest landowners that are all beyond the DNR folks, which there is a lot of – all sizes of private industrial landowners. And DNR does a good job. We know that. But what about the other guys? That's the problem.

Mr. Walters: Well, those other industrial landowners would be freer to do what they want with their property.

Ms. Mitchell: Yeah, possibly. But, you know, we're still back to the rock and the hard place where we don't have full input from those guys yet either, and we really can't go – I don't see how we can go much further with this until they've had full time to look through everything that's going to be presented them tomorrow, plus all the information that's been presented to us. They'll have access to that kind of things so they hear some other public comment and make their recommendations and then come back. Because I forget what somebody used – the terms they used earlier – but I think somehow this is out of sequence.

Chair Raschko: And I agree. Just a moment. I'm going to just say as a follow-up that I think it's a very good and noble thing to eliminate regulations – and, Mayor, we applaud you on that! – but this is an instance where I think it's going to affect private landowners, and so I agree that I think they should have an opportunity to be heard and it seems fatuous to have a presentation and everything else tomorrow after a decision has been made. So, Kathi?

Ms. Jett: I think – was it Tammy that was asking about the waiver? Anyway, the question before Kathy: Is there any way – Ryan was talking about a critical areas review. Has DNR done – they must have done a critical areas review. Is that correct? Well, is there any way the County can just accept their critical areas review rather than doing their own? Just for this project?

Mr. Walters: No. We do critical areas review.

Ms. Jett: You can't accept someone else's?

Mr. Walters: No.

Ms. Candler: But you could accept their study, right? And then review it.

Mr. Walters: If –

Ms. Candler: Isn't that what you do?

Mr. Walters: If they've done a study. We don't –

Ms. Lohman: Did they?

Mr. Walters: I mean, we would be – no.

Ms. Candler: Amy has something.

Chair Raschko: Yes, Amy?

Ms. Hughes: We're talking about changing code. Can we add to the code "federal, State, DNR projects are exempt from this code," and then work on it?

Mr. Walters: We can craft that.

Mr. Pernula: We can make that recommendation to the Board so that they can consider it when it goes to them. Any significant change to this proposal would require an additional public hearing.

Chair Raschko: Any more comments?

Ms. Rose: I am curious: Did DNR do a critical areas study?

Mr. Glover: We review the area under our habitat conservation plan. We look at riparian zones. We have not for the upper mountain done a wetland survey.

Mr. Pernula: Excuse me. He's going to go up to this one.

Mr. Walters: We're not cutting you off.

Mr. Glover: We have done some forms of critical areas assessments that are part of our own habitat conservation plan. We did Marbled Murrelet survey – I'm sorry, delineation up there. We have not done wetlands delineation up there. We would look for signs of wetland and avoid it, which is what we have done in the trail alignments, but we're not going through and doing a specific delineation on what are fairly – you know, fairly mountainous terrain. So the short answer is not to the level that the County would require through their critical areas ordinances.

Ms. Rose: But the trail systems that you're proposing, you try to avoid the riparian corridors and any wetlands that you run into and –

Mr. Glover: We can't necessarily avoid the riparian corridors because we have to cross streams at times and –

Ms. Rose: Right, you have to cross them.

Mr. Glover: Right. And when we do that we get permitting through the HPA and we avoid wetlands because, as the Chair mentioned, we don't like muddy, very difficult-to-maintain sections of trail. So we – this is a long-term commitment from the Department to not just create this but to manage and maintain these trails.

Ms. Rose: Right.

Mr. Glover: So we do it in a way that requires the least amount of investment that's possible for us. So it's important that we design and construct them well.

Ms. Rose: Right. Thank you.

Mr. Glover: Thank you.

Ms. Rose: And I just wanted to comment that I agree with Amy's approach about creating an exception to the rule, like leaving the rules the way they are but say "except publicly-owned DNR land" is exempt from this rule. And that way that covers the private land.

Chair Raschko: Thank you.

Ms. Lohman: Can I ask the – Mr. Glover, besides the – is the HPA the only permit that you've had to obtain? Can you come up here and – besides stopping, of course, at Skagit County since we –

Mr. Glover: That is the only permit that I can think of at this point would be our HPA. We also – yes, for this section it's the only permit that I can think of.

Ms. Lohman: And besides the County's permit, is there any other anticipated permit that you would have to have besides an HPA?

Mr. Glover: The County permits are the only ones that will be of question and they're land disturbing, stormwater, things like that.

Chair Raschko: Okay. Thank you.

Mr. Glover: Thank you.

Chair Raschko: Anything else? Okay, I think it's boiling down to a few questions here. First of all whether it's a legitimate concern that we hear from the Forestry Advisory Board. I consider it a legitimate concern. Does anybody have an opinion on that?

Ms. Mitchell: I agree.

Ms. Candler: I agree.

Ms. Rose: Yeah.

Chair Raschko: And that being a concern, it's difficult to accommodate that concern if we make a decision tonight.

Ms. Mitchell: I've got one more piece to add to that. We have – yes, we've been given the packet – thank you – from whatever came in this afternoon, but there's no way we can read this in front of now and digest what they are. So we're still stuck between really being able to review the information well enough.

Chair Raschko: So how do we wish to proceed?

Mr. Pernula: Mr. Chairman?

Chair Raschko: Yes?

Mr. Pernula: If that's an extremely important concern of yours and we wish to expedite this proposal, would you be willing to meet next week to consider it for deliberation?

Ms. Mitchell: Well, what I wouldn't know until the Forestry Advisory Board came together is if that's enough time for them. The tricky part for the forestry people – and I *think* I'm right on this – this is a terrible time for them, this time of year, just like it is for ag folks. They're doing a lot of legislative and other kinds of things. They're really swamped. I would hope that they'd be able to stop and help at this moment but I can't – you know, I don't know how that works, unless anybody can advise us. It's hard to say. In other words, we could go ahead and do that but I don't know if you'd have your answers from the forestry people on the spot tomorrow morning.

Ms. Lohman: You would not have Josh, I'm pretty sure because \_\_\_\_\_.

Chair Raschko: I'm available.

Ms. Jett: I'm available – let's see. I'm going to be on Mount Rainier until Wednesday, so Thursday and Friday I'm available next week and the rest of the month.

Mr. Walters: Another alternative is you could note that you do not have information from the Forestry Advisory Board. You could make your findings and conclusions based on the public comments in front of you and just relay that to the Board of County Commissioners. The Board of County Commissioners can hear from the Forestry Advisory Board directly.

Chair Raschko: I don't think it's that simple for me because I'd like to accommodate the proposal and I'd love to see a regulation go away, and if no forestland owners are concerned about it – although I have heard that some are – I'd just really like to hear from them just to cement my position.

Ms. Del Vecchio: If we were to vote tonight – follow your recommendation that maybe we make something contingent on the Forest Advisory Board – are we only voting tonight on kind of an all-or-nothing? If we were to limit this to federal, State land, do we have to put that – if – any kind of mutation like that, does that have to go back out for public hearing?

Mr. Pernula: This is a recommendation to the Board. The Board can go ahead and adopt this, or if they want to consider a change that you are recommending they can instruct us to call a public hearing.

Ms. Del Vecchio: Thank you.

Chair Raschko: Well, I'd just really like to find out the availability of people for a special meeting next week.

Ms. Rose: I've out of the country next week.

Chair Raschko: You're out of the country?

Ms. Rose: I'll be gone next week.

Ms. Del Vecchio: I can meet in two weeks.

Chair Raschko: You're gone, too?

Ms. Del Vecchio: No, I could meet in two weeks but not next week. It sounds like a lot of people are not available next week.

Ms. Rose: But you already know how I feel, so I – you know what I'm saying? If there was that exception, I'd be okay with it.

Ms. Lohman: I can't meet next week.

Ms. Mitchell: Could we go down the line because – I apologize, guys. I can't hear.

Ms. Del Vecchio: What are we going down the line with? Availability? Okay, not next week. The following week would be fine.

Ms. Lohman: Monday and Tuesday. That's the only days I'm available next week.

Ms. Candler: As far as I know off the top of my head, I'm available.

Chair Raschko: I'm available.

Ms. Mitchell: I'm available.

Ms. Rose: I'm not available next week but the early part of the following week I am.

Chair Raschko: Okay.

Ms. Jett: Next Thursday and Friday I'm available.

Ms. Hughes: I'm available.

Chair Raschko: Would we have a quorum? This is for next week. How about two weeks from now? I know he asked for one week to expedite this, but how about two weeks? Or we can make a decision tonight.

Ms. Del Vecchio: I think on a night when we have almost everybody here, it would – I would feel prepared to at least come to some sort of conclusion tonight, and I like that the majority of us are here.

Ms. Lohman: The only thing that bothers me is that I don't want the – I put a lot of value in having the FAB and the Ag Advisory Boards, and so I greatly respect what they want to say and so I would like to hear what they want to say. Even though we've had two members, it appeared to me that they weren't totally in agreement. You know, they – and I'm sure that's the same on the Ag Board and I know that for sure. So it bothers me to – I feel like we're dissing them a little bit. But yet here we have just one short of a full –

Ms. Mitchell: We would never do this to the ag community. Why would we do it to the industrial forest community? That's the thing that comes down – you know, you have to have the input from the right people that know. So I do think we need to wait to have that kind of input. And even if the quorum is – you know, it looked like five, possibly six. We don't know about if Josh is available or not.

Mr. Pernula: Later this week?

Ms. Del Vecchio: No.

Ms. Rose: I could do it – I could – yeah, I think so.

Ms. Mitchell: I've got to ask, because I did hit the Mayor of Darrington for about the rush thing. I still didn't – the rush seems awfully, awfully important here. There's something that I'm missing.

Ms. Pratschner: I'm sorry, the –

Ms. Mitchell: The rush – to push to have it done as quickly as possible. There's – it's –

Mr. Walters: That's what we were instructed.

Ms. Rose: What'd he say?

Mr. Walters: That's what we were instructed. That's what we did before when Sedro-Woolley wanted to have us collect impact fees for us (sic). We amended our Capital Facilities Plan in a total of three or four weeks.

Ms. Candler: Okay, it sounded like there was more availability in two weeks. Is that – is that – is that right?

Ms. Rose: Yeah. So my understanding is that the reason for the rush was because when you're in the process of building the trails you don't want to start and stop. You get more bang for your buck if it can just flow from one piece to the other. And is that the nut of why there's a hurry? Because the work has already started and you want to keep the momentum up and get it done so it can be fully functional by January. Is that the nut of why we're in a hurry?

Mr. Glover: Are you asking me?

Ms. Rose: Well, I'm asking –

Ms. Mitchell: I think you should ask the Commissioners. They're here. We've got two of the three.

Ms. Rose: Okay. Is that the – is that the – yeah, whoever knows the answer should answer it.

Commissioner Janicki: So when I asked – when I asked staff to – you know, what would it take to expedite this? I mean, that's just a sincere question. When Ryan says that the – you know, a special use process is 120 days, I was, you know, I guess with high hopes thinking that a rule change would take considerably longer than that. I do not – Glenn and I have not talked about the specific schedule – project schedule – that's going on. In fact, Glenn and I have only spoken via e-mail and telephone until tonight, so I really would – I don't know what the criticality of the date is for when the contractor who's working would be able to – you know, when you break down in project schedule because you don't have the authority to go on into Skagit County. So to a certain extent, Glenn, I guess it is your question and so if I – you know, I don't want staff to feel like I am – I am not trying to just shovel this through. I really respect process and I think it's important for FAB to get to opine and then find a date. But maybe, you know, if you can talk to actually what the construction schedule means. Maybe it doesn't matter as much as I thought it did when I talked to you, Dale.

Mr. Glover: So I want to be clear. I'm not presuming to put pressure on the County for you or your process. That's not – that's not a position that DNR would put the County in. Speaking strictly to the question of the timing and the challenges for us, this is a relatively high elevation area and so we have a relatively short window for construction before it's under snow, or earlier in the season after the snow melts, but the ground is not in good condition for us to work on it. So our – the critical path for us is actually working with the weather windows that we have and using then the capital money that we have available for us to do this. So again, I'm not – I don't presume to tell you what your schedule should be. The drivers for us is the challenge of working with the weather up there and being able to use the reappropriated capital funds that we have.

Ms. Rose: Thank you.

Chair Raschko: Thank you. Okay, so what I propose we do is delay this. Let the Forestry Advisory Board have their presentation, get their opinion. And if staff could send out one of those e-mails with those really neat calendar things where people vote for what days they're open and we find a time in the next few weeks when we can get a quorum.

Ms. Ehlers: Doodles.

Chair Raschko: Doodles. Okay. Now, is anybody on board with that?

(sounds of assent)

Ms. Mitchell: It's entirely possible that when the Forestry Advisory Board has all the information they could turn around on a dime, and if that's the case staff can say, Hey, here we go.

Chair Raschko: Okay. Do we need a motion on that or are we okay?

Ms. Mitchell: Why don't you make a motion?

Chair Raschko: *You* make a motion. I'm the Chair.

Ms. Mitchell: Okay. I move that we delay this – allow the FAB to review the information and have their input, and then have staff coordinate the meeting as soon as appropriate after that through the Doodle process so we can get people.

Ms. Candler: Second.

Chair Raschko: It's been moved and seconded. Is there any discussion?

(silence)

Chair Raschko: If not, all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: Okay, that carries. Thank you. Anything else?

(silence)

Chair Raschko: With that, we'll close the deliberations on that. We're going to excuse Commissioner Mitchell for personal reasons. So we have a Stormwater Update Workshop. Thank you very much for those people that came. I appreciate it.

Mr. Pernula: Okay, on this issue it'll be Stacie Pratschner again, assisted by Shawn Christensen. He's in the audience. He is our relatively new Stormwater Technician. And we're going to be talking about stormwater code update.

Ms. Pratschner: Thank you again, Planning Commissioners, for having me here. So this evening we'll just be holding an informational workshop for proposed updates to Skagit County Code chapter 14.32, Stormwater Management. This code update is one of six code amendments that were scheduled for the 2017 legislative work program.

In September of 2015, Skagit County adopted the 2012 Department of Ecology Stormwater Management Manual for Western Washington. I may just refer to it as the 2012 Manual or the DOE manual while we're having our discussion. And this was done in compliance with our Phase II Municipal Stormwater Permit, or also called the NPDES permit for short – the National Pollution Discharge Elimination System. This is the permit that authorizes the discharge of

stormwater to surface waters – also to ground waters of the state – from municipal separate stormwater systems like the County’s pipes, ditches, and storm drains. The Stormwater Manual, the DOE manual, provides guidance on the measures necessary to control the quantity and the quality of stormwater runoff from new developments and also for redevelopment of projects.

The County’s Phase II permit, or the NPDES permit, requires that the standards of the 2012 Manual apply to both the urban growth areas within unincorporated Skagit County, also within the special flood hazard areas. This is also defined in Title 14. The challenge for our customers and also for staff right now is how to effectively manage runoff outside of those permit areas – outside of the UGAs, outside of the flood hazard areas. In these areas you’re not required to meet all the requirements of the 2012 DOE manual.

So what we’re looking at is to propose redlines – some edits to that Stormwater Management chapter in Title 14 to provide guidance on stormwater management for developers who are outside of those permit areas, which is a lot of the county. On this slide here, I’ve shown the NPDES Permit areas. This was updated in March 2017, so we’re looking to update our Stormwater Management chapter to give folks a little more guidance.

So in addition to some cleanup and then some cross-referencing in the chapter, we also want to look at some – and also discuss – some standards for stormwater review outside of those NPDES permit areas. And I apologize. I just grabbed the wrong folder, I think, so I’m going to go grab the right folder and we can start a discussion on some of those.

Thanks for bearing with me this evening. So what I’ll have Shawn talk about in a moment here is some of the edits that we’re looking specifically to section 14.32.040, and that’s on page 8 of 10 of the packet prepared this evening. So outside of those NPDES permit areas we would be looking to modify the Stormwater Management Manual’s minimum requirements. So some of the requirements we were looking at modifying was looking at prescriptive ways to test infiltration of soils onsite; possibly developing a rain garden manual for folks to use if they wanted to use a rain garden to do stormwater management; looking at cumulative impervious surface amounts, as well.

So as we’ve talked about before, this informational workshop’s just going to be the first step in what will be the public rule-making process where we will go through drafting code amendments. We’ll go through SEPA and Commerce review, as we’re all pretty familiar with at this point. We’ll have public meetings and hearings with both the Planning Commission and the Board of County Commissioners, and then we’ll also be looking at code adoption. So technical questions I’ll probably defer to Shawn, our Stormwater Engineer, but I’d be happy to answer any questions before we start discussing some of these edits.

Ms. Rose: So in the section 14.32.100(d), where you’re describing LID facilities “must be permanently protected from all of the following...” So I have a problem with the first one because I do a lot of low impact development projects. I’ve been doing them for more than 10 years. And sometimes the low impact development facilities are located under the road, and so that number (i) doesn’t work at all.

Ms. Pratschner: Okay.

Ms. Rose: And that’s a really good way to do it because – and I’ve talked to a lot of developers who resist low impact development – which is what we want because we want to clean up our waterways – and they say that well, these features eat up land. And we know that’s a bogus – I

mean, there are ways where it doesn't. But one of the best ways where it doesn't eat up land is basically by utilizing the area under your roadway to absorb that water so that it can infiltrate into the ground. And there's different ways to accomplish that, and the most traditional way to accomplish that is pervious pavement, but we've been working on ways not to use pervious but to still do it the same way, where your infiltration basin is under the roadway. And you don't want to shut out that as one of the options. You want to include that because that's a really good way, and we're coming up with some good methods of doing that. And we talked King County into including that in their stormwater design manual for LID where it wasn't included, but we convinced them that it was a good idea and they agreed. And I'm doing it in Sedro-Woolley on my current project. And so I just want to see you be more open-minded, and so that number, little number (i), doesn't work. Right? That's all.

Ms. Pratschner: Gotcha.

Ms. Rose: That's my big comment.

Ms. Pratschner: Okay, thank you.

Ms. Rose: Yep.

Mr. Pernula: That's (1)(d)(i)?

Ms. Rose: It's (1)(d) little (i), yes.

Mr. Walters: And the point of that section there is that right now we don't have a code provision that we can use for code enforcement purposes if, for instance, you're required to manage your stormwater through LID techniques you do. You put in a rain garden and then after you get your permit, build it, construct it, get your final inspection, you pave over it.

Ms. Rose: Right, and I'm familiar with –

Mr. Walters: So I think what you're talking about is valid and everything. We just need a little tweak here to accomplish \_\_\_.

Ms. Rose: I understand what you're getting at in the thing, yes.

Ms. Lohman: But you're talking more basically destroying the structure that got your permit.

Mr. Walters: Yes.

Ms. Lohman: Well, couldn't you address that in a line somewhere?

Mr. Walters: Yep. Yep.

Ms. Rose: If this option for creating the infiltration basin with a regular paved road over the top of it – and it's not that simple; there's a few little caveats there. But if that was incorporated into the stormwater manual as a viable option and it was laid out – “and this is how you do it” – I think that you'd have fewer rain gardens going in and more of this, because that is the risk with the rain gardens. They're high maintenance. They can be. I'm not – the powers that be say they're high maintenance and you have to go through this annual inspection to make sure they're being maintained properly every year. And so they would still be used, I'm sure, but, you

know, the dilemma is how to build these structures affordably and maintain them without a lot of fuss and bother.

Mr. Walters: I think we should invite Shawn Christensen – who is the person who does all the stormwater review for us now; he is a new member of the Planning Department – to the desk. We don't have to put Stacie's nameplate in front of him.

Chair Raschko: Did you have a question?

Ms. Lohman: Yeah, but I can wait for – I don't know whether it would be Stacie or Shawn.

Mr. Walters: The reason people use rain gardens, though, is because they don't have to be engineered so that reduces the upfront cost.

Ms. Rose: I'm not saying – yeah, I'm not saying to eliminate rain gardens. I'm saying that noticeably lacking from most of the stormwater – the LID manuals are – is this idea that you can store the water – you can channel the water, if your soils are okay – and we've done it even with hardpan so, you know, you can do it under a wide variety of conditions. You just have to increase your capacity. But at any rate, it's a lower maintenance way to go and it's missing out of the books.

Shawn Christensen: Yes, it *is* missing out of the books, but at the same time I've reviewed a couple projects so far where we have incorporated that type of infiltration facility into the driveways.

Ms. Rose: Right.

Mr. Christensen: The catch comes when the future homeowner decides that they want to modify the site or they want to remove that driveway. How do we replace that infiltration basin and protect it?

Ms. Rose: I see. That's a good point, but I think that's a lower risk thing happening than somebody filling in a rain garden and making a lawn out of it. In other words, it's a lot more expensive and a bigger ordeal to rip out a whole driveway than to fill in a depression in your yard and re-landscape it. So at any rate, I just thought I'd mention that because I just think it should be – there should be some sort of provision in there to allow that. I'm glad to hear that you've approved a couple systems like that.

Mr. Christensen: Yes.

Chair Raschko: Okay.

Ms. Lohman: Me?

Chair Raschko: Go ahead.

Ms. Lohman: My first question is, How does this interface with the existing drainage districts? Have you had any discussion with either Brandon Roozen or some of the drainage commissioners? Because its jurisdiction reaches over into all of the area within the special flood hazard area, which is everything in the floodplain, correct? In the current code, agriculture, for example, is exempt but in the proposal you're saying except those of us in the floodplain.

Because I looked up the definition of what a special flood hazard area is and it's everything short of the 500-year floodplain. Right?

Mr. Christensen: Pretty much, yes.

Mr. Walters: You're wondering about agricultural activities?

Ms. Lohman: Yes.

Mr. Walters: Agricultural activities being plowing and planting your fields and that kind of thing?

Ms. Lohman: Yes. Everything except what is current – the construction in pervious surfaces.

Mr. Walters: So those types of activities are already exempt under the flood code and would remain exempt under the flood code.

Ms. Lohman: But you didn't write it that way.

Mr. Walters: Well, we didn't – we haven't written the proposal yet. This is kind of what we call pseudo-code.

Ms. Lohman: Okay.

Mr. Walters: It's just notes about –

Ms. Lohman: Okay, then – so then in 14.32.020, number (3), where you're writing the exemptions, you say "with the exception of those located within the Special Flood Hazard Areas are exempt from this Chapter," and then you go on to say (a) through (e) there's no change, except you've got a double negative in the way.

Mr. Walters: That's a good point. We need to look at that.

Ms. Lohman: And so and then on 14.32.080, Stormwater Conveyance: "Runoff may not discharge directly onto the surface of a public road..." That's current code. You're adding language, "...or into a County-owned ditch, unless permitted by the Administrative Official." And in the drainage districts, there *isn't* a County-owned ditch. And so I'm asking, How is this interfacing, then, with the drainage districts? I didn't see anywhere where there's a discussion about how do you handle all of us that are in a drainage district.

Mr. Walters: I guess I think we would need a little bit more context. Because I think our view is the drainage districts are operating on their own. If they're proposing development – if anyone is proposing development, whether you're in a drainage district or not, you're going to have to follow the stormwater rules. What – do you have a hypothetical?

Ms. Lohman: I don't, but what is making me ask this question is when I started Applicability and I saw "with the exception of" everybody in the floodplain. And then you read through and you're silent about those of us in a drainage district.

Mr. Walters: Yeah, I think drainage district is a separate issue. I think the first question is how it is we are going to manage that special flood hazard zone exception. And maybe that's misplaced. Maybe it shouldn't be an exception from the exemptions.

Ms. Lohman: Well, my question is – because when you look up even what the definition of “stormwater” is, it’s anything after a precipitation or a snow melt event. So it’s every time it rains or every time it snows is considered stormwater – a stormwater event. So everything during the rainy season or snow season. So I think by being silent on what do you do with all of us – and it’s a fairly large area in the lower delta in the drainage districts – you need to at least reference us in those locales somehow – have a tie-in or something so there’s a clear, bright line of how it’s regulated.

Mr. Walters: I think we need still more context and some more hypothetical there. I do want to make clear that we’re not regulating the stormwater. We’re regulating what you may be doing with the land that is causing stormwater impacts. So if you have stormwater falling on your land and it’s travelling its natural course to wherever it’s going, we don’t regulate that. What we do regulate and what we’re required to regulate in some cases, like inside the NPDES area, is what you might be doing to change the natural course of stormwater.

Ms. Lohman: Then we need to make it say that so that it’s clear so that you know where you’re being regulated under.

Mr. Walters: Well, maybe that exception language to the special flood hazard zone is problematic. Maybe we need to reword that. Shawn or Stacie, do you have any other insight into that language – what we were trying to accomplish there? We were trying to – and maybe have not progressed enough yet – to harmonize the requirements between the flood code and the stormwater code. Because the flood code has certain requirements that are related to impervious surface and stormwater, but you won’t find those if you look in the stormwater code, and that’s problematic. So, specifically, one of the things that’s required in the floodplain is low impact development. And if you read the stormwater code, it gives you zero heads-up that that is going to be a requirement. So what we want to do is for developers, property owners, applicants that are trying to figure out what the stormwater requirements are to be able to read the stormwater code and know that they are going to have to have low impact development techniques in the floodplain, even though the floodplain is largely governed by the flood code. I don’t think we’ve accomplished that in this draft but we’re going to try again.

Ms. Lohman: And that’s the thing. It says “conceptual,” so, I mean, so that’s telling me that this is – you’re asking for –

Mr. Walters: Exactly.

Ms. Lohman: – early input on what’s going on. And so I’m not afraid of something in the ugly, kind of sausage-making part. I kind of almost rather like it better than getting a finished product and everybody’s so vested in the finished product that we can’t tweak it. So I’m very glad to see it at a rough stage. Thank you.

Ms. Rose: Yeah.

Ms. Lohman: But my concern is that because we in agriculture live and die on whether our drainage infrastructure is functioning or not and want to make sure that we’re able to – we’re not causing a road – a speed bump here on how we take care of that because it’s providing basically a similar function.

Mr. Walters: Yep, and we will also shop this around to Western Washington Ag before we release the proposal so we can get their specific comments. The line that you point out there – the addition that runoff may not discharge directly” into a County-owned ditch – we added that because that has been our practice for apparently many years to not permit development to discharge runoff into a County-owned ditch. And the reason is the ditches are not sized to convey everyone’s stormwater. They don’t have the capacity and they don’t have any treatment. But we haven’t had a line in the code that has specifically said that so we’ve been looking for –

Ms. Lohman: But you don’t offer the same protection for the drainage districts, so every time a City gets nervous and they want to put a hole in their dike those of us in the ag infrastructure are sitting ducks for taking that. So, I mean, it works both ways. It affects –

Mr. Walters: Well, we would not allow someone to discharge water to a drainage district if they didn’t have permission to do so, at least as part of a permit we issue here. I mean, we do not control everything everybody does on their property, right?

Ms. Lohman: – but it *does* happen.

Mr. Walters: When they come in for a permit, we hear about it and we would evaluate it.

Ms. Lohman: Yeah, but it does happen and so I’m just pointing out that there’s other ditch systems that are vital to the success of our county besides County-owned ditches that are extremely important to our infrastructure for flood control and for our municipalities upstream and for others, so not just the ag people that have them. I mean, they’re serving multiple services. So I just wanted to make sure that we didn’t do something we didn’t need to do.

Ms. Rose: I have one more question.

Chair Raschko: Go ahead.

Ms. Rose: Under your – on page 3 of 10 on your proposed code amendments 14.32.070, you’re talking about a requirement has been added that a stormwater facilities must be “designed by a Washington State licensed Engineer.” Is that for any size project or is there a project threshold where that would kick in?

Mr. Christensen: That is more to deal with the type of facility that they put in. As an example, a rain garden and a bioretention swale essentially accomplish the same effect, but a rain garden does not require a licensed engineer whereas a bioretention swale does.

Ms. Rose: Right. But so is there a certain amount of impervious surface that triggers whether you’re going to require a civil engineer?

Mr. Christensen: If you’re within the NPDES area and, for example, if you’re a commercial-type site and you’re developing more than 2000 square feet, then you’re going to have to do some things such as flow control, source control. Those are all going to trigger an engineer design.

Ms. Rose: So 2000 square feet is –

Mr. Christensen: There are different thresholds. It’s 2000 square feet, 5000 square feet, and 7000 square feet, depending on if it’s a new development or if it’s a redevelopment, and whether it’s new hard surface or whether it’s site-disturbing activity.

Ms. Rose: Sure.

Mr. Walters: So those thresholds that Shawn mentions trigger the requirements. The requirement for an engineer doesn't come directly from the impervious surface threshold. It comes from the requirement to have a thing that needs engineering done by an engineer.

Ms. Rose: So – but it says – it doesn't – the way it's worded here, I get the feeling that an engineer's going to be required anytime LID techniques are used, which is pretty much the direction everybody's going.

Mr. Walters: No, not *any* LID technique. It is bioretention facilities.

Ms. Rose: Okay. It doesn't say that in that line but....

Ms. Lohman: Yeah, it does at the beginning.

Mr. Walters: That's the beginning of that section: "Bioretention facilities...may be used when designed by..." –

Ms. Rose: Oh, I see. So I have to turn a few pages, is what you're saying.

Mr. Walters: So an LID facility that doesn't require engineering wouldn't require an engineer. It's just we already had this line about bioretention.

Ms. Rose: I see what you're saying.

Mr. Walters: And these are also facilities – this line is about facilities that are going *in* the road right-of-way.

Ms. Rose: I see.

Mr. Walters: So I think that especially Public Works is probably not interested in having stuff in the road right-of-way that isn't engineered.

Ms. Rose: Okay. All right, thank you.

Chair Raschko: Yes, Amy?

Ms. Hughes: What is the timeline for this project? Is there a timeline that you're looking at? You're proposing this. Do you have a goal?

Mr. Walters: Stacie?

Ms. Pratschner: Typically –

Mr. Walters: Do you want to go to the podium?

Ms. Pratschner: Yes. We'd be looking at a four- to five-month process to do our outreach, to draft code, to go through SEPA and Commerce, and then do public meetings and public hearings.

Ms. Hughes: Okay. We have a number of new people everywhere in this room so I'm just encouraging that we go through kind of the process that we did with Shoreline to where we have a work session for us, because it was really helpful when we went through it word by word. And I know some of us worked on it when you did the inside UGA – is that correct terminology? – and I'm having problems overlapping what's new and what's not already established. So if we could have a work session, I'd really appreciate that once it all gets up to speed. Or is that just something that would automatically happen?

Mr. Walters: Well, this is a work session on it.

Ms. Hughes: Yeah.

Mr. Walters: And we could have another one when we have the draft of the code.

Ms. Hughes: Okay.

Mr. Walters: Because we only have the concepts, the pseudo-code here.

Ms. Hughes: Yeah. That would be helpful for us to sit down then because we're bouncing things around and it's hard for me to follow how it all fits in to what we've already worked on and what's new. That's just a request. \_\_\_ the timeline.

Mr. Walters: And it will be – it will be probably quite a bit later before we have a complete concept map for what it is we're trying to accomplish here as well. Because one of the things we've talked a lot about internally is that it – it's really the pits for landowners who just want to build a single house and we hand them a thousand-page stormwater manual. What we would like to be able to do is prescribe some methods that they can use that are relatively simple, all of which would be outside the permit area. We're not proposing any changes to the regs inside the permit area because those are set largely by our NPDES permit. But outside the permit area we'd say, Do these things under these conditions – and there's still some level of variability but we'd still be boiling stuff down – and then you're good. If you want to do something else, you can. You're going to have to follow the charts in the manual and tell us how that fits together. But we would really like to be able to but it takes a lot of work to get there that we haven't done yet. We would like to be able to prescribe some simpler methods for people to use, and if they want to do them, if they make sense for their site, they do them and they get their permit a lot faster.

Ms. Hughes: Okay. Thank you.

Mr. Walters: We have some vulnerabilities right now outside the permit area where there are some arguments that can be made that if you apply certain parts of the code you don't have to do anything with stormwater. So those are problems that we need to fix.

Ms. Rose: Right.

Chair Raschko: Anybody else? Any questions?

(silence)

Chair Raschko: I'm sorry. Go ahead and ask.

Ms. Ehlers: Have you worked with the \_\_\_\_ – their water manual?

Mr. Christensen: Not yet.

Ms. Ehlers: Because if you do what's required here and you put it into an infiltration \_\_, you're going to go back to the pre-1990 condition where when you really have storms, it slides. There's too many cliffs. There's too many canyons. There's too much land that's on a slope above hardpan. In 1990 it slid on the north, the south, the east, and the west and destroyed roads and property. You can't infiltrate into that kind of ground.

Mr. Walters: I wrote most of the City of Anacortes's new stormwater code that was adopted at the beginning of this year, and the City of Anacortes is very concerned about similar things also being on Fidalgo Island and having similar areas with similar geography. So we came up with some interesting provisions to try to address those issues.

Ms. Ehlers: Well, out where I am the drainage utility requires you drain into the ditch because it was the only practical way to make it safe.

Ms. Rose: Right.

Chair Raschko: Well, thank you.

Ms. Lohman: Mr. Chairman?

Chair Raschko: Yes?

Ms. Lohman: So, Ryan, are you going to make that available so we could look at it and maybe for –

Mr. Walters: What?

Ms. Lohman: Is that available online – Anacortes's stormwater manual?

Mr. Walters: Oh, yes, it's on there – their municipal code website.

Chair Raschko: Anything else? Anything from staff?

(silence)

Chair Raschko: With that we will conclude the workshop, if I can find my agenda. The Department Update, please.

Mr. Pernula: Just a couple of things – some of the ongoing projects. First of all, the Rural Forestry Initiative: We're still doing some work on it. We expect to release the proposal by about the first of next month and that'll be for the SEPA review to the Department of Commerce and public notice. Probably a likely time for the public hearing will be your first meeting in October, which is October 3.

Now for – July 31<sup>st</sup> was the deadline for submittal of Comprehensive Plan Amendments for 2018 – consideration in 2018. I think we have about nine possible projects right now. Two of those

were deferred in the past from last year's docket and they'll be considered again this next year. We have, I think, about three code amendments that staff's proposed and we have about four projects from the public. So all those things will be coming along fairly soon.

Ms. Lohman: Mr. Chairman, can I – so your RFI release: That includes that section on the land disturbance and –

Mr. Pernula: Yes, it does.

Ms. Lohman: – and the forestry –

Mr. Pernula: The whole package, yes.

Ms. Lohman: The whole package.

Mr. Pernula: Yep.

Chair Raschko: Okay, thank you very much. We'll turn now to Planning Commissioner Comments and Announcements. Start at this end?

Ms. Del Vecchio: I have nothing.

Chair Raschko: You have nothing?

Ms. Del Vecchio: Thank you, though.

Ms. Lohman: Nothing for me.

Ms. Candler: Nothing.

Ms. Mitchell: I think we're good.

Chair Raschko: I think we're good. I just want to thank everybody for their patience tonight and careful thought, and thank the staff as well. Good presentations. And thank everybody that attended. So is there a motion to adjourn?

Female Commissioner: So moved.

Ms. Mitchell: Second.

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

Multiple Commissioners: Aye.

Chair Raschko: Ayes have it. We stand adjourned (gavel).