From: Annie Crawley <annie@anniecrawley.com>

Tuesday, January 7, 2025 6:54 PM Sent:

Erik Scheel; Contact Council; Mead, Jared; Dunn, Megan; Nehring, Nate; Low, Sam; To:

Peterson, Strom

I support wetland buffers, not reductions. **Subject:**

Greetings County Council Members,

I am opposed to the Critical Areas Act amendment proposed by council members Nate Nehring and Jared Mead to Ordinance No. 24-097. We must not allow developers to replace buffers with fences which reduces the amount critical buffers needed for our wetlands, rivers, streams, which all flow into our Salish Sea. The current buffer widths need to be maintained to protect our waters and ultimately the health of all. A healthy environment equals a healthy humanity. We cannot sacrifice what is needed to ensure water quality and life for all the animals that live in the PNW.

Thank you.

I'm both a citizen of Edmonds and also a small business owner in our community. We must do everything we can to heal our environment and this amendment is a step in the wrong direction for what citizens here care to protect.

Keep Diving Into Your Imagination!

Annie Crawley Author, Photographer, Producer, & Keynote Speaker www.AnnieCrawley.com www.EdmondsUnderwaterPark.com www.OurOceanAndYou.com

When you reach a child, you change history. Give the gift of the Ocean today! Check out our interactive books on iTunes! https://itunes.apple.com/us/book/seahorses-pipefish/id588664411?ls=1

https://itunes.apple.com/us/book/finding-frogfish/id561648691?mt=11

https://itunes.apple.com/us/book/sharks-more-sharks/id561635642?mt=11

From: Collene Lynch (collene@musictrack.us) <collene@musictrack.us>

Sent: Tuesday, January 7, 2025 10:58 PM

To: Contact Council

Subject: Critical Areas Regulations

Edmonds council members,

I oppose the amendment to Ordinance No. 24-097, the Critical Areas Regulations Update.

Our wetlands, which are critical to the balance of nature (this includes us) in our area, are in danger! Please discontinue the path you are on and use your common sense and science to maintain the current buffer widths.

Your voting constituent, Collene Lynch

From: Jilda SN <jildanet@gmail.com>
Sent: Tuesday, January 7, 2025 10:26 AM

To: Contact Council

Subject: Protect buffer zones. Reject amendments to Ordinance No. 24-097

Dear Snohomish County Council Members,

I am a Snohomish county resident and voter that wants to ensure that our waterways stay protected. These wetlands protect us in many ways, preventing floods, helping to keep our water supply clean, and protecting animals (like salmon) that are critical to both us and our iconic orcas. They are not a commodity to benefit a few at the expense of the many.

I urge the Council to reject the amendments to Ordinance No. 24-097 and instead adopt improved critical areas provisions to better protect rivers and streams and wetlands. I support management of land as a finite resource not as a commodity, since land ownership, whether public or private, carries responsibility for stewardship. These proposed amendments to Ordinance No. 24-097 will damage the functions of critical areas, streams, and lakes in Snohomish County.

Placing critical areas and buffers and building and maintaining fencing to protect buffers are valuable methods of maintaining buffers, but they do not add enough protection to the buffers to justify the buffer reductions.

Allowing buffer averaging that allows buffers to be reduced to 50 percent of the buffer and no less than 25 feet is inconsistent with the best available buffer science and state agency recommendations.

The Amendment Sheet No. 1 amendments on pages 2 and 3 reinstating the allowance for developing non-riparian Category II and III wetlands smaller than 5,000 square feet, and non-riparian Category IV wetlands smaller than 10,000 square feet with wetland reports or mitigation for wetland and habitat loss is not consistent with best available science and violates the Growth Management Act.

Please reject these amendments to Ordinance No. 24-097

Sincerely,

Jilda Nettleton

From: georgina armstrong <georginaarmstrong@sbcglobal.net>

Sent: Wednesday, January 8, 2025 12:38 PM

To: Contact Council

Subject: Critical Areas Regulations

Dear Council,

I oppose an amendment to Ordinance No. 24-097, the Critical Areas Regulations Update, that would not add enough protection to the County wetland buffers to justify the buffer reduction. The current buffer widths must be maintained if we are to effectively protect those critical areas.

It is imperative that our County protect Orcas, Chinook, fish and wildlife habitat, and water quality.

Respectfully submitted, Georgina Armstrong Edmonds, WA

From: Ellen Blackstone <ellenblackstone@gmail.com>

Sent: Wednesday, January 8, 2025 5:43 PM

To: Contact Council

Subject: Please protect wetlands!

Dear Snohomish County Council,

I urge you to <u>oppose</u> the amendment to Ordinance No. 24-097, the Critical Areas Regulations Update, that would allow a fence instead of the wider buffer zone, which is backed by solid science.

Please do not delete the current requirement for a site plan for all activities that could adversely affect wetlands and fish and wildlife habitat conservation areas. Activities such as draining wetlands can harm both wetlands and fish and wildlife habitats.

The recent loss of an Orca calf is one more sign that there are not enough salmon to feed our Southern-resident Orcas. We need to do all we can to HELP the Orcas, not to potentially harm them even further.

Please do not adopt Amendment 1.

Thank you for "listening."

Respectfully,

Ellen Blackstone 523 Maple St #101 Edmonds WA 98020

From: Morgan Davis <morgandavis360@gmail.com>

Sent: Wednesday, January 8, 2025 3:56 PM

To: Debbie Wetzel

Cc: Mead, Jared; Low, Sam; Nehring, Nate; Dunn, Megan; Peterson, Strom; Eco, Debbie;

Kraft-Klehm, Jessica; DAVID JOHNSON; McCrary, Michael; Countryman, Ryan; Kate Lunceford; Kristin Kelly; bill liderengineering.com; Linda Gray; Joan Thomas; Michael Whitney; eliza.aronson@heraldnet.com; Gary Brandstetter; Gene Enick; DOUG

GRESHAM; hilary.franz@dnr.wa.gov; windchimehouse@comcast.net

Subject: Re: PUBLIC HEARING 1/15//25 RE: Ord. No.: 24-097



CAUTION. This email originated from outside of this organization. Please exercise caution with links and attachments.

Hello Debbie,

Your request to officials seems to be very reasonable.

On Wed, Jan 8, 2025 at 3:01 PM Debbie Wetzel <debbieleewetzel@gmail.com> wrote:

At this juncture I am gravely concerned with the lack of transparency by the Council on the proposed 50% reduction in critical area buffers contained in Ordinance No. 24-097 (or whatever you have rebranded it to be called).

The upcoming County Council meeting schedule has not been updated for 1/15/25, and the final "new and improved" Ordinance No. 24-097, along with the staf, f report have not been posted for public comment.

The hearing is set to occur next Wednesday, which is only 4 business days from now. How can the County Council hold a public hearing and fail to provide the vital information to the public so they may speak on the Ordinance?

You must not hold a public hearing on such a major issue concerning wetland impacts going forward without providing complete transparency and adequate time for the public and the State Agencies that have already spoken to this issue to review the proposal. Only 4 business days is not only inadequate, and only furthers our concerns about the lack of County transparency.

What's the rush? I already stated that you have missed your deadline for this, even then somehow you guys get extensions for your deadlines, while the residents are afforded no such grace. This is literally a critical issue that must be carefully considered, rather than rushed through.

If you truly care about those that elected you to your positions, you <u>must</u> pull this proposed Ordinance back and have the long-term ramifications thoroughly examined. You can't simply dismiss us by saying it's too late in the process (('m paraphrasing Ryan's response to Mr. Lider).

You have the ability to take a step back. How about you do it this time?

I remain, Just one of many Barking Dogs, Deborah Wetzel 206-261-0941

From: Marjorie Fields <mvfields@me.com> **Sent:** Wednesday, January 8, 2025 2:54 PM

To: Contact Council **Subject:** Protect our wetlands

Dear County Council Members,

I am shocked that some of you are seriously considering the self-serving proposal by developers to reduce protective buffers around our valuable wetlands. When I tell people about the plan to substitute a fence for a significant portion of the buffer areas, they laugh as if it is a joke. Who on earth would think a fence could replace the functions of buffers? Certainly science does not support that idea; in fact science tells us that our current buffer requirements are too small. You have heard from the state Department of Ecology and from the State Department of Fish and Wildlife that they do not support the proposal.

I hope the citizens of Snohomish County can count on you to do the right thing for our environment. Marjie Fields
Edmonds

From: James Freese <jim.freese2378@gmail.com>
Sent: Wednesday, January 8, 2025 5:40 PM

To: Contact Council

Subject: ORDINANCE NO. 24-097

Please reject the proposed amendments to ORDINANCE NO. 24-097.

As the founding Executive Director of Friends of North Creek Forest I personally experienced how difficult it is to conserve a mere 64 acres in the lower North Creek Watershed. We were successful, but our five year effort I watched as unprotected natural buffers and tree canopy disappeared 100 times faster than it could be considered for protection. Once those natural buffers are gone they are gone forever.

As a former labor organizer and past President of IBEW Local 46 we polled members and the public at large (King County). We discovered 3 out of 4 citizens voluntarily gave money to an environmental group at least once each year. When we cross tabbed for union membership the ratio was the same! We want developers to build up, not out!

Please commit to more sensible development. Don't weaken ORDINANCE NO. 24-097.

Jim Freese 23704 North Lake Circle Bothell WA 98021 425-273-3772 Bothell WA 98021

Subject:

From: Linda Gray <lgn899a@gmail.com>
Sent: Wednesday, January 8, 2025 2:58 PM

To: Peterson, Strom; Dunn, Megan; Nehring, Nate; Mead, Jared; Low, Sam

Cc: Joan Smith; bill liderengineering.com; winchell@wavecable.com; Streamkeeper, Tom;

Eliza Aronson; Eric Adman; Sheryl Harris; Marjorie Fields; Eco, Debbie; Countryman, Ryan; Hickey, Lisa; Hembree, Ryan; Beazizo, Heidi; Joan Thomas; Richard Sawyer; Sarah Cooke; Kara.Whittaker@dfw.wa.gov; doug.gresham@ecy.wa.gov; Deborah L Wetzel

Re: January 15, Public Hearing on Ordinance 24-097--REQUEST FOR HEARING

POSTPONEMENT

Follow Up Flag: Follow up Flag Status: Follow Up



CAUTION. This email originated from outside of this organization. Please exercise caution with links and attachments.

Dear Snohomish County Councilmembers - I agree with Bill Lider and request you please postpone the Public Hearing scheduled for January 15th. This amendment to Ord 24-097 allows major revisions without adequate information available to the public for their comment. This lack of information violates WAC 365-195-600 public participation and RCW $\underline{36.70A.050}$ (2). As Bill mentions, This entire process is one-sided and unfair; holding a hearing on an ordinance without allowing the public adequate time to review the final ordinance before the public hearing is a travesty.

(2) In carrying out its duties under this section, the department shall consult with interested parties, including but not limited to: (a) Representatives of cities; (b) representatives of counties; (c) representatives of developers; (d) representatives of builders; (e) representatives of owners of agricultural lands, forestlands, and mining lands; (f) representatives of local economic development officials; (g) representatives of environmental organizations; (h) representatives of special districts; (i) representatives of the governor's office and federal and state agencies; and (j) representatives of Indian tribes. In addition to the consultation required under this subsection, the department shall conduct public hearings in the various regions of the state. The department shall consider the public input obtained at such public hearings when adopting the guidelines.

Again, please postpone Ordinance 14-097 and provide adequate time with current documentation for the public's evaluation. Thank you - Linda Gray

On Wed, Jan 8, 2025 at 2:00 PM bill liderengineering.com

still@liderengineering.com> wrote:

I emphatically reiterate my request to the Snohomish County Council to postpone the Ord. 24-097 hearing, currently scheduled for Jan. 15th.

This last minute change to allow major revisions in the Critical Areas Ordinance to allow wetlands to be filled and reduction in minimum wetland buffer widths is being ram-rodded through, in the dark, and without consideration for public participation. The final ordinance language is being hidden as is the staff report in an effort to thwart public participation.

Loss of wetlands and wetland buffers proposed by Ord. 24-097 will increase flooding and will result in major degradation to Snohomish County streams and waterbodies. Cities like Kenmore will suffer because of Snohomish County's indifference.

This entire process is one-sided and unfair; to hold a hearing on an ordinance without allowing the public adequate time to review the final ordinance in advance of the public hearing is a travesty.

William Lider, PE, CESCL

LIDER ENGINEERING, PLLC

2526 - 205th Place SW

Lynnwood, WA 98036

425-776-0671 Office

206-661-0787 Cell

From: Countryman, Ryan < Ryan.Countryman@co.snohomish.wa.us>

Sent: Wednesday, January 8, 2025 12:59 PM

To: bill liderengineering.com>

Cc: Joan Smith < <u>joan.a.smith@gmail.com</u>>; <u>winchell@wavecable.com</u>; Streamkeeper, Tom

<Tomm@streamkeeper.org>; Eliza Aronson <eliza.aronson@heraldnet.com>; Linda Gray <lgn899a@gmail.com>; Eric

Adman <snokingwatershedcouncil@gmail.com>; Sheryl Harris <sherylh@ricksteves.com>; Marjorie Fields

<<u>mvfields@me.com</u>>; Mead, Jared <<u>Jared.Mead@co.snohomish.wa.us</u>>; Low, Sam <<u>Sam.Low@co.snohomish.wa.us</u>>;

Dunn, Megan < Megan.Dunn@co.snohomish.wa.us; Peterson, Strom < Strom.Peterson@co.snohomish.wa.us;

Nehring, Nate <nate.nehring@co.snohomish.wa.us>; Eco, Debbie <Debbie.Eco@snoco.org>; Hickey, Lisa

<Lisa.Hickey@co.snohomish.wa.us>; Hembree, Ryan <Ryan.Hembree@co.snohomish.wa.us>; Beazizo, Heidi

<Heidi.Beazizo@co.snohomish.wa.us>

Subject: RE: January 15, Public Hearing on Ordinance 24-097--REQUEST FOR HEARING POSTPONEMENT

Hi Bill,

The hearing has already been set to begin on January 15. This cannot be changed. As you have observed regarding the proposed amendment, details are not yet publicly available. These are still underway and have not been provided to the Councilmembers yet either. At the hearing on January 15, the Council has the option to continue the hearing to a later date, which will be up to their discretion at that time.

Ryan

Ryan Countryman, Sr. Legislative Analyst

Snohomish County Council

3000 Rockefeller Ave., M/S 609 | Everett, WA 98201-4046

425-309-6164 | ryan.countryman@snoco.org

From: bill liderengineering.com
 bill@liderengineering.com>

Sent: Wednesday, January 8, 2025 11:46 AM

To: Mead, Jared < <u>Jared.Mead@co.snohomish.wa.us</u>>; Low, Sam < <u>Sam.Low@co.snohomish.wa.us</u>>; Dunn, Megan < <u>Megan.Dunn@co.snohomish.wa.us</u>>; Peterson, Strom < <u>Strom.Peterson@co.snohomish.wa.us</u>>; Nehring, Nate < nate.nehring@co.snohomish.wa.us>; Countryman, Ryan < Ryan.Countryman@co.snohomish.wa.us>

Cc: Joan Smith <<u>joan.a.smith@gmail.com</u>>; <u>winchell@wavecable.com</u>; Streamkeeper, Tom <<u>Tomm@streamkeeper.org</u>>; Eliza Aronson <<u>eliza.aronson@heraldnet.com</u>>; Linda Gray <<u>Ign899a@gmail.com</u>>; Eric

Adman < snokingwatershedcouncil@gmail.com; Sheryl Harris < sherylh@ricksteves.com; Marjorie Fields sherylh@ricksteves.com; Marjorie Fields <a href="mailto:smokingwatershedcouncil@gmailto:smokingwatershedcoun

Subject: January 15, Public Hearing on Ordinance 24-097--REQUEST FOR HEARING POSTPONEMENT

Importance: High

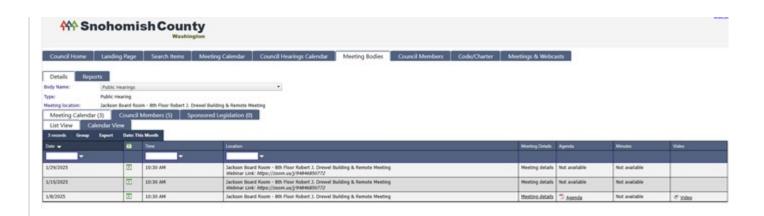


CAUTION. This email originated from outside of this organization. Please exercise caution with links and attachments.

Councilmembers—Below is a screen clip from the Snohomish County Council's website. Meeting details and information on Ordinance 24-097 still have not yet been posted for public review so that the public might have a reasonable amount of time to prepare comments and respond. Less than one week is not a reasonable amount of time.

Ordinance 24-097 that will allow wetland buffer reductions and filling of Category III and IV wetland critical areas. I am therefore requesting a 30-day postponement of this hearing so that staff can post the related documents and proposed ordinance online and allow a reasonable amount of time for a public response.

Kindly inform us ASAP as to your decision on this request.



William Lider, PE, CESCL

LIDER ENGINEERING, PLLC

2526 - 205th Place SW

Lynnwood, WA 98036

425-776-0671 Office

206-661-0787 Cell

From: Amy Jo Heyneman <amyheyneman@gmail.com>

Sent: Wednesday, January 8, 2025 5:19 PM

To: Contact Council

Subject: ORDINANCE NO. 24-097

Dear Members of the Snohomish County Council,

I urge you to reject the proposed amendments to ORDINANCE NO. 24-097 and instead adopt improved buffer provisions to better protect rivers, streams, and wetlands.

Thank you for your thoughtful consideration.

Best regards, Amy Heyneman

From: bill liderengineering.com

bill@liderengineering.com>

Sent: Wednesday, January 8, 2025 2:00 PM

To: Dunn, Megan; Peterson, Strom; Nehring, Nate; Low, Sam; Mead, Jared

Cc:Joan Smith; winchell@wavecable.com; Streamkeeper, Tom; Eliza Aronson; Linda Gray; Eric Adman; Sheryl Harris; Marjorie Fields; Eco, Debbie; Countryman, Ryan; Hickey, Lisa;

Hembree, Ryan; Beazizo, Heidi; Joan Thomas; Richard Sawyer; Sarah Cooke;

Kara.Whittaker@dfw.wa.gov; doug.gresham@ecy.wa.gov

Subject: RE: January 15, Public Hearing on Ordinance 24-097--REQUEST FOR HEARING

POSTPONEMENT

Importance: High

Follow Up Flag: Follow up Flag Status: Follow up



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William Lider, PE, CESCL LIDER ENGINEERING, PLLC 2526 – 205th Place SW Lynnwood, WA 98036 425-776-0671 Office 206-661-0787 Cell

From: Countryman, Ryan <Ryan.Countryman@co.snohomish.wa.us>

Sent: Wednesday, January 8, 2025 12:59 PM

To: bill liderengineering.com
 bill@liderengineering.com>

Cc: Joan Smith <joan.a.smith@gmail.com>; winchell@wavecable.com; Streamkeeper, Tom <Tomm@streamkeeper.org>;

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Subject: RE: January 15, Public Hearing on Ordinance 24-097--REQUEST FOR HEARING POSTPONEMENT

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Ryan

Ryan Countryman, Sr. Legislative Analyst Snohomish County Council 3000 Rockefeller Ave., M/S 609 | Everett, WA 98201-4046 425-309-6164 | ryan.countryman@snoco.org

From: bill liderengineering.com < bill@liderengineering.com >

Sent: Wednesday, January 8, 2025 11:46 AM

To: Mead, Jared <<u>Jared.Mead@co.snohomish.wa.us</u>>; Low, Sam <<u>Sam.Low@co.snohomish.wa.us</u>>; Dunn, Megan <<u>Megan.Dunn@co.snohomish.wa.us</u>>; Peterson, Strom <<u>Strom.Peterson@co.snohomish.wa.us</u>>; Nehring, Nate <<u>nate.nehring@co.snohomish.wa.us</u>>; Countryman, Ryan <<u>Ryan.Countryman@co.snohomish.wa.us</u>>

Cc: Joan Smith < joan.a.smith@gmail.com >; winchell@wavecable.com; Streamkeeper, Tom < Tomm@streamkeeper.org >; Eliza Aronson < eliza.aronson@heraldnet.com >; Linda Gray < lgn899a@gmail.com >; Eric Adman < snokingwatershedcouncil@gmail.com >; Sheryl Harris < sherylh@ricksteves.com >; Marjorie Fields < mvfields@me.com >

Subjects Johnson, 45, Dublic Hearing on Ordinance 24,007, DECULECT FOR HEADING POSTDONEMENT

Subject: January 15, Public Hearing on Ordinance 24-097--REQUEST FOR HEARING POSTPONEMENT

Importance: High



CAUTION. This email originated from outside of this organization. Please exercise caution with links and attachments.

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Ordinance 24-097 that will allow wetland buffer reductions and filling of Category III and IV wetland critical areas. I am therefore requesting a 30-day postponement of this hearing so that staff can post the related documents and proposed ordinance online and allow a reasonable amount of time for a public response.

Kindly inform us ASAP as to your decision on this request.



William Lider, PE, CESCL LIDER ENGINEERING, PLLC 2526 – 205th Place SW Lynnwood, WA 98036 425-776-0671 Office 206-661-0787 Cell

From: Jasmine Mueller < jasmine.mueller93@gmail.com>

Sent: Wednesday, January 8, 2025 1:34 PM

Contact Council; Mead, Jared; Dunn, Megan; Nehring, Nate; Low, Sam; Peterson, Strom To: **Subject:**

I oppose the amendment to Ordinance No. 24-097, the Critical Areas Regulations

Update.

Hello there,

Our wetlands, rivers, and streams are already stressed by increased development. The current buffer widths — backed by the best available science — must be maintained to protect these critical areas.

My major concerns are protecting Orcas, Chinook, fish and wildlife habitat, and water quality. This amendment would put our local ecosystem in jeopardy.

Thank you for your time, Jasmine Mueller

From:	Mary Sinker <msinker999@gmail.com></msinker999@gmail.com>
Sent:	Wednesday, January 8, 2025 6:49 PM
To:	Contact Council

To: Contact Council

Subject: Amendments to Ordinance 24-097

Dear Council,

I will make this comment short and sweet.

Any and all proposed amendments that reduce critical area buffers must be rejected.

We need improved buffer provisions to better protect rivers, streams and wetlands.

Sincerely,

Mary S.

Stanwood

From: Debbie Wetzel <debbieleewetzel@gmail.com>

Sent: Wednesday, January 8, 2025 3:01 PM

To: Mead, Jared; Low, Sam; Nehring, Nate; Dunn, Megan; Peterson, Strom; Eco, Debbie;

Kraft-Klehm, Jessica; DAVID JOHNSON; McCrary, Michael; Countryman, Ryan

Cc: Kate Lunceford; Kristin Kelly; bill liderengineering.com; Linda Gray; Joan Thomas;

Michael Whitney; eliza.aronson@heraldnet.com; Gary Brandstetter; Gene Enick; DOUG

GRESHAM; hilary.franz@dnr.wa.gov; windchimehouse@comcast.net; Morgan Davis

Subject: PUBLIC HEARING 1/15//25 RE: Ord. No.: 24-097



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If you truly care about those that elected you to your positions, you <u>must</u> pull this proposed Ordinance back and have the long-term ramifications thoroughly examined. You can't simply dismiss us by saying it's too late in the process (('m paraphrasing Ryan's response to Mr. Lider).

You have the ability to take a step back. How about you do it this time?

--

I remain, Just one of many Barking Dogs, Deborah Wetzel 206-261-0941

From: Bonny Headley <bonnyheadley@gmail.com>

Sent: Thursday, January 9, 2025 8:24 AM

To: Contact Council

Subject: Do NOT diminish buffers

PLEASE use common sense and reject the proposal to amend our barely adequate buffer protections! My grandchildren (and yours) are counting on you. The green that surrounds us is critical in our fight to preserve our way of life against the pressures of climate change. Barely adequate now, replacing these buffers with fences will entirely destroy their effectiveness. We don't want a scraped landscape! PLEASE reject these ridiculous wrong-headed proposals from self-serving developers. Be strong! Be wise! Hold the line! Bonny Headley
Snohomish

Sent from my iPhone

From: Rita Ireland <irelandri@gmail.com>
Sent: Thursday, January 9, 2025 8:31 AM

To: Contact Council Subject: Buffer protection

Hello hard-working thinkers of Snohomish County.

This short email relates to the Edmonds marsh and a new proposal to add a fence instead of keeping the buffer zone, the best size for wildlife and carbon sequestration.

Please reconsider and reject the updated Amendments to Ordinance 24-097.

It is imperative that the precious buffer areas help filter polluted waters, etc.

stay as is.

Protect our wetlands, please. Create a more fertile Edmonds for the wildlife n foliage that will continue to flourish for years after we're gone.

Thanks for considering. Rita Ireland Edmonds

Sent from my iPhone

From: Maureen L <maureenlawther@comcast.net>

Sent: Thursday, January 9, 2025 8:03 PM

To: Contact Council

Subject: No amendments to Critical Area Regulations

Please reject amendments to the Critical Areas Regulations of Ordinance 24-097. I do not want to see the critical area buffers reduced, and believe it would be harmful to our wildlife and their habitats. Instead, please adopt improved buffer provisions to better protect rivers, streams and wetlands.

Thank you!! Maureen Lawther

Sent from my iPhone

From: Julie Martinson < jmartinson8@gmail.com>

Sent: Thursday, January 9, 2025 2:28 PM

To: Contact Council

Subject: Reject proposed amendments to ORDINANCE #24-097

To the Snohomish County Councilmembers:

I'm writing to urge you to reject they proposed amendments to ORDINANCE No. 24-097, and instead adopt improved buffer provisions that better protect rivers, streams and wetlands. I do NOT want the critical area buffers reduced.

Can you really seriously consider reducing buffers around our ecologically vital wetlands, which is the developers' self-serving proposal? Please pay attention to the science that confirms that our current buffers are too small. Both the State Dept. of Ecology & State Dept. of Fish & Wildlife have told you they do not support this proposal.

Besides rejecting these amendments, I urge you to support the following proposed amendments to improve buffer provisions:

- 1. Adopt 200-foot buffers on streams, rivers and shorelines that are home to salmon and other fish species and 100-foot buffers on other streams and shorelines measured from the channel migration zone edge or active floodplain to prevent more declines in salmon stocks and the southern resident orcas.
- 2. Designate Washington State Department of Fish and Wildlife (WDFW) priority habitats and species as fish and wildlife conservation areas and base the protection of these habitats and species on WDFW's Management Recommendations to comply with the GMA.
- 3. Designate and protect rare plant categories and listings from the Department of Natural Resources, Natural Heritage Program, to comply with GMA.
- 4. Adopt the amendments to better protect development from channel migration zones, which have a high potential to damage buildings and structures.
- 5. Adopt the amendments to protect groundwater from water pollution to protect our drinking water sources.
- 6. Require a site plan for all activities that can adversely impact wetlands and fish and wildlife habitat conservation areas; activities such as draining wetlands can harm both wetlands and fish and wildlife habitats.

- 7. Do not delete the current requirement to include on site plans fish and wildlife habitats within the width of the widest potential buffer. This proposed change will allow inadvertent damage to fish and wildlife habitats and buffers.
- 8. Add a requirement to document the applicant's efforts to avoid and minimize impacts to the critical area or buffer. Avoidance is the cheapest and most effective method for protecting critical areas.
- 9. Do not adopt Amendment 1 or other amendments that allow for narrower buffers or filling wetlands without compensating for their lost functions. Narrower buffers will not protect rivers, streams, and wetlands. Filling wetlands without replacing the lost functions will adversely impact fish and wildlife habitats and other wetland benefits.

Thank you for taking public comment on these critical issues to safeguard our precious Washington waterways which support so much life and wildlife. These will support salmon and orca recovery, which are vital to our bioregion and way of life.

Julie Martinson, 2303 6th St; Everett, WA 98201

From: amearns@aol.com

Sent: Thursday, January 9, 2025 3:09 PM

To: Contact Council

Subject: Buffers

Just as we struggle to protect and enhance declining salmon populations the County now proposes to reduce the ecological effectiveness of wetland and waterway buffers by fencing. If you persist in this, at a minimum please provide the public with an ecological impact statement that shows how salmon will fare under your proposal. Instead of fencing pass legislation that widens buffers that enhance survival of juvenile salmon and associated wildlife, then allow fencing on the outer margins of wetlands and waterways. The plight of the orcas, salmon and county wildlife hangs in the balance.

Alan Mearns Retired NOAA Ecologist Edmonds, WA

From: Nancy Schutt <nancy@dogloverart.com>
Sent: Thursday, January 9, 2025 8:16 AM

To: Contact Council
Subject: Critical area regulations

Please reject the proposed amendments to ORDINANCE NO. 24-097 and instead adopt improved buffer provisions to better protect rivers, streams, and wetlands.

Our natural areas are our natural wealth, and trademarks of the beauty of the Pacific Northwest.

Nancy Schutt 911 32nd Ave Seattle, WA 98122

From: Pam Tauer <gleannpam@gmail.com>
Sent: Thursday, January 9, 2025 10:47 AM

To: Contact Council

Subject: Protect our wetlands! Reject the proposed amendments to ORDINANCE NO. 24-097

Dear County Council Members,

It is with great concern that I write to you regarding a shocking proposal supporting developers. We live in one of the most beautiful areas in the world and it is our duty to protect our precious assets, of which wetlands are included. Please do not be duped into thinking a fence acts as a protective buffer. Vote against this proposal and demonstrate your commitment to the people of Snohomish county. The State Department of Ecology and the State Department of Fish and Wildlife do not support this proposal, you shouldn't either.

The citizens of Snohomish County expect the County Council members to represent them and do the right thing for our environment. Reject the proposed amendments to ORDINANCE NO. 24-097 and adopt improved buffer provisions to better protect rivers and streams and wetlands.

Pam Tauer Edmonds, Washington

From: Ileen Weber <ileen2@me.com>
Sent: Thursday, January 9, 2025 10:58 AM

To: Contact Council; Mead, Jared; Dunn, Megan; Nehring, Nate; Low, Sam; Peterson, Strom

Subject: Improve The Critical Areas Regulations

I have lived in a condo development for 25 years that was built in 1999. Swamp Creek flows through our property.

My balcony is only a few feet from the edge of the conifer trees on the border of the Critical Area (CAO). I have watched the extreme decline of the bird life that used to inhabit the protected area. There is more than one cause for the decline but the fact that the forest that used to grow where there are now buildings and asphalt and people is also responsible. Many studies have concluded that spending time in nature is healing to the body and mind of humans. In the first few years that I lived here I could also watch very small fish in the stream. I haven't seen any fish for years. One day years ago I looked out at the trees in and along the flood plain to see five Great Blue Herons in the trees off my balcony but they no longer come to grab fish.

Protecting habitat is personal for me. I support Futurewise's recommendations to **better protect Chinook salmon habitats, orcas, and to improve Snohomish County's Critical Areas Regulations.** Please adopt the following recommendations to protect baby orcas and our water quality, wildlife and fish habitats, our water quality and drinking water and to meet requirements of Best Available Science (BAS) and the Growth Management Act (GMA).

- 1. Adopt 200-foot buffers on streams, rivers and shorelines that are home to salmon and other fish species and 100-foot buffers on other streams and shorelines measured from the channel migration zone edge or active floodplain to protect against more declines in salmon stocks and to reduce deaths among southern resident orcas.
- 2. Designate WDFW priority habitats and species as fish and wildlife conservation areas and base the protection of these habitats and species on the WDFW Management Recommendations, which is required to comply with the GMA.
- 3. Designate and protect rare plant categories and listings from the Department of Natural Resources (DNR), Natural Heritage Program, to comply with GMA.
- 4. Adopt the amendments to better protect development from channel migration zones, which have a high potential to damage buildings and structures.
- 5. Adopt the amendments to protect ground water from water pollution to protect our drinking water sources.
- 6. Update the definition of Critical Areas to include WDFW Priority Habitats and Species and the rare plant categories and listings from DNR's Natural Heritage Program.
- 7. Require a site plan for all activities that can adversely impact wetlands and fish and wildlife habitat conservations areas; activities such as draining wetlands can harm both wetlands and fish and wildlife habitats.
- 8. Do not delete the current requirement to include on site plans fish and wildlife habitats within the width of the widest potential buffer. This proposed amendment will allow inadvertent damage to fish and wildlife habitats and buffers for buffers wider than 300 feet.
- 9. Add a requirement to document the applicant's efforts to avoid and minimize impacts to the critical area or buffer. Avoidance is the cheapest and most effective method for protecting critical areas.

10. Do not adopt Amendment 1 or other amendments that allow for narrower buffers or filling wetlands without compensating for their lost functions. Narrower buffers will not protect rivers, streams, and wetlands. Buffer averaging should not result in buffers narrower than 75 percent of the required buffer at any point. Filling wetlands without replacing the lost functions will adversely impact fish and wildlife habitats and other wetland benefits.

Ileen Weber, MDiv 12530 Admiralty Way, J302 Everett, WA 98204

From: blakeenv

Sent: Friday, January 10, 2025 10:53 AM

To: Contact Council

Subject: Critical Areas Hearing January 15 - Comments for your consideration

Attachments: Amendment Sheet No. 1 Ord 24-097 Blake Comments.docx

Hi, I appreciate you considering the below comments I understand have been shared by others, and my own specific recommendations found in the attached document.

- Designate Washington State Department of Fish and Wildlife (WDFW) priority habitats and species as fish and wildlife conservation areas and base the protection of these habitats and species on WDFW's Management Recommendations to comply with the GMA.
- Adopt the amendments to better protect development from channel migration zones, which have a high potential to damage buildings and structures.
- Adopt the amendments to protect ground water from water pollution to protect our drinking water sources.
- Require a site plan for all activities that can adversely impact wetlands and fish and wildlife habitat conservations areas; activities such as draining wetlands can harm both wetlands and fish and wildlife habitats.
- Add a requirement to document the applicant's efforts to avoid and minimize impacts to the critical area or buffer. Avoidance is the cheapest and most effective method for protecting critical areas.

Thanks very much for considering my comments, and feel free to reach out if you have any questions regarding my specific requests in the attached document. Happy New Year to you all

Bill Blake, 12506 Smokes Rd, Arlington WA 360-982-1039

Amendment Sheet No. 1 to Ordinance No. 24-097:

I encourage the full County Council to **not vote in support of** the suggested amendment for the following reasons:

Provide protective Fencing. There are descriptions of function considering wildlife passage but nothing about materials that will provide "permanence". My experience in managing Arlington's critical areas for 17 years is that fencing must be of a material not subject to rot and or failure from lack of maintenance. Therefore, the ordinance relying on fencing for a reduction should include language regarding a high integrity fence material not dependent on maintenance. Also, each fence and critical area sign should be geo-referenced and available through County GIS portal for future site managers to access. As we all know, the Homeowners associations generally responsible for managing the critical areas have high turnover, lack of accessible information and/or experience managing habitat areas to meet the intent of the ordinance.

It is important to understand that a buffer isn't just a "buffer". It is a riparian area that provides a long list of habitat functions. It really is time to call it what it is rather than minimizing their functions and values. In reality they are pretty much the only non-aquatic habitat we protect through GMA requirements.

Page 53, line 11 delete: The proposed 25' buffer width is not supported anywhere in current local literature of providing ecological function significant enough for the bare minimum of stream temperature maintenance needed for the survival of juvenile salmon. The Snoqualmie farm and fish forum has done significant work (link at bottom of paragraph) to identify what width and type of riparian area does provide sufficient ecological function. It states 33' (10 meters) can manage temperature, but more importantly 50' provides the microclimate necessary to assure stream temperatures are not lethal to juvenile salmonids. Which if implemented won't result in a take that may subject Snohomish County tax payors to 3rd party ESA lawsuits. *Please change the minimum width to at least 33 feet, or adopt 50 feet if you want to provide certainty of success and something you can be proud of adopting.* final-synthesis-of-riparian-buffer-best-available-science-8-1-19.pdf

The last two sections regarding <u>filling of wetlands</u> are lacking any justification regarding the loss of wetland function necessary to maintain a no-net loss of landowner rights assumed to be protected by County decision makers. It seems the amendment proponents are considering individual impacts rather than the hundreds of site by site impacts that will happen overtime. The record flood flows experienced over the past two decades in Snohomish County are in part a result of prior wetlands being filled and drained, and this amendment would continue to allow floodplain farms to be flooded, homes to be damaged and continued decline of fish and wildlife populations. Thousands of small wetlands within Snohomish County provide cumulative groundwater recharge functions that rural well owners you serve rely on along with stormwater desynchronization and habit for the wildlife we enjoy. *I request the language be removed that allows non-mitigated wetlands of any size be filled, drained or impacted.*

Overall: The suggestion that these amendments will provide benefit to housing affordability and maintenance of development capacity within UGA's lacks any explanation or justification. Reducing buffers or filling wetlands does not create more affordable housing, though it is an attractive sound bite to some. It clearly dismisses the goal of maintaining a high quality of life for the generations of families already residing in Snohomish County. In regards to UGA's, at a minimum the ordinance should reference and match the local City Critical Areas codes language where applicable.

I encourage decisions be made on **what is needed rather than what is wanted**. As a Natural Resource Manager and third generation resident of Snohomish County it really is getting old being regularly embarrassed sitting at tables around Puget Sound with other seasoned professionals. Please make a decision we can all be proud of to assure we are not causing problems for future generations.

From: krstn.fowler@yahoo.com

Sent:Friday, January 10, 2025 12:10 PMTo:Contact Council; Dunn, MeganSubject:Protect our wetlands and waterways

Dear Snohomish County Council Members,

I urge the Council to reject the amendments to Ordinance No. 24-097 and instead adopt improved critical areas provisions to better protect rivers and streams and wetlands. I support management of land as a finite resource not as a commodity, since land ownership, whether public or private, carries responsibility for stewardship. These proposed amendments to Ordinance No. 24-097 will damage the functions of critical areas, streams, and lakes in Snohomish County, as multiple public commenters pointed out.

Placing critical areas and buffers and building and maintaining fencing to protect buffers are valuable methods of maintaining buffers, but they do not add enough protection to the buffers to justify the buffer reductions.

Allowing buffer averaging that allows buffers to be reduced to 50 percent of the buffer and no less than 25 feet is inconsistent with the best available buffer science and state agency recommendations. The data the amendments are based on is out of date.

The Amendment Sheet No. 1 amendments on pages 2 and 3 reinstating the allowance for developing non-riparian Category II and III wetlands smaller than 5,000 square feet, and non-riparian Category IV wetlands smaller than 10,000 square feet with wetland reports or mitigation for wetland and habitat loss is not consistent with best available science and violates the Growth Management Act.

Please reject these amendments to Ordinance No. 24-097

Sincerely,

Kristen Fowler

Martha Lake, 98087

From: Natalie Reber <NReber@mbaks.com>
Sent: Friday, January 10, 2025 4:14 PM

To: Contact Council

Subject:: Support for -Amendment 1 to Ordinance 24-097Attachments:1.13.25 CAR Comment Letter to Council Amd 1.pdf

Attached please find a letter in Support of Ordinance 24-097 for the hearing on Wednesday January 15. Thank you,
Natalie Reber



Natalie Reber | Snohomish County Government Affairs Manager

p (425) 460-8228

335 116th Ave. SE, Bellevue, WA 98004

mbaks.com

We believe everybody deserves a place to call home.





January 13, 2025

Nate Nehring, Chair Snohomish County Council 3000 Rockefeller Avenue Everett, WA 98201

Re: Comments on Ordinance 24-097 Amendment 1

Dear Chair Nehring and County Councilmembers,

On behalf of the approximately 2500 member companies of the Master Builders Association of King and Snohomish Counties (MBAKS), I am writing to express support for Ordinance No. 24-097, Amendment 1. This proposed update to the Critical Areas Regulations (CAR) represents an important step toward balancing environmental protection with the County's housing and economic development goals.

Amendment 1 provides critical adjustments to the ordinance by retaining existing mitigation incentives and options, which are essential for fostering responsible development while addressing Snohomish County's pressing housing needs. These measures include:

- Retaining Incentives for Mitigation and Flexibility: Amendment 1 reinstates
 options for buffer reductions through fencing, the placement of critical areas
 and buffers in separate tracts, and buffer averaging. Such flexibility ensures
 that developers can design projects that meet environmental and housing
 objectives simultaneously. The amendment's inclusion of allowances for filling
 and mitigating small wetlands with Best Management Practices (BMPs)
 underscores the County's commitment to both ecological health and efficient
 land use.
- 2. Addressing Housing Affordability and Growth: Snohomish County faces an acute housing shortage, with a documented need for 143,182 new units by 2044, according to the Washington State Department of Commerce. Limiting the use of buffer reductions and BMP wetland approaches, as initially proposed, would exacerbate housing affordability challenges by reducing buildable land supply and increasing development costs. Amendment 1 mitigates this impact, preserving the County's ability to meet its housing obligations within existing Urban Growth Areas (UGAs).
- 3. Alignment with Established Best Available Science (BAS): The Department of Ecology's 2018 Wetland Guidance for Critical Areas Ordinance Updates— which has been upheld as valid by the Growth Management Hearings Board— provides a robust foundation for the policies reflected in Amendment 1. Amendment 1's approach respects this guidance by retaining flexibility for





- buffer reductions and BMP wetlands, ensuring that regulations are grounded in established BAS without overburdening landowners or developers.
- 4. Ensuring Regulatory Balance: By incorporating Amendment 1, Ordinance No. 24-097 acknowledges the need for adaptable and locally tailored regulations, as provided for under the Growth Management Act (GMA). Flexibility in critical area regulations not only upholds the County's environmental goals but also aligns with the GMA's mandate to accommodate population growth and economic development responsibly.

It is important to note that there is no evidence – let alone any "Best Available Science" – before Council demonstrating that Snohomish County's current approach to regulating critical areas is insufficient in meeting the important goals of preserving the natural environment, maintaining fish and wildlife habitat and protecting drinking water. Nor is there evidence the current regulations are out of compliance with GMA. Indeed, there is no evidence that current regulations are failing to protect the functions and values of critical areas and associated buffers.

The County did prepare in 2024 a Critical Areas Monitoring Report pursuant to SCC 30.62A, Part 700, which is not included in your materials for consideration. We note, however, the report fails to include project level information regarding the efficacy of current regulations to warrant changes to those regulations, in particular the long-standing practices of allowing buffer averaging and/or buffer reductions. Pursuant to SCC 30.25.014 the County does receive an annual tree canopy report with project-level information regarding protection of tree canopy in new development. We urge the Council to consider gathering similar project-level data regarding critical areas before considering significant amendments to CAR.

Again, we support Amendment 1 to retain code provisions (1) allowing buffer reductions for fencing and tracts, (2) allowing up to 50% buffer averaging reductions and (3) leaving BMP wetlands standards as they currently exist in code. We do not support Ordinance 24-097 without Amendment 1.

This combined approach strikes the necessary balance between protecting critical areas and supporting sustainable development, enabling the County to address its housing crisis while safeguarding its natural resources.

Thank you for your consideration.

Sincefely,

Natalie Reber

Snohomish County Manager

From: Linda Aikens lindaaikens@msn.com> Sent: Saturday, January 11, 2025 4:17 PM

To: Contact Council

Subject: The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands &

watersheds!

I disagree with The proposed Critical Areas Regulation (CAR) amendment will result in degraded water quality and reduced water storage in all Snohomish County watersheds.

This action will have negative impacts in all county stream/river systems and down stream where County streams flow including the Sammamish River, Lake Washington, Lake Union in King County, the Sammamish River and Lake Washington, Skagit County, and Puget Sound.

Furthermore, there are alternatives to degrading wetlands that (1) maintains capacity for growth inside Urban Growth Areas (UGAs) (2) helps address housing affordability challenges and (3) reduces pressure to expand UGAs in the future.

Linda Aikens 4704 87th Street SW Mukilteo, WA 98275

From: Cassie B <cassiembeaumont@gmail.com>
Sent: Saturday, January 11, 2025 2:23 PM

To: Contact Council

Subject: The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands &

watersheds!

Hello,

I am emailing to state that I am opposed to the CAR proposal.

Cassandra Beaumont

From: Mary Berg <musicalmary36@gmail.com>
Sent: Saturday, January 11, 2025 4:31 PM

To: Contact Council

Subject: The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands &

watersheds!

If you, today, do not protect our environment....who will? Look at California! It will only take 2 years to put our area into drought mode. PLEASE....i am BEGGING you to protect our environments in our unique Pacific Northwest towns and cities and the outdoors. Do NOT change the CAR! Please protect the environment.

Mary Berg Lake Stevens, WA Sent from my iPad

From: sharon bouscher <bearnorth1@gmail.com>

Sent: Saturday, January 11, 2025 5:26 PM

To: Contact Council

Subject: The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands &

watersheds!

i moved here in 1989 and watched the continual degradation of the environment--in small increments...like this one. the argument was usually based on the growing needs of population.

this amendment is another small increment with an overall negative effect on the environment.

do not allow this amendment to pass. consider the long view--preserving the environment over expanding growth.

May peace be on your path,

Sharon

"Friends in Dharma, be satisfied with your own heads. Do not put any false heads above your own. Then, minute after minute watch your steps closely. These are my last words to you."

Nyogen Senzaki passed from this world on the 5th of May, 1958.

From: Holly Craven <holly.craven@hotmail.com>
Sent: Saturday, January 11, 2025 3:05 PM

To: Contact Council

Subject: The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands &

watersheds!

Hello,

Please see below for opinion and references that the proposed CAR amendment is not an appropriate path forward. Consider proposed alternatives and take in a wider assessment before moving forward with this, or any other, suggestion.

Sincerely, Holly Craven

(a) Wetland Buffer Reduction

The science is clear about the negative effects that undersized vegetated buffers between new development and wetlands have on adjacent wetlands. Most significantly, water pollution filtration functions are significantly degraded.

Specifically, wetland buffers protect the water quality of wetlands through four basic mechanisms:

- They remove sediment (and attached pollutants) from surface water flowing across the buffer.
- They biologically treat surface and shallow groundwater through plant uptake or by biological conversion of nutrients and bacteria into less harmful forms.
- They bind dissolved pollutants by adsorption onto clay and humus particles in the soil.
- They help maintain the water temperatures in the wetland through shading and blocking wind.

Recent research indicates that buffers protect water quality through several additional mechanisms:

- They remove pollutants from groundwater flows through interaction of the soils and deep-rooted plants.
- They infiltrate polluted surface waters and slow the flow so pollutants can be removed more effectively.

Update on Wetland Buffers Final Report October 2013

https://apps.ecology.wa.gov/publications/documents/1306011.pdf

Wetland Scientist Sarah Cooke studied 21 wetlands in King and Snohomish counties in a post-project evaluation to assess the effectiveness of buffers in protecting wetlands from human disturbances. Efficiency was measured qualitatively, using observations of human caused disturbance to the wetland and buffer to indicate loss of buffer effectiveness.

Cooke found that the effectiveness of a buffer in protecting adjacent wetlands was dependent on:

- intensity of adjacent land use;
- buffer width;
- buffer vegetative cover type; and
- buffer area ownership.

According to Cooke, "Nearly all of the buffers that were less than 50-feet-wide at the time they were established demonstrated a significant decrease in effective size within a few years; in some instances, degradation was so great that the buffers were effectively eliminated."

According to Washington Department of Ecology analysis in their publication *Wetland Buffers: Use and Effectiveness*, "Buffer widths effective in preventing significant water quality impacts to wetlands are generally 100 feet or greater. Sensitive wetland systems will require greater distances and degraded systems with low habitat value will require less."

Wetland Buffers: Use and Effectiveness

https://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/Wetland_Buffers_Use_and_Effectiveness.pdf

(b) Wetland Filling

Per the proposed amendment, Category IV wetland 4000 square feet or smaller and Category IV wetlands 1000 square feet or smaller can be filled, provided there is mitigation per SCC 30.62A.340 primarily by wetland creation or enhancement.

However, mitigating for wetland destruction is often ineffective and will not adequately replace the functions of wetland habitats being destroyed. The Washington Department of Ecology has conducted follow-up studies of wetland mitigation and determined that 50% failed in one or more respects (*Wetland Mitigation Replacement Ratios: Defining Equivalency*).

Wetland Mitigation Replacement Ratios: Defining Equivalency

https://apps.ecology.wa.gov/publications/documents/92008.pdf

According to the National Association of Wetland Managers "created wetlands are often more unstable in the landscape than natural wetlands and often quickly fill with sediment. Attempts to create wetlands also quite often fail because it is difficult to 'get the hydrology' right." See Common Questions: Wetland Restoration, Creation and Enhancement.

Wetland Restoration, Creation and Enhancement

https://www.nawm.org/pdf lib/20 restoration 6 26 06.pdf

In Washington state, a Class IV wetland is a wetland that is small, isolated, and has the least diverse vegetation. These wetlands are often heavily disturbed and have the lowest levels of functions. However, all store water periodically during the year. How much do they store? The answer to that question is found in the *Question & Answers* section below.

(c) Rational for wetland buffer reduction and filling of Class IV wetlands per the proposed amendment does not consider alternatives that will not degrade wetlands.

As noted in the <u>proposed amendment</u>, the rational for the amendment is: "(1) maintains capacity for growth inside Urban Growth Areas (UGAs) (2) helps address housing affordability challenges and (3) reduces pressure to expand UGAs in the future."

There are a number of alternatives to degrading wetlands that can meet the objectives presented above.

Some of those alternative include:

- "Building up instead of out" (increasing height restrictions in residential and commercial zones).
- Encouraging development of Accessory Dwelling Units (ADU) by reducing associated permit fees and other means.
- Increasing height limits on Urban Villages now limited to 40-feet to 65-feet+ provide density bonuses for including more affordable housing at those locations.
- Redeveloping commercial properties such as old shopping centers on transit lines into newUrban Villages with business and shopping space on the ground floor above underground parking.

• Using the <i>Transfer of Development Rights</i> option to create partnerships between individuals with undeveloped
property and commercial builders enabling commercial builders to get affordable housing "density bonuses" and
provide a percent of profits to the partners with undeveloped land in exchange for keeping that undeveloped land
undeveloped.

Conclusion: The proposed Critical Areas Regulation (CAR) amendment will result in degraded water quality and reduced water storage in all Snohomish County watersheds.

In addition, this action will have negative impacts in all county stream/river systems and down stream where County streams flow including the Sammamish River, Lake Washington, Lake Union in King County, the Sammamish River and Lake Washington, Skagit County, and Puget Sound.

Furthermore, there are alternatives to degrading wetlands that (1) maintains capacity for growth inside Urban Growth Areas (UGAs) (2) helps address housing affordability challenges and (3) reduces pressure to expand UGAs in the future.

Sent from my iSvelte

From: Ollie Levy <whalefern@gmail.com>
Sent: Saturday, January 11, 2025 3:53 PM

To: Contact Council

Subject: Opposing amendments to ordinance 24-097 - Don't wreck our irreplaceable wetlands!

Hello,

I am writing to strongly oppose the proposed amendments to ordinance-24-097 (Critical Area Regulations). These would allow developers to encroach on our vital wetland areas, which we simply cannot afford to lose. Wetlands provide critical protection from both flooding and drought, as well as other environmental hazards. We'll need our wetlands more with each passing year as climate change creates more severe weather events and other environmental hazards. The supposed benefits offered by these shortsighted amendments can be more effectively achieved by other means, and compromising our precious remaining wetlands will leave us more vulnerable to environmental hazards in the coming years.

Sincerely, Talia Levy

From: Carol Lindsay Sent: Carol Lindsay Saturday, January 11, 2025 4:02 PM

To: Contact Council Subject: Wetland Buffers

Our wetlands, rivers and streams are already stressed by increased development and some areas are reaching a tipping point. Please vote against legislation that would reduce wetland buffers.

Sincerely, Carol Lindsay

From: Jane Lommel <jmlommel13@gmail.com>
Sent: Saturday, January 11, 2025 4:55 PM

To: Contact Council

Subject: Please vote against Ordinance 24-097

Dear Snohomish County Council members,

I am writing to express my distress about possible amendments to the Critical Area Regulations Update, especially Ordinance 24-097. Snohomish County is rich in natural beauty and an abundance of wildlife and birds. The livability of our County would be greatly — and adversely — impacted if the critical area buffers were reduced. These buffers perform a vital service in reducing erosion, allowing drainage of water naturally, and giving our local wildlife vital habitat areas to live in with protective cover.

Please do NOT pass amendments to the Critical Areas Regulations per Ordinance #24-097. Thank you for your attention to this important matter that affects the quality of life for all of us in Snohomish County.

Sincerely, Jane Lommel 714 Laurel Street Edmonds 98020

From: B McP <barbaramcp2@gmail.com>
Sent: Saturday, January 11, 2025 7:58 PM

To: Contact Council

Subject: The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands &

watersheds!

Dear Council Members,

I understand there is a housing shortage; however, please do not put our wetlands at risk by reducing buffers or filling them in. Much research has gone into understanding the importance of our wetlands for a healthy environment. More creative ideas for housing need to be considered before we destroy our limited natural resources.

Please so the right thing for our community.

Thank you for your time. Barbara McPherson Everett, WA

From: Vanessa McVay <vmcvay@everettcc.edu>
Sent: Saturday, January 11, 2025 12:03 PM

To: Contact Council

Subject: Reject amendments to ORDINANCE NO. 24-097

Hon. Snohomish County Councilmembers,

Please reject the sneak amendments to ORDINANCE NO. 24-097, which would ease rules on wetland and other critical area buffers, under the guise of providing more housing for the homeless. What an insult to our intelligence. These amendments, sought without opportunity for public input, benefit only the short-term interests of developers.

While Los Angeles burns, our Orca's starve and our salmon and crab fisheries continue to collapse... not to mention so many other climate disasters around the globe, we should be intensely looking to increase local protections of wetlands, urban tree canopy and our Snohomish County natural resources, wildlife and environment.

This sneak attack on wetland buffers is outrageous. Please end it.

Sincerely, Vanessa McVay Snohomish County resident, homeowner and voter

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Vanessa McVay vmcvay@mac.com

From: Rita Moore <rita.a.moore@gmail.com>
Sent: Saturday, January 11, 2025 3:07 PM

To: Contact Council

Subject: The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands &

watersheds!

Dear Council,

You are ignoring the science when you propose to reduce wetland buffets and to allow filling of class IV wetlands. Streams become flashier with the increased flow from eliminating or reducing functions in wetlands. Wetlands are important for cleaner water. They provide habitat for flora and fauna.

You are robbing our children and their children when you degrade the environment. Creating wetlands elsewhere, to replace the environmental functions you are destroying doesn't work. When you don't protect wetlands it is theft from future generations.

Rita A. Moore 4509 Ferncroft Rd. Mercer Island, WA 98040

cell: 206 679-3375

From: Streamkeeper, Tom

Sent: Saturday, January 11, 2025 6:02 PM

To: Contact Council

Cc: Dunn, Megan; Peterson, Strom; Low, Sam; Mead, Jared; Nehring, Nate

Subject: Critical Areas Regulation amendment Ordinance 24-097 **Attachments:** CAR amendment recommendation to Sno Co Council.pdf

January 12, 2025

To: Snohomish County Council members Nehring, Dunn, Peterson, Mead, Low

From: Tom Murdoch, Adopt A Stream Foundation Director

Subject: Critical Areas Regulation amendment Ordinance 24-097

Attached you will find a letter from me recommending that you reject the proposed Critical Areas Regulation (CAR) amendment Ordinance 24-097. Furthermore, I recommend that you consider strengthening wetland protection in the existing CAR and that you find the information in the attached letter instructional.

Thank you for your consideration.

--Tom

Tom Murdoch, Director Adopt A Stream Foundation

Tel: 425-316-8592

Web: www.streamkeeper

January 12, 2025

To: Snohomish County Council members Nehring, Dunn, Peterson, Mead, and Low

From: Tom Murdoch, Adopt A Stream Foundation (AASF) Director

AASF, 600 128th St. SE, Everett WA 98208

Subject: Ordinance 24-097

"Streams are often viewed as the veins that flow to rivers that evolve into the arteries of our ecosystems. Wetlands are commonly referred to as the kidneys of streams and rivers. These fragile natural features filter pollutants. Wetlands store water. They provide essential wildlife habitat...from a biomass perspective, wetlands are the most productive places on the planet. Wetlands are also points of entry for surface waters to seep into the ground water systems enabling streams and rivers to flow during dry periods.

When wetlands are degraded or filled, water quality in streams and rivers is degraded as is the water quality where streams and rivers flow. When wetlands in watersheds surrounding streams and rivers are degraded, the water quality of Puget Sound is degraded as well. Habitat required for salmon shrinks as do the numbers of salmon. When we lose our wetlands, we lose our salmon.

Tragically, we have been seeing in the news a resident Killer Whale mother carrying her dead baby in Puget Sound. The loss of this baby and other resident Killer Whales is attributed to the loss of Chinook salmon. There is a direct connection to the loss of Chinook salmon and the degradation and losses of our wetlands...something that people can easily prevent."

Tom Murdoch, Adopt A Stream Foundation Director

The Critical Areas Regulation (CAR) amendment proposed by Council members Mead and Nehring will (a) reduce "buffers" between new development and wetlands, and (b) allow small wetlands to be filled.

Their rational is that by reducing wetland buffer sizes and filling small wetlands, Snohomish County will maintain flexibility for designing new development to (1) maintain capacity for growth inside Urban Growth Areas (UGAs) (2) help address housing affordability challenges and (3) reduce pressure to expand UGAs in the future.

However, that rationale does not consider negative environmental impact that will result if this amendment is approved. The following outlines negative impacts and alternative actions that must be considered.

(a) Wetland Buffer Reduction

The science is clear about the negative effects that undersized vegetated buffers between new development and wetlands have on adjacent wetlands. Most significantly, water pollution filtration functions are significantly degraded.

Specifically, wetland buffers protect the water quality of wetlands through four basic mechanisms:

- They remove sediment (and attached pollutants) from surface water flowing across the buffer.
- They biologically treat surface and shallow groundwater through plant uptake or by biological conversion of nutrients and bacteria into less harmful forms.
- They bind dissolved pollutants by adsorption onto clay and humus particles in the soil.
- They help maintain the water temperatures in the wetland through shading and blocking wind.

Recent research indicates that buffers protect water quality through several additional mechanisms:

- They remove pollutants from groundwater flows through interaction of the soils and deep-rooted plants.
- They infiltrate polluted surface waters and slow the flow so pollutants can be removed more effectively.

(Update on *Wetland Buffers Final Report* October 2013 https://apps.ecology.wa.gov/publications/documents/1306011.pdf)

Wetland Scientist Sarah Cooke studied 21 wetlands in King and Snohomish counties in a post-project evaluation to assess the effectiveness of buffers in protecting wetlands from human disturbances. Efficiency was measured qualitatively, using observations of human caused disturbance to the wetland and buffer to indicate loss of buffer effectiveness.

Cooke found that the effectiveness of a buffer in protecting adjacent wetlands was dependent on:

- · intensity of adjacent land use;
- buffer width;
- buffer vegetative cover type; and
- buffer area ownership.

According to Cooke, "Nearly all of the buffers that were less than 50-feet-wide at the time they were established demonstrated a significant decrease in effective size within a few years; in some instances, degradation was so great that the buffers were effectively eliminated."

According to Washington Department of Ecology analysis in their publication *Wetland Buffers: Use and Effectiveness*, "Buffer widths effective in preventing significant water quality impacts to wetlands are generally 100 feet or greater. Sensitive wetland systems will require greater distances and degraded systems with low habitat value will require less."

(https://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/Wetland_Buffers_ Use_and_Effectiveness.pdf)

(b) Wetland Filling

Per the proposed amendment, Category IV wetland 4000 square feet or smaller and Category IV wetlands 1000 square feet or smaller may be filled, provided there is mitigation per SCC 30.62A.340 (https://snohomish.county.codes/SCC/30.62A.340) primarily by wetland creation or enhancement.

However, mitigating for wetland destruction is often ineffective and will not adequately replace the functions of wetland habitats being destroyed. The Washington Department of Ecology has conducted follow-up studies of wetland mitigation and determined that 50% failed in one or more respects (*Wetland Mitigation Replacement Ratios: Defining Equivalency*, https://apps.ecology.wa.gov/publications/documents/92008.pdf).

According to the National Association of Wetland Managers "created wetlands are often more unstable in the landscape than natural wetlands and often quickly fill with sediment. Attempts to create wetlands also quite often fail because it is difficult to 'get the hydrology' right." See Common Questions: Wetland Restoration, Creation and Enhancement https://www.nawm.org/pdf lib/20 restoration 6 26 06.pdf.

In Washington state, a Class IV wetland is a wetland that is small, isolated, and has the least diverse vegetation. These wetlands are often heavily disturbed and have the lowest levels of functions. However, all store water periodically during the year. How much do they store? The answer to that question is found in the *Question & Answers* section that follows.

Rational for wetland buffer reduction and filling of Class IV wetlands per the proposed amendment does not consider alternatives that will not degrade wetlands.

As previously stated, the rational for the proposed CAR amendment is that it: "(1) maintains capacity for growth inside Urban Growth Areas (UGAs) (2) helps address housing affordability challenges and (3) reduces pressure to expand UGAs in the future."

According to the Snohomish County's Buildable Lands Report (https://snohomishcountywa.gov/DocumentCenter/View/83765/SC_2021BLR_072121), there is sufficient land available to meet the 2035 population, housing, and employment growth targets.

Furthermore, there are a number of development alternatives to degrading wetlands that can meet the objectives stated in the proposed CAR amendment. Some of those alternative include:

- "Building up instead of out" (increasing height restrictions in residential and commercial zones) while retaining adjacent natural resources.
- Encouraging development of Accessory Dwelling Units (ADU) on residential lots by reducing associated permit fees and other means.
- Increasing height limits on Urban Villages now limited to 40-feet to 65-feet+ provide density bonuses for including "affordable housing" at those locations.
- Redeveloping commercial properties such as old shopping centers on transit lines into new Urban Villages with business and shopping space on the ground floor above underground parking.
- Using the *Transfer of Development Rights* option to create partnerships between individuals with undeveloped property and commercial builders enabling commercial builders to get affordable housing "density bonuses" and provide a percent of profits to the partners with undeveloped land in exchange for keeping that undeveloped land undeveloped.

Conclusion:

The proposed Critical Areas Regulation amendment (Ordinance 24-097) will result in degraded water quality and reduced water storage in all Snohomish County watersheds. Negative impacts will occur in all Snohomish County stream/river systems. Those negative impacts will move downstream to where Snohomish County streams flow including: the Sammamish River, Lake Washington, Lake Union in King County, the Stillaguamish River in Skagit County, and Puget Sound.

The County has sufficient buildable lands to meet 2035 population, housing and employment growth projections that maintain capacity for growth inside Urban Growth Areas (UGAs), help address housing affordability challenges and reduce pressure to expand UGAs in the future. Furthermore, there are numerous ways to accommodate new development without degrading streams and wetlands.

If this ordinance is approved, over time, Snohomish County's very fragile natural resources will be sacrificed to accommodate poorly planned development. Then expensive capital improvements paid for by the public will be required to address resulting flooding, erosion, and water quality degradation problems.

Recommendation:

The Snohomish County Council should reject Ordinance 24-097.

Questions and Answers

How can I calculate how much water a wetland holds?

The formula that is used is **L**ength X **W**idth X **D**epth = Cubic Feet. Then, multiply the number of cubic feet by a *cubic feet to gallons factor* of 7.49.

Using this formula with the assumption that a wetland is approximately 20-feet long and 50-feet wide you will learn that it holds 1000 cubic feet of water that equates to 7,490 gallons. If the wetland is 50'-long and 80'-wide with one foot of water, that 4000 square foot wetland will hold 29,960 gallons of water.

How much water is in a Class IV wetland 1000 square feet in size or 4000 square feet in size that gets inundated with rainfall 12 times a year and resulting in an average depth of 12 inches during those "atmospheric event" periods? The 1000-square foot wetland will hold 89,980 gallons of water. The 4000 square foot wetland will hold 359,520 gallons.

How many Class IV wetlands that are 1000-square feet and 4000 square feet in size are there in Snohomish County? That is unknown. However, since these wetlands are relatively small it is safe to assume that there are up to twenty 1000-square foot wetlands per square-mile. It is also safe to assume that there are up to ten 4000-square foot wetlands per square mile.

How many acres in a square mile? 640 acres.

How many square miles are there in each watershed?

That number varies widely, however the Quilceda Creek watershed in Council member Nehring's district is approximately 30-square miles in size as is the North Creek watershed in Council member Mead's district.

How much water would be displaced if all of the Class IV wetlands were filled in the Quilceda Creek or North Creek Watersheds.

Assuming each is 30-square miles and there are 20 Class IV wetlands that are 1000-square feet in size per square mile, and 10 that are 4000 square feet in size, and each holds an average of one-foot in depth, there will be 4,494,000 gallons stored in the 1000-square foot wetlands and 8,970,000 gallons in the 4000 square foot wetlands. Together, that amounts to 13,464,000 gallons during one "atmospheric river" event. Assume that there are 12 large rainfall events then that number increases to 161,568,000 gallons of water.

What happens if that water noted above in the Class IV wetlands in Quilceda and North Creek watersheds are not filled?

That water will slowly seep into the groundwater system and provide a source of water for stream flows during dry periods.

What happens if all of those wetlands get filled and mitigation efforts do not work?

The worst-case scenario is that that water will become surface water and drain rapidly into streams via storm drain systems resulting in increased peak and volume flows,

stream bank erosion, over-bank flooding, scouring of gravel in stream destroying habitat that salmon need for reproduction.

During dry periods, since the ground water system has not been recharged with 161,568,000 gallons of rainfall, stream flows will be very low and water temperatures in streams will be abnormally high depleting oxygen that salmon need to survive while in fresh water. Furthermore, there will be a higher concentration of water pollution in the stream systems.

Will the feared environmental degradation happen all at once?

No. It will be very incremental over time. As time passes, and the impacts increase, then there will be questions/ comment like:

- "What happened to my stream? It used to flow all year round."
- "The County better spend some money to build controls on all this stormwater."
- "Is it safe to let my kids play in my local stream."
- "When I bought my place next to the creek, I never got flooded."
- "What the heck happened to the salmon run?"
- "Boy, this creek has become as real mess."
- "Maybe we should just put it in a pipe."

Is there a local example of what has happened over time?

Yes. In 1978, salmon were observed by Tom Murdoch spawning just downstream from what is now Everett Mall Way in the main stem of North Creek. Water flowed all year round from there downstream from South Everett, through Snohomish County's McCollum Park, past what is now the City of Mill Creek, under I-405 into what was the Truly Farms (now Bothell Business Park), past what is now the University of Washington Bothell Campus, under the Burke Gilman Trail into the Sammamish River. The Sammamish flows into Lake Washington, Lake Union, the Ship Canal, and into Puget Sound through the Ballard Locks.

During 1978, Murdoch observed salmon "so thick that you could walk across their backs" in Snohomish County's McCollum Park. Since then, over 60% of the upper two miles of this 30 square mile watershed has been covered with hard surfaces such as roads, housing developments, shopping centers, rooftops, and parking lots.

The headwater of North Creek's main stem is now a pond on a Fred Meyer parking lot north of what is now Evergreen way. The majority of wetlands in the upper part of the watershed have been filled and the riparian zone next to North Creek has virtually disappeared upstream from McCollum Park at 600 - 128th Street SE, Everett.

Just upstream from McCollum Park, there is a golf driving range on the east side of the creek and an athletic club on the west. Their respective parking lots are within 25-feet of the top of North Creek's stream banks. Now, there is no stream flow from the

headwaters to the McCollum Park during the summer months. Salmon no longer spawn in the park.

Between 1978 and now is a long time in human terms, but that is a mere millisecond in geologic time.

How can I find out what salmon streams are near me?

A great resource for locations of salmon streams is found in the Washington State Department of Fish and Wildlife interactive map system called *SalmonScape* (https://apps.wdfw.wa.gov/salmonscape/map.html)

What are the basics of the Washington State Growth Management Act (GMA)? You can find the answer to that question here: https://mrsc.org/explore-topics/planning/gma/growth-management-act-basics.

Does the GMA require growth to concentrate in Urban Growth Areas? Yes

Does the GMA require local government to create regulations to protect "critical areas" in Urban Growth Area. Yes.

Under the GMA, all cities and counties - even if they are not subject to comprehensive planning - are directed to designate natural resource lands (including those related to forestry, agriculture, fisheries, and mining) and identify steps to preserve them. For more information, see the Department of Commerce's <u>Natural Resource Lands</u> page. In addition, all cities and counties in Washington are also required to adopt critical areas regulations. As defined in <u>RCW 36.70A.030(6)</u>:

"Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

In 2023, <u>SB 5374</u> amended <u>RCW 36.70A.060</u> allowing a city of fewer than 25,000 people to adopt their county's GMA critical area regulations by reference. Counties and cities are required to include the best available science in developing policies and development regulations to protect the functions and values of critical areas (<u>RCW 36.70A.172</u>).

For more information, see our page on <u>Critical Areas</u> and the Department of Commerce's page on <u>Critical Areas Protection</u>, including their useful <u>Critical Areas Handbook</u> (2023).

From: james.adela@frontier.com

Sent: Saturday, January 11, 2025 4:47 PM

To: Contact Council

Subject: The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands &

watersheds!

Council people,

Do not mess with the protections for our wetlands & watershed buffers.

The Critical Areas Regulation (CAR) amendment feels like a blatant attempt by real-estate developers to use the housing crisis as an excuse to tear up and fill in the local ecologically protected areas.

Do not limit, reduce, or remove these buffers. To do is ecologically unsound and impacts filtration water quality. Damaging the areas wetland wildlife and watershed clean, long-term future.

There are other increased housing solutions. Redevelop older property for apartments (like defunct shopping centers) or upgrade older property for multi-dwelling apartments and build higher.

Sincerely, James Scott Taylor 4404 119th PL SE Everett, WA 98208 425-338-9408

From: A. Taylor <adelataylor29@gmail.com>
Sent: Saturday, January 11, 2025 4:25 PM

To: Contact Council

Subject: The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands &

watersheds!

The proposed Critical Areas Regulation (CAR) amendment will result in degraded water quality and reduced water storage in all Snohomish County watersheds.

Some alternatives include:

- "Building up instead of out" (increasing height restrictions in residential and commercial zones).
- Encouraging development of Accessory Dwelling Units (ADU) by reducing associated permit fees and other means.
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Adela Taylor

4404 119th PL SE, Everett.

From: ROBERT TUCKER <cougar1987@comcast.net>

Sent: Saturday, January 11, 2025 4:01 PM

To: Contact Council

Cc: Beazizo, Heidi; Nehring, Nate; Mead, Jared; Somers, Dave J

Subject: Proposed Amendments to Habitat Ordinance

We are writing to all of you today to express our strong opposition to any efforts (amendments to Snohomish County's Critical Area Regulations ordinance) to reduce current buffers to wetlands, streams, and any other critical habitats upon which you are scheduled to vote during upcoming meeting on January 15.

As two individuals who have spent countless volunteer hours over the last 10 years attempting to improve habitat for salmon and other species, even a hint of any such action is considered by us to be an absolute insult. We are particularly opposed to the actions proposed by council members Mead and Nehring - although many of you have apparently wrapped yourselves in the supposed veil of housing crisis heroes to justify this insanity which is absolutely ridiculous. There are other ways to address housing needs aside from ruining nature and supporting wealthy real estate developers. We would like to make our opinion abundantly clear: We will be documenting the names of any of you who pursue, now or in the future, any reductions to the Critical Area Regulations ordinance, and we will dedicate ourselves through voting and financial means to removing you from office.

Please do the right thing.

Robert and Kittie Tucker Mukilteo, WA