

**Hickey, Lisa**

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**From:** Debra Behrens <behrensdm@hotmail.com>  
**Sent:** Sunday, January 12, 2025 12:43 PM  
**To:** Contact Council  
**Subject:** The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands & watersheds!

This is a terrible plan. While other areas in the state are trying to correct the damage they have caused to streams and rivers, this proposal sets Snohomish County back decades. Please do not put this proposal into effect. Water quality is already being reduced and this will only make things worse. Salmon runs are already diminishing- this will make it worse. This amendment would have a trickle-down effect. With the stream water being compromised, fewer fish, beaver, birds and hundreds of other species will be affected. The temperatures will rise without the plants that grow along the streams and pollutants will increase.

There are other solutions.

Please look at the long term.

Thank you-

Deb Behrens

## Hickey, Lisa

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**From:** Daniela Birch <danielabirch@gmail.com>  
**Sent:** Sunday, January 12, 2025 3:27 PM  
**To:** Contact Council  
**Subject:** Please reject the amendments to Ordinance No. 24-097

Dear Snohomish County Council Members,

I urge the Council to reject the amendments to Ordinance No. 24-097 and instead adopt enhanced critical areas provisions to better protect rivers and streams and wetlands.

Land ownership, whether public or private, carries responsibility for stewardship. Land is a finite resource, and you must make decisions about its management that represent the interests of all Snohomish County residents, both today and those in the future, so please consider carefully actions that would take a toll on this resource.

These proposed amendments to Ordinance No. 24-097 will damage the functions of critical areas, streams, and lakes in Snohomish County. Placing buffers and building/maintaining fencing to protect buffers are valuable methods of maintaining critical area buffers, but they do not provide enough protection to the buffers to justify the buffer reductions. Allowing buffer averaging that permits buffers to be reduced by 50 percent 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. We count on you, and future generations do so as well.

Sincerely,

Daniela Birch

14507 21st Drive SE  
Mill Creek, WA 98012-5795  
c 206-240-5767



**Hickey, Lisa**

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**From:** MJ Errey <mjmistydawn@gmail.com>  
**Sent:** Sunday, January 12, 2025 9:01 PM  
**To:** Contact Council  
**Subject:** The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands & watersheds!

Go up, not out.

Please save the wetlands, protect salmon habitats and all creatures great and small who depend on the wetlands.

Please vote no on the CAR Amendment.

Marilyn Errey  
19423 99th Ave SE, Snohomish, WA 98296  
425.273.3367  
[mjmistydawn@gmail.com](mailto:mjmistydawn@gmail.com)

**Hickey, Lisa**

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**From:** falkdb@frontier.com  
**Sent:** Sunday, January 12, 2025 10:55 AM  
**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.**

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 Skagit Valley, and Puget Sound.

Furthermore, there are alternatives to degrading wetlands that (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.

These 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.**
- **Increasing height limits on Urban Villages, now limited to 40 feet to 65-feet, and provide density bonuses for including more 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.**

**Hickey, Lisa**

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**From:** Helen Gabel <helengabel@gmail.com>  
**Sent:** Sunday, January 12, 2025 12:55 PM  
**To:** Contact Council  
**Subject:** Oppose amendments to Critical Areas Regulations

Dear Council Members,

I am appalled at the last-minute effort by Mr. Mead and Mr. Nehring to gut the proposed Critical Area Regulations ordinance by offering amendments that decrease buffer protection and allow filling of some wetlands. The initial proposal was carefully developed with Snohomish County's own planning department. The amendments significantly decrease protections to vital wetlands, which is unacceptable, especially without opportunity to fully evaluate their effects and consider public comments.

If the amendments are not summarily voted down at this coming Wednesday's hearing, please table the issue until full public consideration can be given to the impact of these amendments.

Sincerely,  
Helen Gabel  
22405 39th Ave SE  
Bothell, WA 98021

**Hickey, Lisa**

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**From:** E.E. Giorgi <eegiorgi@gmail.com>  
**Sent:** Sunday, January 12, 2025 8:06 AM  
**To:** Contact Council  
**Subject:** Please reject Amendment Sheet No. 1 amendments on pages 2 and 3 to Ordinance No. 24-097

Dear Snohomish County Council Members,

I am a resident of Snohomish County and I am writing today to urge you 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. Specifically, 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.

Thank you for your service to the community.

Sincerely,  
elena e. giorgi

## Hickey, Lisa

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**From:** D Haynes <dianashaynes@gmail.com>  
**Sent:** Sunday, January 12, 2025 9:46 AM  
**To:** Contact Council  
**Subject:** Critics question habitat ordinance draft

This article, Critics Question Habitat Ordinance Draft, in the January 11, 2025 Everett Herald really threw up red flags for me. For years the state of Washington has endeavored to reserve or save natural areas and water habitat. So much so that laws are in place and need reviewing to keep counties on track. As this deadline approaches 2 council members are suggesting to, once again, push into habitats for wildlife.

The drive on Highway 529 between Marysville and Everett is changing as dikes are broken and fields are flooded. The work is costly and takes time, but the results are good as the salmon count is increasing. Instead of pushing into the wetland the wetland is allowed to push into "people" habitat.

Open fields are filling with warehouses and apartments. No place for families to be outside. Cities are allowing denser housing lots and multi-family structures. This should be throughout the cities, not just next to a bus stop.

As you can tell I am against decreasing the wetlands and habitat space. It is much easier to save it than relcame it.

Thank you for your time and willingness to move Snohomish County into a time of good public transportation and affordable housing.

Diana Haynes,  
Marysville

**Hickey, Lisa**

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**From:** Judy Heydrick <judystan01@gmail.com>  
**Sent:** Sunday, January 12, 2025 7:49 PM  
**To:** Contact Council  
**Subject:** Ord 24-097 Public Hearing Jan 15, 2025 - Critical Area Update--Reject Buffer Reductions

Snohomish County Council Members

I urge the Council to reject buffer reductions because the proposals are inconsistent with the Growth Management Act's mandate to protect the environment. Note the clear requirements of RCW 36.70A.172 (1) In designating and protecting critical areas under this chapter, counties and cities **shall** include the **best available science** in developing policies and development regulations to protect the functions and values of critical areas. **In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.**

The proposal to reduce buffers and eliminate small wetlands has adverse impacts on our environment and is not supported by the Department of Ecology's wetland specialist. A sign around a wetland informs "Once dismissed as messy unprofitable places, wetlands are now recognized as one of the richest ecosystems on earth. Their virtues are many: flood control, clean water, beauty and a diversity of wildlife".

I fully understand that the County needs to plan for more housing but it should not come at the expense of destroying our sensitive environment, diverse wildlife population and pollution of our waters.

The proposal to reduce buffers that protect fish bearing streams and wetlands lacks Best Available Science studies, is non compliant with the GMA and the Clean Water Act and can have adverse impacts on public health and property. It should be rejected by the Council.

Thank you for your consideration,

Judy Heydrick

P.O. Box 352

Sultan, Wa 98294



**Hickey, Lisa**

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**From:** Kristin Kirk <ktree3@msn.com>  
**Sent:** Sunday, January 12, 2025 11:54 AM  
**To:** Contact Council; Dunn, Megan  
**Subject:** OPPOSE AMENDMENTS TO CRITICAL AREA REGULATIONS  
**Attachments:** Sno Co CAR.pdf

Good morning - Please include the attached letter to the record for the upcoming hearing(s) related to CAR amendments.

Best,

Kristin Kirk



January 10, 2025

Snohomish County Council  
Via email

**RE: Proposed amendment to Critical Area Regulation (CAR)**

As a Snohomish county resident and former urban planner, I strongly oppose weakening the current CAR's. Wetlands and minimum required buffers are necessary for habitat, storm water retention, pollution absorption, and so much more. Reducing further what developers are required to preserve and protect would be short-sighted and irresponsible.

For decades, developers have been chewing up land for mostly single-family residential development. Now, under the guise of housing equity and affordability (middle-housing), they want to provide more of the same with what land is left. In many cases, what remains is infill development on parcels containing trees, slopes, and critical natural resources. Development of these parcels takes thought, effort, skill, and investment. That is precisely why we should demand more from developers and not less.

Once the wetlands are gone, they're gone. It's time to say "no" to the status quo. Current and future citizens of Snohomish County, along with its animal inhabitants, deserve much better. Fresh ideas and commitment to community, long-term sustainability and affordability should be the goal with new housing units. We should be incentivizing innovative developers and development approaches that preserve our critical wetlands and natural areas while adding the housing we need.

Thank you for your consideration and dedication to a livable Snohomish County.

Best,  
Kristin Kirk



**Hickey, Lisa**

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**From:** Kyle Krakow <kylekrakow@gmail.com>  
**Sent:** Sunday, January 12, 2025 10:59 AM  
**To:** Contact Council  
**Subject:** Please protect our waters! Reject amendments to 24-097

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.

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,

Kyle Krakow  
Lynnwood resident

**Hickey, Lisa**

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**From:** Julie Langabeer <kjlanga@msn.com>  
**Sent:** Sunday, January 12, 2025 4:04 PM  
**To:** Contact Council  
**Subject:** Reject Amendments to Ordinance No. 24-097

Dear Council Members,

Please do not reduce requirements for buffers and retention of wetlands. These are already a compromise between development interests and the need to protect water quality and reduce flooding. The proposed amendments will be damaging to salmon and other wildlife and also increase the risk of flooding which does great harm to public and private property.

Sincerely,  
Julie Langabeer  
1409 Grand Ave.  
Everett, WA 98201

**Hickey, Lisa**

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**From:** Nancy Lanphear <nancylanphear@gmail.com>  
**Sent:** Sunday, January 12, 2025 2:34 PM  
**To:** Contact Council  
**Subject:** Re: Critical Area Regulations

I oppose the adoption of any amendments to the Critical Area Regulations that decrease buffer protection and allow filling of certain wetlands. We in Snohomish county must do whatever we can to protect and respect the wetlands under our stewardship.

Nancy P Lanphear  
4106 224th St. SE #1  
Bothell, WA 98921

**Hickey, Lisa**

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**From:** M L <mitchmerch@gmail.com>  
**Sent:** Sunday, January 12, 2025 2:10 PM  
**To:** Contact Council  
**Subject:** The proposed Critical Areas Regulation (CAR) amendment harms our watersheds!

Hello.

I do not support the amendment to reduce wetlands. The natural wetlands are needed to maintain our Puget sound area watershed. Filling and manmade mitigations are unsound and those mitigations are never as fit as nature intends. There are other avenues to explore to enable more growth and affordable housing. I strongly suggest other ways are used to promote growth and affordable house rather than reduce wetlands and negatively impact our watershed. Thank you. Mitch Lesiuk, 14626 26th dr SE, mill creek.

**Hickey, Lisa**

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**From:** David Maxfield <damaxfield370@gmail.com>  
**Sent:** Sunday, January 12, 2025 4:50 PM  
**To:** Contact Council  
**Subject:** Amendments to Critical Area Regulations

Greetings

State and County officials have worked hard to create balanced updates to the Critical Area Regulations. Introduction of significant amendments late in the approval process places the intent of the regulations at risk. **I oppose the adoption of any amendments to the Critical Area Regulations that decrease buffer protection and allow filling of certain wetlands.**

David Maxfield  
4024 224th St, Unit 9  
Bothell WA 98021

**Hickey, Lisa**

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**From:** Patrick Mezzulo <mezzulo@yahoo.com>  
**Sent:** Sunday, January 12, 2025 1:48 PM  
**To:** Contact Council  
**Subject:** Critical Areas Regulations

Please reject amendments to the Critical Areas Regulations.  
No one should have their home built on swamp buffer land. No one is a second class citizen. Affordable housing is no way related to development of swamp buffer land.  
There are other more effective ways of developing affordable housing.

Who are the developers behind this push? Transparency please.

These areas are critical "sponges" for our wetlands. They prevent flooding, help mitigate pollution and take pressure of our water treatment facilities.

15% is a huge number.

Examples:

Have your paycheck reduced 15%....

A 15% inflation rate.

Lose 15% of your weight on a diet!

Thank you,  
Patrick Mezzulo  
Fellow - Geological Society of America

Sent from my iPad



**Hickey, Lisa**

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**From:** Marilyn Hanna-Myrick <hannamyrick@gmail.com>  
**Sent:** Sunday, January 12, 2025 5:09 PM  
**To:** Contact Council  
**Subject:** Amendments to the Critical Area Regulations.

I oppose the adoption of any amendments to the Critical Area Regulations that decrease buffer protection and allow filling of certain wetlands.

Marilyn Hanna-Myrick, 22525 39th Ave SE, Bothell, WA

**Hickey, Lisa**

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**From:** Julie O'Donald <julie.odonald@gmail.com>  
**Sent:** Sunday, January 12, 2025 1:03 PM  
**To:** Contact Council  
**Subject:** Protect Snohomish County Wetlands

Hello Snohomish County Council,

I'm disappointed to read that there are proposed changes to Critical Areas Protection. The idea that it's okay to fill wetlands and reduce wetland buffers favors developers and reeks of arrogance (or is it ignorance?) that our quality of life doesn't matter.

As a resident of Snohomish County for almost 40 years, I've been disappointed to see the destruction of our forests and natural areas in the name of the GMA. PLEASE STOP!!!! The level of harm that has been done in south Snohomish County can't be justified, destruction is destruction!

Many of us want to live with a green tree canopy, with birds outside our windows, with CLEAN WATER and HEALTHY FISH populations. I am personally appalled that the Snohomish County Council is willing to sacrifice the quality of life and the best that our region offers to the demands of developers. You are personally responsible for destroying a beautiful place to live for people, fish, birds and other living things. The GMA has become nothing but a legal excuse to degrade the land and living things. It is motivated by GREED, GREED AND MORE GREED! Things are already too crowded, built up and unpleasant in Snohomish County. This letter is a wake up call to Snohomish County leadership to start protecting CLEAN WATER, MATURE TREES, AND NATURAL AREAS. STOP HIDING BEHIND THE GMA!

May God help us all, if you continue on this current path of destruction, it is shameful!

Julie O'Donald  
3404 Russet Rd.  
Brier, WA 98036

## Hickey, Lisa

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**From:** Countryman, Ryan  
**Sent:** Monday, January 13, 2025 7:58 AM  
**To:** Hickey, Lisa  
**Cc:** Beazizo, Heidi; Hembree, Ryan  
**Subject:** FW: Ordinance 24-097 Proposed Amendment - Colleague Feedback

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Lisa,

Please add this to the ordinance record. Thank you!

Ryan

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**From:** Nikole Stout <nikolem.stout@gmail.com>  
**Sent:** Sunday, January 12, 2025 10:09 PM  
**To:** Nehring, Nate <nate.nehring@co.snohomish.wa.us>; Dunn, Megan <Megan.Dunn@co.snohomish.wa.us>; Peterson, Strom <Strom.Peterson@co.snohomish.wa.us>; Mead, Jared <Jared.Mead@co.snohomish.wa.us>; Low, Sam <Sam.Low@co.snohomish.wa.us>; Somers, Dave J <Dave.Somers@co.snohomish.wa.us>; Countryman, Ryan <Ryan.Countryman@co.snohomish.wa.us>  
**Cc:** Stout, Nikole <Nikole.Stout@co.snohomish.wa.us>  
**Subject:** Ordinance 24-097 Proposed Amendment - Colleague Feedback



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

To Council-members Nehring, Dunn, Peterson, Mead, and Low, and Executive Somers,

I am a Senior Environmental Planner in the permitting department of Planning & Development Services here in Snohomish County. I have been in this role for almost 4 years.

It has taken me a couple weeks to write out this email because I have been so disappointed in our leadership and frankly outraged at the disrespect Council has shown to its own colleagues.

Long Range Planning spent a lot of staff time and energy on the Critical Areas Ordinance update and took every step to involve all the stakeholders and technical experts that were willing to collaborate and provide feedback through the very public facing process. This included getting feedback from the Permitting Department, as we are the staff who implement the code and interact most directly with applicants and developers. Code updates are a very public process. This process began in January of 2024. A **YEAR** ago. Every step of the way there has been opportunity for the public, other agencies, technical experts, and developers to participate in this process to provide feedback and have a seat at the table.

Proposing this amendment to roll back protections in December, at the finish line, when we were targeting publishing this code, is insincere. PDS worked hard with its stakeholders for a whole year up to this point to get the code update to a place that our expert staff and colleagues in jurisdictions like the Department of Ecology, and tribal partners, felt was reasonable. This proposed amendment, announced on a whim, justified by "the

basic rationale that developers need flexibility,” with no additional findings or detail makes it impossible to have a productive conversation in good faith.

However, after reviewing large-scale developments with critical areas going on 4 years ago I can give you some feedback.

- The very constituents you represent often comment on large development projects. These comments never say “this site is so restrictive, too bad more lots couldn’t fit on it!” Your constituents care deeply about the environment and the streams, wetlands, and habitat that makes Snohomish County unique and so sought-after.
- I have never reviewed a site where the applicants have said that they could not produce affordable housing due to critical area restrictions. Using “affordable housing” as justification for rolling back protections is not something that is based on real conditions and development applications we see.

Further, at a department-wide staff meeting at the end of 2023, Ryan Countryman attended to tell us how valued we are in Planning & Development, and how much our experience and hard work means to the executive and legislative offices here in Snohomish County. This proposed amendment thrown on the table at the last minute, with no science or constituent-led feedback to justify it, has felt like a slap in the face to those have worked hard through 2024 to present a code that the County could be proud of.

Ryan, Jared, and Nate, prior to trying to push this amendment through, I implore you to read the Critical Areas Regulations Review and Update, along with the public comments and PDS’ response to comments and provide a compelling reason as to why the information in those documents did not justify the changes proposed. While it may seem like the proposed amendment is only striking a few sections, the amount of critical area, value, and ecosystem that would be lost compared to what conditions would be with the updated regulations is staggering. Housing Planning is one element of the GMA. So is Climate Planning, Ecosystem Planning, and Tribal Planning.

I recommend that this council-initiated proposed amendment be removed from consideration and the critical areas regulations update provided by Planning & Development Services be adopted without further interruptions and delays.

Sincerely,

Nikole Stout  
[nikole.stout@snoco.org](mailto:nikole.stout@snoco.org)  
Professional Wetland Scientist  
Senior Environmental Planner, Snohomish County

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**Nikole Stout**  
(she/her)  
425.308.5047  
[nikolem.stout@gmail.com](mailto:nikolem.stout@gmail.com)

**Hickey, Lisa**

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**From:** Sandra Vea <sandiev78@comcast.net>  
**Sent:** Sunday, January 12, 2025 6:54 AM  
**To:** Contact Council  
**Subject:** wetlands protection

Dear Snohomish County Council members:

I have lived in District 3 for over 40 years. A friend sent the article and notice about the upcoming meeting regarding the wetlands and proposed amendments to adjust regulations. I am absolutely opposed to any action that would result in degraded wetlands.

I am so glad to know about this issue and will follow this closely, including voting records of each council member. Anyone voting against the environment will be noted.

Thank you for your attention to this matter. Please vote against any measure that would lead to degradation in the Snohomish County wetlands.

Sandie Vea, voter since 1978

**Hickey, Lisa**

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**From:** Rich Wilson <richaw@gmail.com>  
**Sent:** Sunday, January 12, 2025 2:58 PM  
**To:** Mead, Jared; Contact Council  
**Subject:** Wetland protections

I oppose the adoption of any amendments to the Critical Area Regulations that decrease buffer protection and allow filling of certain wetlands.

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Rich Wilson  
[richaw@gmail.com](mailto:richaw@gmail.com)  
425-374-4760

## Hickey, Lisa

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**From:** Randi Aiken <idnar.nekia@gmail.com>  
**Sent:** Monday, January 13, 2025 10:41 AM  
**To:** Contact Council  
**Subject:** The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands & watersheds!

I stand with Tom Murdoch of the Adopt a Stream Foundation and Northwest Stream Center. Please help Snohomish County in protecting the health of our wetlands. Water means life, and the health of our environment is a reflection of our own. We cannot care for people by continuing to degrade the health of the environment around them. We need to rethink the way we approach our built spaces so that both humans and our environment (and our non-human neighbors) can remain resilient going forward.

Council members Mead and Nehring are proposing to (a) reduce “buffers” between new development and wetlands, and to (b) allow small wetlands to be filled. (c) Their rationale is “that maintaining flexibility for designing new development (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.”

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.

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.”

(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).

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

There are a number of alternatives to degrading wetlands that can meet the objectives presented above. Some of those 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.
- 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 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 (CAR) amendment will result in degraded water quality and reduced water storage in all Snohomish County watersheds.

We need to dream bigger. We need to build for the resilience of all 🤝

Kind regards,  
Randi Aiken

**Hickey, Lisa**

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**From:** Shirley Baurer <s\_baurer@yahoo.com>  
**Sent:** Monday, January 13, 2025 8:41 AM  
**To:** Nehring, Nate  
**Cc:** Contact Council  
**Subject:** Proposed Amendments to Habitat Ordinance

Mr. Nehring,

As a constituent of Snohomish County Council District 1, I am writing to express my strong opposition to the proposed amendments to the Snohomish County Habitat Ordinance that would cut by up to half the buffers around wetlands and streams in the interest of development.

As a resident of Marysville, I greatly appreciated the establishment of buffers to protect wildlife habitat in our area. I marvel at the wildlife that I have observed in our area, and fear that decreasing the buffer zones will be detrimental to their habitat. The current climate crisis is adversely affecting people, wildlife and the environment around the world and locally. I am flabbergasted that you would author such amendments that would cause further harm to our environment, goes against scientific data and common sense. Surely you, the council, appropriate agencies and the public are capable of designing a plan that would allow for development AND preservation of the buffer zones as they stand.

I strongly urge you to rescind your proposed amendment to the Snohomish County Habitat Ordinance. I know my opinions are shared with others who have not managed to contact you at this date. If these amendments are passed in the name of development, you will surely lose my confidence that you are the best person to represent me, my family, my neighbors and community.

My Regards,

Shirley A Balthazar-Baurer

## Hickey, Lisa

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**From:** Joan Bloom <joanbloom@hey.com>  
**Sent:** Monday, January 13, 2025 2:21 PM  
**To:** Contact Council; Mead, Jared; Dunn, Megan; Nehring, Nate; Low, Sam; Peterson, Strom  
**Cc:** Edmonds Marsh-Estuary Advocates; Edmonds Environmental Council  
**Subject:** Opposition to Ordinance No. 24-097 Critical Areas Regulations Update

Snohomish County Councilmembers,

I strongly oppose the amendment to Ordinance No. 24-097, Critical Areas Regulations Update, which you will review on Jan. 15, for the following reasons:

- Our wetlands, steep slopes and watersheds are already stressed by development. (Note the serious damage development in Lynnwood and Edmonds has done at the base of Perrinville Creek)
- Reducing buffers and allowing developers to build a “fence” will NOT protect Orcas, Chinook salmon, other fish and wildlife habitat.
- Reducing buffers to allow development closer to our Critical Areas will further degrade our water quality. (Note CARA (Critical Aquifer Recharge Area) pending appeal issues in Edmonds)
- Developers should NOT receive any additional allowances, or incentives of any kind, to build on or near our critical areas.
- Development results in dramatically increased burden to our already seriously overburdened infrastructure. Infrastructure improvement costs are so extensive and expensive that they will be borne by your constituents, the taxpayers, not by the developers.

I was an Edmonds Councilmember from 2012-2015. I have been following Edmonds environmental politics, and our past Mayors/staff failure to enforce our CAO for 20 years, since 2004. Developers have consistently been allowed by Mayors/staff to ignore critical areas, fill wetlands without penalty, apply to build on Critical Areas and have their applications approved. Many citizens have been harmed by Edmonds Mayors/staff by these failures which resulted in flooding onto their properties which damaged their land and their homes.

I have enumerable, disturbing examples of these enforcement failures by Edmonds Mayors and the resulting abuse of and degradation of our Critical Areas. I am absolutely certain that all of Snohomish Cty has many examples of such failures to protect our Critical Areas. Once the application is vested as complete by staff, the developer wins any appeal initiated by neighbors of the affected property. Many developments are not appealed.

This happened in my neighborhood which had an “isolated” wetlands, per the Army Corps of Engineers on a property. The neighbors won the appeal, yet Mayor Haakenson did not ensure that Snohomish Cty Superior Ct Judge Lucas’ orders were followed. There are now homes, each with an ADU on the (formerly) isolated wetland. (Note that an isolated wetland is one that does not connect to any Federal waterways, in this case the Puget Sound.)

On Daley Street east of 7th Ave, a 1000 square ft, 3 story home was built directly beside a steep slope on the west and Shell Creek on the east. A fish ladder had been built by the Feds under the creek in 1989, with a viewing deck for the public. That deck is now a private outdoor space for the owners of the home. Mayor Earling and his staff were responsible for that failure to enforce our CAO. The neighbors appealed, won, then the property was sold to another developer whose application was accepted by Earling’s staff and the home was built.

If you approve this amendment, you will be subjecting many more of your constituents to the environmental damage that results from development. You will be subjecting Edmonds in particular to increased flooding onto

adjoining properties and you will be contributing to further environmental degradation and serious future infrastructure repair/replacement required by such development. You will continue to jeopardize our CARAs and as a result our drinking water.

Instead of reducing the buffers you should develop policy that requires Mayors/administrations in every city in Snohomish County to enforce our EXISTING Critical Areas Ordinance.

Respectfully,

Joan Bloom  
Edmonds Councilmember 2012-2015

—  
Joan Bloom  
joanbloom@hey.com  
*Life in Motion* blog: [Joanbloom.com/archive](http://Joanbloom.com/archive)

**Hickey, Lisa**

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**From:** Lael Bradshaw <laelbrad@yahoo.com>  
**Sent:** Monday, January 13, 2025 11:48 AM  
**To:** Contact Council  
**Subject:** The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands & watersheds!

please do not reduce the size of wetland buffets. the buffets need more land to protect more water areas. yes build up instead of out. the 35 ave is already have a difficulty with excess water sinking the road. the fish also need more water to navigate the area. we must work with nature not against it.

Lael Bradshaw

**Hickey, Lisa**

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**From:** Nathan Causey <ncausey.nc@gmail.com>  
**Sent:** Monday, January 13, 2025 1:29 PM  
**To:** Contact Council  
**Subject:** VOTE NO to Amendments to the County's Critical Area Regulations.

Dear Snohomish County Council Members,

Please vote NO on Council Members Nehring and Mead's proposed amendment that would "reduce the standard buffer widths for streams, lakes, marine waters, and wetlands over 4000 square feet by 50% or 25 feet and in some situations wetlands under 4000 square feet could be completely filled."

Thank you  
Nathan Causey  
Arlington Resident

**Hickey, Lisa**

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**From:** Martha Cetina <martha4cetina@gmail.com>  
**Sent:** Monday, January 13, 2025 9:41 AM  
**To:** Contact Council  
**Subject:** Buffer zones

**In a region where our salmon runs and resident orca population are critically endangered there is no environmentally sound rationale for reducing wetland and riparian buffers.**

## Hickey, Lisa

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**From:** Christi C. <christimariex@gmail.com>  
**Sent:** Monday, January 13, 2025 10:54 AM  
**To:** Contact Council  
**Cc:** Beazizo, Heidi  
**Subject:** Public Comment re: Proposed Changes to Critical Areas Regulation, Ordinance 24-097

Dear Snohomish County Councilmembers,

In regards to the Public Hearing scheduled for January 15, 2025 at 10:30 a.m., I am writing to express my opposition to the proposed changes to the Critical Areas Regulation, which would reduce wetland buffers and allow smaller wetlands to be filled in. Wetlands are invaluable ecosystems that provide essential services to our community, and diminishing their protections would have significant long-term consequences.

Wetlands play a critical role in flood prevention by acting as natural sponges, absorbing and slowly releasing excess water during heavy rainfall. With the increasing intensity and frequency of storms, preserving wetlands and their buffers is vital to reducing flood risks and protecting homes, businesses, and infrastructure throughout the county.

Additionally, wetlands are crucial habitats for a diverse array of aquatic and terrestrial species. They provide breeding and feeding grounds for fish, birds, and other wildlife, many of which are already facing challenges due to habitat loss and climate change. Diminishing wetland protections would further strain these species and disrupt the delicate balance of our ecosystems.

Wetlands also act as natural filters, improving water quality by trapping sediment, pollutants, and excess nutrients from stormwater runoff. Allowing smaller wetlands to be filled in would reduce this essential function, leading to increased water pollution and higher costs for artificial stormwater management solutions.

As Snohomish County continues to grow its population, it is critical to prioritize sustainable development that balances growth with the protection of our natural resources. Wetlands are a key component of this balance, and their preservation benefits not only the environment, but also the health, safety, and well-being of Snohomish County residents and neighboring counties.

I urge the council to reject these proposed changes and focus on strengthening protections for wetlands and their buffers. Doing so will demonstrate a commitment to environmental stewardship, public safety, and a sustainable future for Snohomish County.

Thank you for considering these concerns. I hope Council will prioritize the long-term health of our community and environment and will explore options for increasing capacity in Urban Growth Areas (UGAs) that do not negatively affect the environment.

Sincerely,

Christi Cox

[christimariex@gmail.com](mailto:christimariex@gmail.com)



## Hickey, Lisa

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**From:** Susan Cross <suecrossofindex@gmail.com>  
**Sent:** Monday, January 13, 2025 1:11 PM  
**To:** Contact Council  
**Subject:** Proposed stream buffer change

I am a longtime taxpayer, voter and resident of Snohomish County. I do not desire a reduction in the buffer zones that protect our waters.

Susan Cross  
Index, Washington

## Hickey, Lisa

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**From:** Suzanne Cunliffe <osuzannah@gmail.com>  
**Sent:** Monday, January 13, 2025 4:46 PM  
**To:** Contact Council  
**Subject:** The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands & watersheds!

We need to preserve wetlands and critical buffer areas.

Please consider what legacy you are leaving to your children and grand children. Once you open the door to abolish these critical areas, they will continue to shrink. Overdevelopment is not an answer to the future. It is a threat. Think of California.

Sent from my iPhone

## Hickey, Lisa

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**From:** Rhyne, Paula  
**Sent:** Monday, January 13, 2025 9:58 AM  
**To:** Eco, Debbie  
**Cc:** Dunn, Megan  
**Subject:** FW: Vote No on the Habitat Ordinance Amendments

For public record

**Paula Rhyne** | *Legislative Aide to Councilmember Megan Dunn*  
[Snohomish County Council](#)

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

O: (425) 388-3494 | [paula.rhyne@snoco.org](mailto:paula.rhyne@snoco.org)

*Pronouns: she/her/hers*

NOTICE: All emails and attachments sent to and from Snohomish County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

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**From:** Allen Flaa <[allenflaa@gmail.com](mailto:allenflaa@gmail.com)>  
**Sent:** Sunday, January 12, 2025 12:00 PM  
**To:** Dunn, Megan <[Megan.Dunn@co.snohomish.wa.us](mailto:Megan.Dunn@co.snohomish.wa.us)>; Rhyne, Paula <[Paula.Rhyne@co.snohomish.wa.us](mailto:Paula.Rhyne@co.snohomish.wa.us)>  
**Subject:** Vote No on the Habitat Ordinance Amendments



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

Dear Council Member Dunn,

My name is Allen Flaa, I am a constituent of yours who lives in Everett, right on the Interurban Trail and wetlands in the Glacier View neighborhood. I implore you to vote no on the wetland diminishing amendments proposed by council members Mead and Nehring. I understand the importance of increasing housing opportunities in our county, but it can not come at the cost of our wetlands and all the environmental services they provide. It would do no good to build houses that are now more prone to flooding and soil erosion due to weakening our environment. Rather than removing our important wetlands we can increase housing by expanding middle housing opportunities and secondary units on existing lots.

I understand we are behind on approving ordinance updates, but don't let Mead and Nehring use that deadline to pressure you into making a wrong and harmful decision. I look forward to seeing you vote no at the county council hearing this Wednesday.

Thank you,

Allen Flaa

**Hickey, Lisa**

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**From:** randi hagen <randi.hagen2@gmail.com>  
**Sent:** Monday, January 13, 2025 6:44 AM  
**To:** Contact Council  
**Subject:** The proposed Critical Areas Regulation (CAR) amendment will harm our wetlands & watersheds!

At some time we have to decide whether or not we are going to preserve our planet. I understand that we need more housing, but not at the expense of all wildlife. The land we preserve also aids people in that it provides jobs and pleasure of life to everyone. Please do not do away, or reduce the wetlands we have. They are a vital part of Snohomish County.

Randi Hagen  
Mountlake Terrace, Wa.

## Hickey, Lisa

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**From:** Nancy Jang <jangnt@gmail.com>  
**Sent:** Monday, January 13, 2025 1:03 PM  
**To:** Contact Council  
**Subject:** Critical Areas Changes

Dear County Members,

We are appalled that major changes are being proposed to the Critical Areas Code, i.e. filling in wetlands and modifying stream buffers. As a former residents of Unincorporated Snohomish County, we became aware of the importance of protecting our environment with the codes in place at the time we resided there. We are now aware of how egregious violations of those laws can be subverted by such state laws allowing for exceptions i.e. "**16.16.250 Reasonable use exception to allow for reasonable economic use.**"

Our daughter's property includes Lyon's Creek that flows through it. A builder bought the adjacent lot for only \$40,000 to take advantage of that "reasonable use exception" law. He has proposed building a single family residence with only a 15 foot buffer from Lyon's Creek. **Fifteen feet!!!** If approved, this will establish a very bad precedent for other projects involving creeks. Of course, the ramifications to other environmental issues i.e. fish, wildlife, trees, etc. are also tremendous.

Please do not allow such big changes to occur to our vital critical areas.

Thank you for your consideration,

Nancy & Gary Jang  
2505 NE 195th Place  
Shoreline, WA 98155

**Hickey, Lisa**

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**From:** Carl Johansen <carljowa@yahoo.com>  
**Sent:** Monday, January 13, 2025 2:58 PM  
**To:** Contact Council  
**Subject:** Reject Amendments to Ordinance No. 24-097

Dear Snohomish County Council Members,

I urge the Council to adopt improved critical areas provisions to better protect rivers and streams and wetlands and to reject amendments to Ordinance No. 24-097. 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, not enhance, the functions of critical areas, buffers, 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 included in the amendments.

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.

Sheet No. 1 of the amendments on pages 2 and 3 would allow for developing non-riparian Categories II and III wetlands smaller than 5,000 square feet, and non-riparian Category IV wetlands smaller than 10,000 square feet. Requiring wetland reports or mitigation for wetland and habitat loss as a condition for such development is not consistent with best available science and appears to violate the Growth Management Act.

Please reject these amendments to Ordinance No. 24-097.

Sincerely,

Carl Johansen  
200 James Street, Unit 205  
Edmonds, WA 98020

**Hickey, Lisa**

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**From:** Nan Kunze <nankunze@yahoo.com>  
**Sent:** Monday, January 13, 2025 8:26 AM  
**To:** Contact Council  
**Subject:** Ordinance No. 24-097

I am reaching out to state I strongly support the county council action to **reject** the proposed amendments to ORDINANCE NO. 24-097 and instead adopt improved buffer provisions to better protect rivers, streams, and wetlands. There is proof that wetlands are crucial to our environment and once destroyed the cost to reestablish is significant, if even possible!! There is presently too little area to absorb the ever increasing precipitation leading to ever more flooding - too little thought LONG TERM!! Please reject the proposed amendments.

Nancy Kunze  
Lynnwood, WA

## Hickey, Lisa

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**From:** donald miller <delicatelight@whidbey.com>  
**Sent:** Monday, January 13, 2025 9:40 AM  
**To:** Contact Council  
**Subject:** Public hearing testimony January 15, wetland buffers

The WA Department of Ecology, the U.S. Environmental Protection Agency, and the U.S. Army Corp of Engineers all stress the importance of buffers for riparian areas and wetlands for removal of sediments and toxic pollutants. Buffers help improve water retention, temperature and stream flows.

The WA Dept. of Ecology publication [Wetland Buffers: Use and Effectiveness](#) states in its conclusions-  
*Buffer effectiveness increases with buffer width*  
*Buffers of less than 50 feet in width are generally ineffective in protecting wetlands*  
*Buffer widths effective in preventing significant water quality impacts to wetlands are generally 100 feet or greater*

**In a region where our salmon runs and resident orca population are critically endangered there is no environmentally sound rationale for reducing wetland and riparian buffers.**

Don J Miller  
Snohomish County Indivisible  
[delicatelightphotography.com](http://delicatelightphotography.com)



**Hickey, Lisa**

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**From:** Gary Noble <gpnoble48@gmail.com>  
**Sent:** Monday, January 13, 2025 4:56 PM  
**To:** Contact Council  
**Subject:** No on CAR Amendment

County Council,

I am writing you to urge you **not** to pass the proposed amendment to the Critical Areas Regulation.

This amendment was obviously proposed and written by the developer community. As written, it benefits nobody except the real estate developers' pockets. Our state has been a leader in respecting and mitigating environmental issues. This amendment does the exact opposite – allowing the destruction of small existing wetlands (with “mitigation”), and reducing the already too small buffers between developments and wetlands.

This is not just an idle request as there is science behind this objection and I would be happy to send you the studies that clearly show that even existing buffers are inadequate. Wetlands take hundreds of years to develop, and up to half of mitigation efforts do not replace the functions of wetlands being destroyed.

Again, please study the environmental issues and do not bow to the wishes of developers to increase their profits.

Gary Noble  
1422 172<sup>nd</sup> PL SW  
Lynnwood, Was 98037  
425-381-0202

**Hickey, Lisa**

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**From:** Samantha Politano <politanosamantha@gmail.com>  
**Sent:** Monday, January 13, 2025 10:04 AM  
**To:** Contact Council  
**Subject:** Critical Area Regulations

Good day,

As the Council considers amendments to the County's Critical Area Regulations, I would like to emphasize the importance of proper buffer zones when encroaching upon habitat. As a Certified Floodplain Manager who has responded to hurricanes in Florida that have devastated both our natural environment and development, no good can come from reducing buffer zones. When Special Flood Hazard Areas and floodways fill with water—where will this water go but immediately into the new developments alongside them? This may also affect Community Rating System potential cost savings on flood insurance premiums. There is absolutely no sound reason to reduce buffer zones than to line the pockets of greedy developers who have no stake in whether their developments flood in the future.

Yours,

Samantha Politano, CFM

## Hickey, Lisa

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**From:** Tim Trohimovich <Tim@futurewise.org>  
**Sent:** Monday, January 13, 2025 10:41 AM  
**To:** Contact Council; 2023Update@snoco.org, SCD-; Hickey, Lisa; Nehring, Nate; Dunn, Megan; Peterson, Strom; Mead, Jared; Low, Sam; Titcomb, Sarah; Strandberg, Terri  
**Cc:** Kristin Kelly  
**Subject:** Comments on Snohomish County Ord 24-097, the CAR Update  
**Attachments:** 2025-01-13 Futurewise Coms CC Hearing on Snohomish Cnty CAR Update.pdf

Dear Council Chair Nehring and Councilmembers Dunn, Low, Mead, and Peterson and Staff:

Enclosed please find Futurewise's comments on Snohomish County Ordinance 24-097, the Critical Area Regulations Update, for the Jan. 15, 2025, Public Hearing. Thank you for considering our comments. If you need additional information, please contact me.

Tim Trohimovich, AICP (he/him)  
Director of Planning & Law



Futurewise  
1201 3rd Ave #2200, Seattle, WA 98101  
(206) 343-0681  
tim@futurewise.org  
**futurewise.org**  
connect: [🐦](#) [f](#)



1201 3rd Ave Suite 2200, Seattle, Washington 98101  
(206) 343-0681  
futurewise.org

January 13, 2024

The Honorable Nate Nehring, Chair of the Council  
Snohomish County Council  
Robert J. Drewel Building  
Eighth floor  
3000 Rockefeller Ave., M/S 609  
Everett, Washington 98201

Dear Council Chair Nehring and Councilmembers Dunn, Low, Mead, and Peterson:

**Subject: Comments on Snohomish County Ordinance 24-097, relating to the Critical Area Regulations Update pursuant to the Growth Management Act, amending Snohomish County Code Chapters 30.62A Wetlands and Fish and Wildlife Habitat Conservation Areas, 30.62B Geologically Hazard Areas, 30.62C Critical Aquifer Recharge Areas, 30.43C Flood Hazard Permits, 30.86 Fees, and 30.91 Definitions for the Jan. 15, 2025, Public Hearing.**

Send via email to: [contact.council@snoco.org](mailto:contact.council@snoco.org); [2024update@snoco.org](mailto:2024update@snoco.org);  
[Lisa.Hickey@co.snohomish.wa.us](mailto:Lisa.Hickey@co.snohomish.wa.us); [Nate.Nehring@snoco.org](mailto:Nate.Nehring@snoco.org);  
[megan.dunn@snoco.org](mailto:megan.dunn@snoco.org); [Strom.Peterson@snoco.org](mailto:Strom.Peterson@snoco.org);  
[jared.mead@snoco.org](mailto:jared.mead@snoco.org); [Sam.Low@co.snohomish.wa.us](mailto:Sam.Low@co.snohomish.wa.us);  
[Sarah.Titcomb@snoco.org](mailto:Sarah.Titcomb@snoco.org); [Terri.Strandberg@snoco.org](mailto:Terri.Strandberg@snoco.org)

Thank you for the opportunity to comment on the Snohomish County Critical Area Regulations Update. Futurewise supports periodic reviews and updates to the critical areas regulations and the improvements included in Ordinance 24-097. However, a few of the updates are ill-advised as will be documented below. Additional updates are also needed to comply with the Growth Management Act.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters throughout Washington State including Snohomish County. This letter first summarizes our recommendations and then provides detailed recommendations.

## Summary of Recommendations

- 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. Please see page 3 of this letter for more information.
- Do not amend Snohomish County Code section (SCC) 30.62A.130(1)(f) to delete the current requirement to include on the site plan the fish and wildlife habitats within the width of the widest potential buffer. The amendment will allow inadvertent damage to fish and wildlife habitats and buffers for buffers wider than 300-feet. Please see page 4 of this letter for more information.
- Futurewise strongly supports adding a requirement to document the applicant's efforts to avoid and minimize impacts to critical areas and buffers. Avoidance is the cheapest and most effective method for protecting critical areas.<sup>1</sup> Documenting that avoidance has been considered is important to protect critical areas. Please see page 5 of this letter for more information.
- 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. The buffers must be measured from the channel migration zone edge or active flood plain. These buffers are needed to stop the declines in salmon stocks and to protect the southern resident orcas. These buffers are supported by the new best available science. Please see page 6 of this letter for more information.
- Designate State of Washington Department of Fish and Wildlife priority habitats and species as fish and wildlife conservation areas and base the protection of these habitats and species on the State of Washington Department of Fish and Wildlife Management Recommendations. This amendment is required to comply with the Growth Management Act (GMA). Please see page 8 of this letter for more information.
- Designate and protect rare plant categories and listings from the Department of Natural Resources, Natural Heritage Program. This amendment is required to comply with the GMA. Please see page 10 of this letter for more information.

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<sup>1</sup> Washington State Recreation and Conservation Office Governor's Salmon Recovery Office, *2022 State of Salmon in Watersheds Executive Summary* p. 15 (Feb. 2023) last accessed on Jan. 9, 2025, at: <https://stateofsalmon.wa.gov/wp-content/uploads/2023/02/SOS-ExecSummary-2022.pdf> and at the link on page 15 of this letter with the filename: "SOS-ExecSummary-2022.pdf."

- Futurewise strongly supports the amendments to better protect development from channel migration zones. Channel migration zones have a high potential to damage buildings and structures.
- Futurewise supports the amendments to better protect ground water from water pollution. Water is limited and we need to protect drinking water sources.
- The definition of Critical Areas in SCC 30.91C.340 needs to be updated to include the State of Washington Department of Fish and Wildlife Priority Habitats and Species and the rare plant categories and listings from the State of Washington Department of Natural Resources, Natural Heritage Program.
- The definition of Critical Species in SCC 30.91C.370 needs to be updated to include the State of Washington Department of Fish and Wildlife Priority Habitats and Species and the rare plant categories and listings from the State of Washington Department of Natural Resources, Natural Heritage Program.
- Amendment Sheet No. 1 inconsistent with best available science (BAS) and the Growth Management Act and should be rejected. Amendment Sheet No. 1 will result in buffers that are too narrow to protect wetlands and rivers and streams. They will also result in unmitigated wetland losses which are not supported by best available science (BAS). Please see page 12 of this letter for more information.

## Detailed Recommendations

### Comments on Proposed Amendments to chapter 30.62A SCC, Wetlands and Fish & Wildlife Habitat Conservation Areas.

**Require submitting a site plan for all activities that can adversely impact wetlands and fish and wildlife habitat conservation areas. Please see SCC 30.62A.130(1) on pages 34 – 35 of 106.**

Snohomish County Code Section (SCC) 30.62A.010(2)(a) correctly provides that chapter 30.62A SCC applies to “[d]evelopment activities, actions requiring project permits, and clearing ...” with certain exceptions. One of the key methods of enforcing chapter 30.62A SCC is through requiring a site development plan so the county can assess whether there are any impacts on critical areas. However, SCC 30.62A.130(1) only requires a site development plan for any development activity or action requiring a project permit or grading. However, development activities, such as draining, that do not require a permit also have the potential to adversely

impact critical areas.<sup>2</sup> Critical areas regulations must also at least “protect[s] critical areas by maintaining existing conditions.”<sup>3</sup> Since SCC 30.62A.130(1) does not require a site development plan for all activities that adversely impact critical areas, it violates this requirement.

SCC 30.62A.130(1) should require a site development plan for all development activities with the potential to adversely impact wetlands or fish and wildlife habitat conservation areas. We recommend the following revisions to SCC 30.62A.130(1) with the recommended additions double underlined.

(1) For any development activity ~~or~~ action requiring a project permit or any action or activity with the potential to adversely impact wetlands or fish and wildlife habitat conservation areas, the applicant shall submit a site development plan drawn to a standard engineering scale which includes: [no additional changes]

**Do not amend Snohomish County Code section (SCC) 30.62A.130(1)(f) to delete the current requirement to include the fish and wildlife habitats within the width of the widest potential buffer. See page 34 of 106.**

Currently SCC 30.62A.130(1)(f) requires the site plan for a proposed development to locate and describe of all wetlands and fish and wildlife habitat conservation areas located on the site and within 300 feet or the width of the widest potential buffer applicable to the site. The amendment would limit the identification of critical areas to within 300 feet of the site boundaries.

The Growth Management Act (GMA) “requires that the regulations for critical areas must protect the ‘functions and values’ of those designated areas. [RCW 36.70A.172(1).] This means all functions and values.”<sup>4</sup> To protect their functions and values, many wildlife habitats have buffers larger than 300 feet. For example, the State of Washington Department of Fish and Wildlife states that “[a] no-disturbance buffer between 400-500 m (1,300 - 1,600 ft) should be employed

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<sup>2</sup> Dyanne Sheldon, Tom Hruby Ph.D., Patricia Johnson, Kim Harper, Andy McMillan, Teri Granger, Stephen Stanley, Erik Stockdale, *Wetlands in Washington State Volume 1: A Synthesis of the Science* pp. 4-18 – 4-19 (Final March 2005, Ecology Publication #05-06-006) last accessed on Jan. 9, 2025, at: <https://apps.ecology.wa.gov/publications/summarypages/0506006.html> and at the link on page 15 of this letter with the filename: “0506006.pdf.”

<sup>3</sup> *Swinomish Indian Tribal Cmty. v. W. Washington Growth Mgmt. Hearings Bd.*, 161 Wn.2d 415, 430, 166 P.3d 1198, 1206 (2007), as corrected (Nov. 28, 2007), as corrected (Apr. 3, 2008).

<sup>4</sup> *Whidbey Env't Action Network v. Island Cnty.*, 122 Wn. App. 156, 174-75, 93 P.3d 885, 894 (2004).

around all bodies of water inhabited by western pond turtles (Holland 1994).”<sup>5</sup> Northwestern pond turtles, formerly the western pond turtle, live in Snohomish County and are a Washington State endangered species.<sup>6</sup> This amendment risks adversely impacting those buffers and the functions and values of western pond turtle habitats because development could inadvertently be allowed within a no disturbance buffer. This will harm the wildlife habitat and the wildlife that depend on the habitat. We recommend the County not include this amendment as it violates the GMA.

**Futurewise strongly supports adding a requirement to document the applicant’s efforts to avoid and minimize impacts to the critical area or buffer. See page 37 of 106.**

Avoidance and minimization are essential to meeting the no net loss requirement and the requirement to protect critical areas.<sup>7</sup> We strongly support adding a requirement to document the applicant’s efforts to avoid and minimize impacts to the critical area or buffer in SCC 30.62A.150(1)(a).

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<sup>5</sup> Noelle Nordstrom and Ruth Milner, *Western pond turtle* p. 7-5 (1997) in E. M. Larsen, ed. *Management recommendations for Washington’s Priority Species, Volume III: Amphibians and Reptiles* (Wash. Dept. Fish and Wildl., Olympia.) last accessed on Jan. 10, 2025, at: <https://wdfw.wa.gov/publications/00025> and at the link on page 15 with the filename: “wdfw00025.pdf.”

<sup>6</sup> State of Washington Department of Fish and Wildlife, *Priority Habitats and Species (PHS) List* Snohomish County tab last accessed on Jan. 10, 2025, at: <https://wdfw.wa.gov/species-habitats/at-risk/phs/list> and at the link on page 15 of this letter with the filename: “2023\_distribution\_by\_county.xlsx.”

<sup>7</sup> Washington State Department of Ecology, *Making Mitigation Work: The Report of the Mitigation that Works Forum* p. 2 (Olympia, Washington Publication No. 08-06-018: Dec. 2008) last accessed on Jan. 10, 2025, at: <https://apps.ecology.wa.gov/publications/SummaryPages/0806018.html> and at the link on page 15 with the filename: “0806018.pdf;” *Kitsap County Association of Realtors et al. (KCAR, et al.) v. City of Bainbridge Isl.*, Central Puget Sound Region Growth Management Hearings Board (CPSRGMHB) Case No. 18-3-0006, Final Decision and Order (Oct. 30, 2018), at 13 of 37, 2018 WL 9802026, at \*8 “Development regulations may not allow a net loss of the functions and values of the ecosystem that includes the impacted or lost critical areas.” The Final Decision and Order was last accessed on Jan. 10, 2025, at: <https://eluh02022.my.site.com/casemanager/s/eluho-document/a0T82000000HGjyEAG/20181030-final-decision-and-order>.



**Adopt stream, lake, and marine buffer widths that consistent with the current best available sciences and that protect the functions and values of salmon habitat. Please see SCC 30.62A.320 Table 2a Stream, Lake, and Marine Buffer Width Standards (Feet) on pages 45 – 46 of 106.**

The southern resident orcas depend on the chinook salmon to live and recover their numbers.<sup>8</sup> The *2022 State of Salmon in Watersheds* report rated the Puget Sound Chinook salmon as “in crisis,” the Governor’s Salmon Recovery Office’s worst rating.<sup>9</sup> The Puget Sound Steelhead are also “in crisis.”<sup>10</sup> Other salmon and steelhead are also declining.<sup>11</sup> The key factors causing the decline in salmon and steelhead include habitat degradation.<sup>12</sup> An analysis by the National Oceanic and Atmospheric Administration and the State of Washington Department of Fish and Wildlife ranked the Northern Puget Sound Fall Chinook salmon from the Nooksack, Elwha, Dungeness, Skagit, Stillaguamish, and Snohomish Rivers as the highest in importance as food sources for the southern resident orcas.<sup>13</sup> New Year Eve saw the death of another orca calf and once again the calf’s mother is carrying her around Puget Sound for all of us to see.<sup>14</sup> The Washington State Academy of Sciences concluded that “[c]learly, there have been net losses of species and habitats in Washington. The committee is reasonably confident that without policy changes, these types of losses will continue and will contribute to the disappearance of distinct habitats and ecosystem types from Washington’s

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<sup>8</sup> NOAA Fisheries, *Southern Resident Killer Whale Priority Chinook Salmon Stocks - Questions and Answers* webpage last accessed on Jan. 9, 2025, at: <https://www.fisheries.noaa.gov/west-coast/endangered-species-conservation/southern-resident-killer-whale-priority-chinook-salmon> and at the link on page 15 of this letter with the filename: “Southern Resident Killer Whale Priority Chinook Stocks Q and A.pdf.”

<sup>9</sup> Washington State Recreation and Conservation Office, Governor’s Salmon Recovery Office, *2022 State of Salmon in Watersheds Executive Summary* p. 7 (Feb. 2023).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* p. 6.

<sup>12</sup> *Id.* pp. 14 – 15.

<sup>13</sup> National Oceanic and Atmospheric Administration and the State of Washington Department of Fish and Wildlife, *Southern Resident Killer Whale Priority Chinook Stocks* p. 6 (June 22, 2018) last accessed on Jan. 9, 2025, at: [https://media.fisheries.noaa.gov/dam-migration/srkw\\_priority\\_chinook\\_stocks\\_conceptual\\_model\\_report\\_list\\_22june2018.pdf](https://media.fisheries.noaa.gov/dam-migration/srkw_priority_chinook_stocks_conceptual_model_report_list_22june2018.pdf) and at the link on page 15 of this letter with the filename: “srkw\_priority\_chinook\_stocks\_conceptual\_model\_report\_\_list\_22june2018.pdf.”

<sup>14</sup> Lynda V. Mapes, *Mother orca Tahlequah once again carrying her dead calf* *The Seattle Times* (Jan. 1, 2025 at 6:41 pm) last accessed on Jan. 9, 2025, at: <https://www.seattletimes.com/seattle-news/climate-lab/mother-orca-tahlequah-once-again-carrying-her-dead-calf/> and at the link on page 15 of this letter with the filename: “Mother orca Tahlequah once again carrying her dead calf \_ The Seattle Times.pdf.”

terrestrial and aquatic landscapes.”<sup>15</sup> For the sake of the chinook salmon and the southern resident orcas we can and must better protect their habitat.

“Riparian forests and trees near rivers and streams are vital to salmon habitat. They provide shade, organic material, nutrient inputs and habitat forming large woody debris.”<sup>16</sup> Unfortunately, in the Snohomish River basin “[b]etween 2005 and 2017, there has been a net loss of 25 acres of riparian forest cover. Since 2005, 445 acres of riparian restoration occurred but this has not been enough to keep up with the roughly 470 acres of natural and managed riparian vegetation loss over roughly that same time period (2006 to 2017).”<sup>17</sup> “Preserving habitat is far less expensive than restoring degraded habitat.”<sup>18</sup> We are not achieving no net loss of riparian vegetation that is necessary to protect salmon habitat. This is in part because the critical areas regulation buffers for rivers, streams, and shorelines are too narrow.

The State of Washington Department of Fish and Wildlife has developed new recommendations for protecting riparian areas. “Under WAC 365-190-130(4)(b), the [State of Washington] Department [of Fish and Wildlife]’s priority species habitat information is considered best available science.”<sup>19</sup> The updated management recommendations document that fish and wildlife depend on protecting riparian vegetation and the functions this vegetation performs such as maintaining a complex food web that supports salmon and maintaining temperature regimes to name just a few of the functions.<sup>20</sup>

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<sup>15</sup> Washington State Academy of Sciences, *Assessment of No Net Loss and Recommendations for Net Ecological Gain Metrics, Indicators, and Monitoring: Prepared for the Washington State Department of Fish and Wildlife* p. 4 (June 2022) in Washington Department of Fish and Wildlife (WDFW), *Net Ecological Gain Standard Proviso Summary Report* (Dec. 2022) bold in the original last accessed on Jan. 9, 2025, at: <https://wdfw.wa.gov/sites/default/files/publications/02357/wdfwo2357.pdf> and at the link on page 15 of this letter with the filename: “wdfwo2357.pdf.”

<sup>16</sup> *2020 State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 363 last accessed on Jan. 9, 2025, at: <https://nwifc.org/publications/state-of-our-watersheds/> and at the link on page 15 of this letter with the filename: “state-of-our-watersheds-sow-2020-final-web.pdf.”

<sup>17</sup> *Id.* p. 353.

<sup>18</sup> Washington State Recreation and Conservation Office Governor’s Salmon Recovery Office, *2022 State of Salmon in Watersheds Executive Summary* p. 15 (Feb. 2023).

<sup>19</sup> *Whidbey Env’t Action Network v. Growth Mgmt. Hearings Bd.*, 14 Wn. App. 2d 514, 526, 471 P.3d 960, 968 (2020).

<sup>20</sup> Timothy Quinn, George F. Wilhere, and Kirk L. Krueger, technical editors, *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* pp. 265 – 68 & p. 270 (A Priority Habitat

The updated *Riparian Ecosystems, Volume 1: Science synthesis and management implications* scientific report concludes that the “[p]rotection and restoration of riparian ecosystems continues to be critically important because: a) they are disproportionately important, relative to area, for aquatic species, e.g., salmon, and terrestrial wildlife, b) they provide ecosystem services such as water purification and fisheries (Naiman and Bilby 2001; NRC 2002; Richardson et al. 2012), and c) by interacting with watershed-scale processes, they contribute to the creation and maintenance of aquatic habitats.”<sup>21</sup> The report states that “[t]he width of the riparian ecosystem is estimated by one 200-year site-potential tree height (SPTH) measured from the edge of the active channel or active floodplain. Protecting functions within at least one 200-year SPTH is a scientifically supported approach if the goal is to protect and maintain full function of the riparian ecosystem.”<sup>22</sup> For Snohomish County, this generally requires 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 flood plain. SCC 30.62A.320 Table 2a Stream, Lake, and Marine Buffer Width Standards (Feet) needs to be updated to include these buffers.

**SCC 30.62A.410, Purpose, must designate priority habitats and species as fish and wildlife conservation areas and base the protection on the State of Washington Department of Fish and Wildlife Management Recommendations. See pages 72 – 73 of 106.**

The State of Washington Court of Appeals has held that:

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and Species Document of the Washington Department of Fish and Wildlife, Olympia, WA: Updated July 2020) last accessed on Jan. 9, 2025, at: <https://wdfw.wa.gov/publications/01987/> and at the link on page 15 of this letter with the filename: “wdfwo1987.pdf.” This report was peer-reviewed. *Id.* at pp. 11 – 12. See also Terra Rentz, Amy Windrope, Keith Folkerts, and Jeff Azerrad, technical editors, *Riparian Ecosystems, Volume 2: Management Recommendations* (A Priority Habitat and Species Document of the Washington Department of Fish and Wildlife, Olympia, WA: Dec. 2020) last accessed on Jan. 9, 2025, at: <https://wdfw.wa.gov/sites/default/files/publications/01988/wdfwo1988.pdf> and at the link on page 15 of this letter with the filename: “wdfwo1988.pdf.”

<sup>21</sup> Timothy Quinn, George F. Wilhere, and Kirk L. Krueger, technical editors, *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* p. 270 (A Priority Habitat and Species Document of the Washington Department of Fish and Wildlife, Olympia, WA: Updated July 2020).

<sup>22</sup> *Id.* at p. 271.

The GMA requires cities and counties to adopt regulations to protect environmentally critical areas, which include habitats of priority species and species of local importance. See RCW 36.70A.060(2), .170(1)(d); WAC 365-190-130(2)(b). Local governments must review and update their critical areas ordinances every eight years to ensure they continue to meet the GMA's standards. RCW 36.70A.130(5)(b).<sup>23</sup>

Consistent with this holding, SCC 30.62A.410, Purpose, must designate as fish and wildlife conservation areas the Priority Habitats and Species in Snohomish County. These habitats and species are on the Priority Habitats and Species list.<sup>24</sup> Priority habitats and species include many fish and wildlife and habitats valued by Snohomish County residents and that help support recreational businesses. Outdoor recreation contributed \$1,672,064,000 to the Snohomish County economy and employed 20,718 in 2020.<sup>25</sup>

Instead of actually designating priority species and habitats as fish and wildlife habitat conservation areas, the update proposes to amend SCC 30.62A.470(1)(b)(vii) to provide that priority species and habitats could be designated as habitats of local importance. But that does not satisfy the GMA requirement that these species and habitats must be designated as fish and wildlife habitat conservation areas and protected.

Further, the county charges \$1,000 for each petition to designate a habitat and species of local importance.<sup>26</sup> This will discourage designating habitats that the GMA requires the county to designate. Designating them as fish and wildlife habitat conservation areas will be quicker and easier and will comply with state law.

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<sup>23</sup> *Whidbey Env't Action Network v. Growth Mgmt. Hearings Bd.*, 14 Wn. App. 2d 514, 522 – 23, 471 P.3d 960, 966 (2020). Since the court of appeals decided this case, the periodic updates have been changed to once every ten years.

<sup>24</sup> State of Washington Department of Fish and Wildlife, *Priority Habitats and Species (PHS) List* Snohomish County tab.

<sup>25</sup> Johnny Mojica and Angela Fletcher, *Economic Analysis of Outdoor Recreation in Washington State 2020 Update* p. 28 (Earth Economics. Tacoma, WA.: 2020) last accessed on Jan. 10, 2025, at: [https://static1.squarespace.com/static/561dc6e4b039470e9afc00/t/5f249326f05167773abo774d/1596232557974/EconomicAnalysis-OutdoorRecreationWA\\_EarthEconomics\\_w0720-o.pdf](https://static1.squarespace.com/static/561dc6e4b039470e9afc00/t/5f249326f05167773abo774d/1596232557974/EconomicAnalysis-OutdoorRecreationWA_EarthEconomics_w0720-o.pdf) enclosed at the link on page 11 of this letter with the filename: "EconomicAnalysis-OutdoorRecreationWA\_EarthEconomics\_w0720-o.pdf."

<sup>26</sup> SCC Table 30.86.525(5) last accessed on Dec. 10, 2025, at: <https://snohomish.county.codes/SCC/30.86.525>.

“Under WAC 365-190-130(4)(b), the [State of Washington] Department [of Fish and Wildlife]’s priority species habitat information is considered best available science.”<sup>27</sup> Therefore, Snohomish County’s critical areas regulations must provide that they will base the protection of Priority Habitats and Species on the State of Washington Department of Fish and Wildlife Management Recommendations.<sup>28</sup> This is necessary to protect the functions and values of these important critical areas.

**Designate and protect rare plant categories and listings from the Department of Natural Resources, Natural Heritage Program in SCC 30.62A.410, Purpose, as the GMA requires. See pages 72 – 73 of 106.**

The “GMA requires the County to protect the functions and values of Critical Area Ecosystems.”<sup>29</sup> This includes the “high quality ecosystem and rare plant categories and listings from the department of natural resources, natural heritage program.”<sup>30</sup> The *2021 Washington Vascular Plant Species of Conservation Concern* identifies rare plants in Snohomish County.<sup>31</sup> These plants and ecosystems need to be designated as fish and wildlife habitats and conserved.

Instead of actually designating rare plant categories and listings as fish and wildlife habitat conservation areas, the update proposes to amend SCC 30.62A.470(1)(b)(vi) to provide that rare plant categories and listings could be designated as habitats of local importance. But that does not satisfy the GMA requirement that rare plant categories and listings must be designated as fish and wildlife habitat conservation areas and protected.

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<sup>27</sup> *Whidbey Env't Action Network v. Growth Mgmt. Hearings Bd.*, 14 Wn. App. 2d 514, 526, 471 P.3d 960, 968 (2020).

<sup>28</sup> The current State of Washington Department of Fish and Wildlife management recommendations can be found at this website: <https://wdfw.wa.gov/species-habitats/at-risk/phs/recommendations>.

<sup>29</sup> *Whidbey Environmental Action Network v. Island County*, Western Washington Region Growth Management Hearings Board (WWRGMHB) Case No. 14-2-0009, Final Decision and Order (June 24, 2015), at 21 of 49 last accessed on May 23, 2024, at: <https://eluh02022.my.site.com/casemanager/s/case/50082000001BDWk/detail>.

<sup>30</sup> *Id.* at 32 – 35 of 49. See also WAC 365-190-040(4)(b).

<sup>31</sup> Jesse E. D. Miller, Sienna Wessel, and Walter Fertig, *2024 Washington Vascular Plant Species of Conservation Concern* pp. 8 – 48 (Washington Natural Heritage Program, Natural Heritage Report 2024-07: July 3, 2024) last accessed on Jan. 10, 2025, at: [https://www.dnr.wa.gov/publications/amp\\_nh\\_vascular\\_ets.pdf](https://www.dnr.wa.gov/publications/amp_nh_vascular_ets.pdf) and at the link on page 15 with the filename: “amp\_nh\_vascular\_ets.pdf.”

Further, the county charges \$1,000 for each petition to designate a habitat and species of local importance.<sup>32</sup> This will discourage designating the habitats that the GMA requires the county to designate. Designating them as fish and wildlife habitat conservation areas will be quicker and easier and will satisfy state law.

### **Comments on the Proposed Amendments to Chapter 30.62B SCC: Geologically Hazardous Areas.**

Futurewise strongly supports the amendments to better protect development from channel migration zones.

### **Comments on the Proposed Amendments to Chapter 30.62C SCC: Critical Aquifer Recharge Areas.**

Futurewise supports requiring a mitigation plan for any activity or use proposed within a critical aquifer recharge area but not otherwise listed in Part 300 when the director determines there is potential for impairment to water quality or quantity within critical aquifer recharge areas. It is not possible to list all uses that potentially pollute ground water or reduce ground water recharge.

Futurewise supports prohibiting the additional uses proposed in SCC 30.62C.330. These uses have the potential to contaminate ground water.<sup>33</sup> For the same reason, we support the updates to SCC 30.62C.340.

### **Comments on the Proposed Amendments to Subtitle 30.9 SCC: Definitions. Please see pages 103 – 104 of 106.**

The definition of Critical Areas in SCC 30.91C.340 needs to be updated to include the State of Washington Department of Fish and Wildlife Priority Habitats and Species and the rare plant categories and listings from the State of Washington Department of Natural Resources, Natural Heritage Program for the reasons explained above.

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<sup>32</sup> SCC Table 30.86.525(5) last accessed on Dec. 10, 2025, at:

<https://snohomish.county.codes/SCC/30.86.525>.

<sup>33</sup> Laurie Morgan, *Critical Aquifer Recharge Areas Guidance Document* pp. 36 – 40 (Washington State Department of Ecology, Water Quality Program: Revised March 2021, Publication Number 05-10-028) last accessed on May 23, 2024, at:

<https://fortress.wa.gov/ecy/publications/publications/0510028.pdf> and enclosed at the link on page 15 of this letter with the filename: “0510028.pdf.”

The definition of Critical Species in SCC 30.91C.370 needs to be updated to include the State of Washington Department of Fish and Wildlife Priority Habitats and Species and the rare plant categories and listings from the State of Washington Department of Natural Resources, Natural Heritage Program for the reasons explained above.

**Amendment Sheet No. 1 is inconsistent with best available science (BAS) and violates the Growth Management Act and should be rejected.**

**The amendment in Amendment Sheet No. 1 on pages 1 and 2 reinstating existing SCC 30.62A.320(1)(f) as (g) is inconsistent with best available science (BAS) and should be rejected.**<sup>34</sup>

Futurewise supports deleting existing SCC 30.62A.320(1)(f) in proposed Ordinance 24-097 on page 52 of 106 as the Staff and Planning Commission recommend. Placing critical areas and buffers and building and maintain 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. For example, the Washington State Department of Ecology's current *Wetland Guidance for Critical Areas Ordinance (CAO) Updates* recommends that buffers be fenced, signed, and placed in separate non buildable tracts, but Ecology's guidance does not recommend that buffers be reduced when those measures are required.<sup>35</sup> As was documented above, the stream and river buffers in the proposed critical areas update are too narrow.<sup>36</sup> Including these reductions will make them even less effective for protecting critical areas.

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<sup>34</sup> Critical areas regulations must include best available science. RCW 36.70A.172(1). Critical areas regulations must also at least "protect[s] critical areas by maintaining existing conditions." *Swinomish Indian Tribal Cmty. v. W. Washington Growth Mgmt. Hearings Bd.*, 161 Wn.2d 415, 430, 166 P.3d 1198, 1206 (2007), as corrected (Nov. 28, 2007), as corrected (Apr. 3, 2008).

<sup>35</sup> Washington State Department of Ecology Shorelands and Environmental Assistance Program, *Wetland Guidance for Critical Areas Ordinance (CAO) Updates: Western and Eastern Washington* p. 25, p. 33, p. A-19 (Olympia, Wash.: Oct. 2022, Publication #22-06-014) last accessed on Jan. 10, 2025, at: <https://apps.ecology.wa.gov/publications/SummaryPages/2206014.html> and available at the link on page 15 of this letter with the filename: "2206014.pdf."

<sup>36</sup> Timothy Quinn, George F. Wilhere, and Kirk L. Krueger, technical editors, *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* pp. 265 – 68 & p. 270 (A Priority Habitat and Species Document of the Washington Department of Fish and Wildlife, Olympia, WA: Updated July 2020). This report was peer-reviewed. *Id.* at pp. 11 – 12. See also Terra Rentz, Amy Windrope,

**The Amendment Sheet No. 1 buffer averaging amendments on page 2 allowing 50 percent reductions are contrary to best available science (BAS).**

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. This amendment should not be adopted and buffer averaging should not result in buffers narrower than 75 percent of the required buffer at any point.<sup>37</sup> Again, changing the Staff and Planning Commission recommendation will harm wetlands and fish and wildlife habitats. Futurewise, consistent with the state agency recommendations and the best available science, recommends that buffer averaging require the buffer to be no narrower than 75 percent of the required buffer for both riparian buffers and wetland buffers.

**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 (BAS).**

The Washington State Academy of Sciences concluded that “[c]learly, there have been net losses of species and habitats in Washington. The committee is reasonably confident that without policy changes, these types of losses will continue and will contribute to the disappearance of distinct habitats and ecosystem types from Washington’s terrestrial and aquatic landscapes.”<sup>38</sup> One of the reasons for the continuing loss of species and habitats is that some county and city critical areas regulations allow the destruction of wetlands without requiring the mitigation of those impacts.

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Keith Folkerts, and Jeff Azerrad, technical editors, *Riparian Ecosystems, Volume 2: Management Recommendations* pp. 16 – 26 (A Priority Habitat and Species Document of the Washington Department of Fish and Wildlife, Olympia, WA: Dec. 2020).

<sup>37</sup> Washington State Department of Ecology Shorelands and Environmental Assistance Program, *Wetland Guidance for Critical Areas Ordinance (CAO) Updates: Western and Eastern Washington* p. 25, p. A-10 (Olympia, Wash.: Oct. 2022, Publication #22-06-014).

<sup>38</sup> Washington State Academy of Sciences, *Assessment of No Net Loss and Recommendations for Net Ecological Gain Metrics, Indicators, and Monitoring: Prepared for the Washington State Department of Fish and Wildlife* p. 4 (June 2022) in Washington Department of Fish and Wildlife (WDFW), *Net Ecological Gain Standard Proviso Summary Report* (Dec. 2022) bold in the original.



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The Amendment Sheet No. 1 amendments on pages 2 and 3 will allow the development of 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 without replacing the lost functions. This will continue the loss of wetland functions and values including fish and wildlife habitat violating the Growth Management Act.<sup>39</sup> For this reason, the State Department of Ecology writes: “Impacts to small wetlands are NOT exempt from the requirement to provide compensatory mitigation—regardless of the wetlands’ size, location, or category.”<sup>40</sup> Unfortunately, these amendments will exempt wetland fills and drainage from the requirement to mitigation these impacts contrary to Ecology’s recommendations. Again, like the other amendments, this amendment is contrary to the current best available science and state agency recommendations.

While we would prefer the exemptions for wetland destruction be removed from the critical areas regulations, the Staff and Planning Commission recommendations at least require mitigation for wetland impacts.<sup>41</sup> This is closer to what the best available science requires.

Thank you for considering our comments. If you require additional information, please contact me at email: [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,



Tim Trohimovich, AICP  
Director of Planning and Law

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<sup>39</sup> *Swinomish Indian Tribal Cmty. v. W. Washington Growth Mgmt. Hearings Bd.*, 161 Wn.2d 415, 430, 166 P.3d 1198, 1206 (2007).

<sup>40</sup> Washington State Department of Ecology Shorelands and Environmental Assistance Program, *Wetland Guidance for Critical Areas Ordinance (CAO) Updates: Western and Eastern Washington* p. 14 (Olympia, Wash.: Oct. 2022, Publication #22-06-014) bold in the original.

<sup>41</sup> See proposed Ordinance No. 24-097 SCC 30.62A.510(3)(g), (4), and (5) on pages 79 – 80 of 106.

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Enclosures are at this link:

[https://futurewiseorg.sharepoint.com/:f:/g/EixvOXbyD-1Phisa47wTvuIB\\_UIVmIZEV8wrNv8GxmfOww?e=8d9Vcs](https://futurewiseorg.sharepoint.com/:f:/g/EixvOXbyD-1Phisa47wTvuIB_UIVmIZEV8wrNv8GxmfOww?e=8d9Vcs)

Please include the following documents in the record of the critical areas regulations update:

Washington State Recreation and Conservation Office Governor's Salmon Recovery Office, *2022 State of Salmon in Watersheds Executive Summary* (Feb. 2023) at the link on page 15 of this letter with the filename: "SOS-ExecSummary-2022.pdf."

Dyanne Sheldon, Tom Hruby Ph.D., Patricia Johnson, Kim Harper, Andy McMillan, Teri Granger, Stephen Stanley, Erik Stockdale, *Wetlands in Washington State Volume 1: A Synthesis of the Science* (Final March 2005, Ecology Publication #05-06-006) at the link on page 15 of this letter with the filename: "0506006.pdf."


E. M. Larsen, ed. *Management recommendations for Washington's Priority Species, Volume III: Amphibians and Reptiles* (Wash. Dept. Fish and Wildl., Olympia.) at the link on page 15 of this letter with the filename: "wdfw00025.pdf."

State of Washington Department of Fish and Wildlife, *Priority Habitats and Species (PHS) List* at the link on page 15 of this letter with the filename: "2023\_distribution\_by\_county.xlsx."

Jesse E. D. Miller, Sienna Wessel, and Walter Fertig, *2024 Washington Vascular Plant Species of Conservation Concern* (Washington Natural Heritage Program, Natural Heritage Report 2024-07: July 3, 2024) at the link on page 15 with the filename: "amp\_nh\_vascular\_ets.pdf."

Laurie Morgan, *Critical Aquifer Recharge Areas Guidance Document* (Washington State Department of Ecology, Water Quality Program: Revised March 2021, Publication Number 05-10-028) enclosed at the link on page 15 of this letter with the filename: "0510028.pdf."

Washington State Department of Ecology, *Making Mitigation Work: The Report of the Mitigation that Works Forum* (Olympia, Washington Publication No. 08-06-018: Dec. 2008) at the link on page 15 of this letter with the filename: "0806018.pdf."



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NOAA Fisheries, *Southern Resident Killer Whale Priority Chinook Salmon Stocks - Questions and Answers* webpage at the link on page 15 of this letter with the filename: “Southern Resident Killer Whale Priority Chinook Stocks Q and A.pdf.”

National Oceanic and Atmospheric Administration and the State of Washington Department of Fish and Wildlife, *Southern Resident Killer Whale Priority Chinook Stocks* (June 22, 2018) at the link on page 15 of this letter with the filename: “srkw\_priority\_chinook\_stocks\_conceptual\_model\_report\_\_\_list\_22june2018.pdf.”


Lynda V. Mapes, *Mother orca Tahlequah once again carrying her dead calf* The Seattle Times (Jan. 1, 2025 at 6:41 pm) at the link on page 15 of this letter with the filename: “Mother orca Tahlequah once again carrying her dead calf \_ The Seattle Times.pdf.”


*2020 State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* at the link on page 15 of this letter with the filename: “state-of-our-watersheds-sow-2020-final-web.pdf.”

Timothy Quinn, George F. Wilhere, and Kirk L. Krueger, technical editors, *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* (A Priority Habitat and Species Document of the Washington Department of Fish and Wildlife, Olympia, WA: Updated July 2020) and at the link on page 15 of this letter with the filename: “wdfwo1987.pdf.”

Terra Rentz, Amy Windrope, Keith Folkerts, and Jeff Azerrad, technical editors, *Riparian Ecosystems, Volume 2: Management Recommendations* (A Priority Habitat and Species Document of the Washington Department of Fish and Wildlife, Olympia, WA: Dec. 2020) at the link on page 15 of this letter with the filename: “wdfwo1988.pdf.”

Johnny Mojica & Angela Fletcher, *Economic Analysis of Outdoor Recreation in Washington State 2020 Update* (Earth Economics. Tacoma, WA.: 2020) at the link on page 15 of this letter with the filename: “EconomicAnalysis-OutdoorRecreationWA\_EarthEconomics\_w0720-o.pdf.”






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Washington Department of Fish and Wildlife (WDFW), *Net Ecological Gain Standard Proviso Summary Report* (Dec. 2022) at the link on page 15 of this letter with the filename: “wdfwo2357.pdf.”

Washington State Department of Ecology Shorelands and Environmental Assistance Program, *Wetland Guidance for Critical Areas Ordinance (CAO) Updates: Western and Eastern Washington* (Olympia, Wash.: Oct. 2022, Publication #22-06-014) at the link on page 15 of this letter with the filename: “2206014.pdf.”



## Hickey, Lisa

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**From:** Mark Edward Villwock <MEVillwock@drhorton.com>  
**Sent:** Monday, January 13, 2025 7:20 AM  
**To:** Contact Council  
**Subject:** Support for Amendment 1 to Ordinance 24-097

Hello Council,

Thank you so much for taking the time to carefully consider Amendment 1 to Ordinance 24-097. Snohomish County is in a significant housing shortage and crisis. With so many units being needed over the next 20 years it is important to provide flexibility while protecting the environment. The needed flexibility that Amendment 1 keeps in place are:

1. Buffer reduction for putting critical areas in tracts and fencing the buffer
2. Having more flexibility for how much of the buffer can be averaged
3. The elimination of small BMP wetlands classification for wetlands under 4,000 SF.

I want to highlight the elimination of BMP wetlands. These small wetlands can have a large impact on developable area when a 100 foot buffer is applied to them. One BMP wetland can impact over an acre of land once buffers are applied! Usually these are either small areas in a pastor setting or a small area in a wooded setting that has the soils and plant life for a wetland but isn't a bog or other larger system. These smaller wetlands should be able to continue to be regulated as they currently are.

There doesn't appear to be any scientific support for removing the flexibility that has been in place for years and Amendment 1 will keep these tools in place. Being able to average wetland buffers allows the efficient use of land and protecting the associated critical areas. With the shortage of developable land it is important to be able to efficiently use what is available. Every unit matters in providing the needed housing.

Feel free to reach out if you have any questions.

Thanks,  
Mark



**MARK VILLWOCK, PE**  
**Division VP of Forward Planning**

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**Hickey, Lisa**

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**From:** Christopher Wade <bokonon7@me.com>  
**Sent:** Monday, January 13, 2025 2:00 PM  
**To:** Contact Council  
**Subject:** Comment on Wetland Critical Areas Regulations

Dear Snohomish County Council,

I am writing to oppose the last-minute amendments proposed by Mead and Nehring to the Critical Areas Ordinances. It is irresponsible to rely on old data about the needs for a health wetlands ecosystem which is so important to a healthy regional environment. Please do not give in to the pressure of developers and cause lasting or permanent harms to our already challenged natural environments in the region.

Best wishes,  
Christopher Wade

## Hickey, Lisa

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**From:** winchell@wavecable.com  
**Sent:** Monday, January 13, 2025 11:45 AM  
**To:** Contact Council; Nehring, Nate; Nehring, Nate  
**Cc:** Winchell, Julie  
**Subject:** Disapprove amendment to Ordinance #24-097

Snohomish County Council members,

I'm asking you to disapprove amendment to Ordinance #24-097. Eliminating the protection of Category IV wetlands that are smaller than 1,000 sq. feet is a horrible idea.

Allowing such wetlands to be filled would degrade the water quality of our streams and rivers, many of which support the threatened chinook salmon. Wetlands loss = loss of salmon = loss of orca whale. Scientists have known this for years!

Wetlands mitigation does NOTHING for the plants and animals that live in the wetlands that is destroyed. Additionally, Department of Ecology studies have shown that 50% of wetlands mitigation programs have failed to produce any positive results. The inclusion of "protective fencing" as a protection measure in this amendment is ridiculous.

Also, ALL wetlands store water, regardless of their size. With the recent reoccurrence of the formation of the "atmospheric rivers" in our county, water storage should be foremost on your minds as our County Council representatives.

In terms of providing additional housing, which is supposedly one of the reasons for this amendment, let's be more creative than just filling in wetlands. Build up, not out. Utilize the land where old, no longer used shopping centers sit. Solving the housing shortage problem does not require the destruction of wetlands and the reduction of stream buffers.

As a public school teacher, I taught my sixth grade students as early as 1984 about the importance of wetlands and how they function using a WA state sponsored curriculum entitled Clean Waters, Streams, and Fish. Those students, many of whom are your constituents, are now approximately 52 years old. Scientists have been advocating for the protection of wetlands for more than 40 years. Sometime during the 1980's I think, I completed a Watershed Keepers class that was sponsored by the Snohomish County Surface Water Management department. You, as our County Council representatives, should know better than to approve this amendment. Let's not go backwards in our attitudes about protecting our wetlands and streams. Our climate is at a tipping point. This is not the time to make poor decisions. Don't approve this amendment.

Sincerely,  
Julia Winchell  
22920 19<sup>th</sup> AVE NE  
Arlington, WA 98223  
360-320-0237