

## **City Council Minutes – May 21, 2018**

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At 6:00 p.m. Mayor Laurie Gere called to order the regular Anacortes City Council meeting of May 21, 2018. Councilmembers Eric Johnson, Anthony Young, Ryan Walters, Brad Adams, Liz Lovelett, Bruce McDougall and Matt Miller were present.

The assembly joined in the Pledge of Allegiance.

### **Announcements and Committee Reports**

Citizen Award for Life Saving Efforts to Mike Denhaan and Steve Krebs: Mayor Gere read a letter awarding Mr. Denhaan and Mr. Krebs the Mayor's Award of Heroism for rescuing a hypothermic man from the water at the Port on April 20, 2018.

Traffic Safety Committee: Mr. Johnson and Mr. Miller reported from the committee meeting the prior week at which those present discussed potential intersection solutions at 32<sup>nd</sup> Street and M Avenue including a 4-way stop, a traffic signal, or a roundabout, the latter being deemed most appropriate for the conditions. The councilmembers reported that excess funding from the 32<sup>nd</sup> and D Avenue roundabout might be dedicated to preliminary design work for 32<sup>nd</sup> Street and M Avenue to determine feasibility and preliminary cost estimates as that intersection was deemed more critical than Edwards Way and Glasgow. Mr. Miller added that 32<sup>nd</sup> & D Avenue roundabout construction was tentatively planned for August after WSDOT projects elsewhere in the city had completed. Mr. Johnson reported that the 32<sup>nd</sup> Street and I Avenue intersection would be changed from a 4-way stop to a one-way stop heading north on H Avenue. Mr. Miller reported on bicycle greenway signage soon to be added to mark preferential routing of bikes through the city. Mr. Johnson added that the speed limit on L Avenue would likely be reduced to 20 mph for greater safety for pedestrians and cyclists.

Parks & Recreation Committee: Mr. Adams reported from the committee meeting the prior Thursday at which those present discussed the Guemes Channel Trail which would be considered at length later on the agenda. He also reported that the Parks Comprehensive Plan update continued. He invited interested citizens to submit comments to Gary Robinson or Jonn Lunsford at the Parks Department. Mr. Adams said the committee also discussed the Depot Master Plan and coordinating that plan with the Port's North Basin Master Plan, and also discussed progress on the Pickett pocket park planned on the east side of Commercial Avenue near 22<sup>nd</sup> Street.

Public Works Committee: Ms. Lovelett reported from the committee meeting earlier in the evening at which many topics from the Traffic Safety Committee meeting were discussed. She said the committee also reviewed financial information for Phases 1 and 3 of the fiber telemetry system and that staff's estimate of \$3M total for the project still appeared firm.

Mr. Walters reported from the Fiber Committee meeting earlier in the day. He said that the members reviewed draft Resolution 2013 establishing goals for the municipal broadband network and prepared that resolution for presentation to the entire Council at its May 29, 2018 regular meeting. He added that the committee also looked at ROI calculations for the project and determined that ISP selection should not occur until after the resolution was adopted in final form.

Mr. Johnson invited the public to attend the Empty Chair ceremony at Causland Memorial Park at 11:00 a.m. on Memorial Day.

Mr. Walters reported that as of June 1 he would begin a new job as Planning and Community Development Director for Samish Tribe.

**Public Comment**

Bill Mitchell, 807 27<sup>nd</sup> Street, observed that history is one of the biggest tourist draws there is. He said he was sad that the Anacortes Junk Company building would be dismantled but was encouraged that the materials would be saved and repurposed so the building could go on into history. Mr. Mitchell suggested that the materials could perhaps jump start other projects such as the Morrison Mill smokestack memorial. He agreed with Mark Bunzel that the more interesting sites there are to see around a town, the better. Mr. Mitchell expressed hope for the future and said he looked forward to June meetings to discuss other historic preservation topics.

**Consent Agenda**

Mr. Walters removed Item 5e, Contract Modification: 2018 Waterline Replacement Project 18-004-WTR-001, from the Consent Agenda. Mr. Johnson moved, seconded by Mr. Adams, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of May 9, 2018 and May 14, 2018
- b. Approval of Claims in the amount of: \$1,244,569.50
- c. Contract Modification: 2018 Asphalt Overlay Utility & Ped Improvements 18-001-TRN-001
- d. Contract Modification: Downtown Sidewalks - Phase 2 17-028-TRN-004
- f. Contract Modification: WTP Chlorine Conversion Project 18-036-WTR-001
- g. Contract Modification: Update Zoning, Development & Design Standards 16-081-IDS-001

The following vouchers/checks were approved for payment:  
 EFT numbers: 89211 through 89249, total \$374,243.89  
 Check numbers: 89250 through 89296, total \$868,995.87  
 Wire transfer numbers: 232071 through 232875, total \$24,399.00

- e. Contract Modification: 2018 Waterline Replacement Project 18-004-WTR-001

Mr. Walters said he was very glad to see this modification, which added \$108K to replace 12” water main in the vicinity of Oakes and Baltimore, since that line had failed twice recently and was likely to do so again. Mr. Walters moved, seconded by Mr. Johnson, to adopt the contract modification as presented. The motion carried unanimously by voice vote.

**OTHER BUSINESS**

**Anacortes Historic Preservation Board Update**

Museum Director Bret Lunsford introduced Bob Ross, chair of the Anacortes Historic Preservation Board, to present the Board’s annual report to City Council. Mr. Ross referred to his slides which were included in the packet materials for the meeting. He noted new members Bunny Heiner and Mark Nihart had joined the five-member board in the past year, then summarized the AHPB’s duties including maintaining the Anacortes Register of Historic Places and Historic Inventory and actively engaging the public and advising staff on preservation topics. Mr. Ross noted that state historic preservation grants had been derailed by the legislature’s budget impasse but indicated that the Board would pursue state funding when it next became available. He reported that the Board reviews proposals to remodel or demolish properties and would be suggesting revisions to the demolition permit process; he emphasized its commitment to preservation of key downtown structures.

Mr. Ross described the House History project, noting that over 15 house histories had been completed. He then presented House History Awards to Dick and Daphne Storwick for their completed histories of the Thornburg House at 1510 9<sup>th</sup> Street and the Byron House at 1914 9<sup>th</sup> Street. Mr. Storwick described the fascinating process of researching a house’s history.

Mr. Ross introduced AHPB Vice Chair Ken Hansen to present Historic Preservation Board Achievement Awards. Mr. Hansen presented awards to Steve Oakley, former Museum Director, and to Diane Wilkenson, former AHPB member. Mr. Hanson elaborated on both recipients' extensive contributions to the community and preservation of its history.

Ms. Lovelett commented on the importance of preserving the city's cultural identity and noted that towns with thriving historic tourism don't achieve that by tearing down historic buildings.

### **Guemes Channel Trail Update**

Mayor Gere recalled Parks & Recreation Director Gary Robinson's recent presentation to City Council on the GCT and the questions raised by the Council and the community about the ongoing project. She said Mr. Robinson had been asked to invite the consultants involved with the project to provide an update on progress to date. Mayor Gere said the public would then be invited to share additional information and questions.

Mr. Robinson referred to his slide presentation which was added to the packet materials for the meeting. He summarized his presentation from the February 26, 2018 City Council meeting, describing the wide range of trail visitors and users and the many benefits it will provide to the community. Mr. Robinson displayed an aerial photo of the area between the Washington State Ferry Terminal and Edwards Way and discussed possible trail routes and private property ownership in that area. He noted that the city's federal grant funding for the trail required NEPA approval so one potential route was submitted for the NEPA process but that it was likely that route would change. He reported that since February further investigation had continued including shovel probe testing for archeological evidence and exploration of alternate routes for feasibility as regards access, private property easements, and topography.

Mr. Robinson then listed the five professionals who had consulted on the GCT to date and indicated that each of them would report on their involvement in the trail and respond to specific questions raised in prior meetings. Mr. Walters asked that the wetland delineation that Mr. Robinson had emailed earlier to councilmembers be added to the packet materials for the meeting.

Mr. Robinson introduced Connie Reckord, PLA, ASLA, LEED AP, Principal, MacLeod Reckord PLLC, and displayed the six questions Ms. Reckord had been asked to address, based on her extensive experience with trails located in and around sensitive wetlands and wetland buffers.

Ms. Reckord shared a slide presentation which was added to the packet materials for the meeting. She noted that controversy over trail routing and construction is very common but that such facilities are always well received in the long run. Ms. Reckord listed 16 regional trails, some very well known, that had been constructed in wetlands and/or wetland buffers. She provided examples of design strategies to eliminate or minimize impact on wetlands. Ms. Reckord then discussed other trails that were master planned and trails that were planned one segment at a time, noting that most trails involved both types of planning. She addressed the route analysis for Phase 2 of the GCT in more detail, describing the goals of keeping shared use paths at gentle grades for accessibility, minimizing impact to adjacent properties, and minimizing impact to existing trees, particularly large conifers. She displayed an example of the survey data and how it informed suggested routes. Mr. Johnson asked the order of magnitude of cost difference between cut/fill, retaining wall, and elevated trail construction methods. Ms. Reckord said that in very general terms cut/fill might cost \$200-300/LF versus \$600-800/LF for pin pile structures depending on access challenges, with retaining wall options somewhere between those two. She explained that routing a trail further up slope away from the wetland moves it outside of city-owned property. Mr. Walters asked if route recommendations would be different if they were not constrained by property ownership considerations. Ms. Reckord agreed and noted that property ownership was usually the first constraint consultants were asked to work within. Mr. McDougall asked if there was a legal distinction between what was allowed in different portions of a wetland buffer. Planning Director Don Measamer advised that

whatever was permitted in the buffer was permitted anywhere within it. Mr. McDougall asked if construction closer to a wetland was more likely to compromise or degrade the wetland. Jessica Redmond of ESA agreed that buffer functions decrease as distance from the wetland increases, hence DOE guidance is to site development as far from wetlands as possible. However, mitigation requirements for Category 1 wetlands such as Ship Harbor are 1:1 (by area) for development anywhere within the buffer. Mr. Young asked how the project would ensure that water flow into the wetland was not compromised. Ms. Reckord said that was always her firm's first design consideration, working with civil engineers and wetland biologists to determine the most appropriate means depending on the specific site conditions and the water source(s) feeding the wetland. She shared photos showing various configurations used at other trails. Mr. McDougall asked about the steeper, eastern portion of the Phase 2 section which appeared to have few large trees. Ms. Reckord explained that the challenge on steep slopes is that a much larger footprint was required to maintain 5% grade across slopes, resulting in more tree loss overall. Mr. Walters asked Ms. Reckord what her firm's considerations had been for identifying proposed trail routes. Ms. Reckord confirmed that those had been maintaining maximum 5% grade, staying on publicly owned property or wetland buffer property that would not be developable by private owners, minimizing removal of trees, particularly large conifers, and minimizing cost.

Mr. Robinson introduced Ross Widener, Widener & Associates, to address how the city had met the mitigation requirements for Phase VII of the GCT. Mr. Widener listed a number of state, federal and local permits required for that segment including SEPA, shoreline and HPA (hydraulic project approval). He identified the major mitigation requirements as shoreline beach nourishment (required by DFW and NOAA/COE); preserving trees as much as possible during construction, including 23 specific marked trees; and performing shoreline planting but not subsequent monitoring of plantings. He clarified that the permit requirements did not include success measures, only good faith effort to preserve trees and perform planting. Mr. Widener said he had been asked to address whether the city had met its permit requirements for Phase VII. He advised that his firm had met with WDFW, DOE and the Corps of Engineers for the past six months and that the city had got itself into compliance with the permit. He added that beach nourishment had gone better than anticipated and that some of the retained trees had fallen but had been retained on the shoreline longer than expected following trail construction in 2015. Mr. Widener explained that planting pockets along the shoreline did not include success standards because salt spray and sediment loss to wave action were known challenges for such plantings. He said the permit did require ongoing bank stabilization and beach nourishment.

Ms. Lovelett asked if the permit required anything for the upland slope. Mr. Widener said the original HPA required soil import for beach nourishment but that the bank sloughing from what would naturally be a feeder bluff had been used instead. He indicated that the city had a long term commitment to beach nourishment and to review the HPA every five years. Mr. Walters asked about the requirement for 1000 LF of planting pockets which were not currently visible. Mr. Widener said some of the original planting pockets had degraded as the beach eroded but that his firm had subsequently identified means of pulling rock back up to the beach to provide sufficient planting pockets. He noted that plants are establishing there and added that the new planting pocket locations would be surveyed and marked the following week. Mr. Walters asked for evidence that the planting pockets had been constructed but had subsequently washed away. Mr. Widener reiterated that some of the pockets had eroded and would be re-established and that additional locations would be identified and planted; he referred councilmembers to the as built drawings and pay quantities for the Phase VII construction to ascertain original construction of the pockets. Mr. Walters asked if the lack of success criteria in the permit had been an oversight on the part of the permitting agency. Mr. Widener said the city had negotiated the terms of the permit with the agencies given the very narrow right of way. He said the city's current replanting and watering efforts had all been above and beyond the permit requirements, in the interest of restoring the shoreline as much as possible.

Mr. Robinson introduced Sharese Graham, Environmental Science Associates, to address questions about permitting trails in wetland buffers at other locations around the state and to provide an update on the NEPA (National Environmental Policy Act) process. Ms. Graham noted that she had worked with MacLeod Reckord

on many trails around the state and that the GCT was not unusual; trails through wetland buffers are very common. She said such trails are required to avoid and minimize impacts as much as possible, and to mitigate where avoiding impact is impossible. Ms. Graham then described the NEPA process required for federally funded projects including assessment of cultural resources (Section 106), Endangered Species Act consultation (Section 7), critical areas, environmental justice, and impacts to parks and recreation and wildlife refuge areas (Section 4f), and the NEPA document itself, a Documented Categorical Exclusion (DCE) which would be signed off by the WSDOT local programs office.

Mr. Robinson introduced Jessica Redman, Environmental Science Associates, to address the SHIP wetland's strengths and weaknesses, whether a trail through the buffer could improve the wetland's function, and suggested mitigation steps. Ms. Redman summarized her wetland rating, which was added to the packet materials for the meeting, noting that SHIP is a Category I wetland based on high water quality, high hydrology value and moderate habitat function. She discussed its rating on those three scales and concluded that the SMP protects Category I wetlands with a 110-foot buffer. Ms. Redman said buffer mitigation for such wetlands are at a 1:1 ratio, through buffer enhancement or buffer averaging. She noted opportunities to enhance the buffer's function by planting trees in some locations, adding understory plantings in some areas, and removing invasive species along the west edge. She responded to councilmember questions, elaborating that increasing structural diversity in the buffer through plantings can improve its habitat value and listing purposes of the wetland buffer to filter pollutants and provide habitat connectivity. Mr. Miller asked if pin pile structures require less mitigation. Ms. Redman confirmed that elevated pin pile and boardwalk trails have much less impact and so require very little mitigation. Mr. Johnson asked if a trail through the buffer would drive away birds from the wetland. Ms. Redman responded that birds would very likely continue to visit the Ship Harbor wetland because it is one of the few vegetated areas left in the city. She added that installing bird boxes and other habitat features could increase its habitat function.

Mr. Robinson then introduced J. Gordon, GeoEngineers, Inc., to address geotechnical reviews of the trail and the upland bluff. Mr. Gordon said he had worked on the original phase of the trail and also on the vegetation and habitat management plan for the bluff. He said he has since evaluated landslides along the existing trail for potential proactive actions. Mr. Gordon said most of the bluff is glacial soils, reasonably strong, and that the railroad along the bottom of the bluff essentially armors the toe of the slope and slows the bluff retreat rate. He said the slides that have occurred have mostly involved groundwater or surface water from private properties. Mr. Gordon explained the natural process of material coming down off a slope to feed the shoreline, resulting in colluvium along the toe. The GCT is built through the prior cut for the railroad bed, overlaid with naturally deposited loose colluvium. Mr. Young asked what mitigations could be performed to prevent or lessen sloughing. Mr. Gordon said that the trail had not changed conditions to cause slides but that when slides happen and the bluff is denuded of vegetation, future slides are more likely. He noted that the city does not own the bluffs so mitigations would be up to private landowners. He referenced the 2015 vegetation management plan which recommended owner control of all discharge of water on the upland. He elaborated on the impact of upland construction, by reducing the vegetation cover required to retain water. Ms. Lovelett asked about armoring shorelines. Mr. Gordon confirmed that most permitting agencies no longer allow armoring and that the GCT route was already armored so the permit allowed it. He noted that the current trail alignment would not be possible without hard armoring. Mr. Walters said he was more concerned about the slides damaging the trail, with associated repair costs, and possibly endangering trail users. He asked how the city could prevent trail damage from slides and asked that the vegetation management plan be added to the packet materials for the meeting. Mr. Gordon explained in more detail the process of tightlining water from developed upland lots directly to the bottom of the slope, noting that some adjacent landowners had installed good examples of that. However, he noted that storms can saturate soils and that sloughing following storm events is a naturally occurring process so ongoing trail repairs from occasional slides were inevitable.

At approximately 8:22 p.m. Mayor Gere called a 7-minute recess. At 8:31 p.m. the mayor called the meeting back to order.

Mayor Gere invited citizens present to add new information to the discussion or to raise additional questions. She asked for a show of hands to gauge how many attendees wished to speak, then noting 15-18 interested parties, she asked speakers to limit their remarks to three minutes. Mayor called speakers forward beginning with those who had signed up to speak prior to the meeting.

Carolyn Moulton, 1514 14<sup>th</sup> Street, member of the Anacortes Bike/Pedestrian Advisory Committee and the Forest Advisory Board, said she wholeheartedly supported the continuation of the GCT. She thanked the consultants for answering so many questions and illuminating so many of the reasons why the trail was going to be a win-win for the community. Ms. Moulton said trails offer more people access without having to drive and are all about equality. She urged building the rest of the trail to get people outside and reduce the city's carbon footprint.

Frank McCoy, Glasgow Way, recalled that more access to the water and a trail along the Guemes Channel were strongly supported during a community visioning process he participated in after moving to Anacortes in 2001. Calling on his 25 years of experience as Parks and Recreation Director in Spokane, Mr. McCoy recalled four large park and trail projects that had been very controversial when first implemented but which were all now considered treasures in that city. He urged Council to make sure the trail was done properly and that it was needed but said there was demonstrated strong citizen support for it, noting that the Parks Foundation Trails Committee on which he sits had already raised over \$400K from local citizens to support the GCT. He said a corps of volunteers had also been involved in planting and caring for plants along the trail. Mr. McCoy said the trail provided highly valued access to the waterfront and to a level walking surface which more and more citizens request and use. Mr. McCoy said he supported the trail tremendously and closed his remarks by asking the audience for a show of hands if they were in favor.

Arlene French, 1411 8<sup>th</sup> Street, asked Mr. McCoy to clarify in favor of what? She said the proposed route west of Edwards Way was through the wetlands, would cut 149 trees, would require retaining walls and then would just hit the ferry lanes. Ms. French said that effort, cost and wetland desecration made no sense. She said this section should be postponed until the trail was completed between the Guemes Ferry and Lovrics so the trail actually went somewhere. Ms. French quoted the MacLeod Reckord report that federal regulations prohibit "the use of significantly publicly owned parks, recreation areas, wildlife refuges or historic properties for transportation projects unless there is no prudent or feasible alternative". Ms. French said there was a prudent and feasible alternative for commuter bikes on the south side of Oakes Avenue and urged routing bikes there instead. Ms. French said she was a walker and a hiker, and said she was for the trail, but didn't see why it had to be 12' wide with 2' shoulders its entire length.

Michele Pope, 4001 Peters Lane, said she had intended to read a letter from Kirk Kennedy who could not attend the meeting but since his letter had already been submitted she provided a synopsis. Mr. Kennedy pointed out that people with disabilities need a place to be able to access the waterfront and enjoy the wilderness, specifically SHIP and the GCT. He encouraged Council to evaluate the trail and develop a plan to move forward, likely a compromise among interested parties which was democracy in action. Ms. Pope also said that she had participated in planting work parties along the GCT and that deer and salt spray may have contributed to the demise of some plants but that volunteers also received complaints from people who did not want plantings along the trail that might block views.

John Pope, 4001 Peters Lane, said he believed everyone in the room was ecologically oriented and in favor of alternative transportation so there was a lot of common ground. He said completing the trail connection from the Tommy Thompson to the west end had been the plan for decades. Mr. Pope said the trail route hit a stumbling block to find a route around the SHIP wetlands so staff and advisory bodies had worked to find upland alternatives which included using part of a pre-existing roadbed outside the buffer that avoided sensitive areas. He described options for improving the habitat and hydrology of the wetland by using this alternate route. Mr.

Pope said that this respectful and balanced approach to trail design would excite the entire community. He concluded that the experience was a reminder of the need to balance land use and land stewardship when responding to the community's strong desire to walk, wheelchair, stroll and cycle on our beautiful island.

Bert Clay, 4927 Portalis, said his family used the trail every day and that the many other trail users they encountered were very happy to be there. He noted that many of those users were older and that the GCT was a natural environment easily accessible to them. Mr. Clay said the GCT is unique because it is accessible to a wide variety of potential users, young, old, able and less able, cyclists and walkers. He said everyone had learned a lot earlier in the meeting from the consultants about the extensive research that goes into a project of this scale. He thanked everyone involved for this educational forum that highlighted how much thoughtful work underlay the planning and construction of the trail.

Lin Folsom responded to Mr. Young's questions about hydrology and wetland recharge. Ms. Folsom recalled that before there were trails at SHIP she and [former councilmember] Cynthia Richardson counted birds at the wetland every month. She said there had been water in the wetland then, much more than now, and that she was really concerned about recharge of that wetland. She also said that three years of bird sightings had been compiled at that point. She proposed that the city call for volunteers to resume that practice to keep track of where the birds are. That would show the impact of the trails that have been built in the interim and might also identify sensitive areas in the buffer that would be worth saving. Ms. Folsom said she supported the trail and that it should have as little impact as possible on the buffer.

John Howell, 2428 Sundown Court, said that there is no one entity that has a monopoly on caring for the environment and that he himself cared deeply about the environment and about his community. Mr. Howell said the trail proposition is not a 0-sum proposition. He recalled prior island residents who had worked to create our forestlands and parks and said he'd like the future to look back and thank current citizens for putting together the GCT. He said the community could surely accomplish that if everyone worked together. Mr. Howell proposed that successful enterprises look for ways that things can be done, not reasons why they can't. He concluded by noting that he'd like to be able to run the entire trail end to end while his knees would still allow it.

Tim Kiehl, 4516 Cutter Drive, identified himself as a very strong supporter of the trail, having experienced trails in many other communities. He said well-done thoughtful trails offer significant positive economic impact to communities. He quoted a recent issue of *Rails to Trails* magazine which reported that the Trail of the Coeur d'Alenes in Idaho brings in \$.5M per year to that community. Mr. Kiehl said the trail would also increase the safety of the cyclists and pedestrians he sees traveling on Oakes Avenue beside busy and distracted ferry traffic. He said studies repeatedly show that trails improve the mental and physical health of people and communities. He said trails also contribute to community pride, citing several examples. He concluded with a quote from *Rails to Trails*: "Trail systems not only are desirable but they are essential to thriving communities in the 21<sup>st</sup> century."

Warren Tessler, 1613 6<sup>th</sup> Street, President of the Anacortes Parks Foundation and chair of its GCT Advisory Committee, said he had been involved for some time to make the trail a reality. He said this was not a plan that harms the environment. Mr. Tessler acknowledged that the original route planned between Edwards Way and the state ferry terminal went through the wetland buffer, mindful of environmental concerns including avoidance of significant trees. He said that in response to concerns raised in recent weeks, an upland route had been tentatively identified along the southern edge of the wetland buffer. He said that route, partially on private property, should be surveyed to determine its feasibility and potential cost. Mr. Tessler concluded that it was time to stop pointing fingers and work together to move the trail forward mindfully so everyone could share and enjoy it.

Tom Glade, 210 Mansfield Court, representing Evergreen Islands, reminded that the Ship Harbor Interpretive Preserve would not exist at all if EI had not filed a shoreline use permit and that EI still has a strong interest in

protecting SHIP. He said EI supports the GCT but not extending it into the wetland buffer. Mr. Glade quoted sections of the Critical Areas Ordinance requiring activities in wetlands and their buffers not to functionally degrade the wetlands. He said steep slopes also need to be considered. Mr. Glade further quoted CAO sections indicating that if a portion of a buffer is effectively isolated from the rest of the buffer, it can't be identified as a buffer. Mr. Glade recalled that 60 volunteers worked on monitoring the wetlands and their species when SHIP was first proposed. He mentioned two volunteers he met in that effort who shared ideas that still resonate and reminded that humans are not the only creatures with valid needs. Mr. Glade shared an observation from Mike Davidson, DFW biologist, who observed that a trail like this turns the buffer into a buffet for predators. He concluded by paraphrasing Cynthia Richardson, urging that the community preserve Ship Harbor wetlands as a legacy for future generations of all creatures great and small.

Wim Houppermans, 3412 K Avenue, referred to comments that salt spray affected survival of plants in the planting pockets in Phase VII. He asked the height difference between the high water line and the trail planting pockets. He said if it's three feet, it would seem the trail is built too low, too close to the water line.

Brian Wetcher, 814 26<sup>th</sup> Street, stated that preservation of our public trust lands is only possible with continuity from generation to generation. He recalled that in the 1980's there was lots of activity to preserve the Ship Harbor area, which he called the last largest intertidal marsh land left on Fidalgo Island. Mr. Wetcher said this unique area is not developed today due to years of meetings and legal appeals that resulted in the Ship Harbor settlement agreement that evolved into the preserve. Mr. Wetcher elaborated on the conditions of the settlement agreement which preclude incursions into the wetland buffer, more strictly than state or city codes. He said the agreement reflects the community's strong feeling at the time that there should not be any incursion of any kind into the wetland buffer. Mr. Wetcher said the wetland buffer outside line should be considered a property line and should not be crossed for the trail, just like private property lines. He also reminded that the settlement agreement grants the Samish Tribe a claim and that they may establish a cultural center there. Mr. Wetcher concluded by reminding the city that the settlement agreement is exempt from changes in wetland buffer regulations.

Mark Wade, 1406 9<sup>th</sup> Street, referred to a 2006 study in Portland, Oregon showing that more people will cycle if they have separated bike routes, due to safety concerns. Mr. Wade said there is probably a large untapped group of people who would love to be able to ride a bike to the ferry terminal or to Washington Park but don't because of the traffic on Oakes Avenue.

Martha Hall, 2617 16<sup>th</sup> Street, said she was speaking on behalf of fish and wildlife since they were not invited nor able to speak for themselves. Ms. Hall beg to differ from Widener's report that the [Phase VII] mitigation was in compliance. She said the report was convoluted and difficult to follow but that careful reading showed that beach nourishment has not been done with the dating and quantification required, that beach monitoring had not been done as required at establish fixed points, and that planting pockets to grow trees like big leaf maple did not exist. She urged looking at the construction plans to see if the pockets were ever built to spec. She said everyone was promised that trees would be grown along the shoreline side of the trail. Ms. Hall said the WDFW permit required the plantings to follow city codes and WDFW standards for plantings and those require monitoring for five years post planting so that monitoring was inferred. Ms. Hall asked why the city was not required to post a bond or follow its own codes for its projects. She said an irrigation plan is also required by city code but never happened on this project. Ms. Hall said that there is a serious problem with the city's commitment to mitigation and urged Council not to approve another segment of the trail that would require mitigation. She indicated that due to time constraints she would submit the rest of her points in another format.

Vernon Lauridsen, 2219 32<sup>nd</sup> Street, said the city already had a nature trail from Edwards Way to the ferry terminal so there was already access to the water and a place to exercise that's ADA compliant. He said running the GCT through this area only makes sense in the context of a fairly high intensity transportation corridor. Mr. Lauridsen urged re-evaluating the trail's master plan and the segmentation of it which are now years old. He

described the challenges of working with private landowners to complete the trail between Lovrics and the Guemes Ferry, the challenge of crossing the Washington State Ferry property to the west, and the challenges of crossing Western's property at Shannon Point. Mr. Lauridsen concluded that since it wasn't yet clear if any or all of those segments would be able to be built, the segment under discussion might never connect to anything, in which case it wouldn't serve as a transportation corridor.

Marlene Finley, 1410 Kellogg Place, urged Council to protect Ship Harbor Preserve. She said the trail route through the wetland buffer was not just an idea, it was a proposed action, that's what triggered NEPA. She said NEPA requires a range of alternatives to be considered, especially in extraordinary circumstances which this was because it's a preserve and a wetland. Ms. Finley said it was important to look at the location and design of the trail. She urged councilmembers to request what grants have been secured by the city and what commitments were made for those grants, to know what design features may be required by the grant(s). Ms. Finley said she supported environmentally and financially sustainable trails: appropriately sited, well planned, well designed, well managed, and including environmental monitoring.

Katherine O'Hara, 4407 Anaco Beach Place, shared her continuing concerns about the plan to destroy the buffer around SHIP to build a paved bike trail. She said her husband sighted 26 different species of birds in an hour in that area, that many other wildlife species use the area, and that it was a treasure that offered different habitats than other parks. She said its wild habitat value far outweighed any benefit of a paved path to allow bicyclists to zip through at high speed, for whom there were viable alternatives outside the wetland buffer. Ms. O'Hara said there had been a lack of open process on this topic and that not everyone shared the view that a paved bike path was the highest and best use of the area. She urged following up on Mr. Walter's request for an open and publicly announced process to consider facts, ideas, and alternatives and reach agreement. She urged the city to follow its own planning documents and codes. Ms. O'Hara said that based on how the city had maintained the existing portion of the GCT, she felt no assurance that the city could build and maintain another stretch of trail through an even more sensitive area. She also noted challenges to completing the trail eastward from Lovrics and said there was no rush to destroy the SHIP wetland buffer when it would still be a trail to nowhere. She urged putting bikes up on Oakes Avenue and leaving the wetland and buffer undisturbed until the trail connected to downtown.

Kathleen Flanagan, 2005 10<sup>th</sup> Street, said the importance of the buffer had been minimized during the evening presentations which was unfortunate because the buffer is a critical part of the wetland. She said the SMP and CAO protect the shoreline and the buffer. She asked how many loopholes would be used to get through Ship Harbor, as they were to construct the sections already built. Ms. Flanagan said SHIP is a *preserve*, which is a commitment that was made 20 years ago and needs to be honored. She disagreed that the required mitigation on prior sections had been completed. She said costs for the trail had not been discussed at all and expressed concern that the next segment would be extremely expensive. She also said parking had not been addressed and that Edwards Way neighbors complain already and parking lots are not allowed close to the shoreline. She urged that bikes use Highway 20.

Steve Jahn, 4501 Fidalgo Bay Road, said he was definitely in favor of the trail for both economic and quality of life reasons. Mr. Jahn thanked the mayor and Council for their ability to listen to opinions from all sides and to professionals who had studied and continue to study the trail. He said the most important thing as a citizen is to feel that the elected city government fairly represents all of the citizens and will make a good decision.

No one else present expressed interest in addressing the Council on this topic. Mayor Gere thanked the speakers for their comments and said all the information would be considered as Council deliberated further.

There being no further business, at approximately 9:30 p.m. the Anacortes City Council meeting of May 21, 2018 was adjourned.