AGENDA

BOTHELL SHORELINES BOARD

Bothell City Hall, 18415 101st Avenue NE
Monday, February 11, 2019, 6:00 PM

1. CALL TO ORDER

2. PUBLIC COMMENTS
   An opportunity for members of the audience to address the Board on a topic NOT scheduled for a public hearing on this evening's agenda. Please limit comments to 3 minutes per speaker.

3. APPROVAL OF MINUTES
   January 14, 2019

4. NEW BUSINESS

5. PUBLIC HEARING
   None

6. STUDY SESSION
   A. Review of shoreline jurisdiction mapping changes not covered at the January 14 meeting
   B. Review of outstanding issues with potential Title 13 amendments

7. OLD BUSINESS
   A. Discussion and possible vote on proposed recommendation to Council to consider removing the buffer reduction provisions in BMC 13.060.E as part of the 2019 Planning Docket
   B. Plans for a March 11 public open house and coordination with Planning Commission and the Parks & Recreation Board

8. REPORTS FROM STAFF

9. REPORTS FROM MEMBERS

10. ADJOURNMENT

Official tapes of meetings are available through the Community Planning Division.
SPECIAL ACCOMMODATIONS: The City of Bothell strives to provide accessible meetings for people with disabilities. If special accommodations are required, please contact the ADA Coordinator at 425-806-6150 at least three days prior to the meeting.

Minutes

BOTHELL SHORELINE BOARD

REGULAR MEETING – January 14, 2019

COMMISSIONERS PRESENT: Patrick Ewing, Ann Aagaard, Ryan Page, Sarah Gustafson, David Bain, Jim Orr, David Cox (Aagaard and Orr joined the meeting shortly after it was opened)

COMMISSIONER ABSENT: None

STAFF PRESENT: Senior Planner Dave Boyd, Community and Economic Development Director Michael Kattermann, Parks and Recreation Director Nik Stroup, Parks Planning and Grants Manager Tracey Perkosky, and consultant Amy Summe of Shannon & Wilson.

CALL TO ORDER: The Regular Meeting of the Bothell Shoreline Board was called to order by Chair Patrick Ewing on January 14, 2019, at 6:00 p.m. in the Council Chambers at Bothell Town Hall, 18415 101st Avenue NE. Approval of minutes was deferred until all board members were present.

NEW BUSINESS: None

PUBLIC HEARING: None

STUDY SESSION: Review the Shoreline Jurisdiction/Environment Designation Changes and Potential "Clarification" Code Amendments.

Senior Planner Boyd introduced Tracey Perkosky who gave an overview about the potential uses for Wayne Golf Course. Perkosky answered questions regarding the grant restrictions and Urban Conservancy designation.

Boyd and Summe presented proposed changes in the shorelines jurisdiction for the Horse Creek area and the Sammamish side channel. Discussion ensued.

Summe and Boyd presented proposed clarification amendments for Title 13. Discussion ensued.

APPROVAL OF MINUTES:

ORR MOVED TO APPROVE THE MINUTES OF DECEMBER 10, 2018. EWING SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

OLD BUSINESS: Discussion of items to recommend for addition to the 2019 Planning Docket and plans for a February public open house and potential joint meetings with Planning Commission and the Parks and Recreation Board.

The Board reviewed a letter submitted by Aagaard requesting reconsideration of the buffer reduction provisions in BMC 13.13.060.E.6.a. Summe provided background information on the process that led to these provisions. Aagaard submitted photographs of the one project that has taken advantage of these provisions, the Securite' Gun Club, and a King County Trails restoration across the Sammamish River from the gun club. The Board had several

questions and supported including this item in the 2019 Docket provisionally, then voting at the February 11 meeting after getting more information.

Boyd described alternative approaches for coordinating with Planning Commission and the Parks and Recreation Board and the possibility of delaying the public open house. He will poll the Board about availability for potential dates.

REPORTS FROM STAFF: None

REPORTS FROM MEMBERS: None

ADJOURNMENT:

EWING MOVED TO ADJOURN, ORR SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

The meeting was adjourned at 8:06 p.m.

Study Session:
Minor Shoreline Jurisdiction Mapping Changes and Oustanding Code Amendment Issues

MEMORANDUM
Community Development Department

City of Bothell

DATE: February 11, 2019

TO: Shorelines Board

FROM: Senior Planner Dave Boyd, Amy Summe of Shannon & Wilson

SUBJECT: Shorelines Board Continued Study Session on the 2019 SMP Update

Purpose

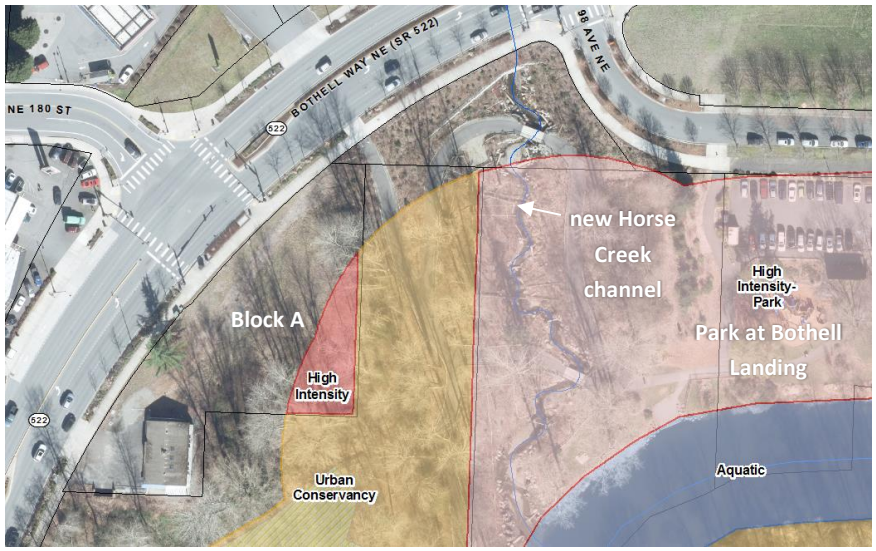
Tonight's meeting of the City of Bothell Shorelines Board (SB) will cover the following topics, the first two as part of the continued study session and the second two as Old Business:

1. Review of Shoreline Jurisdiction mapping changes not covered at the January 14 meeting. These are primarily updates to reflect new wetlands delineations done since the adoption of the last update, and do not involve changing environment designations.
2. Review of outstanding issues on potential amendments to Title 13.
3. Review of requested recommendation to Council to consider removing the buffer reduction provisions in BMC 13.13.060.E as part of the 2019 Planning Docket.
4. Discuss March 11 open house and coordination with Planning Commission and (possibly) Parks & Recreation Board.

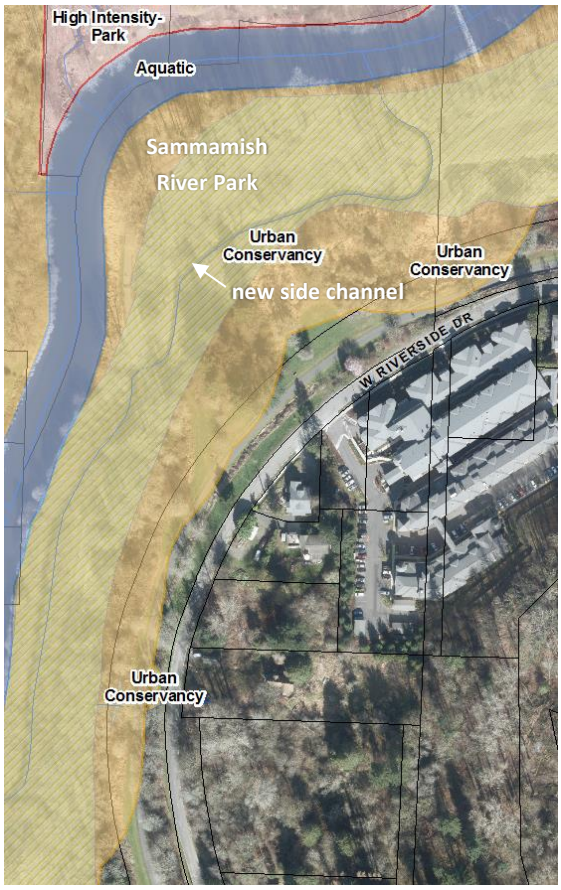
Shoreline Jurisdiction Mapping Changes

At the January 14 meeting, the Board reviewed shorelines jurisdiction and environment designation changes for three key areas. The maps that were presented at the study session, but not included in the packet, are inserted below:

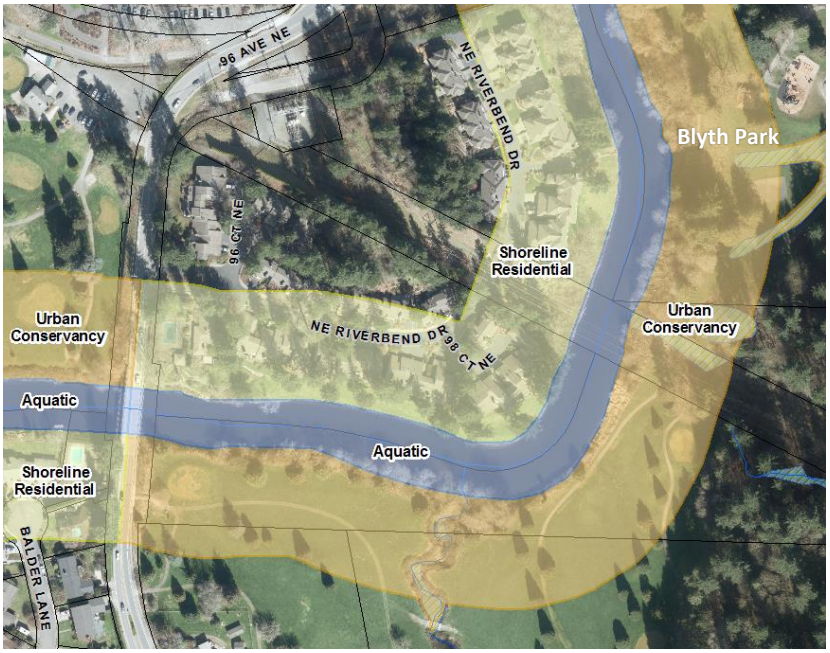
1. Horse Creek, where the 2015 daylighting project extended the Ordinary High Water Mark of the Sammamish River a short distance up the new stream channel. This expands the shorelines jurisdiction, including a small portion that extends onto the City-owned development parcel Block A, which will be designated High Intensity. Other areas of the expanded jurisdiction will be designated High Intensity Park in the area east of the property line adjacent to the Horse Creek channel, and Urban Conservancy to the west (see map at right).



2. Sammamish River Side Channel, where the 2017 construction of a new side channel in Sammamish River Park, across from the Park at Bothell Landing, extends the Shorelines Jurisdiction further into the park, as shown on the map to the right. This extends the Urban Conservancy designation across the West Riverside Trail and some exercise areas, but those uses are allowed in Urban Conservancy.



3. Former Wayne Golf Course Back Nine: With the City's purchase of the former Wayne Golf Course, the split designation on the back nine is no longer appropriate, with Urban Conservancy within the 100' buffer and Shoreline Residential within the outer 100' of the shoreline jurisdiction. This area is now proposed to be all Urban Conservancy, along with an associated wetland along Waynita Creek that was delineated as part of the acquisition, as reflected in the map below.



In addition to the above changes to the shorelines jurisdiction and environment designations, there are a number of other areas in the city where new delineations have been done for shoreline-contributing wetlands, altering the mapping of the shorelines jurisdiction. There are also a few areas where the 2015 mapping does not quite match zoning or planning area boundaries or the City's mapping of streams, so adjustments are being made to address those discrepancies. For these areas, no new environment designations are being proposed. For that reason, they do not warrant detailed scrutiny by the Board. They will be part of the 2019 SMP Update and this information is provided to make the Board aware of the changes, which are described in **Attachment 1**.

Outstanding Code Amendment Issues

At the December meeting, the Shorelines Board reviewed proposed amendments related to the Ecology Checklist. There was considerable discussion by the Board regarding proposed amendments to the regulations for off-site mitigation. The proposed amendment was in response to Ecology guidance to facilitate use of state-approved off-site mitigation options. Some Board members objected, stating that the approved off-site mitigation options are too remote, even if Bothell is in their service area. Some felt that off-site mitigation, if allowed at all, should only be allowed within a sub-basin, and/or only within Bothell city limits. There was also some concern about the meaning of the current code's reference to "Bothell sponsored" and the proposed "Bothell approved" off-site mitigation. **Attachment 2** includes alternative code language meant to address these concerns.

Review of request for Council to reconsider alternative buffers in the 2019 Docket

Because of the limited scope of this SMP Update established by the Council in consideration of resources and required completion date, staff informed the Board that issues outside the scope may be suggested for consideration by the Council in the 2019 Planning Docket, with support from a majority of Board members. At the November and January meetings a request for reconsideration of the alternative buffer provision was made by Board member Ann Aagaard. At the January meeting, Board member Aagaard circulated a plan of the Securite' Gun Club project and photos of their shoreline restoration, along with a photo of a King County Parks restoration project across the Sammamish River (included here as **Attachment 3**).

These issues were addressed by our consultants in an email to the Board the morning of November 5, just prior to the meeting that evening. That response was repeated in the January 14 meeting memo and is expanded upon in **Attachment 4**, which also addresses issues that came up in the Board discussion that night. That discussion led to provisional inclusion of this item in the Proposed 2019 Planning Docket but a vote of the Board on whether to support the recommendation was deferred until the February 11 meeting. The Docket will be reviewed by Council at the February 19 meeting.

Staff agrees with the consultants' assessment that the alternative buffer regulations were based on sound analysis and provide the best option for obtaining some restoration of degraded buffers that might otherwise be left in a degraded condition. While the Securite' project initially proposed to use the buffer reduction provisions, the plans that were approved under a Shoreline Conditional Use Permit provide the full buffer <u>with</u> restoration. Establishment and maintenance of that buffer (along with the other landscaping improvements) are protected through a 10-year landscape

bond. After that time, when the buffer restoration will be well established, maintenance will be enforced on a complaint basis.

Public Open House and coordination with other boards and commissions

After discussions with other boards' staff and reviewing Board and Commission availability, staff proposes to hold a public open house prior to the March 11 SB public hearing, and to arrange for coordination with Planning Commission and (possibly) the Parks & Recreation Board at that meeting and at their respective meetings in February and March.

Planning Commission will hold a study session on amendments to the BMC Title 14 Critical Areas Regulations on February 27, and the SB will be invited to assign one to three members to attend that meeting (it is not being advertised as a joint meeting, so a quorum of SB members should not attend). Likewise, Planning Commission and the Parks & Recreation Board will be invited to send representatives to the March 11 Shorelines public open house and hearing, and SB will be invited to assign one to three members to a March 20 Planning Commission public hearing on amendments to the BMC Title 14 Critical Areas Regulations.

A revised Public Participation Plan is included as **Attachment 5.**

Next Steps

At the March 11 public hearing, the Board may choose to make its recommendations for the 2019 SMP Update to Council, if ready, or the public hearing could be continued to April 8.

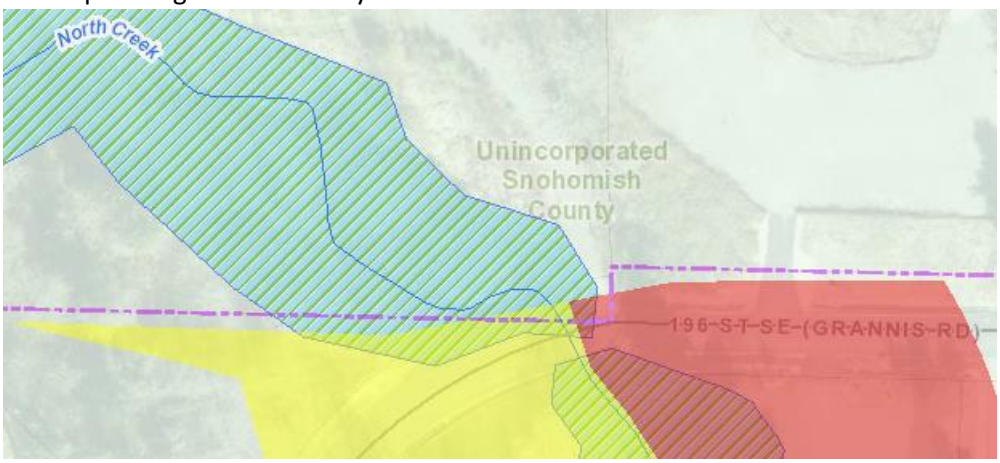
Attachments:

1. Shoreline Jurisdiction Mapping Changes
2. Draft Options for Offsite Mitigation Amendments
3. Exhibit from Ann Aagaard: Plan and photos of Securite' Gun Club and King County Parks restoration areas
4. Background information memo on buffer reductions
5. Revised Public Participation Plan

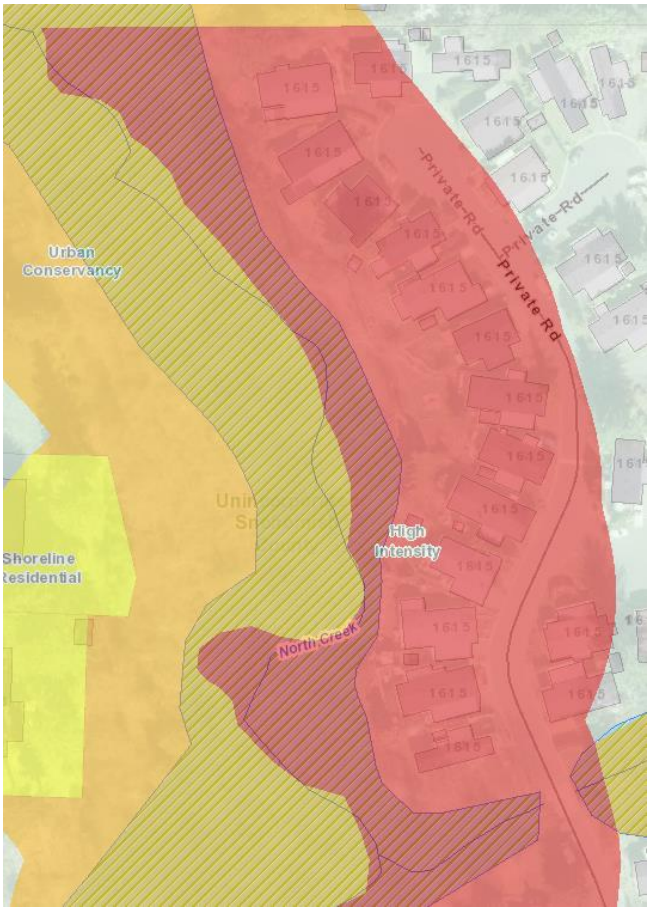
Parcels with Shoreline Jurisdiction / wetlands mapping discrepancies

In addition to the three areas discussed at the January 14 Shorelines Board meeting, the following are minor mapping issues to resolve with the 2019 SMP update, genrally starting at the north planning area boundary and working to the south and west

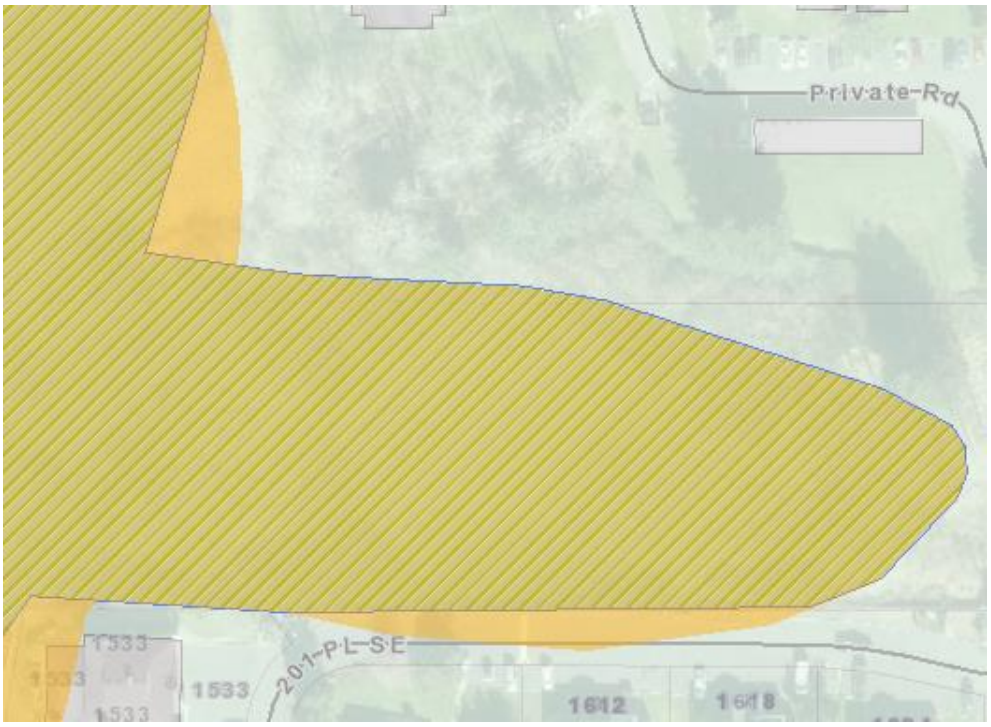
1. Parcel 00958300099600 (SnoCo) and surrounding. Correct 200' buffer (yellow leg to the west) and follow planning area boundary:



2. In Shohomish County MUGA (and other areas), North Cr., Subarea boundaries and Shoreline environment boundaries often do not all coincide:

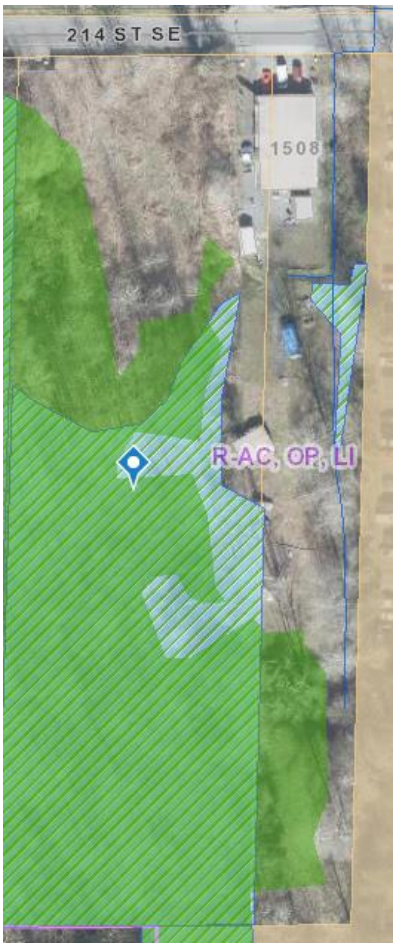


3. Parcels 27051900102900, 27051900102600 and 201st Pl SE ROW (SnoCo): Adjust Shorelines boundary to reflect associated wetlands:



4. South of SR 524, zoning boundary and North Creek don't coincide, and the eastern branch of the labelled North Creek isn't continuous:

5. Parcels 27053000101500 & 27053000101400: Adjust Shorelines boundary per new wetlands delineation:



6. Parcels 27053000106500 & others – Adjust Shorelines boundary to reflect associated wetlands (extension to east) and ponds (if appropriate):

7. Parcel 27053200202100. Adjust Shorelines boundary to reflect associated wetland:

8. Parcel 27053200102700. Adjust Shorelines boundary to reflect associated wetland:

9. Parcel 3927000360. Fix slight discrepancy between Shorelines boundary and wetland:

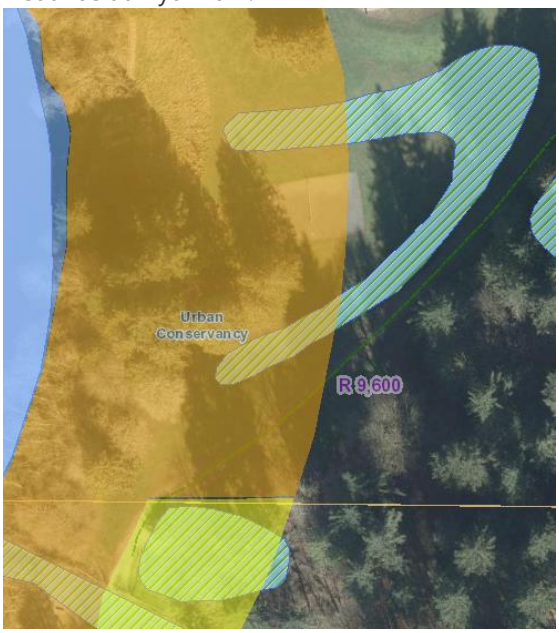
10. Parcel 0526059057 – show wetland that extends into WSDOT ROW at north end of this parcel and strip along east side as Shoreline Jurisdiction:

11. Parcel 0926059139. Adjust Shorelines boundary to reflect associated wetland:

12. Parcel 0926059012 – fix slight discrepancy just north of this parcel:

13. Check whether wetlands along West Riverside Trail should be part of Shorelines Jurisdiction:

14. Parcel 0726059278 & 0726059462 – Extend Shorelines Jurisdiction into newly delineated associated wetlands at Blyth Park:



15. Parcel 0726059053 – Fix extension of Shoreline Jurisdiction into Kenmore:

DRAFT 2018 Shoreline Master Program Amendments

Proposed amendments are shown in underline/~~strikethough~~ format below, unless otherwise noted. All proposed amendments originate from staff suggestions to improve clarity and usability. Notes that are not part of the proposed code language are shown in ☐. Skipped sections are indicated by three asterisks: * * *

Title 13
SHORELINE MANAGEMENT*

13.13.020 Wetlands.

G. Compensatory Mitigation Requirements. Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with the state Department of Ecology Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1), Ecology Publication No. 06-06-011b, Olympia, WA, March 2006 or as revised, as revised.

* * *

NOTE: The following **Option 1** changes to existing code were first presented at the December 10, 2018 Shorelines Board meeting.

4. Type and Location of Mitigation. Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, such as a mitigation bank located within Watershed Resource Inventory Area (WRIA) 8, implementation of a project found in the city's shoreline restoration plan, or a city of Bothell-approved~~sponsored~~ fee-in-lieu program, compensatory mitigation for ecological functions shall be either in-kind and on site, or in-kind and within the same stream reach or subbasin. Mitigation actions shall be conducted within the same subdrainage basin and on the site as the alteration except when all of the following apply:

a. There are no reasonable on-site or in-subdrainage basin opportunities or on-site and in-subdrainage basin opportunities do not have a high likelihood of success, after a determination of the natural capacity of the site to mitigate for the adverse impacts. Consideration should include: anticipated wetland mitigation replacement ratios; buffer conditions and proposed widths; hydrogeomorphic classes of on-site wetlands when restored; proposed flood storage capacity; and potential to mitigate riparian fish and wildlife impacts (such as connectivity);

b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and

c. Off-site locations shall be in the same subdrainage basin unless:

(1) Established watershed goals for water quality, flood or conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation at another site; or

(2) Credits from a state-certified wetland mitigation bank located within the Sammamish River, North Creek, or Swamp Creek drainage basin are used as mitigation and the use of credits is consistent with the terms of the bank's certification;

(3) The mitigation occurs as part of a city of Bothell-approved~~sponsored~~ fee-in-lieu program;

(4) Wetponds established and maintained for control of surface water shall not constitute replacement or enhancement for wetland alterations.

NOTE: The following **Option 2** changes to existing code were developed after discussion with the Shorelines Board at the December 10, 2018 Shorelines Board meeting.

4. Type and Location of Mitigation. Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions ("in kind"). Out-of-kind replacement of wetland type or functions may be allowed if it will best meet watershed goals formally identified by the City, such as support of salmon recovery efforts. Compensatory mitigation actions shall be conducted on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable. Off-site mitigation is only allowed when an applicant can ~~Unless it is~~ demonstrate~~d~~ that a higher level of ecological functioning would result from an alternate approach~~, such as a mitigation bank located within Watershed Resource Inventory Area (WRIA) 8, implementation of a project found in the city's shoreline restoration plan, or a city of Bothell-sponsored fee-in-lieu program, compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same stream reach or subbasin. Mitigation actions shall be conducted within the same subdrainage basin and on the site as the alteration except~~ and when all of the following apply:

a. There are no reasonable on-site ~~or in-subdrainage basin~~ opportunities or on-site ~~and in-subdrainage basin~~ opportunities do not have a high likelihood of success, after a determination of the natural capacity of the site to mitigate for the adverse impacts. Consideration should include: anticipated wetland mitigation replacement ratios; buffer conditions and proposed widths; hydrogeomorphic classes of on-site wetlands when restored; proposed flood storage capacity; and potential to mitigate riparian fish and wildlife impacts (such as connectivity);

b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and

c. Off-site locations may include state-certified mitigation banks, federally certified fee in lieu programs, applicant-owned properties, or public property subject to agreement with the City, but in all cases the bank or mitigation site shall be in the same subdrainage basin~~. unless:~~

~~(1) Established watershed goals for water quality, flood or conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation at another site; or~~

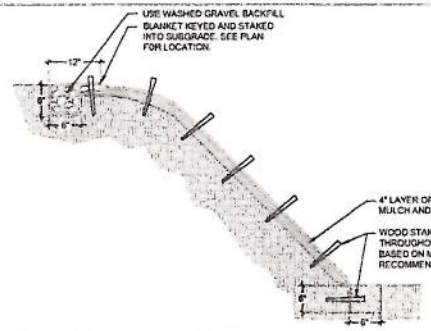
~~(2) Credits from a state-certified wetland mitigation bank located within the Sammamish River, North Creek, or Swamp Creek drainage basin are used as mitigation and the use of credits is consistent with the terms of the bank's certification;~~

~~(3) The mitigation occurs as part of a city of Bothell-sponsored fee-in-lieu program;~~

~~(4) Wetponds established and maintained for control of surface water shall not constitute replacement or enhancement for wetland alterations.~~

* * *

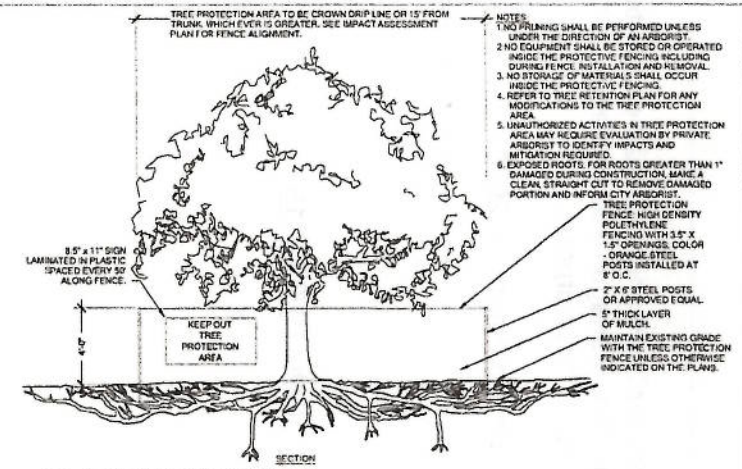
Securite' Gun Club.



NOTES:
1. BIODRADABLE EROSION CONTROL BLANKET SHALL BE JUTE MESH OR EQUIVALENT AS APPROVED BY RESTORATION SPECIALIST.
2. BLANKET SHALL BE CUT LARGER THAN PLANTING AREA IN ORDER TO EXTEND BEYOND THE EDGE OF THE STEEP SLOPE AREA AND KEY INTO SUBGRADE AS SHOWN.
3. PREPARE SITE.
4. APPLY A 2" INCH DEPTH OF SPECIFIED SOIL AMENDMENT TO PLANTING AREA. PAT INTO PLACE WITHOUT COMPACTING SOIL.
5. BLANKET MULCH WITH WOOD CHIP MULCH TO DEPTH OF 4"
6. BURY THE TOP END OF THE MAT/BLANKET IN A TRENCH 6 INCHES DEEP AND 6 INCHES WIDE, OR PER MANUFACTURER'S RECOMMENDATIONS, WITH APPROX. 12" OF FABRIC EXTENDING BEYOND UPSLOPE PORTION OF THE TRENCH BACKFILL AND COMPACT THE TRENCH AFTER SECURING.
9. ROLL THE BLANKET DOWN OR ACROSS SLOPE AS DIRECTED BY RESTORATION SPECIALIST. ENSURE MAXIMUM SOIL CONTACT TO PREVENT EROSION BENEATH THE MAT/BLANKET.
11. THE EDGES OF ALL HORIZONTAL AND VERTICAL SEAMS MUST BE SECURED WITH 4" MIN. OF OVERLAP.
13. POSITION BLANKET TO AVOID EXISTING VEGETATION TO REMAIN.
14. KEY BLANKET INTO SUBGRADE AT BOTTOM OF SLOPE IN A 6" X 6" ANCHOR TRENCH. BACKFILL AND COMPACT TRENCH AFTER SECURING WITH STAKES. SPACE STAKES PER THE MANUFACTURER'S RECOMMENDATIONS.
15. INSTALL PLANTS PER PLANTING PLAN.

A JUTE NETTING PLACEMENT

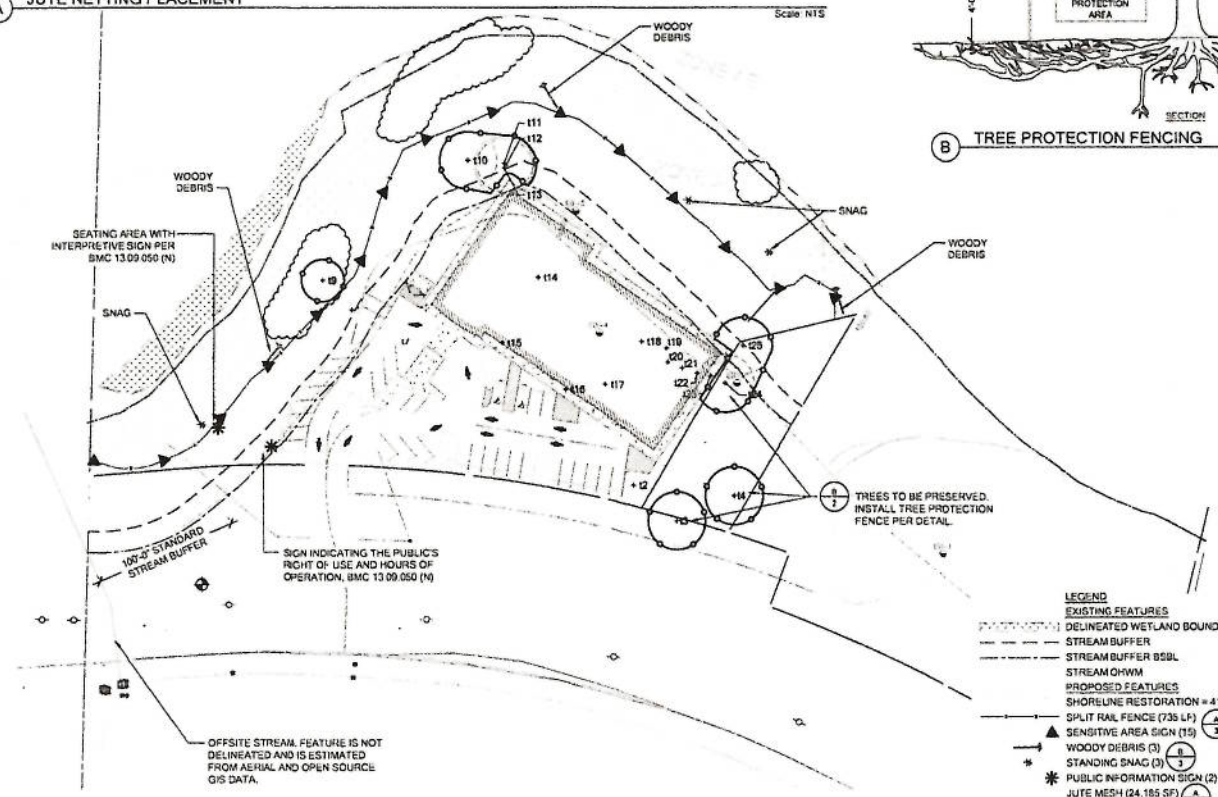
Scale: NTS



NOTES:
1. NO PRUNING SHALL BE PERFORMED UNLESS UNDER THE DIRECTION OF AN ARBORIST.
2. NO EQUIPMENT SHALL BE STORED OR OPERATED INSIDE THE PROTECTIVE FENCING INCLUDING DURING FENCE INSTALLATION AND REMOVAL.
3. NO STORAGE OF MATERIALS SHALL OCCUR INSIDE THE PROTECTIVE FENCING.
4. REFER TO TREE RETENTION PLAN FOR ANY MODIFICATIONS TO THE TREE PROTECTION AREA.
5. UNAUTHORIZED ACTIVITIES IN TREE PROTECTION AREA MAY REQUIRE EVALUATION BY PRIVATE ARBORIST TO IDENTIFY IMPACTS AND MITIGATION REQUIRED.
6. EXPOSED ROOTS. FOR ROOTS GREATER THAN 1" DAMAGED DURING CONSTRUCTION, MAKE A CLEAN, STRAIGHT CUT TO REMOVE DAMAGED PORTION AND INFORM CITY ARBORIST.

B TREE PROTECTION FENCING

Scale: NTS



ID	TREE TAG #	COMMON NAME	SCIENTIFIC NAME	DBH	ACTION
1300	T1	Lombardy Poplar	Populus nigra 'Italica'	60	Removed
1301	T2	European White Birch	Betula pendula	14	Removed
1302	T3	Colorado Spruce	Picea pungens	28	RETAINED
1303	T4	Western White Pine	Pinus monticola	12	RETAINED
1305	T5	Black Cottonwood	Populus balsamifera	10	Removed
1307	T6	Western Red Cedar	Thuja plicata	16	Removed
1308	T7	Douglas fir	Pseudotsuga menziesii	11	Removed
1309	T8	Black Cottonwood	Populus balsamifera	50	Removed
1310	T9	White Poplar	Populus alba	9.5	RETAINED
1312	T10	Black Cottonwood	Populus balsamifera	20	RETAINED
1313	T11	Black Cottonwood	Populus balsamifera	17	RETAINED
1314	T12	Black Cottonwood	Populus balsamifera	15	RETAINED
1315	T13	Black Cottonwood	Populus balsamifera	20	RETAINED
1316	T14	Western White Pine	Pinus monticola	30	Removed
1317	T15	Sweet Cherry	Prunus avium	27	Removed
1318	T16	Sweet Cherry	Prunus avium	16	Removed
1319	T17	Common Pear	Pyrus communis	18	Removed
1320	T18	Common Pear	Pyrus communis	9	Removed
1321	T19	Cascara	Frangula purshiana	9.5	Removed
1322	T20	Douglas fir	Pseudotsuga menziesii	21	Removed
1323	T21	Douglas fir	Pseudotsuga menziesii	16	Removed
1324	T22	Douglas fir	Pseudotsuga menziesii	18	Removed
1325	T23	Western White Pine	Pinus monticola	15	Removed
1326	T24	Douglas fir	Pseudotsuga menziesii	22	RETAINED
1327	T25	Cherry	Prunus spp	19	RETAINED
	T26*	Scotch Pine	Pinus sylvestris	17	Removed

* NOT IDENTIFIED IN THE SURVEY

LEGEND
EXISTING FEATURES
DELINEATED WETLAND BOUNDARY
STREAM BUFFER
STREAM BUFFER BSBL
STREAM OHWM
PROPOSED FEATURES
SHORELINE RESTORATION = 41,818 SF
SPLIT RAIL FENCE (735 LF) (A/3)
SENSITIVE AREA SIGN (15)
WOODY DEBRIS (3) (B/3)
STANDING SNAG (3)
PUBLIC INFORMATION SIGN (2)
JUTE MESH (24,185 SF) (A/3)

RESTORATION SITE PLAN
SCALE 1"=40'

0 20' 40' 80' 160'

© Copyright The Watershed Company

PERMIT SET
NOT FOR CONSTRUCTION

THE WATERSHED COMPANY
750 Sixth Street South
Kirkland WA 98033
425.822.5242
www.watershedco.com

SECURITE LUXURY GUN CLUB
(DIRT LORDE BOTHELL, LLC)
SHORELINE RESTORATION PLAN
PREPARED FOR JOHN FOWLER
KING COUNTY PARCEL# 09260590 -88, AND -89

SUBMITTALS & REVISIONS

NO.	DATE	DESCRIPTION	BY
1	11-05-14	REVIEW SET	GB
2	02-04-15	MODIFIED SHEET SET	LV
3	02-05-15	REVISED SHEET SET	CT
4	09-12-16	REVISED SITE PLAN	LV

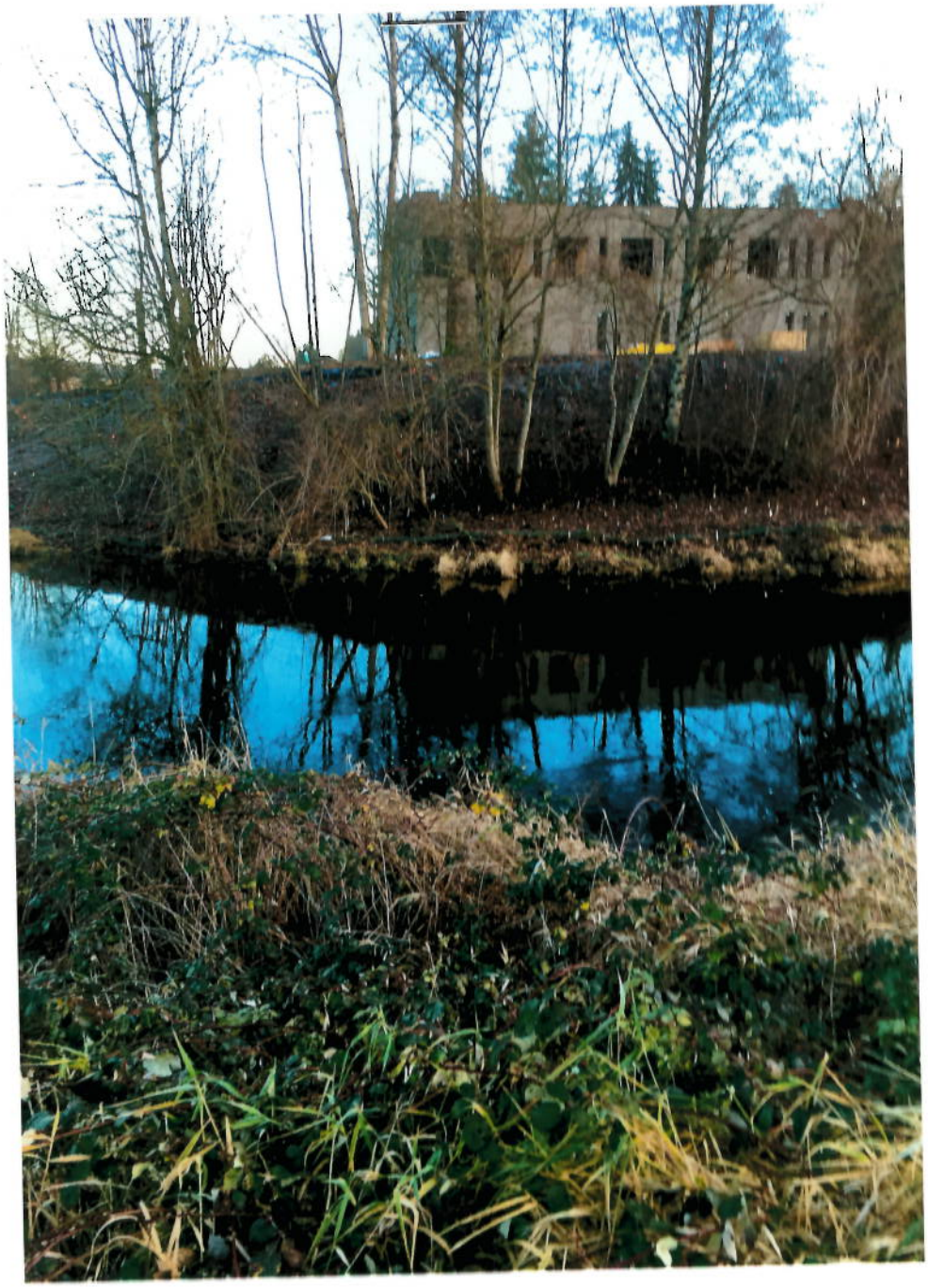
SHEET SIZE:
ORIGINAL PLAN IS 22" x 34"
SCALE ACCORDINGLY

PROJECT MANAGER: H
DESIGNED: G
DRAFTED: GB, L
CHECKED: KC, MS
JOB NUMBER: 140812
SHEET NUMBER: W2 OF 5

Securite' Gun Club
East Riverside Drive
Sammamish River
12024 Woodinville Drive

Dec. 31, 2018
@ 4:00 P.m.
Trail

Securité Gun Club
East Riverside Dr.
12024 Woodinville Drive



Dec. 31, 2018
@ 4:00 p.m.
Photo from trail

Securite Gun Club

Att-3 (3)

Dec. 31, 2018

(a) 4:00

Trail

Att-3

(4)

Securite Gun Club

Dec. 31, 2018

From Trail

King County Restoration
Site
across (~~South~~ North side) Gun Club.
late Summer -

Dec. 31, 2018

SHANNON & WILSON, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

400 N. 34TH STREET, SUITE 100
P.O. BOX 300303
SEATTLE, WASHINGTON 98103
206•632•8020 FAX: 206•695•6777

MEMORANDUM

TO: David Boyd, City of Bothell

FROM: Amy Summe (Shannon & Wilson)

DATE: February 4, 2019

RE: **ADDITIONAL BACKGROUND INFORMATION REGARDING BUFFER DEVELOPMENT AND IMPLEMENTATION – FOLLOW-UP TO SHORELINES BOARD MEETING ON 1.14.19**

During the January 14, 2019, Shorelines Board meeting, there was discussion of a 2019 Planning Docket suggestion submitted by Shorelines Board member Ann Aagaard. Commissioner Aagaard requested that the City Council consider removing the alternative buffer provisions found in Bothell Municipal Code 13.13.060.E. These special buffer reductions are only available for new and substantial redevelopment in the Urban Conservancy and High Intensity designations (less than 31% of the City of Bothell's [City's] shoreline jurisdiction), and only upon demonstration that the existing buffer is degraded. Applicants have the option of providing a variety of enhancements based on the findings of the shoreline analysis report which could reduce the buffer from 100 feet to a minimum of 60 feet without a Shoreline Variance. For example, for each foot of buffer width reduction on the Sammamish River, applicants can provide a 2-foot width of native revegetation. The following memo provides additional information related to topics that arose during that discussion, with an emphasis on Washington Department of Ecology (Ecology) guidance.

SHORELINE MASTER PROGRAM (SMP) HANDBOOK GUIDANCE ON BUFFER DEVELOPMENT

Over the past 15 years, Ecology and communities around the state have grappled with how to approach regulatory buffer development, particularly in urban areas. To provide the Shorelines Board with some additional guidance from Ecology about this issue, key discussions from Ecology's SMP Handbook have been excerpted verbatim below. The comprehensive SMP Update, which culminated in adoption of the existing SMP, used an approach which is consistent with Ecology's Handbook. In its review of the SMP and cumulative impacts analysis, Ecology determined in its approval of the SMP that the SMP is consistent with the Shoreline Management

Act and the SMP Guidelines, including the overarching requirement that the SMP result in no net loss of ecological functions.

Chapter 11 Vegetation Conservation, Buffers and Setbacks
(https://fortress.wa.gov/ecy/publications/parts/1106010part11.pdf)

Buffers and setbacks with vegetation conservation support a main tenet of the Shoreline Management Act (SMA) -- "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life." The SMP Guidelines require master programs to protect the functions provided by shoreline vegetation. *Vegetation conservation standards, including buffers and setbacks, should be based on local shoreline conditions*. [emphasis added]

Tailor buffers to local conditions

Determining buffers and setbacks is a challenge. The *buffers and setbacks for marine and freshwater shorelines should be tailored to local conditions* including existing shoreline functions and existing and planned land use and public access. *Buffers and setbacks likely will vary within a local government's boundaries to reflect different shoreline conditions and functions*. [emphasis added]

People ask why their local shorelines have buffers or setbacks that are different than those in nearby areas. The answer is that the *buffers reflect the local conditions including shoreline ecological functions and existing development -- these are not the same everywhere, so different buffers or setbacks are required*. In all cases, however, buffers and setbacks should be designed, in combination with SMP regulations, to assure no net loss of shoreline ecological functions. [emphasis added]

Urban shorelines

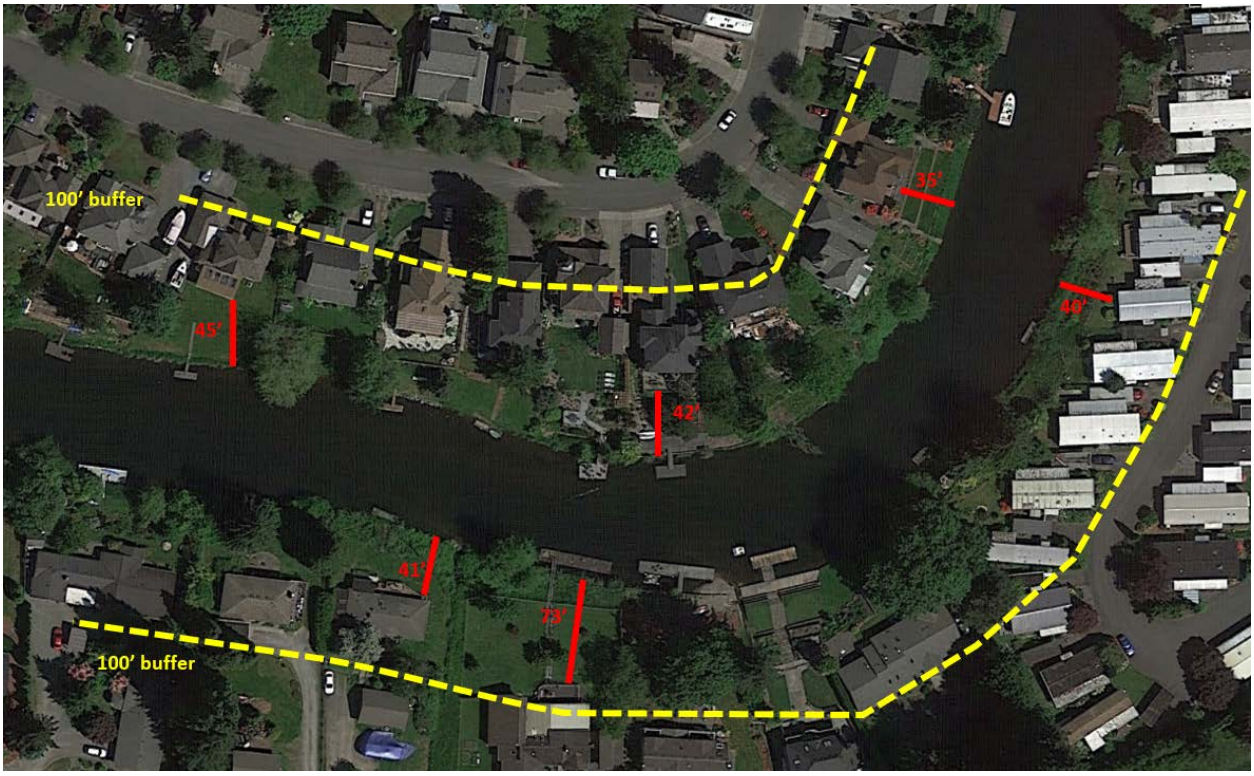
Establishing buffers for intensely developed urban shorelines seems to be more challenging than doing so for less developed rural or undeveloped shorelines, as Ecology has seen over the past few years. Questions arise regarding the likelihood of ecological functions on small lots developed with houses and garages or at waterfront industrial areas. *Again, some ecological functions likely exist in the upland area, and protecting these helps to protect the remaining aquatic functions. Some cities with highly developed shorelines have established buffers or setbacks that reflect local conditions, require*

> *mitigation for redevelopment, and offer incentives as an opportunity for shoreline improvements*. [emphasis added]
>
> **General recommendations for buffer width**
>
> Following are general recommendations for buffers, based on Ecology's approval of several dozen SMPs….
>
> - Small-lot residential development in highly developed areas provides some ecological functions. *Buffers or setbacks with vegetation conservation requirements of roughly 30 to 60 feet may be appropriate.* [emphasis added] If these areas include critical areas, larger buffers likely will be needed.
>
> *In most cases, a "one-size" buffer applied throughout shoreline jurisdiction will not reflect shoreline ecological functions and local shoreline conditions*. [emphasis added] Shoreline conditions and ecological functions likely vary enough for most shorelines within local government boundaries that more than one buffer or setback with vegetation conservation will be needed to protect ecological functions.

BUFFER CONDITIONS IN BOTHELL

The following image of a section of Bothell's Sammamish River shoreline in the Shoreline Residential environment illustrates the misalignment of the standard 100-foot buffer with the existing conditions. Without the provisions currently in the SMP, most of these homes could not be rebuilt to the buffer standard and even a more traditional 25 percent buffer reduction would not be adequate. Greater reductions typically require a Shoreline Variance, with its associated greater cost and delay to the applicant, drain on City resources, and Ecology involvement. The current proposal avoids unnecessary Variances, achieves improvements in shoreline function over existing conditions, and recognizes the existing development pattern.

SHANNON & WILSON, INC.



For reference, the following are Google Earth images of the Securite' Gun Club site prior to shoreline restoration activity (first two images) and during project implementation (third image). The shoreline was dominated by invasive Himalayan blackberry and grasses. According to a State Environmental Policy Act Addendum, the project's originally proposed buffer reduction was eliminated and the new development will comply with the standard buffer. Himalayan blackberry has been removed from the buffer and replaced with 32,106 square feet of native trees and shrubs, three snags, and three pieces of large woody debris; the restoration plan and aerial photo indicate that existing trees have been retained. The plant schedule for the restoration area includes 164 trees (120 of which are conifers), an additional 2,530 black cottonwood and Pacific willow stakes, and nearly 1,000 shrubs. The plan also shows a public seating area with interpretive sign and an Americans With Disabilities Act-compliant crushed rock trail along the river.

SHANNON & WILSON, INC.

SHORELINE MASTER PROGRAM (SMP) GUIDELINES ON MITIGATION AND NO NET LOSS OF ECOLOGICAL FUNCTIONS

The question was raised by Shorelines Board members whether the SMP can require *more* than just meeting no net loss of ecological functions. Key excerpts from the SMP Guidelines and the SMP Handbook are provided below to help answer that question.

> **WAC 173-26-186 Governing principles of the guidelines**
> (a) Local government is guided in its review and amendment of local master programs so that it uses a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by affected shorelines.
>
> (b) Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions…
>
> (c) For counties and cities containing any shorelines with impaired ecological functions, master programs shall include goals and policies [not regulations] that provide for

restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

WAC 173-26-201 Process to prepare or amend shoreline master programs.
(e) Environmental impact mitigation.
(A) Application of the mitigation sequence achieves no net loss of ecological functions for each new development and does not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

Ecology's SMP Handbook includes the following explanation and graphic, which help illustrate the Act's and Guidelines' position on mitigation for new development and the need to additionally plan for restoration to achieve no net loss of ecological functions, and ideally an improvement in ecological functions.

Chapter 4 No Net Loss of Shoreline Ecological Functions
https://fortress.wa.gov/ecy/publications/parts/1106010part4.pdf

No net loss incorporates the following concepts:

- The existing condition of shoreline ecological functions should not deteriorate due to permitted development. The existing condition or baseline is documented in the shoreline inventory and characterization. (See Chapter 7.) Shoreline functions may improve through shoreline restoration.

- New adverse impacts to the shoreline environment that result from planned development should be avoided. When this is not possible, impacts should be minimized through mitigation sequencing.

- Mitigation for development projects alone cannot prevent all cumulative adverse impacts to the shoreline environment, so restoration is also needed.

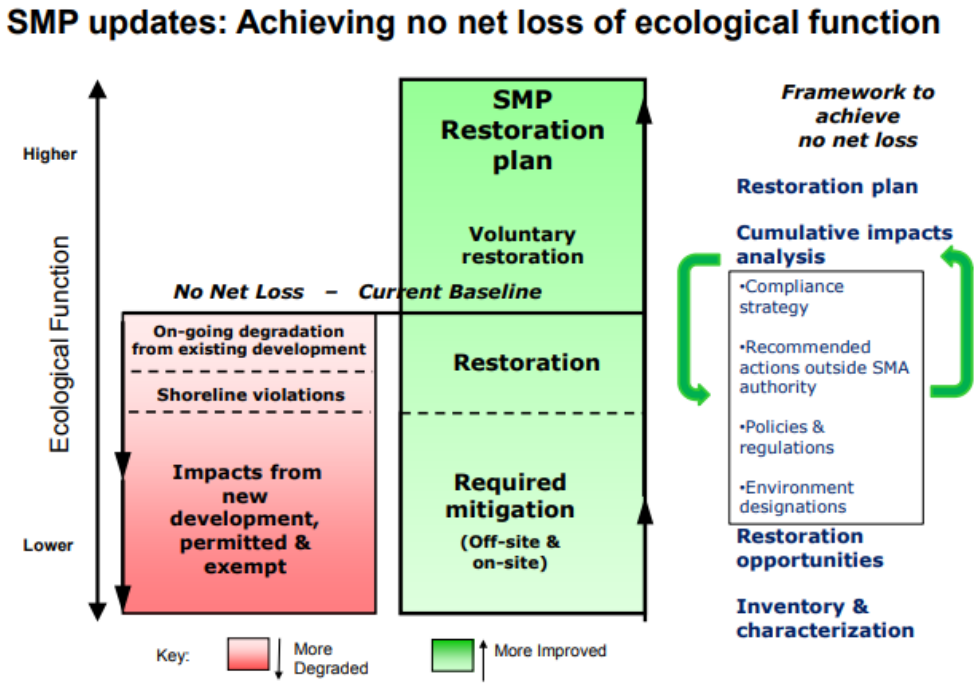


Figure 4-1: During the SMP update process, local governments should use existing shoreline conditions as the baseline for measuring no net loss of shoreline ecological functions.

In summary, new development cannot be required to bear the burden of restoring existing degraded shoreline conditions without a real nexus to that development's impacts. Mechanisms to make gains in ecological function are through incentive programs and implementation of the City's Shoreline Restoration Plan.

MITIGATION SEQUENCING PROVISIONS IN THE SHORELINE MASTER PROGRAM (SMP)

As mentioned during the January meeting, the current SMP includes a provision stating that mitigation sequencing is not necessary when applicants are consistent with specific standards of the SMP. The concepts of mitigation sequencing and no net loss were already integrated into development of those standards. If an applicant wishes to depart from those standards, then a project-specific mitigation sequencing analysis is appropriate.

> **13.09.020 Environmental protection.**
>
> D. If specific standards, such as buffers, vegetation requirements, or dock dimensions, are provided in this chapter, then the city shall not require additional mitigation sequencing analysis under these provisions.

LONG-TERM MONITORING AND SITE PROTECTION IN THE SHORELINE MASTER PROGRAM (SMP)

During discussion of the only project in Bothell that has yet explored the alternative buffer option (Securite' Gun Club), Shorelines Board members asked about the long-term monitoring and site-protection requirements. As mentioned above, the Securite' Gun Club project eliminated the buffer reduction from its final proposal but continued to incorporate shoreline enhancement measures. The installed vegetation is subject to a 10-year landscape bond. The following provisions in the SMP provide some monitoring and site-protection tools. At the end of formal monitoring and bonding periods, enforcement will likely be on a complaint basis.

Chapter 13.13
CRITICAL AREAS IN SHORELINE JURISDICTION

13.13.010 General.

Q. Mitigation Plan Requirements. When mitigation is required, the applicant shall submit for approval by the city a mitigation plan as part of the critical areas report. The mitigation plan shall include:

4. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, five, and seven after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

U. Critical Area Tracts.

1. All critical areas and their buffers shall be placed in separate critical areas tracts, and shall be designated on all site plans, binding site plans, planned unit developments' records of surveys, or subdivision approval, as follows:
    a. All landslide hazard areas and buffers;
    b. All wetlands and buffers;
    c. All fish and wildlife habitat conservation areas and buffers when applicable and appropriate; and
    d. All other lands to be protected from alterations as conditioned by project approval.
2. Critical area tracts shall be recorded on all documents of title of record for all affected lots.

3. Critical area tracts shall be designated on the face of the plat or recorded drawing in a format approved by the city attorney. The designation shall include the following restriction:

a. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and

b. The right of the city to enforce the terms of the restriction.

4. The city may require that any required critical area tract be dedicated to the city, held in an undivided interest by each owner of a building lot within the development with the ownership interest passing with the ownership of the lot, or held by an incorporated homeowners' association or other legal entity (such as a land trust, which ensures the ownership, maintenance, and protection of the tract).

V. Bonds to Ensure Mitigation, Maintenance, and Monitoring.

1. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval or final building inspection, the city shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional.
2. The bond shall be in the amount of 125 percent of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.
3. The bond shall be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the city attorney.
4. Bonds or other security authorized by this section shall remain in effect until the city determines, in writing, that the standards bonded for have been met. Bonds or other security shall be held by the city for a minimum of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.
5. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
6. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
7. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall

constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.

8. Any funds recovered pursuant to this section shall be used to complete the required mitigation.

AJS/ajs

Public Participation Plan

City of Bothell™

DRAFT February 2019 | Bothell Shoreline Master Program Periodic Review

Introduction

The City of Bothell is updating its Shoreline Master Program (SMP) as part of a periodic review mandated by State law and the Washington Department of Ecology. Ecology has developed a technical checklist identifying law and rule changes that should be considered, e.g. wetland classification updates. Some shoreline conditions have changed along the former Wayne Golf Course, and the City has experience implementing the SMP with potential ideas to reduce duplicative text. This update is required to be completed by the end of June 2019.

The City Council provides direction to the Bothell Shorelines Board, the City's citizen-based advisory body, about the parameters of the periodic update:

> *The Washington State Department of Ecology (Ecology) requires the City conduct a periodic update to Bothell's 2013 SMP by June of 2019. Ecology granted $20,000 to the City to defer the costs of this effort, though additional costs (mainly staff time) will be incurred. According to Ecology, the Scope of Work for this periodic update is:*
>
> *1. Review amendments to Chapter 90.58 RCW and Ecology rules (WAC) that have occurred since the Bothell SMP was adopted in 2013, and make amendments to maintain compliance.*
>
> *2. Review changes to the Imagine Bothell… Comprehensive Plan and the development regulations in the Bothell Municipal Code to determine if the SMP policies and regulations remain consistent with them.*
>
> *3. Conduct additional analysis deemed necessary to address changing local circumstances, new information or improved data.*
>
> *Because of limited staff resources, State funding, and the complexity of the work tasks in the 2018 Docket, the Council hereby directs the Shoreline[s] Board and Community Development staff to be efficient and limit the 2019 SMP Periodic Update to the above items, and potential changes to eliminate redundancies and improve clarity.*

Public Participation Goals

The City's Public Participation goals are to:

- Use the diverse knowledge and experience of Bothell's Shorelines Board to review and guide amendments to the SMP.

- Provide an understanding of SMP periodic review process, access to draft materials, and opportunities for comment to: residents, businesses, property owners, stakeholders, agencies, tribes, adjacent jurisdictions, and others with responsibilities or expertise in shoreline-related topics.
- Provide a variety of opportunities to learn about the SMP Periodic Review and participate in the review and comment process, including a project website, project materials (e.g. fact sheet), and advertisements of public meetings and a hearing.

Public Participation Opportunities

WEBSITE

Bothell's website will include information about the periodic review on its Public Meetings Calendar webpage. Interested parties will be able to access draft documents, links to Shorelines Board and Planning Commission agendas and minutes, and project information. The webpage will be the primary repository of all information related to the periodic review.

BOARDS AND COMMISSIONS

The City reinstated the **Shorelines Board** in 2018 to work on the periodic update to the Bothell Shorelines Master Program (SMP). The SMP governs development next to the Sammamish River, Swamp Creek, and North Creek. The Shorelines Board advises the City Council on proposed amendments to the Bothell SMP. Shorelines Board will be the primary advisory body to the City Council on the SMP Periodic Review.

The **Planning Commission** advises the City Council on the Comprehensive Plan and development regulations. The SMP contains goals and policies that are part of the Comprehensive Plan and regulations that are part of the City's development regulations. The Planning Commission will review the Shorelines Board's recommendations to the City Council. A joint meeting may be held with the Shorelines Board, or the Shorelines Board will invite Planning Commission members to the public open house that is planned.

The **Parks and Recreation Board** advises the City Council on the planning of its parks. Many parks and recreation facilities are along Bothell's shorelines. The Shorelines Board and/or staff will report to the Parks Board and it will invite members to the public open house that is planned.

CITY COUNCIL

The Bothell City Council will be involved in the periodic review. With consideration of the Shorelines Board recommendations, the Bothell City Council will review, deliberate on, and adopt an ordinance to amend the SMP.

OPEN HOUSE

An Open House will be held prior to a legislative meeting (Shorelines Board, Planning Commission, or City Council meetings) when the SMP amendments are ready for review. The purpose of the open house is to provide an informal setting for the public and agencies to review text and map amendments prior to a hearing. An informational fact sheet will be developed explaining the process and summary of amendments.

CONTACT LISTS

An email list of interested parties will be created and maintained by the City of Bothell. The list will be used to notify interested parties regarding formal opportunities to participate. Interested parties will be added to the list by emailing the City's project manager, Dave Boyd at the project website: http://www.ci.bothell.wa.us/1248/Shorelines-Board.

The email list and notices will be designed to notify the following stakeholders:

Agencies and Tribes
US Army Corps of Engineers
Washington State Department of Commerce
Washington State Ecology
Washington State Department of Fish and Wildlife
Washington State Department of Natural Resources
Washington State Department of Transportation
Washington State Department of Archaeology and Historic Preservation
Muckleshoot Indian Tribe
Tulalip Tribes
ADJACENT JURISDICTIONS
King County
Snohomish County
City of Brier
City of Kenmore
City of Kirkland
City of Lynnwood
City of Mill Creek
City of Redmond
City of Woodinville
LOCAL STAKEHOLDERS
Bothell residents
Shoreline property owners
Bothell-Kenmore Reporter

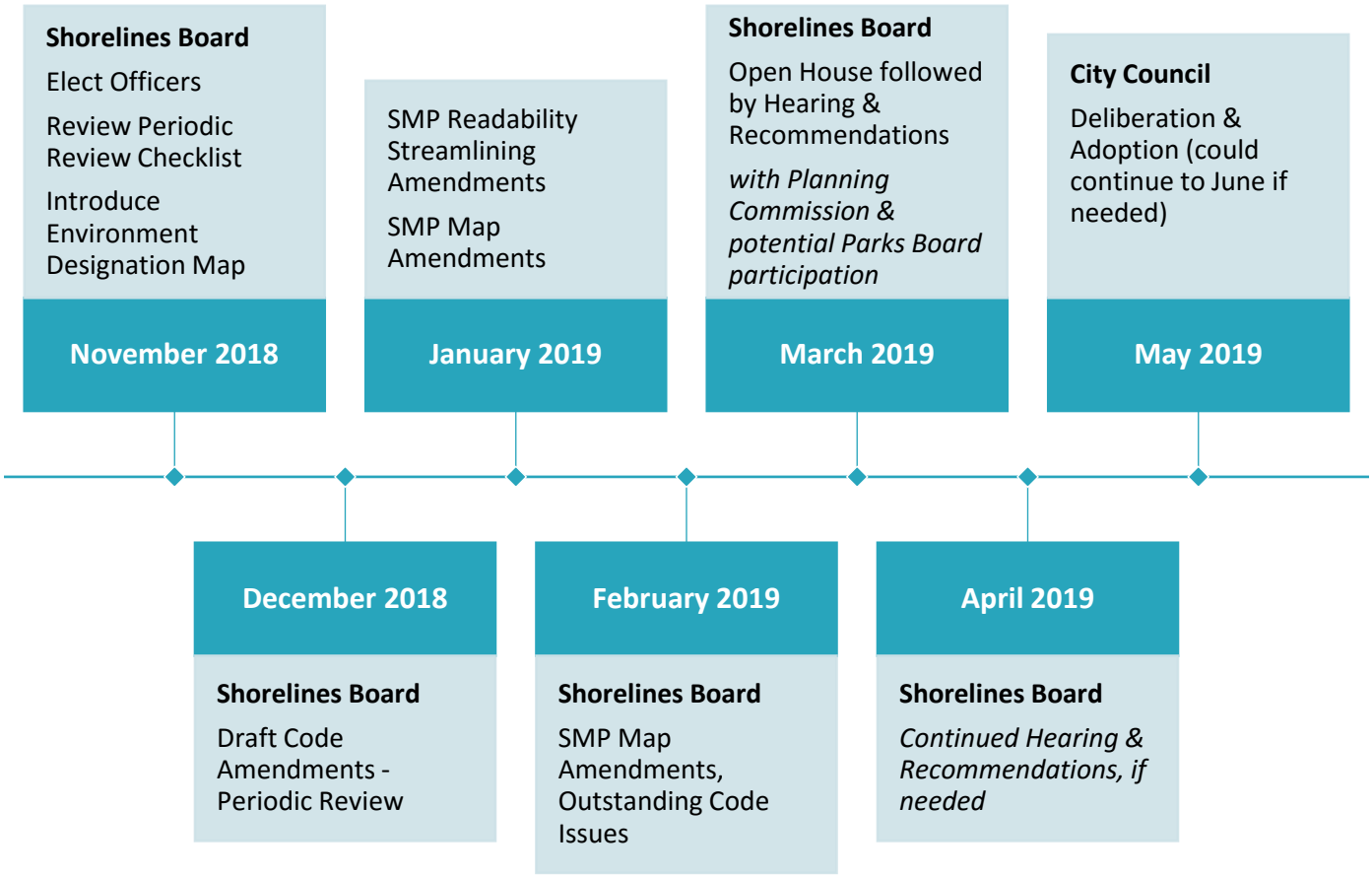
PUBLIC COMMENT PERIODS AND HEARINGS

Interested parties are encouraged to provide comments to the City of Bothell by letter or email. All comments will be provided to the Shorelines Board and City Council. Documents are also available for review at the Community Development Department at Bothell City Hall and at the project website: http://www.ci.bothell.wa.us/1248/Shorelines-Board.[1]

The City will solicit public comments throughout the process via the website, and at the time of the open house and public hearing(s). The City will prepare responses to public comments for submittal to the Department of Ecology as part of the project record.

[1] Though the primary website is associated with the Shorelines Board, the City Council will post its agendas and materials too: http://www.ci.bothell.wa.us/261/City-Council.

Public Participation Timeline

The following is a general timeline including anticipated public participation opportunities. The order and content of the meetings may change to suit the needs of the project.

The City of Bothell will coordinate with Ecology throughout the process.