



City of Bothell

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APPLICATION FOR APPEAL

RECEIVED 22

Application fee due at submittal: see Land Use and Planning fees form C

DEC 02 2019

Appellant name: Canyon Park Business Center Owners' Association

City of Bothell-CD

Mailing address c/o Molly Lawrence, Van Ness Feldman, 719 2nd Ave, Ste 1150, Seattle WA 98104

Phone (206) 623-9372 FAX (206) 623-4986 E-Mail: mol@vnf.com

Application which is the subject of this appeal:

The Mitigated Determination of Non-Significance ("MDNS") issued on November 8, 2019 for the proposed amendments to the City of Bothell Comprehensive Plan and Chapter 12 (Zoning) of the Bothell Municipal Code to establish minimum densities and intensities in designated activity centers and R-AC zones.

Appellant's statement describing his/her standing to appeal:

The MDNS comment period expired on November 22, 2019. CPBCOA submitted a comment letter opposing the MDNS.

Appellant's statement of grounds for appeal and the facts upon which the appeal is based:

See attached Notice of Appeal.

Relief sought, including the specific nature and extent:

See attached Notice of Appeal.

I, Karen Martinez, (appellant) have read the appeal and believe the contents to be true.

Karen Martinez
Appellant Signature

BEFORE THE HEARING EXAMINER OF THE CITY OF BOTHELL

RECEIVED

DEC 02 2019

City of Bothell-CD

In the Matter of the Appeal of the Mitigated
Determination of Non-Significance for the
Proposed 2019 Comprehensive Plan and
Associated Implementing Regulations
Amendments

NOTICE OF APPEAL

I. APPELLANT INFORMATION.

1. Name of Appellant:

Canyon Park Business Center Owners' Association
Karen Martinez, President
18912 North Creek Pkwy, Ste. 209
Bothell, WA 98011-8016
(425) 483-1166

2. Name of Appellant's Authorized Representative:

Van Ness Feldman, LLP
Molly Lawrence, WSBA #28236
Clara Park, WSBA #52255
719 Second Avenue, Ste. 1150
Seattle, WA 98117
(206) 623-9372

II. DECISION BEING APPEALED.

The Canyon Park Business Center Owners' Association ("CPBCOA") appeals the Mitigated Determination of Non-Significance ("MDNS") issued on November 8, 2019 for the proposed amendments to the City of Bothell Comprehensive Plan and Chapter 12 (Zoning) of the Bothell Municipal Code to establish minimum densities and intensities in designated activity centers and R-AC zones ("the Amendments"). The MDNS comment period expired on November 22, 2019. CPBCOA submitted a comment letter opposing the MDNS. A copy of the comment letter is attached as **Exhibit A**.

III. APPELLANT'S INTEREST IN THE APPEAL.

CPBCOA is a non-profit formed for the purpose of administering the Declaration of Covenants, Conditions and Restrictions for the Canyon Park Business Center, which sets forth terms and conditions upon which property within the Park may be developed, operated and maintained. CPBCOA's membership is comprised of approximately 30 property owners within the Canyon Park Business Center ("the Park"). The Park is a 360-acre business and manufacturing park and is home to over 100 businesses ranging from Seattle Genetics to Lockheed Martin. The Park is a significant part of the Canyon Park Sub-Area which, in addition to the North Creek/NE 195 ST Sub-Area, is the subject of the Amendments and corresponding MDNS. The proposed Amendments, and the City's failure to conduct an adequate analysis of the Amendment's environmental impacts, will adversely affect how CPBCOA members and their tenants may use and develop their properties, as well as adversely affect the environment for existing uses. The full extent and actual effects of the Amendments are unknown until the City conducts the necessary environmental review, which has not been completed to date.

IV. STATEMENT OF GROUNDS FOR APPEAL.

1. The City Failed to Analyze Reasonably Probable Impacts, and the Record is Devoid of Actual Consideration of Environmental Elements

The MDNS violates the Washington State Environmental Policy Act ("SEPA") because the City did not adequately analyze the environmental impacts of the Amendments as required under SEPA.

The fact that the City's Amendments are a non-project action does not excuse the City from conducting a substantive analysis of the environmental impacts that are foreseeable from the Amendments. Under SEPA, the City must address the probable impacts of any future project action the Amendments would allow. Relying upon "formulaic language postponing environmental analysis to the project review stage and assuming compliance with applicable standards" is insufficient to evaluate a proposal's environmental impacts. *Spokane Cty. v. E. Washington Growth Mgmt. Hearings Bd.*, 176 Wn. App. 555, 579, 309 P.3d 673 (2013).

The MDNS and the SEPA Checklist on which it is based are wholly devoid of any actual consideration of environmental factors. Instead, they contain conclusory statements of no impact, completely gloss over entire topics as "not applicable," and/or assert that impacts are "impossible" to predict. Further, as discussed below, the MDNS's reliance on earlier environmental review is unavailing because the City's earlier review fails to provide adequate analysis of the impacts specific to the Amendments.

This is not adequate under SEPA. SEPA requires the City to conduct an environmental analysis of the likely impacts that can be reasonably anticipated as a result of the Amendments. Without

conducting a basic analysis of the impacts that may result from mandatory minimum floor area ratios (“FAR”) and residential densities, the City cannot support its conclusion that the Amendments will have no significant adverse impacts on the environment.

For example, but not by way of limitation, the City’s analysis of the traffic/transportation impacts is wholly inadequate. The roads within the Park are privately owned and maintained. The CPBCOA has limited authority to require improvements, expansions or other mitigations to the private road system for new development within the Park. According to City staff, the existing average FAR for non-residential buildings in the Park is 0.413. *See* Memorandum from Bruce Blackburn, Senior Planner, to Planning Commission, dated November 6, 2019. The City is now proposing to establish a minimum FAR of 0.5 within the Park. The City’s SEPA checklist, however, contains no analysis of the transportation impacts to the private road system and the owners/tenants within the Park that would be generated by the additional FAR and densities mandated by the Amendments. The City can and should have conducted that analysis.

The MDNS’s analysis relies heavily upon the Final EIS (“FEIS”) prepared for the Imagine Bothell Comprehensive Plan, which was completed in December, 2004, and the MDNS and SEPA checklist issued for the 2015 Periodic Plan and Code Update. However, the City cannot rely upon the earlier environmental review for the following reasons:

- The FEIS and subsequent addenda evaluated the environmental impacts of the Comprehensive Plan at a programmatic level. The FEIS’s analysis is of insufficient specificity regarding the current existing conditions of development in the Park, the private road system in the Park, and growth in background traffic levels within the Canyon Park Sub-Area.
- The MDNS fails to adequately analyze the potential significant adverse impacts associated with changed circumstances since the FEIS and subsequent addenda were prepared. Among other things, the MDNS fails to analyze the impacts of new projects (including two pending projects, discussed below) in the Park’s vicinity, as well as new information unknown at the time of the earlier environmental review.
- The FEIS and subsequent addenda did not fully analyze either of the two other known pending projects – the Washington State Department of Transportation (“WSDOT”) I-405 Project and the Sound Transit Project. WSDOT issued notice of its plan to issue an Environmental Assessment regarding the I-405 Project more than six months ago, and WSDOT is now in the process of developing a transportation impact analysis and required mitigations for the I-405 Project. The CPBCOA is unaware of the status of the transportation impact analysis for the Sound Transit Project. These two major projects will generate significant volumes of heavy vehicle traffic on the private road system within the Park, and must be included in the environmental analysis of the Amendments.
- The MDNS for the 2015 Periodic Plan and Code Update contains no analysis of the Park’s streets or intersections. All transportation mitigation measures discussed in the MDNS pertain to the public road system.

In short, the City has never analyzed any aspect of the Park's internal road system, either in the current SEPA checklist or in any of the prior environmental analyses upon which the City relies. The fact that the roads are currently private is not a basis for failing to include impacts thereto as part of the environmental analysis, *see W. Main Associates v. City of Bellevue*, 49 Wn. App. 513, 521, 742 P.2d 1266, 1271 (1987). Moreover, failing to analyze the impacts to the internal roads in the Park in the environmental review ignores the fact that for the City to achieve the densities and intensities that it is proposing to require within the Park, the City is going to have to accept dedication of at least portions of the private road system.

The City's analyses of other elements of the environment are similarly inadequate. As with its transportation analysis, the SEPA checklist relies upon prior environmental review without additional analysis specific to the Amendments, postpones environmental review to the project review stage, fails to consider other projects that are ongoing in the area, and/or rests upon conclusory assumptions of compliance with applicable regulations.

2. The City Failed to Consider Information from Other Agencies

The City failed to consider relevant information available from other agencies. To make a reasoned decision on the Proposed Amendments, the City must consider information currently available from other agencies. WAC 197-11-335. For example, WSDOT's preliminary data from its I-405 Project impact analysis shows that the existing road system cannot support development consistent with the Amendments either on its own or considered together with the impacts of the I-405 and Sound Transit Projects. WSDOT's data, attached hereto as **Exhibit B**, forecasts the Park's road system operating at LOS E or F in 2025 under the no-build condition (i.e., without the I-405 Project). With the I-405 Project, traffic operations are expected to worsen. Notably, the land use assumptions for WSDOT's analysis are based on the current Comprehensive Plan. If minimum density and intensity standards are mandated as proposed under the Amendments, the Amendments are likely to worsen traffic within the Park that is already at or anticipated to be functioning at failing levels of service. The City's environmental review wholly failed to analyze this impact to the Park's internal road system in this review and in its earlier reviews, and failed to even consider relevant available data from WSDOT.

3. The City Is "Piecemealing" the Environmental Review

By proceeding with the Amendments to establish minimum FARs in the Canyon Park Sub-Area, the City appears to be taking an incremental approach to analyzing the environmental impacts of the proposed Sub-Area Plan. This piecemeal strategy raises legal issues, since environmental review under SEPA is required to analyze the total impacts of connected actions. The Amendments to establish minimum FARs are clearly a component of the Sub-Area Plan and implementing regulations. As such, the environmental impacts of the Amendments must be

considered comprehensively with the totality of the environmental impacts of the Sub-Area Plan and other known pending projects.

As part of the Sub-Area Plan, the City will prepare an Environmental Impact Statement that identifies the probable significant adverse environmental impacts and recommends mitigation measures. Among the most significant adverse impacts will be to the transportation system within the Canyon Park Sub-Area. The impacts of the Amendments and other changes proposed as part of the Sub-Area Plan must be considered together.

4. The City Failed to Address Cumulative Impacts

In addition to considering the impacts of the Amendments and the Sub-Area Plan, the City must also consider the cumulative impacts resulting from the I-405 Project and the Sound Transit Project, all of which will directly and adversely impact the Park and the surrounding area. Mitigation for those impacts must be addressed comprehensively. The MDNS is wholly devoid of a cumulative impacts analysis. WAC 197-11-060 (adopted by BMC 14.02.020, and requiring consideration of cumulative impacts as part of environmental review).

V. RELIEF REQUESTED.

Appellant respectfully requests that the Hearing Examiner order the City to withdraw the MDNS, prepare a substantive and adequate analysis that addresses and resolves the issues identified above and at hearing, and issue a new threshold determination that adequately accounts for the outcomes of the City's revised analysis.

VI. APPELLANT VERIFICATION.

I, Karen Martinez, have read the appeal and believe the contents to be true and correct.

EXECUTED at Bothell, Washington, this 2 day of December, 2019.



Karen Martinez
President, Canyon Park Business
Center Owners' Association

EXHIBIT A

November 22, 2019

Jeffrey N. Smith, SEPA Responsible Official
Bruce Blackburn, Senior Planner
Bothell City Hall
18415 101st Avenue NE
Bothell, WA 98011

Sent by email: bruce.blackburn@bothellwa.gov

RE: Comments of Canyon Park Business Center Owners' Association on November 8, 2019 Mitigated Determination of Non-Significance for Minimum Density and Intensity Plan and Implementing Code Amendments

Dear Mr. Smith and Mr. Blackburn:

On behalf of our clients, the Canyon Park Business Center Owners' Association ("CPBCOA"), we submit our comments on the Mitigated Determination of Non-Significance ("MDNS") issued on November 8, 2019 for the proposed amendments to the City of Bothell Comprehensive Plan and Chapter 12 (Zoning) of the Bothell Municipal Code to establish minimum densities and intensities in designated activity centers and R-AC zones ("the Amendments"). As discussed below, the MDNS is not based on reasonably sufficient information to assess the proposal's environmental impacts and does not demonstrate prima facie compliance with the procedural requirements of the State Environmental Policy Act ("SEPA"), chapter 43.21 RCW. The MDNS should be withdrawn, a new threshold determination should be issued, and a new public comment period should be scheduled.

SEPA is an environmental disclosure statute, and its core purpose is to "insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations." RCW § 43.21C.030. To comply with SEPA, a threshold determination must be based on "information reasonably sufficient to evaluate the environmental impact of a proposal." *Spokane Cty. v. E. Washington Growth Mgmt. Hearings Bd.*, 176 Wn. App. 555, 579, 309 P.3d 673 (2013). For nonproject actions like a comprehensive plan amendment, the agency must address the probable impacts of any future project action the proposal would allow. "[F]ormulaic language postponing environmental analysis to the project review stage and assuming compliance with applicable standards" is insufficient to evaluate a proposal's environmental impacts. *Id.*

As discussed below, the MDNS fails to evaluate and address the probable significant impacts to the Canyon Park Business Center (“the Park”) and is inadequate on a number of grounds:

- The roads within the Park are privately owned and maintained. The CPBCOA has limited authority to require improvements, expansions or other mitigations to the private road system for new development within the Park. According to City staff, the existing average floor to area ratio (“FAR”) for non-residential buildings in the Park is 0.413. See Memorandum from Bruce Blackburn, Senior Planner, to Planning Commission, dated November 6, 2019. The City is now proposing to establish a minimum FAR of 0.5 within the Park. The City’s SEPA checklist, however, contains no analysis of the transportation impacts to the private road system and the owners/tenants within the Park that would be generated by the additional FAR mandated by the Amendments.
- The MDNS’s analysis relies heavily upon the Final EIS (“FEIS”) prepared for the Imagine Bothell Comprehensive Plan was completed in December, 2004 and the MDNS and SEPA checklist issued for the 2015 Periodic Plan and Code Update. However, the City cannot rely upon the earlier environmental review for the following reasons:
 - The FEIS and subsequent addenda evaluated the environmental impacts of the Comprehensive Plan at a programmatic level. The FEIS’s analysis is of insufficient specificity regarding the current existing conditions of development in the Park, the private road system in the Park, and growth in background traffic levels within the Canyon Park Sub-Area.
 - The FEIS and subsequent addenda did not fully analyze either of the two other known pending projects – the Washington State Department of Transportation (“WSDOT”) I-405 Project and the Sound Transit Project. WSDOT issued notice of its plan to issue an Environmental Assessment regarding the I-405 Project more than six months ago, and WSDOT is now in the process of developing a transportation impact analysis and required mitigations for the I-405 Project. The CPBCOA is unaware of the status of the transportation impact analysis for the Sound Transit Project. These two major projects will generate significant volumes of heavy vehicle traffic on the private road system within the Park, and must be included in the environmental analysis of the Amendments.
 - The MDNS for the 2015 Periodic Plan and Code Update contains no analysis of the Park’s streets or intersections. All transportation mitigation measures discussed in the MDNS pertain to the public road system.
 - In short, the City has never analyzed any aspect of the Park’s road system, either in the current SEPA checklist or in any of the prior environmental analyses upon which the City relies. The fact that the roads are currently private are not a basis for failing to conduct environmental analysis, see *W. Main Associates v. City of Bellevue*, 49 Wn. App. 513, 521, 742 P.2d 1266, 1271 (1987), and moreover ignores the fact that for the City to achieve the densities and intensities that it is requiring within the Park, the City is going to have to accept dedication of at least portions of the private road system.

- Because the City has failed to conduct any analysis, it is unknown if the existing private road system can support the changes proposed by the Amendments. In fact, WSDOT's preliminary data from its I-405 Project impact analysis shows that the existing road system cannot support those changes. WSDOT's data, attached hereto as Attachment A, forecasts the Park's road system operating at LOS E or F in 2025 under the no-build condition (i.e., without the I-405 Project). With the I-405 Project, traffic operations are expected to worsen. Notably, the land use assumptions for WSDOT's analysis are based on the current Comprehensive Plan. If minimum density and intensity standards are set as proposed under the Amendments, the impacts to traffic operations will further increase, and additional intersections may have failing levels of service.
- Further, by proceeding with the Amendments to establish minimum floor area ratios in the Canyon Park Sub-Area, the City appears to be taking an incremental approach to analyzing the environmental impacts of the proposed Sub-Area Plan. This piecemeal strategy raises legal issues, since environmental review under SEPA is required to analyze the total impacts of connected actions. The Amendments to establish minimum floor area ratios are clearly a component of the Sub-Area Plan and implementing regulations. As such, the environmental impacts of the Amendments must be considered comprehensively with the totality of the environmental impacts of the Sub-Area Plan and other known pending projects.
- As part of the Sub-Area Plan, the City will prepare an Environmental Impact Statement ("EIS") that identifies the probable significant adverse environmental impacts and recommends mitigation measures. The most significant adverse impacts will be to the transportation system within the Canyon Park Sub-Area. The impacts of the Amendments and other changes proposed as part of the Sub-Area Plan must be considered together.

In conclusion, before proceeding, the City must analyze the impacts of the additional traffic that will be generated by the Amendments on the private roadways within the Park. That analysis should also include the cumulative transportation impacts resulting from the Sub-Area Plan, the I-405 Project, and the Sound Transit Project, and mitigations for those impacts must be identified. To comply with SEPA, these issues must be addressed comprehensively. The SEPA checklist wholly fails to assess the impacts of the Amendments alone, much less the cumulative impacts of these various projects, all of which will directly and adversely affect the Park. Therefore, the MDNS should be withdrawn, and a new threshold determination that includes an adequate transportation impacts analysis should be issued.

Thank you for your consideration of our comments. Please let me know if you have questions or would like to discuss these issues in greater detail.

Sincerely,



Molly A. Lawrence

CC: Michael Kattermann (by email: michael.kattermann@bothellwa.gov)
CPBCOA Board
Tim McHarg
File

EXHIBIT B



I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project

Canyon Park Business Park Briefing
November 13, 2019



Agenda

1. Introductions

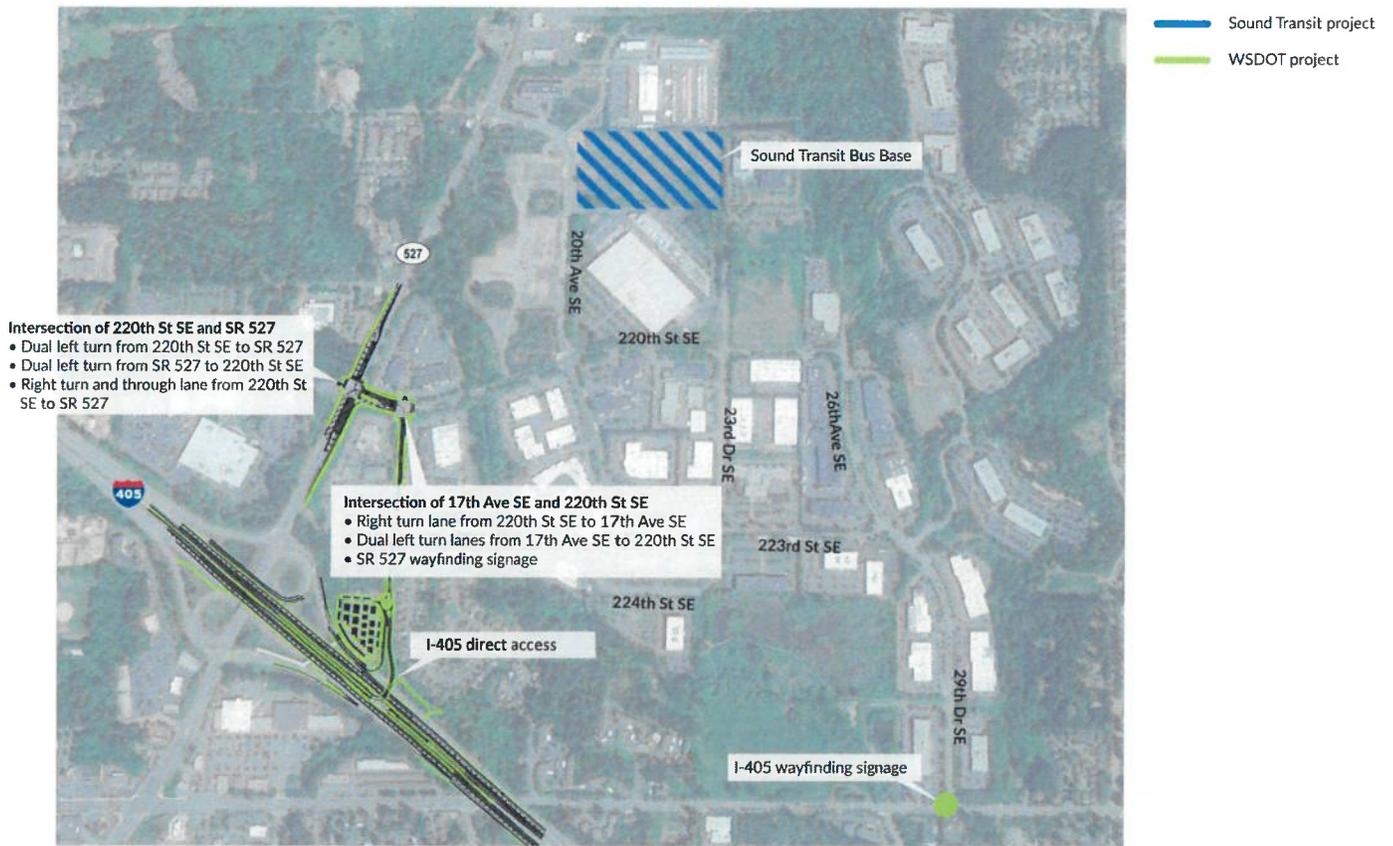
2. Traffic analysis

- Traffic counts
- Sound Transit bus base
- Draft operations
- Discussion

3. Questions

4. Next steps

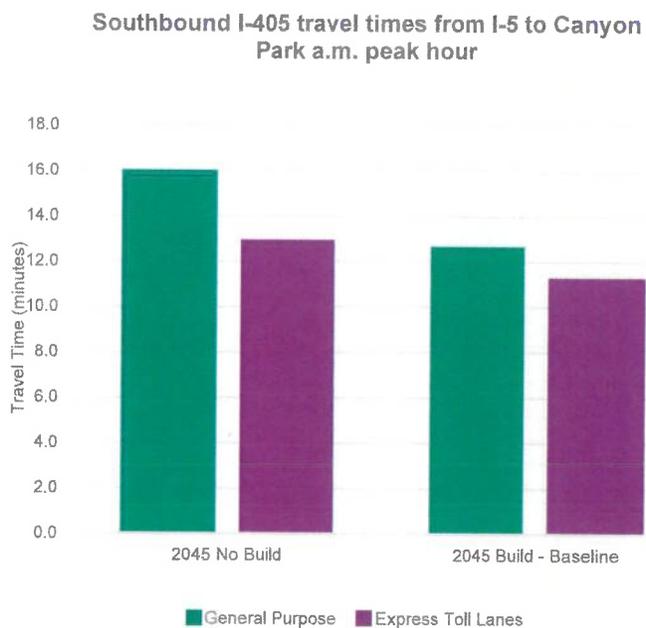
Currently identified improvements



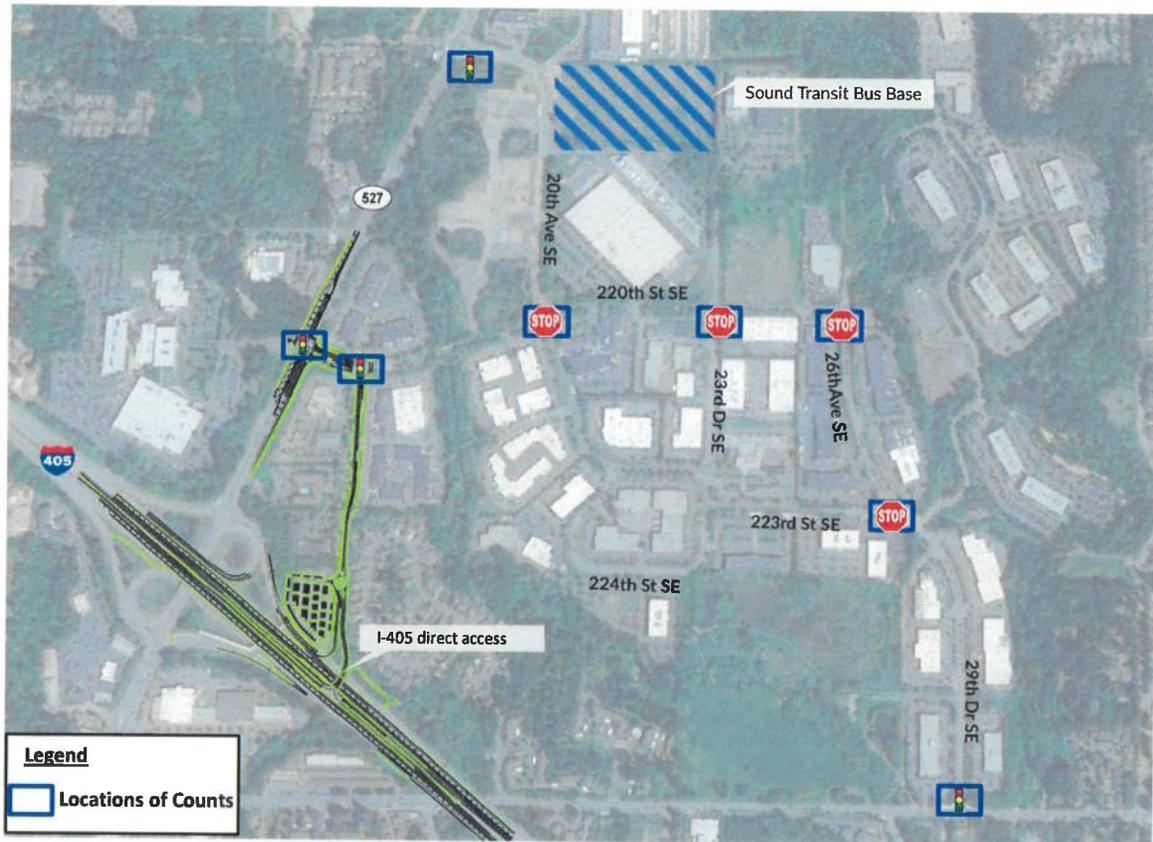
Assumptions

1. **Traffic counts**
 - **September 2019**
2. **Forecasts**
 - **2025 and 2045 future years**
3. **Land use assumptions**
 - **City of Bothell approved Comprehensive Plan**
 - **PSRC**
4. **Assumed projects**
 - **Funded projects including ST bus base**
5. **Project signing**
 - **Wayfinding signs**

2045 a.m. peak-hour southbound I-405 travel times (inbound)



Traffic counts



Sound Transit bus base



Graphic from Sound Transit pre-application packet

Draft 2025 total intersection volume change



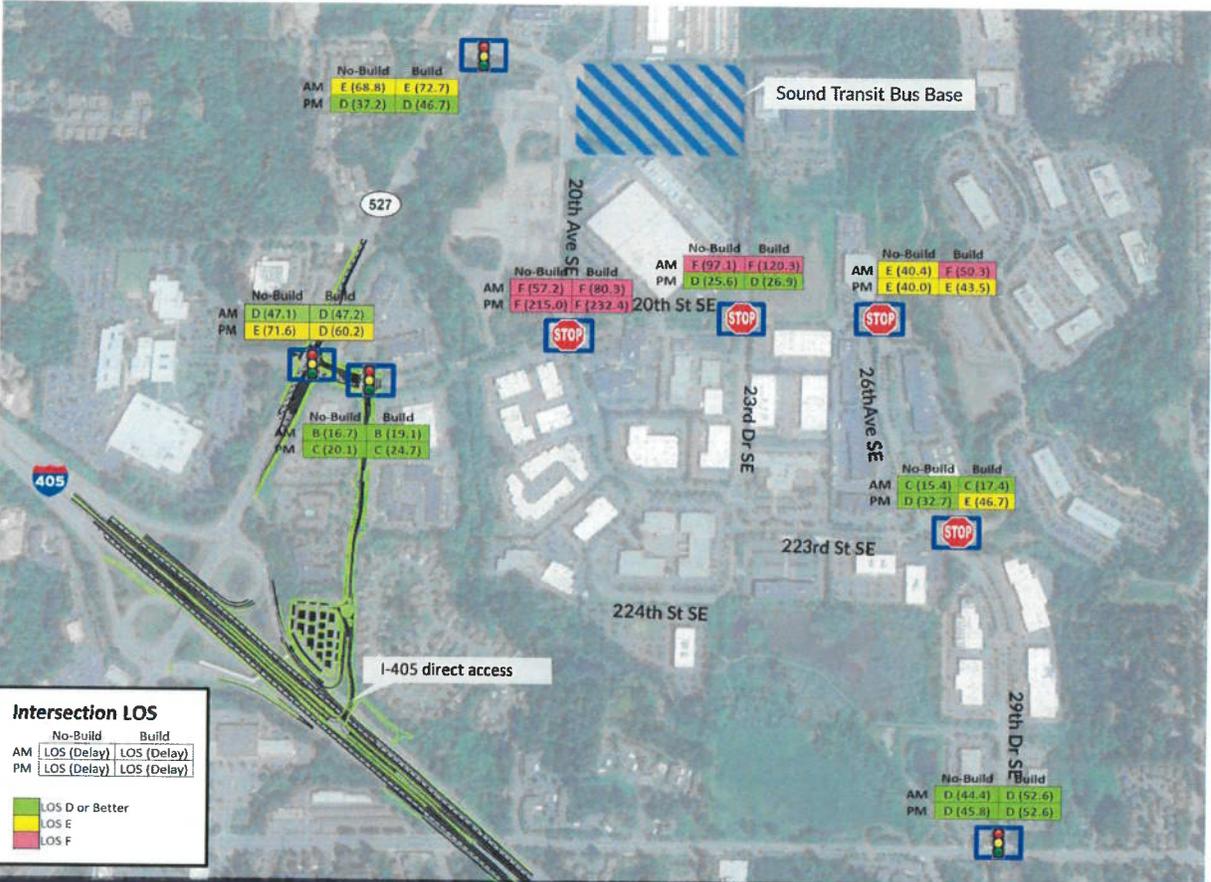
Draft 2045 total intersection volume change



Draft 2025 traffic operations



Draft 2045 traffic operations



Operations discussion

Questions?

CITY OF BOTHELL PUBLIC NOTICE

STATE ENVIRONMENTAL POLICY ACT (SEPA)

MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

PROPOSED 2019 COMPREHENSIVE PLAN AND ASSOCIATED IMPLEMENTING REGULATIONS AMENDMENTS

Description of proposal:

The 2019 *Imagine Bothell...* Comprehensive Plan and associated implementing regulations to the Bothell Municipal Code includes the following:

- Amend the *Imagine Bothell...* Capital Facilities Element to include improvements to the City's Fire Stations, as approved by voters with passage of a Public Safety Levy in November of 2018.
- Establish minimum residential densities and non-residential floor area ratios (FAR) within the Canyon Park and North Creek / NE 195 ST Subarea activity centers to ensure the City achieves its population and employment growth targets as mandated by the Multi-County Planning Policies. It is important to note that these Plan and Code amendments establish *minimum* levels of development that are substantially *less than the maximum* amounts currently allowed. In other words, the potential impacts of this action are less than those previously analyzed under prior environmental evaluations of the *Imagine Bothell...* Comprehensive Plan's activity centers.

Background

The City of Bothell established activity centers in 2002 as a means of focusing growth where transportation, utilities, transit services, and other infrastructure were capable of accommodating higher levels of population and employment growth. Activity centers are identified by the zoning classifications of: Residential-Activity Center (R-AC), Office Professional (OP), Community Business (CB), Light Industrial (LI) and other zones.

The BMC currently establishes no *maximum* residential density or non-residential intensity of land uses within the City's activity centers allowing site and building regulation limitations to cap density and intensity. However, the current BMC also does not specify a *minimum* level of development as is required for all other residential zoning classifications. Recently, the City has received development proposals in activity centers that are at densities and intensities that are less than those needed for the City to meet its population and employment growth targets. This could result in the City failing to meet its regional growth obligations resulting in a need to accommodate growth in other portions of the City.

A Final Environmental Impact Statement (FEIS) was issued for the City's original adoption of the *Imagine Bothell...* Comprehensive Plan in 1993 with Supplements to that FEIS issued in 1996 and 2000. Another FEIS was issued for the creation of activity centers and establishment of building heights in 2002. Another FEIS was issued for the City's first update of the Comprehensive Plan in 2004 with supplements to that EIS issued in 2005 and 2006 for subsequent Comprehensive Plan amendments.

Finally, a Mitigated Determination of Non-Significance was issued for the 2015 Periodic Plan and Code update which evaluated impacts of adding the R-AC zone to the Canyon Park Business Park. The 2015 Periodic Update MDNS included an evaluation of level of service impacts to the City's transportation corridors.

The proposed 2019 amendments to the *Imagine Bothell...* Comprehensive Plan and Implementing regulations of the Bothell Municipal Code constitute a non-project action under SEPA.

Proponent: City of Bothell

Location: The 2019 amendments to the *Imagine Bothell...* Comprehensive Plan and implementing regulations of the Bothell Municipal Code affect the Canyon Park and the North Creek/NE 195 ST Subareas and the Capital Facilities Element regarding the re-construction of Fire Stations 42 and 45.

Lead Agency: City of Bothell

Determination:

The lead agency for this proposal has determined that it would not have a probable significant adverse impact on the environment due to mitigating measures built into the Plan and implementing development regulations. Such mitigation measures include but are not limited to:

- Land Use - distribution of land uses in a manner that supports compact urban development and walkable neighborhoods, and accommodates the City's population and employment growth targets. The amendments to the Canyon Park and North Creek/NE 195 ST Subareas would establish certain minimum residential densities and non-residential floor area ratios thereby facilitating the goals and policies of the Land Use Element
- Natural Environment - Protection and restoration of natural features, water quality, wildlife habitat and reduction in greenhouse gas emissions;
- Housing and Human Services - Measures to create a diverse community including all income levels, preserve and create affordable housing, accommodate population growth in a variety of housing options, and identify services for that segment of the population which may find difficulty in finding such services. The amendments to the Canyon Park and North Creek/NE 195 ST Subareas would establish certain minimum residential densities thereby facilitating the goals and policies of the Housing and Human Services Element;
- Urban Design - Establish a community design and a community form that embraces Bothell's vision, creates a logical street network, promotes walkable neighborhoods, establishes building design and site design objectives;
- Transportation - Identifies existing transportation infrastructure and needed expansion of the City's transportation network for vehicles, mass transit, pedestrians, bicycles, and other forms of human movement within and throughout the City, identifies transportation improvements and future actions to accommodate walkable neighborhoods and non-motorized transportation choices;
- Shorelines - adoption of the Bothell Shorelines Master Program as approved by the Washington State Department of Ecology;
- Historic Preservation - addresses the need to preserve Bothell's history and historic landmarks which contain or represent that history;
- Parks, Recreation and Open space - Adopts the City's adopted Parks, Recreation and Open Space Plan which guides acquisition, development, and maintenance of Bothell Parks and open spaces; and
- Implementation of development regulations within Volume II of the Bothell Municipal Code including land uses, critical areas regulations, transportation mitigation, landmark

preservation and many other provisions all of which implement the *Imagine Bothell..* Comprehensive Plan.

An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request or can be viewed at the Community Development offices located at 18415 101 Ave NE, Bothell, WA 98011 or on-line at: <http://www.ci.bothell.wa.us/1127/Active-Comprehensive-Plan-and-Code-Amend> - Look under 'Minimum Density and Intensity - Activity Centers Plan and Code amendments'

This Mitigated Determination of Non-Significance (DNS) is issued under WAC 197-11-350.

Comment Period:

The lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by 5:00 p.m. November 22, 2019, to Bruce Blackburn, Senior Planner, via e-mail at bruce.blackburn@bothellwa.gov, or via United States Postal Service or other delivery method at the address below.

Responsible Official: Jeffery N. Smith
Position / title: Development Services Manager
Address: 18415 101 Ave NE, Bothell, WA 98011
Phone: 425-806-6407
Issue Date: November 8, 2019

Signature: _____

Appeal: You may appeal this determination by filing or stating specific statements of reason for the appeal with the Responsible Official at the address above. Appeals must be received no later than seven days following the comment period or by 5:00 p.m. November 28, 2019. Public hearings of such appeals will be scheduled upon analysis of the filed appeal. Notice of the time and date of such hearing will be issued separately and within 30 days of the date of the hearing, when such date is established.

You should be prepared to make specific factual objections. SEPA appeals must be submitted precisely as outlined and detailed in BMC Title 14.02 and BMC Title 11. Contact Jeff Smith at the Department of Community Development (425-806-6407) to read or ask about the procedures for SEPA appeals.

The issuance of this MDNS should not be interpreted as acceptance or approval of the subject proposal as presented. It only assesses the degree of environmental impact and any mitigation required to reduce that impact below a level of significance. The City of Bothell, in its review for consistency with the requirements of adopted state law, the *Imagine Bothell... Comprehensive Plan*, and applicable land use codes, reserves the right to approve, deny, or revise, these potential Plan and Code amendments.