

 Reply  Reply All  Forward

Fri 2/28/2020 3:42 PM



Tracy Holman <tracy@businesspropertydevelopment.com>

RE: [EXTERNAL] Meeting on Comp Plan

To Bruce Blackburn

Cc Roger Belanich

Retention Policy Auto Delete Inbox Message At 90 Days Old (90 days)

Expires 5/28/2020

Bruce,

Thank you for the informative meeting yesterday in which we discussed the Comp Plan uses for the two properties outlined below.

I support the Office/Residential-H for my property located between 17<sup>th</sup> Ave SE and the Bothell-Everett Hwy south of 220<sup>th</sup> Street. I anticipate that this would be a 100 foot office building with parking within the building as well as adjacent surface parking.

I also support the Office/Residential use for my four acres located on the southwest quadrant of I-405 and the Bothell-Everett Hwy. The City is considering the uses to be Office/Residential-Med. As we discussed I support Office/Residential-H for this property. It is imperative to allow flexibility and allow the future to define the specific use of either residential or office to a maximum height of 100'. This property has excellent identity to the interchange and either office or residential would be appropriate, but the height would need to be 100feet in order to be economically feasible since it will require the removal of the existing retail (with the exception of the Hilton Hotel). Either use would require parking with the building as well as adjacent surface parking. Only the future will be able to define either uses as well as their land use impacts and economic feasibility.

Re: Park Property

The Canyon Park Owners' Association supports a park on the 17 acres between T-Mobile and 31<sup>st</sup> Ave SE. It is essential that it be so designated Park in the Comp Plan, even though the City could reject a donation by me. It is very much a passive park now for employees as well as the neighborhood. The kind of park use could be determined later by the City should the City accept the property.

Thank you all for considering these proposals.

Roger Belanich

Attachments follow

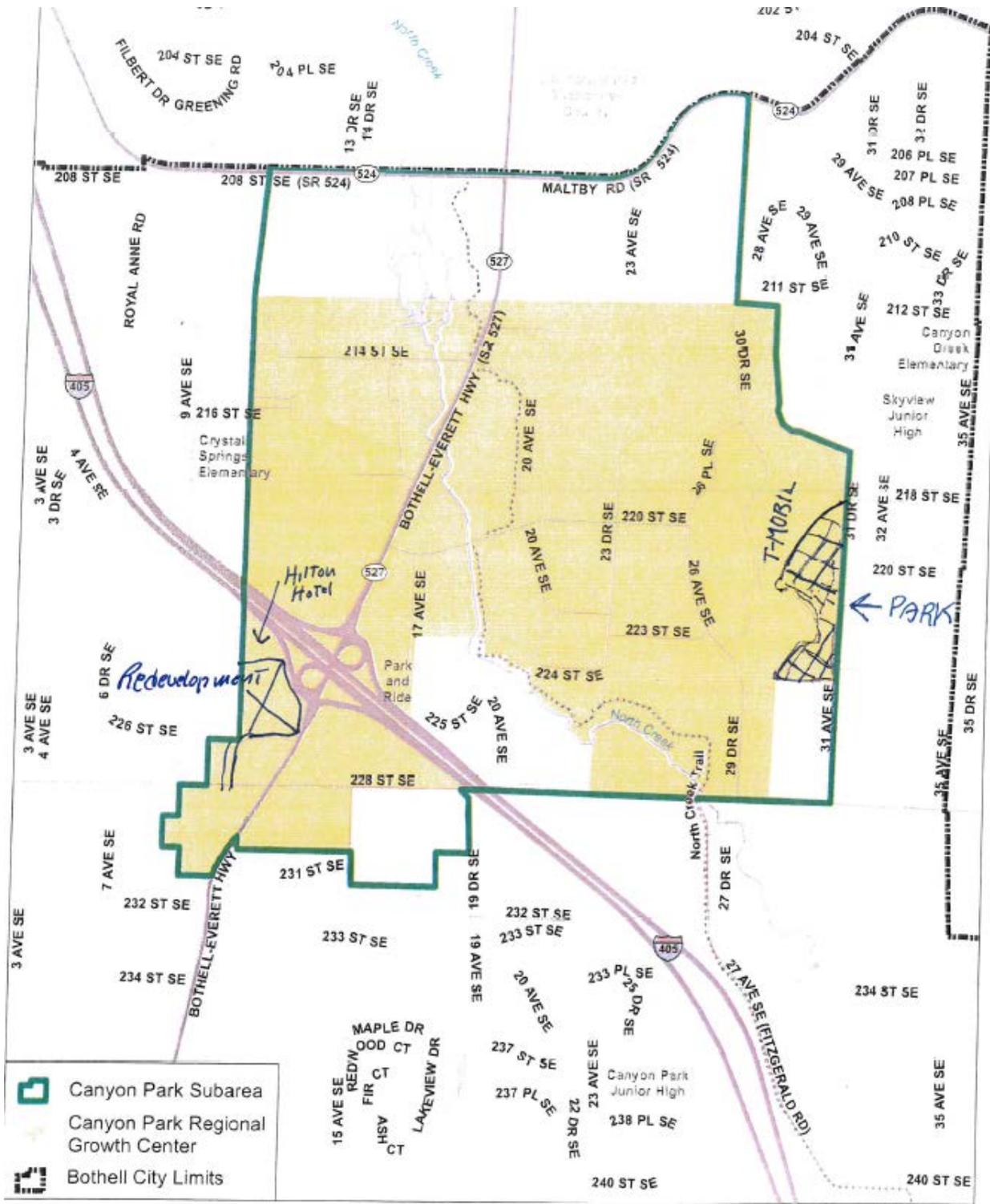


Exhibit Preferred Alternative 1

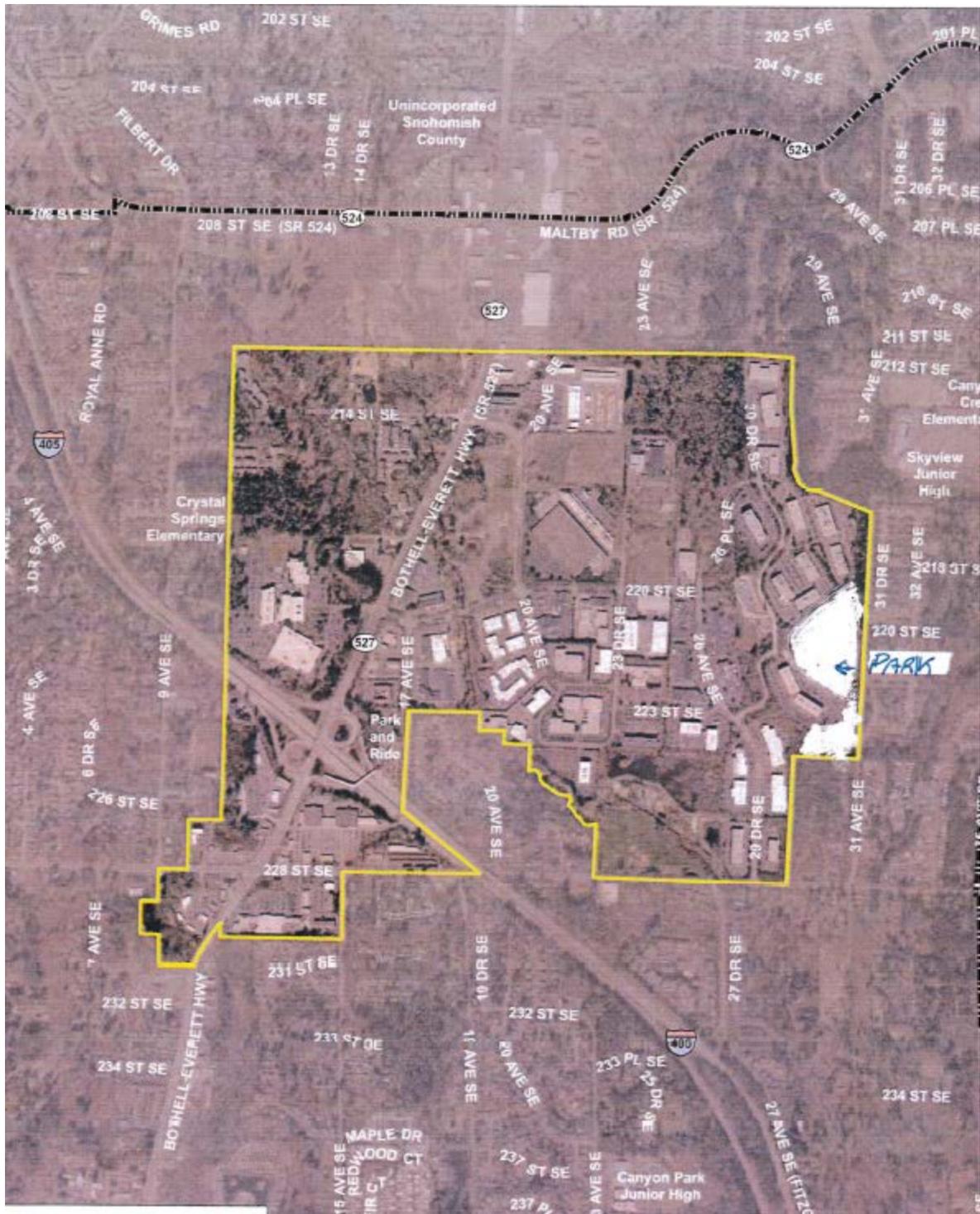


Exhibit Preferred Alternative 1

 Reply  Reply All  Forward



Wed 3/4/2020 2:32 PM

Cheryl Chikalla

**[EXTERNAL] Re: Canyon Park Public Hearing March 4, 2020**

To Bruce Blackburn

[Retention Policy](#) [Auto Delete Inbox Message At 90 Days Old \(90 days\)](#)

For the Planning Commission:

I am the HOA President for Crystal Creek I Townhomes. We are located on 11th Dr. SE and 214th. We are a development of 37 townhomes and are a gated community. We are surrounded by protected wetlands on all sides of our development. Crystal Creek II Townhomes, which is a separate development, lies just to the south/southwest of our development. There is a fire access road between the two developments, with a gate that is closed except for emergency vehicles.

At the previous meeting held on January 9th, HOA officers from both developments expressed concern about extending 214th out to 9th Ave in order to provide a throughway to connect Bothell Everett Highway and 9th Ave. We are concerned about the amount of traffic that would travel between both developments each day, the noise, the congestion, and the loss of the protected wetlands, if 214th were to be extended. Crystal Creek I is additionally concerned as to how we would exit out of our development, safely and in a timely manner, given that we are gated. Every owner who lives in Crystal Creek I considered the gate and the limited access, in particular, to our development.

Our suggestions are:

Why not consider extending 217th Place to 9th Ave? It would require accessing part of the drive and some of the existing parking spaces for Phillips, however, the portion of the road closest to Bothell Everett Highway, the fire station and Juno is already wide enough to handle two traffic lanes (one in each direction), plus sidewalks. It appears there would be less of an intrusion into the protected wetlands to extend sidewalks along that whole corridor, as well.

At the previous meeting a suggestion was made by one of the people from your team that 214th become more of a bike path and pedestrian path to provide access from 9th Ave to Canyon Park shopping, transit, etc. Both Crystal Creek HOA boards were very supportive of that idea. It would maintain both of our developments and the wetlands, limit car traffic on 214th to those living at Crystal Creek I townhomes, yet provide access from 9th Ave. for foot-traffic or bicycles to the Canyon Park area.

Finally, please consider syncing traffic lights along Bothell Everett Highway and within the Canyon Park area (now) for better traffic flow. Perhaps with some adjustments, traffic could flow better through the area without having to intrude on small neighborhoods or protected wetlands. With approximately 500 new housing units being built within the Canyon Park Business Park, it seems wise to be working on solutions to problems that exist today, while also

keeping an eye on the future. The HOA Board and owners at Crystal Creek I appreciate your consideration of our concerns and suggestions.

Kind regards,

Cheryl Chikalla  
HOA President  
Crystal Creek I Townhomes

March 4, 2020

City of Bothell Planning Commission  
c/o Bruce Blackburn, Senior Planner  
Bothell City Hall  
18415 101<sup>st</sup> Avenue NE  
Bothell, WA 98011

Sent by email: [bruce.blackburn@bothellwa.gov](mailto:bruce.blackburn@bothellwa.gov), [CanyonPark@bothellwa.gov](mailto:CanyonPark@bothellwa.gov)

RE: Public Hearing Canyon Park Sub-Area Plan Preferred Alternative

Dear Chair Vliet and Planning Commissioners:

This firm represents the Canyon Park Business Center Owners' Association ("CPBCOA"). The CPBCOA is comprised of 60 property owners. The Canyon Park Business Center ("the Park") is over 360 acres, contains hundreds of businesses, and is a significant economic development and employment generator for the City of Bothell.

The CPBCOA has been working with City staff on a variety of issues over the past several years, including, but not limited to, the Canyon Park Sub-Area Plan and the I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project ("ELT"). We have always appreciated the willingness of the Community Development Department to seek out to the input of the CPBCOA and the businesses in the Park. We will continue to work with City staff, the Planning Commission and City Council on projects that effect future growth and development in the Park.

Candidly, we are gravely concerned that the City has not adequately considered or addressed the significant transportation impacts that increasing the land use intensities of the Canyon Park subarea will have on all of the businesses and residents in the area. We urge the Commission to request more information regarding how the transportation impacts will be addressed *before* attempting to select a preferred alternative for the proposed Canyon Park Sub-Area Plan at your public hearing tonight.

Our comments are as follows:

1. The CPBCOA is extremely concerned that the City remains reluctant to accept dedication of the private roadways within the Park. Each of the alternatives, including the proposed Preferred Alternative, anticipates significant increases in land use intensity within the Park that cannot be accommodated by the existing road system. The CPBCOA does not

have the legal authority or financial resources to expand the capacity of the roads, so these capacity issues cannot be addressed while the roads remain privately owned. The City's subarea plan treats these streets as though they are publicly owned and accessible, which is not currently legally accurate.

2. The evaluation of the Preferred Alternative must include an analysis of all known related actions, including the WSDOT ETL and the Sound Transit Bus Maintenance Facility projects.
3. The City must coordinate with WSDOT regarding transportation impacts and mitigations from ETL project. The increases in, and redistribution of, traffic volumes of the ETL project must be included in the analysis of the Preferred Alternative. Currently, our analysis is that the WSDOT design for the 17<sup>th</sup> Ave SE/220<sup>th</sup> St SE intersection is not adequate at initial construction to accommodate ETL traffic, let alone traffic growth based on the increased intensity proposed by the Preferred Alternative. The impacts of ETL traffic plus increased traffic proposed by the Preferred Alternative on other private streets and intersections within CPBC have yet to be analyzed by the City. Once these impacts are analyzed, sufficient mitigation must be proposed and included in the Sub-area Plan.
4. As part of the ETL project, WSDOT has designed improvements to 17<sup>th</sup> Ave SE as mitigation for the impacts of the project. It is anticipated that 17<sup>th</sup> Ave SE will carry in excess of 3,200 vph during the PM peak hour. Given these volumes and the current design of 17<sup>th</sup> Ave SE, it is unclear how this can function as a "Neighborhood Center Street" as proposed by the Preferred Alternative.
5. At the February 19 Planning Commission Study Session, the City's economic consultant indicated that new office space is not economically feasible in the Sub-area under present market conditions. The consultant offered no professional opinion on when, if ever, new office space would be economically feasible. Moreover, Page 2 of the March 4 Planning Commission staff report summarizes the Planning Commission's direction as, "The City should be patient and wait for preferred land uses instead of accepting whatever land uses are currently favored by the market." While it is the City's prerogative to select a Preferred Alternative that is admittedly economically infeasible for the foreseeable future, that lack of economic feasibility must be reflected in the evaluation of the Preferred Alternative. This evaluation must include the following:
  - a. The buildable lands analysis for the Preferred Alternative must reflect the economic infeasibility of new office space. There are no recent historical "achieved densities" for office uses, and office use is not supported by the City's market analysis. Therefore, only uses supported by historical "achieved densities" or by a market analysis can be considered as components of future demand for redevelopment capacity.
  - b. Since the City's economic consultant has determined that new office space is infeasible for the foreseeable future, the impacts of all "Office/Residential" land use designations (High, Medium, and Low) must be analyzed based on residential

use. This includes trip generation, demand for public services and utilities, and resulting LOS for public services and utilities.

6. The comparison between the No Action and Preferred Alternative LOS PM Peak Hour traffic is presented inaccurately. The No Action Alternative assumes that the City will not make any transportation improvements in the Subarea during the 20 year planning period. That is not realistic given the value of the Canyon Park Sub-area to the City in terms of tax base and economic development and the City's obligations under the GMA. The forecasted conditions for the No Action Alternative assumes that the City will not adequately plan for growth within the Canyon Park Subarea, nor partner with other jurisdictions regarding traffic impacts and mitigation. Since the City is required to plan for growth and accommodate planned growth with capital improvements, many of the "mitigation" projects now proposed by the Preferred Alternative should also be included in the No Action Alternative. The evaluation of the No Action Alternative should include a reasonable amount of City investment in transportation improvements during the planning period.
7. Residential use in the Park is limited to a defined area of 72.75 acres pursuant to the CPBCOA CC&Rs. For the areas within the Park proposed for "Office/Residential" use in the Preferred Alternative, only 18.09 acres is within the defined area where residential use is permitted by the CC&Rs (Parcel Nos. 27053000106500, 27052900204600, 27052900204700, 27053000106400, 27053000106300, and 27052900204800.) Based on the CPBCOA CC&Rs, residential use is not permitted on any of the other parcels designated for "Office/Residential" use in the Preferred Alternative. Since the City has not produced a market study that supports the feasibility of office use in the Sub-area and residential use is not permitted, it is unclear what the City believes will happen in the area within the Park designated as "Office/Residential" by the Preferred Alternative.
8. The Preferred Alternative proposes to add 4,225 new residents and 9,458 new employees to the Sub-area. Yet there are only two new public spaces proposed, and one is at the south end of the Sub-area. This is completely inadequate to support the proposed growth in residents and employees. Additional City investment in public spaces and urban design features is necessary to mitigate the impacts of the proposed additional intensity.
9. Stormwater regulations need to be factored into all pro-formas as either an increased cost for compliance or a decreased yield to accommodate stormwater infrastructure. Simply because the regulations apply uniformly to all new development does not mean that the impacts to the economic feasibility of projects can be dismissed. The economic effects of the stormwater regulations must be reflected in the yet-to-be-issued pro-formas to determine the economic feasibility of the Preferred Alternative.
10. Similarly, the pro-formas must include all of the additional costs of development that are proposed by the Preferred Alternative regulations, including, but not limited to, affordable housing, affordable commercial space, public space requirements, requirements for a new "neighborhood center street," ground floor retail requirements, wetland/stream buffer enhancement requirements, and increased impact fees to fund transportation, parks and public services.

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,

A handwritten signature in black ink, appearing to read 'T. McHarg', enclosed within a large, loopy circular flourish.

Tim McHarg, AICP

CC: Michael Kattermann (by email: [michael.kattermann@bothellwa.gov](mailto:michael.kattermann@bothellwa.gov))  
CPBCOA Board  
Molly Lawrence  
Ray Liaw  
File

To: Bothell Planning Commission  
Bruce Blackburn, staff

**RE: Canyon Park Subarea Plan: Planning Commission Study Session July 1, 2020**

These comments relate to Attachment 3 of the Canyon Park Subarea Plan found in the June 17<sup>th</sup> P.C. packet, **page 43** of 51. The comments refer to establishing use of best available science to determine buffer reductions as incentives for buffer enhancement/reductions.

When the Planning Commission meets on July 1, 2020 please discuss this section on page 43 and **request that it be removed from the Canyon Park Subarea Plan.**

Rationale for removing these sections:

This Subarea Plan is NOT the appropriate venue for establishing a best available science protocol and CANNOT be used as method for making a recommendation to amending the Bothell Critical Areas regulations or the Shoreline Master Program for the City of Bothell. The following statement implies that BAS could be established, and that changes to the Bothell CAO, SMP could be facilitated by recommendations in this Subarea Plan Action. The Subarea plan adoption process under GMA is required to be consistent with and implement the existing Critical Areas Ordinance. It CANNOT set policy or actions for amending the CAO.

In addition, the CAO in Bothell SMP for a Class I wetland (assuming the wetland north of 214<sup>th</sup> St. S.E. is Class I) is required to have a 75' buffer. This cannot be reduced by developer incentive or credits transferred from other existing buffers. Mitigation banks are allowed for compensatory mitigation, NOT for buffer reductions.

**Remove these two sections: found on page 43.**

**Buffer Enhancement**

Much of Canyon Park was constructed prior to the adoption of critical areas regulations and current best available science. Fortunately, buffers were established to protect wetlands, and streams were included in the development of the area. Wetland and stream buffers are of varying dimension with some being quite large and others being fairly small compared to current standards.

Future redevelopment of the area offers the opportunity to enhance these existing buffers while maximizing a site's available area. As a development incentive, a developer could be allowed to reduce a wetland/stream buffer to the edge of existing development provided the biological functions and values of the existing buffer (and associated wetland/stream) are increased.

**Action:**

Establish a best available science protocol within the Bothell Critical Areas regulations where existing buffers are enhanced in exchange for a reduction in the standard buffer width. Ensure that such reduced buffers result in improved biological functions and values.

June 25, 2020

Bruce Blackburn  
Senior Planner  
City of Bothell  
18415 101<sup>st</sup> Avenue NE  
Bothell, WA 98011  
[bruce.blackburn@bothellwa.gov](mailto:bruce.blackburn@bothellwa.gov)

Eddie Low  
Deputy Public Works Director  
City of Bothell  
18415 101<sup>st</sup> Avenue NE  
Bothell, WA 98011  
[eddie.low@bothellwa.gov](mailto:eddie.low@bothellwa.gov)

RE: CPBCOA Comments on WSDOT ETL Project

Bruce and Eddie:

Please find attached the most recent Canyon Park Business Center Owners Association (“CPBCOA”) comments to the Washington State Department of Transportation (“WSDOT”) regarding the proposed Express Toll Lane project at SR527 (“ETL Project”).

We want to bring your attention to the following issues identified in our comments:

1. Our analysis indicates that the traffic growth rates used for the “No Action” alternative in the Environmental Assessment (“EA”) for the ETL Project are not based on valid land use assumptions. The “No Action” alternative traffic growth rate does not utilize a specific land use analysis that projects future growth within the CPBC based on the existing City Comprehensive Plan and zoning designations, as well as the existing development conditions and constraints. Instead, an aggregate regional growth rate of more than 40% is applied to the internal private intersections in the CPBC.

This results in a significantly higher “No Action” baseline condition against which the “Action” alternative is then compared. The result is that the impacts of the “Action” alternative are muted and proportionately less than they would be under a “No Action” alternative that used valid land use assumptions to project future traffic growth.

Correspondingly, the mitigations proposed by WSDOT for the “Action” alternative are reduced and will not be adequate for the actual impacts that result from the ETL project.

2. The current design of the 17<sup>th</sup> Ave SE/220<sup>th</sup> St SE intersection does not provide adequate capacity for northbound traffic in the PM peak hour beginning in 2025, which is the year of opening for the ETL project. This inadequate capacity exacerbates in years after 2025. Since the City is considering accepting dedication of 17<sup>th</sup> Ave SE, the 17<sup>th</sup> Ave SE/220<sup>th</sup> St SE intersection, and the section of 220<sup>th</sup> St SE between 17<sup>th</sup> Ave SE and SR527 in 2025, the City should be aware of this. The CPBCOA is very concerned that the City is planning to accept dedication of an intersection and roadway that is known to have inadequate capacity and level of service and that will need to be immediately improved at taxpayer expense. Please be aware that we will protest any effort to require CPBCOA property owners to contribute to the solution for an intersection that was known by the City to have inadequate capacity from the day it opened.

We request that you consider our comments and provide a response that summarizes the City’s position on the ETL Project. In addition, we request that the inadequate capacity of the 17<sup>th</sup> Ave SE/220<sup>th</sup> St SE intersection be addressed in the Canyon Park Subarea Plan and analyzed in the FEIS.

Please let me know if you have any questions regarding these issues. If it would help to discuss these issues, we can schedule a conference call at your convenience.

Sincerely,



Tim McHarg, AICP  
Senior Land Use Planner

CC: Barrett Hanson, WSDOT Consultant  
CPBCOA Board  
Molly Lawrence  
Michael Read, PE

## MEMORANDUM

**DATE:** June 22, 2020

**TO:** Tim McHarg, Canyon Park Business Association Owner's Association  
c/o Van Ness Feldman, LLP

**FROM:** Michael Read, PE, Principal, TENW

**SUBJECT:** I-405 SR522 Vicinity to SR527 Express Toll Lanes Improvement Project  
Impacts to Canyon Park Business Center Owner's Association  
TENW Project No. 3696

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This memorandum summarizes outstanding items of concern as it relates to transportation impacts to the Canyon Park Business Center Owner's Association (CPBCOA) properties as a result of the proposed I-405 Express Toll Lane Project. As part of your response to WSDOT's proposal for a mitigation offer of traffic impacts to the CPBCOA private property and private roadway system, you have asked for comments on the draft mitigation agreement presented by WSDOT. However, our Team remains unable to provide any further guidance on specific responses to the offer or its merits based on the following remaining concerns regarding the assumptions, approach, and analytic techniques of the underlying traffic evaluation. These concerns include:

**No Action Traffic Forecasts.** As a baseline, the mitigation approach in the preliminary traffic operational and queuing analysis provided to TENW is only compared to a future No Action condition. With inflated background growth assumptions, the conclusion on project impacts to intersection levels of service and vehicle queuing conditions within the CPBCOA are lost in a growth rate that is not applicable to interior private roadways within the existing business park. With a regional aggregate growth rate of more than 40% applied to interior private intersections, the added congestion and vehicle queuing that becomes "assumed in the future" within the business park generates unreasonable conditions from which to measure impacts of the WSDOT project.

**Intersection Capacity of 220th Street SE/17th Avenue SE.** The projected traffic demand of PM peak hour traffic exiting via 17th Avenue SE by WSDOT is 775 vehicles per hour (vph). This peak directional forecast is a direct result of the proposed ETL Direct Access Ramp and is equivalent to more than 2 turning lanes of left turning capacity (this is regardless of the analytical framework or traffic analysis assumptions presented by WSDOT). At year of opening (2025), the total northbound left turning traffic demand from 17th Avenue SE onto 220th during the PM peak hour is forecast by WSDOT as 1,000 vph. As such, basic capacity at this signalized intersection is not provided under the current WSDOT channelization proposal, and would create significant adverse impacts to both traffic flow and safety at this intersection and private driveways along 17th. We continue to recommend that additional intersection capacity be built at this intersection to mitigate the adverse traffic impacts generated by the proposed ETL Direct Access Ramp into the business park.

In addition, during our last meeting between WSDOT and our Team in March 2020, the traffic operational assumptions (i.e., signal timing/performance) included in the Action Alternative were confirmed as something that "would not be implemented" in the field. As such, under the decisions of intersection geometry and signal operations by WSDOT, the mitigation analysis of direct project impacts cannot be understood or measured.

**City Comments/Concurrence on Study Assumptions and Methods.** CPBCOA has yet to receive any concurrence from the City of Bothell on the review and acceptance by the City of WSDOT study assumptions, methods, or conclusions on the ETL Direct Access Ramp project. Given other comprehensive plan amendment, zoning, and private street conversion into public roadways under consideration by the City and CBCOA, we want to recognize that our Team cannot agree to any mitigation agreement or proposals until we also understand that the City will also accept the proposed public infrastructure that would be converted within the existing private roadway system currently owned by CPBCOA.

In addition to the absence of City concurrence, neither the City's ongoing Subarea Planning within Canyon Park or WSDOT's analysis of the ETL Direct Access Ramp into the subarea are dependent or relying on each other's work. As an example, WSDOT assumes only currently funded transportation improvements, while as the City's comprehensive planning process allows for assumed additional improvements that do not yet have committed funding. To ensure consistency, at a minimum the City's planning process should only assume those currently funded projects used in WSDOT's ETL Direct Access Ramp project as a "baseline" and then evaluate other potential regional and local projects to support the alternative land use assumptions under consideration in the Subarea. This methodology will also inform both the City and WSDOT on the direct impacts that "new arterial roadway connections" into the CPBCOA that could result as part of ETL Direct Access Ramp project.

Beyond the transportation network inconsistencies, the other significant difference between these two efforts is evaluating impacts of land use assumptions. The City's current Subarea Planning efforts envision significant increases in the density and types of land uses within the CPBCOA itself and the surrounding vicinity. As noted above, WSDOT did not apply any direct land use assumptions within the CPBCOA properties or local vicinity, but only factored local traffic volumes (beyond those directly generated by the new ETL Direct Access Ramp) using a regional growth factor. If any of the currently published land use scenarios or potential variants likely under the Subarea Plan are adopted, the transportation infrastructure as part of the WSDOT ETL Direct Access Ramp and for the Canyon Park Subarea as a whole would fail any measure of concurrency or mobility performance measure of intersection level of service, congestion, or safety.

If you have any questions regarding the information presented in this memo, please call me at (206) 361-7333 x 101 or [mikeread@tenw.com](mailto:mikeread@tenw.com).

**Roger M. Belanich**  
Business Property Development, LLC

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22020 - 17th Ave. S.E., Suite 200, Bothell, Washington 98021 (425) 485-4850 or (206) 623-6230 FAX (425) 483-1811

July 1, 2020

Re: Canyon Park Sub Area Comprehensive Plan

Dear Members of the Bothell Planning Commission:

Enclosed is my letter to Bruce Blackburn of February 28<sup>th</sup> concerning the Comprehensive Plan on property that I own in the study area. It has been incorporated of record for the Hearings of the study area.

I would like to enter for your consideration the following as the developer of Canyon Park Business Center, as well as an interested and involved person, who has been active also, in the development of retail centers in Bothell over the past forty (40) years.

1. Once again, as in my testimony included in my letter of February 28<sup>th</sup>, I support Office/Residential H (100 feet in height of buildings). The use of development for office conforms to the City's idea on spacing. Canyon Park is a notable area of Medical instruments as well as Biotech. The intended Comp Plan supports Life Science Cluster. The southwest quadrant of SR527 and I-405 is adjacent to CBPC as well as the Phillips Company for medical instruments as well as Juno Biotech Research. The same is true for Office/Residential H on the property which I own on the southeast intersection of SR527 and 220<sup>th</sup> Street SE within CPBC.

These two properties would support as office buildings the Transportation HUB as envisioned in the Comprehensive Plan; ATT2. Office/Residential H should be adopted for these properties for reasons explained in my of letter February 28<sup>th</sup>.

2. Re ATT2:

The Plan's evaluate extending 214<sup>th</sup> Street from CPBC to 9<sup>th</sup> and 20<sup>th</sup> Ave SE to Maltby Road (Hwy 534). See ATT1 page 6.

These both reduce LOS on Highway 527 as well as the intersection of Thrasher's Corner. These should be adopted.

3. ATT2 Urban Design Livability

Private Natural Area Eastern Portion of Sub Area, Page 12, the text quotes: "The property owner is interested in the City acquiring the property for public use".

In fact, as the owner, I will dedicate the entire 17 acres for a park at no cost to the City. (See my letter to Bruce Blackburn of February 28, 2020.)

4. ATT3 Storm Water

The Comp Plan must recognize and adopt the storm water system as now provided in Canyon Park Business Center. This should include the massive detention pond for the storm water. However, I agree that the detention pond should be restored to its original capacity. As the developer of that detention pond, I must contradict the City's portrayal of its' capacity. It was designed for an entire basin, which has been largely developed and has its' own individual detention. Therefore, it has, as originally designed and originally built, excess capacity beyond the requirement of the built out CPBC. At least this should be evaluated as an inclusion in the Comp Plan.

Thank you for considering this testimony.

A handwritten signature in black ink, appearing to be the initials 'RB' with a stylized flourish.

Roger Belanich

**Roger M. Belanich**  
Business Property Development, LLC

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22020 - 17th Ave. S.E., Suite 200, Bothell, Washington 98021 (425) 485-4850 or (206) 623-6230 FAX (425) 483-1811

February 28, 2020

Bruce Blackburn  
Community Development Department  
City of Bothell  
18415 101<sup>st</sup> Ave NE  
Bothell, WA 98011

Re: Proposed Comp Plan – Canyon Park

Bruce:

Thank you for the informative meeting yesterday in which we discussed the Comp Plan uses for the two properties outlined below.

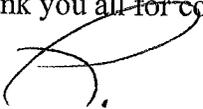
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I also support the Office/Residential use for my four acres located on the southwest quadrant of I-405 and the Bothell-Everett Hwy. The City is considering the uses to be Office/Residential-Med. As we discussed I support Office/Residential-H for this property. It is imperative to allow flexibility and allow the future to define the specific use of either residential or office to a maximum height of 100'. This property has excellent identity to the interchange and either office or residential would be appropriate, but the height would need to be 100feet in order to be economically feasible since it will require the removal of the existing retail (with the exception of the Hilton Hotel). Either use would require parking with the building as well as adjacent surface parking. Only the future will be able to define either uses as well as their land use impacts and economic feasibility.

Re: Park Property

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Thank you all for considering these proposals.



Roger Belanich

# Snohomish Conservation District

*working together for better ground since 1941*



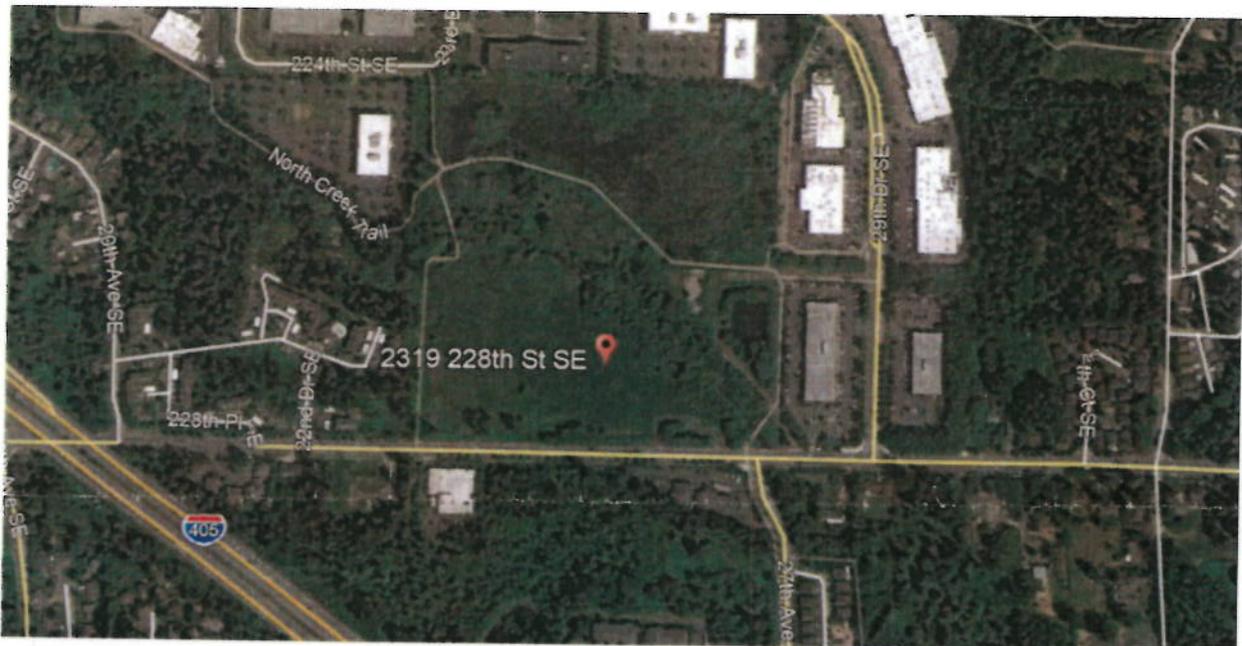
528 91st Ave NE, Ste A, Lake Stevens, WA 98258-2538 425-335-5634 [www.snohomishcd.org](http://www.snohomishcd.org)

CPBC-43 LLC  
22020 17<sup>th</sup> Ave Se STE 200  
Bothell, WA 98021

To whom it may concern,

My name is Carson Moscoso and I am an ecologist at the Snohomish Conservation District. The Snohomish Conservation District is a small public organization that focuses on the protection of natural resources in Snohomish County. One of our primary focuses is leveraging public funding to restore streams, rivers, and wetlands.

I'm reaching out to your company because I've noticed that CPBC-43 LLC owns a parcel along North Creek at 2319 228th St SE, Bothell, WA (parcel #27052900303900). The property I'm referring to is in the map below:



From viewing historical aerial photos, it appears that this property has sat mostly vacant for the past 30 years. I'm curious what your company's intentions are for this parcel? If you have no development interests, the Snohomish Conservation District would be very interested in using grant funding to plant this property with native trees and shrubs with the intention of improving water quality in North Creek.

If this is something that interests your leadership, I would be happy to discuss this with you over the phone or via video chat in the near future.

I can be reached either at the phone number or email below. Thank you,

Exhibit 9  
Exhibit 9

To: Bothell Planning Commission  
From: Ann Aagaard  
Date: July 21, 2020

RE: **Canyon Park Draft Subarea Plan** Public Hearing July 22, 2020

Planning Commission: Please consider and make the following recommendations to the Bothell City Council RE: **Canyon Park Draft Subarea Plan**( ref: Plan not dated, recently posted on Canyon Park Link) Appendix E not included)

**1. Support bike/pedestrian trail only south of 214<sup>th</sup>**. Do not support street extension of 214 S.E. from BEH to 9<sup>th</sup> Ave. S.E.

**2. Buffer Enhancement :** pg. 60. Reject wording in Canyon Park Draft Subarea Plan pg. 60. Adopt buffer widths recommended by Department of Ecology (*Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands and Wetland Guidance for CAO Updates( Western Washington)* (Ecology Publication #16-06-001, June 2016) These standards based on Best Available Science will be considered by Planning Commission September 2020. Standards for Buffers.

**Mitigation Banks:** Rewrite **Pg. 91**. Retain current priority for compensatory mitigation in same sub-basin. Allow compensatory mitigation within Canyon Park Subarea with certain conditions. Do not support mitigation banks or fee in lieu.

Discussion on these important issues:

The Planning Commission meetings of July 1 and 8 did not include P.C. recommendations regarding **Policy Question 7** regarding extension of 214<sup>th</sup> St. S.E. from BEH to 9<sup>th</sup> Ave. S.E.. It did not include a recommendation if not extended( 214<sup>th</sup> SE to BEH) **Policy Question 9** ( 214<sup>th</sup> SE) should it be substituted with a pedestrian and bike path?

However, the recently available **Draft Subarea Plan** *does* include recommendations regarding 214<sup>th</sup> and the trails. (questions 7 & 9) ,Buffer enhancement, and mitigation banking.

Page 102 of **Draft Subarea Plan regarding 2014<sup>th</sup> S.E.** ;

The preferred(option1) alternative is to build the vehicular access between 9<sup>th</sup> Ave. S.E. and BEH, pg. 105; (map) pg. 107; Mitigation project M-1.

“Extend 214<sup>th</sup> SE westward to 9<sup>th</sup> Ave. SE. including pedestrian/ bicycle facilities.”

This recommended alternative includes the statement “ if extending a trail only, add sharrows to the existing street.” Also, included in the recommended action is the sentence on pg. 102 to “improve 9<sup>th</sup> Ave. SE with ample pedestrian and bicycle facilities prior to extending 214<sup>th</sup> S.E. ” Please explain add ‘ sharrows to the existing street’. I support improving 9<sup>th</sup> Ave. SE with ample pedestrian and bicycle facilities.

I strongly disagree with this preferred alternative to “build the vehicular access between 9<sup>th</sup> Ave. S.E. and BEH”. I support building a trail/ pedestrian access **only** on the south side of 214<sup>th</sup> S.E. I request that the Planning Commission **support and recommend to the Bothell City Council a bicycle/ trail/pedestrian only** alternative, the improvement of bike facilities on the existing 9<sup>th</sup> Ave. SE.

**M-3** pg. 114 includes an alternative of trail only westward from 11<sup>th</sup> Dr. SE to 9<sup>th</sup> Ave. S.E. *Request:* Please clarify what this alternative involves.

Rationale for recommendation ” **NO**(214<sup>th</sup> SE) for street alternative” .

214<sup>th</sup> between 9<sup>th</sup> Ave. SE and BEH is bounded on the north by Centennial Park which includes a large open water Class I wetland and North Creek with a designation of **NATURAL** under the Bothell Shoreline Master Program( BSMP). The associated wetland area on the south side of 214 S.E. ( if extended) is also designated **NATURAL** under the BSMP. The BSMP designations for areas on the south side of 214 S.E. near the BEH where there is an existing bridge over North Creek include a small area of High Intensity near the BEH intersection. The additional designations for North Creek and Associated wetlands next to the BEH are small Shoreline Residential and Urban Conservancy areas. A 150’ buffer for the Natural Designation is the BSMP required buffer. Bridges, Roads, Bike and pedestrian paths require Conditional Use Permits in the Natural Designation. Within this Natural BSMP designation activities are **limited** to very few active uses.

### **Buffer Enhancement pg. 60.**

Action 1 in this section:

“Establish a best available science protocol with the Bothell Critical Areas Ordinance (BCAO) regulations where existing buffers are enhanced in exchange for a reduction in the standard buffer width. Ensure that such reduced buffers result in improved biological functions and values.”

This discussion titled ‘Best Available Science’ includes the statement  
*“ buffers for wetlands and streams would be implemented consistent with the Planned Action Ordinance and City codes, including codes for nonconforming development ... in more simple terms, design sensitive to the site must be employed. ”*

Best Available Science protocol is currently included and was employed in developing the BCAO and BSMP. Standard buffer widths are allowed to be reduced with mitigation, but there is a limit to the buffer reduction allowed. That limitation to the buffer size reduction is based on BAS, and when Bothell finally meets their required CAO update( scheduled be considered by PC in September) the buffers established will be based on the Department of Ecology’s 2016 standards and on Best Available Science. ( see reference above). A Planned Action Ordinance cannot determine buffers or dictate “ design sensitive to site be employed’ for for wetlands and streams. Adopted standards for nonconforming uses adopted by DOE are included in the BSMP 13.15.050 and 13.13.010 K.3 c

Buffers for wetlands and streams are determined by the Bothell Shoreline Master Program and the Bothell Critical Areas Ordinance. Mitigation sequencing currently is required in both the BSMP and BCAO.

**Page 84. Goals and Policies.** NE-1-8. Note on NE-3. Maintain and improve recreational access to North Creek and natural areas for residents and workers, allowing for enjoyment of these natural systems.

This policy may conflict with the limitations on Active Uses in the Natural Environment Designation of the BSMP east of BEH along 214<sup>th</sup> S.E. if extended.

**Pg. 91. Wetland and Riparian Mitigation/ Restoration Projects.**

I support the Planning Commission discussion of wetland mitigation projects and restoration projects that require and prioritize mitigation within this Subarea and within the sub-basin. The adopted BCAO requires compensatory mitigation in same sub-basin. BSMP compensatory mitigation has a sequence of mitigation

priorities( as listed in the recent draft plan) and required in the current Bothell Critical Areas Ordinance.

Mitigation should be confined to the sub-basin, and then to this Subarea. The natural environment, wetlands, and streams in this area have high restoration opportunities and potential for improvement, and will be subject to increased impacts from large numbers of people, traffic, building, redevelopment, and new development activities.

Thank you for including these items from the recent Draft Canyon Park Subarea Plan in your recommendation to Bothell City Council.

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July 22, 2020

City of Bothell Planning Commission  
c/o Michael Kattermann, Community Development Director  
Bothell City Hall  
18415 101th Ave NE  
Bothell, WA 98011

Sent via email: [Michael.kattermann@bothellwa.gov](mailto:Michael.kattermann@bothellwa.gov); [CanyonPark@bothellwa.gov](mailto:CanyonPark@bothellwa.gov)

RE: Public Hearing regarding Canyon Park Subarea Plan

Dear Chair Kiernan and Planning Commissioners:

As you may recall, we represent the Canyon Park Business Center Owners' Association (CPBCOA or Owners' Association). The Canyon Park Business Center (CPBC or the Park) makes up about half of the Canyon Park Subarea and approximately two-thirds of the Regional Growth Center as proposed. The Park is over 360 acres, contains more than a hundred diverse businesses, and is a significant economic development and employment generator for the City.

The Owners' Association appreciates the City's interest in the Park and acknowledges your future vision for the Park including new mixed use development, redevelopment and intensification of existing commercial sites, expansive transit service, pedestrian oriented streets, and public open space. To date, however, the City has **not** identified a viable path to achieve this vision. Without the infrastructure and capital facility improvements needed to support your vision, the Subarea Plan promises substantial benefits but will deliver only more crippling congestion. This is a **significant concern** to the owners of the properties within the Park, and one which has yet to be addressed.

This letter contains a few of our most significant concerns with the Subarea Plan and City process to date. We intend to follow this letter with additional detailed comments regarding the draft Subarea Plan and the various analyses underpinning it during the public hearing process on the Subarea Plan. We have also submitted several letters previously raising our concerns with the Subarea Plan and the accompanying environmental review.

### Inadequate Public Engagement

The Subarea Plan materials provided to date boast about the significant public engagement that the City's Planning Department staff has undertaken regarding the Subarea Plan. It is true – the City Planning staff has repeatedly reached out and provided the CPBCOA members and Board with briefings regarding the Subarea Plan efforts. To date, however, the City has not addressed the myriad concerns raised by the CPBCOA members and Board during those meetings.

We recently received another request/offer for a meeting with City staff. We relayed this request to the Board members who declined. They explained that they were uninterested in meeting with City staff again because staff seemed to be using contact with the Board and the Association members to “check the box” on public engagement, but had not sincerely considered, much less addressed, their consistent and ongoing concerns. These are sophisticated property owners, developers and their representatives. They have met with the City more than a half dozen times over the past several years and are exhausted and frustrated by the City's lack of responsiveness to their feedback and concerns.

### The Owners' Association Does Not Support the Subarea Plan as Currently Formulated

As noted in the City's Market Study, the CPBCOA is the largest private land owner in the Subarea. **The CPBCOA does not support the City's plan as currently formulated.** Our members include the majority of the other major land owners in the Subarea. **They also do not support your plan.**

We acknowledge that City staff has reported meeting with some life science tenants in the Canyon Park Subarea and reported that those entities support the Subarea Plan. Since representatives from the Owners' Association were not at those meetings, we cannot say whether or to what degree City staff explained the significant transportation failures that the Subarea Plan will exacerbate. We believe that is unlikely, since the City only recently released its transportation analysis of the preferred alternative for the Subarea Plan. In any case, the owners of the buildings where many of those tenants are located do not support the current plan.

The transportation analysis shows that the road network in the Subarea is either failing or close to failing now, and will fail in the future. Numerous intersections in the Park will function at LOS F as identified in the transportation analysis. This is not an acceptable outcome, regardless of how transportation concurrency is defined by the City.

The market and proforma analysis shows that only a mixed use residential/commercial redevelopment (with a significant MFTE program and impact fee reductions) is economically feasible. The Park does not permit residential in the majority of places where the City is “planning” for residential mixed use. It is unclear how the City intends to change the economics of redevelopment in the Subarea or the prohibition of residential use in the majority of the Park, but unless the City can accomplish both, the Subarea Plan is not viable.

Further, the draft Subarea Plan includes an extensive vision for the road network within the Park, but there also is no basis for implementing that vision. All of the roadways within the CPBC are privately owned – subject to a limited easement granted to the Owners within the Park for ingress and egress that supports the Park’s pre-existing development plan. For the past three years, the Owners’ Association has sought to negotiate with City staff to transfer the roads to the City, but negotiations have recently fallen apart because the City continues to layer on costly conditions to the dedication. The existing road system is adequate to support the development currently within the Park, but it is often congested within the Park due to inadequate road capacity outside of the Park. The existing roads are not, however, sufficient to support the additional development and density that the City intends to require in the Park through the Subarea Plan and development regulations.

At this point, the City has set up a Hobbesian choice. We can either accept the “no action” alternative in which the City makes no zoning changes and also makes no effort to improve the abysmal transportation conditions, or we can accept the updated Subarea Plan in which City increases density and provides a meager list of transportation improvements, nearly all of which are predicated on uncertain funding through the Puget Sound Regional Council or other agencies, and which the analysis shows will not actually solve the transportation issues. Under either, we end up with a failed transportation network, rather than a vibrant subarea or a functional regional growth center.

The Owners’ Association does not enjoy sending this letter; to the contrary, we have spent several years engaging with City staff with the hope of avoiding it. But as the draft Subarea Plan and related documents begin to be made available and we realize that the Plan continues to fail to address our most basic concerns, we are sending this letter as a “wake up call” to the City to work with us, instead of against us. Toward that end, we request that the Planning Commission invite the CPBCOA to participate in a joint study session where we can discuss our concerns with the current Subarea Plan and hopefully find a path forward that achieves both our goals. To the extent the City continues on the current path, we see nothing but further disputes ahead.

Very truly yours,

VAN NESS FELDMAN LLP



Molly A. Lawrence

cc: Board of Directors, Canyon Park Business Center Owners’ Association  
Darcey Eisler, Assistant City Attorney, Bothell