

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of Bothell, Washington, establishing a planned action for the Canyon Park Subarea pursuant to the State Environmental Policy Act

WHEREAS, the State Environmental Policy Act (SEPA) and implementing rules provide for the integration of environmental review with land use planning and project review through designation of “Planned Actions” by jurisdictions planning under the Growth Management Act (GMA); and

WHEREAS, the City has adopted a Comprehensive Plan complying with the GMA; and

WHEREAS, the City has received a legislative appropriation to conduct a subarea plan and planned action environmental impact statement for the Canyon Park Subarea through this planning process; and

WHEREAS, to guide Canyon Park’s growth and redevelopment, the City has engaged in extensive subarea planning and has adopted amendments to the Bothell Comprehensive Plan including the Canyon Park Subarea Plan Update; and

WHEREAS, the City desires to designate a Planned Action for the Canyon Park Subarea; and

WHEREAS, designation of a Planned Action expedites the permitting process for subsequent, implementing projects whose impacts have been previously addressed in a Planned Action environmental impact statement (EIS), and thereby encourages desired growth and economic development; and

WHEREAS, the Canyon Park Planned Action EIS identifies impacts and mitigation measures associated with planned development in the Canyon Park Subarea; and

WHEREAS, the City has adopted development regulations and ordinances which will help protect the environment, and is adopting regulations specific to the Canyon Park Subarea which will guide the allocation, form, and quality of desired development; and

WHEREAS, the City’s SEPA Rules, set forth in BMC 14.02.020 provide for Planned Actions within the City; and

WHEREAS, the City as lead agency provided public comment opportunities through an EIS scoping period from April 8 to April 29, 2019, and a public comment period for the Canyon Park Subarea Planned Action EIS from December 6, 2019 to January 13, 2020, and held public meetings and hearings as part of a coordinated Canyon Park public participation program throughout 2019 and 2020; and

WHEREAS, the City conducted a community meeting on April 25, 2019 during the EIS scoping period and provided notice to all affected federally recognized tribal

governments and agencies with jurisdiction over the future development anticipated for the planned action, in compliance with RCW 43.21C.440; and

WHEREAS, through the scoping period from April 8 to April 29, 2019, the City's scoping notice indicated the City's intent to establish recovery of expenses towards the preparation of an environmental impact statement per RCW 43.21C.428; and

WHEREAS, on XX, 2020 the City provided notification of a public hearing to be held on XX, 2020 before the Planning Commission to all parties of record and all affected federally recognized tribal governments and agencies with jurisdiction over the future development for the Canyon Park Subarea Plan; and

WHEREAS, the Planning Commission held a public hearing on XX, 2020, considered public comment and recommended approval of the Canyon Park Subarea Plan as Ordinance XXXX; and

WHEREAS, on XX, 2020 the City provided notification of a public hearing to be held on XX, 2020 before the City Council to all parties of record and all affected federally recognized tribal governments and agencies with jurisdiction over the future development for the Canyon Park Subarea Plan; and

WHEREAS, the City Council held a public hearing on XX, 2020, considered public comment and approved the Canyon Park Subarea Plan as Ordinance XXXX; and

WHEREAS, on XX, 2020 the City provided legal notice in its newspaper of record of a public hearing to be held on XX, 2020 for the planned action; and

WHEREAS, on XX, 2020 the City provided notification of a public hearing to be held on XX, 2020 before the City Council to all parties of record and all affected federally recognized tribal governments and agencies with jurisdiction over the future development anticipated for the planned action; and

WHEREAS, the City Council held a public hearing on XX, 2020 and considered public comment and approved the Canyon Park Subarea Plan and associated Comprehensive Plan Amendments on XXX, 2020; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. *Recitals.* The recitals set forth in this ordinance are hereby incorporated as if fully set forth herein.

SECTION 2. *Purpose.* The City Council declares that the purpose of this ordinance is to:

A. Combine environmental analysis, land use plans, development regulations, City codes and ordinances together with the mitigation measures in the Canyon Park Planned Action EIS to mitigate environmental impacts and process planned action development applications in the Planned Action Area;

B. Designate the Canyon Park as a Planned Action Area for purposes of environmental review and permitting of subsequent, implementing projects pursuant to SEPA, RCW 43.21C.440;

C. Determine that the EIS prepared for the Canyon Park Subarea Plan meets the requirements of a Planned Action EIS pursuant to SEPA;

D. Establish criteria and procedures, consistent with state law, that will determine whether subsequent projects within the Planned Action Area qualify as Planned Actions;

E. Provide the public with information about Planned Actions and how the City will process implementing projects within the Planned Action Area;

F. Streamline and expedite the land use permit review process by relying on the EIS completed for the Planned Action; and

G. Apply the City's development regulations together with the mitigation measures described in the EIS and this Ordinance to address the impacts of future development contemplated by this Ordinance.

SECTION 3. Findings. The City Council finds as follows:

A. The City is subject to the requirements of the GMA (RCW 36.70A), and is applying the Planned Action to a UGA [Urban Growth Area]; and

B. The City has adopted a Comprehensive Plan complying with the GMA, and is amending the Comprehensive Plan to incorporate a subarea element specific to the Canyon Park Subarea; and

C. The City is adopting development regulations concurrent with the Canyon Park Subarea Plan to implement said Plan, including this ordinance; and

D. An EIS has been prepared for the Planned Action Area, and the City Council finds that the EIS adequately identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area; and

E. The mitigation measures identified in the Canyon Park Planned Action EIS and attached to this ordinance as Exhibit B, incorporated herein by reference, together with adopted City development regulations, will adequately mitigate significant impacts from development within the Planned Action Area; and

F. The Canyon Park Subarea Plan and Planned Action EIS identify the location, type and amount of development that is contemplated by the Planned Action; and

G. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public and enhance economic development; and

H. The City provided several opportunities for meaningful public involvement in the Canyon Park Subarea Plan and Planned Action EIS, including a community meeting prior to the publication of notice for the planned action ordinance; have considered all comments received; and, as appropriate, have modified the proposal or mitigation measures in response to comments;

I. Essential public facilities defined in RCW 47.06.140 are excluded from the Planned Action and not eligible for review or permitting as Planned Actions unless they are accessory to or part of a project that otherwise qualifies as a planned action; and

J. The Planned Action applies to a defined area that is smaller than the overall City boundaries and smaller than overall County designated UGAs; and

K. Public services and facilities are adequate to serve the proposed Planned Action, with implementation of Subarea Plan and mitigation measures identified in the EIS.

SECTION 4. Procedures and Criteria for Evaluating and Determining Planned Action Projects within Planned Action Area.

A. Planned Action Area. This Planned Action designation shall apply to the area shown in **Exhibit A**, incorporated herein by reference.

B. Environmental Document. A Planned Action determination for a site-specific project application within the Planned Action Area shall be based on the environmental analysis contained in the Draft EIS issued by the City on December 6, 2019 and the Final EIS published on XX, 2020. The Draft and Final EIS documents shall comprise the Planned Action EIS for the Planned Action Area. The mitigation measures contained in **Exhibit B**, attached to this Ordinance, and incorporated herein by reference, are based upon the findings of the Planned Action EIS and shall, along with adopted City regulations, provide the framework that the City will use to apply appropriate conditions on qualifying Planned Action projects within the Planned Action Area.

C. Planned Action Designated. Land uses and activities described in the Planned Action EIS, subject to the thresholds described in Subsection 4(D) and the mitigation measures contained in **Exhibit B**, are designated Planned Actions or Planned Action Projects pursuant to RCW 43.21C.440. A development application for a site-specific Planned Action project located within Planned Action Area shall be designated a Planned Action if it completes the modified SEPA Checklist in **Exhibit B** and meets the criteria set forth in Subsection 4(D) of this Ordinance and all other applicable laws, codes, development regulations and standards of the City are met.

D. Planned Action Qualifications. The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action Area was contemplated as a Planned Action and has had its environmental impacts evaluated in the Planned Action EIS:

(1) Qualifying Land Uses.

(a) Planned Action Categories: The following general categories/types of land uses are defined in the Canyon Park Subarea Plan and are considered Planned Actions:

- i. Office/Residential Mixed Use
- ii. Residential Mixed Use
- iii. Employment Uses

(b) Planned Action Uses: A land use shall be considered a Planned Action Land Use when:

- i. it is within the Planned Action Area as shown in Exhibit A;
- ii. it is within the one or more of the land use categories described in subsection 1(a) above; and
- iii. it is listed in development regulations applicable to the zoning classifications applied to properties within the Planned Action Area.

A Planned Action may be a single Planned Action use or a combination of Planned Action uses together in a mixed use development. Planned Action uses include accessory uses.

(c) Public Services: The following public services, infrastructure and associated environmental mitigation proposals are also planned actions: multi-modal transportation improvements, public gathering spaces, environmental mitigation, and stormwater improvements considered in capital plans associated with the Canyon Park Subarea Plan.

- i. Applicants for public services, infrastructure and environmental mitigation projects shall demonstrate consistency with the Canyon Park Subarea Plan, Bothell Shoreline Master Program, and Bothell Critical Areas Ordinance.
- ii. Essential public facilities defined in RCW 47.06.140 are excluded from the Planned Action and not eligible for review or permitting as Planned Actions unless they are accessory to or part of a project that otherwise qualifies as a planned action.

(2) Development Thresholds:

(a) Land Use: The following amounts of various new land uses are contemplated by the Planned Action:

Table D2a-1. Preferred Alternative Net Growth: Regional Growth Center

Location	Dwelling Capacity	Population Capacity	Job Capacity
Regional Growth Center (RGC)	4,075	6,142	7,598
Total Study Area including RGC	4,687	7,162	8,305

(b) Shifting development amounts between land uses in Subsection 4(D)(2)(a) may be permitted when the total build-out is less than the aggregate amount of development reviewed in the EIS; the traffic trips for the preferred alternative are not exceeded; and, the development impacts identified in the Planned Action EIS are mitigated consistent with Exhibit B.

(c) Further environmental review may be required pursuant to WAC 197-11-172, if any individual Planned Action or combination of Planned Actions exceed the development thresholds specified in this Ordinance and/or alter the assumptions and analysis in the Planned Action EIS.

(3) Transportation Thresholds:

(a) Trip Ranges & Thresholds. The maximum number of PM peak hour trips anticipated in the Planned Action Area and reviewed in the EIS is as follows:

Table D3a-1. PM Peak Hour Vehicle Trips Generated

	In	Out	Total
MXD 1 Canyon Park Main Area	1,360	2,120	3,480
MXD 2 South of I-405/SR 527 Interchange	630	680	1,310
MXD 3 Thrasher's Corner/north of SR 524	120	100	220
Total (FEIS Preferred Alternative)	2,110	2,900	5,010

Source: Fehr & Peers, 2020. Values rounded to the nearest 10.

- New PM Peak Hour Vehicle Trip Generation (MXD+ Tool).

- Assumes a 14% reduction in Vehicle Trips with TDM Strategies.

(b) **Concurrency.** All Planned Actions shall meet the transportation concurrency requirements and the level of service (LOS) thresholds established in the Bothell Comprehensive Plan, Canyon Park Subarea Plan, and BMC Chapter 17.03.

(c) **Traffic Impact and Mitigation.** The responsible City official shall require documentation by Planned Action Project applicants demonstrating that the total trips identified in Subsection 3.D(3)(a) are not exceeded, that the project meets the concurrency standards of Subsection 3.D(3)(b), and that the project has mitigated impacts consistent with **Exhibit B**.

(d) **Discretion.** The City Engineer or his/her designee shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City Engineer at his or her sole discretion, for each project permit application proposed under this Planned Action.

(4) **Elements of the Environment and Degree of Impacts.** A proposed project that would result in a significant change in the type or degree of adverse impacts to any element(s) of the environment analyzed in the Planned Action EIS, would not qualify as a Planned Action.

(5) **Changed Conditions.** Should environmental conditions change significantly from those analyzed in the Planned Action EIS, the City's SEPA Responsible Official may determine that the Planned Action designation is no longer applicable until supplemental environmental review is conducted.

(6) **Substantive Authority.** Pursuant to SEPA Substantive Authority at BMC XXX and Comprehensive Plan Policies, impacts shall be mitigated through the measures included in **Exhibit B**.

E. **Planned Action Review Criteria.**

(1) The City's SEPA Responsible Official may designate as "planned actions", pursuant to RCW 43.21C.030, applications that meet all of the following conditions:

(a) The proposal is located within the Planned Action area identified in **Exhibit A** of this ordinance;

(b) The proposed uses and activities are consistent with those described in the Planned Action EIS and Subsection 4(D) of this ordinance;

(c) The proposal is within the Planned Action thresholds and other criteria of Subsection 4(D) of this ordinance;

(d) The proposal is consistent with the City of Bothell Comprehensive Plan and the Canyon Park Subarea Plan;

(e) The proposal's significant adverse environmental impacts have been identified in the Planned Action EIS;

(f) The proposal's significant impacts have been mitigated by application of the measures identified in **Exhibit B**, and other applicable City regulations, together with any modifications or variances or special permits that may be required;

(g) The proposal complies with all applicable local, state and/or federal laws and regulations, and the SEPA Responsible Official determines that these constitute adequate mitigation; and

(h) The proposal is not an essential public facility as defined by RCW 36.70A.200(1) unless the essential public facility is accessory to or part of a development that is designated as a planned action under this ordinance.

(2) The City shall base its decision on review of a Planned Action SEPA checklist (**Exhibit B**), or an alternative form approved by state law, and review of the application and supporting documentation.

(3) A proposal that meets the criteria of this section shall be considered to qualify and be designated as a planned action, consistent with the requirements of RCW 43.21C.030, WAC 197-11-164 et seq., and this ordinance.

F. Effect of Planned Action.

(1) Designation as a Planned Action Project by the SEPA Responsible Official means that a qualifying proposal has been reviewed in accordance with this Ordinance and found to be consistent with the development parameters and thresholds established herein, and with the environmental analysis contained in the Planned Action EIS.

(2) Upon determination by the City's SEPA Responsible Official that the proposal meets the criteria of Subsection 4(D) and qualifies as a planned action, the proposal shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA.

G. Planned Action Permit Process. Applications for planned actions shall be reviewed pursuant to the following process:

(1) Development applications shall meet all applicable requirements of the Bothell Municipal Code (BMC). Applications for planned actions shall be made on forms provided by the City and shall include the Planned Action SEPA checklist (Exhibit B).

(a) Consistent with RCW 43.21c.428, the City may develop an ordinance to assess a fee upon subsequent development that will make use of and benefit from the analysis in the planned action environmental impact statement prepared for the Planned Action Area for the purpose of compliance with RCW 43.21C.440.

(b) The fee shall be reasonable and proportionate to the total expenses incurred by city in the preparation of the planned action environmental impact statement. The ordinance developed in (a) shall offer a means by which a proponent can opt out of the planned action and the associated fee, and accordingly such applicants may not make use of or benefit from the up-front environmental review prepared by for the planned action area.

(2) The City's SEPA Responsible Official shall determine whether the application is complete as provided in BMC Title 11.

(3) If the application is for a project within the Planned Action Area defined in Exhibit A, the application will be reviewed to determine if it is consistent with the criteria of this ordinance and thereby qualifies as a Planned Action project.

(a) The decision of the City's SEPA Responsible Official regarding qualification of a project as a Planned Action is a Type 1 decision. The SEPA Responsible Official shall notify the applicant of his/her decision. Notice of the determination on Type 1 decisions involving a planned action shall also be mailed or otherwise verifiably delivered to federally recognized tribal governments and to agencies with jurisdiction over the planned action project, pursuant to RCW 43.21C.440.

(b) If the project is determined to qualify as a Planned Action, it shall proceed in accordance with the applicable permit review procedures specified in BMC Title 11, except that no SEPA threshold determination, EIS or additional SEPA review shall be required.

(c) Notice of the application for a planned action project shall be consistent with BMC Title 11.

(4) If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a Planned Action. If notice is not otherwise required for the underlying permit, no special notice is required by this ordinance. See Subsection 4(G)(3)(a) regarding notice of the Type 1 decision.

(5) To provide additional certainty about applicable requirements, the City or applicant may request consideration and execution of a development agreement for a Planned Action project, consistent with RCW 36.70B.170 et seq.

(6) If a project is determined to not qualify as a Planned Action, the SEPA Responsible Official shall so notify the applicant and prescribe a SEPA review procedure consistent with the City’s SEPA regulations and the requirements of state law. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action.

(7) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to meet their SEPA requirements. The SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

SECTION 5. Monitoring and Review.

A. The City should monitor the progress of development in the designated Planned Action area as deemed appropriate to ensure that it is consistent with the assumptions of this ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the Planned Action Area.

B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official no later than five years from its effective date. The review shall determine the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action area, the impacts of development, and required mitigation measures. The SEPA Responsible Official shall also consider the implementation of Public Agency Actions and Commitments in Exhibit C. Based upon this review, the City may propose amendments to this ordinance and/or may supplement or revise the Planned Action EIS.

SECTION 6. Conflict. In the event of a conflict between this Ordinance or any mitigation measures imposed thereto, and any Ordinance or regulation of the City, the provisions of this Ordinance shall control, except that the provision of any International Building Code shall supersede.

SECTION 7. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Ordinance and the same shall remain in full force and effect.

SECTION 8. Effective Date. This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council the _____ day of _____, 2020

Liam Olsen, Mayor

ATTEST:

APPROVED AS TO FORM:

_____, City Clerk

_____, City Attorney

PUBLISHED the _____ day of _____, 2020
EFFECTIVE the _____ day of _____, 2020

ORDINANCE NO. _____

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Exhibit B. SEPA Checklist and Mitigation Measures

Exhibit B: Example Environmental Checklist and Required Mitigation Document

INTRODUCTION

The State Environmental Policy Act (SEPA) requires environmental review for project and non-project proposals that are likely to have adverse impacts upon the environment. In order to meet SEPA requirements, the City of Bothell issued the Canyon Park Planned Action Draft Environmental Impact Statement (EIS) on December 6, 2019, and the Final EIS was issued on XX, 2020. The Draft and the Final EIS together including the addendum to the Draft EIS issued July 9, 2020 are referenced herein as the “EIS”. The EIS has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with a number of possible measures to mitigate those significant adverse impacts.

On XX, 2020, the City of Bothell adopted Ordinance No. _____ establishing a planned action designation for the Canyon Park Subarea studied as Planned Action in the EIS (see **Exhibit A**). SEPA Rules indicates review of a project proposed as a planned action is intended to be simpler and more focused than for other projects (WAC 197-11-172). In addition, SEPA allows an agency to utilize a modified checklist form that is designated within the planned action ordinance (see RCW 43.21c.440). This **Exhibit B-1** provides a modified checklist form adopted in the Canyon Park Planned Action Ordinance.

MITIGATION DOCUMENT

A Mitigation Document is provided in **Exhibit B-2**, and also summarized in the environmental checklist. **Exhibit B-2** establishes specific mitigation measures, based upon significant adverse impacts identified in the EIS. The mitigation measures shall apply to future development proposals which are consistent with the Planned Action scenarios reviewed in the EIS, and which are located within the Canyon Park Planned Action Area (see **Exhibit A**). In addition **Exhibit B-3** provides details of transportation and parks mitigation requirements.

APPLICABLE PLANS AND REGULATIONS

The EIS identifies specific regulations that act as mitigation measures. These are summarized in **Exhibit B-4** by EIS topic, and are advisory to applicants. All applicable federal, state, and local regulations shall apply to Planned Actions, including the regulations that are adopted with the Preferred Alternative. Planned Action applicants shall comply with all adopted regulations where applicable including those listed in the EIS and those not included in the EIS.

INSTRUCTIONS TO APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. The City of Bothell will use this checklist to determine whether the project is consistent with the analysis in the Canyon Park Planned Action EIS and qualifies as a planned action, or would otherwise require additional environmental review under SEPA. Answer the questions briefly, with the most precise information known, or give the best description you can. You must answer each question accurately and carefully, to the best of your knowledge. The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach

any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information. In most cases, you should be able to answer the questions from your own project plans and the Canyon Park Planned Action EIS without the need to hire experts.

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EXHIBIT B-1 MODIFIED SEPA CHECKLIST

A. Proposal Description

Date:			
Applicant:			
Property Owner:			
Property Address	Street:	City, State, Zip Code:	
Parcel Information	Assessor Parcel Number:	Property Size in Acres:	
Give a brief, complete description of your proposal.			
Property Zoning	District Name:	Building Type:	
Permits Requested (list all that apply)	Land Use:	Engineering:	
	Building:	Other:	
	All Applications Deemed Complete? Yes ___ No ___ Explain:		
	Are there pending governmental approvals of other proposals directly affecting the property covered by your proposal? Yes ___ No ___ Explain:		
Existing Land Use	Describe Existing Uses on the Site:		
Proposed Land Use or Capital Investments – Check and Circle All That Apply	Land use <input type="checkbox"/> Office/Residential Mixed Use <input type="checkbox"/> Residential Mixed Use <input type="checkbox"/> Employment Uses	Capital Investments <input type="checkbox"/> Multi-modal transportation improvements <input type="checkbox"/> Public gathering spaces <input type="checkbox"/> Environmental mitigation <input type="checkbox"/> Stormwater improvements	
Dwellings	# Existing Dwellings: # ___ Dwelling Type _____ # ___ Dwelling Type _____	# Proposed Dwellings Units: # ___ Type _____ # ___ Type _____	Proposed Density (du/ac):

	Dwelling Threshold Total in Ordinance: XXX	Dwelling Bank Remainder as of _____ 20__ _____ dwellings	
Non-residential Uses: Building Square Feet	Existing:	Proposed:	
	Employment in Ordinance: XXX	Job Remainder as of _____ 20__ _____ square feet	
Building Height	Existing Stories:	Proposed Stories:	
	Existing Height in feet:	Proposed Height in feet:	
Parking Spaces	Existing:	Proposed:	
Impervious Surfaces	Existing Square Feet:	Proposed Square Feet:	
PM Peak Hour Weekday Vehicle Trips	Existing Estimated Trips Total:	Future Estimated Trips Total:	Net New Trips:
	Source of Trip Rate: ITE Manual _____ Other _____		Transportation Impacts Determined Consistent with BMC Title 17: Yes _____ No _____
Proposed timing or schedule (including phasing).			
Describe plans for future additions, expansion, or further activity related to this proposal.			
List any available or pending environmental information directly related to this proposal.			

B. Environmental Checklist and Mitigation Measures

NATURAL ENVIRONMENT CHECKLIST AND MITIGATION MEASURES

Geology/Soils Checklist and Mitigation Measures	
<p>1. Description of Conditions</p> <p>A. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____</p> <p>B. What is the steepest slope on the site (approximate percent slope)? _____</p> <p>C. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? _____</p>	<p>Staff Comments:</p>
<p>2. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.</p>	
<p>3. Has any part of the site been classified as a "geologically hazardous" area? (Check all that apply)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Landslide Hazards <input type="checkbox"/> Erosion Hazards <input type="checkbox"/> Seismic Hazards <input type="checkbox"/> Liquefaction Hazards <input type="checkbox"/> Other: _____ <p>Describe:</p>	
<p>4. Proposed Measures to control impacts including Exhibits B-2, B-3, and B-4 regarding Mitigation Required for Development Applications and Applicable Regulations:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliance with critical area regulations <input type="checkbox"/> Temporary erosion and sediment controls <input type="checkbox"/> Compliance with grading and fill standards <input type="checkbox"/> For geologically hazardous areas, mitigate for impacts to vegetated slopes at a 1-to-1 ratio. <p>Explain:</p>	

Water Resources/Stormwater Checklist and Mitigation Measures

<p>5. Will the proposal require or result in (check all that apply and describe below):</p> <ul style="list-style-type: none"> <input type="checkbox"/> any work over, in, or adjacent to (within 200 feet) of North Creek or associated wetlands? <input type="checkbox"/> fill and dredge material that would be placed in or removed from surface water or wetlands? <input type="checkbox"/> surface water withdrawals or diversions? <input type="checkbox"/> discharges of waste materials to surface waters? <input type="checkbox"/> groundwater withdrawal or discharge? <input type="checkbox"/> waste materials entering ground or surface waters? 	Staff Comments:
<p>6. Describe the source of runoff (including stormwater) and method of collection, treatment, and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.</p>	
<p>7. Is the area designated a critical aquifer recharge area? If so, please describe:</p>	
<p>8. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?</p>	
<p>9. What measures are proposed to reduce or control water resources/stormwater impacts? Proposed Measures to control impacts including Exhibits B-2, B-3, and B-4 regarding Mitigation Required for Development Applications and Applicable Regulations (check all that apply):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliance with construction-related stormwater requirements, including temporary erosion and sediment control, and development and implementation of a stormwater pollution and spill prevention plan. <input type="checkbox"/> Low Impact Development (LID) techniques employed? <input type="checkbox"/> Flow Control Recommendations per Exhibit B-3 <input type="checkbox"/> Water Quality Treatment Recommendations per Exhibit B-3 <input type="checkbox"/> Other measures consistent with Storm Water and Drainage Control Code Chapter 18.04. <input type="checkbox"/> Other: <p>Explain:</p>	

Plants and Animals Checklist and Mitigation Measures

<p>10. Check or circle types of vegetation found on the site:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Deciduous tree: Alder, maple, aspen, other _____ 	Staff Comments:
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Plants and Animals Checklist and Mitigation Measures

<ul style="list-style-type: none"> <input type="checkbox"/> Evergreen tree: Fir, cedar, pine, other <input type="checkbox"/> Shrubs <input type="checkbox"/> Grass <input type="checkbox"/> Pasture <input type="checkbox"/> Crop or grain <input type="checkbox"/> Wet soil plants: Cattail, buttercup, bullrush, skunk cabbage, other <input type="checkbox"/> Water plants: Water lily, eelgrass, milfoil, other _____ <p>Other types of vegetation: _____</p>	
<p>11. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Birds: Hawk, heron, eagle, songbirds, other: <input type="checkbox"/> Mammals: Deer, bear, elk, beaver, other: <input type="checkbox"/> Fish: Bass, salmon, trout, herring, shellfish, other: 	
<p>12. Are there wetlands on the property? Please describe their acreage and classification.</p>	
<p>13. Is there riparian habitat on the property?</p>	
<p>14. What kind and amount of vegetation will be removed or altered?</p>	
<p>15. List threatened or endangered species known to be on or near the site</p>	
<p>16. Are there plants or habitats subject to Critical Areas and/or Shoreline Master Program?</p>	
<p>17. Is the proposal consistent with critical area regulations, shoreline regulations, and requirements of the Canyon Park Subarea Plan? Please describe.</p>	
<p>18. Proposed landscaping, use of native plants, buffers, or other measures to preserve or enhance vegetation on the site, if any:</p>	

Plants and Animals Checklist and Mitigation Measures

19. Proposed Measures to control impacts including **Exhibits B-2, B-3, and B-4 regarding Mitigation Required for Development Applications and Applicable Regulations (check all that apply):**

- Compliance with Critical Areas Ordinance
- Compliance with Shoreline Master Program
- Compliance with Stormwater Standards in Chapter 18.04 Storm Water and Drainage Control Code
- Beaver Management Plan
- Advanced mitigation program
- Stewardship program for retained natural areas
- Install interpretive signs
- Implementation of ecological mitigation opportunities per Exhibit B-3?
- Other:

Explain:

LAND USE AND SOCIOECONOMICS CHECKLIST AND MITIGATION MEASURES

Land Use, Employment, and Housing Checklist and Mitigation Measures

20. What is the current use of the site and adjacent properties?	Staff Comments:
21. Describe any structures on the site. Will any structures be demolished? If so, what type, dwelling units, square feet?	
22. The current Comprehensive Plan designation is "Subarea Plan". What is the current zoning classification of the site?	
23. What is the current Comprehensive Plan designation and zoning classification of adjacent sites?	
24. If applicable, what is the current shoreline master program designation of the site?	
25. What is the planned use of the site? List type of use, number of dwelling units and building square feet.	
26. Approximately how many people would reside or work in the completed project?	
27. Existing Activity Units (population and housing combined)?	
28. Future Activity Units (population and housing combined)?	

Land Use, Employment, and Housing Checklist and Mitigation Measures

29. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.		
30. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.		
31. Approximately how many people would the completed project displace?		
<p>Proposed Measures to control impacts including Exhibits B-2, B-3, and B-4 regarding Mitigation Required for Development Applications and Applicable Regulations (check all that apply):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliance with Canyon Park Subarea Plan. <input type="checkbox"/> Compliance with other applicable land use and shoreline policies and development regulations. <input type="checkbox"/> Other <p>Explain:</p>		

TRANSPORTATION CHECKLIST AND GREENHOUSE GAS MITIGATION MEASURES

Transportation Checklist and Mitigation Measures

32. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.	Staff Comments:
33. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?	
34. How many parking spaces would the completed project have? How many would the project eliminate?	
35. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).	
36. How many PM peak hour vehicular trips per day would be generated by the completed project?	
37. Is the land use addressed by the EIS Greenhouse Gas Analysis?	

Transportation Checklist and Mitigation Measures

38. Proposed Measures to control impacts including **Exhibits B-2, B-3, and B-4 regarding Mitigation Required for Development Applications and Applicable Regulations (check all that apply):**

- Evaluate and mitigate roadways consistent with Planned Action Ordinance Section 4.D(3).
- Transportation Demand Management Programs (TDMs)
- Parking Reduction Incentive
- Other:

Explain:

AESTHETICS CHECKLIST AND MITIGATION MEASURES

Aesthetics Checklist and Mitigation Measures

39. What is the tallest height of any proposed structure(s)?

Staff Comments:

40. Would any views in the immediate vicinity be altered or obstructed?

41. Would the proposal produce light or glare? What time of day would it mainly occur?

42. Could light or glare from the finished project be a safety hazard or interfere with views?

43. What existing offsite sources of light or glare may affect your proposal?

44. Would shade or shadow affect public parks, recreation, open space, or gathering spaces?

45. Proposed Measures to control impacts including **Exhibits B-2, B-3, and B-4 regarding Mitigation Required for Development Applications and Applicable Regulations (check all that apply):**

- Compliance with Canyon Park Subarea Plan.
- Use of Incentives for Height including public benefits in exchange for increased height?
- Compliance with other applicable land use and shoreline policies and development regulations.
- Other:

Explain:

Aesthetics Checklist and Mitigation Measures

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PUBLIC SERVICES AND UTILITIES CHECKLIST AND MITIGATION MEASURES

Public Services and Utilities Checklist

46. Water Supply: Would the project result in an increased need for water supply or fire flow pressure? Can City levels of service be met?	Staff Comments:
47. Wastewater: Would the project result in an increased need for wastewater services? Can City levels of service be met?	
48. Police Protection: Would the project increase demand for police services? Can City levels of service be met?	
49. Fire and Emergency Services: Would the project increase demand for fire and/or emergency services? Can levels of services be met?	
50. Schools: Would the project result in an increase in demand for school services? Can levels of services be met? Is an impact fee required?	
51. Parks and Recreation: Would the project require an increase in demand for parks and recreation? Can levels of services be met?	
52. Other Public Services and Utilities: Would the project require an increase in demand for other services and utilities? Can levels of services be met?	
53. Proposed Measures to control impacts including Exhibits B-2, B-3, and B-4 regarding Mitigation Required for Development Applications and Applicable Regulations (check all that apply): <ul style="list-style-type: none"> <input type="checkbox"/> Capital Facility Plan has been considered, and development provides its fair share of the cost of improvements consistent with applicable local government plans and codes. <input type="checkbox"/> Law enforcement agency has been consulted, and development reflects applicable code requirements. <input type="checkbox"/> Private security agreement? <input type="checkbox"/> CPTED design principles? <input type="checkbox"/> Fire protection agency has been consulted, and development complies with Uniform Fire Code. <input type="checkbox"/> Fire impact fees? 	

Public Services and Utilities Checklist

- School district has been consulted, and appropriate mitigation has been provided, if applicable.
- School impact fees?
- Park impact fees?
- Onsite park/recreation provided?
- Developer has coordinated with City to ensure that sewer lines, water lines, or stormwater facilities will be extended to provide service to proposed development site where required.
- General facility charges have been determined to ensure cumulative impacts to utilities are addressed.
- Other Measures to reduce or control public services and utilities impacts:

Explain:

C. Applicant Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:	
Date:	

D. Review Criteria

REVIEW CRITERIA

The City's SEPA Responsible Official may designate "planned actions" consistent with criteria in Ordinance No. _____ Subsection 4.E.

Criteria	Discussion
(a) the proposal is located within the Planned Action area identified in Exhibit A of this Ordinance;	
(b) the proposed uses and densities are consistent with those described in the Canyon Park Planned Action EIS and Section 4.D of this Ordinance;	

Criteria	Discussion
(c) the proposal is within the Planned Action thresholds and other criteria of Section 4.D of this Ordinance;	
(d) the proposal is consistent with the City of Bothell Comprehensive Plan and the Canyon Park Subarea Plan;	
(e) the proposal's significant adverse environmental impacts have been identified in the Planned Action EIS;	
(f) the proposal's significant impacts have been mitigated by application of the measures identified in Exhibit B, and other applicable City regulations, together with any modifications or variances or special permits that may be required;	
(g) the proposal complies with all applicable local, state and/or federal laws and regulations, and the SEPA Responsible Official determines that these constitute adequate mitigation;	
(h) the proposal is not an essential public facility as defined by RCW 36.70A.200(1) unless the essential public facility is accessory to or part of a development that is designated as a planned action under this ordinance.	

DETERMINATION CRITERIA

Applications for planned actions shall be reviewed pursuant to the process in Ordinance No. [] Section 4.G.

Requirement	Discussion
Applications for planned actions were made on forms provided by the City including this Canyon Park Environmental Checklist and Mitigation Document.	
The application has been deemed complete in accordance with BMC Chapter XXX.	

Requirement	Discussion
The proposal is located within Planned Action Area pursuant to Exhibit A of this Ordinance	
The proposed use(s) are listed in Section 4D of the Ordinance and qualify as a Planned Action.	

Draft

E. SEPA Responsible Official Determination

A. Qualifies as a Planned Action: The application is consistent with the criteria of Ordinance _____ and thereby qualifies as a Planned Action project.

It shall proceed in accordance with the applicable permit review procedures specified in BMC Title 11, except that no SEPA threshold determination, EIS or additional SEPA review shall be required. Notice shall be made pursuant to BMC Title 11. as part of notice of the underlying permits and shall include the results of the Planned Action determination. If notice is not otherwise required for the underlying permit, no special notice is required. See Section 4.G(3)(a) regarding notice of the Type 1 decision.

The review process for the underlying permit shall be as provided in BMC Title 11.

NOTE: If it is determined during subsequent detailed permit review that a project does not qualify as a planned action, this determination shall be amended.

Signature

Date:

B. Does not Qualify as Planned Action: The application is not consistent with the criteria of Ordinance _____, and does not qualify as a Planned Action project for the following reasons:

Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to meet their SEPA requirements. The SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

SEPA Process Prescribed:

C. Responsible Official Signature

Signature:

Date:

EXHIBIT B-2 MITIGATION DOCUMENT

This section includes “Incorporated Plan Features” or “Other Proposed Mitigation Measures” referenced in the Draft EIS where not otherwise incorporated into the Subarea Plan Code. To the extent mitigation measures are incorporated into the Subarea Plan and Code, they are part of applicable regulations and not necessary in the SEPA mitigation measures. Exhibit B-3 that follows includes more detailed procedures for some mitigation measures.

Natural Environment

- The City shall review planned actions for consistency with Bothell critical area regulations in place at the time of application. Until such time as the City’s regulations are amended, the City may condition development to be consistent with wetland buffers widths and wetland compensatory mitigation recommendations contained within the latest guidance and Best Available Science including the following documents, as amended:
 - *Wetland Guidance for CAO Updates* (Department of Ecology, 2016 and 2018).
 - *Wetland Mitigation in Washington State Part 2: Developing Mitigation Plans* (Department of Ecology, 2006)
- The City shall condition planned actions to mitigate for loss of vegetated areas not otherwise protected by critical area regulations. For geologically hazardous areas, the City shall mitigate for impacts to vegetated slopes at a 1-to-1 ratio. A reduced mitigation ratio may be approved by the Director of Community Development on a case-by-case basis, based upon the results of a functional analysis.
- Where beaver activities are known to occur, the City shall require development proposals to prepare a Beaver Management Plan addressing the site’s history, existing conditions, and proposed conditions and how those may be influenced by beaver activities. The Beaver Management Plan shall identify strategies to minimize impacts to beavers, anticipate potential infrastructure impacts that may result from beaver dams, and develop a way to mitigate possible flooding issues should they become a problem.
- The City may implement ecological mitigation opportunities in Exhibit B-3 for public improvements as an advanced mitigation program to offset unavoidable impacts to wetland and stream critical areas in accordance with *Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation* (U.S. Army Corps of Engineers, et al., 2012).
- The City shall apply more stringent stormwater requirements that require flow control and water quality facilities to be installed consistent with Chapter 18.04 BMC and Exhibit B-3 for Planned Action Projects. This shall apply to projects that are neither vested nor consistent with BMC 12.48.010.C, Transition Period for Proposed but Non-Vested Projects within the Canyon Park Subarea. This includes application of the 2019 Surface Water Design Manual Level 3 flow control standard, as amended.
- The City shall require that development sites with wetlands, streams, or habitat shall develop a stewardship program for retained natural areas that improves habitat.
- The City shall require that development sites with wetlands, streams, or habitat shall install interpretive signs near natural areas to highlight important functions the natural environment provides.

Land Use, Socioeconomics, and Urban Design/Aesthetics

- The City shall require stepped-down heights or shade/shadow studies if development would have the potential to adversely affect public parks, trails, and open spaces.

Transportation

See Section B-3. See also Subarea Plan and Code for consistency with Parking standards, Transportation Demand Management provisions, non-motorized program, etc.

Public Services

Fire and Emergency Services

- The City shall provide planned actions to the Fire Department to review proposed development plans for consistency with the International Fire Code and condition development as appropriate to address specialized needs from the uses proposed.

Police

- The City of Bothell may require on-site private security agreements for new employment centers to reduce calls for service.
- Until such time as the principles are included in the municipal code, the City of Bothell shall evaluate and condition development to incorporate Crime Prevention Through Environmental Design (CPTED) principles.

Parks

- The City shall require development to provide pedestrian and trail improvements consistent with the Bothell Canyon Park Subarea Plan, and any associated frontage and onsite non-motorized connections between sites and roads or buildings.

Schools

See applicable regulations and commitments.

Utilities

Sanitary Sewer and Water

- The City shall circulate planned action applications to Alderwood Water and Wastewater District (AWWD) to determine if improvements are required to local wastewater collection systems and system improvements. Planned Action applicants shall obtain a AWWD sewer availability certificate.
- The City shall circulate planned action applications to AWWD to determine if local water system improvements will be necessary to increase system pressures and to provide for additional system transmission capacity. Planned Action applicants shall obtain a AWWD water availability certificate.

Stormwater

The following shall apply to Planned Action Projects that are neither vested nor consistent with BMC 12.48.010.C, Transition Period for Proposed but Non-Vested Projects within the Canyon Park Subarea:

- The City shall require planned actions to implement retrofit systems to detain and/or treat runoff before it is released into the stormwater system or creeks. These systems could be located within planter areas or unimproved roadside shoulders and ditches, and could include shallow bioretention cells, infiltration trenches, or proprietary treatment BMPs for water pollution, such as Filterrras or Modular Wetlands. See Exhibit B-3.
- Flow control and water quality facilities meeting the most recent version of the Bothell *Surface Water Design Manual* will be required for new development and redevelopment. The City shall enforce more stringent requirements in this area and require that higher flow control and water quality

facilities be installed to lessen the demand on existing downstream stormwater infrastructure and North Creek. This includes application of the 2019 Surface Water Design Manual Level 3 flow control standard, as amended. See Exhibit B-3.

- The City shall apply the stormwater management manual in effect at the time of planned action application. There are significant opportunities for improved flow control and water quality associated with the large privately owned stormwater pond located southeast of the intersection of 244th Street SE and 23rd Drive SE. An applicant, and/or the Owners Association, may improve this regional flow control facility to address stormwater conditions of a planned action.

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EXHIBIT B-3 ADDITIONAL MITIGATION REQUIREMENTS & PROCEDURES

Transportation

Frontage Improvements on Public Streets

- A. When a property redevelops and applies for permits, frontage improvements within public access tracts or within right-of-way dedication area if adjacent to public right-of-way dedications are required by the Bothell Municipal Code (BMC 17.09) in order to implement Subarea Plan street sections.
- B. If right-of-way or an easement is needed, it also must be dedicated to the City by the Planned Action Application property owner. The City has developed specific cross sections in the Canyon Park Subarea Plan, which must be implemented as part of required street frontage improvements.
- C. Planned Actions shall implement public street improvements consistent with any access management and circulation plan including roads considered at ultimate capacity.

Business Park Private Roads

- D. As a condition of Planned Action Project approval, the SEPA Responsible Official shall require planned action projects within the Canyon Park Business Center to address inadequate road conditions on private roads documented in the Canyon Park Planned Action EIS. Improvements are required irrespective of whether the internal streets become public right of way or remain as private streets. Conditions of approval include, but are not limited to: implementing street frontage standards and nonmotorized transportation system improvements consistent with the Subarea Plan and development regulations, providing adequate site-specific access and safety improvements, and mitigating the planned action project's impacts to street segments and intersections consistent with the EIS. The opportunity to seek federal and State grant funding requires the streets to be dedicated as public right-of-way and be functionally classified streets.

Canyon Park Improvement Fees

- E. Implementation of capital improvements identified in the Canyon Park Subarea Plan or Comprehensive Plan Capital Facilities Element Plan shall occur in conjunction with private development or through payment of applicable impact fees for projects along public roads and the adopted City of Bothell Transportation Improvement Program.
 - 1. If, after growth has surpassed the Canyon Park Subarea Plan EIS No Action level of trips, the City's Transportation Improvement Program and impact fee do not yet include the planned capital projects on private streets that may become public, these projects need to be improved as part of private development.

Transportation Demand Management

- F. Upon development of a transportation demand management (TDM) program via a partnership among the City, the private sector, and transit agencies, Planned Actions shall implement them. The City may record conditions of approval applicable to future tenants to ensure the TDM measures are implemented. TDM measures are likely to take the form of the methods identified in the matrix below.

TDM Measure	Applicable to Development	Applicable to Business
Parking	Separating the cost of parking from the cost of rent, lease, or ownership (instrument that guarantees implementation)	Paid parking strategies
Transit	Implementation of bus shelter or transit amenities consistent with Community Transit or Sound Transit standards in adjacent right of way, or access to transit shelter/amenities	Fully subsidized transit passes for employees and residents of the development On-demand first/last mile ride share to transit
Sharing Services	Dedicated Car-share or Micro-transit Parking	Carshare memberships or Micro-transit service
Bicycle or Scooters	Secure bicycle parking Showers and lockers	Onsite fleet of bicycles or scooters for residents, employees, and/or guests to use Provide on-site tools and space for bicycle repair Valet bike parking
Onsite Services	Space dedicated for on-site food services, child care, etc.	On-site childcare or food services, delivery of products (e.g. groceries) or services (e.g. dry cleaning)
Other	Other TDM improvements acceptable to the SEPA responsible official	Other TDM services acceptable to the SEPA responsible official

- G. Each planned action applicant shall provide an evaluation identifying the parking is compliant with applicable standards and are the minimum necessary based on a “right size” parking analysis. This evaluation may include the King County Right Size Parking Calculator (using Downtown Bothell as a reference geography), or latest edition of the ITE Parking Generation Manual, ULI Shared Parking Manual, identifying peak parking needs and demonstrating to the satisfaction of the SEPA Responsible Official that proposed parking contributes to TDM goals.

Fee in Lieu and Recovery Agreements

- H. Planned Action applicants may request or the City may require a fee-in-lieu for some or all of the frontage improvements or capital projects necessary to achieve City standards. Fee in lieu agreements shall be consistent with RCW 82.02.020 or other instrument deemed acceptable to the City and applicant.
- I. A Planned Action applicant may request the City approve a latecomers (recovery) agreement for installing transportation capacity improvements that exceed their frontage requirement or traffic impact fee requirement. The agreement shall identify the proposed improvement extent and value,

benefit area, costs borne by the property owner, and pro rata share of costs to other property owners. The agreement shall specify the time period of the agreement and methods for the City's recovery of costs as conditions of future development approval in the benefit area.

Stormwater

Flow Control Recommendations

Prior to approval of development that drains to the Canyon Park Business Center detention pond, the City shall require that development provide flow control and water quality facilities onsite or complete equivalent improvements at the privately-owned regional facility. Following are measures to address stormwater flow control measures in the design of regional facilities.

- Restore the Canyon Park Business Center detention pond to its original capacity. The lack of maintenance associated with this existing detention pond over the years has resulted in significant sediment and vegetation build-up, decreasing the pond's capacity for flow control. Excavating all the sediment, vegetation, and debris down to the originally designed pond bottom elevation would restore the pond's capacity to its original design volume. Options to increase pond capacity include, but are not limited to:
 - Raise the detention pond's High Water Line (HWL) to add live storage capacity to the pond. In reviewing the City's interactive GIS mapping and its LIDAR contours, it appears there is room to raise the HWL and gain additional volume within the existing pond footprint. Based on initial review of the surrounding LIDAR contours it appears that the HWL could be raised approximately 1 foot before water would start backing up into the existing drainage ditches and storm drain system immediately upstream from the northwest corner of the pond. A field survey would need to be conducted to confirm elevations. In addition, backwater effects on the immediate upstream conveyance system would need to be analyzed to make sure water does not overtop the system. The emergency overflow system would need to be adjusted as well. The as-built plans show two overflow spillways. But based on LIDAR contours it appears that there are no spillways, so a confirmation of the existing overflow system would be needed and an adjustment made if the HWL is to be raised.
 - There may be potential to also lower the detention pond bottom to gain even more live storage capacity. The as-built pond plan (see attached) shows 4 separate control structures regulating the discharge of water from the pond. Each of the flow control structures have outgoing inverts lower than the pond's originally designed bottom elevation. This would initially suggest that the pond bottom could be lowered. However, the original sizing calculations for the detention pond should be located and reviewed to understand the intricacies of this particular pond design and whether or not the pond bottom could actually be lowered for additional live storage capacity. There may be reasons why the pond bottom was set at its design elevation, such as a high groundwater condition or the high water line elevation of nearby North Creek. If the groundwater elevation is unknown then a geotechnical engineer should be consulted to determine the high groundwater elevation prior to lowering the pond bottom.
- The City may require planned actions upstream of the existing detention pond to add flow control measures to increase stormwater capacity in the basin. The drainage basin tributary to the existing detention pond is approximately 268 acres (see Final EIS appendices for approximate basin

boundary). In order to bring the existing detention pond up to current stormwater flow control standards it would need to have 2.5 times more volume than it currently contains. And the existing detention pond retrofitting options discussed above will only cover a small percentage of that needed increase in volume. Other approaches would need to be employed in order to provide that capacity for the entire basin.

- The City shall require Low Impact Development (LID) techniques associated with new development and through the retrofitting of existing infrastructure/public right-of-way. LID measures such as pervious concrete and asphalt pavements, bioretention cells, and rain water harvesting may be considered.
- Should a regional facility be installed upstream of the existing detention pond, the City may require new development to pay its share of demand in the new facility. For example, in the northeast corner of the basin there is existing residential development that is elevated and may provide opportunity to install a new open walled detention facility in the sloped vegetated areas to the west of that developed area. There appears to be plenty of fall to allow for a decent sized regional detention facility in this area. The facility would likely need to be an open pond with vertical concrete retaining walls, given the steepness of the vegetated area. Also, on property where new building construction may occur and there is decent grade across the site, detention vaults could be incorporated into the building design, similar to the recent development near UW Bothell.
- Mitigation enhancements of existing wetlands. The City may allow enhancements to certain existing wetlands in a portion of the basin in order to use other wetland or critical areas in the basin as flow control areas.

Water Quality Treatment Recommendations

Following are measures to ensure that stormwater quality treatment is integrated into regional stormwater facilities. The City may require that private on-site, or private regional facilities, implement these or equivalent measures and encourage development connect to the regional system and pay its share of the cost of the facilities.

- Provide dead storage within the existing detention pond. There is opportunity to excavate the existing detention pond deeper and provide a dead storage zone (3 to 4 feet deep) below the bottom of the pond's live storage elevation. This additional depth would provide a permanent pool of standing water that would help to remove sediment from the incoming stormwater flows. This would be consistent with a basic level of water quality treatment and would transform the existing detention pond into a combined detention and water quality treatment pond. And if groundwater is encountered in this zone it would be okay since it would only ensure that a permanent pool of water would be maintained in the pond.
- Constructed Stormwater Treatment Wetland. If a greater level of water quality treatment than basic is desired then a Constructed Stormwater Treatment Wetland could potentially be incorporated into the existing detention pond. The existing detention pond would then become a combined detention pond and Constructed Stormwater Treatment Wetland, providing both detention and enhanced water quality treatment.
- Floating Treatment Wetlands (FTWs). If dead storage is provided then the City could also consider implement Floating Treatment Wetlands that will float on the water and provide treatment at the same

time. More information on FTWs can be found here: <http://martinecosystems.com/products/floating-treatment-wetlands/>

- Modular Wetland and Filterra Units. Look for opportunities upstream of the existing detention pond to insert Modular Wetlands and Filterra Units in City right-of-way locations that could treat runoff from larger areas. Both of these proprietary products are versatile and can be incorporated into the existing storm drain system relatively easily.
- LID measures. The City may require new development to implement bioretention cells and swales throughout the drainage basin.

Ecological Mitigation Opportunities

The City shall consider ecological mitigation opportunities in the design of new or expanded transportation facilities considering the findings of the Technical Memorandum “Ecological Impact Assessment Summary & Mitigation Cost Estimate” prepared by The Watershed Company, April 20, 2020, or other similar guidance.

DRAFT

EXHIBIT B-4 APPLICABLE REGULATIONS AND ADVISORY NOTES

The *Imagine Bothell...Comprehensive Plan* including the updated Canyon Park Subarea Plan includes goals and policies as well as capital investments. In addition, the following regulations may apply. All applicable local, state, and federal requirements shall be met.

Natural Environment

The following regulations limit impacts to the natural environment:

- City of Bothell Critical Areas Ordinance (CAO) and associated requirements for project-specific critical area studies.
- City of Bothell Special Flood Hazard Area Regulations and referenced FEMA flood insurance mapping.
- City of Bothell tree retention and landscaping standards.
- City of Bothell Surface Water Design Manual.
- City of Bothell Shoreline Master Program.
- Washington Department of Fish and Wildlife, Hydraulic Code Rules.
- Temporary Erosion and Sediment Control measures; other Best Management Practices as required under the National Pollutant Discharge Elimination System (NPDES) construction permit.
- US Fish and Wildlife Service and/or the National Marine Fisheries Service, for federally permitted actions that could affect endangered species (i.e., salmon or bull trout).
- USEPA, Clean Water Act.

Land Use, Socioeconomics, and Aesthetics

- Development Regulations. Title 12 Zoning includes land use and design regulations intended to promote a variety of residential and employment uses that are designed in a quality manner.

Transportation

See Draft Subarea Plan and Code for consistency with Parking standards, Transportation Demand Management provisions, non-motorized program.

Public Services

Fire and Emergency Services

- The City of Bothell collects fire impact fees to help fund system improvements needed to serve new growth (see BMC Chapter 21.16).
- Ongoing capital facilities improvements, budgeting, and operational planning by the Bothell Fire Department and Fire District 10 are anticipated to address incremental increases and other changes in demand for fire services, including the need for additional personnel, additional apparatus, and facility improvements.
- The City of Bothell is starting a multi-year project to demolish and build a new Canyon Park Fire Station #45. The project will provide safety upgrades, technical modernization, and energy efficiency accommodating current and long-term emergency fire, medical, and rescue response needs. The funding also adds new firefighters and a new aid car to ensure full-time emergency medical services at Station #45 to respond to growing calls for services in North Bothell. The new Fire Station #45 at Canyon Park will include a Police Department satellite office to serve residents of north Bothell.

- The City of Bothell has adopted the 2015 International Fire Code (IFC) as amended by State of Washington and Bothell Municipal Code. Standards referenced in 2015 IFC, Bothell Design and Construction Standards, and Bothell Engineering Standards are also adopted as part of the City's code.
- A portion of the tax revenue generated from potential redevelopment in the study area would accrue to the City and Fire District 10 to help fund additional fire and emergency medical services.

Police

- The Bothell Police Department promotes 'Crime Prevention Through Environmental Design' (CPTED) to provide tips to residents, businesses, and developers on how to manage their properties and create designs in landscaping, access, and buildings to promote natural surveillance, create natural access control, and manage territorial behavior. (City of Bothell Police Department, Undated)

Parks

- The City of Bothell collects park and open space impact fees to help fund system improvements needed to serve new growth (see BMC Chapter 21.08).
- Per the *Imagine Bothell... Comprehensive Plan*, acquisition of land for neighborhood parks is the City's highest priority park project. With the 2020 update to the PROS Plan, access analysis helps identify priority locations.
- The City requires private open space and recreation for new development within an R 5,400a, R 4,000, R 2,800, or R-AC zoning district (see BMC Chapter 12.20 Recreation Area).
- The City has received federal grants to complete the design and right-of-way acquisition phases of the North Creek Trail Section 4 project and is currently seeking funding for construction of the trail. When complete, this trail will connect the Snohomish County North Creek Regional Trail with the existing North Creek Trail system in Bothell.

Schools

- The City of Bothell and Snohomish County collect school impact fees on behalf of Northshore School District (see BMC Chapter 21.12 and SCC Chapter 30.66C). Future residential development in the study area contributes impact fees to help fund the cost to construct new or expanded facilities needed for growth.
- Ongoing capital facilities improvements, budgeting, and operational planning by Northshore School District, in conjunction with the City of Bothell and Snohomish County, will be needed to accommodate projected student enrollment at acceptable levels of service and to meet capacity needs at schools serving the study area (including Canyon Creek, Crystal Springs, Maywood Hills, and Shelton View elementary schools; Canyon Park, Leota, and Skyview middle schools; and Bothell and North Creek high schools).
- The School District will continue with the expansion of Canyon Creek Elementary School/Skyview Middle School and construction of a new elementary school, Elementary School #21.

Utilities

Plans and regulations adopted at the time development permits are submitted will be applicable, such as:

- Bothell Municipal Code Title 18, Utilities Infrastructure
- *Imagine Bothell... Comprehensive Plan*, July 7, 2015
- Alderwood Water and Wastewater District Code
- Alderwood Water and Wastewater District, *Comprehensive Wastewater Plan (WWCP)*, September 2017

- Alderwood Water and Wastewater District, Comprehensive Water Plan (WCP), September 2017
- King County Code
- King County Wastewater Treatment Division
- 2013 Regional Wastewater Services Plan Comprehensive Review
- Wastewater Services Plan 2017 Annual Report
- Regional Needs Assessment, Conveyance System Improvement Program, May 2015
- 2017 Conveyance System Improvements (CSI) Program Update
- Most recent version of the City of Bothell's Surface Water Design Manual
- Chapter 4 of the Bothell Design and Construction Standards and Specifications

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