

# AGENDA

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## BOTHELL SHORELINES BOARD

Bothell City Hall, 18415 101st Avenue NE

Monday, April 8, 2019, 6:00 PM

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1. CALL TO ORDER
2. PUBLIC COMMENTS  
An opportunity for members of the audience to address the Board on a topic NOT scheduled for a public hearing on this evening's agenda. Please limit comments to 3 minutes per speaker.
3. APPROVAL OF MINUTES  
March 11, 2019
4. NEW BUSINESS
5. CONTINUED PUBLIC HEARING  
2019 Shorelines Master Program Updates
6. STUDY SESSION  
None
7. OLD BUSINESS  
None
8. REPORTS FROM STAFF
9. REPORTS FROM MEMBERS
10. ADJOURNMENT

Official tapes of meetings are available through the Community Planning Division.

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

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# Minutes

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**BOTHELL SHORELINES BOARD**

**REGULAR MEETING** – March 11, 2019

**COMMISSIONERS PRESENT:** Patrick Ewing, Ann Aagaard, Ryan Page, Sarah Gustafson, David Bain, Jim Orr, David Cox

**COMMISSIONER ABSENT:** None

**STAFF PRESENT:** Senior Planner Dave Boyd, consultants Amy Summe of Shannon & Wilson and Lisa Grueter of Berk.

**CALL TO ORDER:** The Regular Meeting of the Bothell Shorelines Board was called to order by Chair Patrick Ewing on March 11, 2019, at 6:00 p.m. in the Council Chambers at Bothell Town Hall, 18415 101<sup>st</sup> Avenue NE.

**APPROVAL OF MINUTES:**

**ORR MOVED TO APPROVE THE MINUTES OF FEBRUARY 25, 2019. COX SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.**

**NEW BUSINESS:** None

**PUBLIC HEARING:**

Ewing opened the public hearing and introduced Senior Planner Boyd. Boyd described three options for in lieu fee regulations, and introduced consultant Amy Summe. Summe explained the current King County in lieu fee program, and answered Board member questions.

Continued Review of the Shoreline Jurisdiction/Environment Designation Mapping Changes. Senior Planner Boyd discussed Horse Creek, Sammamish Side Channel, Wayne Golf Course back 9 and other mapping changes. Staff responded to questions.

Boyd entered into the Public Record exhibit letters received from: Jan Aagaard, Bob and Judy Fisher, Glen and Jody Conley, Bill Moritz, Suzanne Burnell and Knut Aagaard

**Public Comment:** (See video recording on City of Bothell website for detailed testimony).  
Suzanne Burnell  
Whitney Neugebauer  
Ryan McIrvin  
Knut Aagaard

**Deliberations:** The Shorelines Board deliberated on the proposed Shoreline Management code amendments.

**COX MOVED TO EXTEND THE MEETING UNTIL 9:10 P.M., ORR SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.**

Deliberations continued.

**ORR MOVED TO CONTINUE THE OPEN PUBLIC HEARING TO APRIL 8, 2019, COX SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.**

**OLD BUSINESS:**

**REPORTS FROM STAFF:** None

**REPORTS FROM MEMBERS:** None

**ADJOURNMENT:**

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

The meeting was adjourned at 9:02 p.m.

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**Continued Public Hearing:  
2019 Shoreline Master Program  
Update**

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# MEMORANDUM

## Community Development Department



City of Bothell

**DATE:** April 8, 2019

**TO:** Shorelines Board

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

**SUBJECT:** Shorelines Board Continued Public Hearing on the 2019 SMP Update

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### Purpose

The April 8 meeting of the City of Bothell Shorelines Board (SB) will continue the public hearing from March 11 on the potential 2019 updates to Bothell's Shoreline Master Program (SMP):

1. Changes to the Shoreline Master Program Element of the *Imagine Bothell...Comprehensive Plan*, reflecting guidance from the Washington State Department of Ecology (Ecology).
2. Changes to Bothell Municipal Code (BMC) Title 13, Shoreline Management, to reflect Ecology guidance.
3. Changes in Shoreline Jurisdiction and Environment Designations to reflect changed conditions since the last SMP update in 2013.

### Shoreline Master Program Element of the Comprehensive Plan amendments

The SMP updates require minimal amendments to the Shoreline Master Program Element of the *Imagine Bothell...Comprehensive Plan*, both relating to graphics. Figure SMP-1, Shoreline Jurisdiction, shows the extent of the shoreline jurisdiction on a map of the City of Bothell Planning Area. The changes to the shoreline jurisdiction described below are barely discernible on a map of that scale, but it nonetheless needs to be updated to reflect those changes.

Figure SMP-2, Flow Chart, duplicates the shorelines process flow chart included in BMC 13.00.020, part of the Reader's Guide chapter of the Shoreline Management code. Some clarifying changes are proposed for the flow chart in that section, and there is no need to duplicate it in the Comprehensive Plan, so the proposal is to eliminate it and its reference there.

These changes are reflected in **Attachment 1**, and are the same as those presented on March 11.

### Shoreline Management Code Amendments

In previous meetings, the Shorelines Board reviewed proposed amendments related to the Ecology Checklist, as well as amendments to make the code clearer and easier to use. There has been considerable discussion by the Board regarding proposed amendments to the regulations for off-site mitigation. The proposed amendments are compiled in **Attachment 2**, with revisions based on direction received from the Board, including written suggestions received by Board Member Sarah Gustafson (**Attachment 4**).

### Shoreline Jurisdiction and Environment Designation changes

At the January 14 meeting, the Board reviewed shorelines jurisdiction and environment designation changes for three key areas, based on changed conditions. On February 25, other technical changes at 15 other locations were presented. **Attachment 3** includes detailed maps of the three changes based on new conditions and a citywide map of the technical changes, followed by detailed maps of the technical changes. Two of those, #5 and #11, have been revised based on feedback from board members at the March 11 meeting.

### **Next Steps**

At the April 8 public hearing, the Board is expected to make its recommendations to Council for the 2019 SMP Update. Council is scheduled to hold a study session on the recommendations on May 14 and a public hearing on June 4 in order to meet the June 30 deadline for adoption, so it is important for the Board to make its recommendation(s) at the April 8 meeting. Staff suggests that the Board focus on the outstanding compensatory mitigation issues in BMC 13.13.020.G.4 through 7 and use the following guide to facilitate decisions:

1. Review the revised draft in order starting with subsection 4, identifying and voting on any proposed revisions one at a time.
2. Confirm the direction to allow off-site mitigation only through a conditional use process, as stated in Section 13.13.020.5.b.
3. Once any revisions are determined, move and vote on the recommendations as a whole.

### **Attachments:**

1. Proposed Amendments to the Shorelines Element of the *Imagine Bothell...Comprehensive Plan*
2. Proposed Amendments to the Shoreline Management code (Title 13 BMC)
3. Proposed Shoreline Jurisdiction and Environment Designation Changes
4. Exhibit from Shorelines Board member Sarah Gustafson: Suggested revisions to BMC 13.13.020.G.4.c and d (now 13.13.020.G.6 and 7).

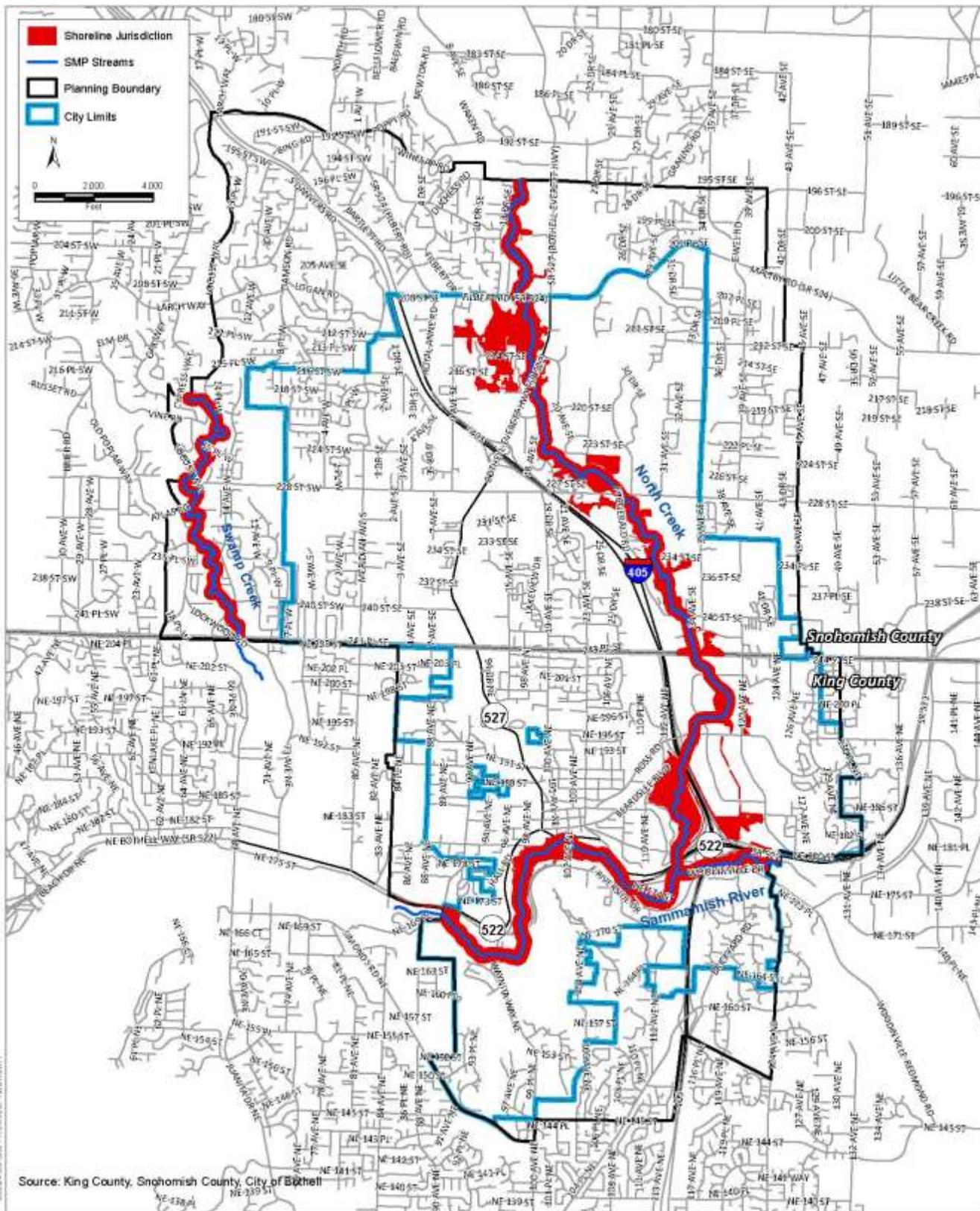


Figure SMP-1. Shoreline Jurisdiction

Imagine Bothell... Comprehensive Plan  
Shorelines Element  
2015 Periodic Plan and Code Update

## A. How to Use This Document

### 1. The Shoreline Master Program (SMP) is divided into five sections ~~(see Figure SMP-2):~~

- Goals and Policies

Goals and Policies define the community's vision for the City's shorelines and provide guidance to the City when evaluating shoreline variances, conditional use permits, interpretations, and future amendments to the SMP.

- Environment Designations -Chapter 13.07

Are analogous to zoning districts and divide the City's shorelines into 6 different environments: Aquatic, Natural, Urban Conservancy, Shoreline Residential, High Intensity, and Marina. Each environment designation contains specific use, development and operating requirements.

Water-oriented uses generally include:

- Water-Dependent: A water-dependent use is a use that is dependent on the water by reason of the intrinsic nature of its operations, and cannot exist in any other location.
- Water-Related: A water-related use is not intrinsically dependent on a waterfront location, but its economic viability is dependent upon a waterfront location.
- Water-Enjoyment: A water-enjoyment use is a use that facilitates public access to the shoreline, or draws substantial numbers of people to the shoreline and provides opportunities for the public to enjoy the shoreline.
- Non-water oriented uses are those uses that do not rely upon a shoreline location and can exist equally well in non-shoreline areas.

- General Development Regulations - Chapter 13.09

Are those regulations and standards applicable to all shoreline developments, uses, and activities. The General Development Regulations are organized by shoreline environments and specific land use and activity regulations

- Use-Specific and Shoreline Modification Regulations and Performance Standards - Chapter 13.11

Are the use-specific regulations applicable to categories of uses such as residential, commercial, boating, recreational and other uses or activities? For example, development of residential uses is addressed under Section 13.11.130. This section contains requirements that are applied to residential developments.

- Administrative Procedures - Chapter 13.17

Are the regulations used in the City's administration and enforcement of the Shoreline Management Program, implementation of the SMP Regulations within Title 13, and the permit application administration and processing procedures for shoreline developments.

### 2. How to determine the applicable regulations and standards that apply to an individual property

A. Locate the property on the environment designations maps in Chapter 13.07.

B. Turn to the use matrix (Section 13.07.080) to determine whether the proposed use or activity is Permitted (P), Conditional (C) or Prohibited (X). If prohibited, an alternative location for the use or activity is necessary;

C. Review the general regulations and performance standards within Chapter 13.09. These requirements, such as environmental protection, vegetation retention, public access, and

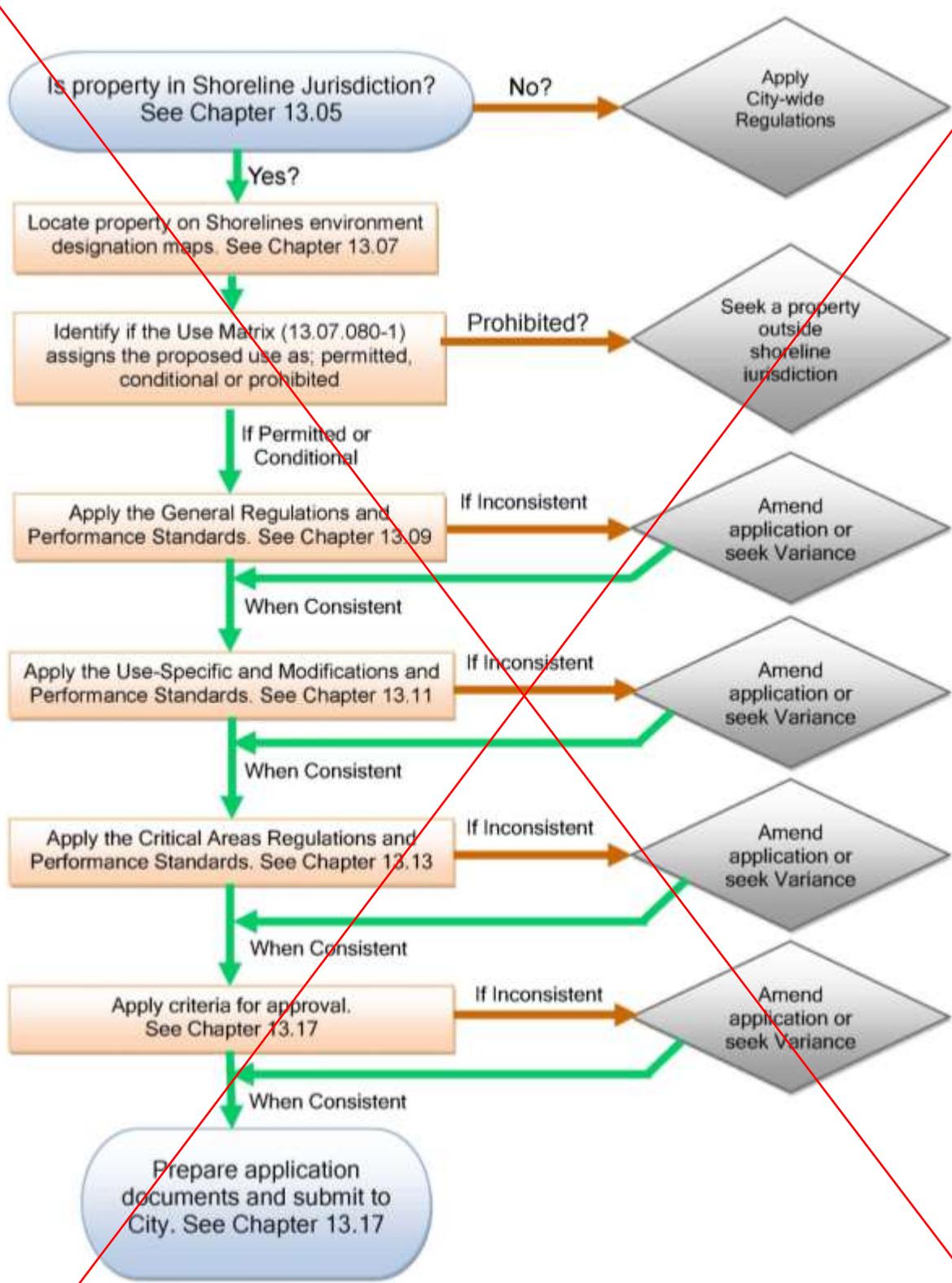


Figure SMP-2. Flow Chart

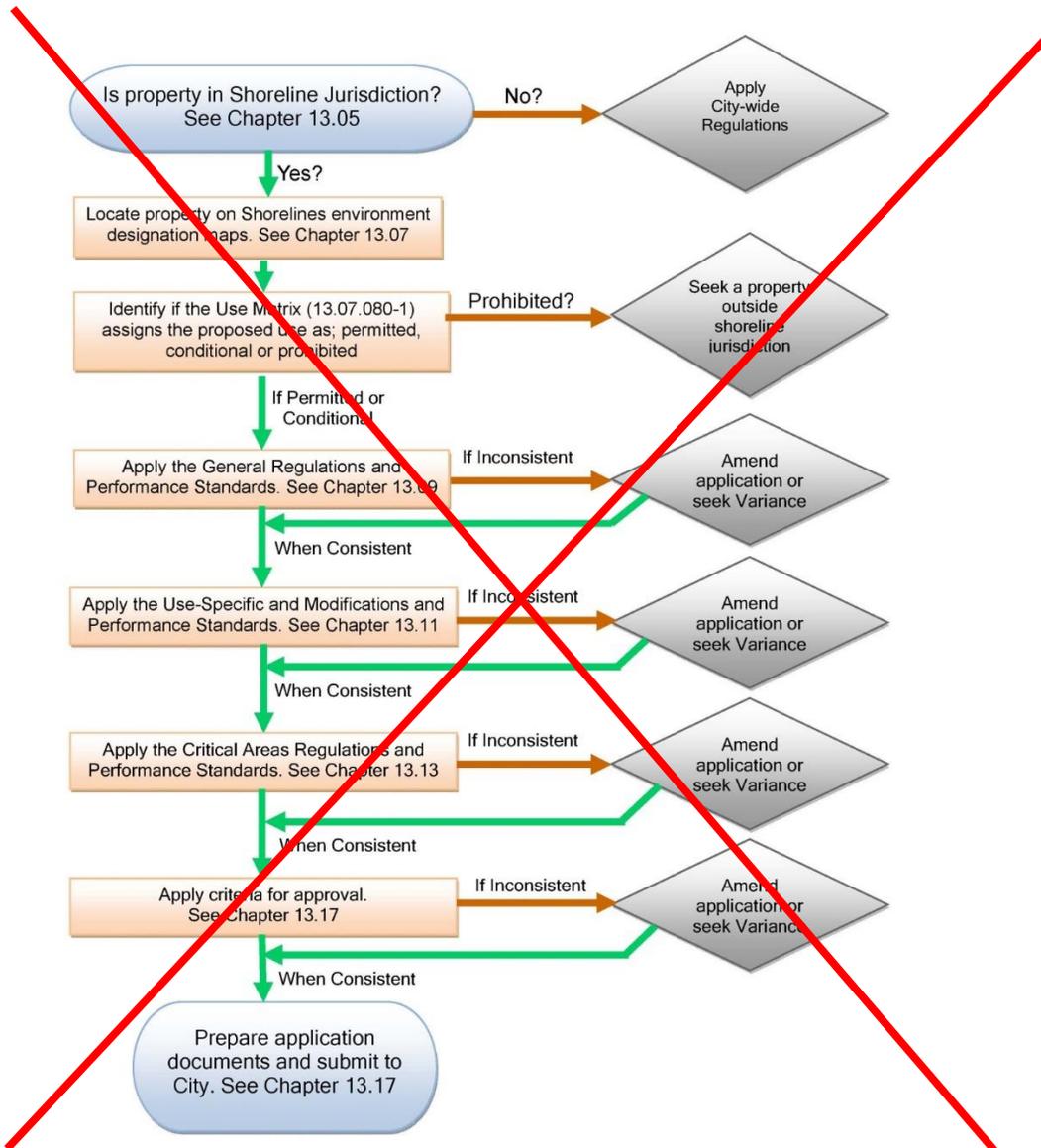
# DRAFT 2018 Shoreline Master Program Amendments

Proposed amendments are shown in underline/strikethrough format below, with revisions since the last review in red text. Hyperlinks are shown in underlined blue text. Notes that are not part of the proposed code language are shown in text boxes like this one following the amendments. Skipped sections are indicated by three asterisks: \* \* \*

## Title 13 SHORELINE MANAGEMENT\*

### Chapter 13.00 READER'S GUIDE

\* \* \*13.00.020 Flow chart.



New Chart

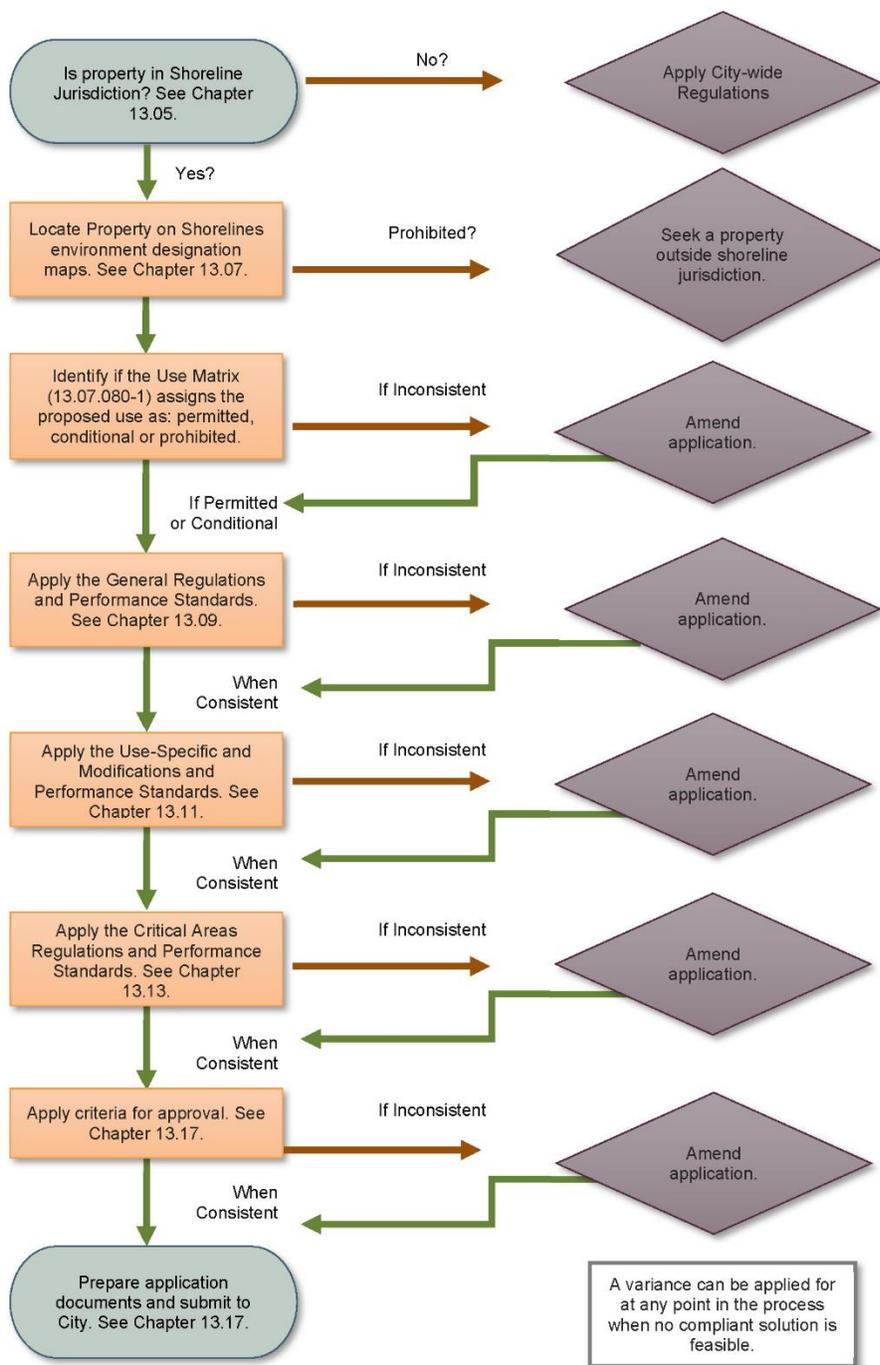


Figure 13-1. Flow Chart

NOTE: Change to flow chart is intended to clarify desire to first amend proposal (seek other options) before seeking variances.

\* \* \*

## Chapter 13.03 DEFINITIONS

### 13.03.010 Definitions.

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Definitions established by WAC 173 and Chapter 90.58 RCW have been incorporated herein. Should definitions in the WAC or RCW be substantively amended, those amendments shall apply in Bothell's shoreline jurisdiction.

NOTE: Addition is response to Ecology SMP Update Checklist item 2017.b regarding changes to WAC definitions.

\* \* \*

"Boat launch" means a slab or set of pads, rails, planks, or graded slope which extends waterward of the OHWM, and is used for transferring watercraft between uplands and the water by means of a trailer, hand, or mechanical device.

NOTE: New definition added to distinguish boat launches from other in-water facilities, with slight modification per Shoreline Board input.

\* \* \*

**"Development"** means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any stage of water level. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the city that binds land to specific patterns of use, including but not limited to subdivisions, short subdivisions, zone changes, conditional use permits, and binding site plans. Development does not include the following activities:

- A. Interior building improvements;
- B. Exterior structure maintenance activities, including painting and roofing;
- C. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning, and weeding; ~~and~~
- D. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries; and
- E. Dismantling or removing structures if there is no other associated development or re-development.

NOTE: Addition is response to Ecology SMP Update Checklist item 2017.b regarding WAC definition of development.

\* \* \*

**“Floodway”** means the area established in effective Federal Emergency Management Agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

\* \* \*

**“In-Lieu-Fee Program”** means an agreement between a regulatory agency (state, federal, or local) and a single sponsor, generally a public natural resource agency or non-profit organization. Under an in-lieu-fee agreement, the mitigation sponsor collects funds from an individual or a number of individuals who are required to conduct compensatory mitigation required under a wetland regulatory program. The sponsor may use the funds pooled from multiple permittees to create one or a number of sites under the authority of the agreement to satisfy the permittees’ required mitigation.

NOTE: Addition is response to Shorelines Board Member request. The definition is taken from Ecology’s *Wetland Guidance for CAO Updates: Western Washington Version* (Bunten and others, 2016) <https://fortress.wa.gov/ecy/publications/documents/1606001.pdf>

\* \* \*

**“Wetland ~~categories classes,~~” “~~categories~~classes of wetlands,” or “wetland types”** means the descriptive classes of the wetlands taxonomic classification system of the Washington State Wetland Rating System for Western Washington (Revised), Department of Ecology Publication No. ~~14-06-02904-06-025~~.

\* \* \*

**“Wetlands of High Conservation Value”** (formerly called Natural Heritage Wetlands) means those wetlands identified by the Washington Natural Heritage Program at the Department of Natural Resources as either high quality undisturbed wetlands or wetlands that support rare or sensitive plant populations.

NOTE: Addition is response to Ecology SMP Update Checklist item 2016.b regarding the 2014 update of the wetlands rating system.

**“WSDOT facility maintenance and safety improvements”** means the following consistent with RCW 90.58.356:

- A. Maintenance, repair, or replacement that occurs within the roadway prism of a state highway as defined in RCW 46.04.560;
- B. The lease or ownership area of a transit facility, including ancillary transportation facilities such as pedestrian paths, bicycle paths, or both, and bike lanes;

C. Construction or installation of safety structures and equipment, including pavement marking, freeway surveillance and control systems, railroad protective devices not including grade separated crossings, grooving, glare screen, safety barriers, energy attenuators, and hazardous or dangerous tree removal;

D. Maintenance occurring within the right-of-way; or

E. Construction undertaken in response to unforeseen, extraordinary circumstances that is necessary to prevent a decline, lapse, or cessation of service from a lawfully established transportation facility.

NOTE: Addition is response to Ecology SMP Update Checklist item 2017.c regarding the maintenance, repair, and replacement of WSDOT facilities per RCW 90.58.356.

\* \* \*

**Chapter 13.07**  
**SHORELINE ENVIRONMENT DESIGNATIONS, USE MATRIX, AND DEVELOPMENT**  
**STANDARDS**

NOTE: Title of chapter amended for wayfinding to indicate that use tables and development standards are here as well.

\* \* \*

**Chapter 13.09**  
**GENERAL REGULATIONS AND PERFORMANCE STANDARDS**

\* \* \*

**13.09.030 Shoreline vegetation conservation.**

\* \* \*

E. Significant trees located in shoreline jurisdiction outside of wetlands and wetland, stream or shoreline buffers shall be retained using the preferences specified in subsection D of this section as a guide and consistent with the percent of the total in diameter inches of the significant trees located within the net buildable area of the subject property by number provided in Table 13.09.030-1; significant trees shall mean existing trees over eight inches in caliper as measured four feet above grade.

**Table 13.09.030-1. Significant Tree Retention Requirements outside of Wetlands and Wetland, Stream or Shoreline Buffers (Percent by Diameter Inches~~Number~~)**

Shoreline Water Body	Natural	Urban Conservancy	Shoreline Residential	High Intensity/High Intensity-Park or Marina
Sammamish River	NA	65	<u>2040</u>	<u>2040</u>
North Creek	90	65	35	35
Swamp Creek	NA	65	35	35

Updated tree retention measurement unit (by number to by diameter inches) and increased the 10% minimum retention in SR and HI along Sammamish River to match the new citywide tree retention requirements (20% by diameter).

\* \* \*

I. The shoreline administrator shall require a maintenance bond or other surety be submitted to the city of Bothell to ensure retention of existing trees and plant material during construction. In the event any trees designated by the city to be retained are removed, the city shall have the option of enforcing any bond posted. Each tree identified for retention shall be bonded pursuant to Table 13.09.030-2:

**Table 13.09.030-2. Tree Diameter and Bonding Required**

Tree Diameter	Amount
8 – <del>12</del> 6 inches	\$ <del>12,000</del>
Larger than 12 – 16 inches	\$ <del>4,000</del>
Larger than 16 – 20 inches	\$ <del>1,58,000</del>
Larger than 20 – <del>24</del> 30 inches	\$12,000
Larger than 24 – 28 inches	\$16,000
Larger than <del>28</del> 30 inches	\$ <del>3,520,000</del>

NOTE: Changes made to reflect higher bond requirements found in BMC 12.18.030.F.

\* \* \*

**13.09.050 Public access.**

\* \* \*

C. Except for detached single-family residential dwellings and detached residential subdivisions, shoreline development proposals that have the potential to impact public views of the shoreline from public land or substantial numbers of residences, shall demonstrate protection of shoreline views through implementation of the following standards:

Note: Minor grammatical clarification.

\* \* \*

E. In order to maintain public access, ~~The city shall not vacate such public rights-of-way or easements as a means of retaining public access.~~ The city shall not vacate such public rights-of-way or easements as a means of retaining public access. Public access provided by public street ends, public utilities and rights-of-way shall not be diminished by a proposed use, activity or development.

NOTE: Suggested rearrangement of text adds clarity to the statement.

\* \* \*

**13.09.060 Flood hazard reduction.**

\* \* \*

B. The channel migration zone (CMZ) is considered to be that area of a stream channel which may erode as a result of normal and naturally occurring hydrological and related processes<sup>2</sup> or areas mapped by the Department of Ecology [pending] prepared consistent with WAC 173-26-221(3)(b). Applicants for shoreline development or modification may submit a site-specific channel migration zone special study if they believe these conditions do not exist on the subject property or Ecology's mapping is in error. The CMZ special study must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification.

\* \* \*

2 There are only four potential areas of channel migration have been identified on North Creek in the city. These are identified in the city's shoreline analysis report: 1) in North Creek – Centennial Park (Reach 2), 2) the open space/wetland area just north of 228th in North Creek – Canyon Park assessment unit (lower Reach 3), 3) south of 228th Street SE and north of 240th Street SE along the North Creek – Fitzgerald assessment unit (Reach 4), and 4) west of Interstate-405 and north of the North Creek confluence with the Sammamish River within the North Creek – Campus assessment unit (Reach 6).

NOTE: Endnote worded to more clearly indicate that these are the only CMZs in the City. The mapping effort that Ecology had once been planning was never undertaken, and Ecology has stated that it has no active CMZ mapping projects (per Lynn Schmidt, Ecology Flood Engineer, 28 December 2018). "Hydrological and related" was added to the definition consistent with the definition in WAC 173-26-020(7).

\* \* \*

## Chapter 13.11 USE-SPECIFIC AND MODIFICATION REGULATIONS AND PERFORMANCE STANDARDS

\* \* \*

### 13.11.080 Forest practices.

A. Forest practice applications shall meet all local BMC Title Chapter 12.12, state, and federal regulations regarding forest practices and land clearing and ensure no net loss of ecological function. (Ord. 2112 § 3 (Exh. C), 2013).

B. A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the SMA and may require a substantial development permit, as required by WAC 222-50-020.

NOTE: Addition is response to discussion with the Board regarding Ecology SMP Update Checklist item 2017.e related to forestry regulation clarification.

\* \* \*

### 13.11.140 Shoreline habitat and natural systems enhancement projects.

\* \* \*

J. Relief from shoreline master program development standards and use regulations.

1. Purpose of section. This section incorporates statutory direction from RCW 90.58.580. In adopting RCW 90.58.580, the legislature found that restoration of degraded shoreline conditions is important to the ecological function of our waters. However, restoration projects that shift the location of the shoreline can inadvertently create hardships for property owners, particularly in urban areas. Hardship may occur when a shoreline restoration project shifts shoreline jurisdiction into areas that had not previously been regulated under the act or shifts the location of required shoreline buffers. The intent of this section is to provide relief to property owners in such cases, while protecting the viability of shoreline restoration projects.

2. Conditions and criteria for providing relief. The city may grant relief from standards and use regulations in this title when the following apply:

a. A shoreline restoration project causes or would cause a landward shift in the ordinary high water mark, resulting in the following:

i. Land that had not been regulated under this title prior to construction of the restoration project is brought under shoreline jurisdiction; or

ii. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the Bothell SMP and this title; and

iii. Application of this title would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.

b. The proposed relief meets the following criteria:

i. The proposed relief is the minimum necessary to relieve the hardship;

ii. After granting the proposed relief, there is net environmental benefit from the restoration project;

iii. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the Bothell SMP and this title; and

iv. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section.

c. The application for relief must be submitted to the Washington State Department of Ecology for written approval or disapproval. This review must occur during Ecology's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then Ecology shall

conduct its review when the city provides a copy of a complete application and all supporting information necessary to conduct the review.

i. Ecology shall provide at least twenty days notice to parties that have indicated interest to Ecology in reviewing applications for relief under this section, and post the notice on its web site.

ii. Ecology shall act within thirty calendar days of the close of the public notice period, or within thirty days of receipt of the proposal from the city if additional public notice is not required.

4. A substantial development permit is not required on land that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark.

NOTE: Addition is response to Ecology SMP Update Checklist item 2009.a regarding "relief" procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark..

\* \* \*

### Chapter 13.13 CRITICAL AREAS IN SHORELINE JURISDICTION

\* \* \*

#### 13.13.020 Wetlands.

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

\* \* \*

NOTE: Board Member Aagaard proposed adding language similar to Ecology guidance on mitigation sequencing following the February 25 meeting. Staff feels the appropriate place for this would be in subsection 3.d below.

3. Preference of Mitigation Actions. Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement. Mitigation actions that require compensation shall occur in the following order of preference:

a. Restoring wetlands on upland sites that were formerly wetlands. Wetland restoration refers to actions performed to reestablish wetland functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a wetland.

b. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of nonnative introduced species. Wetlands creation refers to actions performed to intentionally establish a

wetland at a site where it did not formerly exist. Creation should only be attempted when there is a consistent source of hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.

c. Enhancing significantly degraded wetlands in combination with restoration or creation. Enhancement refers to actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality. Such enhancement should be part of a mitigation package that includes replacing the impacted area meeting appropriate ratio requirements.

d. Preserving/ maintaining a wetland to remove threat or prevent decline, such as purchasing land. Preservation does not result in gain of wetland areas.

NOTE: New or deleted text of the version and notes presented at the March meeting is shown in red to distinguish it from the previous proposal. The following changes to existing code were developed after discussions with the Shorelines Board at the December 10, 2018 and February 25 and March 11, 2019 Shorelines Board meetings. In addition to responding to the discussions, this option also incorporates, with some adaptation, written suggestions provided to the City by Board Members Gustafson and Agaard following the February 25 meeting, and by Gustafson following the March 11 meeting. Language, including more detailed criteria for allowing out-of-kind mitigation, was adapted from Washington Department of Ecology's *Wetland Guidance for CAO Updates Western Washington Version* (Bunten and others, 2016; <https://fortress.wa.gov/ecy/publications/documents/1606001.pdf>). The general term about identified City goals was replaced with two specific plans that have been adopted by the City Council. Staff recommends that these changes provide sufficient guidance for decisions on compensatory mitigation to be administrative, but the Board indicated on March 11 a preference to require a Shoreline Conditional Use Permit for off-site mitigation, which has a higher level of public notice and potential public participation, and requires Ecology approval, as shown in 5.b below. This version prevents applicants from using any mitigation tools that result in mitigation outside of the impacted drainage subbasin or reach.

For reference in reviewing these draft regulations, the City's definition of subdrainage basin in BCC 13.03 follows: "Subdrainage basin" or "subbasin" means the drainage area of the highest order stream containing the subject property impact area. "Stream order" is the term used to define the position of a stream in the hierarchy of tributaries in the watershed. The smallest streams are the highest order (first order) tributaries. These are the upper watershed streams and have no tributaries of their own. When two first order streams meet, they form a second order stream, and when two second order streams meet they become a third order stream, and so on. This definition is nearly identical to Snohomish County's except that they insert "salmonid bearing" in front of streams. In many cases, the highest order stream containing the subject property within its drainage area is going to be North Creek or Swamp Creek itself.

The WRIA 8 plan has three Sammamish River reaches in Bothell: (1) Sammamish River mouth in Kenmore to 96<sup>th</sup> Street bridge, (2) 96<sup>th</sup> Street bridge to the North Creek confluence, and (3) North Creek confluence to NE 145<sup>th</sup> Street bridge in Redmond.

Although the City's Shoreline Restoration Plan was finalized in 2012, it was formally adopted, along with the Comprehensive Plan Shoreline Element and shoreline regulations, in 2013 following Ecology's final approval.

4. Type and Location of Mitigation. a. Type. Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions ("in kind"). The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except the City may allow out-of-kind replacement of wetland type of functions when either:

a. (4) The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or

~~b. (2) Out-of-kind replacement of wetland type or functions may be allowed if it will best meet watershed goals or restoration priorities in the Final Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan (WRIA 8 Salmon Recovery Plan) initially adopted by the City Council in 2005, and as updated or supplemented thereafter, or the Shoreline Restoration Plan adopted by the City Council in 2013, and as updated thereafter, formally identified by the City, such as support of salmon recovery efforts.~~

**5b. Location of Mitigation.**

~~a. Compensatory mitigation actions shall be conducted on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable and will provide equivalent or greater replacement of critical area functions and values when compared to on-site mitigation.~~

~~b. The City will review applications for off-site mitigation as a shoreline conditional use following the procedures for a Type III development application pursuant to BMC Title 11, Administration of Development Regulations.~~

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

~~(1)a. There are no reasonable on-site or in-subdrainage basin opportunities or on-site and in-subdrainage basin opportunities do not have a high likelihood of success, after a determination of the natural capacity of the site to mitigate for the adverse impacts. Consideration should include: anticipated wetland mitigation replacement ratios; buffer conditions and proposed widths; hydrogeomorphic classes of on-site wetlands when restored; proposed flood storage capacity; and potential to mitigate riparian fish and wildlife impacts (such as connectivity);~~

~~(2)b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and~~

~~(3)c. Off-site locations may include state-certified mitigation banks, federally certified fee in lieu programs, applicant-owned properties, or public property subject to agreement with the City, but in all cases the bank or mitigation site shall be in the same subdrainage basin as the impacted wetland when the wetland is located in shoreline jurisdiction associated with North Creek or Swamp Creek, or~~

in the same reach as the impacted wetland when the wetland is located in shoreline jurisdiction associated with the Sammamish River, unless:

d. Off-site mitigation, when approved by the City, shall be required in the following order of preference, as illustrated in Figure 13.13.020.G.5.d below:

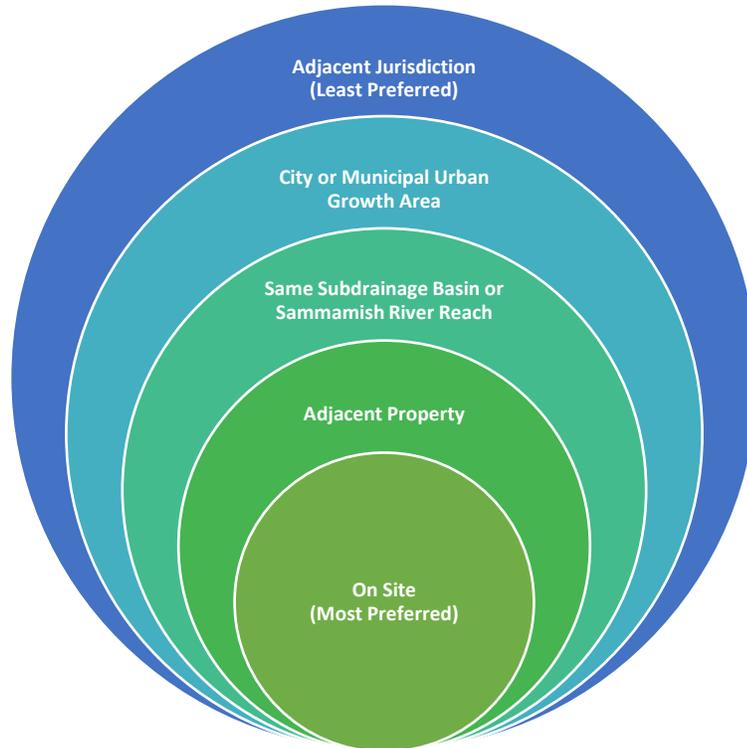
(1) On an adjacent property within the same subdrainage basin or in the same Sammamish River reach as the impacted wetland.

(2) In the same subdrainage basin as the impacted wetland when the wetland is located in shoreline jurisdiction associated with North Creek or Swamp Creek, or in the same reach as the impacted wetland when the wetland is located in shoreline jurisdiction associated with the Sammamish River.

(3) In the City of Bothell or its municipal urban growth area.

(4) In adjacent jurisdictions only when the applicant can demonstrate that the mitigation project will provide ecological benefits in the City of Bothell or its municipal urban growth area.

**Figure 13.13.020.G.5.d:**



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

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

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

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

6e. Mitigation banks. The City may approve the use of credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the mitigation bank instrument only after the applicant has demonstrated consistency with Subsection G.5. If the impacts occur in the service area of more than one bank, the City will give preference will be given to a bank that has implemented restoration actions included in the WRIA 8 Salmon Recovery Plan initially adopted by the City Council in 2005, and as updated or supplemented thereafter, or the Shoreline Restoration Plan adopted by the City Council in 2013, and as updated thereafter. The City may allow the use of credits from a wetland mitigation bank certified under Chapter 173-700 WAC is allowed if:

- a. ~~(1)~~ The City determines that the proposed use of credits it would provide appropriate compensation for the proposed impacts; and
- b. ~~(2)~~ The City determines that the proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument; and
- c. ~~(3)~~ The City determines that the replacement ratios for projects using bank credits is are consistent with replacement ratios specified in the certified mitigation bank instrument.

7d. In-Lieu Fee Mitigation: Applicants may use credits from an federally certified approved in-lieu-fee program that implements restoration projects with collected funds only after the applicant has demonstrated consistency with Subsection G.5 may be used and when all of the following conditions apply:

- a. ~~(1)~~ The City determines that it would provide environmentally appropriate compensation for the proposed impacts.
- b. ~~(2)~~ The City determines that the proposed use of credits is consistent with the terms and conditions of the federally certified approved in-lieu-fee program instrument.
- c. ~~(3)~~ The applicant's qualified wetland professional Projects using in-lieu-fee credits shall calculate the have debits associated with the proposed impacts calculated by the applicant's qualified wetland professional using the credit assessment method specified in the federally approved instrument for the in-lieu-fee program.
- d. ~~(4)~~ The proposed impacts are must be located within the service area specified in the federally approved in-lieu-fee instrument, and the fees collected by the in lieu fee program sponsor will be applied to a project within the impacted area's subdrainage basin or the same Sammamish River reach. If the program has more than one project available in the subdrainage basin or Sammamish River reach, the City

will give preference ~~will be given~~ to the project that will implement restoration actions included in the WRIA 8 Salmon ~~Recovery~~ Plan adopted by the City Council in 2005, as updated or supplemented thereafter, or the Shoreline Restoration Plan adopted by the City Council in 2013, as updated thereafter.

\* \* \*

NOTE: The Chapter below was introduced at the December Shoreline Board meeting, but inadvertently omitted from the draft presented at the March 11 public hearing. No revisions from the originally proposed amendments were requested at the December meeting, and none are included below.

### Chapter 13.17 ADMINISTRATION, PERMITS, AND ENFORCEMENT

\* \* \*

#### 13.17.040 Exemption from permit requirements.

\* \* \*

E. Exempt Activities. WAC [174-27-040](#) lists activities which are exempted from the requirement to obtain a shoreline substantial development permit. This list is duplicated below with clarifications to reflect local circumstances. In all cases, should a conflict exist, the exemptions of WAC [173-27-040](#) shall control. The following developments shall not require substantial development permits but shall be required to comply with the applicable Bothell SMP standards and provisions:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed ~~\$5,7487,047~~, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection went into effect on September 2, 2017 and must be adjusted for inflation by the Office of Financial Management every five years, ~~beginning July 1, 2007~~, based upon changes in the consumer price index per WAC [173-27-040](#)(2)(a). For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW [90.58.030](#)(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

\* \* \*

8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed: (A) \$20,000 for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or (B) \$10,000 for all other docks constructed in fresh waters., ~~but~~ However, if subsequent

construction ~~having a fair market value exceeding \$2,500~~ occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

NOTE: Changes above are response to Ecology SMP Update Checklist item 2014.a regarding exemption cost thresholds for docks.

\* \* \*

17. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

NOTE: Addition is response to Ecology SMP Update Checklist item 2016.a regarding new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act.

\* \* \*

**13.17.045 Developments not required to obtain shoreline permits or local reviews.**

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

- A. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
- B. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
- C. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review. The department of transportation must provide written notification of projects and activities authorized under this section with a cost in excess of one million dollars before the design or plan is finalized to all agencies with jurisdiction, agencies with facilities or services that may be impacted, and adjacent property owners.
- D. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
- E. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

NOTE: Additions above are in response to Ecology SMP Update Checklist item 2017.c regarding clarification of exceptions to local review under the SMA.

\* \* \*

**13.17.100 Procedures applicable to substantial development permits (SDP).**

\* \* \*

E. Decision. An appeal of a shoreline substantial development permit shall be to the Bothell hearing examiner and shall be filed pursuant to the procedures of BMC [11.14.005](#). Appeals of the Bothell hearing examiner shall be to the state Shorelines Hearings Board and shall be filed within 21 days of the receipt of the date of filing ~~Department of Ecology's permit action letter~~ as set forth in RCW [90.58.180](#). (Ord. 2112 § 3 (Exh. C), 2013).

NOTE: Addition is response to Ecology SMP Update Checklist item 2017.d regarding filing procedures.

**13.17.110 Procedures applicable to shoreline conditional use permits (SCUP).**

\* \* \*

G. Decision Process.

1. Once the city has approved a conditional use permit it will be forwarded to the state Department of Ecology for its review and approval/disapproval jurisdiction under WAC [173-27-200](#).
2. The permit shall state that construction pursuant to a permit shall not begin or be authorized until 21 days from the date the permit decision was filed ~~is received~~ as provided in RCW [90.58.140](#)(6); or until all review proceedings are terminated if the proceedings were initiated within 21 days from the date of filing ~~receipt~~ as defined in RCW [90.58.140](#)(5) and (6).
3. Appeals of a shoreline conditional use permit shall be to the state Shoreline Hearings Board and shall be filed within 21 days of the date the decision of the Department of Ecology is transmitted by the Department of Ecology to the city ~~receipt of the Department of Ecology's permit action letter, as set forth in RCW [90.58.180](#)~~.

NOTE: Addition is response to Ecology SMP Update Checklist item 2017.d regarding filing procedures.

**13.17.120 Procedures Applicable to Shoreline variances.**

F. Decision Process.

1. Once the city has approved a variance permit it will be forwarded to the state Department of Ecology for its review and approval/disapproval jurisdiction under WAC [173-27-200](#).
2. The permit shall state that construction pursuant to a permit shall not begin or be authorized until 21 days from the date the permit decision was filed ~~is received~~ as provided in RCW [90.58.140](#)(6); or until all review

proceedings are terminated if the proceedings were initiated within 21 days from the date of filing receipt as defined in RCW 90.58.140(5) and (6).

3. Appeals of a shoreline variance shall be to the state Shoreline Hearings Board and shall be filed within 21 days of the date the decision of the Department of Ecology is transmitted by the Department of Ecology to the city receipt of the Department of Ecology's permit action letter, as set forth in RCW 90.58.180.

NOTE: Addition is response to Ecology SMP Update Checklist item 2017.d regarding filing procedures.

\* \* \*

### Shoreline Jurisdiction / Environment Designation Changes

Part of the scope of the 2019 Shorelines Master Program (SMP) is to do “additional analysis deemed necessary to address changing local circumstances, new information or improved data that has occurred since 2013.” Three areas are covered as described immediately below.

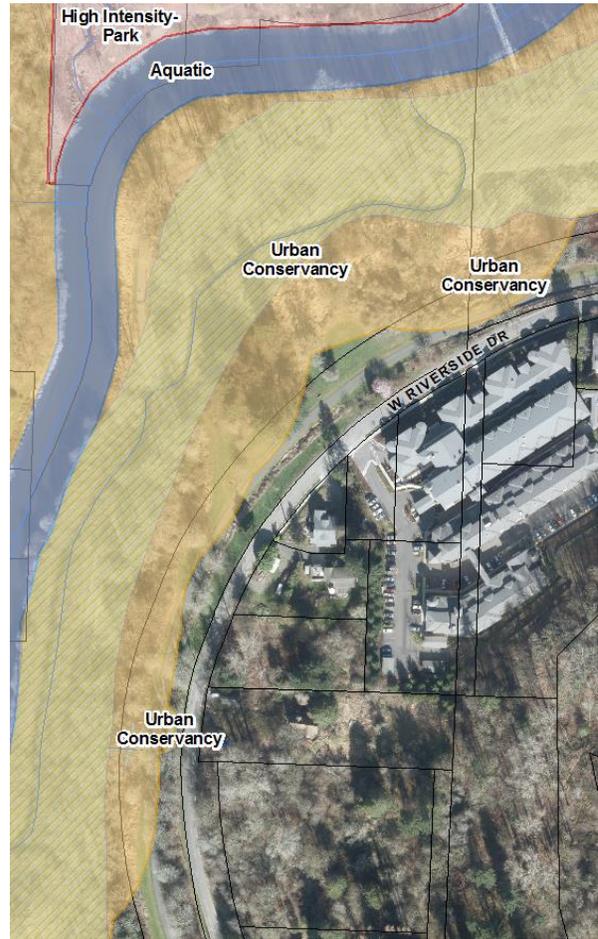
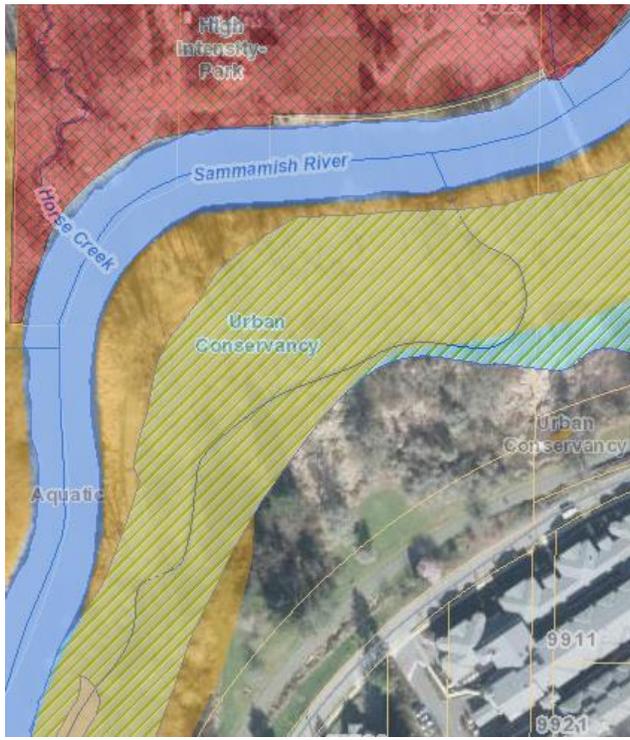
In addition, other mapping changes are proposed to correct previous mapping and reflect delineations of associated wetlands done since the last SMP update. Those follow the three changes necessary due to changed local circumstances described below, and include changes to #5 and #11 since the March 11 meeting, described in **red text**.

Horse Creek: The daylighting of Horse Creek in 2015 extended the Ordinary High Water Mark of the Sammamish River a short distance up the new stream channel, which extends the shoreline jurisdiction from the existing condition, as shown on the map below (with current parcels, wetlands, boundaries and designations) to the proposed as shown at the bottom.

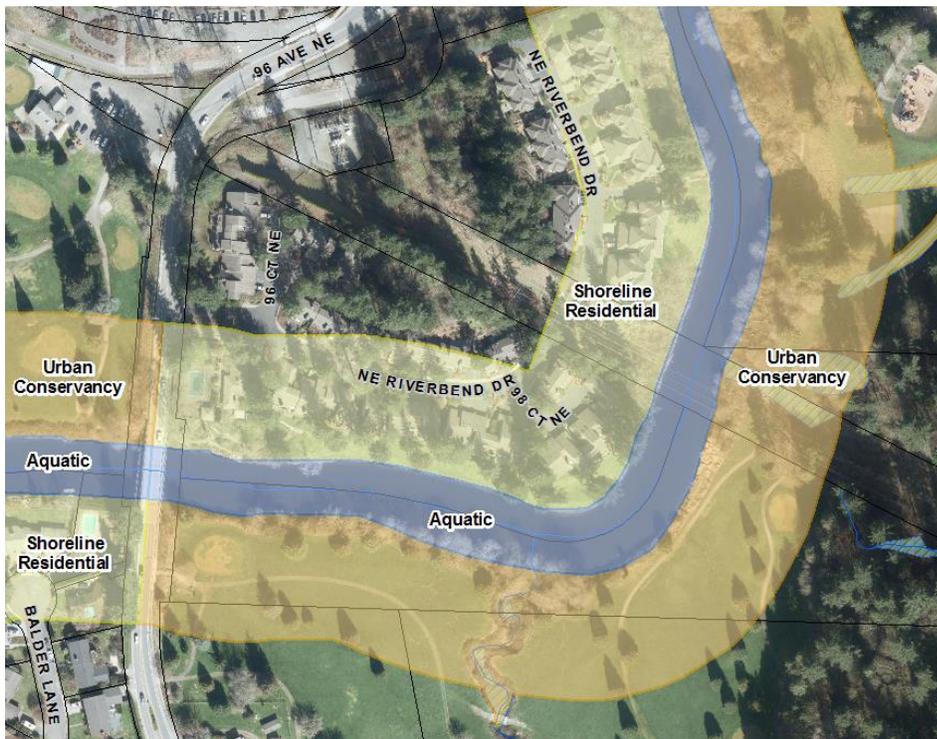


Att-3

**Sammamish River Side Channel:** In 2017, the City constructed a new side channel in Sammamish River Park, across from the Park at Bothell Landing, which extends the Urban Conservancy designation further into the park, from the existing condition, as shown on the map below left (with current parcels, wetlands, boundaries and designations) to the proposed as shown below right.

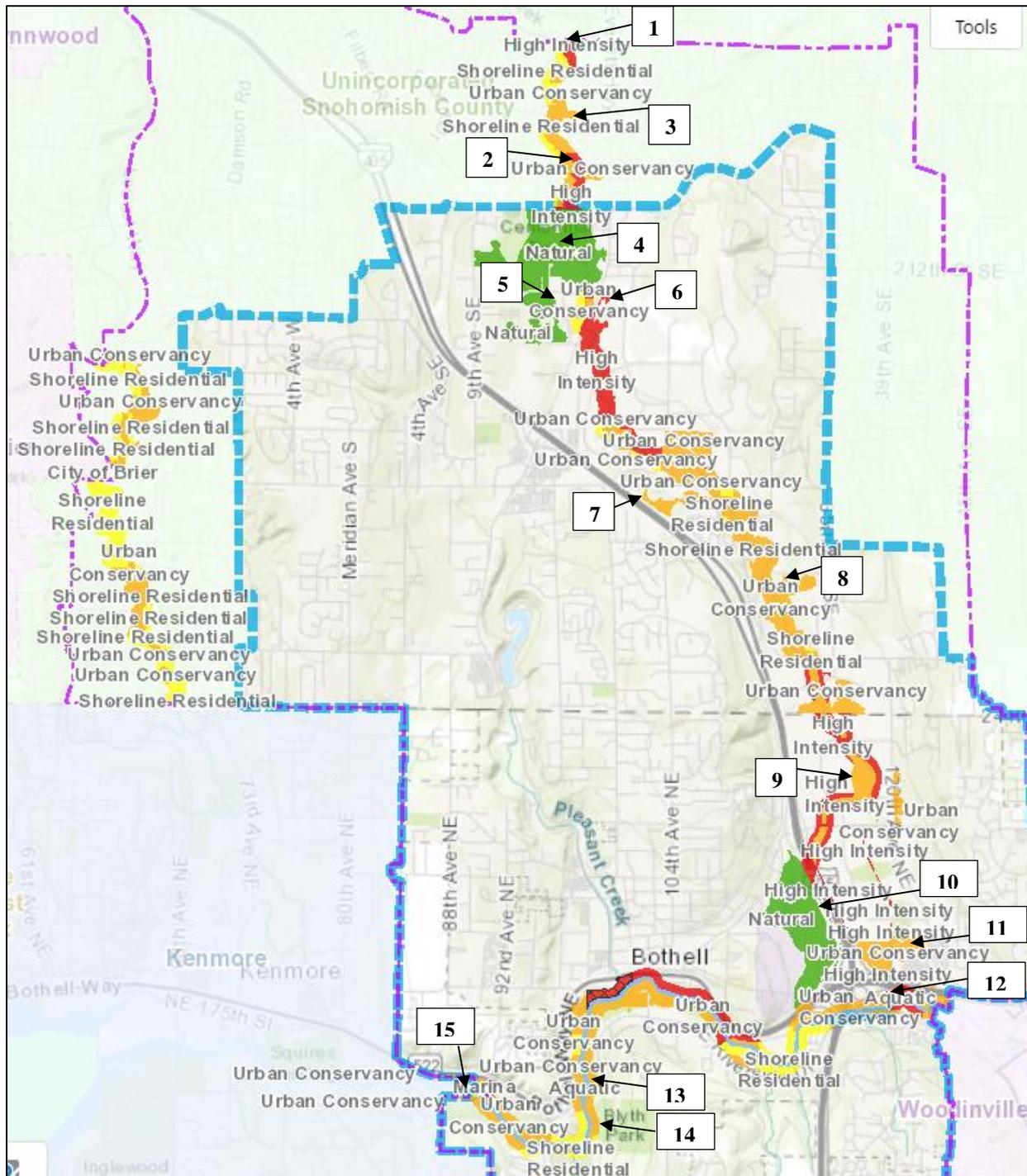


**Former Wayne Golf Course Back Nine:** The City has recently purchased the former Wayne Golf Course. The back nine currently has a split designation: Urban Conservancy within the 100' buffer and Shoreline Residential within the outer 100' of the shoreline jurisdiction, which is no longer appropriate. As part of the purchase, a new wetland delineation was done, as reflected in the map below (with current parcels, wetlands, boundaries and designations) and in the memorandum.



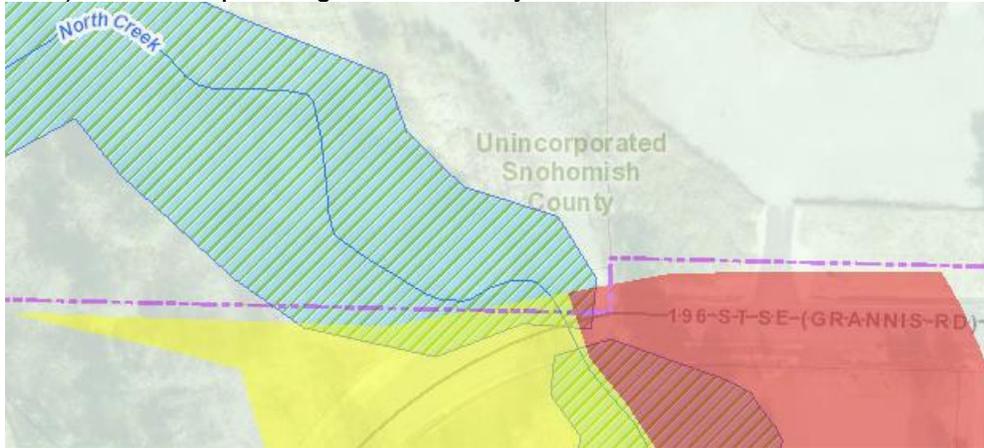
### Parcels with Shoreline Jurisdiction / wetlands mapping discrepancies

In addition to the three areas described above, the following are minor mapping issues to resolve with the 2019 SMP update, generally starting at the north planning area boundary and working to the south and west. A key map below shows the locations of the detailed maps that follow.

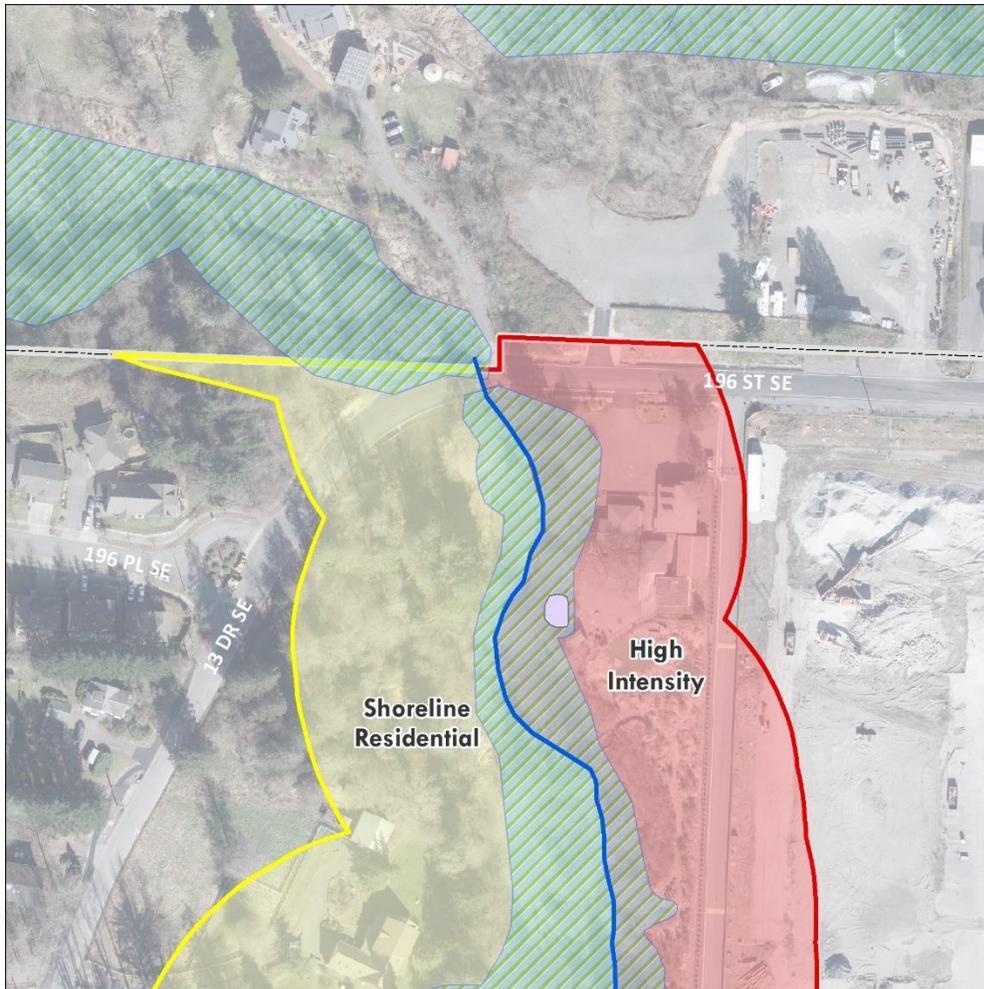


Att-3

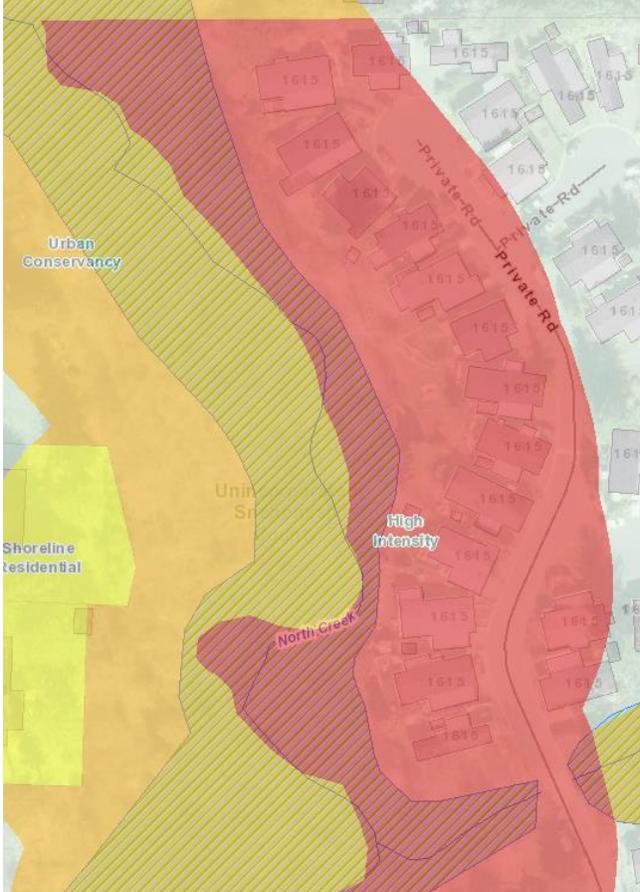
1. Parcel 00958300099600 (SnoCo) and surrounding. Correct 200' buffer (yellow leg to the west) and follow planning area boundary:



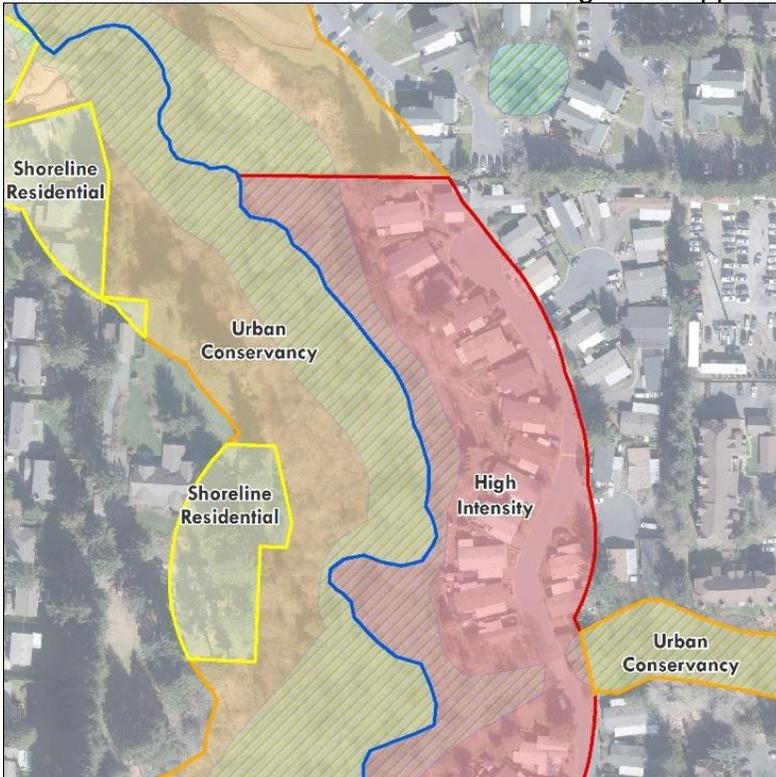
Corrected below:



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

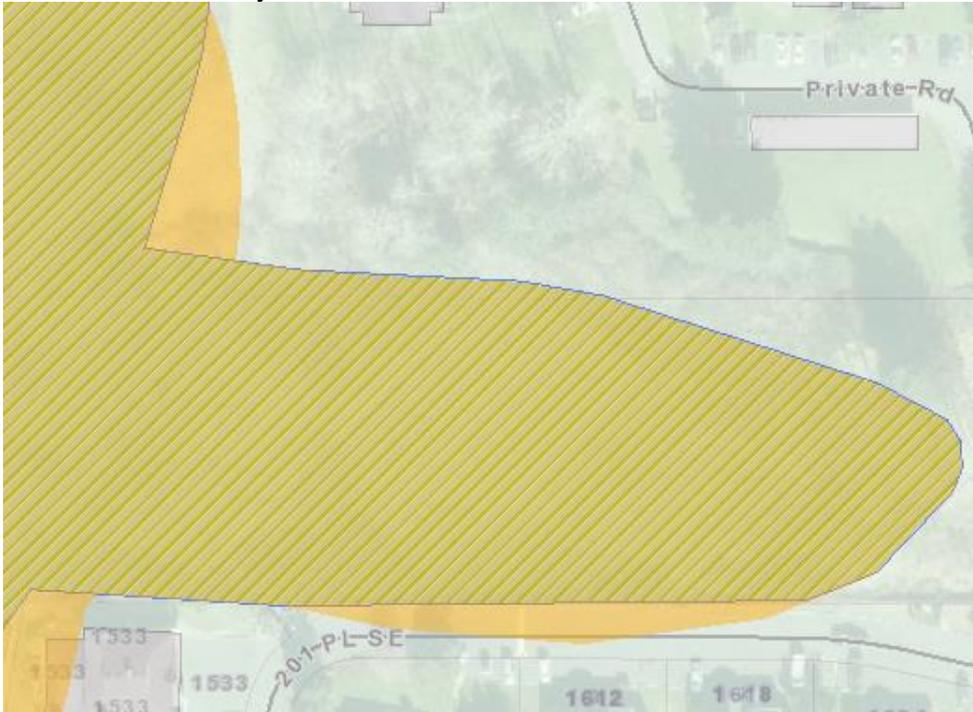


Review base data. The 2012 SMP stream alignment appears to match aerial imagery closely.

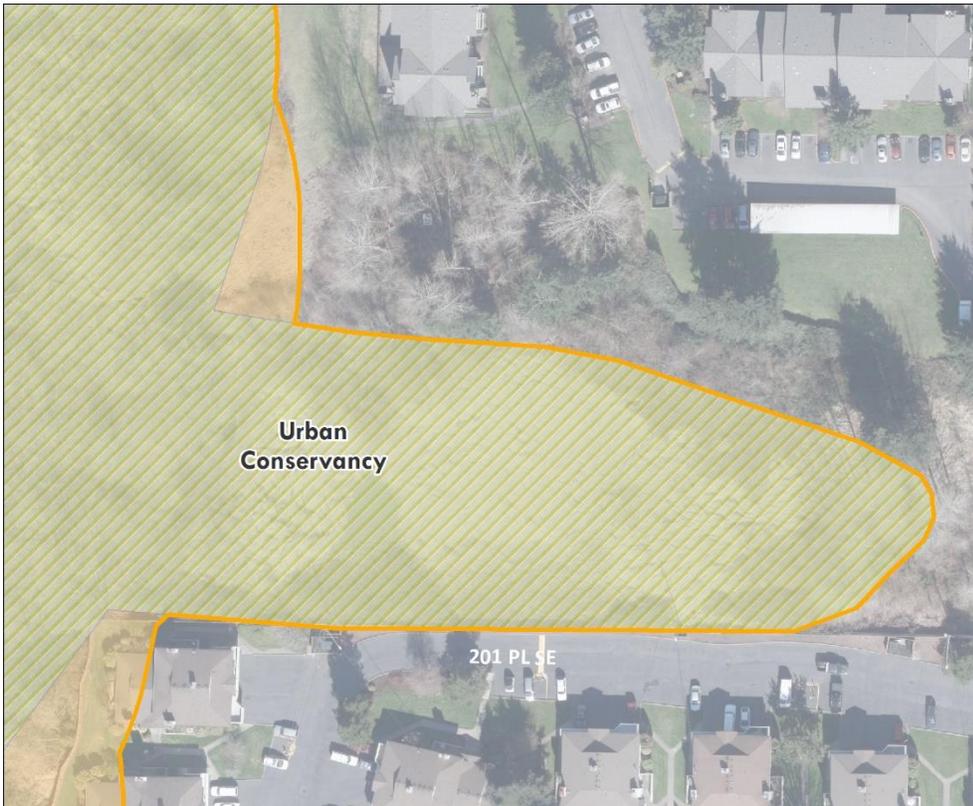


Att-3

3. Parcels 27051900102900, 27051900102600 and 201<sup>st</sup> PI SE ROW (SnoCo): Adjust Shorelines boundary to reflect associated wetlands:



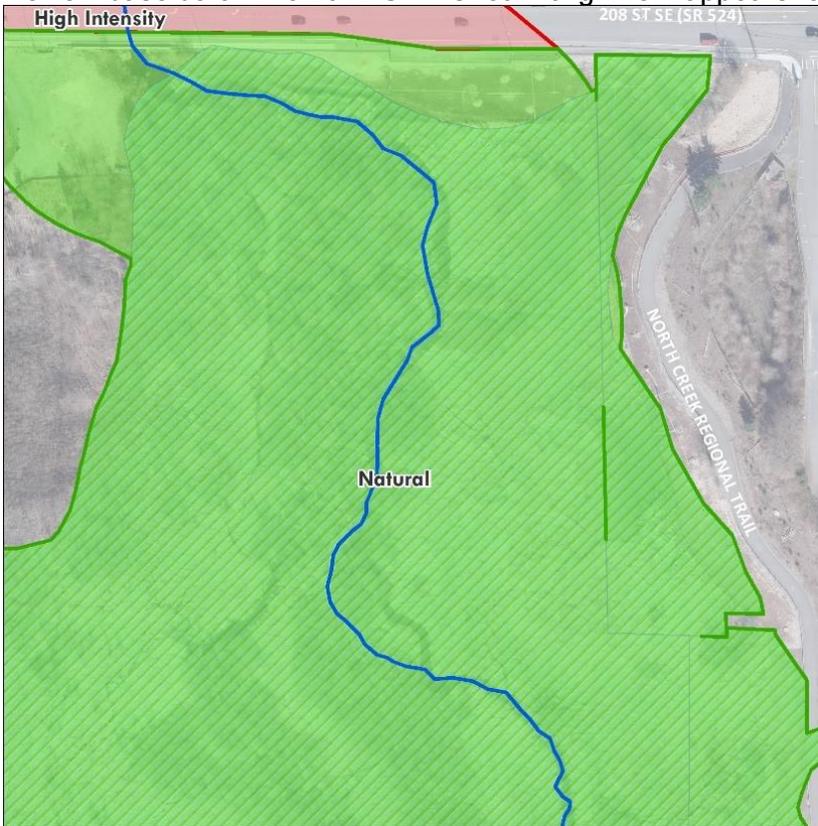
Corrected below:



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



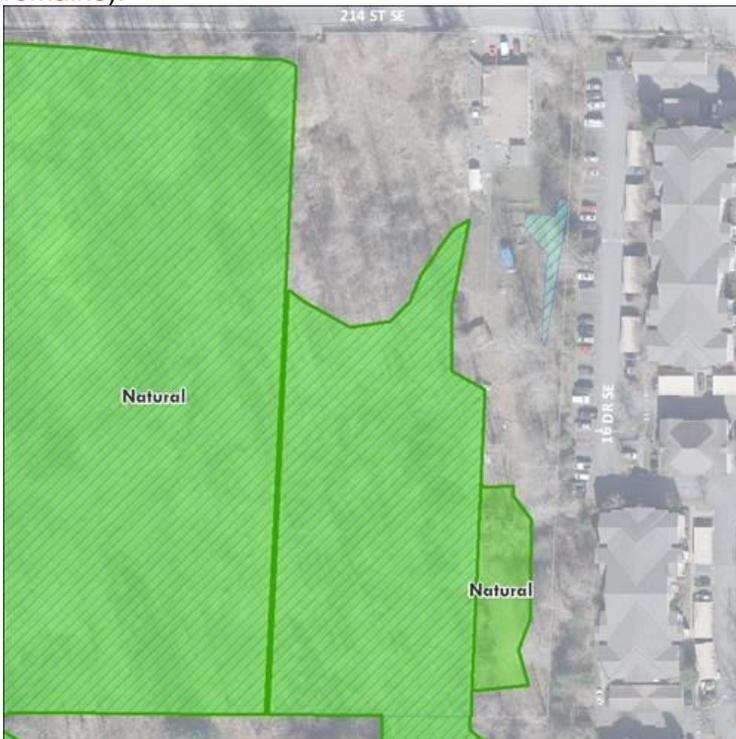
Review base data. The 2012 SMP stream alignment appears to match aerial imagery closely.



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



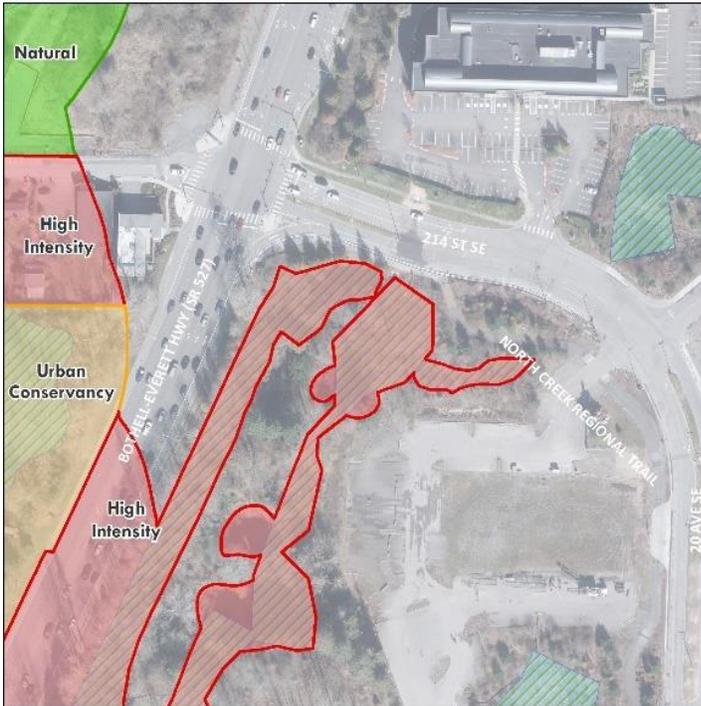
See correction (wetland to NE not hydrologically connected, **previously delineated area to SE remains**):



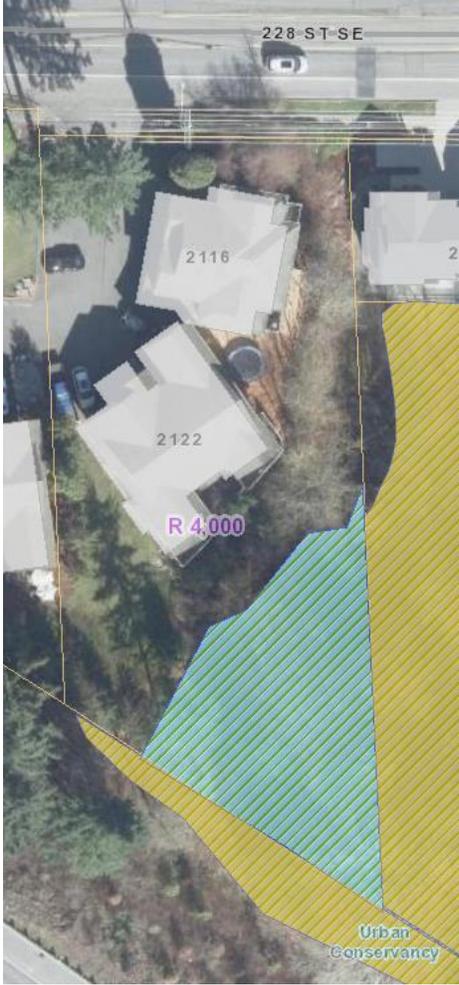
6. Parcels 27053000106500 & others - Adjust Shorelines boundary to reflect associated wetlands (extension to east) and ponds (if appropriate):



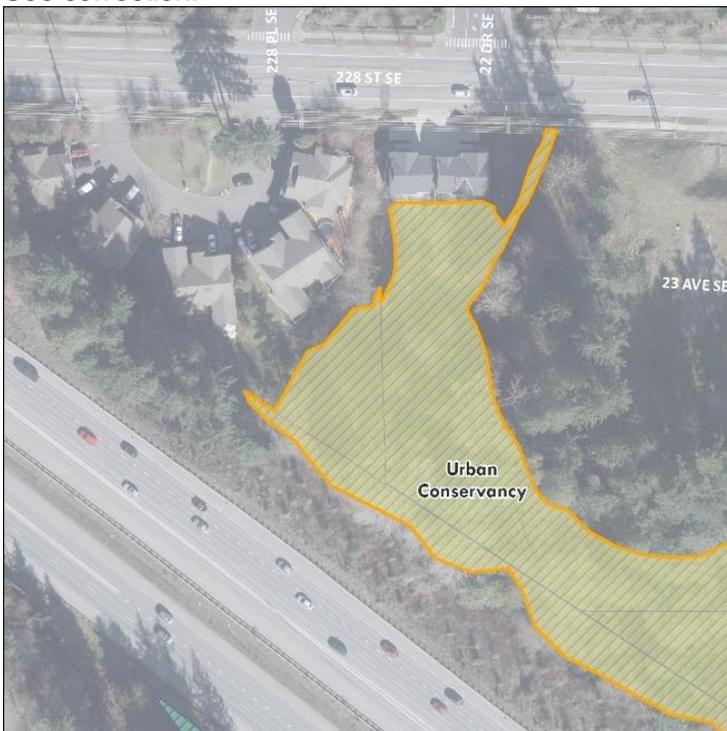
See correction:



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



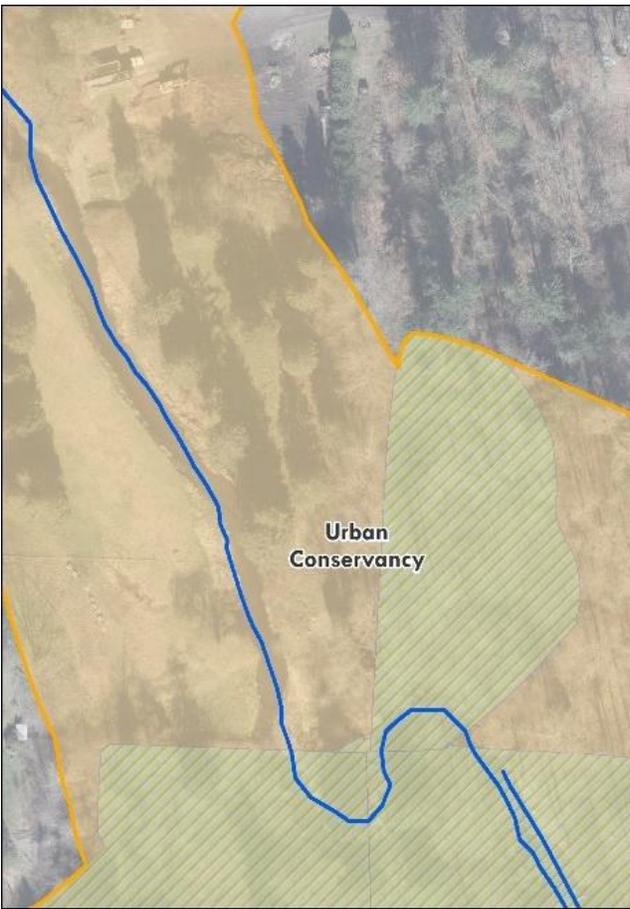
See correction:



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



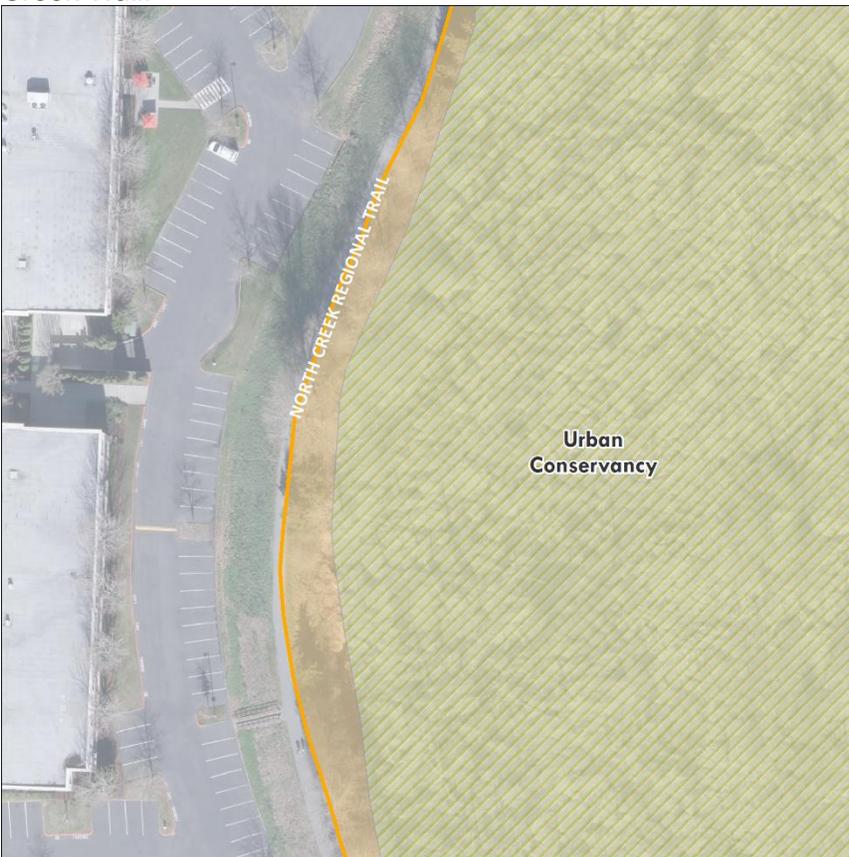
See correction:



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



See correction - jurisdiction extends west, including the floodway, which extends to the North Creek Trail:



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



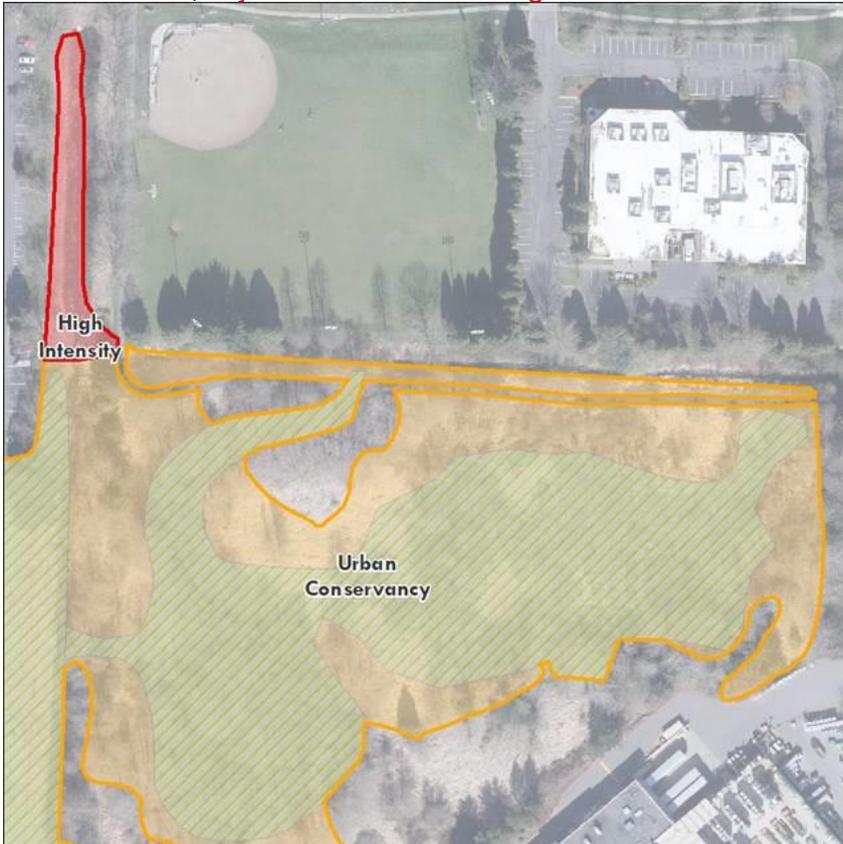
See correction: wetland accounted on northwest and southeast (wetland in middle of ROW is not hydrologically connected):



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



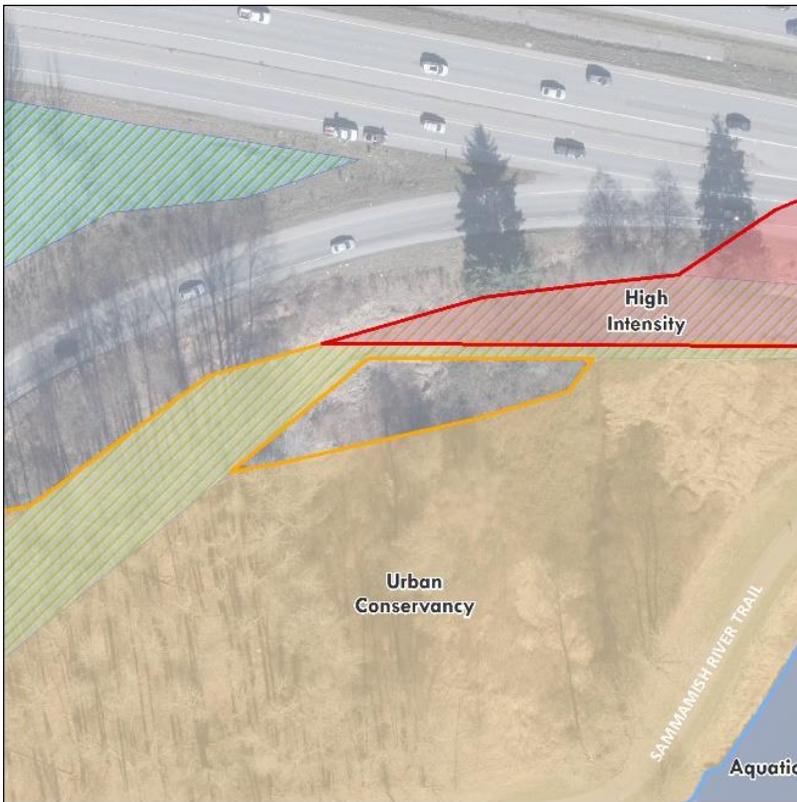
See correction, **adjusted to reflect existing watercourse and trail:**



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



See correction:



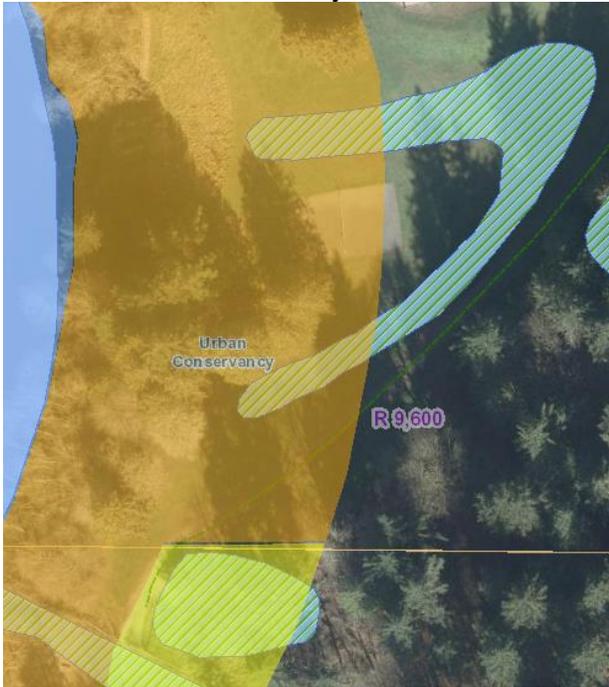
13. Check whether wetlands along West Riverside Trail should be part of Shorelines Jurisdiction:



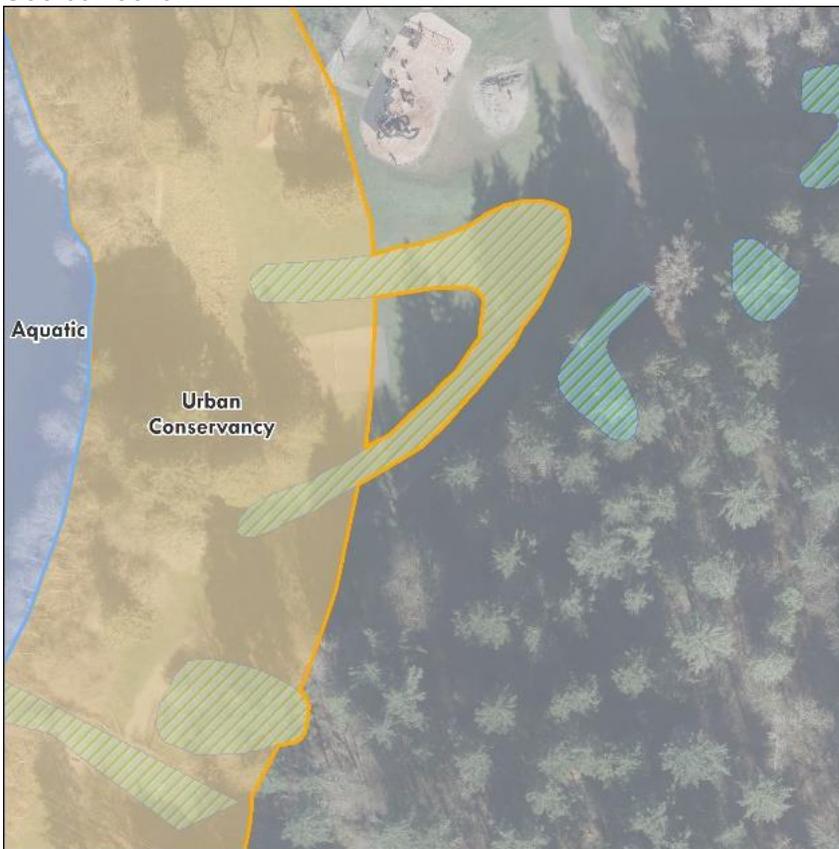
See correction:



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



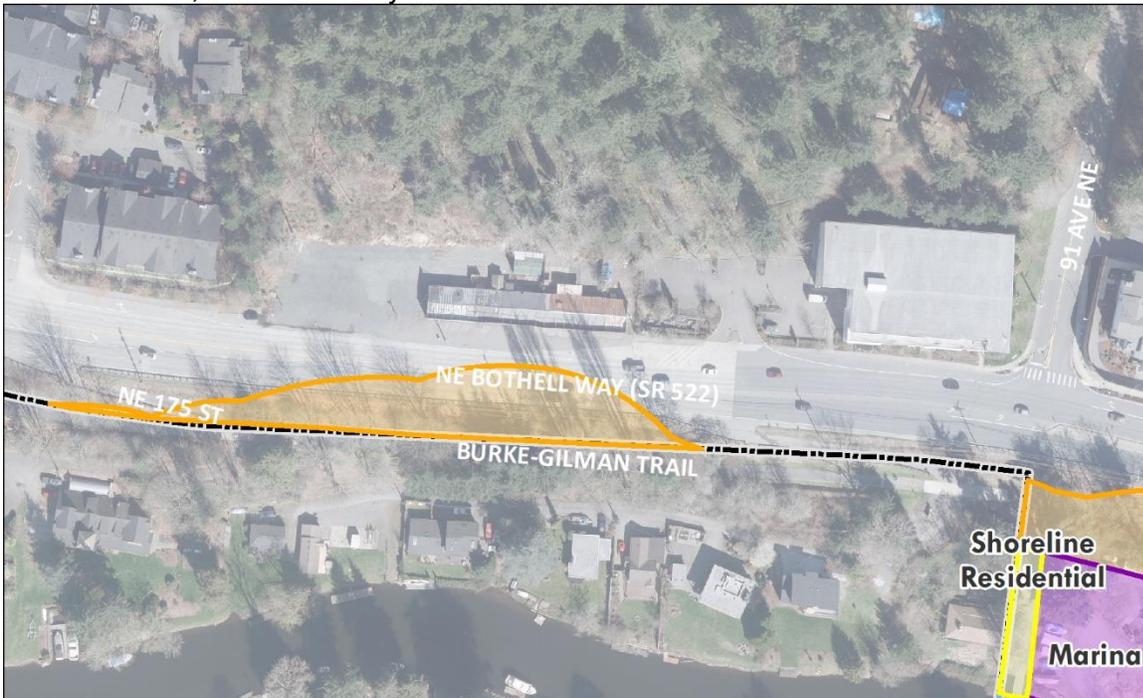
See correction:



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



See correction, matched to city limits:



**Shorelines Board Agenda – 3/11/19**

**Att -2 – pages 12-3**

**Title 13.13.020.4**

**Proposed revisions**

**ORIGINAL TEXT PROVIDED BY CITY / AMY SUMME**

c. Mitigation banks. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the mitigation bank instrument. If the impacts occur in the service area of more than one bank, preference will be given to a bank that has implemented restoration actions included in the WRIA 8 Salmon Recovery Plan adopted by the City Council in 2005 or the Shoreline Restoration Plan adopted by the City Council in 2013. Use of credits from a wetland mitigation bank certified under Chapter 173-700 WAC is allowed if:

- (1) The City determines that it would provide appropriate compensation for the proposed impacts; and
- (2) The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument; and
- (3) Replacement ratios for projects using bank credits is consistent with replacement ratios specified in the certified mitigation bank instrument.

d. In-Lieu Fee Mitigation: Credits from an approved in-lieu-fee program may be used when all of the following apply:

- (1) The City determines that it would provide environmentally appropriate compensation for the proposed impacts.
- (2) The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.
- (3) Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland professional using the credit assessment method specified in the approved instrument for the in-lieu-fee program.
- (4) The impacts are located within the service area specified in the approved in-lieu-fee instrument, and the fees collected will be applied to a project within the impacted area's subdrainage basin. If the program has more than one project available in the subdrainage basin, preference will be given to the project that will implement restoration actions included in the WRIA 8 Salmon Recovery Plan adopted by the City Council in 2005 or the Shoreline Restoration Plan adopted by the City Council in 2013.

**Shorelines Board Agenda – 3/11/19**  
**Att -2 – pages 12-3**  
**Title 13.13.020.4**  
**Proposed revisions**

**PROPOSED EDITS / SARAH GUSTAFSON**

c. Mitigation banks. ~~Applicants may use c~~Credits from a certified wetland mitigation bank ~~may be used~~ to compensate for impacts located within the service area specified in the mitigation bank instrument. If the impacts occur in the service area of more than one bank, ~~preference will be given~~the City will give preference to a bank that has implemented restoration actions included in the WRIA 8 Salmon Recovery Plan adopted by the City Council in 2005 or the Shoreline Restoration Plan adopted by the City Council in 2013. ~~The City allows U~~use of credits from a wetland mitigation bank certified under Chapter 173-700 WAC ~~is allowed~~ if:

- 1) The City determines that the proposed use of credits ~~it~~ would provide appropriate compensation for the proposed impacts; and
- 2) The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument; and
- 3) Replacement ratios for projects using bank credits is consistent with replacement ratios specified in the certified mitigation bank instrument.

d. In-Lieu Fee Mitigation: ~~Credits from an approved in-lieu fee program may be used when all of the following apply: Applicants may use credits from a fee-in lieu program when all the following conditions apply:~~

- 1) The ~~applicant must gain approval for the in-lieu fee program instrument from the City Permitting Department~~. ~~The City must determine~~ that it ~~the proposed use of credits~~ would provide environmentally appropriate compensation for the proposed impacts.
- 2) The ~~applicant's~~ proposed use of credits ~~is must be~~ consistent with the terms and conditions of the City-approved in-lieu-fee program instrument.
- 3) After the City Permitting Department approves an instrument for the in-lieu-fee program, the applicant shall contract with a qualified wetland professional to perform the credit assessment stage of the in-lieu fee process. The qualified wetland professional shall assign debits to the proposed impacts using the credit assessment method specified in the approved in-lieu fee instrument. Projects using in-lieu fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland professional using the credit assessment method specified in the approved instrument for the in-lieu-fee program.
- 4) The proposed impacts are located within the service area specified in the approved in-lieu-fee instrument, and the fees collected by the City will be applied to a project within the impacted area's subdrainage basin. If the program has more than one project available in the subdrainage basin, preference will be given to the project that will implement restoration actions included in the WRIA 8 Salmon Recovery Plan adopted by the City Council in 2005 or the Shoreline Restoration Plan adopted by the City Council in 2013.

**Commented [SG1]:** Here, we may want to refer the reader back to the hierarchy of mitigation preferences that Michael K. suggested on 3/11.

**Commented [SG2]:** Let's clarify the sequence of tasks here. What does the applicant need to do first? I assume the City must approve the in-lieu fee instrument before the applicant can proceed with steps #2, #3 and #4 here. Please correct if need be.

**Commented [SG3]:** Can we specify which City department handles these decisions? If applicants know whom in the City to contact, they might feel better about the whole process. However, I understand if we need to leave this question open-ended.

**Commented [SG4]:** Does my language here accurately capture the in-lieu fee process? I'm trying to specify the tasks that both the applicant and the wetland professional need to do.

**Commented [SG5]:** Do we have a definition for "qualified wetland professional"? Do we need one?

**Commented [SG6]:** Here we may want to refer the reader back to the hierarchy of preferences suggested by Michael K.