

ORDINANCE NO. 1988 (2008)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, AMENDING BOTHELL MUNICIPAL CODE TITLE 12, ZONING, AND THE BOTHELL DESIGN AND CONSTRUCTION STANDARDS BY ADOPTING LOW IMPACT DEVELOPMENT REGULATIONS FOR THE FITZGERALD / 35TH AVENUE SE SUBAREA; AND PROVIDING FOR AN EFFECTIVE DATE AND SUMMARY PUBLICATION

WHEREAS, RCW 36.70A, also known as the Growth Management Act (“the Act”), requires that cities subject to the Act adopt comprehensive plans and implementing development regulations consistent with the Act; and

WHEREAS, in accordance with the Act, the Bothell City Council in 1994 adopted the *Imagine Bothell...* Comprehensive Plan and in 1996 adopted implementing development regulations via amendments to the Bothell Municipal Code; and

WHEREAS, the Act provides that each jurisdiction’s comprehensive land use plan and development regulations shall be subject to continuing review and evaluation; and

WHEREAS, the City of Bothell adopted amendments to the Fitzgerald / 35th Avenue SE Subarea Plan of the *Imagine Bothell...* Comprehensive Plan under Ordinances 1973 and 1985; and

WHEREAS, the Growth Management Act provides that any amendment of or revision to development regulations shall be consistent with and implement the Comprehensive Plan; and

WHEREAS, the Bothell City Council initiated Code amendments, including rezones, to implement the Fitzgerald / 35th Avenue SE Subarea Plan Low Impact Development Policies and Actions on December 12, 2006; and

WHEREAS, the City Council on April 17, May 1, July 10, July 24, December 11, and December 18, 2007, and January 22, February 5, and March 4, 2008, conducted duly noticed public hearings and deliberations to consider the recommendations of the Community Development, Public Works, and Fire Departments concerning such amendments; and

WHEREAS, the Bothell Community Development Department on July 22, 2007, transmitted drafts of such amendments to the Washington State Department of Community, Trade and Economic Development for its review, which transmittal met the requirement in the Growth Management Act that the state receive proposed amendments at least 60 days prior to the anticipated adoption date; and

WHEREAS, the Bothell Community Development Department on November 5, 2007, adopted the Final Supplemental Environmental Impact Statement prepared for the 2006 Plan amendments, which meets the requirements of the State Environmental Policy Act for review of environmental impacts; and

WHEREAS, the City Council has determined that the Fitzgerald / 35th Avenue SE Subarea Low Impact Development Code Amendments are in the public interest; and

WHEREAS, the City Council has adopted written Findings, Conclusions and Actions which provide a record of the process and issues involved in the Fitzgerald / 35th Avenue SE Subarea Low Impact Development Code amendments, and which are attached to this Ordinance as Exhibit A and incorporated by this reference as if set forth in full;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL DOES ORDAIN AS FOLLOWS:

Section 1. Bothell Municipal Code Title 12, Zoning, and the Bothell Design and Construction Standards and Specifications are hereby amended as set forth in Exhibits B, C and D attached hereto by this reference as if set forth in full.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 4. Effective date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MARK LAMB
MAYOR

ATTEST / AUTHENTICATED:

JOANNE TRUDEL
CITY CLERK

APPROVED AS TO FORM:

SCOTT MISSALL
INTERIM CITY ATTORNEY

FILED WITH THE CITY CLERK: February 26, 2008
PASSED BY THE CITY COUNCIL: March 4, 2008
PUBLISHED: March 10, 2008
EFFECTIVE DATE: March 15, 2008
ORDINANCE NO.: 1988 (2008)

SUMMARY OF ORDINANCE NO. 1988 (2008)

City of Bothell, Washington

On the 4th day of March, 2008, the City Council of the City of Bothell passed Ordinance No. 1988 (2008). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, AMENDING BOTHELL MUNICIPAL CODE TITLE 12, ZONING, AND THE BOTHELL DESIGN AND CONSTRUCTION STANDARDS BY ADOPTING LOW IMPACT DEVELOPMENT REGULATIONS FOR THE FITZGERALD / 35TH AVENUE SE SUBAREA; AND PROVIDING FOR AN EFFECTIVE DATE AND SUMMARY PUBLICATION

The full text of this Ordinance will be mailed upon request.

JOANNE TRUDEL
CITY CLERK

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County-owned Property

Tax parcels 0420053049, 0420053061 and 0420053015; legally described as follows:

Parcel A:

Beginning on the Easterly line of the right of way of State Road No. 1, known as the Pacific Highway, at a point 349.8 feet Southerly from its intersection with the North line of the Southwest quarter of Section 5, Township 20 North, Range 4 East of the W.M., in Pierce County, Washington; thence Easterly 1,658 feet, more or less, to the East line of the West half of the Northeast quarter of said Southwest quarter of Section 5 at a point 330 feet South of the Northeast corner of said subdivision; thence on said East line of subdivision South 349 feet; thence Westerly 1,620 feet, more or less, to said Easterly line of the Pacific Highway at a point 351 feet Southerly from the point of beginning; and thence on said line of Highway Northerly 351 feet to the point of beginning.

EXCEPT that portion thereof lying Westerly of the Easterly line of Primary State Highway No. 1.

Parcel B:

Beginning at the Southwest corner of the Northwest quarter of the Southwest quarter of Section 5, Township 20 North, Range 4 East of the W.M., in Pierce County, Washington; thence East 972.3 feet to the true point of beginning; thence West 478.3 feet; thence North 198.0 feet; thence West 137.0 feet to the center of Hylebos Creek; thence Northeasterly along said center line of Hylebos Creek to the South line of the Chris G. Stumne property as recorded under Pierce County Auditor's file number 990460; thence East along the said South line of the Chris G. Stumne property, 362.42 feet, more or less, to a point North of the true point of beginning; thence South to the true point of beginning.

EXCEPT that portion thereof lying Westerly of the Easterly line of Primary State Highway No. 1

ALSO EXCEPT 12th Street East (Barth Road).

Parcel C:

Beginning at the Southwest corner of the Northwest quarter of the Southwest quarter of Section 5, Township 20 North, Range 4 East of the W.M., in Pierce County, Washington; thence East 972.3 feet to the true point of beginning; thence East 343 feet; thence North 631.74 feet, more or less, to the South line of the Chris G. Stumne property, recorded under Pierce County Auditor's file number 990460; thence West along the said property line 343 feet; thence

South to the true point of beginning.
EXCEPT 12th Street East (Barth Road).

Parcel D:

Beginning at the Southwest corner of the Northwest quarter of the Southwest quarter of Section 5, Township 20 North, Range 4 East of the W.M., in Pierce County, Washington; thence East 1,315.3 feet to the true point of beginning; thence East 343 feet; thence North 638.21 feet, more or less, to the South line of the Chris G. Stumne property, recorded under Pierce County Auditor's file number 990460; thence West along the said South property line 343 feet; thence South to the true point of beginning.
EXCEPT 12th Street East (Barth Road).

Parcel E:

Beginning at the Southwest corner of the Northwest quarter of the Southwest quarter of Section 5, Township 20 North, Range 4 East of the W.M., in Pierce County, Washington; thence East 1,658.3 feet to the true point of beginning; thence East 339.3 feet, more or less to the Southeast corner of the Southwest quarter of the Northeast quarter of the Southwest quarter; thence North on the East line of said Southwest quarter of the Northeast quarter of the Southwest quarter of said Section to a point 679 feet South of the North line of the Southwest quarter of said Section, being the Southeast corner of a tract conveyed to Chris G. Stumne, by instrument recorded under Pierce County Auditor's file number 990460; thence West along the South line of said tract, 339.5 feet, more or less, to a point North of beginning; thence South to the true point of beginning.
EXCEPT 12th Street East (Barth Road); and

and Tax Parcel 0420053008, legally described as follows:

The East 8.60 acres of the following:

Beginning at the Northeast corner of the Southwest Quarter of the Southwest Quarter of Section 5, Township 20 North, Range 4 East of the W.M., in Pierce County, Washington; thence West 761 feet; thence South 918 feet, more or less, to the Northerly line of the Puget Sound Electric Railway right-of-way; thence Northeasterly along said right-of-way to the East line of the Southwest Quarter of the Southwest Quarter of said Section 5; thence North 612 feet, more or less, to the beginning.
EXCEPT the North 30 feet thereof conveyed to Pierce County for Barth County Road.