Summary

The Fitzgerald / 35th SE Subarea Plan provides for attached and detached residential development at a variety of densities and includes mandatory Low Impact Development techniques for lands located east of North Creek between 240th Street SE and 228th Street SE, to protect the large in scope, complex in function and value and high rank order critical areas present within portions of the subarea.

Other highlights of the plan include the following:

- Establishment of a connector extending 39th Avenue SE between 240th ST SE and 228th ST SE. This is also known as the Bothell Connector.
- Acquisition of land and development of park sites to serve the area, and establishment of at least one utility corridor trail;
- Preservation of wetlands, steep slopes and streams.
- Preservation of the unique fish habitat within North Creek and its associated tributaries.
- Establishment of the North Creek Fish and Wildlife Critical Habitat Protection Area.
- Establishment of Low Impact Development (LID) policies which protect important fish and wildlife habitat

Subarea Profile

Location

The Fitzgerald Road / 35th Avenue SE Subarea is located in Snohomish County in the northeastern portion of the city’s planning area, between the Canyon Creek, Canyon Park, and North Creek / NE 195th Subareas. The northern boundary is 228th Street and the southern is 240th Street SE. The western boundary is Fitzgerald Road and I-405. The eastern boundary is 45th Ave SE which also corresponds with the Snohomish County Urban Growth Boundary. (See Figure 1.)

The Subarea comprises approximately 590 acres or 0.934 square miles and constitutes approximately 5 percent of the total city area. The Subarea includes both incorporated and unincorporated areas.
Physical Geography

The Subarea consists of portions of Bloomberg Hill, Beckstrom Hill and the North Creek Valley (see Figure 3). The area is moderately sloping and forested, and does not contain the large expanses of flat valley bottom land which characterizes the land to the north and south.

The natural environment of the Fitzgerald Road / 35th Avenue SE Subarea is dominated by the presence of North Creek, its associated tributaries, wetlands and floodplain and the hillsides to the east. North Creek is a salmon bearing stream with high quality fish and wildlife habitat features. Water quality impacts from pollution and increased flow rates have affected the overall health and habitat features of the Creek. Despite these impacts, the reach of North Creek within this Subarea contains the highest quality fish and wildlife habitat features and conditions of any portion of North Creek within the City of Bothell. Habitat features observed in this reach include shade and overhanging vegetation, pools and riffle sequencing, spawning gravels, and rearing and resting habitats. Additionally, this reach also has a greater elevation (fall) difference than other reaches of North Creek within the Planning Area. Such conditions result in habitat conditions favorable to salmon and other fish species.

These habitat features found in North Creek combined with the intact streams and wetlands in this Subarea create a system of wildlife and fish habitat which is unique and whose water quality and wildlife habitat functions have suffered in recent years from non-point source pollution and increased flows, both resulting from increased impervious surfaces from development upstream.

North Creek originates near Everett in Snohomish County and empties into the Sammamish River just south of SR-522. The entire North Creek drainage basin is approximately 29 square miles in area. That portion of North Creek in Bothell's jurisdiction is the portion of the stream most impacted from the results of development upstream. Since retention is limited to the north, storm waters and increased runoff result in extremely fast rates of flow and high volumes along Bothell's portion of North Creek before it empties into the Sammamish River. The rate of flow during storm events particularly degrades the value of the stream as fish habitat.

Built Environment

Residential Development

The Fitzgerald/35th Ave SE Subarea contains a mixture of residential types ranging from large acreage single family residential to multiple family residential complexes. Higher residential densities exist in the southern and western portions of the Subarea while a lower density is reflected in the central and eastern portions.

Commercial Development

Nominal commercial development is present within the Subarea.

Other Development

Two churches are located in the southern portion of the Subarea along 240th ST SE.
Historic Properties

Two structures in the Subarea are listed on the National Register of Historic Places: The Bates-Tanner Farmhouse is a fine representation of an early 1900’s (1919) farmhouse and has been preserved as part of the development of a church. The Winningham Farm, is a 1915 log home with round stone chimneys.

Schools

No schools are located within the Subarea.

Parks and Open Space

There are no public parks located within the Subarea. Short segments of public trails are located in the subarea and the City’s North Creek Trail runs north-south through the western portion (adjacent to Fitzgerald Road) of the subarea. The utility corridors which run north and south through the eastern portion of the Subarea provide some opportunity for future trails.

Sanitary Sewer and Water

The Subarea is served by the Alderwood Water and Sewer District. The entire Subarea has water service available to the residents. Sanitary Sewer service is available at the southern and western portions of the Subarea.

Utilities

The Subarea is served by electricity, natural gas, telephone, wireless telephone and cable television. A 230 kilovolt transmission line corridor is located along the eastern boundary of the Subarea (extending north to south parallel to and west of 45th Avenue SE). A small substation is located just south of 228th Street. A telephone switching facility is located on the south side of 228th Street between I-405 and 27th Avenue SE and an Alderwood District water tank is located on the south side of 228th Street SE west of 39th Avenue SE.

Transportation

Streets

The Fitzgerald / 35th Avenue SE Subarea is served by: the minor arterials of 228th Street SE, 240th Avenue SE, and 39th Avenue SE; the collector streets of, Fitzgerald Road and 35th Avenue SE and 45th Avenue SE; and a number of local access streets serving individual developments. The County and City have established that 39th Avenue SE should be extended from its present southern terminus at 228th Street SE through the Subarea to the south where it would reconnect with 39th Avenue SE at 240th Street SE. 39th Avenue SE becomes 120th Avenue NE when it crosses the County Line and enters the North Creek / 195th Street NE Subarea in King County.
Sidewalks/Walkways

Some sidewalks have been installed within the Subarea as a result of development activity or as part of the improvements of the 228th ST SE corridor. A widened shoulder with rumble strips exists along the majority of 35th Ave SE.

Transit Service

Community Transit serves the Subarea.
Land Use Policies

Note: Many of the Land Use policies are depicted on Figure 4, Land Use Designations.

1. Maintain the overall single family character of the area.

2. Land within the North Creek Fish and Wildlife Critical Habitat Protection Area (NCFWCHPA), land within the Low Impact Development (LID) portions of the NCFWCHPA, and lands containing a critical area or areas are subject to regulations which may reduce the density or intensity of development allowed to less than that indicated by the plan designation.

3. The area between I-405 and Fitzgerald Road is appropriate for attached or detached residential development at one dwelling unit per 4,000 square feet as described in Land Use Element Policy LU-P4 (R 4,000 in western portion of map).

4. The area between Fitzgerald Road and North Creek extending from 228th Street SE south approximately 1,690 feet (as measured from the section line) to the southern boundary of tax parcel 1-020 is appropriate for attached or detached residential development at one dwelling unit per 5,400 square feet as described in Land Use Element LU-P4 (R 5,400a in north central portion of map), subject to the following:
   a. Maintenance of a 50 foot building setback northward from the southern boundary of this designation;
   b. Installation of a minimum five foot wide Type II landscaping buffer along said southern boundary;
   c. Incorporation in site design of a transition of building mass and density between Fitzgerald Road and North Creek, from the greatest mass and density near the street to the least mass and density near North Creek.
   d. The special provisions of the North Creek Fish and Wildlife Critical Habitat Protection Area.

5. The area between Fitzgerald Road and North Creek extending from the south boundary of tax parcel 1-020 south to a point approximately 660 feet north of 240th Street SE is appropriate for detached residential development at a minimum lot size of 9,600 square feet as described in Land Use Element Policy LU-P4 subject to compliance with critical areas regulations, the provisions of
the North Creek Fish and Wildlife Critical Habitat Protection Area, and other development standards and mitigation requirements (R 9,600 on southwestern portion of map).

6. The area north of 240th Street SE, extending approximately 660 feet north of 240th west of 39th Avenue extended, and approximately 1,320 feet north of 240th east of 39th Avenue extended, is appropriate for attached or detached residential development at one dwelling unit per 5,400 square feet as described in Land Use Element Policy LU-P4 subject to compliance with critical areas regulations, the provisions of the North Creek Fish and Wildlife Critical Habitat Protection Area, and other development standards and mitigation requirements (R 5,400a on southern portion of map).

Any development in this area shall incorporate installation of a minimum 50 foot wide buffer between new development and all R 40,000 (LID) designated single family lands to the north. The placement and composition of said buffer should be established during the application review phase of any future development with the objective of providing the most effective buffer possible to separate R 40,000 (LID) detached residential areas from R 5,400a designated lands.

7. The area located east of the projected alignment of 39th Ave SE is appropriate for detached or attached residential development at one dwelling unit per 5,400 square feet as described in Land Use Element Policy LU-P4 subject to compliance with critical areas regulations, the provisions for implementing Low Impact Development (LID) and other development standards and mitigation requirements (R 5,400a (LID) in the eastern portion of the map).

8. The area encompassing those parcels, as depicted on the Fitzgerald/35 Ave SE Subarea Land Use Designations map, which share a common boundary with the western edge of the 39th Ave SE public right-of-way between 228th ST SE and 240th ST SE is appropriate for detached or attached residential development at one dwelling unit per 5,400 square feet as described in Land Use Element Policy LU-P4 subject to compliance with critical areas regulations, the provisions of the North Creek Fish and Wildlife Critical Habitat Protection Area, the provisions for implementing Low Impact Development (LID) and other development standards and mitigation requirements (R 5,400a (LID) in the eastern portion of the map).

9. The area between 39th Avenue SE and 35th Avenue SE approximately 1,300 feet south of 228th Street SE (the alignment of 232nd Street SE) contains existing subdivisions which were not developed to low impact development standards. To recognize the pre-existing development pattern, this area is appropriate for detached residential development at one lot per 7,200 square feet as described in Land Use Element Policy LU-P4 subject to compliance with critical areas regulations and other development standards and mitigation requirements (R 7,200 in the central portion of the map). This area will not be subject to the provisions of the North Creek Fish and Wildlife Critical Habitat Protection Area, the provisions for implementing Low Impact Development (LID).

10. The area between 39th Ave SE and 35th Ave SE (excluding the area described in Policy 8 above) between the alignment of 232 ST SE (City corporate limits) and 660 feet north of 240th SE is appropriate for detached residential development at one lot per 9,600 square feet as described in Land Use Element Policy LU-P4 subject to compliance with critical areas regulations, the provisions of the North Creek Fish and Wildlife Critical Habitat Protection Area, the provisions for
implementing Low Impact Development (LID) and other development standards and mitigation requirements (R 9,600 (LID) in the central portion of the map).

11. The balance of the Subarea, is appropriate for detached residential development at a minimum lot size of 40,000 square feet as described in Land Use Element Policy LU-P4 subject to compliance with critical areas regulations, the provisions of the North Creek Fish and Wildlife Critical Habitat Protection Area, the provisions for implementing Low Impact Development (LID) and other development standards and mitigation requirements (R 40,000 (LID) in the central portion of the map). This designation is necessary to protect the complex structure, functions, values and high rank order of the critical areas contained within this Subarea and to establish the North Creek Fish and Wildlife Critical Habitat Protection Area as described below.

12. Lands within the Fitzgerald Subarea bounded by 228th Street SE in the north, 240th Street SE in the south, Fitzgerald Avenue to the west and 45th Avenue SE in the east shall be identified as the North Creek Fish and Wildlife Critical Habitat Protection Area (NCFWCHPA) as delineated in Figure 4 to recognize the special environmental significance of the streams and wetlands within the Fitzgerald/35th Avenue SE Subarea which contains a complex, high function and value critical habitat for anadromous fish and other wildlife.

Within the NCFWCHPA special development regulations, standards and practices shall be implemented with the objective of maintaining the existing or pre-development stream and wetland hydrological conditions which support the NCFWCHPA. Such special regulations, standards and practices shall provide for implementation of special stormwater design standards, creation of special surface water management practices, cooperation with surrounding jurisdictions and agencies, and other measures as may be appropriate.

Portions of the NCFWCHPA have been determined to warrant a higher level of protection than even that afforded under the policies of the NCFWCHPA. This higher level of protection shall be provided through application of Low Impact Development principles which shall include mandatory implementation of special measures such as, but not limited to, forest retention or creation, limitation on effective impervious surface coverage, implementation of special stormwater design standards, creation of special surface water management practices, cooperation with surrounding jurisdictions and agencies, and other measures as may be appropriate.

13. Natural open space within the Subarea should be preserved where possible (<OS> on map).

**Actions**

1. The City shall rezone properties in keeping with the Land Use and Natural Environment policies.

**Natural Environment**

**Policies**

1. Protect and preserve the wetlands, streams and steep slope critical areas in accordance with the City's Critical Area Ordinance and Shoreline Master Program.
2. Improve protect and preserve North Creek as fish habitat to the greatest extent possible.

3. Protect the quantity and quality of cool groundwater inputs into Palm, Woods and Cole Creeks. Implementing regulations should include provisions requiring all development activities which may affect groundwater to follow the existing topographic contours, minimize changes to pre-existing ground elevations, minimize cut and fill earthwork volumes and preserve natural foliage and vegetation. Excavation shall be prohibited from intruding into that part of the groundwater table which experiences saturated soil conditions, as measured during the dry season.

4. Within the implementing development regulations applicable to the North Creek Fish and Wildlife Critical Habitat Protection Area (NCFWCHPA) include special provisions concerning critical areas and buffers, surface water runoff standards, groundwater infiltration protections, implementation of special stormwater design standards, creation of special surface water management practices, cooperation with surrounding jurisdictions and agencies, and other measures as may be appropriate.

Within LID portions of the NCFWCHPA, implementing regulations shall include forest cover retention/creation equal to a percentage of the site area and limitation of effective impervious surface coverage to a maximum of a percentage of the site area as outlined below:

- Areas designated R 5,400a (LID)  50% forest cover and 20% effective impervious area
- Areas designated R 9,600 (LID)  60% forest cover and 20% effective impervious area
- Areas designated R 40,000 (LID) 60% forest cover and 15% effective impervious area

Forest retention/creation areas may credit critical areas and critical area buffers toward the forest coverage standard. Forest retention/creation areas shall be contiguous with critical areas, critical area buffers or existing forested areas to the maximum extent feasible and shall be permanent.


6. Within the NCFWCHPA, adopt an integrated storm water management program. Such stormwater management program shall establish an overall stormwater strategy for the NCFWCHPA including funding sources, a long-term implementation plan, creation of shared or regional stormwater facilities, and a capital facilities program.

7. Designate, protect and enhance wildlife corridors within the NCFWCHPA between North Creek and the eastern planning area boundary.

**Actions**

1. Monitor the above-described areas for any environmental degradation and take remedial action where appropriate.

2. Implement development regulations consistent with the above policies

3. Consider acquisition of lands within the North Creek Fish and Wildlife Critical Habitat Protection Area (NCFWCHPA) through using fund sources such as grants, general funds, stormwater drainage fees, and other funding sources as they become available.
4. Coordinate with Snohomish County and other affected agencies in the development and implementation of a NCFWCHPA integrated stormwater management program consistent with the above policies.

**Housing**

No specific Housing Policies or Actions have been identified for this Subarea. Refer to the Planning Area-wide Housing Element.

**Economic Development**

No specific Economic Development Policies or Actions have been identified for this Subarea. Refer to the Planning Area-wide Economic Development Element.

**Parks and Recreation**

**Policies**

1. Pursue acquisition and development of a park site or sites to serve the Subarea based on the City's overall adopted level of service standard. It is recognized that such parks, while serving the Subarea, may or may not be located in the Subarea.

**Actions**

Parks and recreation projects to implement subarea and city-wide policies are identified and generally described in the Bothell Parks, Recreation and Open Space Action Program (PROSAP): from the PROSAP and other sources, the City Council selects projects for inclusion in the Bothell Capital Facilities Plan (CFP), which establishes types and amounts of funding and schedules projects for design and construction.

1. Include in the Capital Facilities Plan funding for acquisition and development of a park or parks to serve the Fitzgerald / 35th Avenue SE Subarea.

**Community Services**

No specific Human Services Policies or Actions have been identified for this Subarea. Refer to the Planning Area-wide Human Services Element.
Historic Preservation

Policies

1. Whenever a structure or property listed on the City’s historic inventory or register is proposed to be modified or removed, the City shall review, investigate and implement appropriate mitigation measures consistent with the policies and actions of the Historic Preservation Element and any implementing regulations.

Actions

No specific Historic Preservation Element Actions have been identified for this Subarea. Refer to the Area-wide Historic Preservation Element.

Urban Design

Policies

1. The potential extension of and improvements to 39th Avenue SE or alternative connections between 240th ST SE and SR 524 should include design elements such as landscape buffering, street trees, landscaped medians and other features which enhances the area.

2. Implementing regulations should include site design provisions requiring all development activities which may affect groundwater to follow the existing topographic contours, minimize changes to pre-existing ground elevations, minimize cut and fill earthwork volumes and preserve natural foliage and vegetation. Excavation shall be prohibited from intruding into that part of the groundwater table which experiences saturated soil conditions, as measured during the dry season.

3. Incorporate into implementing development regulations the principles and methods of Low Impact Development (LID), including but not limited to the following:
   - Site Planning
     - Reduce the overall development envelope as compared to standard development by preserving substantial areas of native vegetation and soils;
     - Reduce street length;
     - Eliminate or reduce stream crossings and other critical area impacts;
     - Retain or create a minimum percentage of a site as permanent forest retention/creation area as provided for in Natural Environment Policy 4;
     - Establish a maximum percentage of a site as effective impervious surface coverage area as provided for in Natural Environment Policy 4.
   - Street and driveway reductions
     - Reduce local access street widths while maintaining adequate emergency access
     - Reduce cul-de-sac and turn-around dimensions
- Use pervious pavement in non-drive areas such as parking areas, street shoulders and driveways;
- Reduce driveway length.

Stormwater design
- Improve soil infiltration of precipitation through techniques such as amending native soils or preserving site areas containing soils capable of infiltration;
- Require roof and foundation drain dispersion into native vegetation areas;
- Encourage the construction of rain gardens and natural precipitation storage areas to be dispersed throughout developments;
- Allow the use of bio-retention cells and tree box filters within large parking lot areas;
- Require infiltration to the maximum extent possible wherever suitable soils exist;
- Reduce the exemption levels for detention and treatment of surface water runoff from impervious surfaces;
- Require higher detention standards and reduce the release rate for duration as well as peak flows conditions

4. Implement special storm water site level flow control and water quality treatment practices to incorporate storm water best management practices and low impact development provisions.

5. Work with the Washington State Department of Transportation to encourage that agency to heavily landscape the area within its right-of-way.

Actions

1. In accordance with policy 1 incorporate in the above-referenced project design features which convey a residential character.

2. Create implementing regulations consistent with the above policies.

Annexation

No specific Annexation Policies or Actions have been identified for this Subarea. Refer to the Planning Area-wide Annexation Element

Utilities and Conservation

Policies

1. Future replacement towers for the transmission lines within or adjacent to the Subarea should be designed so as to minimize aesthetic impacts on the neighborhoods

Actions
1. The City shall work with electricity providers to implement the preceding policy.

**Transportation**

**Policies**

Note: Certain Transportation Policies are graphically depicted on the Arterials, Bicycle Route and Pedestrian Facilities maps; Street Cross-sections; and other figures included in the Planning Area-wide Transportation Element.

1. The following roads within the Subarea are classified as arterials:

   Freeway/ Limited Access Highway   I - 405

   Principal Arterial   None

   Minor Arterial   228th Street SE
                  240th Street SE
                  39th Avenue SE

   Collectors   Fitzgerald Road (27th Avenue SE)
                  35th Avenue SE
                  45th Avenue SE

2. The proposed Minor Arterial generally following the 39th Avenue SE alignment, also known as the Bothell Connector, shall be designed and constructed to be consistent with the policies of the North Creek Fish and Wildlife Critical Habitat Protection Area and with the 2005 Department of Ecology Stormwater Manual or most current adopted update thereof. Accordingly, design features to be considered shall include but not be limited to use of infiltration rather than traditional storm water retention/detention facilities; reduced lane widths; reduction or elimination of landscaping between curbs and sidewalks to minimize the total width of improvements adjacent to wetlands; use of elevated boardwalks in or near wetland areas as an alternative to paved sidewalks on fill in those areas; fish-passable culverts; wildlife travel corridors under roadways; and facilities to ensure uninterrupted flow of groundwater. Additionally, to facilitate traffic movement, reinforce the boulevard appearance and enhance safety, the design of the Connector shall incorporate shared access points to the greatest extent feasible.

3. The following bicycle routes should be designated for the Subarea:

   Separated Route (Shared Use Path)   27th Avenue / Fitzgerald Road (part of North Creek trail system)
                  240th Street SE west of 39th Avenue SE

   Striped and/or Signed Route (Bicycle Lane or Shared Roadway)   228th Street SE
                  27th Avenue SE / Fitzgerald Road
                  240th Street SE west of 39th Avenue SE
4. Bicycle routes should be signed as soon as possible.

5. Except in limited circumstances all new development will be required to install sidewalks. Sidewalks should be constructed of concrete for durability and to reduce long-term maintenance costs, and should be separated from the street by landscaping wherever possible.

6. Pedestrian and/or bicycle amenities shall be included as components of all new or renovated arterials or collectors in the Subarea.

7. Pedestrian path easements shall be required of developers of subdivisions to provide a convenient and direct pedestrian connection to employment, stores, schools, bus stops, parks and community service centers.

8. Due to the difficult topography within Bothell’s neighborhoods and the reality that a grid system within Bothell’s residential neighborhoods encourages cut-through traffic, it is the policy of the City of Bothell that the residential street pattern shall not emphasize a grid or connected network of streets that would promote neighborhood cut-through traffic, but should accommodate non-motorized connections and emergency and life safety access.

9. It is the policy of the City of Bothell to support a connected network of streets within Bothell’s community activity centers and other commercial areas so long as these connections do not encourage or promote residential neighborhood cut-through traffic.

10. Promote traffic and pedestrian safety.

**Actions**

Transportation projects to implement subarea and city-wide policies are identified and generally described in the Bothell Transportation Improvement Plan (TIP): from the TIP and other sources, the City Council selects projects for inclusion in the Bothell Capital Facilities Plan (CFP), which establishes types and amounts of funding and schedules projects for design and construction.

1. Continue the cooperative venture with Snohomish County to construct 39th Ave SE to connect 240th ST SE with 228th ST SE. This project has been termed the Bothell Connector.

**Capital Facilities**

Specific capital facilities projects (other than parks and recreation and transportation projects, discussed separately above) are selected by the City Council for inclusion in the Bothell Capital Facilities Plan (CFP), which is updated regularly and which identifies types and amounts of funding and schedules projects for implementation.

**Actions**
1. Include in the Stormwater Capital Improvement Plan the following potential projects/actions:
   a. Acquisition of conservation easements, tracts, or sites for preservation;
   b. Construction of regional (sub-basin) detention facilities;
   c. Sub-basin restoration projects, including re-vegetation of cleared sites, restoration of streams and wetlands, and retro-fitting existing storm water facilities to current standards; or,
   d. Removal of fish barriers.

2. Provide funding for the integrated NCFWCHPA storm water management program.