

Shorelines Master Program Element

Background and Analysis

Purpose and Relationship to GMA

The Growth Management Act (GMA) was amended in 1995 to add the goals and policies of the state Shoreline Management Act (SMA) as one of the goals of the GMA. The purpose of the SMA is stated in RCW 90.58.020 as follows:

“It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest.”

The Shorelines Management Act policy has been refined to include provisions for uses along the shoreline, public access to shorelines, preservation and restoration of the shoreline resources and ecology, promotion of long term over short term benefit, and other actions to promote the state-wide interest of appropriate use of shorelines over local interest.

In addition to incorporating the state SMA goals and policies, the Growth Management Act also provides that “the goals and policies of a shoreline master program for a county or city...shall be considered an element of the county or city’s comprehensive plan”. The City of Bothell’s Shorelines Master Program (SMP) was originally approved by the Washington State Department of Ecology in February, 1975 and was amended in July, 1986, March, 1990, and most recently in July, 1998. The City’s shoreline goals and policies were incorporated in the Natural Environment Element of the *Imagine Bothell...* Comprehensive Plan in June, 1996. In the 2004 Plan Update, the goals and policies of Bothell’s Shorelines Master Program were made a stand-alone element.

Profile of the planning area

The City of Bothell has two Class I streams identified as “shorelines of the state”: the Sammamish River, which runs for approximately 3.4 lineal miles through the City; and North Creek, which runs for approximately 5.1 miles through the City. In accordance with state law, the jurisdiction of Bothell’s Shorelines Master Program encompasses the Sammamish River and North Creek; land within 200 feet of the ordinary high water mark of these waterways; and their floodways, 100-year floodplains and associated wetlands. The entire Shorelines jurisdiction within the city limits amounts to 636.7 acres, and is depicted in **Figure SMP-1**.

Development of Goals, Policies, and Actions

The goals and policies presented here are categorized according to Master Program elements as mandated by the Shoreline Management Act (SMA). The first eight elements are identified in the SMA as generic classes of activities for which goals and policies shall be developed and systematically applied to different shoreline uses in these classes, when deemed appropriate by the local jurisdiction. The other elements are encouraged or allowed by the SMA when also identified as appropriate by the local jurisdiction.

The general goal and policy statements found within each element of the Master Program are intended to provide the policy basis for administration of the City of Bothell Shorelines Master Program.

The Master Program Elements are as follows.

A. Shoreline use element for considering:

1. The proposed general distribution and general location and extent of the use on shorelines and adjacent land areas, including, but not limited to, housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;
2. The pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation, and transportation;

B. Economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

C. Public access element making provision for public access to publicly owned areas;

D. Circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

E. Recreational element for the preservation and enlargement of recreational opportunities including but not limited to parks, beaches, and recreational areas;

F. Conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, critical areas' functions and values, and vital estuarine areas for fisheries and wildlife protection;

G. Historical/cultural/scientific/and educational element for the protection and restoration of buildings, sites and areas having historic, archaeological, cultural, scientific, or educational values;

H. Flood Control element for giving consideration to the state-wide interest in the prevention and minimization of flood damages;

I. Restoration element for providing for returning areas to a natural useful condition which are blighted by abandoned and dilapidated structures or other environmental deterioration caused by

human or natural actions. Such restoration shall be intended as a part of an individual project application which will redevelop the area;

- J. Process element for maintenance of the Master Program and administration of the permit process.

Shoreline Master Program Element Goals, Policies and Actions

Use Element Goals

Land use allocations within the different environmental designations along the shorelines of the state within Bothell's jurisdiction shall be applied in the order of priority listed below in Goal 1 and considering existing development and the *Imagine Bothell...* Comprehensive Plan land use designation. Shorelines of state-wide significance shall also be governed by the list of use preferences listed in prioritized order in Goal 2.

- SMP-G1 Provide a management system which will plan for and foster all reasonable and appropriate uses and provide guidance to property owners as to applicable kinds of appropriate uses and their locations.
- SMP-G2 To plan for and encourage the location of similar or compatible uses in suitable areas now dedicated to such use.
- SMP-G3 To plan for and encourage the relocation of those existing uses identified as being inappropriate.
- SMP-G4 Where appropriate and permitted by law, establishment of an open space corridor (an urban separator of a minimum of 50') along the Sammamish River and North Creek through reservation of easements, acquisition of property by the City or other public entity, transfer of development rights, location within otherwise established buffer areas, or other mechanism.

Use Element Policies

- SMP-P1 When assigning environment designations, determining permitted uses within the different designations and use categories, and reviewing individual applications, uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for
 - A. Single family residences and their appurtenant structures,
 - B. Shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to the shorelines of the state,

- C. Industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state, or which provide significant public access opportunities, and
 - D. Other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.
- SMP-P2 When assigning environmental designations, determining permitted uses within the different designations and use categories, and reviewing individual applications, the City shall consider the carrying capacity of lands involving an intensification of land use.
- SMP-P3 The City of Bothell shall, with regard to shorelines of state-wide significance within the City's jurisdiction, give preference (in the following order of preference) to uses which:
- A. Recognize and protect the state-wide interest over local interest;
 - B. Preserve the natural character of the shoreline;
 - C. Result in long-term over short-term benefit;
 - D. Protect the resources and ecology of the shoreline;
 - E. Increase public access to publicly owned areas of the shorelines;
 - F. Increase recreational opportunities for the public in the shorelines.
- SMP-P4 Development regulations as contained elsewhere in the Shorelines Master Program and the Bothell Municipal Code, including but not limited to, zoning regulations and building standards shall be applied, with regard to enforcement, to all existing and future uses, when a permit for development activity is submitted within the SMP jurisdiction to insure visual access to waterways, promote interesting development, prevent encroachment over water, ensure the implementation of the above policy in permitting uses along shorelines of State-wide Significance, and protect the natural resources of the Shorelines Master Program's jurisdiction.
- SMP-P5 Ensure that all uses on the shoreline will protect and improve water quality by proper design of drainage, sewer connections, and other measures made necessary by particular uses and locations. See also the City's Water, Sewer, and Stormwater Master Plans.
- SMP-P6 Ensure that development regulations adequately protect the aesthetic and natural characteristics of the water and shoreline.
- SMP-P7 Encourage maintenance and expansion of existing concentrations of compatible uses through establishment of criteria of suitability for shoreline locations within the City's development regulations and the Shorelines Master Program.
- SMP-P8 The City should provide incentives for succession of inappropriate uses by more appropriate uses through its development regulations.
- SMP-P9 Coordination of the City's Shorelines Master Program, *Imagine Bothell...* Comprehensive Plan, and Long Range Park, Recreation and Open Space Program should be used to

achieve this goal subject to criteria as contained in the City's Long Range Park, Recreation, and Open Space Program and the Shorelines Master Program.

Economic Element Goals

- SMP-G5 To encourage a multiple-use concept for land used for economic activity and, to the greatest extent possible, to provide both public access to the shoreline and continued maintenance of the tax base while respecting the natural environment and preserving or enhancing the quality of life in the community.
- SMP-G6 To provide for and encourage economic activity and development of water- dependent uses and/or water-related uses in appropriate shoreline locations, which create the most positive impact on the environment and which take into consideration the capacities of the area's natural resources, public services, and public facilities.
- SMP-G7 To concentrate intensive economic development dependent on shoreline locations at suitable locations already used for like economic pursuits.

Economic Element Policies

- SMP-P10 This multiple use concept shall be brought about in a manner consistent with the *Imagine Bothell... Comprehensive Plan's* land use designations and urban design criteria so that public purposes can be served compatible with securing a return on private investment.
- SMP-P11 Conversely, upland uses designated by the *Imagine Bothell... Comprehensive Plan* on adjacent lands outside of immediate SMP jurisdiction (in accordance with RCW 90.58.340) should be consistent with the purpose and intent of the Shorelines Master Program as they affect the shoreline.
- SMP-P12 Develop a means of identifying the additional economic benefit gained by shoreline location.
- SMP-P13 Explore ways in which the downtown retail shopping area might be further enhanced and linked to the Sammamish River.
- SMP-P14 Develop a priority system which gives preference to economic activities which either leave natural shoreline features such as tree, grasses and wildlife habitat unmodified, or which modify them in a way which enhances human awareness and appreciation of the river's or creek's beauty and relation to other natural and non-natural surroundings.
- SMP-P15 Assure that industrial-commercial structures and site developments are in harmony with general design criteria to be established for the riverfront and river valley landscape in the Shorelines Master Program, the City's *Imagine Bothell... Comprehensive Plan*, and development regulations.

- SMP-P16 Water-dependent and water-related economic activities will be given preference in areas where limited commercial development space along shorelines is in demand for a number of competing uses.
- SMP-P17 Industrial or commercial development contiguous to existing business areas relating to the shoreline is to be promoted over any tendency to scatter such development into new areas.
- SMP-P18 Develop a program to encourage the relocation of economic activities which are not water-related, especially if they have a negative visual or functional effect on the potential for improved use of Bothell's shorelines.

Public Access Element Goals

- SMP-G8 To provide for an adequate amount of public access, both physical and visual, to the shorelines as part of a total system, consistent with the *Imagine Bothell...* Comprehensive Plan's park and trail plans, the needs of other shoreline uses, and Goal 92 below.
- SMP-G9 To ensure that the creation of public access will not endanger life, property or have adverse effects on fragile natural features.

Public Access Element Policies

- SMP-P19 Public access, physical and visual, should be provided in shoreline development; private development in the river frontage should provide as much visual access as possible in line with the reasonable needs for privacy.
- SMP-P20 Continue acquisition of land for the public along the Sammamish River in concert with the City's Long Range Parks, Recreation, and Open Space Action Program to preserve a visual corridor, increase parklands, and expand trail linkages.
- SMP-P21 Footbridges should be encouraged in areas where two sides of the Sammamish River or North Creek are related due to economic activities or recreational uses, or any combination of the two subject to the permission of all jurisdictional agencies (including, but not limited to, the U.S. Army Corp of Engineers; the State Department of Natural Resources, Department of Ecology, Department of Fish and Wildlife; and King or Snohomish County).
- SMP-P22 A safe and accessible pedestrian linkage should be provided between the Downtown/Main Street retail activity area and the riverfront activity area.
- SMP-P23 Utilize as many existing public rights-of-way and easements as possible to expand the network of public access to shoreline amenities.
- SMP-P24 Discourage public access that damages the shoreline's natural features on either private or public property.

Circulation Element Goals

- SMP-G10 To plan and develop a balanced, efficient and visually satisfying circulation network which is most compatible with the shoreline environment.
- SMP-G11 Circulation facilities are to be designed to meet the following criteria:
- A. Functionally acceptable, including safety;
 - B. Visually positive amenities for the citizens of Bothell;
 - C. Minimal disruption in access to users on other circulation networks;
 - D. The least possible impact to existing ecological systems along physical characteristics of the shorelines within the jurisdiction of the Shorelines Master Program;
 - E. Complementary to the economic and recreational usage of shorelines as set forth in the Shorelines Master Program and the *Imagine Bothell...* Comprehensive Plan.
- SMP-G12 To encourage relocation or improvement of circulation elements that are functionally or aesthetically disruptive to the shoreline, public waterfront access, and other shoreline uses.
- SMP-G13 To coordinate circulation plans for pedestrian, bicycle and equestrian access routes connected to the shorelines so that there is minimum conflict between the different users.

Circulation Element Policies

- SMP-P25 Parking areas shall be designed for minimal interference with the 100-year floodplain's hydrologic function, the shoreline's aesthetic potential, and to minimize degradation of water quality.
- SMP-P26 In the future, the City should, where possible, locate land circulation systems, which are not shoreline dependent, as far from the land-water interface as feasible to reduce interference with either natural shoreline resources or other appropriate shoreline uses in order to avoid creating new barriers between adjacent uplands and the shoreline.
- SMP-P27 Access by various modes will be controlled by either reducing speeds of vehicles or designing separate ways for fast and slow moving traffic, consistent with the City's *Imagine Bothell...* Comprehensive Plan Transportation Element and Parks and Recreation Element, where compatible, multiple-use corridors are encouraged.

Recreation Element Goals

- SMP-G14 To provide for and increase the amount of shorelines dedicated to passive and active public recreation where the use is consistent with the ability of the site to support such use.

SMP-G15 To protect for public use and enjoyment, areas containing special shoreline recreation qualities which cannot be easily duplicated.

Recreation Element Policies

- SMP-P28 In providing space for public recreation along Bothell's shoreline, primary emphasis should be given to providing for the local recreation needs of Bothell citizens for swimming, bicycling, horseback riding, fishing, picnicking, and other activities benefiting from shoreline access while recognizing Bothell's location along existing or planned regional trail systems. The size and design of recreation areas, other than the Sammamish River, Burke-Gilman, or the North Creek trail systems, will be limited to scale down the regional pressure on them.
- SMP-P29 Encourage the Counties and State to provide additional shoreline property for public recreation and use, which complements City-owned recreation areas in both a visual and functional way.
- SMP-P30 Develop recreational activity areas which complement the more intensive commercial and residential uses and the more passive natural habitats also located along the shoreline.
- SMP-P31 Provision of recreational space and uses shall be coordinated and consistent with the City's *Imagine Bothell...* Comprehensive Plan and the Long Range Park, Recreation and Open Space Long Range Action Program.
- SMP-P32 Identify along the existing shoreline any unique features (views, topography, vegetation, wildlife, etc.) and assign public acquisition priorities to each.
- SMP-P33 Utilize the high water table and alluvial soil characteristics along Bothell's shorelines to guide the landscaping of public recreation land. Use grasses, shrubs, and trees which thrive in that environment, require minimum maintenance expense, and provide cover, shading, and habitat along the shoreline.
- SMP-P34 Utilize the Sammamish River's characteristics to guide the design of new public parks, e.g.,
- A. Develop groves of trees appropriate to the soil and moisture characteristics of the former floodplain;
 - B. Develop swimming areas that utilize the river's currents and stream-bank characteristics to maximum advantage;
 - C. Develop footpaths which provide viewing access to the habitat without excessive intrusion into those habitats; and
 - D. Assure that shoreline parks are located in places where they make optimum use of water for recreation purposes.
- SMP-P35 Make use of street ends and other public property for recreational development and access.

Conservation Element Goals

- SMP-G16 Preserve nonrenewable resources and enhance and/or restore natural resources which make Bothell shorelines uniquely attractive and valuable to a large ecosystem.
- SMP-G17 Protect the scenic and aesthetic qualities of shorelines to the fullest extent practicable.

Conservation Element Policies

- SMP-P36 Protect, preserve, and where possible, enhance water quality in the Sammamish River and North Creek. Work with other jurisdictional agencies in the region and with the private sector to deal effectively with regional natural environment issues and the maintenance and enhancement of both the Sammamish River and North Creek as fish habitat.
- SMP-P37 Restore the vegetative cover most appropriate to the Bothell shoreline for its aesthetic and recreational value, selecting plant material which provides feed and cover for birds, fish, and other wildlife as well as an attractive setting for human leisure enjoyment. The introduction of invasive plant species along shorelines, as defined by the City's Critical Area Ordinance (BMC 20.14.04 or as may hereafter be amended) and as listed on the Plant List adopted administratively by the Department of Community Development to implement the code requirement, is prohibited.
- SMP-P38 The City should assure that development of private upland property maintains sufficient volumes of surface and subsurface drainage into the biological wetland areas associated with the shorelines, to sustain existing vegetation and wildlife habitat. The content and velocity of this drainage should be controlled by design, as required by engineering standards adopted and administered by the City's Department of Public Works, so that properties along the shoreline below will not be adversely affected.
- SMP-P39 Concentrate development on shorelines of least visual or natural value.
- SMP-P40 The undergrounding of existing or new utility lines is required when physically feasible during development or redevelopment of shoreline areas.

Historic / Cultural / Scientific / Educational Element Goal

- SMP-G18 Protection and restoration of those aspects, buildings, sites, and areas of shoreline having historic, or cultural, scientific, or educational values or significance.

Historic / Cultural / Scientific / Educational Element Policies

- SMP-P41 Identify, within the City's Inventory of Historic Resources and in accordance with designation criteria in Title 22 of the Bothell Municipal Code, or as may be hereafter amended, and the goals and policies of the Imagine Bothell... Comprehensive Plan, all sites and areas of shoreline having unique historical, cultural, scientific, or educational value or significance, especially archaeological resources such as Native American sites in river and stream corridors.
- SMP-P42 The use regulations of the Shorelines Master Program shall contain development regulations as necessary to encourage a compatible surrounding environment for resources identified in accordance with Policy 1 above, and to ensure planning for the preservation of significant archaeological resources, especially Native American sites in river and stream corridors.

Flood Hazard Management Element Goal

Flood hazard management projects are those actions taken with the primary purpose of preventing or mitigating damage due to flooding. Flood hazard management projects or programs may employ any or several physical or regulatory controls including dikes, dams, lakes, engineered floodways, bioengineering, planning, and zoning (land use management). These provisions also apply to repair and maintenance of flood hazard management systems if the systems are enlarged or otherwise modified.

- SMP-G19 To manage flood waters along the Sammamish River and North Creek in a manner which reflects and strives to seek a balance among City goals and policies for water quality, fish and wildlife habitat, flood hazard management, recreation, aesthetics, and other beneficial uses of the waterways and their shorelines.

Flood Hazard Management Element Policies

- SMP-P43 Manage flood prone areas and storm and flood waters of the City through the City's Comprehensive Stormwater Management Plan and frequently flooded area regulations in a manner consistent with the Shorelines Management Act and the City's Shorelines Master Program.
- SMP-P44 Work with other cities, King and Snohomish Counties, and state agencies to deal effectively with regional flooding issues.
- SMP-P45 Control stormwater runoff in a manner which utilizes natural detention, retention and recharge techniques to the maximum extent possible.
- SMP-P46 Prohibit any development within the floodplain which would individually or cumulatively cause any increase in the base flood elevation beyond one foot and pursue the discontinuation of such uses which now exist in the floodplain as these uses lose their economic life.

Restoration Element Goals

SMP-G20 Restore those shoreline areas which are now blighted by abandoned and dilapidated structures or otherwise non-water related uses and encourage the restoration of those shoreline areas to either water-dependent or water-related uses.

SMP-G21 To upgrade and beautify the shoreline to a level commensurate with its public value.

Restoration Element Policies

SMP-P47 Develop zoning and other incentives which will make it economically attractive for private capital investment to upgrade shoreline development.

SMP-P48 Utilize the City's own capital improvement program to develop the basic network of public amenities in shoreline areas which might in turn attract and improve the quality of related private development.

SMP-P49 Work with the public and any other interested parties to investigate and identify any environmentally sensitive areas within the shorelines jurisdiction which are deserving of public reclamation, restoration, or preservation and inclusion within the City's open space system.

SMP-P50 Prioritize those properties identified in accordance with Policy 3 above as to their value to the City and their vulnerability to degradation or loss. Emphasis should be given to those areas which facilitate the development of uninterrupted natural passageways for wildlife, provide for continuous urban separators between jurisdictions and within the community, or enhance public access to the waterfront.

SMP-P51 Provide a plan for shoreline restoration and beautification which will restore to suitable condition those areas damaged by people's misuse.

Process Element Goals

SMP-G22 Provide adequate funding and a process to periodically update the inventory, goals, policies and use regulations of the Shorelines Master Program to respond to changing attitudes and conditions and to maintain consistency with the City's *Imagine Bothell...* Comprehensive Plan.

SMP-G23 Provide a system for shoreline permit processing that is fast and decisive, eliminates unnecessary duplication of effort and jurisdiction, and yet assures complete coordination and review.

SMP-G24 Emphasize long-range shoreline planning and coordination and consistency with the City's *Imagine Bothell...* Comprehensive Plan.

Process Element Policies

- SMP-P52 Provide for annual review and report by staff to a citizens' advisory committee to assess the performance and the need for change in the Shorelines Master Program, especially with regard to natural resources and critical area protection.
- SMP-P53 Citizen participation shall be encouraged in the implementation of this Program.
- SMP-P54 Property rights of landowners shall be protected from arbitrary and discriminatory actions.
- SMP-P55 Develop administrative procedures which will help the applicant, the City, and other interested parties reach a quick and accurate assessment of a proposed development.
- SMP-P56 Work toward a 1-stop permit system both within the City government and between appropriate federal, state, and local agencies.
- SMP-P57 Review of referred related permits (e.g., U.S. Army Corps of Engineer Permits) shall be considered using the criteria set forth herein.
- SMP-P58 Reconcile conflicting public policy goals by considering the overall needs of the community including public access, infrastructure requirements, utility corridor alignments and facilities, and natural resource protection.
- SMP-P59 Implement shoreline improvements annually through the City's Capital Facilities Element and Capital Investment Program processes.