

# AGENDA

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## BOTHELL PLANNING COMMISSION

Bothell City Hall, 18415 101st Avenue NE  
Wednesday, September 18, 2019, 6:00 PM

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1. **CALL TO ORDER**
2. **PUBLIC COMMENTS**  
A chance for members of the audience to address the Commission 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**  
None
4. **NEW BUSINESS**  
Report from Council liaison
5. **PUBLIC HEARING**  
Downtown Public Space Code amendments
6. **PUBLIC MEETING**  
None
7. **STUDY SESSION**  
Planning Commission Bylaws
8. **OLD BUSINESS**  
None
9. **REPORTS FROM STAFF**  
Attendance at Planning Conference in Tacoma
10. **REPORTS FROM MEMBERS**
11. **ADJOURNMENT**

## Projected Schedule of Land Use Items as of September 12, 2019

City Council (CC) meetings, shown in **bold**, start at 6 p.m. unless otherwise noted.  
 Planning Commission (PC) meetings, shown in *italics*, start at 6 p.m. unless otherwise noted.  
 Other Board meetings shown in normal text, start at 6 p.m. unless otherwise noted.  
 Meetings are held in the **City Hall building at 18415 101<sup>st</sup> Avenue NE** unless otherwise noted.

**For planning purposes only: schedule subject to change without notice**

### October 2019

| Monday    | Tuesday   | Wednesday   | Thursday  | Friday    |
|-----------|---|---|-----------|-----------|
|           | <b>1</b>  | <b>2</b>  | <b>3</b>  | <b>4</b>  |
|           | <b>Nursing Homes<br/>Code Amendments<br/>Public Hearing</b>                   | <i>2019 Plan and Code<br/>amendments - Public<br/>Hearing</i><br><br><i>Multifamily Tax<br/>Exemption (MFTE)<br/>Target Areas<br/>(tentative)</i><br><br><i>Canyon Park Plan<br/>Update - Study<br/>Session</i> |           |           |
| <b>7</b>  | <b>8</b>  | <b>9</b>  | <b>10</b> | <b>11</b> |
|           | <b>Multifamily Tax<br/>Exemption (MFTE)<br/>Study Session<br/>(tentative)</b> |   |           |           |
| <b>14</b> | <b>15</b>   | <b>16</b>   | <b>17</b> | <b>18</b> |
|           | <b>Canyon Park Plan<br/>Update Study<br/>Session</b>                          | <i>No meeting</i>   |           |           |
| <b>21</b> | <b>22</b>   | <b>23</b>   | <b>24</b> | <b>25</b> |
|           |   |   |           |           |
| <b>28</b> | <b>29</b>   | <b>30</b>   | <b>31</b> |           |
|           |   |   |           |           |

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**Public Hearing:  
Downtown Public Space  
Code Amendments**

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# MEMORANDUM

## Community Development Department



City of Bothell

**DATE:** September 18, 2019  
**TO:** Planning Commission  
**FROM:** Dave Boyd, Senior Planner

**SUBJECT: Downtown Public Space Code Amendments – Continued Public Hearing**

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### Purpose/Action

The purpose of this continued public hearing is for the Planning Commission to take additional testimony and further review potential amendments to regulations for public space required as part of most new downtown developments. This hearing also introduces a more detailed analysis of the public space requirements for different downtown districts.

The basis for the public space requirement can be found in the Community Vision section of the Downtown Subarea Plan & Regulations (part of the Comprehensive Plan for the Downtown Subarea), which envisions the creation of “a sequence of unfolding spaces that inspire people to walk and to linger in the center of the city.”

### Background

In the 2018 Planning Docket, Council initiated amendments to the downtown public open space regulations to achieve better outcomes and to better clarify those requirements as independent of the separate citywide parks and open space impact fees. Planning Commission began review of the public open space regulations along with other downtown plan and code amendments. Due to the overall scope of these amendments, the initial effort was limited to a minor, technical amendment intended to distinguish the downtown public open space requirement from the citywide parks and open space impact fee. Thus, the general term which also includes private outdoor space is changed from “open space” to “outdoor space” and “public open space” will be referenced as “public space” from this point forward. More detailed examination of ways to assure better outcomes for the downtown designated public space requirements was deferred to 2019, to incorporate suggestions from Commissioners that these spaces be clearly marked and have additional requirements and guidelines to ensure that they serve the intended purpose.

Additional analysis was presented at the June 5, 2019 study session and July 17, 2019 public hearing (along with comments from Brian Palidar, an architect who has worked on several downtown projects, **Attachment 4**), and the Commission provided feedback that is addressed in the following section.

### Analysis

For earlier analyses of the downtown public space requirements, please refer to the June 5, 2019 and July 17, 2019 Planning Commission memoranda. Below are additional analyses based on feedback from the Commission and subsequent briefings with Parks and Legal staff.

Provision of public space: At the June 5 study session, diagrams showing the required public open space were shown, and the Commission requested a comparison of other cities’ requirements. The consultant firm MAKERS architecture and urban design is currently working on open space regulations for the cities of Issaquah and Mountlake Terrace and provided two tables showing area cities’ requirements for open space for multifamily development and in urban

centers. Those tables have been revised slightly to correct some of the Bothell requirements (see **Attachments 1 and 2**).

As presented in the July 17 memo, Bothell’s public space requirements are greater than any of the other cities compared, and is in addition to the required private outdoor space (though that can be provided for individual units or as common open space). The requirement doesn’t apply in the Downtown Core (DC) district, in order to encourage the densest lot-line to lot-line development. Since several of the early developments in Bothell were at least partly in the DC (Six Oaks, Junction, Merc, Boulevard Place) the amount of public space required was not an issue (though the developer of The 104, which is outside DC asked and was allowed to transfer part of their required public space to Six Oaks).

Significant push-back regarding the public space requirement came with The Edition and The Pop, which are entirely in the Downtown Neighborhood (DN) district, and newer proposals, like the Ross Road Apartments, which is in the Downtown Transition (DT) district. Townhome developments, like Dawson Square and The Landing (in DT) and the South Beardslee Townhomes in the General Downtown Corridor (GDC) district, have been able to accommodate the required public space using passages through the developments and/or spaces around the perimeter. To date, we haven’t had any developments in the SR 522 Corridor (522) district – there have been some preliminary proposals, but none that have received permits.

The amounts of public space required in the different downtown districts was addressed in the July 17 memo, but the table below provides a more complete comparison.

| District/Use   | Public Space Required | Private Outdoor Space Required |
|--|-----------------------|--------------------------------|
| Downtown Core (DC) - all uses:                                   | 0                     | 0                              |
| Downtown Neighborhood (DN)                                       |                       |                                |
| Retail   | 0                     | 0                              |
| Civic & Cultural   | 0                     | 0                              |
| Office   | 6%                    | 0                              |
| Lodging  | 60sf/room             | 0                              |
| Residential  | 100sf/unit            | 60sf/unit (avg)                |
| Home Occupation  | 100sf/unit            | 0                              |
| Downtown Transition (DT)   |                       |                                |
| Retail   | 0                     | 0                              |
| Civic & Cultural   | 0                     | 0                              |
| Office   | 10%                   | 0                              |
| Lodging  | 100sf/room            | 0                              |
| Residential  | 150sf/unit            | 60sf/unit (avg)                |
| Home Occupation  | 150sf/unit            | 0                              |
| General Downtown Corridor (GDC) and SR 522 Corridor (522)        |                       |                                |
| Retail   | 0                     | 0                              |
| Civic & Cultural   | 0                     | 0                              |
| Office   | 10%                   | 0                              |
| Lodging  | 100sf/room            | 0                              |
| Residential  | 150sf/unit            | 60sf/unit (avg)                |
| Home Occupation  | 150sf/unit            | 0                              |
| Sunrise Valley View (SVV) and Parks and Public Open Space (PPOS) |                       |                                |
| Retail   | NA                    | NA                             |
| Civic & Cultural   | NA                    | NA                             |
| Office   | NA                    | NA                             |
| Lodging  | NA                    | NA                             |
| Residential  | 150sf/unit            | 60sf/unit (avg)                |
| Home Occupation  | 150sf/unit            | 60sf/unit (avg)                |

This analysis displays a couple of anomalies. First, the inclusion of public open space and private outdoor space requirements in the single family Sunrise Valley View (SVV) and Parks and Public Open Space (PPOS) districts would appear to be an error. While it might be reasonable for a subdivision to provide public space, the SVV district is fully developed and single family development provides private open space *de facto*. Residential development is not allowed in PPOS, which is primarily open space anyway, so there is no need for residential outdoor space requirements. The revised potential code amendments in **Attachment 3** change those to “NA” for not applicable.

The outdoor space requirements for the other districts pose more difficult challenges. While it is logical that these requirements increase in the transition from more to less dense districts, requiring no outdoor space in DC effectively shifts the burden for public space to the adjacent districts, and could leave tenants in DC with no private outdoor space. The DC development to date has included some public space (the grove of oaks at Six Oaks, part of the public space on the north of The Merc, the plazas and stairs in the southwest and northwest corners of the City Hall block master plan). All of those are split-zoned developments, partially in DN, but all have some public space in the DC portions. And all of the DC residential developments to date have private outdoor space, in the form of balconies and/or roof decks. Balconies provide articulation of building facades and additional eyes on the street. It also seems reasonable that all residents would benefit from some private outdoor space, so the revised potential code amendments include the same requirement for private outdoor space for residential units as the other districts. Exempting DC developments from the public space requirement does not prevent them from providing it, especially with the allowances for public open space to count toward private frontage coverage, build-to-corner and wrapping of parking. For that reason, the revised code amendments retain that exemption.

Given the difficulty some developers are having with the public space requirements, staff is exploring potential adjustments. At the July 17 meeting, staff noted that the original proposal for public space was to give credit for sidewalk and frontage landscaping toward a development’s public space requirement. The idea was that these spaces would be part of a network, connected by and including public street rights of way, as shown conceptually on the map to the right. Planning Commissioners expressed some skepticism about giving credit for frontage improvements that developers would need to make anyway, which was supported by subsequent legal review, so staff does not propose pursuing this further.

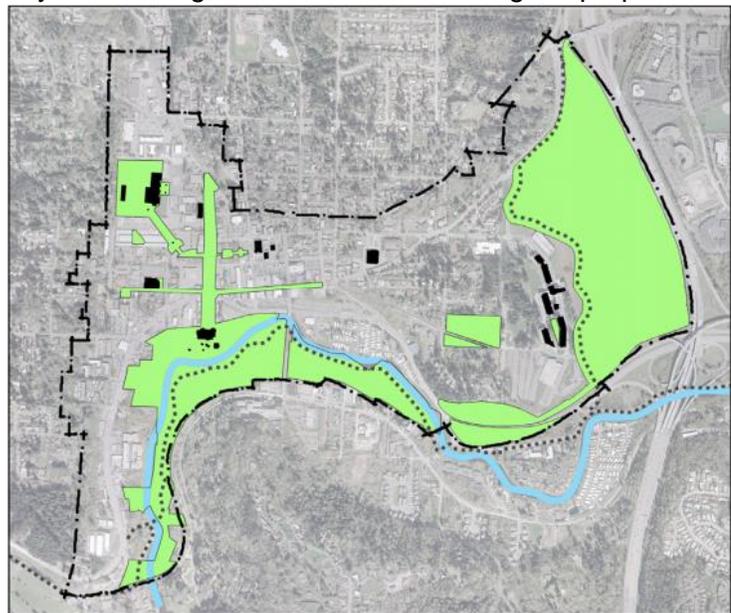


FIG. 2.1 NETWORK OF PUBLIC PLACES - KEY MAP

To date, staff has not received significant input from the development community. One option for getting additional feedback would be to take this to the next meeting of the Development Services Stakeholder Advisory Group (DSSAG), scheduled for October 23<sup>rd</sup>. That would mean either pausing the Planning Commission process to await their input, or going ahead and making a recommendation and getting DSSAG review before taking it to Council. Staff recommends waiting to get DSSAG input before finalizing

Planning Commission recommendations, so no Planning Commission Findings, Conclusions and Recommendation is included in this packet.

If Planning Commission prefers the latter approach, staff is seeking feedback from the Commission on reducing the public space requirement by 60-66% across the board, and adding the same private outdoor space requirement for residences in the DC district as in other districts. The revised code amendments reflect this recommendation.

Signage and hours of access: At the July 17 meeting, some commissioners questioned the idea of adding a requirement that designated public spaces be clearly marked, as shown in the example from Seattle to the right, stating that the spaces should be designed to clearly be open to the public, and expressing concerns about a proliferation of signage. Staff still feels that there is merit in adding a signage requirement, but encouraging customized signage that includes interpretive elements, like information of the history of the site, similar to what has been done at The Edition Apartments, below, or describing other aspects of the public space, like the six oaks, dog park and raingarden at Six Oaks. There would likely need to be at least a couple variations on a City-provided template (one with hours for accessible spaces and another for non-accessible ones, to be developed).



The code currently states that these required spaces be publicly accessible at all times. As presented at the July 17 meeting, staff recommends more definitive hours of access like Seattle's 6am to 10pm, as shown on the sign above right.



Accessibility, wayfinding and security: As presented at the July 17 meeting, staff recommends that these be addressed in the guidelines.

Maintenance of designated public places: As presented at the July 17 meeting, language is proposed in the requirements that privately owned public spaces be maintained in good condition by the property owner and that they be protected with public access easements.

Quality of public spaces: As presented at the July 17 meeting, the regulations appear to provide sufficient direction, with a few minor changes to address blank walls facing public spaces and landscaping.

Potential limitations on use of in lieu fees: At the June 4 study session and July 17 public hearing there was some discussion of limiting the option to use fees in lieu of public space to smaller projects. This is related to the amount of public space required, and with the reductions in the amount of public open space, staff is proposing that the in lieu fee only be an option where the required public space is 3,000 square feet or less, the same threshold for dividing the public space into more than one area.

### **Proposed Code Amendments**

The proposed code amendments are included in **Attachment 3**. As noted above, staff proposes the changes to the amounts of public open space required be presented to the Development Services Stakeholder Advisory Group DSSAG prior to finalizing the Planning Commission recommendation, so no Planning Commission Findings, Conclusions and Recommendation is included.

### **Action**

Planning Commission is asked to provide additional direction to staff for consideration by DSSAG. In order to consider DSSAG input and potential additional related testimony, staff is recommending that the public hearing be continued to November 6.

### **Attachments**

1. Multifamily – Residential Usable Open Space Requirements Analysis (revised)
2. Urban Center – Public Open Space Requirements Analysis (revised)
3. Proposed code amendments (revised)
4. Exhibit 1: Comments received via email from Brian Palidar of Group Architect (presented at the July 17 hearing, but not included in the July 17 packet)

## Multifamily – Residential Usable Open Space Requirements Analysis

June 20, 2019 – For Issaquah Code Update

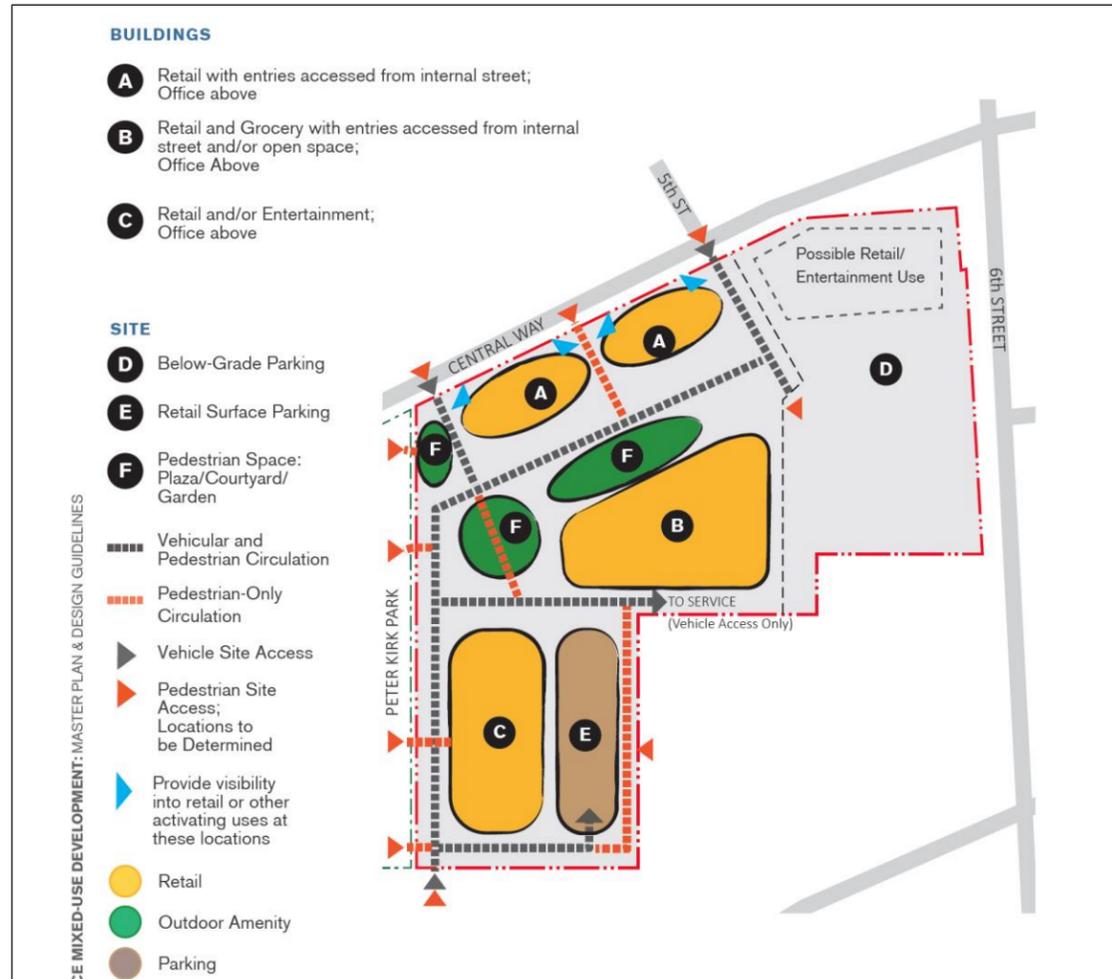
This table below is an update to the table in Bob Bengford’s 2012 MRSC article: [Providing for Usable Open Space for Multifamily Developments](#). Some additional cities have been added to the matrix (Kirkland and Bothell). The chart compares standards for urban center type zones (generally allowing 4- to 8-story development).

|  | City and Code Reference/Link  |  |   |  |  |  |
|--|---|--|---|--|--|--|
| Standard   | Seattle<br><a href="#">23.48.045</a>  | Bellevue<br><a href="#">20.25A.160 &amp; 20.25D</a>  | Redmond<br><a href="#">Redmond Zoning Code</a>  | Kirkland<br><a href="#">KZC 115.23</a>   | Bothell<br><a href="#">12.64.304 (PDF)</a>   | Issaquah<br><a href="#">CIDS 7.3</a>   |
| <b>Applicable zones reviewed</b>                           | Seattle mixed zones   | Downtown zones and Bel-Red corridor zones  | Downtown zones, Overlake Village zones  | Multiple zones   | Multiple downtown zones  | Central Issaquah planning area   |
| <b>Minimum open space required per unit</b>                | 5% of gross residential floor area.<br>Bioretention facilities qualify as amenity areas.<br>Non-residential public open space may count if it meets residential standards | No specific requirement.<br>There are provisions for public open spaces, but nothing for private multifamily open space  | <u>Downtown:</u><br>50sf private open space/unit (balconies); plus:<br>100sf/unit downtown for common open space + min<br><u>Overlake:</u><br>6.25% of gross residential floor area as open space.  | 200sf/unit of common recreational space.<br>May be reduced to 150sf if permanent outdoor furniture, pool, cooking facilities, playing equipment, and/or a recreation building are provided in the common open space. | 60sf/unit private outdoor space (on average). Includes yards, balconies, or patios accessed directly from units; plus<br>0-150sf/unit publicly accessible open space. Min. 20' dimension and must abut sidewalk. | 48sf/unit  |
| <b>Standards influencing amount and type of open space</b> |   | FAR standards, max floorplate, tower setbacks, sidewalk/ building relationship, & FAR bonus incentives                   | Minimum open space standards, parking, setbacks and max floor area ratio standards  |  | Required setback areas shall not be counted towards Private Outdoor Space Provision requirements.  | FAR standards, impervious area standards, and other community open space provisions in 7.0 |
| <b>Shared/ common open space design standards</b>          | Min. 225sf area<br>Min. 15' dim., or 10' if landscaped and adjacent to a sidewalk.  | There are provisions for the design of publicly accessible open spaces, but no provisions for private common open space. | <u>Downtown:</u> <ul style="list-style-type: none"> <li>At least 200sf in area, min 12' dimensions;</li> <li>Courtyard dimensional standards: Ratio of 1x1 per height of building, up to 55' max.</li> </ul> <u>Overlake:</u> <ul style="list-style-type: none"> <li>At least 50% of required space must be common</li> </ul> | 4-20 units, min. 800sf and 25' dimension<br>21+ units, min. 40' dimension  | Min 20' dimension for public open space and must be abut sidewalk. If more than 3000sf required, can be divided with one space at least 200sf and none less than 1000sf with 15' min. dimension.                 | Limited. No minimum dimension.   |
| <b>Balcony standards</b>                                   | No standards  | No standards   | Essentially required in Downtown;<br>Can be up to 50% of requirement in Overlake  | No standards   | Min. 4' dimension.<br>This also applies to porches.  | Min dimensions are 6' x 8'   |
| <b>Rooftop open space and standards</b>                    | No standards  | Rooftop terraces are encouraged but not required   | <u>Overlake</u> –up to 50% can be private and/or rooftop open space   | No standards   | Min. 8' dimension.   | May be used to help meet the standards. Not specifically noted, however.                   |
| <b>Indoor recreation space and standards</b>               | Max 50% of amenity area may be enclosed   | No standards   | No standards  | No standards   | No standards   | Res. projects with 22+ units must include 400sf of indoor amenity space                    |

**Urban Center – Public Open Space Requirements Analysis** comparing urban center zoning / design standard provisions and incentives for publicly accessible open space requirements.

| City and Code Reference/Link                   |   |  |   |   |  |   |
|--|---|--|---|---|--|---|
| Standard                                       | <b>Mercer Island</b><br><a href="#">MIMC19.11.06</a>  | <b>Mountlake Terrace</b><br>(proposed standards)   | <b>Redmond</b><br><a href="#">Redmond Zoning Code</a>   | <b>Kirkland</b><br><a href="#">Kirkland Zoning Code</a>   | <b>Bothell</b><br><a href="#">Downtown Subarea Regs</a>  | <b>Issaquah</b><br><a href="#">CIDS 7.3</a>   |
| <b>Zones reviewed</b>                          | Town Center Zone  | Mountlake Terrace Town Center zones  | Downtown zones, Overlake Village zones  | Multiple zones  | Multiple downtown zones  | Central Issaquah planning area  |
| <b>Base minimum open space requirement</b>     | Any development over 3-stories must include either a through-block connection or public open space. Such public open space must = 3% of GFA.<br>0   | Usable commercial open space: 400sf of space/100lf of commercial (storefront) block frontage.<br><i>(draft provision – based on amounts/type of open spaces integrated into Mercer Island’s downtown mixed-use buildings – as a good model)</i>  | There are no base public open space requirements currently in Downtown or Overlake Village, though for large sites (>3 acres in Overlake), some public open space will likely be required through the master planning process.<br><br>In <i>draft</i> updated Downtown Design Standards (not adopted): Sites with commercial development >1/2-acre must include public open space = 3% of building footprint. | <a href="#">Park Place Master Plan &amp; Design Guidelines</a> :<br>A minimum of 15% of the site shall be activated pedestrian-oriented space.<br><u>Juanita Zones</u> : The City may approve the proposed development only if it contains public amenities such as plazas, sculptures, fountains, water fountains, and pocket parks (no prescriptive standards).<br><u>Rose Hill and Totem Lake Zones</u> : Non-res development – must include pedestrian-oriented space = to 1% of lot area + 1% of non-residential GFA | Required public open space for the following uses: <ul style="list-style-type: none"> <li>Residential: 100-150sf/unit</li> <li>Office: 6% GFA</li> <li>Lodging: 60sf/room</li> <li>None for retail, civic, cultural</li> </ul> Space must have 20’ min. dimension and must abut sidewalk.<br><br><i>NOTE: These provisions are now being examined for potential updates based on input from developers about the amount of space required and from community members about the quality of open space being produced.</i> | Required community spaces (7.3.B):<br>Min. 20’x 20’ space/building for non-residential +mixed-use buildings.<br><br>Significant public plaza (7.3.C): 3% of development GFA (only applies to those lots specified on map) |
| <b>Fee-in-lieu?</b>                            | No  | No   | NA  | No  | Yes, at discretion of director   |   |
| <b>Other reduction flexibility?</b>            | No  | Yes via administrative departure for up to 50% reduction in area by providing “exceptional design”   | NA  | No  | No   |   |
| <b>Bonus open space provisions?</b>            | To obtain 5 <sup>th</sup> bonus floor, public open space must be 7.5% minimum.  | No.  | <u>Overlake</u> : <ul style="list-style-type: none"> <li>3-4 additional stories of height for a major park (at least 2.5 acres)</li> <li>1-story for plaza dedication (5% of gross site area min.)</li> <li>Up to 1.5 FAR for plaza improvements</li> </ul>   | No (not related to open space)  | No   |   |
| <b>Open space design standards/guidelines?</b> | Yes: <ul style="list-style-type: none"> <li>20’ min. dimensions.</li> <li>1,500sf min. size.</li> <li>Emphasis as a gathering space</li> <li>Level with sidewalk and sited as focal point for activity</li> <li>Pedestrian-oriented frontage standards</li> <li>25-60% of area must be landscaped</li> <li>Open 24-hours/day</li> </ul> | Yes, pedestrian-oriented space design criteria: <ul style="list-style-type: none"> <li>Clear visual/physical access from street</li> <li>Focal location with heavy pedestrian traffic</li> <li>Seating minimum: 1 seat/60sf plaza</li> <li>Lighting and landscaping provisions</li> <li>Wider sidewalks may be used to meet up to 50% of the requirement.</li> </ul> | Yes, some pedestrian-space design provisions apply for both Overlake and Downtown.  | Yes, Park Place Master Plan & Design Guidelines: Primary plaza = 10,000sf min, 60’ min. avg. dimension<br>KCZ Chapter 92.15 includes standards for pedestrian-oriented spaces.<br>Also, multiple districts include freestanding design guidelines that address open space design  | Yes, min 20’ dimension for public open space and must be abut sidewalk   | Yes   |
| <b>Master Planning?</b>                        |   |  | Required for Overlake Village properties 3 acres+   |   |  |   |

**Notable Excerpts from Research.**



*Park Place Master Plan and Design Guidelines – Organization of Ground Level Uses plus a model of development now under construction (courtesy City of Kirkland, Weber Thompson, and Collins Woerman)*

## Proposed Downtown Public Space Code Amendments

Relevant sections are included below, including sections that may not need amendment, but are included for context. Text boxes are included to explain the following proposed changes. Proposed amendments are shown in underline/strikethrough format below. Skipped sections are indicated by three asterisks: \* \* \*

The table below from the Downtown Core District Requirements is amended to reflect revised terminology and to add a private outdoor space requirement for residential units in DC.

| <b>12.64.304. Provision of <del>Open-Outdoor</del> Space</b> |  |   |
|--|--|---|
| <b>12.64.201 Building Use</b>                                | <b><u>Designated</u> Public <del>Open</del>-Space Requirements</b> | <b>Private Outdoor Space Requirements</b> |
| A. Retail  | N/A  | N/A                                       |
| B. Civic & Cultural  | N/A  | N/A                                       |
| C. Office  | N/A  | N/A                                       |
| D. Lodging   | N/A  | N/A                                       |
| E. Residential:  | N/A  | <u>N/A 60 sqft/DU minimum on average</u>  |
| <del>E.5. Home Occupation</del>                              | <del>N/A</del>   | <del>N/A</del>                            |

\* \* \*

The table below from the Downtown Neighborhood District Requirements is amended to reflect revised terminology and to revise the public space requirements in DN.

| <b>12.64.304. Provision of <del>Open-Outdoor</del> Space</b> |  |   |
|--|--|---|
| <b>12.64.201 Building Use</b>                                | <b><u>Designated</u> Public <del>Open</del>-Space Requirements</b> | <b>Private Outdoor Space Requirements</b> |
| A. Retail  | N/A  | N/A                                       |
| B. Civic & Cultural  | N/A  | N/A                                       |
| C. Office  | <u>60-40</u> sqft/1000 sqft  | N/A                                       |
| D. Lodging   | <u>60-40</u> sqft/room   | N/A                                       |
| E. Residential:  | <u>100-60</u> sqft/DU  | 60 sqft/DU minimum on average             |
| <del>E.5. Home Occupation</del>                              | <del>100</del> sqft/DU   | <del>N/A</del>                            |

\* \* \*

The table below from the Downtown Transition District Requirements is amended to reflect revised terminology and to revise the public space requirements in DT.

| <b>12.64.304. Provision of <del>Open-Outdoor</del> Space</b> |  |   |
|--|--|---|
| <b>12.64.201 Building Use</b>                                | <b><u>Designated</u> Public <del>Open</del>-Space Requirements</b> | <b>Private Outdoor Space Requirements</b> |
| A. Retail  | N/A  | N/A                                       |
| B. Civic & Cultural  | N/A  | N/A                                       |
| C. Office  | <u>100-60</u> sqft/1000 sqft                                       | N/A                                       |
| D. Lodging   | <u>100-60</u> sqft/room  | N/A                                       |
| E. Residential:  | <u>150-90</u> sqft/DU  | 60 sqft/DU minimum on average             |
| <del>E.5. Home Occupation</del>                              | <del>150</del> sqft/DU   | <del>N/A</del>                            |

\* \* \*

The table below from the SR 522 Corridor District Requirements is amended to reflect revised terminology and to revise the public space requirements in 522.

| <b>12.64.304. Provision of <del>Open-Outdoor</del> Space</b> |  |   |
|--|--|---|
| <b>12.64.201 Building Use</b>                                | <b><u>Designated Public <del>Open</del>-Space Requirements</u></b> | <b>Private Outdoor Space Requirements</b> |
| A. Retail  | N/A  | N/A                                       |
| B. Civic & Cultural  | N/A  | N/A                                       |
| C. Office  | <del>100-60</del> sqft/1000 sqft                                   | N/A                                       |
| D. Lodging   | <del>100-60</del> sqft/room  | N/A                                       |
| E. Residential:  | <del>150-90</del> sqft/DU  | 60 sqft/DU minimum on average             |
| <del>—E.5. Home Occupation</del>                             | <del>150</del> sqft/DU   | <del>N/A</del>                            |

\* \* \*

The table below from the General Downtown Corridor District Requirements is amended to reflect revised terminology and to revise the public space requirements in GDC.

| <b>12.64.304. Provision of <del>Open-Outdoor</del> Space</b> |  |   |
|--|--|---|
| <b>12.64.201 Building Use</b>                                | <b><u>Designated Public <del>Open</del>-Space Requirements</u></b> | <b>Private Outdoor Space Requirements</b> |
| A. Retail  | N/A  | N/A                                       |
| B. Civic & Cultural  | N/A  | N/A                                       |
| C. Office  | <del>100-60</del> sqft/1000 sqft                                   | N/A                                       |
| D. Lodging   | <del>100-60</del> sqft/room  | N/A                                       |
| E. Residential:  | <del>150-90</del> sqft/DU  | 60 sqft/DU minimum on average             |
| <del>—E.5. Home Occupation</del>                             | <del>150</del> sqft/DU   | <del>N/A</del>                            |

\* \* \*

The table below from the Sunrise / Valley View District Requirements is amended to reflect revised terminology and to eliminate the public space requirements in SVV.

| <b>12.64.304. Provision of <del>Open-Outdoor</del> Space</b> |  |   |
|--|--|---|
| <b>12.64.201 Building Use</b>                                | <b><u>Designated Public <del>Open</del>-Space Requirements</u></b> | <b>Private Outdoor Space Requirements</b>               |
| A. Retail  | N/A  | N/A   |
| B. Civic & Cultural  | N/A  | N/A   |
| C. Office  | N/A  | N/A   |
| D. Lodging   | N/A  | N/A   |
| E. Residential:  | <del>150</del> sqft/DU <del>N/A</del>                              | <del>60</del> sqft/DU minimum on average <del>N/A</del> |
| <del>—E.5. Home Occupation</del>                             | <del>150</del> sqft/DU   | <del>60</del> sqft/DU minimum on average                |

\* \* \*

The table below from the Parks and Public Open Space District Requirements is amended to reflect revised terminology and to eliminate the outdoor space requirements in PPOS.

| <b>12.64.304. Provision of <del>Open-Outdoor</del> Space</b> |  |   |
|--|--|---|
| <b>12.64.201 Building Use</b>                                | <b><u>Designated Public <del>Open</del>-Space Requirements</u></b> | <b>Private Outdoor Space Requirements</b>               |
| A. Retail  | N/A  | N/A   |
| B. Civic & Cultural  | N/A  | N/A   |
| C. Office  | N/A  | N/A   |
| D. Lodging   | N/A  | N/A   |
| E. Residential:  | <del>150</del> sqft/DU <del>N/A</del>                              | <del>60</del> sqft/DU minimum on average <del>N/A</del> |
| <del>—E.5. Home Occupation</del>                             | <del>150</del> sqft/DU   | <del>60</del> sqft/DU minimum on average                |

\* \* \*

The proposed change of terminology below is to avoid confusion with the citywide Parks and Open Space Impact Fees, as presented at the June 5 study session.

**12.64.304 Provision of ~~Open~~ Designated Outdoor Space**

A. DEFINITION

- 1. ~~Open~~ Designated PublicOutdoor Space regulations set forth requirements for the provision and design of ~~open-outdoor~~ spaces and landscaping elements in the Plan Area.
- 2. These regulations are established to ensure a wide range of ~~public-outdoor~~ spaces that complement the primary public streets and ~~open-designated public~~ spaces in each district.
- 3. All new ~~open-outdoor~~ spaces within the Plan Area, whether or not they are required by ~~Open Designated Outdoor~~ Space Provision regulations, shall be designed and configured according to the following regulations.

B. ~~PUBLIC OPEN SPACE~~ DESIGNATED PUBLIC SPACE

- 1. ~~Public Open Space~~ Designated public space is required as specified in section 12.64.100 District Requirements.

The proposed limitation on use of in lieu fees is added in **bold** below.

- 2. ~~Public Open Space~~ Designated public space shall be built on the site of the development-or may be satisfied through payment of in-lieu fees **when the amount of public space required is 3,000 square feet or less,** with the approval of the Community Development Director/Designee.
- 3. Any ~~Public Open Space~~ Designated public space improvements and/or any in-lieu fee paid under this provision must be separate from and cannot be utilized as a credit for or otherwise offset park open space impact fees.

\* \* \*

**12.64.305 General Open Space Requirements**

A. OPEN SPACE DESIGN

- 1. ~~Public Open Space~~ Designated public space
  - a. The minimum width of ~~public open space~~ designated public space shall be 20 feet.
  - b. Where the total required ~~public open space~~ designated public space is 3,000 square feet or less, after subtracting area for new streets, the ~~public open space~~ designated public space shall be one continuous parcel of land. Where the required ~~public open space~~ designated public space totals more than 3,000 square feet, the area may be divided into several usable parcels on the site; provided, that at least one parcel is a minimum of 2,000 square feet in size and all the other parcels are at least 1,000 square feet in size with a minimum width of 15 feet.

In addition to the changes of terminology, hours of access are included below.

c. All ~~public open space~~designated public spaces shall be publicly accessible and connected to public sidewalks. They shall abut public rights-of-way on at least one side and shall be open to the public ~~24 hours a day~~daily from at least 6:00 a.m. to 10:00 p.m.

In addition to the changes of terminology, maintenance, easement and accessibility requirements are included below.

d. ~~Public open space~~Designated public spaces need not be publicly owned and maintained. Privately owned designated public spaces shall be maintained in good condition by the property owner and protected by a public access easement that must be recorded to run with the property prior to certificate of occupancy.

e. All ~~public open space~~designated public spaces shall be visible and easily accessible from surrounding streets and avoid masses of shrubs around edges.

In addition to the changes of terminology and signage requirements previously presented, additional language in **bold** encouraging creative, interpretive signage is included below.

f. All designated public spaces shall be signed as such, using a template provided by the City or an approved alternate method, with preference given to creative signage that also explains the history of the site or special features of the public space.

The provision below is added to reflect the current practice, through a Director’s Interpretation, to allow designated public space to act as building area for the purposes of applying frontage coverage, build-to-corner and wrapping of parking lots and structures.

g. For purposes of meeting frontage coverage, build-to-corner and wrapping of parking structures and lots, designated public space may substitute for building area.

The provision below is added and amended to explicitly allow roof decks for private open space.

2. Private Outdoor Space

a. Private Outdoor Space shall be provided in the form of yards, balconies, or patios whose primary access is from the dwelling served, or roof decks and terraces accessible to the residents.

\* \* \*

The changes to the requirements below are intended to provide stronger direction than the current requirements and guidelines, while retaining some degree of flexibility.

B. LANDSCAPING

- 1. All development shall adhere to BMC 12.18.030 existing vegetation retention regulations.
- 2. Designated public spaces shall employ trees and living groundcover where possible and a mix of hardscape and container plantings where over built areas, as appropriate to the use.

C. WALLS AND FENCES

Any blank walls facing designated public spaces shall be treated architecturally or with plantings.

\* \* \*

The changes to the guidelines below are intended to provide additional direction while retaining design flexibility, and remain unchanged from those presented on July 17.

### 12.64.306 Street and Open-Outdoor Space Guidelines

\* \* \*

#### B. PUBLIC SPACES

1. Public spaces should provide a variety of seating options, areas of sun and shade for year-round climatic comfort, shelter, and night lighting to encourage public activity and ensure safety.

2. Public spaces at or near the sidewalk level are preferred. Public spaces that are not at sidewalk level or that extend into the site should include wayfinding signage, avoid dead-end spaces and have both active (i.e. video) and passive (i.e. overlooking windows, decks, terraces and/or balconies) surveillance.

#### C. WALLS AND FENCES

##### 1. Frontage Fences and Walls

a. Front yard fences should employ a combination of thick and thin structural elements with thicker elements for supports and/or panel divisions. Fence posts and/or support columns should be defined using additional trim, caps, finials, and/or moldings.

b. All walls should have a cap and base treatment.

c. Frontage walls may occur as garden walls, planter walls, seat walls, or low retaining walls.

d. Entrances and pedestrian “gateways” should be announced by posts or pilasters, and may be combined with trellises, special landscaping, decorative lighting, public art or other special features.

##### 2. Screening Fences and Walls

a. Side yards and rear yards may contain landscape features that protect the privacy of the property’s occupants such as landscaping, trees and screening walls.

b. Screening fences and walls should be constructed of materials that are compatible with the architecture and character of the site. Natural colors, a cap or top articulation, and related dimensional post spacing increments should be used at screening fences to enhance compatibility.

c. Design elements should be used to break up long expanses of uninterrupted walls, both horizontally and vertically. Walls should include design elements such as textured concrete block, interlocking “diamond” blocks, formed concrete with reveals, or similar materials. Landscape materials should also be used to provide surface relief.

\* \* \*

##### 4. Piers

a. Piers are architectural elements of fences or walls that can add interest to and break up long expanses.

b. Piers are recommended to have a base, shaft and cap composition. Larger piers may be specially designed for gateway or other special locations, and these may incorporate ornamental plaques or signs identifying the building or business; public art such as panels or sculptural elements; and /or light fixtures. Piers may be topped by ornamental finials, light fixtures, or roof caps.

c. Recommended dimensions for masonry piers are approximately 18 inches per side or diameter, and the maximum spacing between piers should be 20 feet.

## 5. Materials and Colors

a. All fences and walls should be built with attractive, durable materials that are compatible with the character of Bothell (see Section 12.64.500).

b. Appropriate fence materials include wood, masonry, and metal.

i. Wood picket fences are only recommended along residential streets. For wood picket fences, a paint finish or vinyl coating should be applied.

ii. For iron or metal fences, recommended materials include wrought iron, cast iron, welded steel, tubular steel, or aluminum. Metal fences should be mounted on a low masonry wall, and /or between masonry piers.

c. Appropriate wall materials include stone, brick, precast concrete, textured concrete block, or formed concrete with reveals and/or an architectural finish. A stucco finish may be used over a masonry core, except in the Downtown Special Review Area.

i. Exposed block walls should be constructed with a combination of varied height block courses and/or varied block face colors and textures (e.g. a combination of split-face and precision-face blocks). Plain gray precision-face concrete block walls are discouraged. Design treatments and finishes previously described should be applied to these walls for improved visual compatibility with building architecture.

ii. An anti-graffiti coating is recommended for exposed masonry wall surfaces and should be clean, colorless and without sheen.

d. Support post or pier materials may differ from fence materials; e.g. metal fence panels combined with masonry piers. Recommended materials include brick, terra cotta, and stone, colored or decoratively treated cast-in-place concrete, precast concrete or concrete block, or stucco-faced concrete or concrete block. (Note: Stucco-faced concrete or concrete block are not permitted in the Downtown Special Review Area).

e. Bollards are recommended to be cast iron, cast aluminum, and precast concrete. An anti-graffiti protective coating is recommended for precast concrete.

f. Colors and finishes of mechanical enclosures and equipment should be coordinated with colors and finishes of streetlights, fencing and other painted metal surfaces to be used on site, or with the associated building's material and color scheme.

g. Street and building-mounted metal furnishings should be powdercoated or painted with Waterborne Acrylic Polyurethane, such as Tnemec Series 1080 or similar product. For

powdercoated finishes, a chemically compatible UV-protectant clear coat is recommended for prevention of color fading.

#### D. SITE FURNISHINGS

1. Public gathering places and other publicly accessible areas should be detailed with decorative, pedestrian-scaled site furnishings and equipment.
2. Seating, freestanding planters, ornamental solid waste and recycling receptacles, bike racks, drinking fountains, pergolas, trellises, heaters, umbrellas, wind screening, and decorative bollards are recommended.
3. When designing seat walls with straight edges of more than six feet in length, consider detailing that will prevent skateboard damage.
4. Landscape structures and sculptural objects should reference the human scale in their overall massing and detailing.
5. Components should be made of durable high quality materials such as painted fabricated steel, painted cast iron, painted cast aluminum, and integrally colored precast concrete. Recycled materials should be used so long as the finish or look of the material is consistent with or similar to the finishes prescribed above. Metal surfaces should be coated with highly durable finishes such as aliphatic polyurethane enamel.

#### E. PLANT MATERIALS

1. Plant materials should always be incorporated into new development site design to provide “softening” of hard paving and building surfaces.
2. Mature, existing trees should be preserved whenever possible.
3. Tree sizes should be suitable to lot size, the scale of adjacent structures, and the proximity to utility lines.
4. For street trees and plaza trees to be installed within paved areas, the use of structural soil planting beds, continuous soil trenches, or root path trenches is strongly recommended in order to maximize the ability of the tree to thrive and perform well in the urban environment.
5. Both seasonal and year-round flowering shrubs and trees should be used where they can be most appreciated - adjacent to walks and recreational areas, or as a frame for building entrances and stairs.
6. In general, deciduous trees with open branching structures are recommended to ensure visibility to retail establishments. More substantial shade trees are recommended in front of private residences.
7. Evergreen shrubs and trees should be used for screening along rear property lines, around solid waste/recycling areas and mechanical equipment, and to obscure grillwork and fencing associated with subsurface parking garages.

Following back up on this. The exhibits included were pretty interesting and definitely underscored the challenges associated with providing the requested open space. In general I think the proposed code sections are going the right direction. My initial comments below:

1. Outdoor open space should be either provided adjacent to the ROW / sidewalks at grade or provided as fee in lieu. The Pop solution with the 2<sup>nd</sup> level I don't think is an effective option – it may be public on paper but not in reality and the City gets no benefit for it in that configuration. Even the Mercantile is challenging and that space is immediately adjacent to the Main Street sidewalk.
2. Outdoor open space should be capped at a % of site area req'd to be provided with fee in lieu provided after that. Per the exhibits included in our Ross Road Feasibility / preapp application that just came in, we can barely provide open space totaling 23% of the site which seems already like a large number. I would guess offhand that this value exceeds the totals shown on all the reference projects you included. Requiring a developer to provide the full amount on site with any sort of density will automatically throttle back development and discourage affordable / affordably priced housing units since the cost basis / unit will unduly rise past reasonable levels. We would propose capping at 15% of the site area pre-ROW dedication, sidewalks, as well as excluding site access such as fire lanes for sites like Ross Road. Worth noting that the parcel sizes and dimensions for Bothell typically don't tie naturally to the parking aisle / stall dimensions so you will continue to have conflicts with site designs not fitting the site such that grand / respectful open spaces can be created. More often, fitting any amount of parking in to support the proposed development will bulk up the sites.

One thing not in this documentation is the PRIVATE open space. I am seeing that there is NO provision for private open spaces to be provided at a roof deck or other common location per 12.64.305.2a. I would strongly recommend that the PC consider an amendment that would encourage this private space to be provided on site utilizing either common areas like roof decks or private decks or patios in whatever means applicable to the project. If you are commonly interpreting this particular code sections as already allowing the common roof deck option then pls let me know – it would likely be used on Ross Road and some other projects we're considering.

Thanks again for including us in this dialogue. Unlikely that I can make the Hearing itself but I will try, wanted to get you my thoughts in the interim...

Brian

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**Study Session:**  
**Planning Commission Bylaws**

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# MEMORANDUM

## Community Development



City of Bothell

**DATE:** September 18, 2019

**TO:** Planning Commission

**FROM:** Michael Kattermann, Director, Community Development  
Bruce Blackburn, Senior Planner

**SUBJECT:** Bylaws Review

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### **Objective**

Discuss the Planning Commission Bylaws. The Bylaws have not been reviewed since 2016 when the Commission changed its meeting start time to 6:00 pm and established a meeting end time of 9:00 pm.

### **Action**

No action is requested this evening. Staff would like to review the Bylaws with the Commission to identify any potential changes.

### **Summary**

The Commission is required by BMC 2.52.050 to "...adopt bylaws and rules for the transaction of business..." The current Bylaws were last formally amended November 2, 2016. Should the Commission identify any potential changes, staff would prepare revisions for Commission consideration at a future meeting.

### **Attachment**

Planning Commission Bylaws

**CITY OF BOTHELL  
PLANNING COMMISSION  
BYLAWS AND RULES OF PROCEDURE**

ARTICLE I - NAME

The official name of the organization shall be "The City of Bothell Planning Commission" hereafter referred to as the Commission.

ARTICLE II - DUTIES AND RESPONSIBILITIES

The Members of the Commission accept the responsibility of the office and shall perform such duties as defined under applicable State of Washington Statutes and City of Bothell Ordinances. The Commission serves in an advisory capacity to the City Council with primary responsibility for ensuring the orderly use of land within the City in the best interests of the City.

ARTICLE III - OFFICIAL SEAT

The official seat of the Commission shall be the City of Bothell, Washington, and meetings shall be held there except on such occasions as the Commission may, by a majority vote, otherwise direct.

ARTICLE IV - OFFICERS

Section 1. Officers. The elective officers of the Commission shall consist of a Chair, Chair Pro-tem and Executive Secretary.

Section 2. Election of Officers. Officers shall be nominated and elected at the first regular meeting of the Commission in May. Election shall be by a majority vote of the members of the Commission.

Section 3. Terms of Office. The elected officers shall take office upon election and shall serve for a term of two years or until a successor is elected.

Section 4. Vacancies in Office. Vacancies in elective offices shall be filled at the next regular or special meeting of the commission for the unexpired portion of the term.

Section 5. Duties of Officers.

- a. Chair: the Chair shall preside at all meeting and public hearings of the Commission and shall call special meetings when the Chair deems it necessary, or is required to do so. Robert's Rules of Order notwithstanding, the Chair shall be a full voting member of the Commission and be able to participate fully in its activities, with the exception of making and seconding motions. The Chair shall sign all official correspondence of the Commission, unless delegated to another member. The Chair shall supervise the preparation of the agenda for all meetings.
- b. Chair Pro-tem: the Chair Pro-tem shall assume the duties of the Chair in the Chair's absence.
- c. Executive Secretary: the Executive Secretary shall be responsible for keeping the Minutes of all meetings of the Commission. If the Chair and Chair Pro-tem are both absent, the

Executive Secretary shall assume the duties of the Chair in their absence. The Executive Secretary shall be assisted by the staff of the Department of Community Development. The Executive shall certify the official Minutes of the Commission.

- d. If the Chair, Chair Pro-tem, and Executive Secretary are all absent, the remaining members shall elect a Chair Pro-tem to serve during their absence.

#### ARTICLE V - OPPORTUNITY TO GAIN EXPERIENCE IN CONDUCTING MEETINGS

Purpose: To ensure that Planning Commission members have an opportunity to gain experience in conducting meetings.

The Chair, at its sole discretion may temporarily assign the duties of the Chair to any Planning Commissioner, with that member's agreement. During the temporary assignment the member shall: sit at the position of the Chair; assume the duties of the Chair; and, not make or second motions. The Chair shall be present at all times, sit at the position of the assigned member; participate in the meeting as a regular member; and, make and second motions.

Upon the conclusion of the temporary assignment, the Chair shall return to the position of the Chair

#### ARTICLE VI - MEETINGS

Section 1. Regular Meetings. Regular meetings of the Commission shall be held on each of the first four Wednesdays of each month at 6:00 p.m. in City Hall. There will be no meeting the fourth week of November and December. Should the regular meeting day fall on an official holiday, the meeting shall be held the following business day. At such meetings, the Commission may consider all matters that may properly be brought before the Commission.

Section 2. Special Meetings. Special meetings of the Commission may be called by the Chair and must be called upon written request of any three members of the Commission. Written notice of such a meeting and its purpose shall be given to all members not less than 24 hours in advance thereof, and the same notice shall be posted in City Hall. All meetings shall be held in accordance with applicable State Laws and City Ordinances, in particular, the State Open Public Meetings Act.

Section 3. Quorum. A quorum shall consist of four (4) members of the Commission and no action can be taken in the absence of a quorum except to adjourn the meeting to a subsequent date.

Section 4. Voting. At all meetings of the Commission, each member shall have one vote on each motion. Voting shall be by voice and a show of hands. Any member may abstain from voting by so stating to the Chair. The silence of a Commission member upon a vote shall be recorded as an affirmative vote. The affirmative vote of at least three (3) members shall be necessary for the adoption of any motion or other voting matter, unless otherwise specified in these bylaws.

#### Section 5. Proceedings.

- a. The regular order of business at meetings of the Commission shall be:
- 1) Call to Order
  - 2) Roll Call
  - 3) Non-Agenda Public Comments
  - 4) Approval of Minutes

- 5) Public Hearings
  - 6) Old and New Business
  - 7) Reports from Members and Committees
  - 8) Staff Reports
  - 9) Adjourn
- b. Each formal action of the Commission shall be embodied in a formal motion which will be entered verbatim in the Minutes. The Chair shall, at the Chair's discretion or at the request of any member, read the motion or instruct the motion to be read before being voted on, as provided for in Section IV.
- c. All meetings of the Commission shall end by 9:00 p.m. and any items on the agenda not completed at that time shall be continued to a date and time certain, unless the Commission decides by a majority vote, to extend the meeting.

### ARTICLE VII - PUBLIC HEARING PROCEDURES

All public hearings of the Commission shall be held according to the following procedure:

- Step 1 OPEN THE PUBLIC HEARING
- Step 2 DISCLOSURE OF CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS. Opportunity for Commissioners to reveal Ex-Parte oral or written communications or any potential Conflict of interest/Appearance of Fairness issues. If any members of the audience have any Conflict of Interest/Appearance of Fairness challenges to any Commissioners, they should be made at this time.
- Step 3 PLANNING COMMISSION RULING ON CONFLICT OF INTEREST/ APPEARANCE OF FAIRNESS CHALLENGES, if any.
- Step 4 STAFF SUBMITS FOR THE RECORD, ANY NEW WRITTEN MATERIALS/ DOCUMENTS received after distribution of staff report.
- Step 5 PLANNING COMMISSION RULING ON NEW MATERIAL SUBMITTED, if any.
- Step 6 APPLICANT'S PRESENTATION. Planning Commissioners may question applicant to clarify proposal.
- Step 7 STAFF PRESENTATION AND EVALUATION. Planning Commissioners may question staff for clarification in terms of compliance with City policies and regulations.
- Step 8 PUBLIC COMMENTS. Planning Commissioners may question the public for clarification of their comments.
- Step 9 APPLICANT RESPONSE TO PUBLIC AND/OR STAFF COMMENTS.
- Step 10 STAFF RESPONSE TO APPLICANT AND/OR PUBLIC COMMENTS.
- Step 11 PUBLIC RESPONSE TO APPLICANT AND/OR STAFF COMMENTS.
- Step 12 APPLICANT CLOSING COMMENTS.

- Step 13 PLANNING COMMISSIONERS MAY QUESTION APPLICANT, STAFF AND/OR PUBLIC, if needed for clarification.
- Step 14 CLOSE PUBLIC HEARING.
- Step 15 COMMISSION DELIBERATIONS AND ACTION. Any motions by the Commission shall be based upon Findings of Fact and Conclusions in support of the Commission's decision.

#### ARTICLE VIII - RULES OF PROCEDURES

All meetings of the Commission shall be conducted in accordance with Robert's Rules of Order, a copy of which shall be present at all meetings, unless specifically provided otherwise by these bylaws, applicable City Ordinances or State Statutes.

#### ARTICLE IX - COMMITTEES

The Chair may from time to time establish committees of the Commission to carry out certain specific duties or functions as the Commission deems advisable. The Chair of the Commission shall appoint the members of each committee, not to exceed three (3) members, and shall name the chairman of each committee. The committee shall complete its assigned tasks expeditiously and report its findings, in writing, to the entire Commission.

#### ARTICLE X - CONFLICT OF INTEREST

Each Commission member shall vote on all questions put to the Planning Commission, unless a conflict of interest under state law or an appearance of fairness question is present. Any Commission member excused by reason of Conflict of Interest/Appearance of Fairness shall step down and leave the meeting room.

The following procedure shall apply in instances where it is unclear that a Conflict of Interest/Appearance of Fairness question exists or is challenged by a Commission member:

- a. If a Commission member or member of the audience asserts a Conflict of Interest under state law or an Appearance of Fairness question, and it is not apparent to all Commission members present, the member shall be excused from voting on an issue only by majority vote of the Commission members present. If it is determined by majority vote of the Planning Commission present, plus one, that a Commission member has a conflict of interest under state law or would violate the Conflict of Interest/Appearance of Fairness doctrine by participating and/or voting on a matter coming before the Commission, then the member determined to have the Conflict of Interest/Appearance of Fairness doctrine violation shall not participate in or vote on said matter. At the conclusion of the presentation the Planning Commission shall make its determination as provided herein above.

#### ARTICLE XI - ABSENCES

The accumulation, by any member, of two (2) consecutive or a total of three (3) unexcused absences from regular meetings and/or public hearings during a calendar year constitutes grounds for a recommendation, by the Commission to the City Council, for removal of that

member. An excused absence will be granted to any member who notifies the Director of Community Development or his/her designee or the Commission Chair in advance of the meeting.

ARTICLE XII - AMENDMENTS

These bylaws may be amended at any meeting of the Commission provided that notice of said proposed amendment, together with the proposed wording of such changes, shall be given each member, in writing, at least ten (10) days prior to said meeting. The affirmative vote of at least four (4) members shall be required to adopt any changes to these bylaws.

THESE AMENDED BYLAWS ADOPTED \_\_\_\_\_  
Date

\_\_\_\_\_  
David Vliet, Chair                      Bothell Planning Commission