

Summary of City Council Decisions Regarding Items on the 2011 Docket of Proposed Plan and Code Amendments

Bothell Municipal Code 11.18.030 provides that “Amendments to the comprehensive plan, a subarea plan, or development regulations...may be suggested by any person, including applicants, citizens, hearing examiners and staff of other agencies...” Requests for Plan amendments or for Plan and Code amendments must describe how the amendment promotes the public health, safety and welfare; is consistent or in conflict with the Plan; and complies with the applicable King and/or Snohomish County county-wide planning policy. Requests for Code amendments only must state how the proposed amendment complies with the Plan.

BMC 11.18.060 states, “The City Council shall initiate consideration of suggested amendments by motion.” The BMC does not prescribe a particular schedule for the Council to review suggested amendments to determine whether any warrant formal initiation, but staff endeavors to bring suggested amendments to the Council around the beginning of each year. The group of suggested amendments existing at any one time is known as the Docket. Thus, the suggested amendments scheduled for review by the Council on March 1 are collectively termed the 2011 Docket.

While the BMC does not mandate a suggested amendment review schedule in general, the Code establishes an exception for identified “deficiencies”. A “deficiency” is defined in BMC 11.18.040 as “the absence of required or potentially desirable contents of a comprehensive plan, subarea plan, or development regulation.” Identified deficiencies must, per Code, be considered on an annual basis. None of the suggested amendments on the 2011 Docket constitute an identified deficiency.

The City Council considered each of the proposed Plan and Code amendments at a public meeting on March 1, 2011. For each proposed item, Council was asked to decide:

- Whether to initiate for consideration the proposed amendment or other activity, decline to initiate, or study the item further before deciding;
- Whether, if initiation is favored, to refer the item to the Planning Commission (PC) or other applicable board for hearing, deliberation and recommendation, or retain for direct Council consideration (CC); and
- If initiation is favored, whether the proposed amendment or other activity warrants a particular priority.

The table below shows the disposition of each proposed Plan and Code amendment considered by Council as part of the 2011 Docket.

No.	Description of Proposed Amendment	Initiate for consideration?	Hearing Body	Priority
1	Price Plan and Code amendment. Approx. 8.8 acres located east of NE 155 th Place within the Waynita / Simonds / Norway Hill subarea. Amend the Comprehensive Plan and implementing zoning from R 40,000 to R 9,600 (Subarea Plan policy LU-P4 would also need to be amended to allow the higher density).	Yes	Planning Commission (for recommendation back to Council)	4 th Quarter 2011
2	Washington Federal Savings Plan and Code amendment (Spirit Ridge condominiums). Located at 20102 Bothell Way NE, within the Country Village / Lake Pleasant / SR 527 subarea. Amend the Comprehensive Plan and implementing zoning from R 5,400, OP to either R 4,000, OP <u>or</u> R 2,800, OP.	No, do not consider further	N/A	N/A
3	T-Mobile Personal Wireless Services (PWS) Code amendment. Would apply City-wide. Amend Bothell Municipal Code (BMC) 12.11: Personal Wireless Service Facilities to update the regulations.	Yes	Planning Commission (for recommendation back to Council)	4 th Quarter 2011
4	Phase II Sustainability Plan and Code amendments. Would apply City-wide. Amend the BMC to allow alternative energy infrastructure not currently addressed by the Code, such as electric vehicle recharging stations, wind turbines, large solar arrays and geo-thermal infrastructure. In addition, at the March 1 meeting the Council expanded the scope of the proposed amendment to include consideration of an expedited permit process for “green” development.	Yes	Planning Commission (for recommendation back to Council)	2011 (to be processed before PWS Code amendments)
5	Canyon Park Urban Center Plan and Code amendments (previously discussed in 2010 Docket). As part of the 2010 Docket process the Council initiated Plan and Code amendments to amend the Canyon Park Subarea to add residential designations to the area currently occupied by business parks; expand the planned transportation network to facilitate transit service and pedestrian mobility; and make	Council deferred the Plan and Code amendment initiated in 2010 to 2013 and voiced support for the ULI study, which is to be conducted in 2011.	N/A	2011 (ULI study) 2013 (Plan and Code amendment)

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	<p>other changes as deemed warranted.</p> <p>This would call for a “Downtown-like” planning effort, although at a somewhat smaller scale. Consultant services would be required, particularly for transportation planning to develop recommendations for motorized and non-motorized street connections to transform the Canyon Park area into a more easily navigable and inviting environment for motorists, cyclists and pedestrians. In 2010 Docket deliberations Council expressed desire that this planning start in 2011. However, staff estimates that this project would require a minimum of \$200,000 for consultant services, which amount is not available this biennium.</p> <p>However, staff has identified a way to make a “head start” on this planning effort at minimal cost to the City. Assistant City Manager Terrie Battuello has arranged for the Urban Land Institute (ULI) to perform a study of the Canyon Park area in 2011 and develop recommendations which can be incorporated into the formal Plan and Code amendment process when resources allow, hopefully in 2013.</p>			
6	<p>Update of Design and Construction Standards and Specifications. Revise the Design and Construction Standards and Specifications to reflect advances in engineering techniques and practices and amendments to the <i>Imagine Bothell... Comprehensive Plan</i> and implementing Codes, particularly in the area of green building / sustainability.</p>	Yes	Council to retain and hear directly	<p>2011 (Downtown transportation standards and specifications)</p> <p>2012 (remainder of standards and specifications)</p>
7	<p>Various land use “housekeeping” issues Code amendments. Would apply City-wide.</p> <p>a. Amend BMC 11.04.008, Administrative interpretations, to lengthen the time for issuing</p>	Yes	Planning Commission (for recommendation back to Council)	No particular priority: schedule according to availability of staff resources

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	<p>administrative interpretations and to correct erroneous references to various BCM Titles. BMC 11.04.008 states: “The director shall issue a written interpretation within a reasonable time, but no more than 14 calendar days after receipt of the completed form...” Administrative interpretations of the BMC are often complex and time consuming to complete, and in reality, the 14 day time limit is simply impractical. In addition, this section of the BMC also incorrectly references which BMC Titles should be interpreted by the Community Development Director.</p> <p>b. Amend BMC 12.16.080, Off-street parking location and design, to allow tandem parking in multi-family developments of five or more dwelling units. The regulations currently state that: “tandem or end-to-end parking is allowed in single-family residential developments and in multifamily developments containing no more than four dwelling units.”</p> <p>c. Amend BMC 11.04.003, Project permit application framework, to remove reference to Canyon Park annexation concomitant zoning agreements. BMC 11.04.003 contains reference to “Preliminary business park site plan and preliminary planned community business, under concomitant zoning agreements covered by BMCA (HE).” Since these concomitant agreements have all sunsetted, this specific reference to the Canyon Park annexation should now be removed.</p> <p>d. Amend BMC 15.14, Plat vacation and alteration, to correct references to other BMC</p>			

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	<p>sections.</p> <p>e. Amend BMC 12.06.160(B)(3)(f1 and 2), Permitted uses: Temporary uses: Transitory accommodations, to be consistent with state law. This Code section covers insurance indemnification requirements for transitory accommodation uses. Recent changes to state law contained in ESHB 1956 mean that this requirement is now inconsistent with state law.</p> <p>f. Amend BMC 12.06: Permitted Uses, to provide regulations related to food trucks, which sell meals out of mobile trucks. The Code currently does not address this use directly and the use of food trucks has become popular recently.</p>			
8	<p>Implementation of selected housing strategies via either <u>Code amendments</u> or <u>programs</u> (standing annual Docket item). Would apply City-wide.</p> <p>Implement the following high-priority housing strategy from the Housing Strategy Plan:</p> <ul style="list-style-type: none"> • <i>C12 Relocation Assistance</i> Pursue adoption of regulations requiring property owners to provide relocation assistance to displaced low-income tenants (HO-P19, HO-AA9) <ul style="list-style-type: none"> ○ <i>In circumstances where the City has taken action to vacate residential units due to health and / or building standard violations.</i> 	Yes	Planning Commission (for recommendation back to Council)	No particular priority: schedule according to availability of staff resources

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9	<p>Cross Connection Control Program <u>Code</u> amendment. Would apply City-wide. Amend BMC 18.07: Cross connection to the City's water supply, to adopt by reference a Cross Connection Control Program manual to protect the City's potable water supply.</p>	Yes	Council to retain and hear directly	No particular priority: schedule according to availability of staff resources