AGENDA

BOTHELL PLANNING COMMISSION

Bothell City Hall, 18415 101st Avenue NE
Wednesday, February 5, 2020, 6:00 PM

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
   January 22, 2020

4. NEW BUSINESS

5. PUBLIC HEARING
   Downtown Public Space – Continued Hearing

6. STUDY SESSION

7. OLD BUSINESS
   Planning Commission Bylaws Amendments - Action

9. REPORTS FROM STAFF

10. REPORTS FROM MEMBERS

11. ADJOURNMENT

Official tapes of meetings are available through the Community Planning Division.
SPECIAL ACCOMMODATIONS: The City of Bothell strives to provide accessible meetings for people with disabilities. If special accommodations are required, please contact the ADA Coordinator at 425-806-6150 at least three days prior to the meeting.

Projected Schedule of Land Use Items as of January 30, 2020

City Council (CC) meetings shown in **bold**; *Planning Commission (PC)* meetings shown in *italics*;
Other Board meetings shown in normal text.
All meetings start at 6 p.m. in the **City Hall building at 18415 101st Avenue NE** unless otherwise noted.
For planning purposes only: schedule subject to change without notice

February 2020

Monday	Tuesday	Wednesday	Thursday	Friday
3	4 2020 Planning Docket	5 *Downtown Public Space Public Hearing cont'd and recommendation* *Commission Bylaws Update*	6	7
10	11	12	13	14
17 ***Presidents' Day*** ***City offices closed***	18 **2019 Comprehensive Plan and Code Amendments Continued Public Hearing**	19 *Canyon Park Subarea Plan - Preferred Alternative study session*	20	21
24	25 Landmark Preservation Board - Title 22 Amendments recommendation	26	27	28

March 2020

Monday	Tuesday	Wednesday	Thursday	Friday
2	3 Downtown Historic Preservation Code Amendments Public Hearing	4 *Canyon Park Subarea Plan Preferred Alternative Public Hearing*	5	6
9	10	11	12	13
16	17 Canyon Park Subarea Plan Preferred Alternative Study Session	18 *Canyon Park Subarea Plan Preferred Alternative Continued Public Hearing (if needed)* *Critical Areas Regulations Amendments Study Session (tentative)*	19	20
23	24	25	26	27
30	31			

Minutes

BOTHELL PLANNING COMMISSION

REGULAR MEETING – January 22, 2020

COMMISSIONERS PRESENT: Carston Curd, Brad Peistrup, Kevin Kiernan, David Vliet

COMMISSIONERS ABSENT AND EXCUSED: Patrick Cabe, Jason Hampton

STAFF PRESENT: Community Development Director Michael Kattermann, Senior Planner David Boyd, Senior Planner Bruce Blackburn and Historic Preservation Consultant Sarah Desimone.

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Chair David Vliet on January 22, 2020, at 6:00 p.m. in the Council Chambers at the Bothell Town Hall, 18415 101st Avenue NE.

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

KIERNAN MOVED TO APPROVE THE MINUTES FOR JANUARY 8, 2020. CURD SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

NEW BUSINESS: None

PUBLIC HEARING:

Chair Vliet opened the continued Public Hearing regarding Downtown Historic Preservation Code Amendments. Vliet introduced Senior Planner David Boyd and Historic Preservation Consultant Sarah Desimone.

Boyd shared a brief presentation regarding the Downtown Historic Preservation Code Amendments.

Discussion ensued.

KIERNAN MOVED TO ADOPT THE DOWNTOWN HISTORIC PRESERVATION FINDINGS, CONCLUSIONS AND RECOMMENDATION THE ACCOMPANYING CODE AMENDMENTS. PEISTRUP SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

At 6:42 pm the Chair called for a 10-minute recess to reset the room for the study session. The Chair reconvened the meeting at 6:52.

STUDY SESSION:

Chair Vliet opened the study session on the Canyon Park Briefing and Project Schedule by introducing Bruce Blackburn who introduced Rachel Miller with MAKERS Architecture, Carmen Kwan with Fehr and Peers, Lisa Grueter with BERK Consultants.

Blackburn, Miller, Kwan, and Grueter shared a power point presentation regarding considerations for a preferred alternative.

Discussion ensued.

OLD BUSINESS:

Commissioner Kiernan opened a discussion regarding drafting a letter to members of the council in support of hiring a long-range planner in anticipation of Bruce Blackburn's retirement. This would ensure overlap for transfer of knowledge and a smooth transition. It was decided that Chair Vliet and Commissioner Peistrup would draft the letter.

KIERNAN MOVED FOR THE PLANNING COMMISSION TO SUPPORT FILLING BRUCE BLACKBURN POSITION BEFORE RETIREMENT TO PROVIDE FOR OVERLAP AND A SMOOTHER TRANSITION AND AUTHORIZED CHAIR VLIET AND COMMISSIONER PEISTRUP TO DRAFT A LETTER TO THE COUNCIL. CURD SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

REPORTS FROM STAFF:

Director Kattermann reported on the following:

- Council received a briefing and provided direction on a multi-family tax exemption program at the January 21 meeting.
- Hiring a consultant for the Department of Commerce grants (duplexes on corner lots and increasing the number of lots allowed in short plats) and another consultant for critical areas regulations amendments and best available science update.
- There are 6 applicants for the 3 vacant Planning Commission spots. Council will hold interviews on February 11.

REPORTS FROM MEMBERS: None

ADJOURNMENT:

VLIET MOVED TO ADJOURN AND IT PASSED WITH ALL PRESENT IN FAVOR.

The meeting was adjourned at 8:59 P.M.

Downtown Public Space Code Amendments Continued Public Hearing

MEMORANDUM
Community Development Department

DATE: February 5, 2020

TO: Planning Commission

FROM: Dave Boyd, Senior Planner

SUBJECT: Downtown Public Space Code Amendments – Continued Public Hearing

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Note: Some text is repeated from past memos for context and background, especially for members of the public who may not have received previous memos. New text is in ***bold italics***.

Purpose/Action

The purpose of this continued public hearing is for the Planning Commission to take additional testimony, receive additional staff analysis, and give direction on the proposed amendments.

Background

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."

In addition, including public spaces as part of private development serves to break up building mass and provide relief from the denser development of downtown. Even spaces that are only visually accessible can provide breathing room, additional landscaping and more solar access. Public space in the form of passages, especially in larger townhome developments, also augment pedestrian connections and make the downtown more walkable.

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.

Additional analysis was presented at the June 5 study session and July 17, September 18, November 6, December 4 and ***January 8*** public hearings, and the Commission provided feedback that is addressed in the following section, along with additional staff analysis.

Analysis

For earlier analyses of the downtown public space requirements, please refer to the June 5, July 17, September 18, November 6, December 4 and ***January 8*** Planning Commission packets. Below are additional analyses based on feedback from the Commission at the ***January 8*** public hearing and from staff. Past packets are available online at http://www.bothellwa.gov/AgendaCenter/Planning-Commission-4.

The quality of public spaces was discussed in some depth at the initial Planning Commission meetings on this subject and addressed in proposed code amendments last presented in the November 6 packet. One addition is included with this packet and described below.

The later meetings have focused on the amount of public space required. At the January 8 public hearing, staff presented analysis of a requirement based on the floor area of the building rather than per dwelling unit (the method currently applied to office buildings) in order to reduce the amount for apartment buildings that struggle to meet the requirement, while keeping roughly the amount for townhomes, which have been able to meet or exceed the requirement. The Commission was generally supportive of that approach, but wanted additional analysis, which is provided below.

Other proposals, like exempting smaller projects from the public space requirement, limiting the use of in lieu fees for larger projects and transferring required public space between downtown projects by the same developer have received general support from Commission. They are addressed below to note a concern expressed regarding transfers and the proposed solution.

Reduction in required amount

Attachment 1 provides an updated comparison of options for different amounts and methods for calculating public space requirements and how those would apply to different existing and proposed developments in ***three*** downtown districts – Downtown Neighborhood and Downtown Transition ***/ SR 522 Corridor*** (General Downtown Corridor ***has*** the same requirements as Downtown Transition ***and SR 522 Corridor***). The ***top*** table lists the current requirements in addition to the option for a reduction to 60% of the current level***, as presented previously***.

Paired with this option is a previously discussed way to limit the public space requirement through a maximum cap on the amount of site area that would be provided to meet public space requirements. This could be applied in conjunction with any method for calculation or for any amount of requirement. The purpose of this cap would be to provide predictability to an applicant on the maximum amount of space that would be required. ***One possible cap is*** included for consideration ***at*** 20%. **Attachment 1** indicates ***that only apartment projects would benefit from such a cap, and only if a per-unit requirement is retained***.

The 60% reduction of the per-unit requirement is retained in Attachment 1 for comparison, and to show that it would reduce the amount of public space required, and provided, by townhome projects built to date.

Alternative calculation method

The current method of calculation for residential requires a specified amount of square footage per dwelling unit. For office uses the calculation is based on the gross floor area of the building. One option for consideration is to apply the office methodology to residential uses as well. This approach would remove density (i.e. dwelling units/acre) from the equation and more directly link the calculation to the potential occupancy of the building. For example, an apartment building with all one-bedroom units would have a greater ***unit*** density than an equally sized apartment building with some two- and three-bedroom units. The latter building could have more residents but would be required to provide less public space based on the current method of calculation. ***The bottom table in*** **Attachment 1** indicates the effect this could have on projects applying the current requirement for office to residential.

The fact that office projects in downtown have been able to meet or exceed the current requirement indicates that the requirements for office may not need to be amended, as previously proposed. It also raises the possibility of basing the requirement for residential on the same percentage of floor area used for office space, rather than adjusting the per unit requirement. This would have the effect of reducing the overall amount of required public space across the board, but requiring relatively more public space for projects with larger units, like townhomes, which have been able to meet the current requirements. ***One pair of columns in the bottom table of*** **Attachment 1** shows the effect of such an approach on the completed projects. ***Another pair of columns in that table provides different percentages for townhomes and apartments to arrive at an amount in both cases that is closer to the current requirement.***

A recent submittal for affordable housing that includes micro-apartments and small efficiency dwelling units raises new questions about how we define a dwelling unit and apply requirements for public space (as well as parking). The micro-apartment portion of the proposal groups up to 18 bedrooms with private bathroom facilities around a common area with a full kitchen. If the individual units are treated as dwellings, the current dwelling-unit based requirement would result in an amount of public space that would likely be prohibitive. Conversely, treating as many as 18 bedrooms around a common kitchen as a single unit would likely result in an inadequate public space requirement. Using a requirement based on project floor area would likely result in a more equitable result. ***This project is added to the table in Attachment 1, with figures for both the applicants' proposal to count residential suites as one unit and a more conservative approach that treats each rentable private room as a unit. The entry uses the applicants' proposal to provide public space in the form of courtyards in the three proposed buildings, and notes that they may not meet the requirements for public space.***

Staff recommends a residential requirement based on floor area, and offers these two options for consideration. One would require apartments to provide twice the floor area percentage required for office, while requiring townhomes to provide the same amount as office. This, together with a 10% allowance for in lieu fees on larger projects would provide similar amounts as the current requirements. Some adjustments to the percentages and in lieu fee allowance may be warranted.

A second option would apply the 6% office requirement used in the Downtown Neighborhood district and 10% requirement used in the Downtown Transition,

General Downtown Corridor and SR 522 Corridor districts to all residential uses. This would provide the following:

- ***Reduction in the amount of required open space for apartment style projects to levels comparable to what such developments have been able to provide to date.***
- ***Reduced need to use in lieu fees to meet the requirement for apartment projects.***
- ***Roughly the same amount of public space required for townhome developments, which have been able to meet the current requirements.***
- ***Eliminates any need to provide a cap on the percent of lot area required for public space.***

Both options would provide a requirement that can be applied to micro-apartments and other emerging trends without having to develop standards for how to define a dwelling unit. The enhanced requirements and guidelines for public space will help ensure that the public spaces provided are of higher quality and more clearly public.

<u>In lieu fees</u>

After each column indicating the reduced required amount is a calculation for an additional 10% reduction that the developer could achieve by paying an in lieu fee ***on larger projects***. This would be at the option of the developer and provide some flexibility in meeting the public space requirement, ***and removing the requirement that in lieu fees require director's approval eliminates some uncertainty***. No other fee in lieu options, including at the director's discretion, would be allowed for larger projects.

Projects on smaller sites would be eligible to pay the fee in lieu for the full amount of public space required. This option would be at the discretion of the applicant and would only apply to projects required to provide less than 3,000 square feet but 1,000 square feet or more of public space.

<u>Exemption for small projects</u>

At the December and January public hearings Commissioners expressed support for an exemption for projects that have a requirement of less than 1,000 square feet.

<u>Transfer of public space</u>

At the January 8 public hearing the Commission discussed adding regulations to explicitly allow transfer of public space between downtown projects by the same developer, as has been allowed in one instance. A concern was raised regarding the proximity of the sites. The proposed code amendments requires that transfers must be within one half mile, which would allow the transfer that was allowed between The 104 and Six Oaks and the one proposed between the Ross Road Apartments and the Harbour Homes office project on 98th Ave NE, but would not allow a transfer from the Post Office site to Block A (former Bothell Bike and Ski), for example.

Quality of public spaces:
Measures to achieve better results were discussed and included in earlier proposed drafts. At the December 4 hearing, there was a suggestion to consider requirement amenities, like benches, along passages. Since passages are intended primarily to provide pedestrian connection, rather than places to gather and linger, staff proposes instead to include wayfinding and directional signage for passages in the provisions for signage of public spaces ***and a guideline to incorporate common mailboxes, where employed, in required public space to encourage interactions among neighbors***.

Action

Staff is seeking direction from Planning Commission on these proposed code amendments, and particularly on the options for calculating the amount of public space required.

Attachment

1. Revised Downtown Bothell Public Space Comparisons

Downtown Bothell Public Space Comparisons – REVISED 1/30/20

Adjusting Current per-unit requirement

DT and 522 Projects* Projects (% site area)	Units/ Office Area	Total GFA[6]	NFA[8]	Amount provided or proposed	Current Requirement: 150sf/unit, 10% office	90sf/unit 10% office	-10% ILF	20% of site area
Ross Rd. Apartments (19%)	95	[9]62,498sf	[9]54,902sf	6,881sf proposed	14,250sf	8,550sf	7,695sf	7,403sf
Dawson Square (9%)	45	[7]93,330sf	[7]93,330sf	8,661sf provided	6,750sf	4,050sf	3,650sf	18,526sf
The Landing (9%)	58	[7]102,138sf	[7]102,138sf	8,827sf provided	8,700sf	5,220sf	4,698sf	18,730sf
10304 185th Townhomes (5%)	13	[10]21,168sf	[10]21,168sf	740 proposed	[1]1,950sf	1,170sf	[1]1,053sf	3,204sf
10320 185th Townhomes	5	[10]8,267sf	[10]8,267sf	0 proposed	[1]750sf	450sf	[1]405sf	1,439sf
Bothell Micros ([11]11%)	[11]64-119	[10]41251sf	[10]24,825sf	[11]7,080 proposed	[11]9,600-17,850sf	[11]5,760-10,710sf	5,184-9,639sf	13,318sf
DN Projects (% of site area)					Current Requirement: 100sf/unit, 6% office	60sf/unit 6% office	-10% ILF	20% of site area
The 104 (12%)	115	142,783sf	[8]88,141sf	6,959sf provided[2]	11,500sf	6,900sf	6,210sf	11,612sf
The Pop (34%)	118 14,071sf	106,412sf	[8]92,341sf	15,629 provided[3]	12,644sf	7,830sf	6,879sf	9,153sf
Edition Apartments (15%)	135	160,833sf	[8]120,552sf	6,110sf provided[4]	13,500sf	8,100sf	7,290sf	8,201sf
98th Ave Apartments (3%)	79	88,606sf	[10]57,953sf	1,467sf provided[5]	7,900sf	4,740sf	4,266sf	11,164sf
Harbour Homes office (12%)	0 17,668sf	[10]17,768sf	[10]10,729sf	2,099sf proposed	[1]1,066sf	711sf	[1]640sf	3,584sf
Fir Street Flats (13%)	3 583sf	5,233sf	4,253sf	335sf proposed	[1]335sf	203sf	[1]183sf	528sf

Proposed options for a floor area based requirement

DT and 522 Projects* Projects (% site area)	Units/ Office Area	Total GFA[6]	NFA[8]	Amount provided or proposed	Current Requirement: 150sf/unit, 10% office	20% NFA apts, 10% townhomes	-10% ILF	10% total NFA[6]	-10% ILF
Ross Rd. Apartments (19%)	95	[9]62,498sf	[9]54,902sf	6,881sf proposed	14,250sf	10,980sf	9,882sf	5,490sf	4,941sf
Dawson Square (9%)	45	[7]93,330sf	[7]93,330sf	8,661sf provided	6,750sf	9,333sf	8,400sf	9,333sf	8,400sf
The Landing (9%)	58	[7]102,138sf	[7]102,138sf	8,827sf provided	8,700sf	10,214sf	9,192sf	10,214sf	9,192sf
10304 185th Townhomes (5%)	13	[10]21,168sf	[10]21,168sf	740 proposed	[1]1,950sf	4,234sf	3,810sf	[1]2,117sf	1,905sf
10320 185th Townhomes	5	[10]8,267sf	[10]8,267sf	0 proposed	[1]750sf	[1]1,653sf	[1]1,488sf	[1]827sf	744sf
Bothell Micros ([11]11%)	[11]64-119	[10]41251sf	[10]24,825sf	[11]7,080 proposed	[11]9,600-17,850sf	[11]4,965sf	4,469sf	[1]2,483sf	2,234sf
DN Projects (% of site area)					Current Requirement: 100sf/unit, 6% office	12% NFA apts, 6% office+townhomes	-10% ILF	6% total NFA[8]	10% ILF
The 104 (12%)	115	142,783sf	[8]88,141sf	6,959sf provided[2]	11,500sf	11,081sf	9,519sf	5,288sf	4,760sf
The Pop (34%)	118 14,071sf	106,412sf	[8]92,341sf	15,629 provided[3]	12,644sf	10,237sf	9,213sf	5,108sf	4,597sf
Edition Apartments (15%)	135	160,833sf	[8]120,552sf	6,110sf provided[4]	13,500sf	14,466sf	13,020sf	7,233sf	6,510sf
98th Ave Apartments (3%)	79	88,606sf	[10]57,953sf	1,467sf provided[5]	7,900sf	6,954sf	6,259sf	[1]3,477sf	3,129sf
Harbour Homes office (12%)	0 17,668sf	[10]17,768sf	[10]10,729sf	2,099sf proposed	[1]1,066sf	[1]644sf	579sf	[1]644sf	579sf
Fir Street Flats (13%)	3 583sf	5,233sf	4,253sf	335sf proposed	[1]335sf	475sf	[1]428sf	[1]255sf	230sf

DN = Downtown Neighborhood district

* DT = Downtown Transition district, 522 = SR 522 corridor district. Both have the same public space requirement, as does the General Downtown Corridor.

[1] 10% in-lieu-fee limit would not apply to projects with a public space requirement of less than 3,000sf, and those with less than 1,000sf would be exempt, as written in the draft amendments.

[2] The 104 requested and was allowed to transfer the remainder of their required open space to the Six Oaks site.

[3] The Pop proposed and was allowed to provide its Phase 1 public space in a second-level terrace and a passage partly shared with the parking entrances and partly on an easement shared with Northshore School District, connecting to Horse Creek Plaza, and to treat Phase 1 and 2 public space as one project.

[4] Edition Apartments paid an in lieu fee for 55% of its required public space.

[5] 98th Avenue Apartments is paying an in lieu fee for 69% of its required public space, but is also providing a pedestrian connection along its south frontage, connecting to 183rd St. to the west. The in lieu fee would be limited to 10% in the proposed amendments.

[6] Gross Floor Area for a project, regardless of uses, minus parking.

[7] Based on KCA average unit size.

[8] Net Floor Area, based on KCA or net usable area minus residential common areas, service spaces and circulation.

[9] Gross and net residential floor area per revised PreApp packet

[10] Areas per permit application (or revisions, per applicant)

[11] Proposal for a combination of micro-apartments (residential suites) and dormitory or small efficiency dwelling units, which do not fit into current definitions for dwelling units. Public space proposed is in courtyards, which likely would not meet requirements.

Old Business

MEMORANDUM
Community Development

City of Bothell

DATE: February 5, 2020

TO: Planning Commission

FROM: Michael Kattermann, Director, Community Development

SUBJECT: **Proposed Bylaws Amendments**

Objective
Update Planning Commission Bylaws.

Action
Staff is recommending the Commission adopt the proposed amendments.

Background/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 when the Commission changed its meeting start time to 6:00 pm and established a meeting end time of 9:00 pm.

At the September 18, 2019 meeting, the Commission reviewed and discussed possible changes to the bylaws including:

- Reducing officers to Chair and Vice-Chair and clarifying when elections occur
- Clarifying the role of the "temporary chair"
- Revising regular meeting dates to first and third Wednesdays
- Clarifying proxy voting is not allowed
- Updating standard agenda
- Limiting committees to ad-hoc and establishing sunset provisions
- Identifying a limit on excused absences that would require consideration of action by the Commission

Staff is recommending approval of the proposed amendments. Bylaws can be amended by motion and an affirmative vote by a majority of the Commission.

Attachment
1 – Proposed Planning Commission Bylaws Amendments

Attachment 1

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~~,~~ and Vice-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 in even numbered years. 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 ~~unexplored~~ 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. Vice-Chair ~~Pro-tem~~: the Vice-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.~~c. If the Chair~~,~~ and Vice-Chair ~~Pro-tem, and Executive Secretary~~ are ~~all~~ both absent, the remaining members shall elect a Chair Pro-tem to serve during their absence.

ARTICLE V - OPPORTUNITY TO GAIN~~E~~ 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~~ Temporary Chair 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~~ and third Wednesdays of each month, except August, 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. Vote by proxy is not allowed.

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 for items not scheduled for public hearing on the same agenda
   4) Approval of Minutes
   5) Public Hearings
   6) Old and New Business
   7) Reports from Council Liaison, 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 ad-hoc 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. Committees shall terminate upon submittal of a final report to the Commission unless extended by a majority vote of the Commission. Any extension must specify the committee's task with a new termination date not to exceed six months.

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~~ If any member~~,~~ accumulates ~~of~~ two (2) consecutive unexcused absences or a total of three (3) unexcused absences or a total of nine (9) excused absences from regular meetings and/or public hearings during a calendar year, ~~constitutes grounds for a recommendation, by~~ the Commission shall consider whether to recommend removal of that member and, if so, send that recommendation 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