

AGENDA

BOTHELL PLANNING COMMISSION

Bothell City Hall, 18415 101st Avenue NE
Wednesday, March 20, 2019, 6:00 PM

1. CALL TO ORDER
2. PUBLIC COMMENTS
 - a. An opportunity for members of the audience to address the Board 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
 - a. February 27, 2019
4. NEW BUSINESS
 - a. Council Liaison Report
 - b. Cyber security training (IS Department)
5. PUBLIC HEARINGS
 - a. Small Cell Wireless Concealment Code amendments
Note: Please bring your March 6th Packets to this hearing
6. STUDY SESSION
7. OLD BUSINESS
8. REPORTS FROM STAFF
Thank you, Roger Cecil for your many years of hard work and dedication
9. REPORTS FROM MEMBERS
10. 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 March 14, 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.

Shorelines Board meetings shown in normal text, start at 6 p.m. unless otherwise noted.

Meetings are held in the **City Hall building at 18415 101st Avenue NE** unless otherwise noted.

For planning purposes only: schedule subject to change without notice

April 2019

Monday	Tuesday	Wednesday	Thursday	Friday
1	2	3	4	5
	Levy and Bond Update briefing 2020 US Census Briefing	<i>VISION 2050 briefing</i> <i>Canyon Park briefing</i> <i>Docket briefing</i>		
8	9	10	11	12
Shorelines Board Continued Public Hearing and Recommendation	Study Session - Discussion regarding City-Owned Downtown properties			
15	16	17	18	19
	Public Hearing ADU Privacy Code amendments (Tentative) Safe Streets and Sidewalks Annual briefing VISION 2050 Update briefing PROS (Parks) Plan Update briefing			
22	23	24	25	26
29	30			

Minutes: February 27, 2019

BOTHELL PLANNING COMMISSION

REGULAR MEETING - February 27, 2019

COMMISSIONERS PRESENT: David Vliet, Patrick Cabe, Kevin Kiernan, Roger Cecil (arrived at 6:05 p.m.) and Aaron Moreau-Cook (left at 6:05 p.m.)

COMMISSIONERS ABSENT AND EXCUSED: Jason Hampton

STAFF PRESENT: Bruce Blackburn, Senior Planner, Dave Boyd, Senior Planner

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Chair David Vliet on February 27, 2019, at 6:00 p.m. in the Council Chambers at the Bothell City Hall, 18415 101st Avenue NE.

APPROVAL OF MINUTES:

KIERNAN MOVED TO APPROVE THE MINUTES AS AMENDED FOR FEBRUARY 6, 2019. CABE SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

PUBLIC HEARING:

Chair Vliet opened the Public Hearing on Small Cell Wireless Concealment Code Amendments and introduced Bruce Blackburn, Senior Planner.

Blackburn shared a brief presentation regarding Downtown Illumination Character Streets Standards and introduced Scott Snyder from Odgen, Murphy & Wells, legal counsel for the City of Bothell.

Blackburn recommended moving the public hearing to March 6, 2019 to give staff time for refinement of regulations.

Discussion ensued.

Verizon Wireless representative commented on requested revisions for design standards.

Discussion ensued.

MOTION BY CECIL TO MOVE THE PUBLIC HEARING ON SMALL CELL WIRELESS CONCEALMENT CODE AMENDMENTS TO MARCH 6, 2019. KIERNAN SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

STUDY SESSION:

Chair Vliet opened the Study Session on Critical Areas Regulations amendments and introduced Dave Boyd, Senior Planner.

Boyd introduced Sarah Gustafson, Shorelines Board Member and stated she was in attendance to facilitate better coordination between the Planning Commission and the Shorelines Board on related amendments between Title 13, Shoreline Management and Chapter 1404, Critical Areas Regulations.

Boyd shared a brief presentation regarding the background and reasons for the Critical Areas Regulations Amendments.

Discussion ensued.

OLD BUSINESS: None

REPORTS FROM STAFF:

Boyd invited members of the Planning Commission to attend the March 11, 2019 Open House and Shorelines Board Hearing on code amendments.

Blackburn invited Planning Commission members to attend the Puget Sound Regional Council's open house on March 18, 2019 from 4:00-6:00 p.m. in the Bothell Police Community Room. The topic of discussion will be Supplemental Environmental Impact Statement for the 2050 Regional Growth Plan

REPORTS FROM MEMBERS:

Commissioner Cabe and Commissioner Kiernan stated that they would be unable to attend the March 6, 2019 Planning Commission Meeting.

ADJOURNMENT:

KIERNAN MOVED TO ADJOURN, CABE SECONDED IT PASSED WITH ALL PRESENT IN FAVOR.

The meeting was adjourned at 8:48 p.m.

**Continued Public Hearing
Small Cell Concealment
Code amendments**

MEMORANDUM

Community Development



City of Bothell

DATE: March 20, 2019

TO: Planning Commission

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

SUBJECT: **Continued Public Hearing - Small Cell Wireless (SCW) Concealment standards for Downtown Design District**

Objective

The purpose of tonight's meeting is to conclude the public hearing and complete the review of and recommendations on the draft Small Cell Wireless aesthetic, design and concealment standards which the Planning Commission began on February 27, 2019.

Policy Consideration

On January 8, 2019 the City Council adopted an interim ordinance amending the Bothell Municipal Code (BMC) regulating wireless communications facilities (Chapter 12.11 BMC). The interim ordinance was crafted to comply with regulations adopted by the Federal Communications Commission (FCC), and contains provisions related to permit time limitations, review and approval criteria and several other specific requirements. The interim ordinance will be replaced with a permanent ordinance later this year. The Planning Commission has been tasked with providing a recommendation on the aesthetic, design and concealment standards for Small Cell Wireless (SCW) facilities within the Downtown Design District.

Background

The growth and demand for wireless services during the past several years has been phenomenal and demand continues to increase, requiring the expansion of wireless networks. The FCC has established that small wireless facilities are an integral part of meeting this rising demand and, through their authority, severely limited the ability of local jurisdictions to regulate these facilities within the public right-of-way. FCC rules do allow jurisdictions to apply additional aesthetic and concealment requirements in special design districts.

Because the City has made a significant investment in the redevelopment of downtown, including the appearance and design of infrastructure (e.g. landscaping, walkways, pavement, and light poles) there is a need to protect that investment by establishing appropriate aesthetic, design and concealment standards for SCWs placed within the public rights-of-way. Attached to this memorandum are proposed amendments to the Bothell Design and Construction Standards (Bothell Standards).

Discussion

When the interim ordinance was adopted, the intent was to develop and publish these design standards as an amendment to the interim ordinance prior to the April 14, 2019 deadline established by the FCC. The current approach is to incorporate the standards into the Bothell Design and Construction Standards (Bothell Standards) instead of amending the interim ordinance. This will allow for publication of the standards by the deadline, eliminate the need to amend the interim ordinance, and place the standards with similar, related requirements. This will also allow staff to focus on refining and finalizing the permanent ordinance rather than amending the interim ordinance. It will also relieve the Planning Commission of dealing with mostly housekeeping amendments to the permanent ordinance by taking those directly to the City Council.

The recommended Standards have been crafted to be consistent with previous Planning Commission direction to apply a hierarchical approach which emphasizes:

- First – place SCWs outside the design district
- Second – Make SCWs the smallest technically feasible
- Third - place SCWs underground
- Fourth – if not underground conceal at the base of a pole or within street furniture
- Fifth – If no other option is technically feasible, place SWCs on the side of a pole but only at certain heights and match pole color

The March 6th Packet is attached to this email for

Public Hearing Process

- Staff presentation
- Commission questions of staff
- Public Testimony
- Commission deliberation
- Close the public hearing
- Commission action

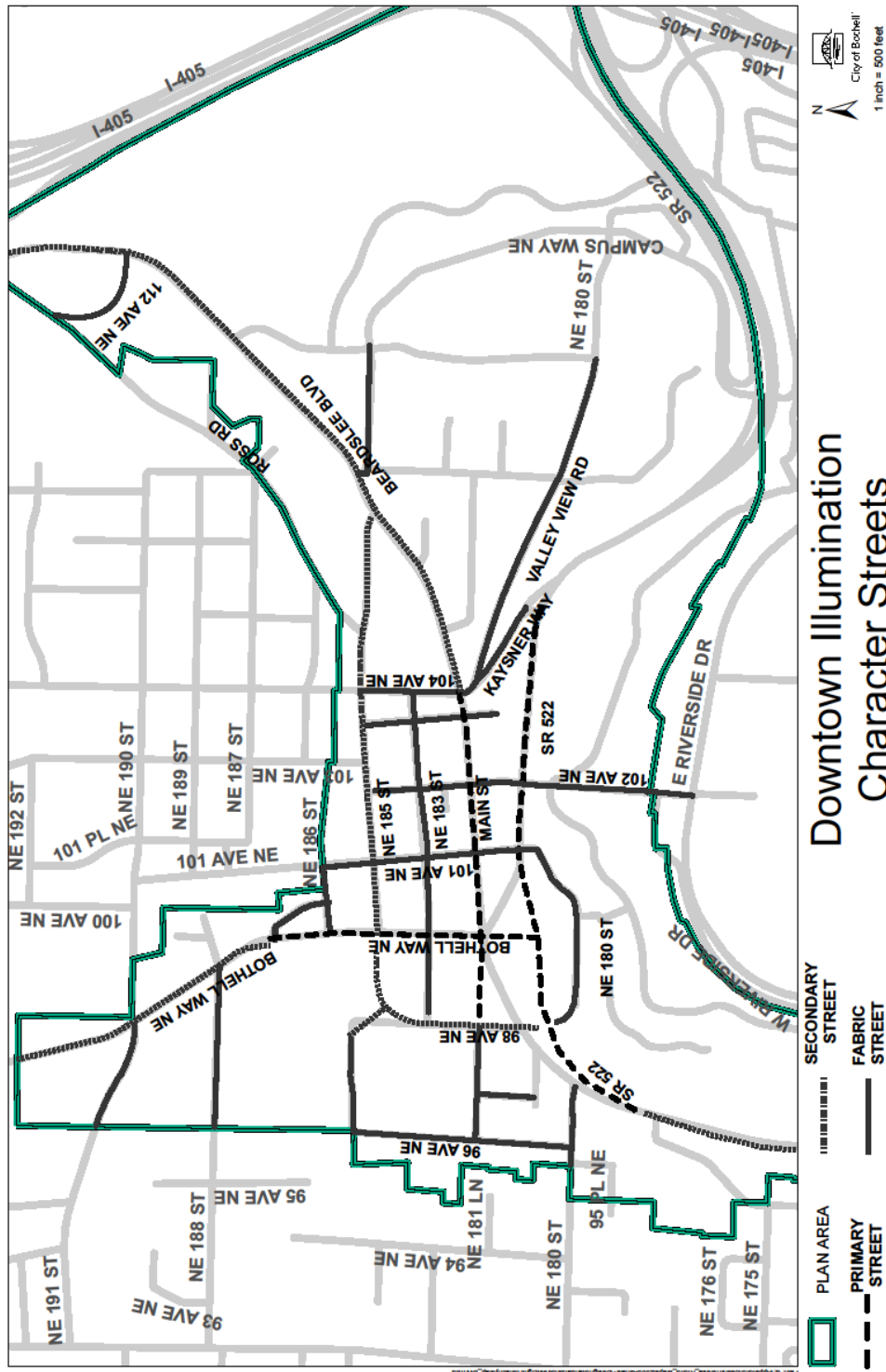
Recommended Action

Move to recommend that the Small Cell Wireless aesthetic, design, and concealment standards proposed within Attachment 1 to this Memorandum be amended to the Bothell Design and Construction Standards.

Attachments

1. Draft Downtown Design District Regulations Sections 12.11.100; 12.11.110; 12.11.120; and, 12.11.130.
2. Draft Planning Commission Findings of Fact, Conclusions and Recommendation
3. Downtown lighting design standards
4. March 6, 2019 Packet (for background information and exhibits)

Bothell Design and Construction Standards



Existing Figure / Table 3-9(2)

***3-9.7 DOWNTOWN STREET NETWORK SMALL CELL AESTHETIC, DESIGN, AND CONCEALMENT STANDARDS**

The following requirements apply to small cell wireless facilities placed within the Downtown Illumination Character Street public rights-of-way as shown in the Figure on Page 3-82 and identified within Table 3.9(4). These public rights-of-way are also known as the Downtown Design District. This Design District creates a well-coordinated, cohesive downtown experience where the city has made a multimillion dollar investment in the streetscape of the streets within the Design District. Because the rights-of-way of the designated streets within the Design District are relatively narrow in depth and the streets are adjacent to and surrounded by other street rights-of-way as well as public and private property that offer alternative opportunities for small wireless deployments, the alteration of the Design District streetscape and ornamental utility structures is strongly discouraged. Wireless providers are encouraged to begin design of their local networks in a manner that avoids locating facilities within the Design District rights-of-way.

3-9.7.1 Applicant Responsibility

An applicant or provider who desires to place a small wireless facility within the Design District must demonstrate through technical analysis and submittal of other information as required by the Director that the applicant cannot locate the small wireless facility adjacent to or outside of the Design District recognizing that alternative rights-of-way are close to and surround the Design District. Applications for small wireless facilities in the Design District may only be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of a proposed site that is outside of the Design District.

3-9.7.2 Design District Aesthetic and Concealment Requirements.

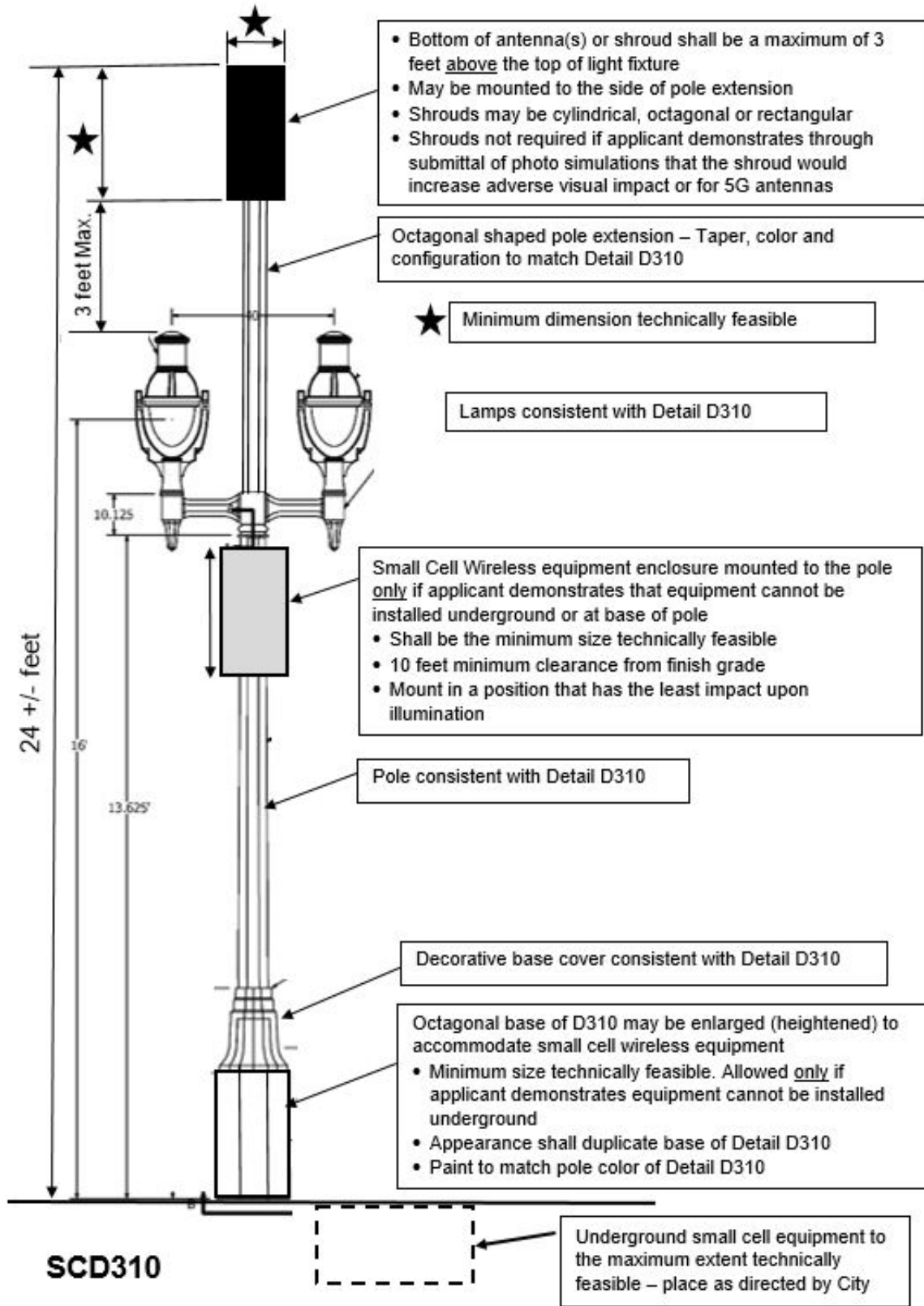
An applicant who successfully demonstrates that the small wireless facility cannot be located outside the Design District as required above, shall provide technical analysis and other information as identified by the Director that demonstrates the small wireless facility occupies the minimum volume, size, footprint, height, and visual appearance technically feasible and complies with the following:

1. Small wireless support equipment, excepting only antennas, antenna shrouds, antenna mounts, and cut-off switches, shall, to the maximum extent technically feasible, be placed underground. Only if the applicant demonstrates it is technically infeasible to place the small wireless equipment underground may an applicant propose placement of the equipment above ground, or the antennas and support equipment are an integral unit, provided however, that all above ground equipment shall be concealed according to the following descending hierarchical preference:
 - a) Incorporate support equipment within the base and/or interior of the utility pole or street light standard, provided that the diameter of the pole base and the pole is not increased more than is technically necessary and the street light standard appearance matches the appearance as specified within the Bothell Standards;
 - b) Place equipment within dual purpose street furniture such as benches, refuse containers, tables, chairs, and other city-approved furniture that include space for a concealed equipment enclosure. The design, appearance and placement of such dual purpose furniture shall be consistent with the Bothell Standards;
 - c) Only if, due to technical infeasibility, support equipment cannot be placed consistent with the above preferences, an applicant may propose mounting support equipment to the side of a new or existing pole, which mounting shall be consistent with the following:

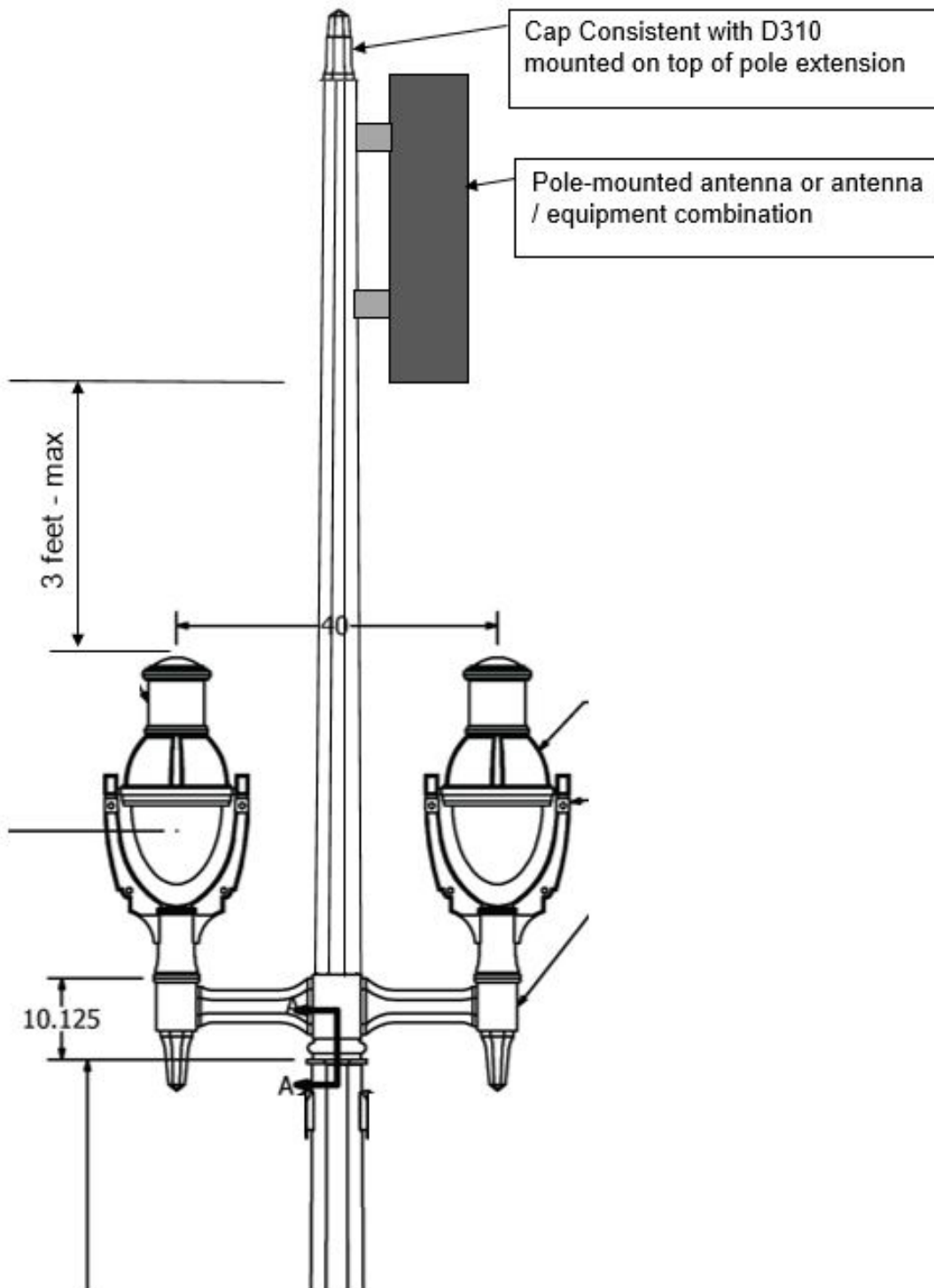
- i. Above ground equipment shall be the minimum volume technically feasible;
 - ii. All equipment shall be enclosed within a solid, durable cabinet;
 - iii. Equipment enclosures shall match the color of the pole as specified within the Bothell Standards;
 - iv. A minimum clear separation dimension as specified within the Bothell Standards shall be maintained between the bottom of the enclosure and the finish grade of the sidewalk or ground surface beneath the enclosure;
 - v. The equipment shall be placed to have the least possible impact upon the light distribution of the street light fixture; and
 - vi. All pole extensions shall be consistent with the Small Cell Details SCD310, SCD311, SCD313, and SCD314 of these Bothell Standards.
2. Pole extensions to accommodate antennas, antenna mounts, and support equipment installed on existing or new light standards shall match the shape, configuration, vertical taper and color of the utility pole or street light standard as specified within the Bothell Standards;
 3. All antennas, antenna shrouds or skirts shall be either octagonal, cylindrical, or rectangular in shape or a shape and configuration that is approved as part of a franchise agreement exhibit pursuant to Chapter 12.11 BMC;
 4. The maximum allowed height of a small wireless facility pole extension within the Design District shall be as specified within the Bothell Design and Construction Standards unless the applicant can establish that the height limitation would violate the provisions of federal law; and
 5. All new or replacement utility pole or street light standards shall be consistent with the aesthetic, design and concealment treatments of the Bothell Municipal Code and these Standards

Table 3-9(5)			
<u>DOWNTOWN BOTHELL SMALL CELL WIRELESS STREETLIGHT TREATMENTS</u>			<u>SMALL CELL DETAIL</u>
<u>Street Name</u>	<u>Street Designation</u>	<u>Standard Detail #</u>	<u>Small Cell Wireless treatment Detail #</u>
<u>Bothell Way NE (SR 522 to Reder Wy)</u>	<u>Primary</u>	<u>D310</u>	<u>SCD310</u>
<u>Bothell Way NE (SR 522 to Reder Wy)</u>	<u>Primary</u>	<u>D311</u>	<u>SCD311</u>
<u>Main Street (104th Ave to 98th St)</u>	<u>Primary</u>	<u>D310</u>	<u>SCD310</u>

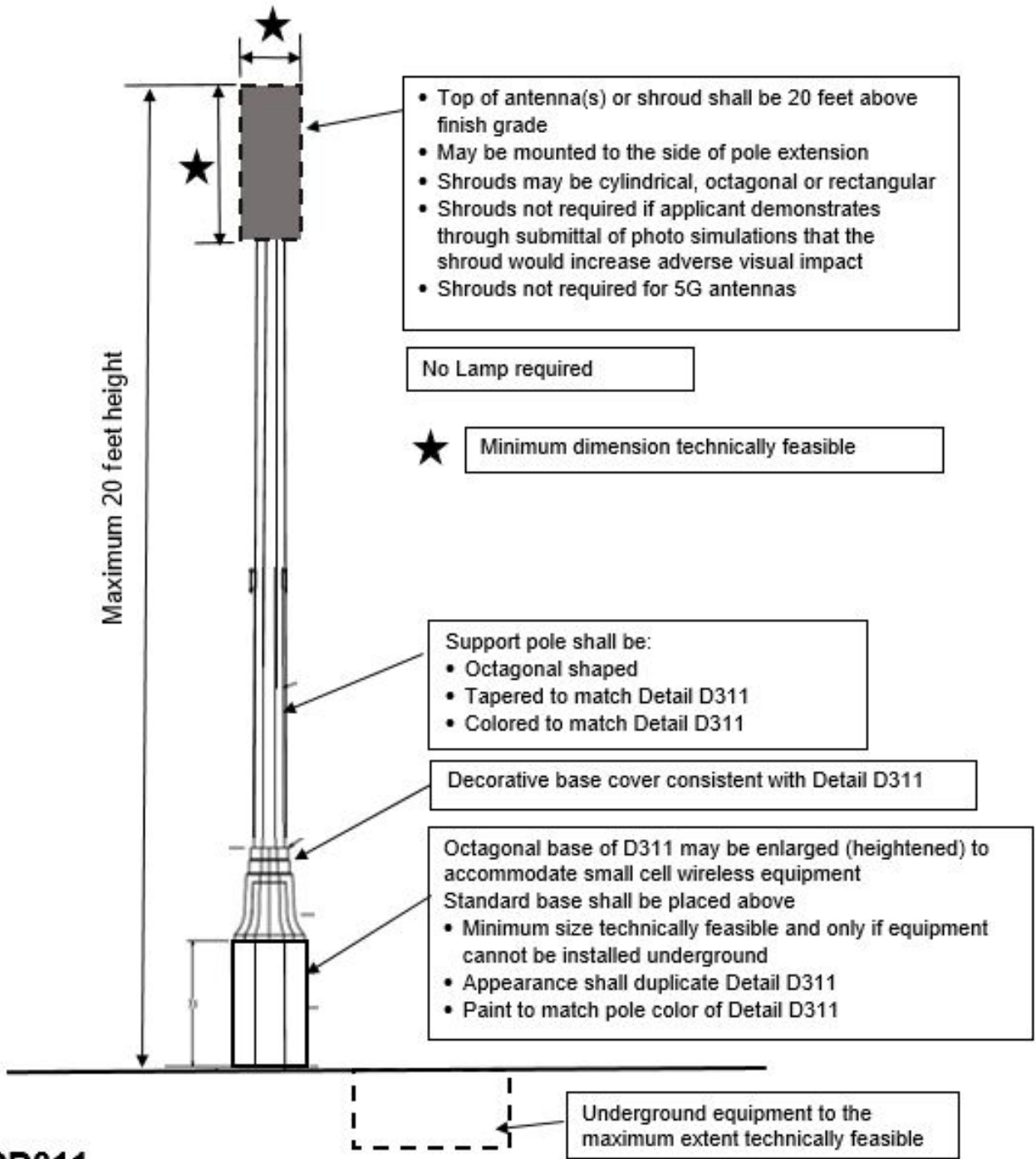
Table 3-9(5)		SMALL CELL DETAIL	
<u>DOWNTOWN BOTHELL SMALL CELL WIRELESS STREETLIGHT TREATMENTS</u>			
<u>Street Name</u>	<u>Street Designation</u>	<u>Standard Detail #</u>	<u>Small Cell Wireless treatment Detail #</u>
<u>Bothell Way NE (N of Reder Wy)</u> <u>Beardslee Blvd</u> <u>Bothell Wy NE/SR 522 (180th St to Kaysner Wy)</u>	<u>Secondary</u>	<u>D313</u>	<u>SCD313</u>
<u>185th Street 98th Avenue</u> <u>Pop Keeney Road</u>	<u>Secondary</u>	<u>D311</u>	<u>SCD311</u>
<u>NE 180th Street NE 186th Street</u> <u>Reder Way</u> <u>NE 183rd Street 101st Avenue</u> <u>NE</u> <u>Any other designated Fabric Streets</u>	<u>Fabric</u>	<u>D311</u>	<u>SCD311</u>
<u>Bothell Way NE/SR 522 (West City Limits to 180th)</u>	<u>Primary</u>	<u>D314</u>	<u>SCD314</u>



New Detail SCD310

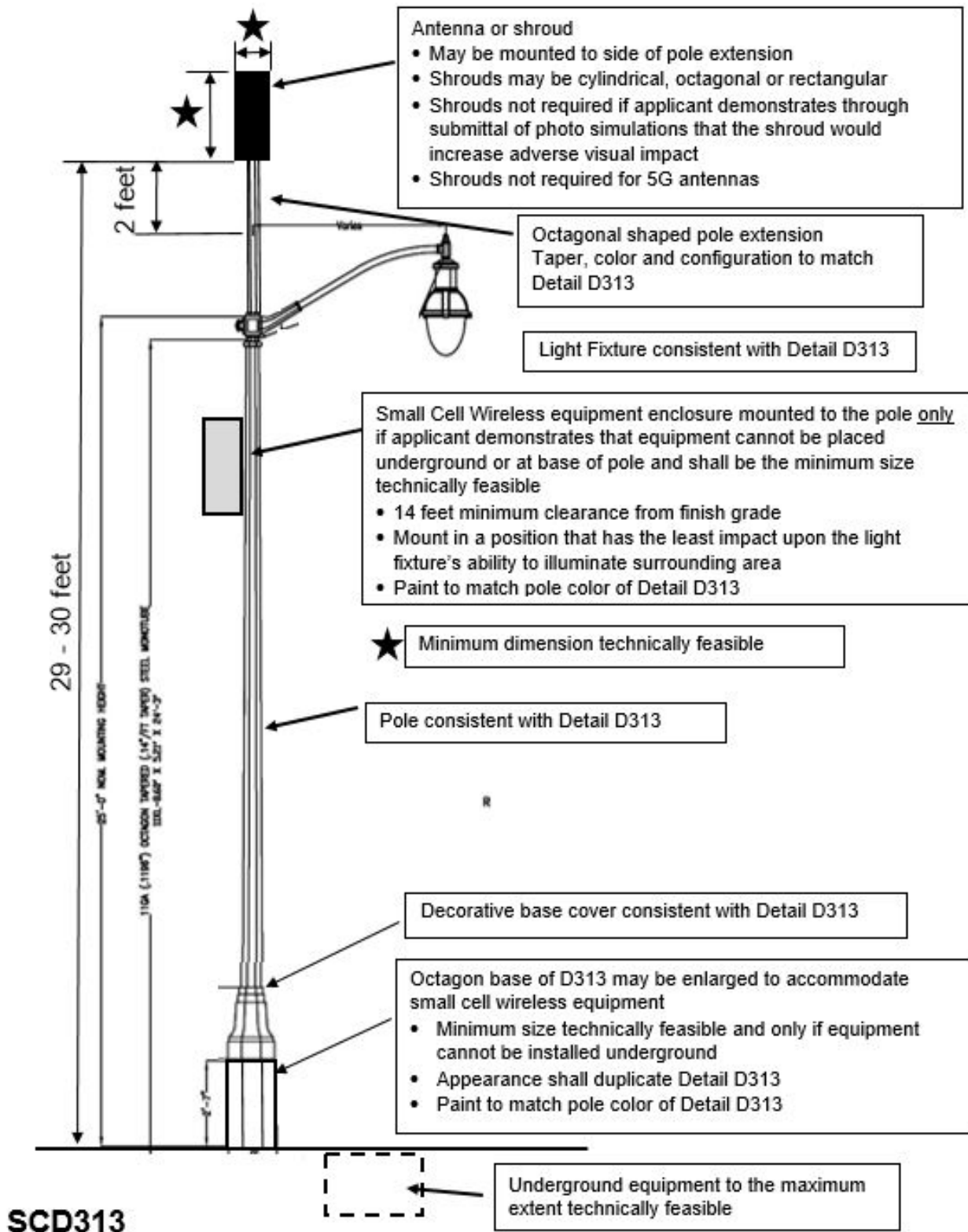


New Detail SCD310A – Pole Mounted Antenna / equipment

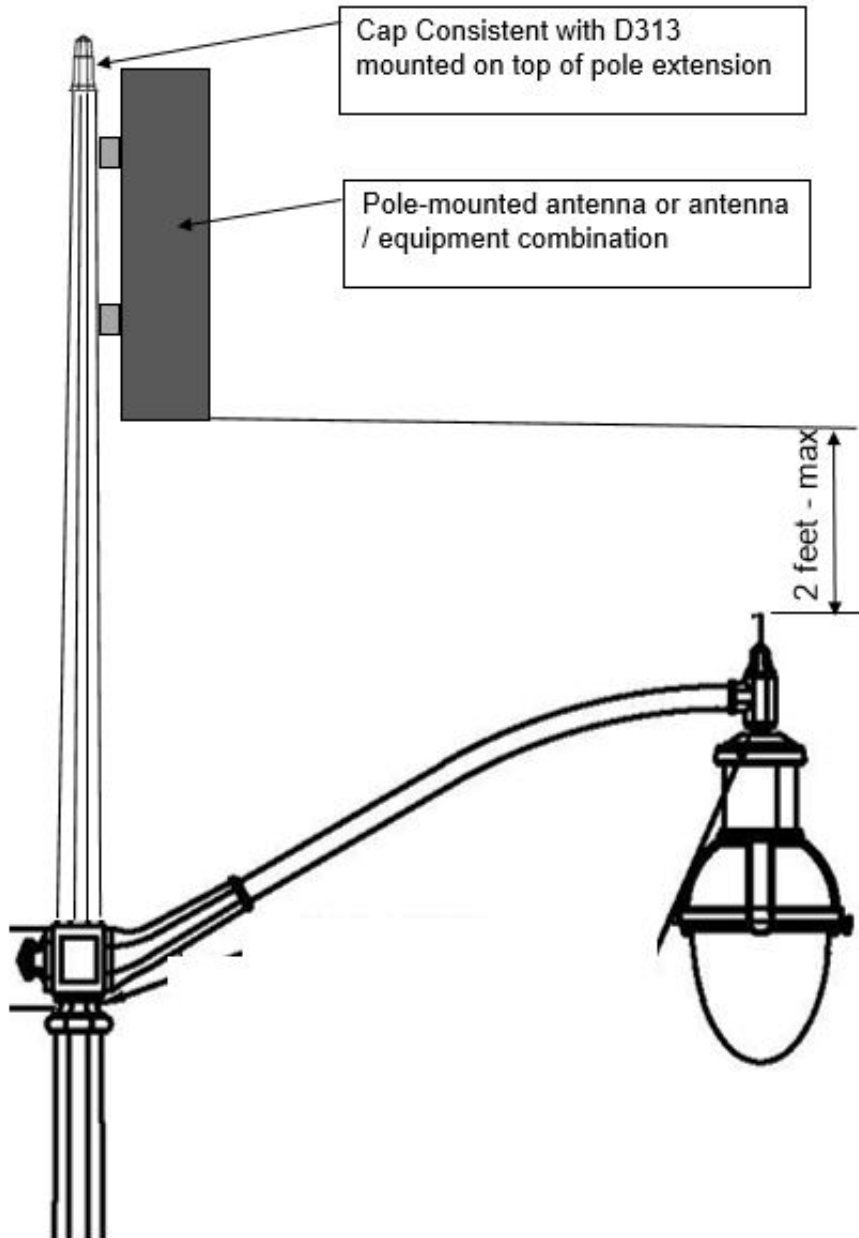


SCD311

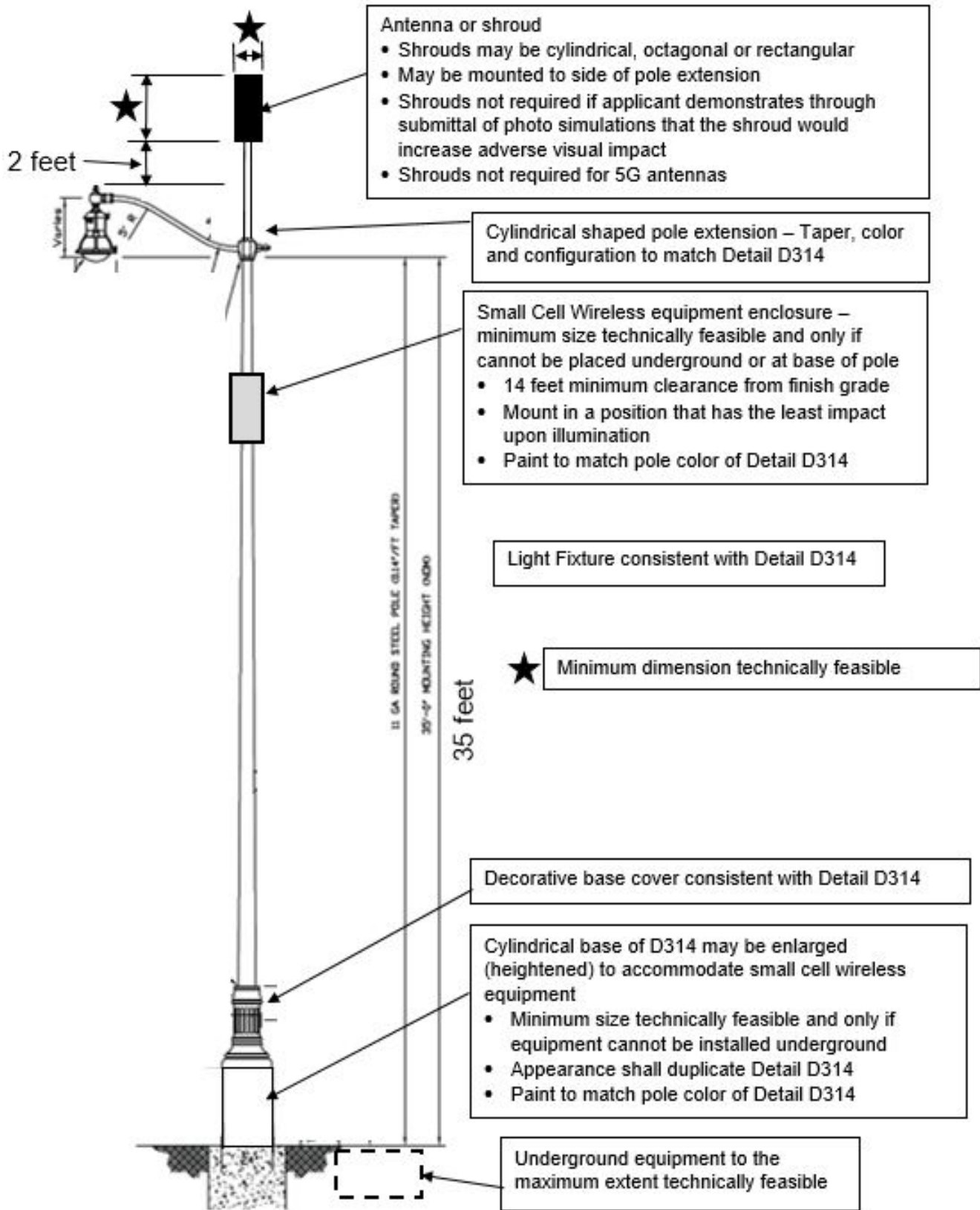
New Detail SCD 311



New Detail SCD313



New Detail SCD313A – Pole-Mounted Antenna / Equipment



New Detail SCD314

Proposed Code Amendments Regarding Small Cell Wireless Concealment Regulations

Planning Commission Findings, Conclusions and Recommendation

Findings

1. **History.** This item was initiated by City Council as part of the 2018 Docket of Plan and Code Amendments.
2. **Geographic Location.** The proposed Code amendments would apply City-wide.
3. **Proposed Action.** The small cell wireless provisions will be placed within the Bothell Design and Construction Standards which are adopted by the Director of Public Works under Chapter 17.02 and 18.02. Because the Bothell Standards are technical engineering and construction details, materials, and processes that contain few, if any, broader policy level discussions the Director of Public Works adopts such amendments. However, because of the significant investment the City has made in the Downtown Design District, for this action the Planning Commission is being asked to provide input and a recommendation regarding potential small cell aesthetic, design and concealment Standards that will be placed into the Bothell Standards.
4. **Public Meetings.** The Planning Commission held a Study session on February 6, 2019 and public hearings on February 27, and March 20, 2019.
5. **Public Notice.** Public notice for the proposed code amendments was provided through the following methods:
 - a. *Imagine Bothell...* notice. The City of Bothell provides a monthly notice to citizens, interested parties and news media which, in general, describes upcoming hearings, the topics of those hearings, and explains potential ramifications of decisions which may occur from actions of the City. This notice is provided at the end of the month for the subsequent month's hearing schedule. The *Imagine Bothell...* notice also contains information which directs inquiries to city staff, the City web page, and telephone contact numbers.

Notice of the public hearing dates for the proposed code amendment was published in the February 2019 and March 2019 editions of the *Imagine Bothell...* notice.
 - b. The *Imagine Bothell...* notice is sent via e-mail and/or regular U.S. Postal Service mail to all parties who have signed up for the service.

- c. The *Imagine Bothell...* notice is published in the City's Newspaper of Record.
- d. The *Imagine Bothell...* notice is also posted on the City's web page at www.bothellwa.gov.
- e. The City maintains a number of public notice boards which are placed throughout the City at certain accessible and visible locations. Each of these notice boards contains a plastic box where extra copies of the *Imagine Bothell...* notice are stored and are available for retrieval by any interested citizen. These boxes are filled with paper copies of the notice each month.
- f. The *Imagine Bothell...* notice is also publicly posted at City Hall, the Municipal Court Building, and the Bothell Post Office.
- g. The Planning Commission Agenda Packet which contains the materials provided to the Commission is posted on the City's web page the Friday before each Wednesday evening Planning Commission meeting.

Planning Commission Deliberations

- 6. The Planning Commission makes the following specific findings regarding the proposed Code amendments. These findings are based upon public testimony, information provided to the Planning Commission, and Planning Commission deliberations.
- 7. The increasing use of smart phones and other personal wireless devices and the increasing amount of data transmission generated by those devices has resulted in a need to expand the wireless network infrastructure. Wireless infrastructure is constructed by private wireless services companies. So called, 'macro' wireless facilities such as cell towers and cell monopoles provide cell 'coverage' to large geographic areas. Macro cell facilities are usually installed on private property. Small cell facilities are designed to provide more data transmission capacity and cover much smaller geographic areas. Small cell facilities also fill in the 'coverage gaps' of macro facilities and are typically installed in public rights-of-way.
- 8. The Federal Communications Commission (FCC) recently adopted a Regulatory Ruling, Order and Regulation ("FCC Order") governing small wireless facilities, which imposes limitations on the processing of all permits associated with the deployment of small wireless facilities, establishes that Cities allow small wireless facilities as a franchise within public rights-of-way and allows jurisdictions to adopt aesthetic, design and concealment standards for such deployments within identified design districts.
- 9. The City has made a significant investment that is quite literally in the millions of dollars in the appearance and design of the Downtown Subarea including the creation of design standards for street light fixtures and utility and light poles within certain public rights-of-way. Those public rights-of-way are identified within the Bothell Design and Construction Standards (Bothell Standards) Figure and Table 3-9(1). These streets are considered the

Downtown Design District for the purposes of these SCW Standards. The Bothell Standards are adopted by reference within Chapter 17.02 BMC.

10. The Planning Commission finds that the specified design streets are in close approximation to many streets that are not designed for these special designs leaving several options available to wireless providers to locate small wireless facilities outside of the Design District. Further, the City has other sites available within the Downtown Design District that could accommodate small cell wireless facilities without the need to alter the street light standards located within the Design District.
11. Given the findings above, the Planning Commission recommends a hierarchical approach to the placement of small cell wireless facilities where providers would be required to demonstrate that small cell facilities could not, for technical reasons, be placed upon non-design district light standards or utility poles.
12. Should it be technically necessary to place a small cell wireless facility upon a street light standard or utility pole within the Downtown Design District, the applicant should ensure through technical analysis that any antennas, antenna shrouds, support fixtures and equipment are the smallest volume technically feasible. This reduces the visual impact upon the Downtown Design District while continuing to allow small cell wireless facilities.
13. Any regulations crafted for this Code amendment should allow for the continued growth of small cell wireless data transmittal, accommodate new wireless technology, comply with the FCC Order, and implement the City's aesthetic, design and concealment objectives for the Downtown Design District and Subarea.
14. Because SCW facilities are often placed in City rights-of-way the Code amendments focus on aesthetic, design and concealment standards that integrate SCW facilities with Downtown Design District's light and pole appearance standards as specified in Details D310, D311, D 313 and D 314 of Bothell Standards.
15. The Planning Commission has reviewed information from Staff, received presentations from Small Cell Wireless Companies, taken public testimony and deliberated on the record and finds that the proposed Small Cell Wireless Concealment provisions as recommended within Attachment 1 to these findings make appropriate aesthetic, design and concealment standards for the Downtown Design District.
16. **Consistency with *Imagine Bothell...* Comprehensive Plan Policies.**
The *Imagine Bothell...* Comprehensive Plan contains the following Policies which directly support the proposed Code amendments:
 - UT- P13 Ensure utility facilities are designed in such a manner as to minimize adverse aesthetic impacts on surrounding land uses.

UT- P16 Support improvements to the telecommunications system which facilitate business, educational, and recreational activities and ensure that Bothell maintains a competitive advantage in attracting and retaining businesses.

17. **Department of Commerce Review.**

Because the amendments are not Code amendments, the requirement to send draft Code amendments to the Department of Commerce does not apply.

18. **State Environmental Policy Act (SEPA) Review.**

This action is categorically exempt from SEPA pursuant to WAC 197-11-800(19).

16. **List of Exhibits.**

1. Letter from Verizon Wireless dated February 27, 2019 with attachments.
2. Letter from AT&T dated February 27, 2019 with attachments.
3. Downtown Design District Standards as published within the Bothell Design and Construction Standards (Bothell Standards).

Conclusions

1. The potential Bothell Standard amendments have been drafted, noticed, reviewed by the public and considered by the Planning Commission in accordance with all applicable laws of the State of Washington and the City of Bothell.
2. The potential Bothell Standard amendments are necessary to comply with an FCC Order, provide a desired service to residents and businesses within the City of Bothell and maintain appropriate aesthetic, design, and concealment standards for the Downtown Design District.
3. The potential Bothell Standard amendments are in the best interest of the public health, safety and welfare.

Recommendation

Based upon these findings and conclusions, the Planning Commission recommends the City adopt the proposed Bothell Standard amendments which are Exhibit A to these Findings, Conclusions and Recommendations.

David Vliet, Planning Commission Chair

Legal Review of proposed amendments: Paul Byrne, City Attorney