

Housing and Title 17 Code Amendments

Planning Commission Findings, Conclusions and Recommendation

Findings

1. **History.** This item was initiated by City Council on February 4, 2020 as part of the 2020 Planning Docket. The housing code amendments are funded by a Washington Department of Commerce grant to improve housing choice and affordability in the region. The Planning Commission conducted a study session on November 4, 2020 and December 16, 2020 to review and discuss this item.
2. **Geographic Location.** The proposed code amendments would apply citywide.
3. **Proposed Action.** The proposed code amendments would revise regulations in Titles 11, 12, 14, 15, and 17 to authorize duplexes on corner lots in single-family zones and to increase the short subdivision threshold from four lots to nine lots, including:
 - a. Title 11. Add and amend definitions, including raising the short subdivision threshold to nine lots.
 - b. Title 12. Authorize corner-lot duplexes in single-family zones and establish associated development conditions, create options for parking flexibility for corner-lot duplexes, and make minor amendments to eliminate potential conflicts with corner-lot duplexes and the short subdivision threshold.
 - c. Title 14. Raise the SEPA flexible exemption threshold for residential structures to match the short subdivision threshold.
 - d. Title 15. Amend application requirements for shot subdivisions to be consistent with subdivisions, make minor amendments to eliminate potential conflicts with the short subdivision threshold, and make minor housekeeping amendments.
 - e. Title 17. Eliminate frontage improvement exemptions for short subdivisions and make minor housekeeping amendments.
4. **Public Meetings.** The Planning Commission held a study session on November 4, 2020 and December 16, 2020 and held a public hearing on January 20, 2021 regarding the proposed Code amendments.
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 meeting dates for the proposed code amendment was published in the November and December 2020 and January 2021 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 *Seattle Times*, 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.

Planning Commission Deliberations

6. The Planning Commission makes the following specific findings regarding the proposed code amendments. These findings are based upon public testimony the Planning Commission received during the public hearing, information provided to the Planning Commission by staff, and Planning Commission deliberations.
7. The City of Bothell received grant funding from the Department of Commerce to provide expanded housing options pursuant to House Bill 1923 (HB1923), which amended State law to increase urban residential building capacity consistent with the Growth Management Act (GMA).
8. Implementation of the grant funding includes updating City codes, plans, policies, and design and construction standards to (1) increase the division or redivision of land from four lots to nine lots through the short subdivision process and (2) authorize a duplex on each corner lot in single-family residential zones.
9. The proposed housing code amendments will increase housing choice and affordability to create new opportunities for existing and future Bothell residents. This is critical to address the regional housing crisis related to housing stock shortages and inflated housing costs.
10. The Planning Commission finds it appropriate to provide incentives for retaining and expanding or remodeling existing structures as a method of providing a range of housing options, including flexibility for existing nonconforming structures and options for reducing off-street parking requirements.

11. The proposed housing code amendments include measures to improve efficiency in processing applications, including clarifying application requirements to reduce review cycles, raising SEPA flexible exemption thresholds and Site Plan Review thresholds from four units to nine units to streamline permit requirements, and simplifying processing requirements for Planned Unit Development applications while protecting opportunities for public comment.
12. Analysis of the Bothell Municipal Code identified a number of housekeeping amendments that are consolidated for efficiency in processing, including in Titles 15 and 17.
13. **Consistency with *Imagine Bothell...* Comprehensive Plan Goals and Policies.**
The *Imagine Bothell...* Comprehensive Plan establishes a vision of strong residential neighborhoods that offer a range of housing types and prices. The Housing Element sets forth goals to “ensure an adequate choice of attractive living accommodations to persons desiring to reside in Bothell” (HHS-G2) by promoting “an appropriate supply and mix of densities and housing types to meet the needs of people who work and desire to live in Bothell” (HHS-P13).
14. **Department of Commerce Review.**
The proposed code amendments have been provided to the Department of Commerce in periodic grant progress update reports. The draft amendments were sent to the Department of Commerce for formal review on December 18, 2020.
15. **State Environmental Policy Act (SEPA) Review.**
A SEPA Determination of Non-Significance (DNS) will be issued for the proposed code amendments prior to consideration by City Council.
16. **List of Exhibits** (See Planning Commission packets on City of Bothell website for exhibits)
 1. Mike Pattison email, November 5, 2020
 2. Cary Westerbeck email, December 10, 2020
 3. Donna Bardsley email, December 12, 2020
17. **Public Testimony** (See video recording on City of Bothell website for detailed testimony)

Conclusions

1. The recommended code 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 recommended code amendments are necessary to provide for improved housing choice and affordability consistent with the Growth Management Act and HB1923. The proposed amendments are consistent with Bothell’s adopted Comprehensive Plan.
3. The recommended Code 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 Council adopt the code amendments in Exhibit A to these Findings, Conclusions and Recommendation.

Kevin Kiernan, Planning Commission Chair

Dave,

I just completed watching the Planning Commission briefing on duplexes and the nine lot short plat measures. I was very pleased to see how well it went.

I did want to offer one perspective related to the discussion regarding demolition. Often, demolished buildings are older housing stock and extremely energy inefficient. New construction built under the latest building codes are light years further along in environmental and energy efficiency. Just thought I would offer that up as part of the demolition discussion. There is likely often times a net ecological benefit to replacing older structures with newer.

That's it. Great job on the presentation.

Mike Pattison



Mike Pattison | Senior Snohomish County Manager

p 425.460.8203

335 116th Ave. SE, Bellevue, WA 98004

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**We aspire to be the most trusted and respected housing experts
in the Puget Sound region.**

Email from Cary Westerbeck, 12/10/20

Exhibit 2

Cary Westerbeck <cary@westerbeckarchitecture.com>
Thu 12/10/2020 12:56 PM
To: Michael Kattermann...

Michael,

I was thrilled to see that the City of Bothell planning commission is taking up the study of allowing duplexes on corner lots, spurred by options in HB 1923 if I'm understanding correctly.

My only question is: Given the dire need for housing and housing choices in Bothell, why don't we study the option of allowing duplexes on ANY single family lot, and not just corner lots. There are so few corner lots that it seems if we really want to make a meaningful dent in the housing problem we'd allow this choice on all single family lots.

Even if passed, it would likely take years to see many duplexes built or converted. Changes on the ground happen more slowly than most people think.

I've had dozens of discussions through the years with homeowners, most of them people who don't study or keep up on land use codes. When I tell them that building a duplex on a typical single family home lot is illegal they are taken aback. Every single one of them is shocked and surprised. Every one. People already assume duplexes are legal and they don't know they're illegal. Isn't that something?

So it seems like most of these people wouldn't mind seeing a duplex built (or converted) next door, or a house divided into two units to make it more affordable for the owner, or give that owner the option to provide much needed housing while making some extra money from their home by selling half to someone else, perhaps a young family who can't afford a home at the current stratospheric prices. Allowing duplexes, and more, was the norm in all American neighborhoods until WWII.

Homeowners are already allowed to create an attached dwelling unit and rent it out, so it seems the next step of allowing that unit to be sold wouldn't be a significant change.

If we're going through the trouble to study duplexes on single family lots, let's go for ALL the single family lots so that we might actually get some housing as a result. Otherwise we're artificially constraining supply when we should be looking for more ways to easily increase supply.

During this housing emergency Bothell has a chance to be a regional leader. Let's take that opportunity.

Respectfully,

Cary Westerbeck
westerbeckarchitecture llc
18234 98th AVE NE APT 301
Bothell, WA 98011
e: cary@westerbeckarchitecture.com
w: www.westerbeckarchitecture.com
p: 206.941.2163

Email from Donna Bardsley, 12/13/20

Exhibit 3

From: Donna Bardsley <donnabardsley@gmail.com>
Sent: Sunday, December 13, 2020 1:13 PM
To: Cary Westerbeck <cary@westerbeckarchitecture.com>
Cc: Michael Kattermann <michael.kattermann@bothellwa.gov>; Debbie Watkins <debbie.watkins@bothellwa.gov>; Carston Curd <carston.curd@bothellwa.gov>; Kevin Kiernan <kevin.kiernan@bothellwa.gov>
Subject: [EXTERNAL] Re: Duplexes on Corner Lots - per HB 1923

Michael,

I would like to voice my agreement with Cary regarding zoning for duplexes in Bothell. As a Bothell resident, I'm also glad to hear that the Planning Commission is considering allowing duplexes on corner lots and I applaud the direction this will take housing options in Bothell. I also wish to strongly urge the Planning Commission to remove the limit of corner lots only and instead consider opening up duplex allowances for any lot. The limit of corner lots not only seems arbitrary but also rather weak in terms of impact. Why not make sure that changes to our zoning have an actual, noticeable impact on diversifying and improving housing choices in Bothell? I echo Cary's sentiments: "During this housing emergency Bothell has a chance to be a regional leader. Let's take that opportunity."

I wish to submit this as public comment for the next planning commission meeting on Dec 16th.

Thank you,
Donna Bardsley

Proposed Housing and Title 17 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/~~strike through~~ format below. Skipped sections are indicated by three asterisks:

* * *

Planning Commission has previously reviewed suggested amendments based on specific housing actions (see cover memorandum for additional information). These amendments have been consolidated in order as sections appear in the Bothell Municipal Code. Additional Title 17 housekeeping amendments have also been incorporated. Housekeeping amendments have been discussed at study sessions on November 6 and December 16, 2020 but specific language has not been previously reviewed.

Title 11—Administration of Development Regulations

The definition below is a new recommendation to provide a point of reference for parking reductions near regional trails.

BMC 11.02.100 “R.”

* * *

“Regional trail” means a shared-use nonmotorized pathway that is a minimum 12 feet in width if two-way or 6 feet for one-way sections, and is surfaced with a material complying with the Americans with Disabilities Act (ADA). Regional trails typically connect multiple jurisdictions, employment centers, commercial hubs, and/or activity centers.

* * *

The definitions below are revised to identify the increased threshold for short plats. Under the new definitions, short subdivisions include the division of land into nine or fewer lots and subdivisions include the division of land into ten or more lots.

BMC 11.02.110 “S.”

* * *

“Short subdivision” means the division or redivision of land into ~~four or less~~ nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, development or financing.

* * *

“Subdivision” means the division or redivision of land into ~~five~~ ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, development or financing, except for short subdivisions and boundary line adjustments.

* * *

Title 12—Zoning

Corner-lot duplexes are authorized through amendments within the residential use table. Duplexes fall under the definition of “Dwelling units, primary, two units per structure (“duplex”).” Specific conditions for authorizing corner-lot duplexes are identified in a new table note 18 in subsection (B) Development Conditions. Additional amendments to eliminate potential conflicts are included in table notes 1 and 16.

BMC 12.06.140 Residential uses.

A. Use Table

Residential Uses	Zoning Classification										
	R 40,000	R 9,600 R 8,400 R 7,200	R 5,400d R 5,400a	R 4,000	R 2,800	R-AC	OP	NB	CB	GC	LI
			* *								
Dwelling units, primary, two units per structure (“duplex”) (6)(16)	<u>P(18)</u>	<u>P(18)</u>	<u>P(R 5,400a)</u> <u>P(R5,400d)(18)</u>	P	P	P					
			* *								

B. Development Conditions

1. In the R 5,400d zone, permitted primary dwelling units are detached single-family dwellings only except duplexes constructed pursuant to subsection (B)(18) of this section. In the R 5,400a zone, permitted primary dwelling units may include detached single-family dwellings, duplexes and/or multifamily units, in accordance with subarea regulations.

* * *

16. Except when a duplex is constructed pursuant to subsection (B)(18) of this section, duplexes shall be permitted on individual lots within specific subareas only when such duplexes are used to satisfy the affordable housing requirements of Chapter 12.07 BMC. Duplexes installed to meet affordable housing requirements may be exempt from the side yard setback provisions for the common wall(s) between the duplex units; provided, however, that all duplex structures shall be consistent with all setbacks from exterior property lines pursuant to BMC 12.14.030

* * *

A second option is presented to authorize duplexes on any corner lot. The original recommendation was to authorize duplexes only on lots conforming to minimum size requirements. See nonconforming lot analysis in cover memo.

18. Duplexes are allowed in all residential zones; provided
 - a. **OPTION 1:** Such duplexes are located on corner lots meeting the minimum lot area for a single-family residence; and
 - a. **OPTION 2:** Such duplexes are located on corner lots; and
 - b. Duplexes are subject to the underlying zoning and dimensional standards.
 - c. The following incentives apply when a corner-lot duplex is created by retaining and renovating an existing dwelling unit:
 - i. Legally-established nonconforming building setbacks and height can be matched in any building addition or expansion necessary to convert the existing dwelling unit to a duplex; and
 - ii. Maximum building coverage set forth in BMC 12.14.030(A) can be increased by 10 percent (10%); and

- iii. Maximum hard surface coverage set forth in BMC 12.14.030(A) can be increased by 10 percent (10%).

BMC 12.14.030(B)(2) Single-Family Minimum, Average and Maximum Lot Area.

Housekeeping amendments to eliminate potential conflicts related to the short subdivision threshold are included in this section.

* * *

- c. In order to promote efficient use of land, no subdivision shall contain any lot having more than one and one-half times the minimum lot area, in the R 40,000, R 8,400, R 7,200 and R 5,400d zones, or one and one-half times the average lot area, in the R 9,600 zone (i.e., 14,400 square feet), except as follows:
 - (1) Any subdivision of ~~four~~ nine lots or fewer may contain larger lots, but the property lines of such a subdivision shall be laid out so as to allow future subdivisions which comply with this subsection;
 - (2) A subdivision of ~~five~~ ten or more lots may contain larger lots to accommodate phasing of the subdivision; provided, that at completion of all phases, the subdivision complies with this subsection;
 - (3) A subdivision of ~~five~~ ten or more lots may contain a larger lot to permit the preexisting house and any related outbuildings and grounds to be retained intact on one property;
 - (4) These maximum lot size regulations do not apply to any common tracts for critical area protection, open space retention, storm water retention/detention or other purposes as may be required by the city as a condition of subdivision approval.

* * *

BMC 12.14.030(B)(3) Multifamily Minimum and Maximum Density.

Housekeeping amendments to eliminate potential conflicts related to corner-lot duplexes are included in this section.

* * *

- a. In the R 5,400a through R 2,800 zones, one dwelling unit shall be allowed for each whole number multiple of the stated minimum land area per multifamily dwelling unit ~~except as otherwise may be permitted under an approved conditional use permit for specialized senior housing, in accordance with Chapter 12.10 BMC.~~ Only whole numbers may be credited toward unit count. Rounding up is not permitted. The following exceptions apply:
 - (1) Specialized senior housing subject to an approved conditional use permit in accordance with Chapter 12.10 BMC
 - (2) Duplexes authorized pursuant to BMC 12.06.140(B)(18).

* * *

BMC 12.16.110 Transit, rideshare, and green building provisions.

This section includes parking reductions for corner-lot duplexes located near frequent transit and nonmotorized trail access.

* * *

- A. All land uses for which the majority of the parking demand is generated by employees who remain on site for at least six hours each day shall be required to reserve one parking space for rideshare parking for every 20 required parking spaces, up to a maximum of 20 rideshare spaces, as follows:
 - 1. The parking spaces shall be located convenient to the primary employee entrance;
 - 2. Reserved areas shall have markings and signs indicating that the space is reserved between the hours of 6:00 a.m. and 9:00 a.m., 12:00 noon and 1:00 p.m., and at all other shift changes; and

Exhibit A to Attachment 1 – Findings, Conclusions and Recommendation

3. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs and to vehicles meeting minimum rideshare qualifications set by the employer.
- B. Outside the downtown subarea, the community development director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within 660 feet of the site. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. each business day up to a maximum reduction as follows:
4. For land uses of the type described in subsection A of this section, four percent for each run up to a maximum of 40 percent. Buildings attaining at least minimum green building certification under the Leadership in Energy and Environmental Design (LEED), National Green Building Standard, Built Green (three-star level or higher), or other certification program as approved by the community development director qualify for an additional reduction of two percent for each run up to a maximum additional reduction of eight percent. Development in downtown districts that do not have parking requirements based on this chapter do not qualify for the base transit reductions, but may qualify for the additional green building reduction; and
 5. For land uses other than those described in subsection A of this section, two percent for each run up to a maximum of 20 percent. Buildings attaining at least minimum green building certification under the Leadership in Energy and Environmental Design (LEED), National Green Building Standard, Built Green (three-star level or higher), or other certification program as approved by the community development director qualify for an additional reduction of two percent for each run up to a maximum additional reduction of four percent. Development in downtown districts that do not have parking requirements based on this chapter do not qualify for the base transit reductions, but may qualify for the additional green building reduction.
- C. For housing units that are affordable to very low-income or extremely low-income individuals, as defined in BMC 12.07.015(A)(3) and (A)(4), located within one-half mile of a transit stop that receives transit service at least two times per hour for 12 or more hours per day, an applicant may apply for an exception allowing minimum parking requirements to be reduced at least to one parking space per bedroom or 0.75 space per unit, as justified through a parking study taking into account projected parking demand and availability of on-street parking within 800 feet of the project.
- D. For housing units that are specifically for seniors or people with disabilities, as defined in BMC 11.02.110, "S," except for purposes of this exception "senior" shall be defined as 55 years and older, that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for 12 or more hours per day, an applicant may apply for an exception allowing minimum parking requirements to be reduced to no lower than 0.3 space per unit, to account for staff and guest parking, as justified through a parking study taking into account projected parking demand and availability of on-street parking within 800 feet of the project.
- E. For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for 12 or more hours per day, an applicant may apply for an exception allowing minimum parking requirements to be reduced to one parking space per bedroom.

A new subsection (F) was inserted, with remaining subsections re-numbered (G) through (I). This section has been revised since the December 16 study session to incorporate feedback from Planning Commissioners related to access near regional trails. Staff also recommends reducing the transit connectivity requirements from one route providing service at least four times per hour to any stop with service at least two times per hour for 12 or more hours per day (same as C above).

- F. For corner-lot duplexes constructed pursuant to BMC 12.06.140(B)(18), an applicant may apply for an exception allowing minimum parking requirements to be reduced to one parking space per unit when any of the following conditions apply:
1. The corner-lot duplex is located within one-half mile of a transit stop that receives transit service at least two times per hour for 12 or more hours per day.
 2. The corner-lot duplex is located within one half-mile of access to a regional trail.
- G. All uses which are located on an existing transit route and are required under the computation for required off-street parking spaces in BMC 12.16.030 to provide more than 200 parking spaces may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. Uses which reduce required parking under subsection B of this section shall provide transit shelters if transit routes adjoin the site. Adjoining uses which meet these criteria may coordinate in the provision of transit shelters.
- H. Any development application to which this section applies shall complete and submit to the city all necessary agreements with transit agencies, rideshare programs, or other information required by this section prior to the issuance of any building permits associated with the development.
- I. Any applicant for a development permit for other than a short plat or construction of a single-family residence shall inquire of the transit agency for the area in which the development would be located as to whether the agency desires a transit stop on the street or streets immediately adjacent to the development, or within the development itself. The applicant shall provide to the community development department a letter from the agency stating whether or not a transit stop is desired, and if so, whether the agency desires to construct and maintain a shelter at the stop. When a transit agency determines that a transit stop is warranted, the development shall incorporate the transit stop into the overall site design, including construction of a direct pedestrian connection from the transit stop to the development; construction of a pull-out, if desired by the transit agency; designation of land for a shelter, if the transit agency desires to construct a shelter; and installation of landscaping adjacent to the transit stop, in accordance with the transit agency's landscaping standards.

BMC 12.30.080 Preliminary and final approval required – Type of action – Combined applications.

Staff recommends changing preliminary and final PUD approvals from a Type III action requiring a public hearing to a Type II action. The primary difference is that a Type III action requires public notice of application, a public hearing, and a public notice of decision, but a Type II action requires only public notice of application and public notice of decision. This is intended to improve efficiency in reviewing and processing PUD applications while still allowing opportunity for public comment.

Each PUD shall require preliminary and final approval. Both preliminary and final PUD approvals are Type ~~III~~ II actions and shall be processed in accordance with the procedures for such actions as set forth in BMC Title 11, Administration of Development Regulations.

The preliminary development plan and the final development plan may be combined and together processed through review as a final development plan. In addition, the applicant may file a concurrent subdivision or short subdivision application, in accordance with the procedures as set forth in BMC Title 15, Subdivisions, which application(s) shall be processed concurrently with the PUD application(s).

BMC 12.32.020 Applicability.

Housekeeping amendments to eliminate potential conflicts related to the amended short plat threshold are included in this section.

* * *

C. Development proposals of ~~five~~ ten or more detached residential structures that do not include a subdivision.

* * *

BMC 12.64.106 Sunrise/Valley View Neighborhood District Requirements.

Corner-lot duplexes are authorized in the Sunrise/Valley View neighborhood subarea through a new special S/VV regulation identified in the key, the District Chart, and the special Sunrise/Valley View Neighborhood Requirements.

---: not permitted	n/a: not applicable as indicated	not required: these elements are not required as indicated
permitted: these elements are allowed by right unless otherwise specified in BMC 12.64.201 Building Use		
required: these are required elements of all new development as indicated.		
(S/VV): special regulations apply, see 12.64.106(B)(3) Impervious Surface Coverage and 12.64.106(B)(4) Corner Lot Duplexes		
(G): for detached single-family homes, only garages, carports, and driveways are permitted. For off street parking location and design, see BMC 12.16.080.		

A. *District Charts.*

12.64.200 Site Development Regulations	District Requirements
12.64.201 Building Use	
A. Retail	
1. Pedestrian Oriented Retail	---
2. Neighborhood Center Retail	---
3. Business & Personal Services	---
4. Auto-Oriented Retail	---
5. Corner Store Retail	---
B. Civic & Cultural	
C. Office	
D. Lodging	
E. Residential	
1. Multi-Family w/ Common Entry	---
2. Multi-Family w/ Individual Entry	---
3. Detached Single Family Housing	permitted
<u>4. Corner-Lot Duplexes</u>	<u>(S/VV)</u>
<u>5. Manufactured Homes</u>	permitted
<u>6. Home Occupation</u>	permitted

* * *

- B. *Special Sunrise/Valley View Neighborhood Requirements.* All Special Requirements on this page apply to development in the Sunrise Valley View Neighborhood.

* * *

4. Corner Lot Duplexes. Duplexes are allowed in the Sunrise/Valley View neighborhood; provided

- d. Such duplexes are located on corner lots meeting the minimum lot area for a single-family residence; and
- e. Duplexes are subject to the underlying zoning and dimensional standards.
- f. The following incentives apply when a corner-lot duplex is created by retaining and renovating an existing dwelling unit:
 - i. Legally-established nonconforming building setbacks and height can be matched in any building addition or expansion necessary to convert the existing dwelling unit to a duplex.

* * *

Title 14—Environment

This section raises the flexible thresholds for categorical exemptions under SEPA from four dwelling units to nine dwelling units, consistent with the amended short plat threshold. This is allowed by WAC 197-11-800(1)(c).

BMC 14.02.090 Categorical exemptions – Flexible thresholds

A. The city establishes the following (SEPA review) exempt levels for minor new construction based on local conditions:

1. For residential structures in WAC 197-11-800(1)(b)(i) up to ~~four~~ nine dwelling units.

* * *

Title 15—Subdivisions

Amendments in this Title are necessary to increase the short plat threshold from four lots to nine lots.

BMC 15.06.020 Requirements for a complete application.

This section conforms short subdivision application requirements with subdivision application requirements per staff request.

These requirements are in addition to the minimum application requirements in BMC 11.06.002.

A. Number of copies: ~~40~~ as directed by the city.

~~B. A proposed short plat must include pertinent survey data compiled as a result of a survey made by or under the supervision of a licensed land surveyor in the state and engaged in land surveying. The short plat shall contain the acreage, scale, north arrow, datum, bench marks, certification of the surveyor and the date of the survey.~~

~~C.~~ B. Application contents:

- ~~1. Name and address of the owner(s) of the tract;~~
- ~~2. The owners of adjacent land and the names of any adjacent subdivisions;~~
- ~~3. Lines marking the boundaries of the proposed lots;~~
- ~~4. Approximate locations of existing streets and ways or easements for such streets and ways within and adjacent to the tract;~~
- ~~5. Legal description of the property boundary and dimensions of all proposed lots;~~
- ~~6. Name and business address and business phone number of the licensed land surveyor.~~
1. A map or sketch using a scale of 100 feet to one inch or larger, showing:
 - a. Boundary lines including bearing and distance;
 - b. Easements, including location, width and purpose;
 - c. Topographical and other data depicting:
 - (1) Proposed plat name, scale, north arrow and date;
 - (2) Proposed lot lines, dimensions, and lot numbers;
 - (3) Streets on and adjacent to the tract, including name and right-of-way width and location; type, width and elevation of surfacing; walks, curbs, gutters, culverts, etc.;

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(4) Ground elevations on the tract, based on a datum plane approved by the city engineer; for land that slopes less than approximately two percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and all selected points not more than 100 feet apart in all directions; for land that slopes more than approximately two percent, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;

(5) Other conditions on adjacent land, including approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nonresidential land uses or platted land within 300 feet of the subject property. Refer to subdivision plat by name, recording date, volume and page number, and show lot dimensions and area, and dwelling units;

- d. Utilities on and adjacent to the tract, including location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest pipes, showing invert elevation of sewers;
 - e. Other conditions on the tract including watercourses, marshes, rock outcrop, location, site, species and driplines of all existing healthy trees over eight inches in caliper measured four feet above grade, houses, barns, shacks, and other significant features;
 - f. Zoning, on and adjacent to the tract;
 - g. Proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the tract;
 - h. Key plan showing location of the tract;
 - i. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;
 - j. Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;
 - k. Minimum building setback lines;
 - l. Site data, including total site area, number of residential lots, lot dimensions and area, and acres in parks, etc.;
 - m. Plat name, scale, north arrow and date;
 - n. Typical cross-sections of the proposed grading; roads showing proposed sidewalks;
 - o. Proposed sanitary, storm water and water systems plan(s) with points of connection, grades and sizes indicated;
2. Title and certificates, including legal description according to official records in the office of the county auditor; pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying which contains notations stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or licensed land surveyor, date or survey;
3. Draft of proposed covenants if any;
4. Information on soil types and their feasibility, as determined by city of Bothell design and construction standards, for LID storm water purposes.

C. In addition to the application submittal requirements of subsection A and B of this section, the following application submittal items shall be submitted for subdivision of parent sites comprising existing detached condominium developments or existing attached townhouse developments:

- 1. A copy of the site plan for the parent site as approved by the city through the grading or building permit, planned unit development or other development application process;
- 2. A copy of any existing, recorded or proposed covenants, conditions and restrictions, property owners' association bylaws and incorporation documents, and all other private restrictions or provisions currently applicable or which may become applicable to the subject property;
- 3. Evidence of the vote or applicable association/community approval authorizing the submittal of the application; and

4. A copy of a title company certification (current within 60 days from filing of the preliminary short plat) confirming that the title of the lands as described and shown on the binding site plan are in the name of the owner(s) signing the application or plat map.

BMC 15.06.070 Prohibition on further division.

Property in short plats may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains less than ~~four~~ nine parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of ~~four~~ nine lots within the original short plat boundaries.

BMC 15.08.050 Modifications to preliminary subdivisions.

This is a housekeeping amendment and is not directly related to increasing the short plat threshold from four lots to nine lots, but was identified in the review of the amendments.

Applications to modify subdivisions that have received preliminary approval shall comply with the following:

- A. The following minor modifications shall require approval by the director:
 1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary subdivision approval;
 2. Changes in lot dimensions that are consistent with BMC Title 12;
 3. A decrease in the number of lots to be created.
- B. Major modifications shall be reviewed as a Type III or Type II land use decision, as applicable. Major modifications include:
 1. The creation of additional lots;
 2. The reduction of open space; or
 3. Changes to conditions of approval.
- C. Projects requesting a major modification shall vest only to those provisions of the preliminary subdivision not requested to be modified.

Title 17—Transportation

The Title 17 amendments were prepared by City of Bothell Public Works staff. Some are related to short plat amendments and others are housekeeping amendments included here for convenience in processing.

17.01.010 Definitions.

1. "ADT" means average daily traffic. It generally refers to the total volume of traffic passing a point or segment of a ~~highway~~ roadway facility in both directions on an average day.
* * *
35. "Driveway approach" means an area, construction or improvement between the roadway ~~of a public street~~ and private property intended to provide access for vehicles from the roadway ~~of a public street~~ to a definite area of the private property, such as a parking area, a driveway, or a door at least seven feet wide, intended and used for the ingress and egress of vehicles. The component parts of the driveway approach are termed the apron, the end slopes or curb return, and the sidewalk section.
* * *
40. "Fire access road" means that portion of the fire department access to areas or structures which is required by the provisions of Section 10.207 of the Uniform Fire Code, ~~1991~~ 2015 Edition or subsequent revision. This type of access may be provided to almost any type of property.
* * *
42. "Frontage" means that boundary of private property abutting the city street line or private street.
43. "Frontage improvement" means those improvements required to be constructed within existing or dedicated street right-of-way or along a private street according to permit conditions established by the

city for project development. Generally frontage improvements may include, but not be limited to, clearing, grading, subgrade preparation, pavements, curbs, gutters, vegetation-based LID BMPs such as bioretention facilities, sidewalks, landscaping, signage, lighting, mailboxes, storm drainage, sanitary sewer, water, electrical, gas, telephone and cable television utilities. Additional improvements to be located within adjacent easements may be required in addition to frontage improvements.

* * *

60. "Rate study" means the Transportation Impact Fee Rate Study, City of Bothell, by ~~Mirai Associates, dated March 7, 2008~~ Fehr and Peers, dated 2019, or most current adopted rate study or evaluation.

* * *

62. "Roadway (or roadway facilities)" means a public way for purposes of vehicular and non-motorized travel. It is intended to be used as a generic term to describe streets, arterials, and highways.

* * *

17.02.040, Permissible alternative to Bothell Standards.

The public works director shall have the authority to review requests from an applicant for deviations from the Bothell Standards, provided the deviation shall result in performance equal to or better than the original standard. The decision to approve or deny the request shall include consideration of written information submitted by the applicant which shall include the following:

- A. The specific standard deviation(s) being requested.
- B. An engineering report, calculations or documentation which indicates the requested alternative shall result in performance equal to or better than the original standard.
- C. Agreement to extend the city's regulatory time frame under growth management, when applicable, to review and act on the request. (Normally permits issued by public works are not subject to regulatory reform time frames).

The director shall notify the applicant in writing of the decision as part of the normal permit review process. A copy of the decision shall be kept in the city's project files ~~and in the Administrative Rules Book for reference.~~

* * *

17.03.003 Exempt Development.

~~A. Development Permit or Project Permit Issued Prior to Effective Date of This Chapter. All construction or change in use initiated pursuant to a development permit or project permit issued prior to the effective date of this chapter shall be exempt from the requirements of this chapter. However, no development or project permit shall be extended except in conformance with this chapter. In the event any such development or project permit has lapsed, does lapse or expire, then no subsequent building permit shall be issued except in accordance with this chapter.~~

~~BA. De Minimis Development. After the effective date of this chapter, a~~ project permit application for approval of development activities determined by the director not to impact any affected corridor at built-out year conditions, shall be exempt from further compliance with the requirements of this chapter.

~~CB. Exempt Permits. The following types of permits are hereby determined to be exempt from the concurrency encumbrance letter process because they do not create additional impacts on public facilities or determine the intensity of development:~~

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Administrative Interpretations	Single-Family Building Permit
Sign Permit	not associated with any subdivision
Street Vacation	Plumbing Permit
Demolition Permit	Electrical Permit
Street Use Permit	Mechanical Permit
Interior Alterations	Excavation Permit
with no change of use	Sewer Connection Permit
Excavation/Clearing Permits	Utility Permit (waste, sewer, storm)
Grading Permits	Water Meter Permit
Right-of-Way Invasion Permit	Hydrant Use Permit
Single-Family Remodeling	Side Storm Sewer Connection
with no change of use	

* * *

17.04.070 Mitigation.

- A. Timing of Determination. The determination of developer obligations shall be made by the city before approval of all preliminary subdivisions, planned unit developments, conditional and special use permits, and binding site plans or before the issuance of a building permit, whichever occurs first.
- B. Administration of Payments. Payments made pursuant to this chapter shall be subject to the following provisions:
 - 1. The payment is required prior to issuance of an approved building permit unless otherwise approved in accordance with Title 21 or commencement of on site development, whichever occurs first, unless the development is a subdivision, where in the payment is required prior to the recording of the subdivision.
 - 2. The payment and accrued earnings shall be held in a reserve account and shall be expended to fund improvements on the road system as specified in a written agreement between the developer and the city.
 - 3. Payments made pursuant to this chapter shall include an amount to reimburse the city for the costs of administration of this title. The amount shall be determined based up on the fee resolution approved by the city council, from time to time.

~~17.04.090 Transportation Impact Fees.~~

~~The applicant for any development activity shall be required to pay transportation impact fees required pursuant to Chapter 17.045 BMC.~~

17.05.010 Streets.

- A. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Imagine Bothell... Comprehensive Plan, the Bothell Standards, Chapter 3 and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- B. Dead Ends. Dead-end streets, designed to be so permanently, shall be no longer than 450 feet and should be provided at the closed end with a turnaround having a right-of-way radius of at least 50 feet unless otherwise approved by the public works director.
- C. Naming and Numbering. No street names shall be used which shall duplicate or be confused with the names of existing streets. Street names shall adhere, wherever possible, to the King or Snohomish County grid system. Street names shall be subject to the approval of the public works director.

17.05.030 Easements.

- A. Utility – Width. Easements across lots or contiguous on rear or side lot lines shall be provided for utilities where necessary and shall be at least 10 feet wide for private easements and at least 15 feet wide for public easements, except for public utility easements contiguous to public streets which shall be 10 feet wide unless otherwise approved by the public works director.

17.05.050 Lots.

- A. Area, Dimension – Conformance to Zoning Regulations. All lots shall conform in area and dimension to all zoning regulations. Lots which contain a public utility easement shall be increased in width to contain the entire 15-foot-wide easement within the one lot unless otherwise approved by the public works director.

17.07.020 Applicability.

Developers shall be required to dedicate right-of-way to the city for road purposes as a condition of approval of a development, when to do so is found to be reasonably necessary by the public works director or a hearing body, to mitigate an impact which is a direct result of a proposed development, for improvement, use or maintenance, and to accommodate future planned improvement of the road system serving the development.

Right-of-way dedication shall be required in the following cases:

- A. To obtain the right-of-way reasonably necessary for the construction of frontage improvements along the frontage of the development's parcel as identified in Chapter 17.09 BMC, Frontage Improvements. This may include right-of-way necessary to attain sufficient intersection sight distance as identified in the Bothell Standards.
- B. To obtain the right-of-way reasonably necessary for the construction of any other improvements, either along the frontage of the development's parcel or off-site, as may be required in the development approval process.
- C. To obtain the right-of-way reasonably necessary such that an existing offset road shall be located within right-of-way after the right-of-way dedication.
- D. To obtain the right-of-way reasonably necessary for maintenance of city road and/or drainage facilities.
- E. To obtain the right-of-way reasonably necessary to accommodate future planned improvements as documented within the Transportation Improvement Program of the Comprehensive Plan.

17.08.120 Preservation of Monuments.

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the public works director. All street monuments, property corners, bench marks and other monuments disturbed during the progress of the work shall be replaced by the permittee as directed by the public works director and the cost of the same shall be paid by the permittee.

17.08.140 Provisions not applicable to City Work.

The provisions of this chapter shall not be applicable to any work under the direction of competent city authorities by employees of the city or by any contractor of the city performing work for and on behalf of the city necessitating openings or excavations in streets and associated sewer, water, or stormwater utility repair or replacement.

17.09.010 Frontage improvements required.

- A. Installation of frontage improvements, as defined in Chapter 17.01 BMC, and in compliance with the Imagine Bothell . . . Comprehensive Plan, Figure TR-10, shall be required for the following applications except as otherwise set in subsection B of this section. The applicant shall dedicate right-of-way to the city if the required frontage improvements would not otherwise fit within the existing right-of-way. All frontage improvements shall be constructed within the public right-of-way unless otherwise approved by the public works director.
 - 1. Building permits, except as set forth in Section B below;
 - 2. Subdivisions including short subdivisions, ~~except as set forth below;~~
 - 3. Planned unit developments; and
 - 4. Binding site plans, ~~and~~
 - 5. ~~Short subdivisions, except as set forth below.~~
- B. ~~Short subdivision and b~~ Building permit applications shall be exempted from the requirements of this section if:
 - 1. The application is for a new commercial building permit for a structure with a gross floor area of 400 square feet or less, or a commercial remodel, renovation, or tenant

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improvement permit with a value of less than 50 percent of assessed value prior to development; or

2. The application is for a single-family residential ~~short subdivision or building permit~~ on any property meeting each of the following criteria:

- a. The property is located in a single-family residential zoning district; and
- b. The property is without any street frontage; ~~or and~~
- c. At least one of the following applies: The value of the development proposal is less than 50 percent of assessed value prior to development.

(i) ~~— The property is a lot or parcel of land having frontage on either side of a local access street where there are no curb, gutter or sidewalk improvements (with the exception of curb treatments at street corners) within the length of either of two lines, each extending up to 240 linear feet in length described as follows: beginning at the points of intersection of the property's side yard boundary lines with the local access street right-of-way boundary line, and running along said street right-of-way boundary line in a direction away from the property, but stopping at the intersection of any cross street right-of-way boundary, and as illustrated in Drawing No. 1 below;~~

DRAWING No. 1

(ii) ~~— If the property is a corner lot or parcel of land having frontage on one or more local access streets as described in subsection (B)(2)(c)(i) of this section and as illustrated in Drawing No. 2 below, then the exception to the requirement for the construction of frontage improvements applies to any street frontage of the property meeting the criteria of this subsection (B)(2);~~

DRAWING No. 2

(iii) ~~— Individual lots are created through the short subdivision process whereby the lineal feet of local access street frontage of the lot as measured from side lot line to side lot line is equal to at least twice the minimum lot circle diameter of the underlying zone classification, as illustrated in Drawing No. 3 below. For corner lots, the lineal feet of local access street frontage as measured from side lot line to side lot line shall be at least three times the minimum lot circle diameter of the underlying zoning classification.~~

In such cases, minimum roadway, utility, and storm drainage improvements shall be installed to accommodate the proposed ~~short subdivision development~~ as determined by the public works director. Further, all such ~~short subdivisions development~~ shall be required to install minimal pedestrian pathways, such as, but not limited to, widened shoulders and separated paved pathways as determined by the public works director to ensure safe access to and from the subject lot in accordance with Chapter 58.17 RCW and up to 25 percent of the improvement value. ~~The city shall require full frontage improvements at such time as the lots are further subdivided and the lineal feet of lot frontage is less than twice the lot circle of the underlying zoning classification, or, for corner lots, is less than three times the lot circle of the underlying zoning classification.~~

DRAWING No. 3

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~~Drawing No. 3— Partial frontage improvements permitted for lots having frontage equal to at least twice the lot circle diameter of the underlying zone.~~

- ~~(iv) Individual lots created through the short subdivision process whereby the lot has a net developable square footage equal to three times the square footage of the underlying zone classification minimum lot area as illustrated in Drawing No. 4 below.~~

~~In such cases, minimum roadway, utility, and storm drainage improvements shall be installed to accommodate the proposed short subdivision as determined by the public works director. Further, all short subdivisions shall be required to install minimal pedestrian pathways, such as, but not limited to, widened shoulders and separated paved pathways as determined by the public works director to ensure safe access to and from the subject lot in accordance with Chapter 58.17 RCW. The city shall require full frontage improvements at such time as the lots are further subdivided and the net developable square footage of the lot(s) is less than three times the square footage of the underlying zoning classification.~~

~~DRAWING No. 4~~

~~Drawing No. 4— Partial frontage improvements permitted for lots having an area equal to at least three times the area required by the underlying zone.~~

3. Provided, nothing herein shall in any way limit or preclude the city from exercising its authority to require curb, gutter, or sidewalk improvements pursuant to Chapter 35.68 RCW and Chapter 17.16 BMC.
4. Provided, that to the extent there are any existing frontage improvements to the public right-of-way or street abutting any adjacent lot or parcel of land, the applicant shall be required to match those improvements if they do not otherwise continue across the frontage of the lot or parcel of land sought to be developed.
5. ~~There is any existing building permit for a single-family residential structure requiring as a condition the construction of curb, gutter and sidewalk frontage improvements, but which frontage improvements have not yet been constructed and the building permit is for a single-family residential structure that would meet the exemption criteria set forth in subsection (B)(2) of this section, the permittee may be relieved of the condition to construct said frontage improvements except to the extent required by subsection (B)(4) of this section, upon written request to the director and the director's determination that the criteria of subsection (B)(2) of this section have been met.~~

17.09.015 Building permit issuance.

For building permits not exempted from the requirements of BMC 17.09.010 ~~and not associated with a short subdivision, except as exempted by BMC 17.09.010, subdivision, planned unit development or binding site plan applications,~~ the applicant shall provide frontage improvements as part of the construction plan submittal process. The building permit shall not be issued until the following actions have been completed in addition to other building permit requirements:

- A. The frontage improvement construction plans have been approved by the public works director;
- B. The frontage improvements have been constructed and accepted by the city, or the permittee has posted a performance bond or other surety device, in a form acceptable to the city attorney, in an amount equal to 120 percent of the estimated cost to construct the improvements. The bond amount shall be based upon an estimate prepared by the applicant's engineer, and subject to review and approval by the public works director; and

- C. Any right-of-way dedication requirements have been accepted by the city and recorded with the county in which the property is located.

17.16.050 Maintenance by Abutting Property Owners.

Whenever any street, lane, square, place or alley in the city has been improved by the construction of a sidewalk and/or landscaping along either or both sides thereof, the duty, burden and expense of repair, renewal, maintenance and removal of obstructions from such sidewalk and maintenance of the landscaping shall be the responsibility of the property owner directly abutting upon said sidewalk.

17.24.030 Permit Required

It is unlawful for anyone to construct, maintain or operate on, under or over the streets, alleys, or rights-of-way of the city (collectively referred to herein as “right-of-way”), any railroad tracks, pipes, ducts, utility tunnels, vaults, maintenance holes, poles, fixtures, wires, or any other appurtenances necessary for the purpose of conducting any public utility business, either public or private, or to go upon such public place to perform any work therein which will disturb the surface of the street, alley, planting strip or sidewalk, or to occupy area upon the surface or beneath the surface of the street, planting strip or sidewalk, without complying with all the provisions of any ordinance in relation thereto and obtaining and having a permit from the director for such purpose.

- A. A right-of-way permit shall expire two years from the date of issuance; except that permits issued through December 31, 2011, shall expire four years from the date of issuance. The director is authorized to approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved prior to permit issuance. Applications shall be cancelled for inactivity if an applicant fails to respond to the department’s written request for revisions, corrections, actions, additional information, or issuance following approval within 180 days of the date of the request, except as provided in subsection (B) of this section.
- B. Every permit which has been expired for less than one year may be renewed for a period of one year for an additional fee, based on the valuation of the work remaining, as long as no changes have been made to the originally approved plans. For permits that have been expired for longer than one year, a new permit must be obtained and full new fees paid. No permit shall be renewed more than once.