

CITY COUNCIL MEETING

November 25, 2008  
7:00 P.M.

DRAFT MINUTES

City of



The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: [www.ci.bonney-lake.wa.us](http://www.ci.bonney-lake.wa.us)

"Where Dreams Can Soar"

Audio Time Stamp ↓

I. **CALL TO ORDER** – Deputy Mayor Dan Swatman called the meeting to order at 7:03 p.m.

A. Flag Salute – Deputy Mayor Swatman led the audience in the Pledge of Allegiance.

B. Roll Call: (A 13)

City Clerk Edvalson called the roll. In addition to Deputy Mayor Dan Swatman, elected officials attending were Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley. Mayor Johnson was absent.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations: (A 3.6.9)

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. **Certificate of Recognition – Alex Ellis** – South Puget Sound League / Bonney Lake High School Girl's 3A Golfer of the Year and District Champion.

Deputy Mayor Swatman presented Ms. Ellis with a certificate of recognition and congratulated her on an outstanding job.

D. Agenda Modifications: None.

7:05:50

II. **PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

A. Public Hearings: (A 3.6.12)

1. AB08-224 (Continued) **Final Hearing on Proposed Biennial Budget.**

Deputy Mayor Swatman opened the Public Hearing at 7.06 p.m. Seeing no speakers, the Hearing was tabled to be continued at the December 2, 2008 Council Workshop.

B. Citizen Comments: [A 1.5]

Raymond Frey, Greenwood LLC, Eastown LLC, 12356 Northup Way, Bellevue, told the Council that the Main St. extension road is complete and all documentation was submitted to Public Works this week. He said the street lights should be turned on soon and there are plugs at the light base for lights. He said he hoped the road would be turned over to the City very soon. Councilmember Carter asked when construction would begin. Mr. Frey said he has submitted revised plans to design review for townhome and garden apartments, as it is difficult to find financing for single family homes currently. Councilmember King said he appreciated Mr. Frey's flexibility given current economic circumstances. He said the impact of adding affordable housing and new construction to the Downtown will last well into the future. He asked Mr. Frey to bring updated drawings for the Council to view.

C. Correspondence: Nonc. [A 1.2]

7:12:55

III. **COUNCIL COMMITTEE REPORTS:** [A 3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed high speed connectivity options for the Public Works building, internet mapping services, travel and meal reimbursement, the interlocal recreation agreement update, the Assistant Public Works Director position (AB08-225) and the 2009 non-represented salary plan.
- B. Community Development Committee: Councilmember Rackley said the committee met on November 17, 2008 and forwarded three items: two project completions (AB08-204 and AB08-205) and a Water Developer Extension Agreement and Annexation Covenant with Sumner School District (Resolution 1903).
- C. Public Safety Committee: Councilmember King said the committee met on November 17, 2008 and discussed public defender services (D08-219), noise ordinance updates, a prospective vehicle lease program for detectives, Interim Justice Center updates, 800 MHz implementation, and Public Safety Building upkeep and safety issues.
- D. Other Reports:
- Rainier Cable Commission  
Councilmember Rackley said he attended the Rainier Cable Commission (RCC) meeting last week. The RCC President and Vice Presidents were re-elected and the group discussed combining the RCC with the Rainier Media Commission (RMC).
- Pierce County Regional Councilmember  
Councilmember Rackley said he attended the Pierce County Regional Council (PCRC) meeting on November 22, 2008. The group heard reports from the Growth Management Commission and others, and Councilmember Rackley was elected to attend the annual PCRC meeting in February 2009.
- Communities for Families  
Councilmember Carter attended the Communities for Families meeting this month

and received a list of groups that are collecting items and donations for people in need during the holidays.

Lions 4 Kids Fundraiser

Councilmember Carter reminded the Council of the upcoming fundraiser for Lions 4 Kids at the Senior Center on Saturday, December 13, 2008.

Growth Trends

Councilmember Rackley provided Councilmembers with a document titled "Recent Growth Trends 2000-2007 vs. Regional Growth Strategy." He said Bonney Lake is in the 'small city' category and has done well compared to area cities. He said a more detailed breakdown of the numbers is available. Councilmember Hamilton said based on these numbers, urban sprawl is still an issue.

7:21:14

**IV. CONSENT AGENDA:** [A 2 6]

- A. **Approval of Corrected Minutes:** October 21, 2008 Council Workshop, October 28, 2008 Council Meeting and November 4th Council Workshop.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #53280 thru #53343 in the amount of \$372,630.60; Accounts Payable checks/vouchers #53344 thru #53442 (including wire transfer # 4050936) in the amount of \$375,101.03; Accounts Payable checks/vouchers #53443 thru 53443 in the amount of \$30.41; Accounts Payable checks/vouchers #53444 thru 53519 in the amount of \$199,301.95; Accounts Payable checks/vouchers #53520 thru 53612 (including wire transfer #'s 10302008 & 22517779) in the amount of \$349,049.88; and Accounts Payable checks/vouchers #53613 thru 53617 in the amount of \$6927.68.
- C. **Payroll Certification:** Payroll for October 16-31st, 2008 for checks 27679-27686, including Deposits and Electronic Transfers for \$ 139,100.56 (Police Department); Payroll for October 16-31st, 2008 for checks 27687-27720, including Deposits and Electronic Transfers for \$ 362,749.62 (AFSCME and Non-represented).  
  
Payroll for November 1-15th, 2008 for checks 27721-27726, including Deposits and Electronic Transfers for \$ 102,685.03 (Police Department); Payroll for November 1-15th, 2008 for checks 27727-27758, including Deposits and Electronic Transfers for \$ 251,075.63 (AFSCME and Non-represented).
- D. **AB08-219 – Ordinance 1289 –** An Ordinance of the City of Bonney Lake, Pierce County, Washington, Relating to Standards for the Delivery of Public Defense Services.
- E. **AB08-222 – Resolution 1903 –** A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Water Developer Extension Agreement and Annexation Covenant Agreement with the Sunner School District (Lakeridge Middle School).
- F. **AB08-204 –** A Motion of the City Council of the City Of Bonney Lake, Accepting as Complete the Contract with HCI Industrial and Marine Coatings, Inc. for Recoating of the Lakeridge Water Tank.
- G. **AB08-205 –** A Motion of the City Council of the City of Bonney Lake, Accepting as Complete the Contract with Apply-A-Line, Inc. for the 2008 Pavement Marking Project.

Councilmember Bowen moved to approve the Consent Agenda. Councilmember Rackley seconded the motion.

Consent Agenda approved 7 – 0.

7:22:15

V. FINANCE COMMITTEE ISSUES:

- A. **AB08-223 – Ordinance 1290** – An Ordinance of the City Of Bonney Lake, Pierce County, Washington, Setting the Amount of the Annual Ad Valorem Tax Levy Necessary for the Fiscal Year 2009 for the Purposes Set Forth Below.

**Councilmember Rackley moved to approve Ordinance 1290. Councilmember Hamilton seconded the motion.**

Councilmember King said even though the tax is being raised the allowed 1%, the actual property rates decrease from 1.11% to 1.01%, so the rate, in effect, decreases. Deputy Mayor Swatman said because most homeowners' property values are not increasing, there is actually a cut in taxes. He said the City makes more on sales tax than on property tax.

**Motion approved 7 – 0.**

- B. **AB08-225** – A Motion of the City Council of the City of Bonney Lake, Authorizing an Offer of Employment for the Assistant Public Works Director Position Consistent with the Attached Offer Letter.

**Councilmember Decker moved to approve the motion. Councilmember Rackley seconded the motion.**

Councilmember King asked City Administrator Morrison for more information on the candidate. The City Administrator said the City did a national search and received twenty qualified applicants. Three candidates were interviewed, and Charles Simpson was by far the best. The City Administrator said if Mr. Simpson is not selected, the City will begin a new search, which would take four to five more months.

City Administrator Morrison summarized Mr. Simpson's work experience, which includes blue collar and administrative positions, a term as a City Councilmember, and various Public Works positions. Mr. Simpson worked for the City of Port Townsend and was the Public Works Director for a small city in California before moving back to Washington, where he is currently the Public Works Operations Manager for the City of Snohomish. Mr. Simpson currently lives in West Seattle with his wife. City Administrator Morrison explained that the motion to offer employment to Mr. Simpson comes before Council because the starting salary is over the standard range, though it is only slightly higher than Mr. Simpson's current salary. He said Mr. Simpson seemed very interested and has orally accepted the tentative offer.

**Motion approved 7 – 0.**

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.

**VII. PUBLIC SAFETY COMMITTEE ISSUES:** None.

**VIII. FULL COUNCIL ISSUES:** None.

7:30:10

**IX. EXECUTIVE SESSION:**

Pursuant to RCW 42.30.110(1)(b) and RCW 42.30.110(1)(i) the City Council adjourned to an Executive Session at 7:30 p.m. for fifteen minutes to discuss potential litigation, property acquisition and enforcement actions. At 7:49 p.m. the Executive Session was extended an additional five minutes. The Council meeting reconvened at 7:51 p.m.

7:51:48

**X. ADJOURNMENT:**

At 7:51 p.m. Councilmember Decker moved to adjourn the meeting. Councilmember Rackley seconded the motion.

**Motion approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor

Items submitted to the Council meeting of November 25, 2008:

- City of Bonney Lake – *Recent Growth Trends 2000-2007 vs. Regional Growth Strategy* – Councilmember Rackley.

CITY COUNCIL WORKSHOP

December 2, 2008  
5:30 p.m.

DRAFT MINUTES



"Where Dreams Can Soar"

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**Call to Order:**

Mayor Neil Johnson called the Workshop to order at 5:30 p.m.

**Roll Call:** [A1 3]

City Clerk Edvalson called the roll. In addition to Mayor Neil Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember James Rackley.

[Staff Members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Director of Planning and Community Development John Vodopich, Chief Financial Officer Al Juarez, Police Chief Mike Mitchell, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson, Records & Information Specialist Susan Duis, Planning Manager Heather Stinson, Senior Accountant Kassandra Raymond and Human Resources Officer Jenna Young.]

**Agenda Items:**

5:31:04

1. **Public Hearing (Continued):** AB08-224 – Final Hearings on Proposed Biennial Budget for 2009-2010.

**Mayor Johnson reopened the Public Hearing at 5:31 p.m. Seeing no speakers, the Public Hearing was continued to the December 9, 2008 Council Meeting.**

Councilmember King said he understood some updated revenue estimates were available that might impact the budget. Deputy Mayor Swatman said the issue would be discussed during open discussion.

5:34:00

2. **Discussion:** Proposed 2008 Comprehensive Plan Amendments: Downtown Designations, Hulburt Property Change of Land-use Designation, Land-use and Zoning for Properties Adjacent to Lowe's, Land-use Change of properties north of Junction 192, Land-use change and rezone of Inlet Island, Land-use change and rezone of Church Lake Tracts, and rezone of Cedar Grove.

Deputy Mayor Swatman said the Council needs to consider the Cedar Grove rezone options. He spoke about the split between commercial and multifamily use, and noted that residential units can be built in C-2 and C-3 zones. He spoke in favor of maximizing commercial uses in the area, and suggested a split with commercial zoning South of 94<sup>th</sup> Street and residential zoning to the North.

Councilmember Hamilton spoke in favor of R-3 zoning in Cedar Grove. He said the City must balance the loss of potential housing units with the proposed R-1 rezone of

Inlet Island and the Church Lake area. He added that traffic flow problems might be an issue, and it may be premature to look at commercial use in that area. He said the Council could consider rezoning some of the area to commercial in the future, after a traffic analysis and further review by the Planning Commission.

Councilmember King restated his concerns with commercial zoning due to the traffic and topography of Cedar Grove. He also favored R-3 zoning, and said the City should wait to see what the impact of the nearby three left-hand turn lanes have on traffic. Councilmember Carter said she has spoken with residents in the area. She said one resident told the Council that he and other property owners had an offer for commercial development in the area at one point. She spoke in favor of commercial zoning on the SR 410 frontage, and residential zoning for the rest of Cedar Grove.

Councilmembers continued discussing potential uses, traffic impacts, alternate traffic flow options, and potential street and intersection improvements if the area is developed. After discussions, a majority of Councilmembers were in favor of rezoning the Cedar Grove area to R-3 residential zoning as recommended by the Planning Commission.

Councilmembers next discussed the proposed land use designation change for the Hulburt property. Councilmember Rackley said the property owners and Mr. Hulburt have come to an agreement and there is no reason not to approve the designation change. Councilmember Rackley said he understood that restrictions could be put in place when the parcel is rezoned later on. Planning Manager Stinson said in a couple of past cases, the Hearing Examiner has included special conditions with a rezone recommendation. Deputy Mayor Swatman and Councilmember Hamilton said the City would not be able to enforce a private agreement between property owners. Mayor Johnson said the Council can make recommendations to the Hearing Examiner, but they may not be included with his recommendation on a future rezone of the parcel. The City Attorney said if Council consensus is to include restrictions, he can research options and alternatives to include that in the land use designation change. He said ultimately, any private agreement is the responsibility of the property owner and neighbors, unless the Council decides to make it their responsibility.

City Attorney Dionne asked Council to run through each of the seven proposed Comprehensive Plan changes individually. He asked to see whether there was consensus to include each proposal as an individual Ordinance to be considered as part of a single motion at the December 9, 2008 Council Meeting. Council consensus was to bring the following proposed Comprehensive Plan changes forward for a vote:

1. Lowe's Site -- change to Commercial land use designation and C-2 zoning (same as the Planning Commission recommendation).
2. Hulburt -- change 4 parcels to High Density Residential land use designation (same as the Planning Commission recommendation).
3. City Property -- change to Public Facilities land use designation (same as the Planning Commission Recommendation).
4. Cedar Grove -- rezone from R-2 to R-3 (same as the Planning Commission recommendation).
5. Inlet Island -- rezone from R-2 to R-1 (against the Planning Commission recommendation).
6. Moody Property -- no change (same as the Planning Commission recommendation).

- 7. Annexed Property -- no change (same as the Planning Commission recommendation).
- 8. Adopt "Retail Mix Use" designation (same as the Planning Commission recommendation).
- 9. Assign "Downtown Core" as implementing zone of "Retail Mix Use" (same as the Planning Commission recommendation).
- 10. Assign "Retail Mixed Use" to all properties currently zoned Downtown Core (same as the Planning Commission recommendation).
- 11. Assign Downtown Mixed as the implementing zone for "Mixed Use" land use (same as the Planning Commission recommendation).
- 12. Church Lake -- change land use designation to Single-Family Residential and zoning to R-1 from R-2 (same as the Planning Commission recommendation).

Councilmember King said only the Hulburt land use designation change seems to be contentious. He stressed that residents adjacent to the Hulburt property should not expect the City to enforce any private agreement, unless a specific restriction is included by the Hearing Examiner.

Mayor Johnson recessed the meeting for a five minute break at 6:26 p.m. The meeting reconvened at 6:34 p.m.

6:34:53

- 3. **Action:** AB08-277 – A Motion of the Bonney Lake City Council Appointing Proposition No. 1 For and Against Committees for Voter’s Pamphlet – Charter Petition Special Election – February 3, 2009.

Administrative Services Director/City Clerk Edvalson explained that State law requires the City Council to select "For" and "Against" Committees for the special election. If the Council does not appoint committees, the County Auditor may do so. He asked the Council to consider the item so the committees can be submitted to the County before the upcoming deadline.

**Councilmember Bowen nominated Lynda Dabson and Dan Decker to the "For" Committee. Councilmember Rackley nominated Dan Decker to serve as the Committee spokesperson.**

Deputy Mayor Swatman said Ms. Dabson runs a website in favor of the Charter election. The City Clerk confirmed that the Council did not have to name three members, if another person was not nominated.

**Appointment of "For" Committee members approved 7 – 0.**

**Appointment of Dan Decker as Spokesperson of the "For" Committee approved 7 – 0.**

**Councilmember Carter nominated Fred Jacobsen, Dave Schulte, and Heather Stinson to the "Against" Committee.**

Councilmember Carter confirmed that all three nominees wished to serve on the committee.

**Appointment of "Against" Committee members approved 7 – 0.**

Councilmember Rackley nominated Heather Stinson to serve as the Committee Spokesperson.

**Appointment of Heather Stinson as Spokesperson of the "Against" Committee approved 7 – 0.**

Deputy Mayor Swatman moved to approve the "For" and "Against" Committees and Spokespersons. Councilmember Carter seconded the motion.

**Motion approved 7 – 0.**

Mayor Johnson asked the committee appointees to provide their contact information to the City Clerk as soon as possible. City Clerk Edvalson said he would attempt to contact those who were not in attendance at the Workshop.

6:43:54

4. **Discussion:** AB08-218 -- D08-218 – 2009 Non-represented Employee Salary Plan.

Human Resources Officer Jenna Young summarized the classification tables and salary rates provided. She said the tables are based on a very extensive salary survey from the Association of Washington Cities' (AWC) 2008 Salary Survey, work analysis, and comparable worth study of positions that were not represented in the AWC Salary Survey. She confirmed that the revised salary tables are included in the currently proposed 2009-2010 Budget.

City Administrator Morrison said two versions of Table A-3 were provided: an updated 'step increase' table like the City has used for several years, and a new 'open range,' option that includes only minimum and maximum salary amounts. He said he is in favor of switching to the open range salary table, while the HR Officer is in favor of continuing to use the step increase table. He said the open range table allows more flexibility and costs less when the cost of living adjustment (COLA) is applied each year. He said the 'step increase' table is easier to administer, simpler for employees to understand, and may give employees higher salaries with COLA increases. Ms. Young explained the current Payroll system pulls salary information from the tables, and an 'open range' scale would require more work to enter individual salary scales for each employee.

Deputy Mayor Swatman said he has concerns related to the budget and employee pay. He said the proposed COLA is a 4% raise for every employee. He said nearly all City employees get their step increase each year, so overall most employees would get over 6% increase in their salaries over the upcoming year. He also expressed concern with the updated salary scales comparing Bonney Lake with cities in the 15,000 to 30,000

population range (in the past, comparison was made with cities in the 7,500 to 15,000 range). HR Officer Young confirmed that the proposed COLA is based on the CPI-U for the Seattle-Tacoma-Bremerton area.

Councilmember King said he is ambivalent about the salary scale adjustments. He said the City needs to look to the future and make salaries competitive. However, he noted some employees whose salaries were found to be below average would receive a larger pay raise if the Council approves that change. He said the Council needs to consider the current economy and Bonney Lake's financial position.

City Administrator Morrison said Ms. Young's salary survey is reliable and the results are similar to what a private consultant would have found. He said even in this challenging economy, most cities are still giving their employees a COLA that is close to the CPI. Ms. Young said the City has struggled with recruiting for higher level positions such as Finance Director. She said she hopes that by using the 15,000-30,000 population range to compare salaries, the City can improve retention and reduce disruptions, stress and quality of service. Deputy Mayor Swatman said several positions would get double-digit pay increases if the new scales are approved. The City Administrator noted that the salaries being raised have been below market value for a number of years.

Mayor Johnson said the proposed budget is balanced as it stands, and does pull some funds from savings. He said the staff and Finance Committee will have to watch expenditures very carefully, look at quarterly reports, and react quickly if necessary. He said the City needs to be competitive and provide a good work environment. Councilmember Bowen said the City should hold the line, retain employees, and not spend down the savings to show present and future employees that the City is fiscally sound. Chief Financial Officer Juarez reminded Council of their recent vote to purchase water from Tacoma Public Utilities. He said the salary table revision, like the water purchase, can be viewed as an investment in the future.

Councilmembers requested more information on potential costs and savings between the 'open range' and 'step increase' salary tables. The item was forwarded to the December 9, 2008 Meeting for Council action.

7:22:34

5. **Review of Council Minutes:** November 18, 2008 Council Workshop.

By consensus of the Council, the minutes were forwarded to the December 9, 2008 Council meeting for action with one correction: on p. 8, change the last line to read "Craig Sarver" instead of Chris Sarver.

**At 7:23 p.m., Mayor Johnson recessed the Workshop for a five minute break. The Workshop reconvened at 7:35 p.m.**

7:35:55

6. **Council Open Discussion:**

Employee Kudos

Mayor Johnson shared an email from Bonney Lake residents thanking Public Works staff for their professional manner and efficiency in helping them with a drainage issue on their street. They congratulated the entire team for their work.

Greenwood Development Update

Councilmember Rackley asked the Council if developer Raymond Frey could have ten minutes to give the Council an update on the Greenwood development and updated design drawings.

**Councilmember Rackley moved to allow Mr. Frey 10 minutes to speak.  
Councilmember King seconded the motion.**

**Motion approved 7 – 0.**

Mr. Frey said all the required documents have now been submitted to the City for the completed road extension. He said the revised project design has now been through the design review process. He showed the Council elevation drawings of the planned townhomes and apartment building for the site. He said the townhome units on the North of the development site will be built first, and they expect the first sale in December. He said due to the economy, plans have shifted from single-family homes to rental townhomes, which could be converted back to condos later. He said it would be great if the street opening and ribbon-cutting ceremony could happen during the holiday season.

Rainier Cable Commission

Councilmember Rackley provided Councilmembers with a handout titled “Video Production Sharing in the Combined RCC/RMC,” which shows the funds required to have full television coverage of Council meetings and promotions in 2009 and 2010. He said the Council should keep it in mind if Council meetings will start being televised once the new Council chambers are available in the Interim Justice Center.

Tacoma Public Utilities Water Purchase

Councilmember Hamilton asked why the Tacoma Public Utilities (TPU) board did not approve Bonney Lake’s offer to purchase water. Director Grigsby said the board had a workshop prior to the vote regarding necessary rate increases and the ‘take or pay’ policy they plan to impose in 2009. He said they decided not to vote on the City of Bonney Lake’s offer and have tabled it indefinitely.

Councilmember Rackley said he and Director Grigsby spoke with Tacoma Mayor Bill Baarsma about the issue, who advised them to keep negotiating and see what the board decides. Councilmember Decker said the City should consider membrane plants and reclaiming water. Councilmember Hamilton said it is imperative to secure water rights soon, as the City will be forced to pay higher rates the longer they wait.

Eastown Sewer Line

Deputy Mayor Swatman asked for an update on discussions among Eastown property owners on the placement of a sewer line. Director Grigsby said the Eastown property owners agreed on a line placement, but the attorneys for Compass Pointe reviewed it and do not think the Public Works Director can approve an alternate route from what is in the Eastown Plan. Director Grigsby said he is waiting for guidance from the City Attorney’s office.

Councilmember Bowen said he is one of the six property owners who are on the East side of Compass Pointe. He said the group has agreed on placement of the sewer line near the northern borders of their property lines. The Community Development

Committee felt the sewer line revision did not need to come before Council as a Comprehensive Plan amendment. The developer, Rick Gienger, is reluctant to work on a new design that is in conflict with the original, Council-approved plan. Mayor Johnson said he was not aware of this concern and would work with the developer to resolve these issues. Councilmember Bowen also noted that the property owners have not agreed on placement of the frontage road. He said his group plans to market their property for development together. Director Grigsby said there is a 41-foot sewer easement, and said he has always made it clear the sewer line will go in along the frontage road Right of Way. He noted that the sewer line proposed by the property owners would run South at the end of Easttown and under SR 410 with a gravity line.

#### Proposed 2009-2010 Biennial Budget

City Administrator Morrison provided the Council with two proposed amendments to the budget. The first covers the costs to purchase the 2009 Washington Association of Building Officials (WABO) code books. The other change adds \$365,000 to the Street CIP for street lighting on SR 410. He said Public Works wants this project to coincide with the road widening on 410. He said funds for this change came from the 2009 street lighting and 2010 street overly & street reconstruction budget lines. The project could also be partially funded with TIF funds. Director Grigsby said the road widening project is still on track to be completed in 2010.

The City Administrator said he shares the Deputy Mayor's concerns about the budget, and is less optimistic than he was several weeks ago after reviewing the figures received in late November. He said based on these figures, he thinks the City will draw down more of the ending fund balance than originally anticipated. He said he does not think the Council should begin cutting away at the budget at this late date. His recommendation was for the Council to direct the Mayor to prepare a contingency budget plan. The plan would be submitted to the Finance Committee and presented to Council at its retreat in early 2009. He said depending on future revenues, the City may need to consider freezing discretionary spending and/or spending cuts.

Councilmember Hamilton said the administration has always looked conservatively at revenue streams and has limited spending, and he is confident in the budget. He said the budget must be closely monitored and appropriate decisions made when necessary. He spoke against making decisions that would damage the City in losing employees or not providing services. Councilmember King suggested the Council should review the budget after figures are available in late February or March. Mayor Johnson said he has heard that the cuts made in Gig Harbor recently may have been too great, and they are losing good staff. He said communication and commitment is key to the City's success. He said the City will continue to work closely with federal, state and local agencies on funding and grant opportunities.

7. **Executive Session:** None.

8:38:22

8. **Adjournment.**

At 8:38 p.m., Councilmember Rackley moved to adjourn the meeting. Deputy Mayor Swatman seconded the motion.

Councilmember King said he sent an email suggesting Councilmembers purchase gifts or food for the Citywide Toy & Food drive rather than buying gifts for each other. Mayor Johnson volunteered to collect the gifts or cash to distribute to Lions 4 Kids, the Food Bank, and Toys for Tots. Councilmember King said Councilmembers can contribute whatever they want, but in the past Councilmembers have given \$10 gifts to each other Councilmember, or \$70 total for each Councilmember.

Councilmember Carter reminded the Council that the tree lighting ceremony takes place Saturday, December 6, 2008 at 6:00 p.m. at the Public Safety Building.

**Motion approved 6 – 1.  
Deputy Mayor Swatman  
voted no.**

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Harwood T. Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items submitted to the Council meeting of December 2, 2008:

- City of Bonney Lake - "Video Production Sharing in the Combined RCC/RMC" -- Councilmember Jim Rackley.
- City of Bonney Lake -2009 WABO Book Order – City Administrator Don Morrison.
- City of Bonney Lake – 2009-2010 Biennial Budget Amendment (p. 5-35) – City Administrator Don Morrison.

**CITY COUNCIL MEETING**

December 9, 2008  
7:00 P.M.

**DRAFT MINUTES**

City of



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*Website: [www.ci.bonney-lake.wa.us](http://www.ci.bonney-lake.wa.us)*

*"Where Dreams Can Soar"*

Audio Time Stamp ↓

**I. CALL TO ORDER** – Mayor Neil Johnson, Jr. called the meeting to order at 7:03 p.m.

A. Flag Salute – Austin Crockett from Boy Scout Troop #532 led the audience in the Pledge of Allegiance.

B. Roll Call: (A 1.3)

City Clerk Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Planning & Community Development Director John Vodopich, City Attorney Jim Dionne, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, Human Resources Officer Jenna Young, Senior Accountant Kassandra Raymond, Accountant Terrina Marchant, Senior Services Manager Sue Hilberg, Building Official Jerry Hight, Assistant Police Chief Dana Powers and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations: (A 3.6-9)

1. Announcements:

Mayor Johnson announced that the 'Shop with a Cop' event is coming soon and they are in need of \$350 additional funds for the gift program. Chief Mitchell explained that Police Department staff will take children shopping at Target.

Mayor Johnson said this year the Council decided not to exchange gifts amongst themselves. Instead, they will donate funds to be split between local charities including Lions 4 Kids and the Bonney Lake Food Bank. Councilmember Carter added that the City has a 'giving tree' to collect gifts for area children in need. She asked people to drop off gifts at the Police Department or City Hall.

Mayor Johnson announced that the City has received an improved bond rating with Standard & Poors. Chief Financial Officer Juarez said the rating went up three grades, from A+ to AA+, based on the city's rapid growth, strong income indicators, moderate debt, and strong fund balances. Councilmember Rackley said the bond rating is like a grade for the current administration and City Council. Councilmembers congratulated City staff.

2. Appointments: None.

## 3. Presentations:

- a. **Certificate of Recognition – Alycia Wolfe and Molly Rayl – Dia de Los Muertos Art Contest Award Recipients.**

Mayor Johnson presented Mountain View Middle School student Molly Rayl for her third place finish and Bonney Lake High School student Alycia Wolfe for her first place finish in the art contest. He encouraged citizens to let him know about young people doing extraordinary things or being good citizens so they can be recognized.

- D. Agenda Modifications: None.

7:11:35

## II. PUBLIC HEARINGS, CITIZEN COMMENTS &amp; CORRESPONDENCE:

- A. Public Hearings: [A 3.6.12]

## 1. AB08-224 (Continued) Final Hearing on Proposed Biennial Budget.

Mayor Johnson re-opened the Public Hearing at 7:11 p.m. He said the Council has spent a lot of time deliberating the budget, though there were few public comments. As there were no speakers, the Hearing was closed at 7:12 p.m.

- B. Citizen Comments: [A 1.51]

Claire Murphy, 12115 120<sup>th</sup> Ave E, South Hill, represents the Pierce County Library System and is the new Managing Librarian for the Bonney Lake Library. She said the library is embarking on a 20-year long range planning endeavor, and is looking for input from citizens on library services. She said the survey can be picked up at the library or completed online, and a link to the survey has been added to the City's website. She asked for input from both those who use the library and those who do not use library services, to try to remove any barriers to the available services. Mayor Johnson said he and the City Administrator are already involved and the Council can get involved as the project moves forward.

Fred Jacobsen, 9100 189<sup>th</sup> Ave Ct E, thanked the Council for making time available for citizens during open houses, public forums, and all the activities held in the City during the year like Bonney Lake Days, etc. He also thanked the City for the speaker system in the Council chambers, which has been in place for over a year. He said as someone who is hearing impaired, it is a great help. He asked Councilmembers to be sure to wear their lapel microphones rather than holding them up when they speak, which makes it difficult to hear what they are saying. He wished the Council a Merry Christmas.

- C. Correspondence: None. [A 1.2]

7:16:55

## III. COUNCIL COMMITTEE REPORTS: [A 3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed their minutes, recruitments and open positions,

Qwest Ethernet services, a possible substitute to the salary table ordinance on the agenda, and the 2009-2010 Biennial Budget.

B. Community Development Committee: Councilmember Rackley said the committee met on December 1, 2008 and forwarded three items to the Consent Agenda: proposed Resolutions 1877, 1890, and 1905.

C. Public Safety Committee: Councilmember King said the committee did not meet in December, and their next meeting is January 5, 2009 at the Public Safety Building. He asked all councilmembers to contact him with potential agenda items and welcomed public attendance at meetings.

D. Other Reports:

Mountain View Middle School Youth Forum

Councilmember Rackley said he plans to attend the Youth Forum on Thursday, December 11, 2008.

Regional Access Mobility Partnership

Councilmember Hamilton said he and Director Grigsby attended the RAMP meeting on December 3, 2008. The main topic was transportation funding and long term goals for Pierce County. The State plans to cut \$70 million in transportation funds.

Washington State Senator Jim Kastama and State Representative Dennis Flannigan requested cities to send suggestions of projects that can be executed quickly, which would be considered for possible federal funding. City Administrator said the City sent a letter to Governor Gregoire with three project proposals already.

Puyallup Deputy Police Chief

Councilmember Rackley said he attended the swearing-in ceremony for Puyallup's new Deputy Police Chief Bryan Jeter. Chief Jeter was formerly Bonney Lake's Police Chief. Mayor Johnson said he spoke with Chief Jeter and is glad to have two outstanding individuals in the neighboring communities. He said the City of Bonney Lake works well with Puyallup.

Local Fundraisers

Councilmember Carter said Lions 4 Kids is holding a fundraiser on Saturday, December 13, 2008 at the Bonney Lake Senior Center from 1:30 p.m. to 4:30 p.m. She said the number of people using the Food Bank has doubled recently. She also said there is a free dinner from Noon to 4:00 p.m. at the Sumner High School Commons on December 13<sup>th</sup> for people in need.

7:25:05

IV. **CONSENT AGENDA:** (A 3.6)

- A. **Approval of Corrected Minutes:** November 18th Council Workshop.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #53618 thru #53674 (including wire transfer # 4147438) in the amount of \$117,745.12; Accounts Payable checks/vouchers #53675 thru #53681 in the amount of \$372.71; and Accounts Payable checks/vouchers #53682 thru 53775 in the amount of \$409,018.84.

- C. **Payroll Certification:** Payroll for November 1-15th, 2008 for checks 27767-27803, including Deposits and Electronic Transfers for \$ 364,741.35 (AFSCME and Non-represented); and Payroll for November 16-30th, 2008 for checks 27759-27766, including Deposits and Electronic Transfers for \$ 142,256.41 (Police Department).
- D. **AB08-167 – Resolution 1877** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Water Developer Extension Agreement and Annexation Covenant Agreement with the Sumner School District (Victor Falls Elementary School).
- E. **AB08-186 – Resolution 1890** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Subscription Agreement with Pierce County in the Amount of an Initial Development Cost of \$5,000 with a Yearly Subscription Fee Starting in 2009 of \$4,000 Per Year.
- F. **AB08-220 – Resolution 1902** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Adopting Lodging and Meal Rates for City Employees and Officials While on City Business.
- G. **AB08-226 – Resolution 1904** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing an Interlocal Agreement Between the Sumner School District and the Cities of Bonney Lake and Sumner to Operate a Joint Recreation Program.
- H. **AB08-228 – Resolution 1905** -- A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Ratifying an Escrow Agreement to Acquire the Property at 10013 192nd Avenue East, and Authorizing the Mayor to Sign the Purchase and Sales Agreement with L.E.S. 1, LLC.

**Councilmember Rackley moved to approve the Consent Agenda.  
Councilmember King seconded the motion.**

**Consent Agenda approved 7 – 0.**

7:25:16

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB08-218 – Ordinance 1299** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Ordinance No. 1267 Relating to Salaries and Benefits for Non-Represented Employees.

**Deputy Mayor Swatman moved to approve Ordinance 1299. Councilmember Hamilton seconded the motion.**

Deputy Mayor Swatman said the Finance Committee carefully reviewed the salary ordinance. He distributed a copy of a substitute ordinance that was suggested by the City Administrator. The substitute adopts the open pay scale table, uses the 15,000 to 30,000 population range for the salary table, and phases in pay increases for those who fall below the minimum salary on the new pay scales over a two year period. He said the suggested language is a compromise between the options available. He said it is important to pay employees appropriately and to retain staff.

**Deputy Mayor Swatman moved to amend Ordinance 1299 with the provided revisions to Sections 2, 3 and 4. Councilmember Bowen seconded the motion.**

Councilmember Rackley moved to include an exception in Section 3 for staff whose salaries fall below the minimum salary. Councilmember Bowen seconded the motion. City Administrator Morrison said the 3% maximum pay raise applies to annual performance increases, not the initial adoption of the new pay scales. Councilmember Rackley withdrew his motion, and Councilmember Bowen withdrew his second.

Councilmembers asked about the financial impacts of the proposed changes. City Administrator Morrison said the cost to bring employee salaries that fall below the market rate up would cost the City about \$32,000. Deputy Mayor Swatman said the open salary table, meanwhile, saves the City about \$16,000. Human Resources Officer Jenna Young said the savings gained by using the open range table are greater than the administrative costs of facilitating the process.

**Motion to amend Ordinance 1299 approved 6 – 1. Councilmember Decker voted no.**

**Motion to approve Ordinance 1299 approved 5 – 2. Councilmembers Bowen and Decker voted no.**

- B. **AB08-203 – Ordinance 1291 – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Adopting the Biennial Budget for Calendar Years 2009 and 2010.**

**Councilmember Bowen moved to approve Ordinance 1291. Deputy Mayor Swatman seconded the motion.**

Mayor Johnson thanked staff for their time to get through the budget process. He said the Council and citizens have seen the budget process get better each year. He said the average person can read the budget that was presented.

**Motion approved 6 – 1.  
Councilmember Decker voted no.**

Councilmember Decker said he wanted to explain his “no” vote. He said he thinks the Police Department should have received about \$200,000 to \$300,000 more than it did in the budget. Mayor Johnson said all department heads took part in the creation of the budget. Police Chief Mitchell said all departments have a ‘wish list,’ and may not get everything they ask for. He said given the current revenues and budget he was more than happy with the budget. Councilmember Decker said some exempt employees are being paid more than they should and the funds should be put to better use.

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.**

**VII. PUBLIC SAFETY COMMITTEE ISSUES: None.**

7:25:16

**VIII. FULL COUNCIL ISSUES:**

**A. AB08-189 – A Motion to Approve the Comprehensive Plan Amendments. (Below)**

**Ordinance 1292 [D08-211]** – Amending the Comprehensive Plan to Adopt Retail Mixed Use as a Land Use Designation Implemented by Downtown Core Zoning, Assigning Downtown Mixed Zoning to Implement the Mixed Use Land Use Designation, Assigning Retail Mixed Use as the Land Use Designation of All Properties Currently Zoned Downtown Core, and Assigning Retail Mixed Use as the New Land Use Designation of Those Portions of Parcel Nos. 5640001420, 5640001380, and 5640001570 Currently Designated Commercial.

**Ordinance 1293 [D08-212]** – Amending the Comprehensive Plan Land Use Designation for the Property Referred to as the Hulburt Property from Single Family Residential to High Density Residential.

**Ordinance 1294 [D08-213]** – Amending the Comprehensive Plan Land Use Designation and Zoning for Properties Adjacent to Bonney Lake Marketplace (Lowe's. from Single Family Residential to Commercial and C-2).

**Ordinance 1295 [D08-214]** – Amending the Comprehensive Land Use Designation for Tax Parcel No. 0520338001 from High Density Residential to Public Facilities (City Property North of Junction 192).

**Ordinance 1298 [D08-217]** – Amending the Zoning Map in the Cedar Grove Area from R-2 to R-3.

**Ordinance 1296 [D08-215]** – Changing the Comprehensive Plan Land Use Designation of those Lots on Inlet Island Currently Designated Medium Density Residential to Single Family Residential and those lots Currently Zoned R-2 to R-1.

**Ordinance 1297 [D08-216]** – Changing the Comprehensive Plan Land Use Designation of Lots of the Church Lake Tracts Currently Designated Medium Density Residential to Single Family Residential and the Lots Currently Zoned R-2 to R-1.

**Councilmember Rackley moved to approve the motion. Councilmember Decker seconded the motion.**

Les McCluggage, 19624 96<sup>th</sup> St E, Bonney Lake, lives in Cedar Grove. He said when the changes were first proposed it was to change the area to C-1 or C-2. He said the three corners on SR 410 are all commercial. He said some commented that the area is below SR 410, but the area where Lowe's is had the same issues and was built up. He said he wants C-3 zoning for Cedar Grove.

Melissa Johnson, 4912 N Vista Dr E, Bonney Lake, said she and a group of Inlet Island residents have worked hard to get signatures and give facts to the Council and Mayor about why the island should be rezoned from R-2 to R-1. She said she hoped the issue could be wrapped up tonight so her group can begin working on other issues they'd like to see changed in the City.

Mayor Johnson said a lot of testimony has been taken on the proposed Comprehensive Plan changes. He said four residents came to City Hall at 5:30 p.m. and were not able to stay. The four residents signed a page indicating they are all in favor of R-1 zoning in the Church Lake area. He submitted the page of signatures to the City Clerk to be included in the record.

Councilmembers discussed how the ordinances could be approved, and if they could be amended individually. The City Attorney said the preferred method is to approve the ordinances as a group under a single motion for legal reasons. Mayor Johnson confirmed that any Councilmember can make a motion to amend a particular ordinance before the original motion is voted on.

**Councilmember Bowen moved to amend Ordinance 1298 to show the area South of 94<sup>th</sup> St E zoned C-2, and the area to the North of 94<sup>th</sup> St E zoned R-3. Councilmember Decker seconded the motion.**

**Amendment to the motion failed 2 – 5. Deputy Mayor Swatman and Councilmembers Carter, Hamilton, King and Rackley voted no.**

Councilmember Hamilton asked for more information on the property purchase agreement for the City owned property North of Junction 192. City Attorney Dionne said the question relates to an option to repurchase the property after five years, and said he could not give a legal answer since the option has not been exercised. He said the proposed land use designation and zoning changes on the agenda do not have an adverse affect on the property purchase option at this time. He said the City purchased the property with the intent to use it for a public facility, so the proposed changes are consistent with the original plans for the property.

Councilmember Hamilton thanked the Planning Commission and City staff for their hard work preparing the changes, taking public testimony, and working with the Council. Councilmember Bowen said he intends to vote 'yes' on the package. He said if the City owned property ends up being repurchased, he would wish the parcel to be zoned R-3. He said there is no reason to do so at this time as the City intends to use the property.

**Original motion approved 7 – 0.**

- B. **AB08-231 – A Motion of the City Council of the City of Bonney Lake, Canceling the December 16th Council Workshop and December 23rd Council Meeting, as Well as the Finance Committee Meeting Scheduled for December 23<sup>rd</sup>.**

**Councilmember Decker moved to approve the motion. Councilmember Carter seconded the motion.**

**Deputy Mayor Swatman moved to amend the motion to remove the words “December 16<sup>th</sup> Council Workshop” from the original motion. Councilmember Rackley seconded the motion.**

Deputy Mayor Swatman explained that the Council must hold a short meeting for an amendment to the 2007-2008 Budget before the end of the calendar year. He said the amendment was not ready in time for the current meeting. Councilmember King noted that this will make the December 16, 2008 Workshop an action item meeting.

**Amendment to the motion  
approved 7 – 0.**

**Original motion approved 7 – 0.**

- C. **AB08-232** – A Motion of the City Council of the City of Bonney Lake, Authorizing Payment of Payroll and Accounts Payable and Utility Refund Checks/Vouchers in December 2008.

**Councilmember Rackley moved to approve the motion. Councilmember Carter seconded the motion.**

Mayor Johnson said this is a routine motion to allow items to be taken care of during the holidays.

**Motion approved 7 – 0.**

**IX. EXECUTIVE SESSION:** None.

7:55:01

**X. ADJOURNMENT:**

At 7:55 p.m. Councilmember Decker moved to adjourn the meeting. Councilmember King seconded the motion.

**Motion approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor

Items submitted to the Council meeting of December 9, 2008:

- City of Bonney Lake – *Substitute Ordinance D08-218* – City Administrator Don Morrison.
- City of Bonney Lake – *Sheet of Signers in support of R-1 Zoning in Church Lake Area* – Mayor Neil Johnson.

**CITY COUNCIL WORKSHOP**

*December 16, 2008  
5:30 p.m.*

**DRAFT MINUTES**

City of



*"Where Dreams Can Soar"*

*The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.*

*Website: [www.ci.bonney-lake.wa.us](http://www.ci.bonney-lake.wa.us)*

Audio Time Stamp ↓

**Call to Order:**

Deputy Mayor Dan Swatman called the Workshop to order at 5:30 p.m.

**Roll Call:** [A1 3]

City Clerk Edvalson called the roll. In addition to Deputy Mayor Swatman, elected officials attending were Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton and Councilmember James Rackley. Mayor Neil Johnson, Councilmember David Bowen, and Councilmember David King were absent.

[Staff Members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

**Agenda Items:**

5:30:40

1. **Action: AB08-233 – Ordinance 1300 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Amending The Biennial Budget For Calendar Years 2007 And 2008.**

**Councilmember Rackley moved to approve Ordinance 1300. Councilmember Hamilton seconded the motion.**

Chief Financial Officer Juarez explained that the ordinance is a housekeeping accounting function required by the Revised Code of Washington and verified by the State Auditor during the annual audit. He said it ensures that all actions that affect revenues and expenditures during the year are correctly reflected in the City's budget and accounting system. As an example, he cited the Council's approval of the sale of bonds to fund the Civic Center project. City Administrator Morrison added that the proposed ordinance formally ratifies actions that were authorized by the Council over the budget period. He said none of the funds appropriated were overspent, and the proposed ordinance does not give additional spending authority.

Councilmember Decker asked whether the negative numbers in the attached table are budget shortfalls, and whether the proposed ordinance was a reallocation of funds. CFO Juarez provided the Council with a memo further explaining the proposed ordinance. He said in the past, the City allocated the total fund balance within the budget. Starting with this ordinance and the 2009-2010 budget, the City will allocate only the funds needed to balance the budget. He said this primarily is a change in presentation. He explained that the negative amounts reflect the amount being backed out to show the "use of fund balance." He also said this change is not a reallocation of funds, in his opinion. Councilmember Hamilton said the change seems to allow the Council and departments to monitor usage of funds more closely. City Administrator Morrison said it also gives the Council more control, as it prohibits the administration from spending

fund balances beyond what was originally listed for a budget line. He said with this change, the Council only appropriates the funds needed, and if the funds are all spent the administration must come to the Council to request additional funds. CFO Juarez added that presenting the budget this way is more transparent, especially for citizens and Councilmembers. He said it is also easier for Accounting staff to ensure a balanced budget is presented.

Councilmember Rackley called for the question. Councilmember Decker objected, called a point of order and said he had additional questions. Upon the advice of the City Attorney, Deputy Mayor Swatman requested a Council vote on whether to end discussion and call for the question.

**Motion to call for the question approved 4 – 1. Councilmember Decker voted no.**

Councilmember Decker objected and restated his point of order. Deputy Mayor Swatman said the Council would continue with the vote.

**Original motion approved 4 – 1. Councilmember Decker voted no.**

2. **Executive Session: None.**

5:50:30

3. **Adjournment.**

**At 5:50 p.m., Councilmember Hamilton moved to adjourn the meeting. Councilmember Rackley seconded the motion.**

**Motion approved 4 – 1. Councilmember Decker voted no.**

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Harwood T. Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items submitted to the Council meeting of December 16, 2008:

- City of Bonney Lake – *Memo re: 2007-2008 Final Budget Amendment* – Chief Financial Officer Al Juarez.

**City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form**

<b>Department/Staff Contact:</b> Comm Dev/Jerry E. Hight	<b>Council/Wrkshp Mtg Date:</b> January 6, 2009	<b>Agenda Bill Number:</b> AB09-11
<b>Ordinance Number:</b> D09-11	<b>Resolution Number:</b>	<b>Councilmember Sponsor:</b>

<b><u>BUDGET INFORMATION</u></b>			
<b><u>2009 Budget Amount</u></b>	<b><u>Required Expenditure</u></b>	<b><u>Impact</u></b>	<b><u>Remaining Balance</u></b>
<b><u>Explanation:</u></b>			

**Agenda Subject:** Revise the Zoning Code's building height definition to match that of the International codes to ease administration and result in more appropriate height of buildings where the grade is steep.

**Administrative Recommendation:** Approve as submitted.

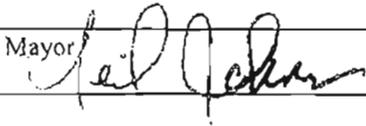
**Background Summary:** The Zoning Code's definition of how the building height is measured differs from that of the International codes. The current verbiage of the zoning code has proven to be challenging for the public to understand and comply with. These new definitions are consistent with the International codes and are more conducive for the public to comply with and staff to administer.

<b>Council Committee Dates:</b>	<b>Commission Dates:</b>	<b>Board/Hearing Examiner Dates:</b>
Finance Committee:	Planning Commission:	Park Board:
Public Safety Committee:	Civil Service Commission:	Hearing Examiner:
Community Development & Planning Committee:		
Council Workshops: 9/16/08; 1/06/09		

**Council Action:**

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to:	Workshop:                      Committee:
Council Tabled Until:	Council Meeting Dates: 9/30/08

**Signatures:**

Dir. Authorization	Mayor 	Date City Attorney Reviewed:
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ORDINANCE NO. D09-11

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON RELATING TO THE DEFINITION OF BUILDING HEIGHT IN THE ZONING CODE AND AMENDING SECTIONS 18.04.020 AND 18.04.70 OF THE BONNEY LAKE MUNICIPAL CODE AND ORD. NOS 740 AND 746.

WHEREAS, the Bonney Lake Zoning Code's definition of building height differs from that of the International codes; and

WHEREAS, changing the Zoning Code's building height definition to match that of the International codes will ease administration and result in more appropriate height of buildings where the grade is steep; and

WHEREAS, SEPA has been complied with and the Planning Commission has held a public hearing and made a recommendation in support of passage of this Ordinance;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. BLMC 18.04.020 and the corresponding portions of Ordinance No. 740 § 2 are hereby amended to read as follows:

18.04.020 "B".

"Boarding home" is any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include adult family homes or independent senior housing.

"Building" means a structure with a foundation, supports or walls and a roof.

"Building, height" of a structure with a flat roof shall be measured from the grade plane to the highest roof surface. The building height for a sloped roof shall be defined as the average height of the highest roof between the roof eave and the roof ridge to the grade plane, regardless of the shape of the roof. Lots within 200 feet of the shoreline, "building height" shall be determined by using WAC 173-27-030 (9). ~~of" means the vertical distance measured from the mean street curb level to the highest point of the roof surface of a flat roof, to the decline of a mansard roof, and to one-half the vertical distance between the eaves and ridge for a gable, hip or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished yard grade along the front of the building.~~

"Bulk regulation" refers to the relationship of the area of a lot, the setback regulations and the portion of a lot which may be covered by building.

Section 2. BLMC 18.04.070 and the corresponding portions of Ordinance No. 746 § 19 are hereby amended to read as follows:

18.04.070 "G".

"Governing authority" means the city council of the city of Bonney Lake.

"Grade" or "Grade plane" is a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the lot line is more than six (6) feet from the building the average finished ground level shall be measured between the building and a point six (6) feet from the building. Lots within 200 feet of the shoreline shall use WAC 173-27-030 (3) to determine "grade."

18.34.050 Setback and bulk regulations.

F. Maximum height for buildings shall be 35 feet above grade foundations; provided, that one additional foot of height may be allowed per each additional foot of setback, to a maximum of 50 feet in height. A height variance (see Chapter 14.110 BLMC) may be granted by the hearing examiner for water storage tanks; provided, that the following criteria shall apply rather than the criteria stated in Chapter 14.110 BLMC:

1. They are the lowest possible to serve the intended use; and
2. They are designed, screened or painted to reduce visibility.

18.16.050 Setback and bulk regulations.

F. Maximum height: 35 feet above grade foundations.

18.14.060 Setback and bulk regulations.

F. Maximum height: 35 feet above grade foundations.

Section 3. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 4. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:



# Memo

**Date :** January 6, 2009  
**To :** City Council  
**From :** Jerry E. Hight, Building Official  
**CC :**  
**Re :** Building height definitions

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Ordinance D09 -11 revises the BLMC's definition(s) of how building heights are to be measured. Current verbiage has proved to be difficult for the public to interpret and does not address steep slopes. The revised definitions will aid the public and help staff simplify how buildings are to be measured.

The **present** definition in the BLMC is as follows:

**18.04.020 "B".**

"Building, height" of means the vertical distance measured from the mean street curb level to the highest point of the roof surface of a flat roof, to the decline of a mansard roof, and to one-half the vertical distance between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished yard grade along the front of the building.

The **proposed** "Building Height," "Grade" and "Grade Plane" definitions are as follows:

**18.04.020 "B".**

"Building, height" of a structure with a flat roof shall be measured from the grade plane to the highest roof surface. The building height for a sloped roof shall be defined as the average height of the highest roof between the roof eave and the roof ridge to the grade plane, regardless of the shape of the roof. Lots within 200 feet of the shoreline, "building height" shall be determined by using WAC 173-27-030 (9).

**18.04.070 "G".**

"Grade" or "Grade plane" is a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the lot line is more than six (6) feet from the building the average finished ground level shall be measured between the building and a point six (6) feet from the building. Lots within 200 feet of the shoreline shall use WAC 173-27-030 (3) to determine "grade."

These definitions have been used in the International codes, and previous legacy (Uniform) codes, for many years. These terms are commonly used in other jurisdictions and throughout the construction industry. (See attached illustrations)

Other affected sections;

Other affected sections;

18.34.050 Setback and bulk regulations.

F. Maximum height for buildings shall be 35 feet above grade foundation; provided, that one additional foot of height may be allowed per each additional foot of setback, to a maximum of 50 feet in height. A height variance (see Chapter 14.110 BLMC) may be granted by the hearing examiner for water storage tanks; provided, that the following criteria shall apply rather than the criteria stated in Chapter 14.110 BLMC:

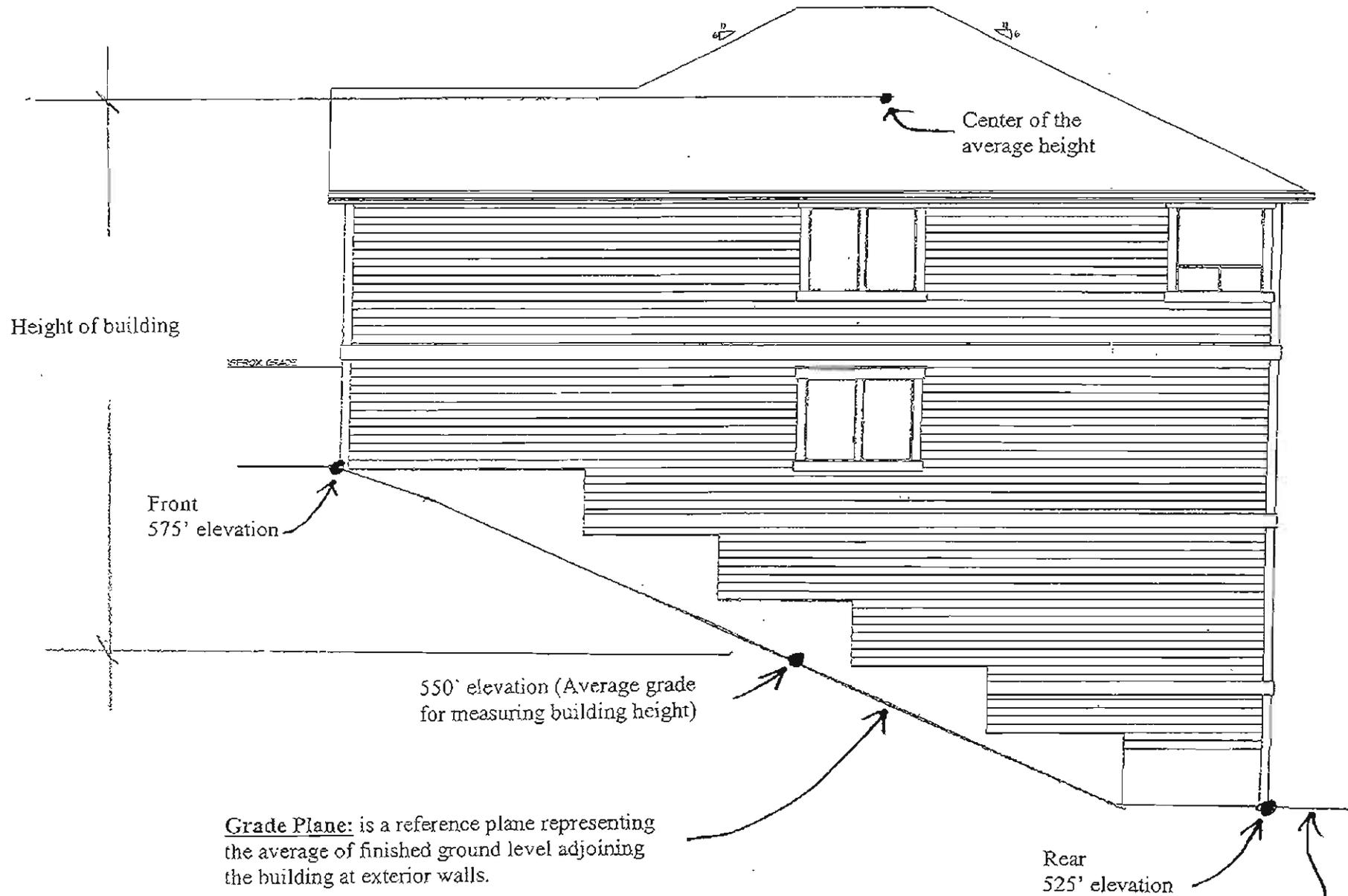
1. They are the lowest possible to serve the intended use; and
2. They are designed, screened or painted to reduce visibility.

18.16.050 Setback and bulk regulations.

F. Maximum height: 35 feet above grade foundation.

18.14.060 Setback and bulk regulations.

F. Maximum height: 35 feet above grade foundation.



Grade Plane: is a reference plane representing the average of finished ground level adjoining the building at exterior walls.

Rear 525' elevation

Grade: Is the finished ground level.

# Elevation "A"



# Memo

**Date** : December 2, 2008  
**To** : Mayor and City Council  
**From** : Randy Mckibbon, Bonney Lake Planning Commission  
**CC** :  
**Re** : **Building Height**

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## BACKGROUND

Staff has had difficulty administering the Bonney Lake Municipal Code in regards to building height due to the contradiction in the definition found in various places in the code. The Planning Commission proceeded to review BLMC Chapter 18.04.

## FINDINGS:

1. On March 25, 2008, the Bonney Lake City Council voted to adopt the 2008 Planning Commission work plan that included "code changes" as a task.
2. A Notice of Public Hearing was issued on September 30, 2008.
3. A Determination of Nonsignificance was issued on November 7, 2008.
4. The Planning Commission held a public hearing on October 15, 2008 to receive testimony concerning the change in code.
5. The suggested changes to the building height definition make definitions throughout the Bonney Lake Municipal Code consistent.
6. The Planning Commissioners voted 6 to 0 to recommend the attached draft ordinance.

## RECOMMENDATION:

The Bonney Lake Planning Commission therefore recommends to the City Council that the attached draft of the changes to the building height definition be adopted.

**City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form**

<b>Department/Staff Contact:</b> Comm Dev/Jerry E. Hight	<b>Council/Wrkshp Mtg Date:</b> January 6, 2009	<b>Agenda Bill Number:</b> AB09-12
<b>Ordinance Number:</b> D09-12	<b>Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**BUDGET INFORMATON**

<b><u>2009 Budget Amount</u></b>	<b><u>Required Expenditure</u></b>	<b><u>Impact</u></b>	<b><u>Remaining Balance</u></b>
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**Explanation:**

**Agenda Subject:** Revise section 15.04.081 of the Bonney Lake Municipal Code to allow more than one extension for a permit.

**Administrative Recommendation:** Approve as submitted.

**Background Summary:** Due to the recent economic downturn in the housing industry, we are receiving many requests to extend active permits. Unfortunately, our BLMC does not allow us to extend a permit more than one time.

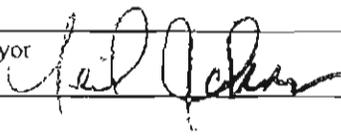
We have revised BLMC section 15.04.081 and deleted the one time extension requirement.

<b>Council Committee Dates:</b>	<b>Commission Dates:</b>	<b>Board/Hearing Examiner Dates:</b>
Finance Committee:	Planning Commission:	Park Board.
Public Safety Committee:	Civil Service Commission.	Hearing Examiner:
Community Development & Planning Committee:		
Council Workshops: 09/16/08; 1/6/09		

**Council Action:**

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to:	Workshop:                      Committee:
Council Tabled Until:	Council Meeting Dates: 09/30/08

**Signatures:**

Dir Authorization 	Mayor 	Date City Attorney Reviewed:
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ORDINANCE NO. D09-12

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON RELATING TO THE PERMIT AND PERMIT APPLICATION EXTENSIONS AND AMENDING SECTION 15.04.081 OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING SECTIONS OF ORDINANCES 1230 AND 1035.

WHEREAS, the Bonney Lake Municipal Code will be revised to allow for a permit or permit application to be extended more than one time.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. BLMC 15 04.081 is hereby revised to read as follows:

15.04.081.

A. Permits shall expire by limitation two years from the date of issuance. Permits issued prior to the effective date of this ordinance shall expire by limitation two years from the effective date of this ordinance. No permit shall be active beyond more than one code cycle. Permits shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned or has not received an inspection at any time after the work is commenced for a period of 180 days. An expired permit shall not be reactivated. Before work can be recommenced, a new permit shall first be obtained to do so, and the fee therefore shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year. If suspension or abandonment has exceeded one year, the full permit fee shall be charged.

B. Active permits may be allowed a one time extension for an additional two years from the date of extension. The request for permit extension shall be made in writing and state good and satisfactory reasons. In order to renew action on a permit after expiration, the applicant shall submit plans and pay fees as required for new permit. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by subsection A of this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

C. Applications for which no permit is issued ~~within 180 days following the date of application shall expire by limitation one year from the date of submittal.~~ Active permit applications may be allowed a one time extension for an additional 180 days from the date of extension. The request for permit application extension shall be made in writing and state good and satisfactory reasons. An expired permit application shall not be reactivated. ~~and p~~ Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. ~~The building official may extend the time of action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once.~~ In order to renew action on an application after expiration, the applicant shall resubmit new plans and pay a new plan review fee. (Ord. 1230 § 22, 2007; Ord. 1035 § 5, 2004).

Section 2. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 3. This Ordinance shall take effect thirty (30) days after its passage and ~~applies retroactively to permits valid on January 1, 2008,~~ subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James J. Dionne, City Attorney

Passed:  
Valid:  
Published:  
Effective Date:



# Memo

**Date** : January 6, 2009  
**To** : Planning Commission  
**From** : Jerry E. Hight, Building Official  
**CC** :  
**Re** : Building permit & permit application extensions

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Attached is the revised ordinance D09-12. This ordinance removes the requirement that allows for only one permit and permit application extension. It limits the permit life to two years with one two year extension while maintaining existing expiration limitations and allows permit applications an additional 180 days.

We respectfully request your recommendation to council of this ordinance.



## Memo

**Date** : December 2, 2008  
**To** : Mayor and City Council  
**From** : Randy Mckibbon, Bonney Lake Planning Commission  
**CC** :  
**Re** : **Permit Extensions**

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### BACKGROUND

The City Council discussed the possibility of extending building permits in recognition of the slowing economy and directed the Planning Commission to explore alternatives to the existing language of BLMC 15.04.

### FINDINGS:

1. A Notice of Public Hearing was issued on September 30, 2008.
2. A Determination of Nonsignificance was issued on November 7, 2008.
3. The Planning Commission held a public hearing on October 15, 2008 to receive testimony concerning the change in code.
4. The suggested changes to the building permit deadlines reasonably accommodate builders in the downturn of the economy.
5. The Planning Commissioners voted 6 to 0 to recommend the attached draft ordinance.

### RECOMMENDATION:

The Bonney Lake Planning Commission therefore recommends to the City Council that the attached draft of the changes to building permit extensions be adopted.



**City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form**

<b>Department/Staff Contact:</b> Heather Stinson	<b>Council/Wrkshp Mtg Date:</b> January 6, 2009	<b>Agenda Bill Number:</b> AB09-15
<b>Ordinance Number:</b> D09-15	<b>Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**BUDGET INFORMATION**

<b><u>2009 Budget Amount</u></b>	<b><u>Required Expenditure</u></b>	<b><u>Impact</u></b>	<b><u>Remaining Balance</u></b>
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**Explanation:**

**Agenda Subject:** Revise the Floodplain Code to be consistent with the model code recommended by the National Flood Insurance Program

**Administrative Recommendation:** Discuss and move forward for action at the January 13, 2009 regular City Council meeting.

**Background Summary:** As a participant in the National Flood Insurance Program (NIFP), the City of Bonney Lake must adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of that program. The minimum federal and state requirements are represented in the model ordinance.

The city's floodplain ordinance was determined to be significantly deficient by Kevin Farrell, Floodplain Management Specialist for the Department of Ecology, which is the FEMA coordinating agency for this state. The *Region X Flood Damage Prevention Ordinance Washington Model* was used to create a proposed Chapter 16.26, BLMC, as recommended by the floodplain analyst.

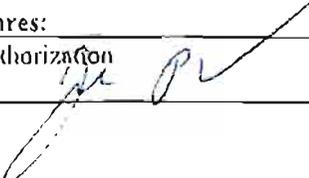
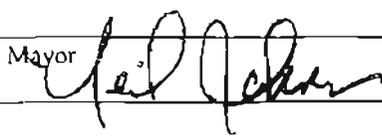
The proposed chapter is to replace the existing regulations and become a stand-alone chapter in the Bonney Lake Municipal Code. It would contain its own sections on definitions, applicability, and regulations.

<b>Council Committee Dates:</b>	<b>Commission Dates:</b>	<b>Board/Hearing Examiner Dates:</b>
Finance Committee:	Planning Commission 11/19/08, 12/3/08	Park Board:
Public Safety Committee:	Civil Service Commission:	Hearing Examiner
Community Development & Planning Committee:		
Council Workshops:		

**Council Action:**

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to:	Workshop: Committee:
Council Tabled Until:	Council Meeting Dates:

**Signatures:**

Dir. Authorization 	Mayor 	Date City Attorney Reviewed:
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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 2, 2008

RECEIVED

OCT 06 2008

City of Bonney Lake  
Permit Center

Mr. John Vodopich, Director  
City of Bonney Lake  
Planning & Community Development  
P.O. Box 7380  
Bonney Lake, WA 98391-0944

RE: National Flood Insurance Program

Dear Mr. Vodopich:

I appreciated the opportunity to meet with you and your staff on Wednesday, September 3, 2008, to discuss the City of Bonney Lake's participation in the National Flood Insurance Program (NFIP). This letter summarizes the findings of the CAV and outlines the steps that shall be required as a condition of me being able to certify to the Federal Emergency Management Agency (FEMA) that your community is in full compliance with both federal and state floodplain regulations.

A Community Assistance Visit (CAV) is a regular, and required, component of the Department of Ecology Floodplain Management Program. As the State Coordinating Agency for NFIP compliance and community outreach, we use this meeting to inform local government of changes to NFIP and State regulations, while also affording local officials the opportunity to ask questions and discuss any concerns with regard to floodplain management.

One of the tools utilized by Ecology staff to ensure full compliance with current NFIP regulations is a review of the local floodplain ordinance. The requirement to draft, adopt, and enforce local regulation can be found at 44CFR 59.22(3). A review of the Bonney Lake Municipal Code uncovered significant deficiencies which were discussed during our meeting. The City will need to update, and adopt, compliant floodplain regulations within 90-days of the date of this letter. If additional time is needed please submit a written request.

For your convenience I have attached a copy of both the Washington State Model Floodplain Ordinance, as well as an Ordinance Review Worksheet. Some jurisdictions utilize the Model as the foundation for their own regulations. Please keep in mind that if Bonney Lake desires to allow below-grade crawlspace construction within the floodplain, you will be required to adopt additional regulatory language from FEMA Technical Bulletin 11-01. I have enclosed a copy of this document for your convenience.

**Floodplain Development Compliance** – A Field Inspection Report is one method the Department of Ecology Floodplain Management Program uses to document cases in which additional information is needed to determine compliance with the National Flood Insurance Program (NFIP). A tour of the floodplains within the City did not identify any specific development cases in which we would require additional information.

**Elevation Certificate** – A review of the provided FEMA Elevation Certificate resulted in several key, and critical, points I need to make. 1) The FEMA Elevation Certificate has an expiration date which is

Attachment D



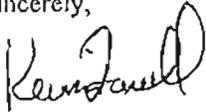
shown on the upper right hand corner of page 1. Only non-expired EC's can be utilized to document flood elevation data. In the future, please ensure that the City is using the most current EC, conveniently available from the FEMA website at <http://www.fema.gov/business/nfip/elvinst.shtml> ; and, 2) Letter "e" under Section C3 of the EC should be completed. This section indicates the elevation of any machinery (air conditioning, heating systems, water heaters etc) servicing the building.

Lastly, please keep in mind that for years the guidance provided by FEMA and the State was that ECs could be completed by a surveyor, engineer or architect (this is actually listed on the face of Form 81-31). However, FEMA always deferred to individual States to determine who is authorized to perform the work necessary to complete ECs. In Washington, the Executive Director of the Board of Registration for Professional Engineers and Land Surveyors on November 4, 2004 issued a letter that changed past practices in the State of Washington. In this letter, it was stated that: "In all cases involving these Elevation Certifications, the Board has held that such certifications can only be performed by or under the direct supervision of a Professional Land Surveyor licensed in Washington." Thus, while engineers and architects can still perform topographic work relating to site plans, etc., only ECs signed by licensed professional surveyors will be accepted in future cases.

In summary, the City of Bonney Lake will need to amend the floodplain regulations to address the deficiencies previously discussed with you and your staff within 90-days. Please forward a draft copy of the proposed regulations prior to adoption so that I can complete a final review.

Please call me at (360) 407-7253 if you have any questions.

Sincerely,



Kevin B. Farrell  
Floodplain Management Specialist  
Southwest Regional Office

KBF:dn

cc: Dan Sokol, NFIP State Coordinator  
Kathy James



# Memo

**Date** : January 6, 2009  
**To** : Mayor and City Council  
**From** : Randy McKibbon, Bonney Lake Planning Commission  
**CC** :  
**Re** : **Floodplain Ordinance**

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## BACKGROUND

In September of 2008, Kevin Farrell of the Washington State Department of Ecology met with the Planning Division to discuss the adequacy of the City's current Floodplain code. On October 2<sup>nd</sup>, Mr. Farrell sent the City a letter informing the City that the current Floodplain code is not consistent with the National Flood Insurance Program's (NIFP) regulations. The City was given 90 days to update and adopt a new code consistent with the NIFP requirements.

## FINDINGS:

1. On March 25, 2008, the Bonney Lake City Council voted to adopt the 2008 Planning Commission work plan that included "code changes" as a task.
2. A Notice of Public Hearing was issued on November 4, 2008.
3. A Determination of Nonsignificance was issued on October 20, 2008.
4. The Planning Commission held a public hearing on November 19, 2008 to receive testimony concerning the change in code.
5. The suggested changes to the floodplain code are consistent with the model code recommended by the National Flood Insurance Program (NIFP).
6. The Planning Commissioners voted 6 to 0 to recommend the attached draft ordinance.

## RECOMMENDATION:

The Bonney Lake Planning Commission therefore recommends to the City Council that the attached draft of the changes to the Floodplain code be adopted.

**ORDINANCE NO. D09-15**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING BONNEY LAKE MUNICIPAL CODE SECTIONS 16.20.030, 16.20.040, 16.20.060, AND 16.20.070, AND THEIR UNDERLYING ORDINANCES; REPEALING BLMC CHAPTER 16.26, AND ITS UNDERLYING ORDINANCES; AND ADDING A NEW BLMC CHAPTER 16.26 TO ALLOW FOR ADEQUATE FLOOD CONTROL REGULATIONS**

**WHEREAS**, the Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

**WHEREAS**, these flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

**WHEREAS**, the existing flood regulations currently within the Bonney Lake Municipal Code Chapters 16.20 and 16.26 are deemed by FEMA representatives as inadequate; and

**WHEREAS**, the draft ordinance was reviewed by FEMA representatives and deemed consistent with the model code recommended by the National Flood Insurance Program.; and

**WHEREAS**, the State Environmental Policy Act was complied with through the issuance of a DNS on October 20, 2008; and

**WHEREAS**, the Planning Commission conducted a public hearing on November 19, 2008; and

**WHEREAS**, notice that the draft ordinance would be acted on in 60 days was filed with the Washington State Department of Community Trade and Economic Development on October 21, 2008 and no comment was received;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. BLMC § 16.20.030, Definitions, and the corresponding portions of Ordinance 1070 are hereby amended to read as follows:

### 16.20.030 Definitions.

~~“100-year flood” means a flood having a one percent chance of being equaled or exceeded in any given year.~~

“Alter” means to change a critical area or its buffer, including grading, filling, dredging, clearing, construction, compaction, excavation, and pollution.

“Anadromous” refers to fish that spawn and rear in freshwater and mature in saltwater.

“Applicant” means a person who applies for a development permit from the city.

“Aquifer” means a geological formation capable of yielding water to a well or spring.

“Best management practices” means actions known to protect soil, water quality, vegetation, and critical areas.

“Buffer” means an area contiguous to and required for protection of a critical area.

“Channel migration zone” means the lateral extent of likely movement of a stream or river during the next 100 years as evidenced by movement over the past 100 years.

“Conservation easement” means a legal agreement that the property owner enters into to restrict uses of the land in a manner that conserves natural functions.

“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, as discussed in WAC 365-190-080(2). Within such areas, pollutants seeping into the ground are likely to contaminate the water supply.

“Critical area” means those areas listed in BLMC 16.20.060.

“Development” means any land use or action that alters a critical area or its buffer, including city approvals that establish patterns of use such as subdivisions, short subdivisions, rezones, and conditional use permits.

“Fish habitat” means habitat used by fish at any life stage at any time of the year.

~~“Floodplain” means the land area subject to inundation by a 100-year flood.~~

~~“Floodway” means the watercourse channel and adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water elevation more than one foot.~~

“Functions and values” means the benefits conferred by critical areas, including water quality protection, fish and wildlife habitat, flood storage and conveyance, groundwater recharge, erosion control, and protection from hazards. “Hazardous substance” means a liquid, solid, or gas that exhibits any of the properties described in WAC 173-303-090 or 173-303-100.

“Historic” means existing before the area was altered by human activity.

“Impact” means to adversely affect a natural system or increase the hazard which a natural system poses to human life and property.

“Impervious” refers to a hard surface area that retards the entry of water into the soil.

~~“Lowest floor” excludes unfinished enclosures usable only for parking, building access, or storage.~~

“Monitoring” means assessing the performance of mitigation measures by collection and analysis of data on changes in natural systems.

“Ordinary high water mark” means that mark on the bed or bank below which inundation is so common in ordinary years that the soil and/or vegetation are distinct from that of the abutting upland.

“Person” means any person, organization, or other group.

“Primary association” means a relationship between a species and a habitat area whereby the species regularly uses or otherwise needs the habitat area to thrive.

“Rill” means a small, steep-sided channel caused by erosion.

“Riparian habitat” means stream-side areas that influence the aquatic ecosystem by providing shade, debris, or insects and provide habitat for riparian wildlife.

“Species” means a group of animals commonly classified by the scientific community as a species or subspecies.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the structure’s market value before the improvement, or, if the structure was damaged, before the damage occurred.

“Watercourse” means flowing waters of the state, perennial or intermittent, excluding artificial waterways such as ditches or canals not created by human alteration of a natural watercourse.

“Wetland mitigation bank” means a site where wetlands are restored, created, or enhanced to mitigate in advance authorized impacts to similar resources.

**Section 2.** BLMC § 16.20.040, Critical areas code, and the corresponding portions of Ordinance 1070 are hereby amended to read as follows:

**16.20.040 Critical areas code.**

These Chapters 16.20 through 16.30 BLMC shall collectively be known as the critical areas code. This Chapter 16.20 BLMC shall establish the general framework for Chapters 16.22, 16.24, 16.28, and ~~through~~ 16.30 BLMC. The director(s) ~~as defined in BLMC 14.10.070 of Planning and Community Development~~ shall administer and interpret this critical areas code.

**Section 3.** BLMC § 16.20.060, Applicability, and the corresponding portions of Ordinance 1070 are hereby amended to read as follows:

**16.20.060 Applicability.**

Unless exempted in BLMC 16.20.070, this critical areas code shall apply to all developments (see definition) within one or more of the following critical areas or their associated buffers or building setback areas, regardless of whether the site has been previously identified as a critical area.

- A. Wetlands as designated in Chapter 16.22 BLMC;
- B. Critical aquifer recharge areas as designated in Chapter 16.24 BLMC;
- C. ~~Floodplains as designated in Chapter 16.26 BLMC,~~ Floodplains;
- ~~D.~~ Geologically hazardous areas as designated in Chapter 16.28 BLMC; and
- E.D. Fish and wildlife habitat conservation areas as designated in Chapter 16.30 BLMC.

**Section 4.** BLMC Chapter 16.26 and the corresponding portions of Ordinance 1070, passed in 2004, are hereby repealed.

**Section 5.** A new BLMC Chapter 16.26, Floodplains, is added to read as follows:

**16.26.010 Purpose**

It is the purpose of this chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;

- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;
- F. To help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future flood blight areas;
- G. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

**16.26.015 Methods of Reducing Flood Losses**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help to accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development that may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

**16.26.020 Definitions**

Unless specifically defined below, terms or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common use and to give this chapter its most reasonable application.

**“Appeal”** means a request for a review of the interpretation of any provision of this chapter or a request for a floodplain variance.

**“Base flood”** means the flood having a 1 percent chance of being equaled or exceeded in any given year, and is also referred to as the “100-year flood”. Base flood is designated on Flood Insurance Rate Maps by the letters A or V.

**“Base flood elevation”** or **“BFE”** means the elevation of the base flood as designated on the Flood Insurance Rate Maps or as ascertained by the Local Administrator.

**“BASEMENT”** means any area of the building having its floor sub-grade, or below ground level, on all sides; provided that below-grade crawlspace construction that is in accordance with the requirements of this chapter will not be considered basements

**“Breakaway Wall”** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**“Critical Facility”** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

**“DEVELOPMENT”** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the special flood hazard area.

**“Elevation Certificate”** means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management, and determine the proper insurance premium rate with Section B completed by Community Officials.

**“Elevated Building”** means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**“Existing Manufactured Home Park or Subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed before the effective date of the adopted floodplain management regulations; including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**“Expansion to an Existing Manufactured Home Park or Subdivision”** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**“Flood or Flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

**“Flood Insurance rate Map (FIRM)”** means the official map on which the Federal Insurance Administration has delineated both the special flood hazards areas and the risk premium zones applicable to the community.

**“Flood Insurance Study (FIS)”** means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance rate Maps, and the water surface elevation of the base flood.

**“Floodway”** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**“Floodproofing”** the construction techniques that prevent or provide resistance to damage from flooding while allowing water to enter the structure

**“Local Administrator”** means the director of Planning and Community Development or designee.

**“LOWEST FLOOR”** means the lowest floor of the lowest enclosed area, including the basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at BLMC 16.26.060F.1.b., specifically provided adequate flood ventilation openings exist.

**“Manufactured Home”** means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when

attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“**Mean Sea level**” means the arithmetic mean of hourly heights of the sea observed over a 19-year period. This gives the 0.0 datum point given in the “North American Vertical Datum of 1988” (NAVD-88).

“**Manufactured Home Park or Subdivision**” means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

“**New Construction**” means structures for which the “start of construction” commenced on or after the effective date of this chapter.

“**New Manufactured Home Park or Subdivision**” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed on or after the effective date of adopted floodplain management regulations; including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

“**Recreational Vehicle**” means a vehicle,

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“**Special Flood Hazard Area**” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“**Start of Construction**” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. In relation to this term:

- The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.
- Permanent construction includes neither land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“**Structure**” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

“**SUBSTANTIAL DAMAGE**” means damage of any origin sustained by a structure for which the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“**SUBSTANTIAL IMPROVEMENT**” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

**The term excludes:**

- A. Any project for improvement of a structure to correct violations of state or local health, sanitary, or safety code specifications that were previously identified by the local code enforcement official and are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“**Variance**” means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

**16.26.030 General Provisions**

- A. **Lands to Which This Chapter Applies.** This chapter shall apply to all special flood hazards areas within the jurisdiction of the City of Bonney Lake.
- B. **Basis for Establishing Special Flood Hazard Areas.** The special flood hazard areas identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Bonney Lake” dated November, 1979, and any subsequent revisions, with an accompanying Flood Insurance rate Map (FIRM), and any subsequent revisions, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at the office of the city clerk’s. The best available information for flood hazard area identification as outlined in BLMC 16.26.040D shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under that section.
- C. **Penalties for Noncompliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements shall constitute a misdemeanor, punishable in accordance with BLMC 1.16, including violations of conditions and safeguards established in connection with conditions. Nothing shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.
- D. **Abrogation and Greater Restrictions.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. **Interpretation.** In the interpretation and application of this chapter, all provisions shall be:
  1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and,
  3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- F. **Warning And Disclaimer of Liability** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside

the special flood hazards areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee of the city, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made in accordance with this chapter.

#### **16.26.040 Administration**

A. Development Permit Required. A development permit shall be obtained before construction or development begins within any special flood hazard area established in BLMC 16.26.030B. The permit shall be for all structures including manufactured homes, as set forth in BLMC 16.26.020, "Definitions," and for all development including fill and other activities.

B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the city and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor of all structures shown on a current elevation certificate, including the basement.
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in BLMC 16.26.060F.2.;
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
5. Biological Assessment or consultation as required under the Endangered Species Act.

C. The Local Administrator is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

1. Duties & Responsibilities of the Local Administrator. Duties of the Local Administrator or designee shall include, but not be limited to:

2. Permit Review.

a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of BLMC 16.26.060H.1. are met.

D. Use of Other Base flood Data (In A and V Zones). When base flood elevation data has not been provided (in A or V Zones) in accordance with BLMC 16.26.030B, Basis for Establishing the Special Flood Hazard Areas, the Local Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer BLMC 16.26.060F, Specific Standards, and BLMC 16.26.060H Floodways.

E. Information to be Obtained and Maintained

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in BLMC 16.26.040D, obtain and record the actual as-built elevation in relation to

mean sea level of the lowest floor, including the basement, of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in BLMC 16.26.040D:

a. Obtain and record the elevation in relation to mean sea level to which the structure was floodproofed

b. Maintain the floodproofing certifications required in BLMC 16.26.040B.3.

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

F. Alteration of Watercourses

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

G. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of special flood hazards areas, specifically where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

#### **16.26.050 Floodplain Variances**

A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases. A floodplain variance is a Type 2 or 3 permit.

B. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

4. A favorable Biological Assessment or consultation as required under the Endangered Species Act.

E. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

F. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except BLMC 16.26.050B, and otherwise complies with Subsections A, C, and D of BLMC 16.26.060, General Standards.

G. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation.

#### **16.26.060 General Standards for Flood Hazard Reduction**

In all special flood hazards areas, the following standards are required:

##### **A. Anchoring**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

##### **B. Construction Materials and Methods**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

##### **C. Utilities**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

2. Water wells shall be located on high ground that is not in the floodway;

3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and

4. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

##### **D. Subdivision and multifamily proposals**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments that contain at least 50 lots or 5 acres, whichever is less.

5. Density calculations shall not include floodways or special flood hazard areas.

E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (BLMC 16.26.040D),

applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

F. Specific Standards. In all special flood hazards areas where base flood elevation data has been provided as set forth in BLMC 16.26.030B, Basis for Establishing the Special Flood Hazard Areas, or BLMC 16.26.040D, Use of Other Base flood Data, the following criteria apply:

1. Residential Construction.

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE).

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in BLMC 16.26.040E.2.;

d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in BLMC 16.26.060F.1.b.;

3. Manufactured Homes. All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

4. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

a. Be on the site for fewer than 180 consecutive days.

b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

c. Meet the requirements of BLMC 16.26.060F.3. above and the elevation and anchoring requirements for manufactured homes.

G. AE and A1-30 Zones with Base flood Elevations but No Floodways. In areas with base flood elevations, but a regulatory floodway is not designated, no new construction, substantial improvements, fill, or other development shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

H. Floodways (Also see RCW 86.16). Located within special flood hazard areas established in BLMC 16.26.030B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. Encroachments are prohibited. This includes fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for

a. Repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and

b. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either,

i. Before the repair, or reconstruction is started, or

ii. If the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by the local code enforcement official and are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

3. If BLMC 16.26.060H.1. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of BLMC 16.26.060, Provisions for Flood Hazard Reduction.

#### **16.26.070 Critical Facility**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA, also called the 100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

#### **16.26.080 Requirements for Below-grade crawlspaces**

Below-grade crawlspaces are allowed if, in addition to the above requirements, the following requirements are met:

- A. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 3 of Bulletin 11-01.
- B. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point; this is illustrated and shown as L in Figure 3. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas. Also see the section Guidance for Pre-Engineered Crawlspaces on page 7 of this Bulletin 11-01.
- C. Adequate drainage must be supplied that removes floodwaters from the interior areas of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.
- D. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

**Section 6.** If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

**Section 7.** This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James J. Dionne, City Attorney

Ordinance Number:

Passed:

Valid:

Published:

Effective Date: