

**COUNCIL WORKSHOP**

City of

**March 3, 2009  
5:30 p.m.**



*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.*

**AGENDA**

*"Where Dreams Can Soar"*

*The City Council may act on items listed on this agenda, or by consensus give direction for future action. The council may also add and take action on other items not listed on this agenda.*

**Call to Order:** Mayor Neil Johnson @ Bonney Lake City Hall – 19306 Bonney Lake Blvd.

**Roll Call:**

Elected Officials: Mayor Neil Johnson, Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember James Rackley.

Expected Staff Members: City Administrator Don Morrison, Public Works Director Dan Grigsby, Director of Community Development John Vodopich, Police Chief Mike Mitchell, Chief Financial Officer Al Juarez, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson and City Attorney Jim Dionne.

**Agenda Items**

	<u>Estimated Time</u>
1. Council Open Discussion.	(20 Mins.)
2. Review of Council Minutes: <a href="#">February 17, 2009 Council Workshop and February 24, 2009 Council Meeting.</a>	( 5 Mins.)
3. Presentation and Discussion: <a href="#">Street Tree Master Plan</a>	(30 Mins.)
4. Discussion: <a href="#">AB09-38 – D09-38</a> – Temporary Freeze of Transportation Impact Fee Rate at 2008 Level.	(45 Mins.)
5. Discussion: Council Retreat Topics and Date(s)	(45 Mins.)
6. Executive Session: Pursuant to RCW 42.30.110, the City Council may meet in executive session. The topic(s) and duration will be announced prior to the executive session.	<i>To Be Announced.</i>
7. Adjournment.	

**For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible of the type of service or equipment needed.**

**THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA**

**CITY COUNCIL WORKSHOP**

*February 17, 2009  
5:30 p.m.*

**DRAFT MINUTES**



*"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:**

Mayor Neil Johnson, Jr. called the Workshop to order at 5:32 p.m.

**Roll Call:** [A1.3]

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

**Deputy Mayor Swatman moved to excuse Councilmember Rackley. Councilmember Carter seconded the motion.**

**Motion approved 6 – 0.**

[Staff Members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Planning Manager Heather Stinson, Police Sergeant Kelly Maras, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

**Agenda Items:**

5:33:02

1. **Council Open Discussion:**

SR 410 Highway Classification

Public Works Director Grigsby provided Councilmembers with a handout including information and a history of the SR 410 highway classification in Eastown. He said in 1997, the state initially allowed only two access points in the area now known as Eastown. The City requested a review when the area was annexed. At that time WSDOT said they would not re-classify the highway but approved a variance for future left-turns on SR 410 at 219<sup>th</sup> Ave E and 229<sup>th</sup> Ave E, and realignment of 234<sup>th</sup> and 233<sup>rd</sup> Ave E. He said current detailed maps of the proposed road widening and left-turns are available on the City website currently.

Director Grigsby also explained the process of changing highway classifications. He said requests for highway classification review can only be accepted from a regional transportation planning organization, metropolitan planning organization, or local government or city that has jurisdiction over the highway. WSDOT staff said the process of submitting a request is similar to creating or revising a subarea plan (like the Eastown subarea plan). He said he did not have a cost estimate, but submitting a reclassification request would likely include hiring a consultant, as well as holding public hearings and creating a document similar to the subarea plan. Director Grigsby added that WSDOT does not normally downgrade highway classifications, making it

unlikely that WSDOT would reclassify the highway in Eastown even if the City requested a review.

Councilmember Bowen said the related WAC 468-52-070 allows other interested persons to initiate a review through their local entity, such as the local government. He said he believes this was the intent of Eastown Resident Roger Watt when he spoke to the Council on February 10, 2009. He said residents feel the State and City are treating Eastown differently, as the highway is classified differently there than in the rest of the City and includes more restrictions.

Director Grigsby said the highway classifications were determined based on the level of development when WSDOT first reviewed the area. At that time, the downtown and midtown areas were already developed, so SR 410 is a Class 3 highway there. Since the Eastown area had not been developed, the highway was described as rural-urban and was designated Class 2.

Deputy Mayor Swatman said all individuals in Eastown can access the highway from their property currently. He said reclassifying the highway would allow more ingress and egress routes when the area is developed, which seems to go against the mapped streets plan. He said citizens have expressed concern about the area having development and traffic issues similar to the South Hill area. Councilmember King said one concept in the Eastown Subarea Plan is to keep local traffic to businesses on the mapped frontage roads and off 410. Councilmember Decker said he felt more positive about the frontage roads from Director Grigsby's input.

Councilmember Bowen said Eastown residents seem concerned about 'big box' stores who want to develop the area and cannot get additional access points. Another concern is that one property owner could keep a small parcel and limit the marketability of other grouped parcels for development. Mayor Johnson said developers can always come to the City to discuss their interests and try to work together. He said developers gave input when the City wrote the Eastown Subarea Plan and they seemed to like it then. Councilmember Bowen said area residents are pleased about the road widening and removing the middle turn lane. He thanked Director Grigsby for providing more information and said he would share it with Mr. Watt.

Mayor Johnson noted the State legislature is working on Resolution 1513, which would allow cities to participate in latecomer's agreements for water and sewer services. Deputy Mayor Swatman said this may give the City more options for the future.

#### Charter Election

Deputy Mayor Swatman said a lot of citizens have asked whether the initiative process can be changed, such as by requiring more votes to move forward, so every issue doesn't come to the ballot and be a cost to taxpayers. City Attorney Dionne said the right of initiative is either available or not, and citizens cannot be burdened in any way that violates their right to the process. He said requiring someone to pay the costs for an initiative-based election is not legal, but increasing the number of signatures required on a petition might be viable. He said he would review the legal issues for the Council. He said elections must go through the State and could not be run by the City.

#### County Executive

Councilmember Hamilton asked if the Mayor has been able to meet with the new

County Executive, Pat McCarthy. He said he wanted to be sure the County Executive understands the issues that are important to Bonney Lake, including preserving Fennel Creek, the Cascadia development, sewer service for the plateau, and transportation issues. Mayor Johnson said he was waiting for confirmation on a meeting time and would get input from the Council before the meeting. He said he intends to meet with Senators Maria Cantwell and Patty Murray and Congressman Dave Reichert as well.

#### Real Estate Code Violations

Deputy Mayor Swatman asked if the City can intervene when real estate agents advertise a nonconforming use of a property. He expressed concern that if a property is sold to the buyer and they did not realize the use was not allowed, they could face code enforcement issues. City Attorney Dionne said a person who purchased a property under false pretenses could sue the seller. He said if the City learns of nonconforming use or false advertising by real estate agents or sellers, the Code Enforcement Officer could contact the owner/seller. He said this documentation would be important if the seller did not provide full disclosure to the buyer.

#### SR 410 Road Widening

Councilmember Carter asked if WSDOT had finished checking Fennel Creek for artifacts, which was required for the road widening project. Director Grigsby said he is unsure, but WSDOT still plans to advertise and do the work on schedule. He said WSDOT is purchasing part of the creek to make it a permanent wetland, to replace wetland in Easttown that will be affected by the road widening. He confirmed that the process would protect the creek long-term, unless the area was downgraded from wetland status.

#### High School Boards

Councilmember Carter said she attended a spaghetti feed fundraiser at the Senior Center recently, and reminded Councilmembers to volunteer for the Senior Boards on March 19<sup>th</sup> and 20<sup>th</sup>. She said the Community Summit is March 26, 2009 and asked Councilmembers to think of area residents to nominate for unsung hero awards.

#### Cedarview Water Main Project

Director Grigsby said the low bidder for the Cedarview water line replacement project found errors in their calculations and requested to withdraw their bid. The City allowed the withdrawal and will award the bid to the second lowest bidder, Les Russell. He said Les Russell's bid was \$590,000, which is still far below the engineer's estimate of \$943,000.

#### Council Retreat

Councilmember Bowen asked when the retreat might be held. Mayor Johnson said it would likely not happen until sometime in March, when the final 2008 budget numbers are available. Councilmember King said more information on the stimulus package and state budget should be available in March as well. Councilmembers were in favor of an all-day session on a Saturday in mid to late March. Potential topics for the retreat will be discussed in early March. Mayor Johnson said the budget is the most immediate concern but the Council should also consider plans and programs for the years ahead.

6:16:48

2. **Review of Council Minutes:** February 3, 2009 Council Workshop and February 10, 2009 Council Meeting.

Councilmember Carter requested a correction to the February 10, 2009 minutes, p. 3, noting the Public Safety Committee met on February 9, 2009 and not February 2, 2009. By Council consensus, the minutes were moved forward with this correction to the February 24, 2009 Meeting.

6:17:36

3. **Discussion:** AB09-21 – Planning Commission Annual Workplan.

Planning Manager Stinson said Director Vodopich was ill and unable to attend the Workshop. She said the proposed work plan consolidates the previous draft and the Council's suggested additions. She asked the Council for input on the draft items and priority levels. Councilmember Carter said she requested adding incentives for 'green' buildings and incentives for accessible/shared housing to the list. She said the intent would be to help get houses built and have less inactive building or vacant properties. Consensus was to add the items suggested by Councilmember Carter and apply medium priority; in addition, the 'Pre-Zone CUGA subareas 1, 2 and 3' was changed to medium priority. Planning Manager Stinson said the majority of the workplan items should not require significant costs or consultants. The exceptions are the item to consider hiring a consultant to review the permit process (which is low priority and tied to the budget), and the Shoreline Master Plan Update, which would require a consultant. She said the City expects some grant assistance for the shoreline plan, however.

Mayor Johnson noted he is working with the City Administrator on other development incentives, such as an employment-based incentive. He said he has received feedback from a restaurant owner who said Bonney Lake's sewer and water rates are competitive, but the traffic impact fees are higher than other states and other cities in Washington. He said he is working on a report and wants to ensure there is a balance between incentivizing development and building the City for the future.

Council consensus was to forward the amended Planning Commission Annual Workplan to the February 24, 2009 Council Meeting.

6:26:40

4. **Discussion:** AB09-07 – Chamber of Commerce Services Agreement.

Mayor Johnson said the Council received an email from Chamber Executive Director Lora Butterfield responding to questions about the agreement. City Administrator Morrison said the 12-month agreement is for \$15,000 and requires deliverables from the Chamber, including a marketing brochure and business directory. He said the Chamber will staff and maintain a visitor's center and facilitate discussions between business owners and the City. He said the agreement has been budgeted for many years but never came forward. He said the contract is for one year only and the Council could review it after a year. In response to questions from Councilmember Hamilton, the City Administrator said the agreement will help the Chamber of Commerce serve the City by providing economic development services. Councilmember Hamilton said he would normally support the agreement, but wants to scrutinize any items that affect the budget in the current budget climate. City Administrator Morrison said his hope is that the benefits of the Chamber's work with existing businesses and recruiting new businesses will equal or exceed the contract costs. Deputy Mayor Swatman said he shares Councilmember Hamilton's concerns, but is willing to give it a try. Mayor Johnson said the City needs economic development, especially as it begins competing with other areas. He said the City needs to see results and will stay involved. Councilmembers

Bowen, Decker, Carter, and King expressed support for the agreement. Councilmember Carter said she has attended Chamber events and has seen Ms. Butterfield at various community events. Councilmember King said small businesses that serve the community are very important and deserve help and coordination from the government. Council consensus was to forward the agreement to the February 24, 2009 Meeting.

5. **Executive Session:** None.

6:39:22

6. **Adjournment:**

**At 6:39 p.m., Deputy Mayor Swatman moved to adjourn the meeting. Councilmember King seconded the motion.**

**Motion approved 6 – 0.**

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Harwood T. Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items submitted to the Council Workshop of February 17, 2009:

- City of Bonney Lake – *Highway Classification History and Procedure Information* – Public Works Director Dan Grigsby.

**CITY COUNCIL MEETING**

**February 24, 2009  
7:00 P.M.**



*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.*

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**DRAFT MINUTES**

**"Where Dreams Can Soar"**

Audio Time  
Stamp ↓

**I. CALL TO ORDER** – Deputy Mayor Dan Swatman called the meeting to order at 7:02 p.m.

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

B. Roll Call: [A 1.3]

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 Neil Johnson, Jr. was absent.

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

C. Announcements, Appointments and Presentations: [A 3.6.9]

1. Announcements:

City Administrator Don Morrison said a case of salmon filets were donated to the Food Bank and Senior Center, but there were too many to fit in the freezers. He said the remaining filets were at City Hall and encouraged all those attending to take a filet after the meeting.

City Administrator Morrison introduced the new Executive Assistant, Brian Hartsell, to the Councilmembers. He said the Executive Assistant provides assistance to the City Administrator and Mayor and his duties include grant writing, management analysis and community partnerships. The Council welcomed Mr. Hartsell to the staff.

2. Appointments:

a. **AB09-33** – A Motion of the Bonney Lake City Council Confirming the Mayor's Reappointment of Robert Dalton to the Civil Service Commission for a term expiring on April 6, 2014.

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

**Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

3. Presentations: None.

D. Agenda Modifications:

Deputy Mayor Swatman said draft Ordinance D09-35, creating a new section relating to public nudity, should be removed from the agenda. He said additional information that needs to be considered was not included in the agenda packet. Councilmembers had also been provided with a copy of AB09-12, an ordinance relating to permits and application extensions, for consideration at the Meeting.

**Councilmember Hamilton moved to table AB09-35 to the March 10, 2009 Council Meeting and to add AB09-12 to Full Council Issues, Item A., for discussion. Councilmember Carter seconded the motion.**

**Motion approved 5 – 2.  
Councilmembers Bowen  
and Decker voted no.**

7:07:51

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

- A. Public Hearings: None. [A 3.6.12]
- B. Citizen Comments: [A 1.5]

Pat Miller, 19205 79<sup>th</sup> St Pl E, said he was concerned about recent Council actions and discussions he read about in the Courier Herald. He said he is surprised that the City is considering offering sales tax incentives to developers. He said in the past, developers argued for reduced Traffic Impact Fees and permit fees but did not give the City any extra money. He said the proposed incentives seem like a gift of public funds, and he does not want tax dollars spent to help developers. He said roads need to be improved and Traffic Impact Fees are necessary to help share these costs with developers and home buyers.

Mr. Miller also spoke against the contract between the City and the Chamber of Commerce. He said this also seems to be a gift of public funds, and the Chamber of Commerce lobbies against minimum wage laws and health care issues. He said it is the City's responsibility to work on economic development and to establish growth in the whole city, not just businesses. Councilmember Decker thanked Mr. Miller and agreed with his points.

Roger Watt, 22719 Hwy 410, asked if anyone could give a certain date when sewer will be built in Eastown. He said he comes to Council meetings to get the sewer and believes it will mutually benefit the City and property owners. He said he had hoped his request to reclassify SR 410 would help clear a hurdle in getting sewers, but it is not the main issue. He asked the Council to help facilitate discussions between property owners, City staff, developers and others who have concerns in Eastown. He said the Council discussed setting up an Eastown 'tsar' to oversee Eastown issues, but nothing was ever implemented. He said the sewer issue was in discussion for years before Eastown was annexed.

Councilmember Bowen spoke as the Council representative for Eastown, and agreed with Mr. Watt. He said his position is sometimes awkward, as he is both an elected official and Eastown property owner. He said part of the issue is a lack of

communication and complex issues, and a facilitator may be able to help with these problems.

Councilmember Rackley agreed that it has been difficult to share information, and the City needs a better solution. He invited Mr. Watt to attend the Community Development Committee Meeting on March 2, 2009 to discuss the options. Deputy Mayor Swatman said the Council is following State Bill #1533 which is under review, and which could help cities to recoup funds spent to develop sewer systems.

Izzy Anaya, 9910 233<sup>rd</sup> Ave E, owns A&S Auto Repair in Bonney Lake. He spoke in support of Resolution 1911 for an agreement with the Chamber of Commerce. He said it is difficult for small business owners and support from the City Council and Chamber of Commerce is very important.

Mr. Anaya also said he has found it difficult to approach City staff to find out how his company can compete for contracts to repair city vehicles. He said he has tried calling but has never spoken with a manager, only to assistants who were not sure about the process. He said he still wants to know the process and has not received an answer. City Administrator Don Morrison said he has spoken with Mr. Anaya in the past. He said he has also spoken with the new Assistant Public Works Director Charlie Simpson about putting service contracts out to bid, which was a recommendation of the ER&R study. He said this is in progress and may take a few weeks or months to implement. Once in place, these contracts would be advertised as a request for bids like other City projects and contracts. Public Works Director Dan Grigsby said his department will send a copy of the request for bid to area auto shops once it is ready to advertise.

David Colbeth, 21816 113<sup>th</sup> St E, presented a memo titled "A Memorial Drive" to the Council. He said he spoke to the Council before about renaming a City street as a memorial drive to honor those who have served in the military, civil service, volunteering, etc. He said the Old Sumner Buckley Hwy, which is also part of the historic Naches Trail, would be a good option. He asked the Council to consider a motion or discussions to help move the idea forward. Councilmember Hamilton suggested that Mr. Colbeth present his idea to Shawn Bunney of the Peirce County Regional Council, as part of Old Sumner Buckley Highway is in the County.

Mr. Colbeth invited everyone to attend the upcoming Lions Club fundraiser, Death by Chocolate. Dinner will be provided by the Bonney Lake High School students, and there are many auction items available including lunch with the Mayor, ride-along with the Police Chief, gifts and trips.

- C. Correspondence: None. [A 1.2]

7:38:05

### 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 several items that will come to the Council in the future, including a city-wide purchasing card program and differential pay for military reservists. The committee also discussed providing a utility reduction

program for disabled veterans, modifying the water shut-off fee, a potential sub-meter ordinance, special election costs, and options for TIF rebates, freezes, or rollbacks.

- B. Community Development Committee: Councilmember Rackley said the committee has not met since the last Council Meeting. The next CDC meeting is March 2, 2009.
- C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council Meeting. The next meeting is scheduled for March 2, 2009.
- D. Other Reports:  
Joint Sewer Advisory Committee  
 Deputy Mayor Swatman said he and Councilmembers Hamilton and Rackley will attend a meeting of the Joint Sewer Advisory Committee tomorrow at the Sumner City Hall.

7:41:15

#### IV. **CONSENT AGENDA:** [A 3.6]

- A. **Approval of Corrected Minutes:** February 3rd Council Workshop and February 10th Council Meeting.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #54440 thru #54525 in the amount of \$212,627.01; Accounts Payable checks/vouchers #54526 thru #54539 in the amount of \$1774.81; and Accounts Payable checks/vouchers #54540 thru 54612 (including wire transfer #'s 11609, 20509, 2152008, 9172008 & 23784140) in the amount of \$3,862,642.97.
- C. **AB09-29 – Ordinance 1304** – An Ordinance of the City of Bonney Lake, Pierce County, Relating to Enforcement of Violations of Orders for Protection Amending Chapter 9.23 of the Bonney Lake Municipal Code and Ord. No. 703 §2.
- D. **AB09-30 – Ordinance 1305** – An Ordinance of the City of Bonney Lake, Pierce County, Washington Relating to Enforcement of Violations of Anti-harassment Protection Orders and Amending Chapter 9.25 of the Bonney Lake Municipal Code and No. 703 §2.
- E. **AB09-31 – Ordinance 1306** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Relating to the Enforcement of Dangerous Weapons Violations Amending Chapter 9.86 of the Bonney Lake Municipal Code and Ord. No. 1058 § 1.
- F. **AB09-32 – Ordinance 1307** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Relating to the Regulation of Precursor Drugs and Legend Drugs, Amending Section 9.36.010 of the Bonney Lake Municipal Code and the Corresponding Portions of Ord. Nos. 1194 § 1, 2006; 845 § 1, 2000; 703 § 2, 1995.
- G. **AB09-07 – Resolution 1911** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Personal Services Agreement Between the City of Bonney Lake and the Bonney Lake Chamber of Commerce.

- H. **AB09-37 – Resolution 1919** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing an Agreement with Les Russell Construction Company for Cedar View (Phase 1) and 188<sup>th</sup> Avenue East Water Main Replacement Project.
- I. **AB09-21** – A Motion of the Bonney Lake City Council Approving the 2009 Planning Commission Annual Workplan.
- J. **AB09-34** – A Motion of the Bonney Lake City Council Authorizing Out of State Travel for Court Administrator Seymour to Williamsburg, VA, for Court Management Training.

Councilmember Decker asked that item AB09-07, Resolution 1911, be moved to Full Council Issues, item B.

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

**Consent Agenda approved 7 – 0.**

V. **FINANCE COMMITTEE ISSUES:** None.

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

VII. **PUBLIC SAFETY COMMITTEE ISSUES:**

- A. ~~**AB09-35 – Ordinance D09-35**~~ – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 9 of the Bonney Lake Municipal Code to Create a New Section 9.35 Relating to Public Nudity. *This item was tabled to the March 10, 2009 Council Meeting during Agenda Modifications.*

7:42:45

VIII. **FULL COUNCIL ISSUES:**

- A. **AB09-12 – Ordinance 1308** – 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. *This item was added to the agenda during Agenda Modifications.*

Deputy Mayor Swatman said this is the same item that was discussed by Council at the February 10, 2009 Meeting and tabled to the CDC for review at that time.

**Councilmember Rackley moved to approve Ordinance 1308. Councilmember Carter seconded the motion.**

Councilmember Bowen said he moved to table the ordinance at the last meeting because there were not enough votes to approve it at that time, and he respects the

work that has been done. He said he does not object to the original intent, which was to help builders with expiring permits. He said the issue has now morphed to include a requirement that no permits will extend past four years. He said these two issues should be dealt with separately.

Councilmember Decker also spoke against the proposed ordinance. He said the ordinance takes rights away from builders, who currently have the right to extend permits as long as it takes to build the home. He said when his father built a house in Bonney Lake, it took over four years to finish as they both worked full time and did the work on weekends. He added that this item was added to the agenda at the last minute and more time should be spent to discuss the issues. He said the potential public safety concerns brought up in previous discussions are not the issue. He said the ordinance will take away citizen's rights and will require them to pay for new permit processes and fees.

Deputy Mayor Swatman asked if there would be a potential conflict of interest if councilmembers had permits underway at their residence or property. City Attorney Dionne said this ordinance has a general application and is not directed at a specific permit, and his opinion was it would not create a conflict of interest for councilmembers. He said there are ordinances that describe conflicts of interest related to contracts or using an elected position for personal benefit, but neither seems applicable to the draft permit ordinance.

Councilmember Carter said the Council has spent a lot of time discussing this item and the ordinance addresses how permits are affected by code cycles. She said several weeks ago the Council learned that 36 letters were sent to those who have permits that will expire soon, and five already expired in January 2009. She said the Council needs to move on the issue. Community Development Director Vodopich confirmed that the item has been before the Planning Commission before coming to the Council.

Councilmember Bowen reiterated his concern about how code cycles affect permits. He said he spoke with Building Official Jerry Hight but did not resolve all his questions, and did not realize it would come before the Council this night. He said the ordinance as written protects those who let their permit expire, so they would not have to tear out and rebuild if their project does not meet the current code. He said the ordinance penalizes those who do not miss their inspections and do not let their permits expire. He suggested changing the maximum life of a permit to six years, instead of four years.

**Councilmember Bowen moved to amend language in Ordinance 1308 to replace "four years" with "six years." Councilmember Decker seconded the motion.**

**Councilmember Bowen moved to take a five minute recess. Councilmember Decker seconded the motion.**

**Motion to recess failed 2 – 5.  
Deputy Mayor Swatman and  
Councilmembers Carter,**

**Hamilton, King and Rackley  
voted no.**

Councilmember Hamilton said the Building Official's concern is about extending permits beyond more than 2 code cycles, which is why four years was suggested as the maximum life for permits. Director Vodopich said this summary was correct, and that each code cycle is three years. Councilmember Rackley said changes in code cycles can make a dramatic difference in outcomes, and he supports the proposed ordinance.

Councilmember Bowen asked if there was any interest in amending the ordinance to six years, as the City Attorney advised that his motion to amend was poorly worded and should be restated. Councilmember Hamilton called for the question.

Councilmember Decker said this ordinance will squash all permits after two years. He moved to change all references to "two years" in Section A. of the ordinance to "six years." The motion died for lack of a second. Councilmember Decker said he believed there was new language in the proposed ordinance that the Council has not had time to review. Councilmember Hamilton called for the vote on Councilmember Bowen's proposed amendment.

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

Deputy Mayor Swatman said the ordinance language presented to Council is the same as what was presented at the previous meeting. He added that any ordinance can be modified by the Council through a majority vote. Councilmember Decker disagreed that amending an ordinance is an easy process. City Attorney Dionne noted that at the February 10, 2009 Meeting the Council approved a motion to modify the language in 15.04.081, A.3., "No permit shall be active beyond more than one code cycle," to avoid confusion. He said the amendment does not appear in the draft ordinance now before the Council.

**Councilmember Hamilton moved to amend language in Ordinance 1308,  
Chapter 15.04.081, Section A.3., from "No permit shall be active beyond more  
than one code cycle," to "No permit shall be active beyond four years."  
Councilmember Rackley seconded the motion.**

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

**Original main motion approved 5  
– 2. Councilmembers Bowen and  
Decker voted no.**

Councilmember Decker asked to explain his no vote, and said he believes this is the third time in four months that the Council has taken property rights away from Bonney Lake residents.

- B. **AB09-07 – Resolution 1911** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Personal Services Agreement Between the City of Bonney Lake and the Bonney Lake Chamber of Commerce.

**Councilmember Rackley moved to approve Resolution 1911. Councilmember Bowen seconded the motion.**

Councilmember Decker said he pulled the item to Full Council Issues because he does not wish to vote in favor of the Resolution. Deputy Mayor Swatman said businesses are an important part of the community. He responded to citizen comments from Mr. Miller, saying the resolution has been reviewed by the City Attorney and is not a gift of public funds. He said this is a contract for services that the Chamber can provide and is an appropriate expenditure for the times. Mr. Miller was invited to speak; he asked if there would be a conflict of interest if members of the Council are members of the Chamber of Commerce. Councilmember Hamilton and King said they have some reservations, but plan to vote for the Resolution. They said the City expects deliverables, and said oversight and tracking expenditures is important. City Administrator Morrison confirmed that the contract is for one year only and the Council would have to readopt it in order for the contract to continue.

Councilmembers confirmed that none of them are current Chamber of Commerce members or officers. City Attorney Dionne said a potential conflict of interest could exist if anyone had a financial interest in the contract, but he could not see any conflict for councilmembers with the resolution.

**Motion approved 7 – 0.**

**IX. EXECUTIVE SESSION:** None.

8:22:19

**X. ADJOURNMENT:**

**At 8:22 p.m. Councilmember Bowen 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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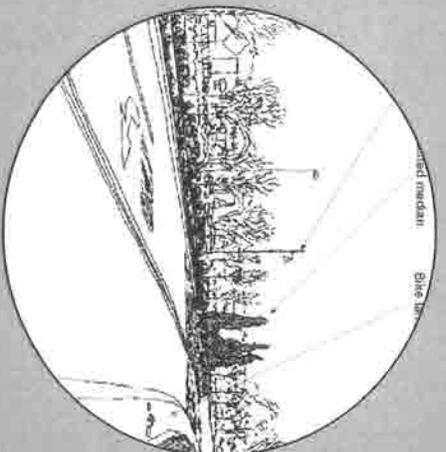
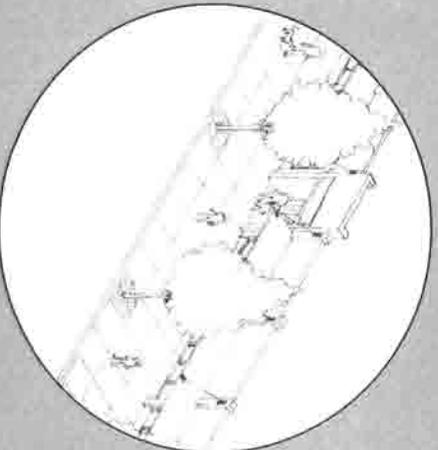
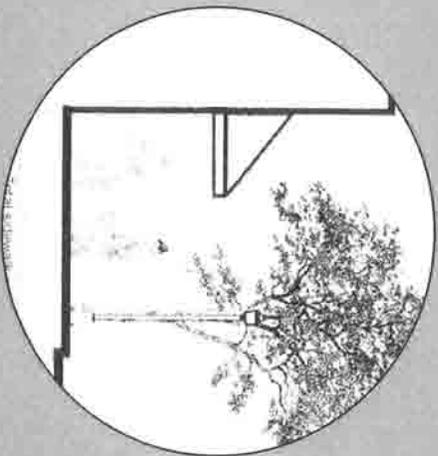
Neil Johnson  
Mayor

Items submitted to the Council Meeting of February 24, 2009:

- Bonney Lake Citizen – “A Memorial Drive” – David Colbeth.

# City of Bonney Lake Street Tree Master Plan

*Resources for this plan were made possible through a grant by the USDA Forest Service and Washington State Department of Natural Resources Urban and Community Forestry Services with matching funds provided by the City of Bonney Lake*

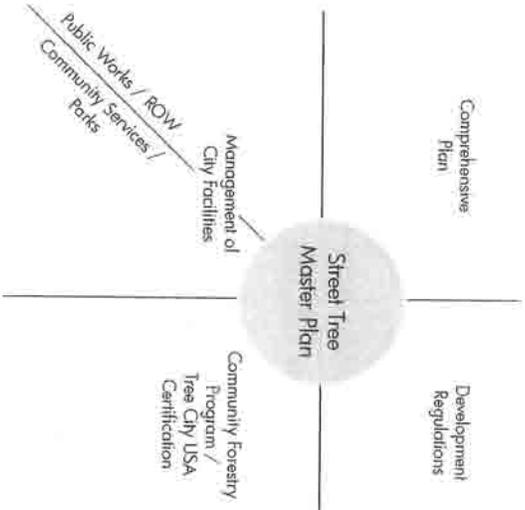


# Table of Contents . . . . .

Project Background	2	
Plan in Context of City Functions	3	1
Regulatory Framework	5	•
Current Practices and Expenditures	8	•
Tree Inventory	9	•
Three Goals of Street Tree Projects	10	
Enhance North – South Connections		
Calm Traffic in Specific Areas		
Support Development of SubArea and Master Plans		
Overall Planting Concept	14	
Lists of Recommended Trees	17	
Selecting the Right Tree for the Right Location	21	
Recommended Tree Characteristics by Location	27	
Order of Magnitude Cost Estimates	34	
Opportunities for New Programs	37	
References	38	

# Plan in Context of City Functions

This Street Tree Master Plan affects several branches of city government and multiple policy documents. This Plan provides guidance to the Comprehensive Plan and Development



opment Regulations, particularly where they pertain to tree selection and placement. Pertinent existing Comprehensive Plan and Development Regulation policies are found late in this document in the section titled, “Plan and Policy Analysis”.

This Plan provides guidance both for city initiated projects and for street tree plantings which are installed in conjunction with current development. Because the scope of the plan is so integrated among the Public Works, Planning and Community Services / Parks Departments, the development of the plan occurred with close coordination between the departments with oversight by the Community Services / Parks Department and the Tree Board.



*Landscape Nursery on City property maintained by H.D. Messenger, Public Works Maintenance Staff.*

## Plan Components

Components of this Plan include: a summary of existing conditions and existing policy; a summary of a current tree inventory and recommendations conducted by Arbor Pro; recommended plant lists; design guidelines; a list of concepts and recommended tree selections for planned future City of Bonney Lake development; order of magnitude cost estimates for non-developer driven projects; and a table of priorities.

# Regulatory Framework

## Comprehensive Plan

The Community Character Element of the City of Bonney Lake Comprehensive Plan places high importance on trees. According to the plan, “Bonney Lake’ evokes trees, lakes, and single-family neighborhoods. The community wishes to retain its small town feel.” The city vision is “Small Town, Natural Environment”. It sees itself as a peaceful yet social place, a place of beautiful scenery and tree-lined streets. The concept of the preservation and enhancement of trees is mentioned fifteen times in the Comprehensive Plan, including a section on landscaping which includes specific actions related to street trees.

This landscaping section contains the following language which relates directly to this Street Tree Master Plan:

## Landscaping

Landscaping with native species, combined with view protection and retention of native vegetation, will convey Bonney Lake’s “natural environment” image. Roadway medians landscaped with native species can help project the “natural environment” image while giving the street a more human scale. Street trees provide shade and noise attenuation.

Landscaping Goal 1-5 Require high-quality naturalistic landscaping.

Policy 1-5a Require landscaping with plant communities that replicate local nature (for example, salal, ferns and firs - see Natural Environment Element). Use easy-to-maintain, drought-resistant, native species.

Policy 1-5b Retain native vegetation, large rocks, and similar materials as a component of landscaping. Preserve strategically selected mature trees and stands of trees.

Policy 1-5c Plant native trees along both sides of all streets. Prepare a plan for what species should be planted on what streets.

The Community Character Element contains additional Comprehensive Plan goals and policies pertaining to landscape treatment under a section which discusses the SR 410 Corridor - Downtown, Midtown, Eastown.

Policies related to roadway improvements to this area emphasize the use of “natural-environment” landscaping and tree retention”.

Another policy provides direction to “work with WSDOT to improve SR 410 incorporating native-species landscaping and other signature treatments such as lighting and signage consistent with the “natural environment” theme.”

A further section discussing Scenic Resources addresses the desire to protect views and states that Street Trees shall be carefully located so as not to intentionally block the view of Bonney Lake’s scenic resources in-

### Vision clearance triangle

Within vision clearance triangles (see BLMC 16.12.010, Definitions), no plants nor structures shall be allowed which substantially impair vision at a height between three feet and eight feet above the street grade. See also public works road approach standards. (F. See BLMC 16.14.140 for vision clearance triangle. (Ord. 11771 § 1, 2005).

### Community Forestry Program

“Because the urban environment is unlike any natural environment, the choice of trees used to create a stable urban environment should include a mixture of native and non-native trees, with no single species dominating. The predominance of a single species may increase the susceptibility of some of the urban forest to insect or disease pests.”

### Evaluation and Recommendations

The policies, standards, and regulations form a strong basis to support the development of future street trees. The following areas could be improved upon:

- Revise policy language in the Comprehensive Plan, Community Character Element pertaining to the exclusive use of Native Trees as street trees.
- An incentive program could be considered to encourage additional commercial investment in street trees.
- Tree species is to be selected from the list of recommended trees in this Master Plan. Deviations from the list shall be approved by the Director.
- Partnership programs could be created to encourage street tree plantings and maintenance in residential areas.

- Policies could encourage business and community group maintenance of street tree corridors.

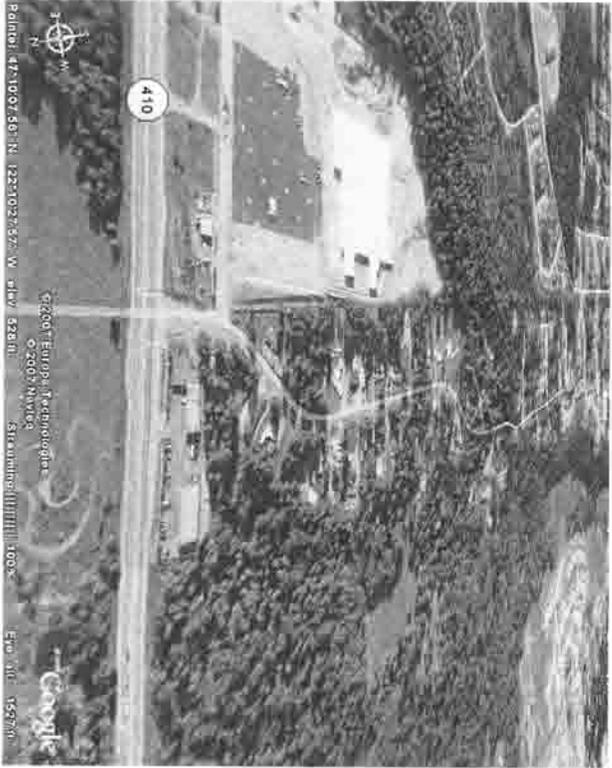
- The Overall Planning Concept contained within this Street Tree Master Plan could be reinforced by other design elements and included in policy language.

- Guidelines should include information on proper tree staking and maintenance.
- It is recommended that a one and a half inch caliper tree is easier to achieve. Recommendations would need to be made to “16.14.090 Street frontages. C. Street trees shall be at least two-inch caliper.”

### Related Projects

- Related projects include:
- 192<sup>nd</sup> Avenue East Roadway Section / Corridor Plan (three segments, from the Junction of 192<sup>nd</sup> and Bonney Lake High School to the intersection with Summer Buckley Highway)
  - Eastown Subarea Plan
  - Rhodes Lake Road Corridor Study

### Enhanced North-South Connection



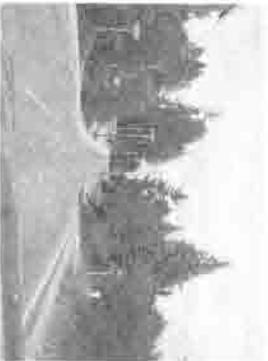
Looking south from SR 410 along 192nd Ave E



Looking north from Rhodes Lake Road E along 192nd Ave E



Intersection of Rhodes Lake Road and Sky Island Drive



Bonney Lake Boulevard



## Support the Development of SubArea and Master Plans

In 2005 to 2006 visions were established for the Easttown Neighborhood Subarea Plan and the Downtown Master Plan establishing standards for the east and west ends of the city.

The impetus behind the creation of the Easttown SubArea Plan was WSDOT's directive to widen SR 410 at the city's east entry. At the time of the preparation of this plan, the City has been working closely with WSDOT to design the trees in the medians along SR 410.

Detailed information on Urban Design including Street Trees was excluded from these studies. At the time of publication of this Street Tree Master Plan, staff is receiving applications for development in each of these areas. Recommendations in this Street Tree Master Plan will help guide the selection of Street Trees in each of these areas.



## Street Trees Pattern

A strong design hierarchy for new plantings can be created through a progression of fall color from the west entrance to Bonney Lake to the north side of town and from west to east.

The illustration on the opposite page shows how fall color can be used for the areas of the city that are being considered for improvements by this plan. The lists of recommended trees on the following pages contain information about fall color. They also contain practical guidelines showing how to select the right tree for the location.

This overall planting concept takes into consideration the existing recently planted street trees. The downtown area to the west is already planted with several Douglas Maples, which have a red fall color. Therefore, a traditional planting scheme of Maples and Oaks would be appropriate.

Moving east along the central corridor, the predominant fall color of the planting scheme would become reddish orange.

Moving to the north along the Boulevard and to the far east to Eastown the predominant

color shifts to yellow and yellow with purple accents. Significant opportunity for new plantings are provided for by these two areas.

The microclimate conditions of the city lend itself well to trees with yellow fall color. Therefore, many of the recommended trees have yellow fall color. It is appropriate for two large and developing areas of town, Eastown and the Boulevard, to be designated with yellow fall color.



*The Pin Oak, with its red fall color, would be ideal for west, Downtown area of Bonney Lake*



*The orange fall color of the Tupelo, Nyssa sylvatica serves as a good transition between the red and yellow fall color accents.*



*The Ginkgo biloba, with its yellow fall color, would be ideal for the east and north areas of Bonney Lake*

# Lists of Recommended Trees

## Recommended Street Trees

The tables of street trees that appear on the following three pages represent the result of a collaborative effort of several knowledgeable professionals, notably H.D. Messinger, Parks / Urban Forestry with the City of Bonney Lake and Dennis Thompkins, consultant arborist. H.D. Messinger worked diligently to have these lists reviewed by a wide array of professionals throughout the state as he was taking coursework to become the city tree specialist. An effort was made to keep these lists small with the intention that additional trees could be added on a case by case basis. It is important to note also that lists such as these need to be considered to be fluid and dynamic documents. As new tree varieties get introduced to the market, the City would benefit by updating the list. In most instances, it is recommended to update the list every three years.

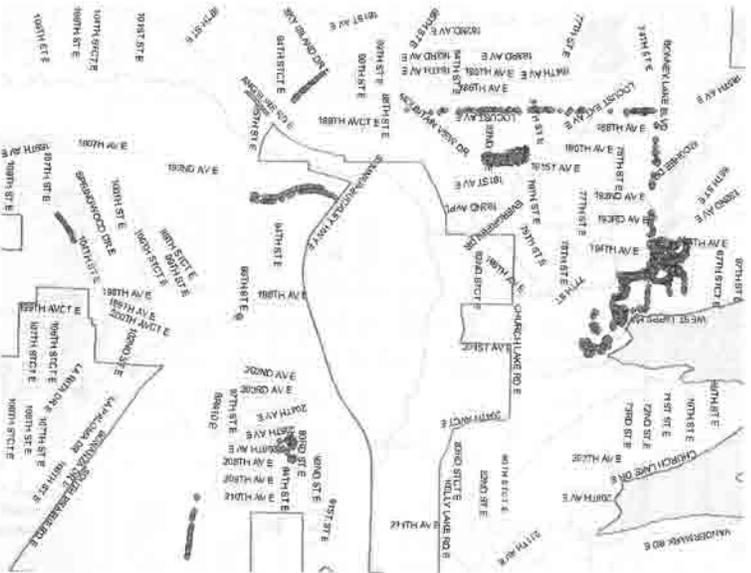
15

Red—Orange Fall Color	Trees with yellow fall color:	Accent Trees
Katsura Tree	<b>Small:</b>	European Beech
Tupelo	Eastern Redbud	Dave Tree
	Goldenrain Tree	
	Japanese Snowbell	
	Greenspire Linden	
	<b>Medium:</b>	
	European Hornbeam	
	Shademaster Honey Locust	
	Prospector Elm	
	<b>Large:</b>	
	Jacquemonti Birch	
	Ginkgo Biloba	

# Tree Inventory

The decisions contained within this Master Plan are based in part on an inventory of existing trees conducted by Arbor Pro. The inventory studied the following areas, and is considered to be “Phase 1”, with future information to be gathered at a later time:

- City Hall.
- Allan Yorke Park (not including trees inside the dense forest line)
- Senior Center
- Viking Park (adjacent to Bonney Lake Elementary)
- Madrona Park
- Cedarview Park
- Sidewalk side of Locust Ave



Scope of Tree Inventory—Phase 1

Findings from the inventory are summarized in a separate document “Arbor Pro Inventory Summary”. Arbor Pro recommends actions to maintain the existing urban forest in a manner that is sensitive to the health, safety and welfare of the citizens of Bonney Lake. These recommended actions are summarized as Tree Management Plan Action Item 1 (Action Item TMP.1).

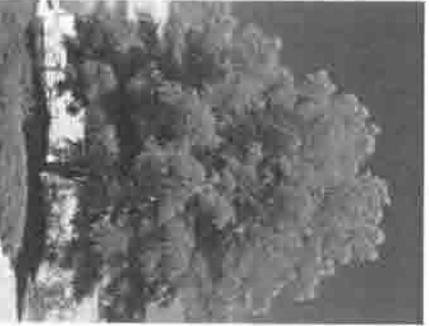


Acer Glabrum at SR 410

## Trees for Mid—Sized Areas: Minimum 6 foot Planting Strip Width

Minimum 6' Planting Strip Width

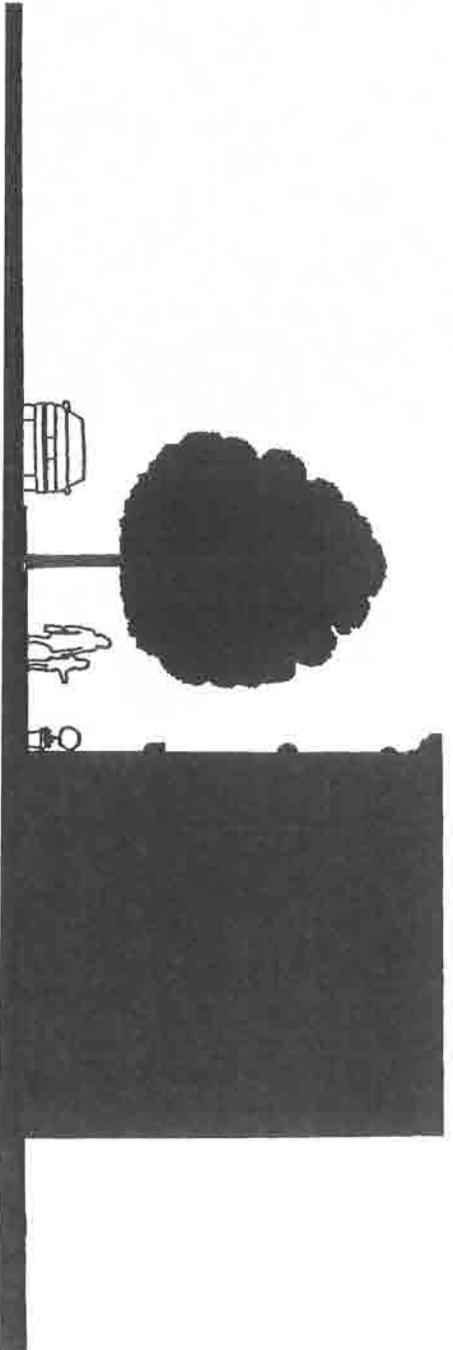
Common Name	Scientific Name	Cultivar	Height (in FT)	Width (in FT)	Shape	Features / Considerations	Drought Tolerant	Overhead Utilities OK	Soil Type
European Hornbeam	<i>Carpinus betulus</i>	Fastigiata	35	25	upright/oval	catkins turn brown in November; yellow in fall	✓		all
Katsura Tree	<i>Cercidophyllum japonicum</i>		40	40	pyramidal / round	heart shaped leaves; red-orange in fall			all
Dove Tree	<i>Davidia involucreta</i>		35	28	Broad pyramidal	white bracts	✓		well drained
Shademaster Honeylocust	<i>Gleditsia triacanthos</i>	Shademaster	45	35	vase shaped	upright branching; yellow in fall	✓		all
Tupelo	<i>Nyssa sylvatica</i>		35	20	pyramidal when young, spreads with age	red yellow fall color			all
Frontier Elm	<i>Ulmus</i>	Frontier	40	30	arching vase	disease resistant; fast grower; reddish-purple in fall	✓		all
Prospector Elm	<i>Ulmus wilsonia</i>	Prospector	40	30	vase shaped	disease resistant; urban tolerant; yellow in fall	✓		all



*Gleditsia triacanthos*,

*Shademaster Honeylocust*

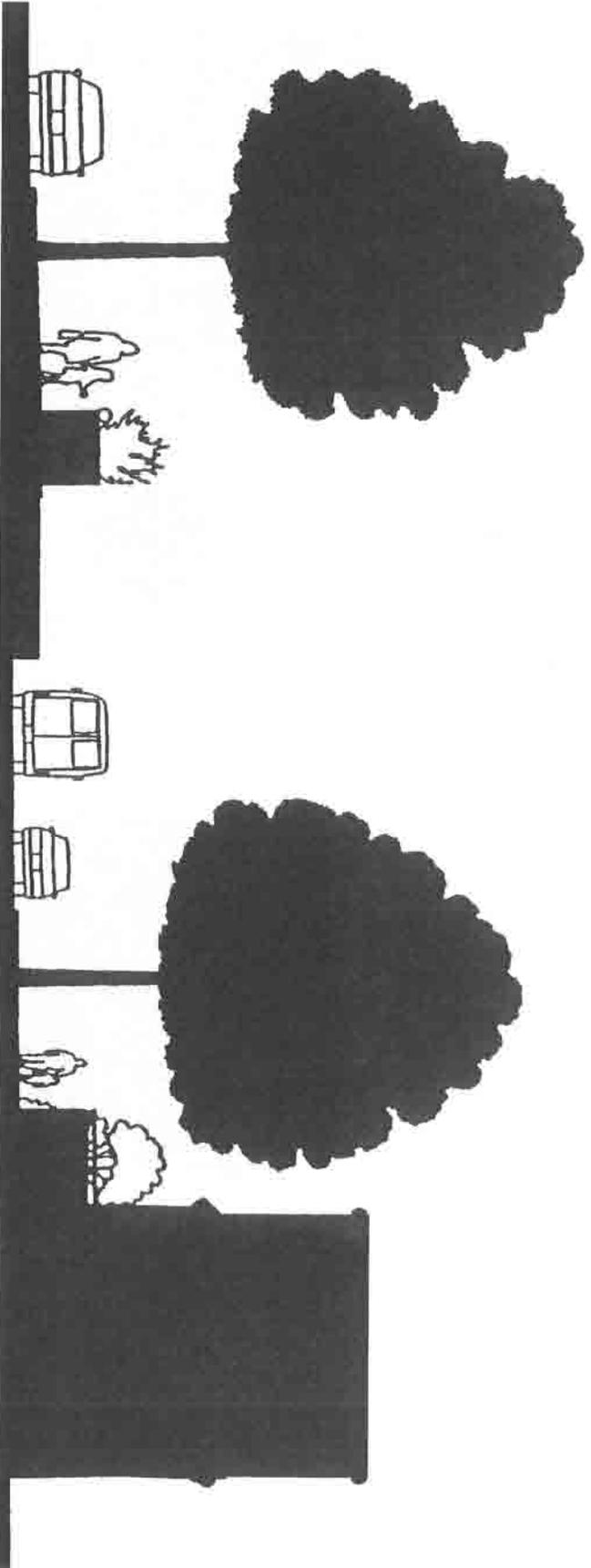
# Selecting the Right Tree for the Right Location



## Tree Spacing and Selection

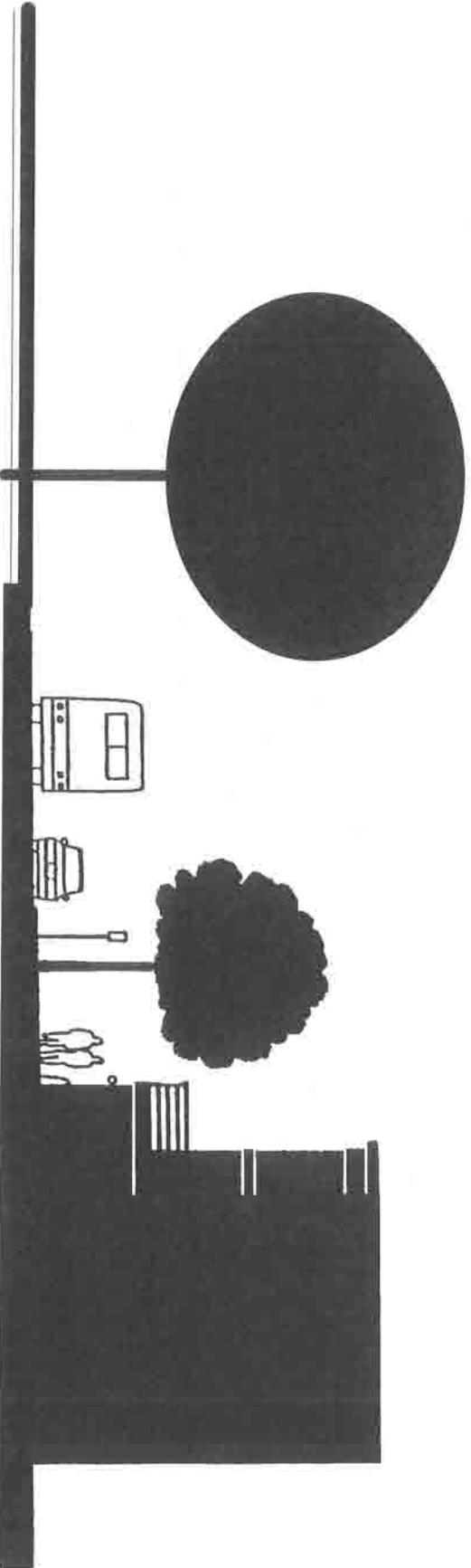
The illustrations on this and the facing page indicate a narrow growing condition (facing page) and a wider growing condition (below). To determine how to select a tree for the space allowed, consider the desired spacing for the trees at maturity. Using the Lists of Recommended Trees as a guide, select trees according to their mature width. Trees should be spaced at three—quarters of their mature width.

When obstructions, such as buildings, are in the way of the potential full growth of tree canopy, consider setting back the building form on the side facing the tree.



## Large Canopy Trees

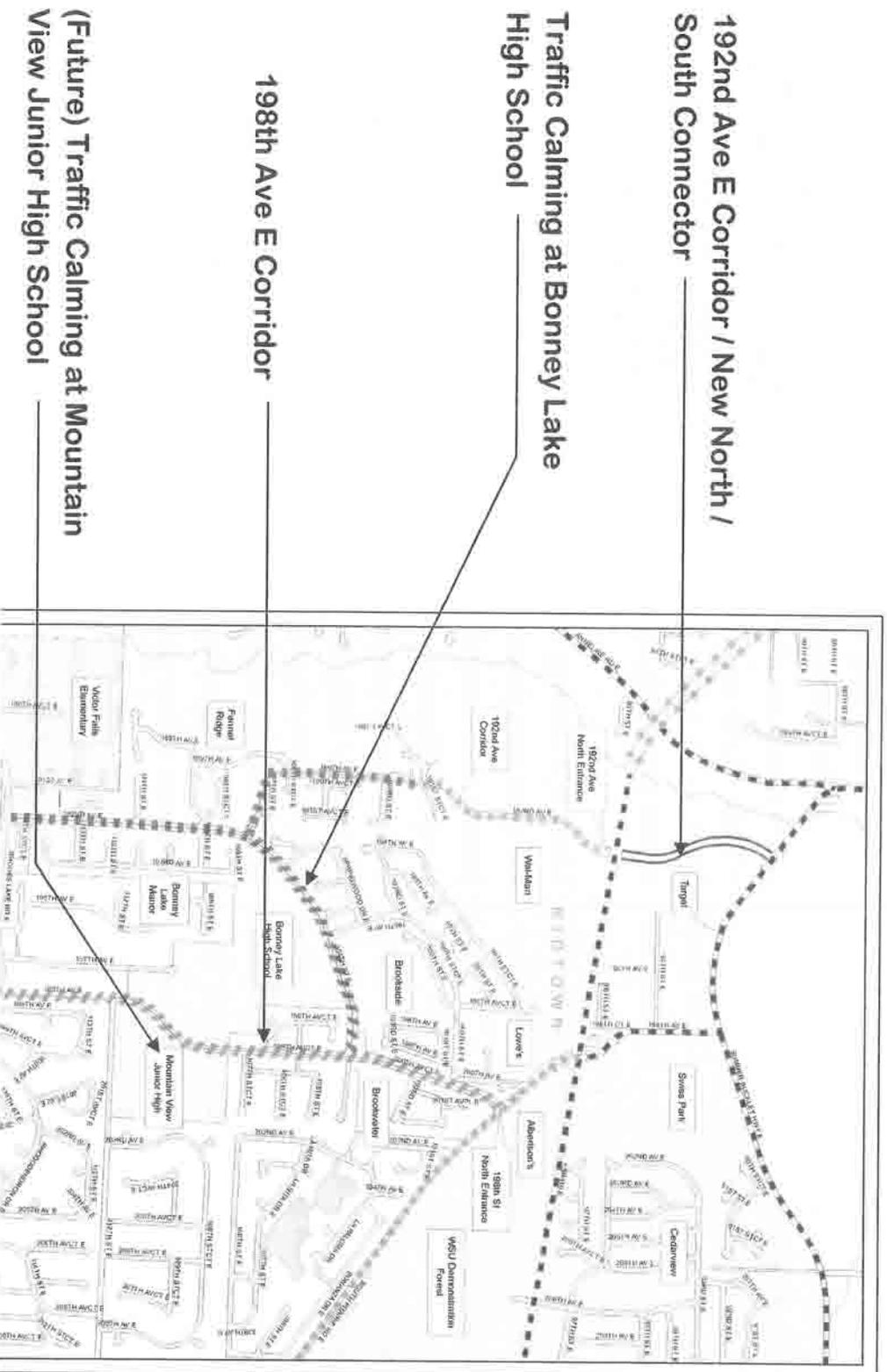
Large Canopy Trees are very effective at removing the maximum amount of CO2 from the urban environment. Therefore, where possible it is recommended to plant trees with the widest canopy possible. When the city is able to provide guidance to shape the adjacent architecture, it is important to consider alternatives that would allow for larger canopy trees. The example below shows a tall tree with a mature height over 60 feet that is wide with a mature width of 50 feet. Accommodations are made for the mature canopy by utilizing a 20 foot sidewalk and stepping the building back away from the street at the second floor.



# Midtown—Specific Locations for Projects

27

- 192nd Ave E Corridor / New North / South Connector
- Traffic Calming at Bonney Lake High School
- (Future) Traffic Calming at Mountain View Junior High School



West Bonney Lake includes the Boulevard, Downtown, and areas for traffic calming near parks and schools.

## Enhance North—South Connections: New Corridors—192nd Ave E and 198th Ave E

### 192nd Ave E Corridor / New North / South Connector

Develop a Street Tree Plan for SE 192nd Avenue, which would be instituted in phases. This high priority grant funded project may provide opportunity for a wider than usual Right-of-Way.

B. Create connections to the adjacent commercial center which contains Wal Mart and Starbucks.

C. Potential to integrate the SEA Street concept on both sides of the street. T

D. The Right-of-Way is widest where the roadway meets Rhodes Lake Road.

According to Pierce County Public Work, Vegetation in the Right-of-Way should be 12' away from the curb line. Roadway trash and roots are a concern. At this time the roadway improvement would likely have curb, gutter and sidewalk, which is a change from previous times. Pierce County does not provide street trees, but relies on developers to form an agreement. It is thought that Cascadia may partner with Pierce County to consider providing trees along the 198th Ave E Corridor.

192nd Ave E improvements are in the following areas:

### 198th Ave E Corridor

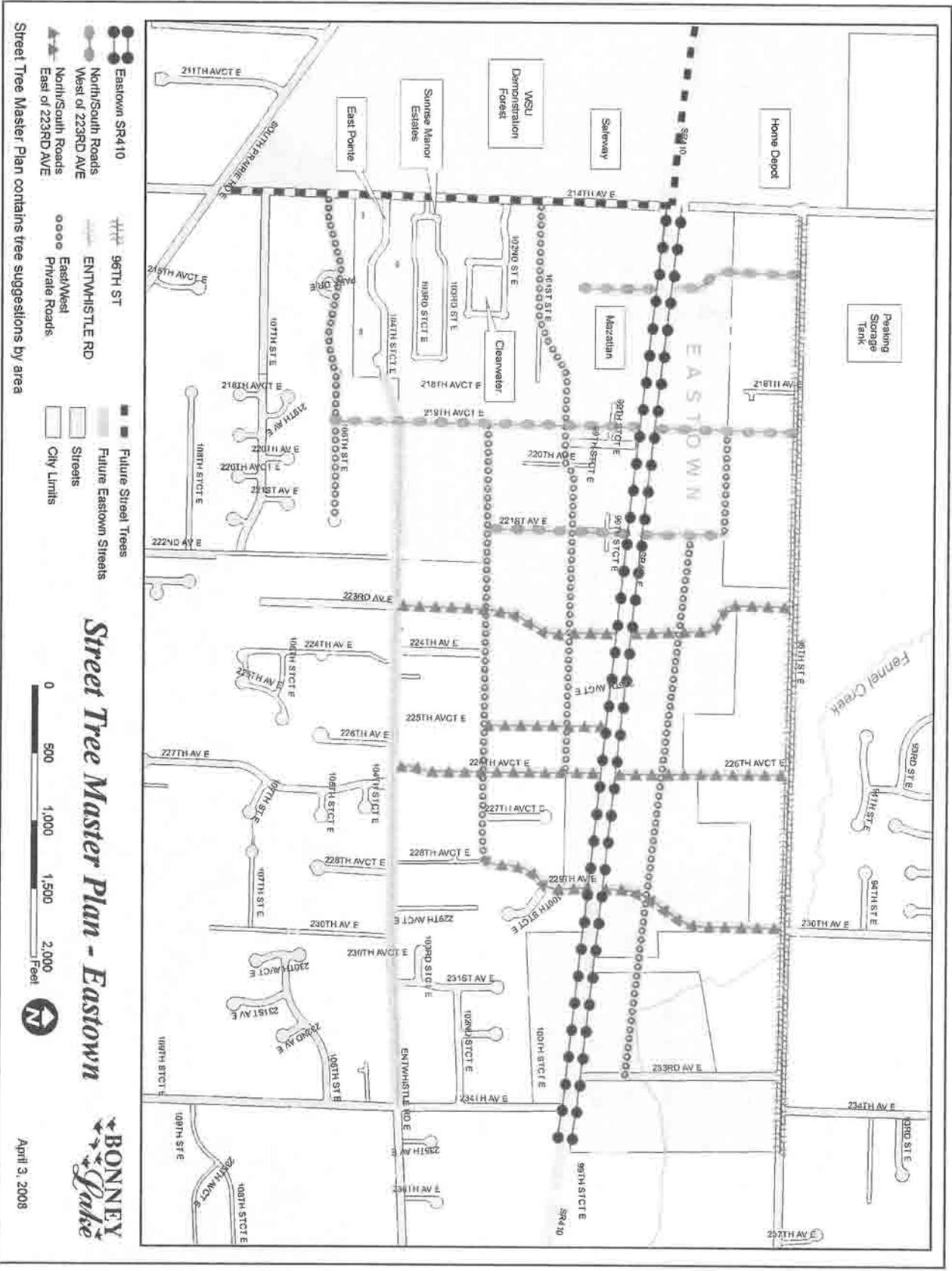
A. Existing ROW from SR 410 E to 101 St Ct E Aging Public Road ROW – Width Variations

198th Ave E Corridor connection passes through areas under Pierce County jurisdiction as well as city jurisdiction. Pierce County standards have become more urban since many roads in Bonney Lake were originally constructed, but they will not likely include street trees. Pierce County also advocates a wider than typical clear zone as it pertains to tree placement.

B. New ROW from 101<sup>st</sup> St Ct E to 104<sup>th</sup> St E Existing private and incomplete road ROW; may provide opportunity for a wide Right – of – Way, which could accommodate large-scale plantings

C. 192<sup>nd</sup> Av E from Bonney Lake HS to Rhodes Lake Rd E Older Public Road with 60' ROW width

D. Create an entry feature at the south entrance to Bonney Lake



- Eastown SR410
- North/South Roads West of 223RD AVE
- North/South Roads East of 223RD AVE
- ◆◆◆◆ 96TH ST
- ◆◆◆◆ ENTWISTLE RD
- ◆◆◆◆ East/West Private Roads
- Future Street Trees
- Future Eastown Streets
- Streets
- City Limits

*Street Tree Master Plan - Eastown*



April 3, 2008

## Eastown

Once Bonney Lake grew to over 10,000 in population, the City took over many of the maintenance activities on SR 410. Design within the context of Eastown neighborhood plan, Midtown retail, and compact urban style Downtown plan. Create an entry feature at the east edge of the city. Improvements along SR 410 from 213th to 234th. Medians will be planted first by the City. Rights-of-Way will be planted in conjunction with development.

The Eastown subarea provides a great opportunity to visibly implement the Street Tree Master Plan. The median plantings along SR 410 will be among the first area to receive street tree treatment. Later as development occurs the SR 410 frontage and arterials will also receive street trees. Recommended trees have been selected for their variability in color and seasonal interest.





## Acknowledgements

Resources for this plan were made possible through a grant by the USDA Forest Service and Washington State Department of Natural Resources Urban and Community Forestry Services with matching funds provided by the City of Bonney Lake.

We also thank:

Gary Leaf, Project Manager, Community Services Director

Don Morrison, City Administrator

Dan Grigsby, Public Works Director

Steve Ladd, Planning Manager

Laurie Carter, Parks Board

HD Messinger, Community Services, Trees

Debbie Strous-Boyd, Design Commission

Dennis Thompkins, Consultant Arborist

Mark Hamilton, City Council

Winona Jacobson, Planning Commission

Fred Jacobson, Citizen

## Opportunities for

### New Programs

Many cities have experienced success with innovative programs to implement streetscape strategies. The following strategies are recommended for use by the City of Bonney Lake:

discount voucher program

SF residences can select and purchase trees from a local nursery at a discount. Education of property owners on proper tree planting and maintenance. Potential for cooperative funding with utilities. (Seattle – Seattle Releaf discount voucher program)

Traffic circles (public works and residential property owner plant and maintenance

Free and simple grant projects

Heritage Trees (can be privately owned)

development of a "Street Tree Arboretum" where native plants can be tested for their viability as street trees.

Other issues include ownership and maintenance or plantings within the Rights – of – Ways in single family residential areas, low impact design opportunity project locations, drought tolerant demonstrations, and the creation of wide boulevards.

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

<b>Department/Staff Contact:</b> Don Morrison	<b>Council/Wrkshp Mtg Date:</b> 3/3/09	<b>Agenda Bill Number:</b> AB09-38
<b>Ordinance Number:</b> D09-38	<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> NA			
<b><u>Agenda Subject:</u></b> Temporarily Freeze TIF Rate at 2008 Level			

**Administrative Recommendation:** Approve

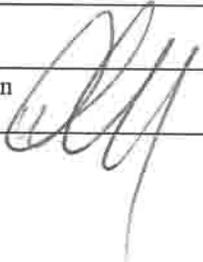
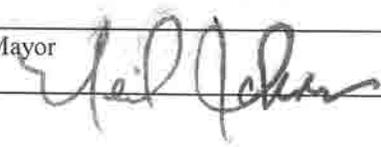
**Background Summary:** The automatic annual TIF adjustment based on changes to the CCI increased the TIF rate by \$869 per PM trip (from \$3,995 to \$4,864), effective 1/1/09. The City already has one of the higher TIF rates in the state. In this economic climate, the City needs to be able to more favorably compete with other cities in the region for businesses that are looking to locate in the area; we have been told by prospective businesses that our current TIF rates make their projects unfeasible in this economy. Given the TIF rate and current economic conditions, a freeze on annual automatic transportation impact fee increases (but not downward adjustments if the CCI responds accordingly) is proposed until authorized by the City Council, such that transportation impact fees are maintained at no more than their 2008 levels for at least 2009 and 2010.

<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:		

**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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**ORDINANCE NO. D09-38**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 19.04.050 OF THE BONNEY LAKE MUNICIPAL CODE RELATING TO THE ANNUAL ADJUSTMENT OF TRANSPORTATION IMPACT FEES.**

**WHEREAS**, the City desires to be able to more favorably compete with other cities in the region for businesses that are looking to locate in the area; and

**WHEREAS**, Bonney Lake Transportation Impact fees are currently among the highest in the state; and

**WHEREAS**, current economic conditions warrant a freeze on annual automatic transportation impact fee adjustments until authorized by the City Council, such that transportation impact fees are maintained at no more than their 2008 levels for at least 2009 and 2010.

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

**Section 1.** BLMC Section 19.04.015 is hereby amended to read as follows:

**19.04.050 Fee schedules and establishment of service area.**

A. An impact fee schedule setting forth the amount of the transportation impact fees to be paid by a development is set out in Attachment B and incorporated herein by this reference.

B. The impact fee schedule of costs, as set out in Attachment B, shall be updated annually at a rate adjusted in accordance with the Washington State Department of Transportation Construction Cost Index, using an October – October annual measure to establish revised fee schedules effective January 1st of the subsequent year; provided however that said annual rate adjustment shall not go into effect except by an authorizing motion of the City Council duly recorded in the minutes of the Council meeting.

C. For the purpose of this chapter, the entire city shall be considered one service area.

**Section 2.** The scheduled automatic adjustment to the transportation impact fee to the Construction Cost Index, which was scheduled to occur on January 1, 2009, shall not take effect. The City Council shall not approve an upward adjustment of the transportation impact fees to the CCI until January 1, 2011 at the earliest, provided, that the City Council may at an earlier date approve a reduction in the transportation impact fee based on a decrease in the CCI.

**Section 3.** 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 \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2009.

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**Neil Johnson, Jr.**

Mayor

ATTEST:

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Harwood T. Edvalson  
City Clerk, CMC

APPROVED AS TO FORM:

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James Dionne  
City Attorney

Passed:

Valid:

Published:

Effective Date: