

**COUNCIL WORKSHOP**

**June 2, 2009  
5:30 p.m.**

**AGENDA**



*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"**

*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="#">Council Workshop for April 21<sup>st</sup></a> and Council meetings for <a href="#">April 28th</a> , <a href="#">May 12th</a> and <a href="#">May 26th</a> . | ( 5 Mins.)              |
| 3. Discussion: <a href="#">AB09-84 – D09-84</a> – Relating to Cancellation of Council Workshops.                                                                                                       | ( 30 Mins.)             |
| 4. Discussion: <a href="#">AB09-88 – Ordinance D09-88</a> – An Update to the SEPA Code.                                                                                                                | ( 30 Mins.)             |
| 5. 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> |
| 6. 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

April 21, 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.*

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**DRAFT MINUTES**

*"Where Dreams Can Soar"*

Audio Time  
Stamp ↓

**Call to Order:**

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

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

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

**Councilmember Hamilton moved to excuse Councilmember King from attendance at the Workshop. Councilmember Rackley seconded the motion.**

**Motion approved 6 – 0.**

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

5:31:15

1. **Action: AB09-62 – Ordinance 1319** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adding a New Chapter 3.70 to the Bonney Lake Municipal Code Relating to Temporary Incentives to Encourage Business Investment in Commercial Building. (Tabled from 4/14/09 Council Meeting).

City Administrator Morrison said the item was tabled at the April 14<sup>th</sup> Meeting due to questions about the definition of commercial retail buildings. City Attorney Dionne said that describing qualified buildings as 'retail commercial' uses offers a distinction between retail and residential uses, and is a sufficient definition.

**Deputy Mayor Swatman moved to amend all instances of 'commercial building' to 'retail commercial building' throughout Ordinance 1319. Councilmember Rackley seconded the motion.**

Councilmember Hamilton asked what types of businesses would not qualify for the ordinance's proposed incentives. Businesses that do not generate sales tax would not qualify, nor would professional services or condominiums. Councilmember Carter confirmed that mixed-use buildings can qualify, if at least 50% of the building space is devoted to retail commercial use. City Administrator Morrison said the intent is to increase the sales tax base in the City and incentivize retail businesses.

**Motion to amend Ordinance  
1319 approved 6 – 0.**

**Amended main motion  
approved 6 – 0.**

5:37:39

2. **Council Open Discussion.**

Permit Applications

Mayor Johnson said Sonic Burger restaurants submitted their plans to the Permit Center today, and Red Robin restaurants are coming to do a site tour in Bonney Lake in early May, 2009. Plans for a new Hopjacks restaurant are complete; the owners also operate The Rock restaurants, and said Bonney Lake's permit and review process was the quickest they have encountered with any city.

AWC Conference

Councilmember Carter noted that the Association of Washington Cities (AWC) Conference is June 23-26, 2009, and asked who planned to attend. Deputy Mayor Swatman and Councilmembers Carter, Decker and Rackley will attend. Councilmember Carter noted the Council must decide who will serve as voting delegates at the business meeting at the Conference.

Stimulus Funding Updates

Councilmember Carter asked for updates on federal stimulus grant funding. Mayor Johnson said he met with Senator Maria Cantwell's office on April 20, 2009 and will meet with Mary McBride from Senator Patty Murray's office on May 5, 2009. He is waiting to set up a time to meet with Congressman Dave Reichert. He said from what has been made available at this point, the City has so far focused on funds for the Fennel Creek trail and economic development. He said he would keep the Council updated as more information becomes available.

City Property Issue

Deputy Mayor Swatman said Finance Committee will be discussing a piece of property on 192<sup>nd</sup> Street East where the City is being charged for maintenance costs. He said the agreement to purchase the property appears to have been signed by the former Mayor, Bob Young, and the Council was not aware of it. He said the City was charged \$4,000 last year for water and sewer, and has paid about \$23,000 in property maintenance costs since 2005. He said this property relates to the property off 192<sup>nd</sup> that the City purchased as a site for a new City Hall, which was never built there. However, he said it appears the maintenance agreement was signed without Council approval.

Councilmembers discussed whether the City should be paying for property management, and whether the agreement is legal if it was signed without Council authority. City Attorney Dionne said Jeff Ganson is researching the issue and would provide more information to the Council on the agreement. He said his office could draft a letter from the mayor to the property owners regarding this issue.

Noise Complaints

Councilmember Rackley asked for an update on noise complaints related to the Diamond Lounge. Police Chief Mitchell said the department has monitored the Lounge but they have not been violating the City's revised noise ordinance, and the new ordinance has not helped solve the issue. Councilmember Carter said the Public Safety Committee will continue discussing the issue and review other cities' ordinances for possible solutions.

Cancelling Council Workshops

Deputy Mayor Swatman said the Council often has few items on workshop agendas and suggested the Council could revise its rules to allow cancellation of a Workshop with approval from the Deputy Mayor and City Clerk or something similar. City Attorney Dionne said Council Workshops are considered 'record meetings' under State law. He said an open public meeting like this must be cancelled in line with the RCW, with proper public notice. He said he would review the options for Council discussion.

Eastown Sewer Updates

Deputy Mayor Swatman noted that the Washington State legislature has passed a bill that allows cities to participate in utility latecomer's agreements. Mayor Johnson said Director Grigsby is working on background information and options to present to Council once the bill is signed by the governor. Councilmembers noted there are positive and negative aspects to latecomer's agreements, and asked Director Grigsby to also present the differences between a latecomer's agreement and a Local Improvement District.

Cascade Water Alliance

Mayor Johnson said the Lake Tapps homeowner's association is working on an agreement with Cascade Water Alliance that would include an agreement not to fight eminent domain in the legislature. He said the senate passed a bill with an addendum that forces CWA to work out interlocal agreements with each City. He said the City Attorney's office is working with other cities on an agreement, and negotiations are continuing. He said he will meet with the Department of Ecology on April 22, 2009 to discuss water rights. He said one positive note is that CWA seems to want to work with the cities.

6:08:13

3. **Review of Council Minutes:** April 7, 2009 Council Workshop and April 14, 2009 Council Meeting.

The draft minutes were moved forward to the April 28, 2009 meeting for approval with no corrections.

6:08:36

4. **Discussion:** Follow-up to Council Retreat and Goals.

City Administrator Morrison said he created a list of priorities based on input from Councilmembers at the retreat, which is included in the agenda packet. Councilmember Hamilton said it is important to continue working on an interlocal agreement related to urban density. Mayor Johnson said he will work to get discussions with Auburn and Sumner back on track. Councilmember Hamilton noted that the costs of development in Bonney Lake are high, and the City should address long-term needs and costs of maintaining its separate, smaller sewer system. Director Grigsby noted that new Sewer SDC calculations will be ready for Council review soon. He said the calculations show what the City can legally justify charging per state law, but the Council could charge less than the maximum rate.

Deputy Mayor Swatman said organizations must consider systematic changes during hard financial times, and said the budget is still very worrisome to him. He said the approved budget will spend down a portion of the City's savings and assumes 12%

sales tax growth in 2012. Mayor Johnson said all City staff are working to trim costs wherever possible, and layoffs are always the last option to consider.

Councilmember Bowen asked if there were any updates related to Pierce Transit bus service. Mayor Johnson said Pierce Transit would prefer not to serve areas like Bonney Lake if they did not have to, and will be setting up community meetings to talk with residents about their services. He said Pierce Transit would prefer to serve routes with high densities only, and not serve areas beyond the 410 corridor. He expressed concern that service levels will drop and encouraged the Council and citizens to attend the community meetings once they are scheduled. Councilmember Carter said area senior citizens she meets always tell her the busses do not connect from SR 410 to other areas, and they can't get home from the SR 410 transit center. She said she has seen multiple people in wheelchairs waiting for busses and wonders how they will be affected.

6:28:19

5. **Discussion:** Naming Policy for Parks and Facilities.

Deputy Mayor Swatman said the ad hoc committee has been working on a naming policy proposal, and wrote a draft in ordinance form. He said they worked out some issues, including defining qualified 'deceased persons' as those who have been deceased for more than two years, requiring at least 6 members of the Council to approve naming a park or facility. He noted that if someone donates something to the City they can include the name as a condition of the donation, but the City has the right to turn it down if they wish. Councilmembers agreed that the draft ordinance is a good start and it should come before the Council in the future.

6:31:57

6. **Executive Session:**

Pursuant to RCW 42.30.110(1) the City Council adjourned to an Executive Session with the City Attorney at 6:32 p.m. to discuss property acquisition and potential litigation. The Executive Session was extended five minutes at 6:48 p.m. The Meeting reconvened at 6:54 p.m. No action was taken.

6:54:40

7. **Adjournment:**

**At 6:54 p.m., Councilmember Rackley moved to adjourn the workshop. Councilmember Decker 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 April 21, 2009: None.

**CITY COUNCIL MEETING**

**April 28, 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.*

**DRAFT MINUTES**

**"Where Dreams Can Soar"**

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

Audio Time  
Stamp ↓

**I. CALL TO ORDER** – Mayor Neil Johnson called the meeting to order at 7:01 p.m.

A. Flag Salute – Mayor Johnson 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 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, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Assistant City Attorney Kathleen Haggard, Administrative Services Director/ City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

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

1. Announcements:

Mayor Johnson said the Puget Sound Regional Council is holding a general assembly meeting on April 30, 2009 at 4:30 p.m. in Seattle, and asked who from the Council could attend. Councilmember Rackley said he would represent the City at the meeting.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications:

7:03:27

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

A. Public Hearings: None. [A 3.6.12]

B. Citizen Comments: None. [A 1.5]

C. Correspondence: None. [A 1.2]

7:03:45

**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 Resolution 1939, minutes, water conservation

rebates, a possible sub-meter ordinance, public interaction and surveys, new identity theft rules for utilities customers, expenditures, latecomer agreements and options for an alarm system fee forgiveness program. He said the City's Court and Utilities counters will be open for special hours on Saturday, May 16, 2009 for the city's first 'Customer Service Saturday,' from 9:00 a.m. to 1:00 p.m. Customers can come to City Hall to pay for boat launch passes, court fines, passports and utility bills. Deputy Mayor Swatman noted that the Finance Committee is careful to review all vouchers that are approved for payment.

- B. Community Development Committee: Councilmember Rackley said the committee met on April 16, 2009 and the meeting notes are available online.
- C. Public Safety Committee: Councilmember King said the committee held a special meeting on April 17, 2009 to discuss proposed Justice Assistance Grant (JAG) fund grant projects. The committee recommended that the Mayor authorize purchasing computer monitors for the Court Administrator and for e-ticketing equipment in Police vehicles, with any remaining funds applied to the 800 MHz system tower.
- D. Other Reports:

Pierce County Regional Council

Councilmember Rackley attended the Pierce County Regional Council (PCRC) meeting on April 16, 2009. The meeting included an update on drug management coordination, stimulus funding and potential projects, the 2040 transportation plan, and block grant funding for energy efficiency projects.

Substitute House Bill 1332

Mayor Johnson said that SHB 1332, which relates to eminent domain, has been passed and signed. The bill relates to Cascade Water Alliance issues, and amendments were included in the bill requiring CWA to have an interlocal agreement with cities. He said the bill also allows cities to take legal action if they feel their water resources have been harmed. He said he would update the Council on any other new developments.

7:08:54

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

- A. **Approval of Corrected Minutes:** April 7, 2009 Council Workshop and April 14, 2009 Council Meeting.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #55200 thru 55289 (including wire transfer #'s 185843, 3172009, 4092009, 4556152 & 9012008) in the amount of \$632,770.94; Accounts Payable checks/vouchers #55290 thru 55340 (including wire transfer #'s 244936, 244937 & 4152009) in the amount of \$210,091.24.
- C. **Approval of Payroll:** Payroll for April 1-15, 2009 for checks 28146-28172 including Direct Deposits and Electronic Transfers in the amount of: \$380,132.58; Correction for Payroll March 16-31, 2009 – Correct Check range is 28112-28145 for the same amount of \$547,884.43.

- D. **AB09-74 – Ordinance 1320** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Adding a New Chapter 12.10 to the Bonney Lake Municipal Code, Establishing a Naming Policy for City Parks, Open Spaces and Other Municipal Facilities.
- E. **AB09-56 – Resolution 1931** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Feet First to Provide Educational Services Pursuant to the Safe Routes to School Project.
- F. **AB09-57 – Resolution 1932** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with the Bicycle Alliance of Washington to Provide Educational Services Pursuant to the Safe Routes to School Project.
- G. **AB09-70 – Resolution 1938** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Portland Energy Conservation Inc. for the Wash Wise Water Conservation Program.
- H. **AB09-73 – Resolution 1941** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contract with Parametrix for the Design of the Eastown Water Main Extension Project.

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

**Consent Agenda  
approved 7 – 0.**

7:09:20

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB09-71 – Resolution 1939** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Assignment of Contract Rights and a Stewardship Agreement with Pierce County.

**Councilmember Decker moved to approve Resolution 1939. Councilmember King seconded the motion.**

Councilmember King noted that the Finance Committee discussed this item and nothing appeared out of order. City Administrator Morrison offered information in response to Finance Committee questions. He said the lot size is 9.7 acres, and the purchase price is \$680,000, of which the City of Bonney Lake pays \$390,000. He said the agreement grants the current owners, the Cimmers, the option to continue renting for one year, after which the City can rent the property at its discretion. The site is the trail head for the Fennel Creek Trail. Community Services Director Leaf said he helped negotiate the agreement with Pierce County. He said the code does not allow properties purchased through the Pierce County Conservation Futures program to be used for 'active recreation,' though the County agreed to let the city install a small playground. The site will include the trail head, parking lot, and a picnic shelter as

well. He said the County was flexible in negotiations, though if the City wants to use the site for any other use, it will have to work with Pierce County.

**Motion approved 7 – 0.**

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

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

7:13:15

**VIII. FULL COUNCIL ISSUES:**

- A. **AB09-76** – A Motion of the Bonney Lake City Council Appointing Voting Delegates to the 2009 AWC Annual Meeting.

**Deputy Mayor Swatman nominated Councilmembers Carter and Decker and Deputy Mayor Swatman to serve as voting delegates at the AWC Annual Meeting. Councilmember Rackley seconded the motion.**

**Motion approved 7 – 0.**

**IX. EXECUTIVE SESSION:** None.

7:14:25

**X. ADJOURNMENT:**

**At 7:14 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker 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 April 28, 2009: None.*

**CITY COUNCIL MEETING**

**May 12, 2009  
7:00 P.M.**



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**DRAFT MINUTES**

**"Where Dreams Can Soar"**

Audio Time  
Stamp ↓

**I. CALL TO ORDER** – Mayor Neil Johnson called the meeting to order at 7:00 p.m.

A. Flag Salute – Mayor Johnson 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 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, Police Chief Mike Mitchell, Community Development Director John Vodopich, Public Works Director Dan Grigsby, 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. Proclamation—National Public Works Week – May 17 – 23, 2009.

Mayor Johnson read the proclamation aloud and presented it to Public Works Crew Leader Curt Roundtree. Assistant Public Works Director Charlie Simpson and Transportation Supervisor Steve Willadson were also in attendance.

D. Agenda Modifications:

**Deputy Mayor Swatman moved to add a Motion of the City Council to Cancel the May 19, 2009 Workshop to Full Council Issues, Item C. Councilmember Rackley seconded the motion.**

**Motion approved 7 – 0.**

7:04:10

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

A. Public Hearings: None. [A 3.6.12]

B. Citizen Comments: [A 1.5]

Raymond Frey, 12356 Northup Way, Bellevue, of Halsen Frey LLC, Greenwood and Eastown LLC, gave an update on the downtown Greenwood Development project. He said they are close to an agreement with the City on credits and have submitted their signed agreement to the City for signatures. He said permits for the first phase of construction, a 21 unit building on the North part of the property, should be submitted soon. He said they have secured funding and construction on the project could start within a couple of weeks. Phase 2 of the project, including residential townhomes and flats in the center of the property, could begin in August. Both buildings should be ready and available for rent next year.

George Brown, 18313 Old Summer-Buckley Hwy, Bonney Lake, owns Thian Thai restaurant and explained there has been an issue with water pooling in the parking lot in the past couple of months. He said the City checked for a possible water main break but found no issues with the main. He said it seems most likely that the water is coming from the property just above his, and noted that the City recently created a new parking area behind the Public Safety Building. He said the ground in that area is hard pan and water cannot seep into the soil. He said he has not seen the environmental study for the parking area but feels certain that this is the source of the water now coming onto his property. He noted it is a new issue and they are concerned about standing water in the lot and under the building. Mayor Johnson said he is aware of the issue and staff are researching the problem, and he would let the Council know what they find out.

- C. Correspondence: None. [A 1.2]

7:12:24

### 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 forwarded Resolution 1945 and 1946 to a future Council Meeting. Also discussed were civil fines for mandatory garbage service, a proposed sub-meter ordinance, and outstanding accounts receivables and collection options.
- B. Community Development Committee: Councilmember Rackley said the committee met on May 4, 2009 and forwarded Resolution 1942 to the Consent Agenda.
- C. Public Safety Committee: Councilmember King said the committee has not met since the last Council Meeting. The committee meets next on June 1, 2009 at 5:00 p.m.
- D. Other Reports:

#### Puget Sound Regional Council

Councilmember Rackley attended the PSRC meeting on April 30, 2009. The group elected new officers and approved the 2010-11 budget and some bylaw changes.

#### Communities for Families

Councilmember Carter attended the Communities for Families meeting in early May. The high school needs people to judge senior projects; Mayor Johnson is judging on May 20, 2009. She said opportunities for youth including jobs, Police Explorers, and

scholarships, are currently available. She encouraged anyone interested in these opportunities to contact the school district for more information.

7:16:20

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

- A. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #55341 thru 55403 in the amount of \$455,778.03; Accounts Payable checks/voucher #55404 for a utility refund in the amount of \$58.92; Accounts Payable checks/vouchers #55405 thru 55492 (including wire transfer #'s 4282009 & 24915127) in the amount of \$262,502.96; and Accounts Payable checks/voucher #55493 for a utility refund in the amount of \$61.17.
- B. **Approval of Payroll:** Payroll for April 16-30, 2009 for checks 28173-28201 including Direct Deposits and Electronic Transfers in the amount of \$ 539,716.02.
- C. **AB09-77 – Resolution 1942 –** A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Water Developer Extension Agreement with Bonlak Investment LLC for the Bonney Lake Self Storage Development.

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

**Consent Agenda  
approved 7 - 0.**

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

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

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

7:16:38

**VIII. FULL COUNCIL ISSUES:**

- A. **AB09-78 – Resolution 1943 –** A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the City to Electronically Submit a Grant Proposal to the United States Department of Justice Edward Bryne Memorial Justice Assistance Grant Program.

**Councilmember Decker moved to approve Resolution 1943. Councilmember King seconded the motion.**

Police Chief Mitchell explained that this is a law enforcement fund grant. A portion of the \$26,000 grant will be used to upgrade Municipal Court clerk monitors to be used with e-ticketing, and remaining funds will be used for the 800 MHz system.

**Motion approved 7 – 0.**

- B. **AB09-81** – A Motion of the Bonney Lake City Council Adding the Issue of View Protection to the 2009 Planning Commission Workplan as a Low Priority Item.

**Councilmember Decker moved to approve the motion. Deputy Mayor Swatman seconded the motion.**

Deputy Mayor Swatman said he has spoken with Planning Commissioners about the item. He said he feels it is a low priority item and there are other items that have higher priority on the Commissions list. Councilmembers discussed what a View Protection ordinance might cover. Mayor Johnson said it would address current and future developments, including those on slopes where views can be changed by trimming or planting trees, etc. He said the Planning Commission would review the issues and options, and determine whether this is something that should be regulated by the Municipal Code or not.

**Motion approved 7 – 0.**

- C. **AB09-85** – A Motion of the Bonney Lake City Council Cancelling the May 19, 2009 Council Workshop.

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

This item was added to the agenda during agenda modifications. Deputy Mayor Swatman noted the projected agenda has one item for discussion at the workshop, a change to the SEPA code, which is not time sensitive. Councilmember Hamilton expressed concern about cancelling Council Workshops even when there was very little business. He said the open discussions held at workshops are important, and citizens expect the Council to meet for the regularly scheduled Meetings and Workshops. He asked if there was any cost savings for not holding a Workshop when there is little business to discuss. Councilmembers noted that staff attend workshops, but it does not affect their pay. Councilmember Rackley noted that the City does pay for the City Attorney to attend all workshops. City Attorney Dionne said his office has drafted a proposed ordinance for procedures to cancel workshops, and these issues will come up in discussions of the draft ordinance.

Mayor Johnson noted that he cannot attend the May 19, 2009 Workshop due to a work commitment, which was another potential reason to cancel it. Councilmember King said the cancellation of the May 5 Workshop and this proposed cancellation do not constitute a trend of cancelling Council meetings. He agreed with Councilmember Hamilton that the Council should hold meetings and workshops as scheduled, but the Council should be able to consider cancelling meetings on a case by case basis on the rare occasion where there is not much business. He said the agenda will start filling up again soon as there are items that will come forward soon. Councilmember Carter noted that the Council will likely need to cancel a regular meeting in June when several councilmembers are attending the AWC conference.

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

**IX. EXECUTIVE SESSION:** None.

7:33:01

**X. ADJOURNMENT:**

**At 7:33 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.**

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

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor

*Items submitted to the Council Meeting of May 12, 2009: None.*

**CITY COUNCIL MEETING**

**May 26, 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** – Mayor Neil Johnson called the meeting to order at 7:00 p.m.

A. Flag Salute – Mayor Johnson 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, Police Chief Mike Mitchell, Community Development Director John Vodopich, City Engineer John Woodcock, 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: None.

D. Agenda Modifications: None.

7:00:55

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

A. Public Hearings: None. [A 3.6.12]

B. Citizen Comments: None. [A 1.5]

C. Correspondence: None. [A 1.2]

7:01:20

**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 forwarded Ordinance 1321 and Resolution 1947 to the night's agenda. Also discussed were meeting notes and false alarm charges. The committee will discuss suggestions for possible council action related to the budget at their upcoming meetings.

- B. Community Development Committee: The committee has not met since the last Council meeting. The committee's next meeting is June 1, 2009 at 5:00 p.m.
- C. Public Safety Committee: The committee has not met since the last Council meeting. The committee's next meeting is June 1, 2009 at 5:00 p.m.
- D. Other Reports:  
Rainier Cable Commission  
 Councilmember Rackley attended the RCC meeting on May 20, 2009. The commission discussed a new video 'on demand' service for recorded council meetings that will become available in June 2009.

7:03:03

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

- A. **Accounts Payable Checks/Vouchers**: Accounts Payable checks/vouchers #55494 thru 55568 (including wire transfer # 25041744) in the amount of \$358,842.55; Accounts Payable checks/voucher #55569 for an Accounts Receivable refund in the amount of \$15,880.11; Accounts Payable checks/vouchers #55570 thru 55649 (including wire transfer # 4674205) in the amount of \$285,874.14; Accounts Payable checks/voucher #55650 thru 55683 for Accounts Receivable refunds in the amount of \$55,201.10; Accounts Payable checks/vouchers #55684 thru 55698 for utility refunds in the amount of \$1,241.20.
- B. **Approval of Payroll**: Payroll for May 1st – 15th, 2009 for checks 28202-28237 including Direct Deposits and Electronic Transfers in the amount of \$ 391,611.20.
- C. **AB09-82 – Resolution 1945** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the City to Electronically Submit a Grant Proposal to Keep America Beautiful, Inc. Graffiti Hurts National Grant Program.
- D. ~~**AB09-83 – Resolution 1946**~~ – ~~A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Portland Energy Conservation Inc. for the High Efficiency Toilet Rebate Program.~~ Moved to Finance Committee Issues, Item C.

Councilmember Hamilton requested that Resolution 1946 be moved to Finance Committee Issues, Item C. for discussion.

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

**Consent Agenda  
 approved 7 – 0.**

7:03:30

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB09-68 – Ordinance 1321** – An Ordinance of the City of Bonney Lake, Pierce County, Washington Amending Chapter 8.04 of the Bonney Lake Municipal Code

and the Corresponding Portions of Ordinance Nos. 768 § 2; 389 § 15, and Adding a New Subsection to Chapter 8.04, Regarding Mandatory Refuse Service.

**Councilmember Decker moved to approve Ordinance 1321. Deputy Mayor Swatman seconded the motion.**

Councilmember Bowen asked if the ordinance allows an exemption for customers who recycle 100% of their waste. He said he knows a few people who are committed to complete recycling and they could be affected by this ordinance. Community Services Director Leaf said he is not aware of any customers who recycle 100% of their solid waste. He said the City is aware of at least 210 accounts that are not on active garbage service, and the purpose of this ordinance is to allow staff to issue fines to those who do not subscribe to garbage service. He said currently the City can only file a lien on these customers, which is expensive and time-consuming and not always affective. Deputy Mayor Swatman noted that the City's contract with D.M. Disposal requires all citizens to subscribe to solid waste service. He suggested the City discuss exemption options for 100% recyclers and other concerns.

**Motion approved 7 – 0.**

- B. **AB09-87 – Resolution 1947** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contract with Sabre Communications Corporation.

**Councilmember Rackley moved to approve Resolution 1947. Councilmember Carter seconded the motion.**

Police Chief Mitchell said the contract is to install a new monopole communications tower which will help ensure radio coverage for public safety use and additional options for the City's internal communications. Deputy Mayor Swatman said the tower is quite large, at 180 feet tall, and will have multiple large dishes attached. He said it will meet public safety needs for the region. Chief Mitchell noted that with this infrastructure in place, the City could some day provide services to other agencies in the region for a small use fee. He said one space on the tower is available and could be leased out. Councilmember King said this project is being funded through several sources and the City continues to seek grants through Homeland Security and other agencies to increase the interoperability of police, fire and other emergency management functions.

**Motion approved 7 – 0.**

- C. **AB09-83 – Resolution 1946** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Portland Energy Conservation Inc. for the High Efficiency Toilet Rebate Program. *Moved from Consent Agenda, Item D.*

**Councilmember Rackley moved to approve Resolution 1946. Deputy Mayor Swatman seconded the motion.**

Councilmember Hamilton asked how the program is funded and how much is paid. Chief Financial Officer Juarez said PECEI fully administers the program, collects and reviews rebate applications, and sends rebates to qualified applicants. He said customers receive a \$50 rebate per qualified high-efficiency toilet, and the City pays \$31 per unit in administrative fees to PECEI as well. Councilmember King noted the budgeted cost is based on PECEI's estimate that 51 toilets will be sold in the next year. This estimate is based on the city's past contract with PECEI for high-efficiency washers. Councilmember Hamilton expressed some concern that people could abuse the program by purchasing toilets but installing them outside the Bonney Lake service area. Deputy Mayor Swatman said applicants have to show proof of purchase and say where they installed the toilet, and the program limits the number of rebates they can receive. Councilmember King said if 51 units are sold, it would save 816,000 gallons over the lifetime of those units, which is a benefit to the City.

**Motion approved 7 – 0.**

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

7:23:25

**VII. PUBLIC SAFETY COMMITTEE ISSUES:**

- A. **AB09-86** – A Motion of the Bonney Lake City Council to Add to the Planning Commission Work Plan the Issue of Additional Design Standards to Abate Noise, Light and Odors for Residents in Areas of the City Where there is a Mixed Use and/or Where Residential Properties Adjoin Business Zoned Properties, Including but Not Limited to the DM Zone.

**Councilmember King moved to approve Motion AB09-86. Councilmember Carter seconded the motion.**

Councilmember Carter said the Public Safety Committee is continuing to review the noise ordinance and this proposal is the next step for abatement where commercial and residential uses coincide in the City. Community Development Director Vodopich noted the suggested priority level is medium. Deputy Mayor Swatman said the 'priority' level for the work plan relates specifically to staff time used to research an issue. He said if the commission has a solution ready for a lower priority item, and does not need to use City staff time the item can move forward any time, regardless of where it is on the priority list.

**Motion approved 7 – 0.**

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

**IX. EXECUTIVE SESSION:** None.

7:26:03

**X. ADJOURNMENT:**

**At 7:26 p.m. Councilmember Rackley 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 May 26, 2009: None.*

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

<b><u>Department / Staff Contact:</u></b> ASD / Harwood T. Edvalson	<b><u>Workshop / Meeting Date:</u></b> 2 June 2009	<b><u>Agenda Bill Number:</u></b> AB09-84
<b><u>Ordinance Number:</u></b> D09-84	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>

**Agenda Subject:** D09-84 - A proposed ordinance authorizing the cancellation of council workshops based on a lack of business or due to an anticipated lack of quorum.

**Proposed Motion:**

**Administrative Recommendation:** Discuss and provide direction for further action.

**Background Summary:** There has been occasion when the City workflow provides little of substance for the Council to consider at one of their workshops. Other than to cancel a meeting by action at a regular Council meeting, the City has no formal way to authorize a meeting cancellation which may occur between regular meetings. At the April 21st workshop, Deputy Mayor Swatman suggested the Council grant specific authorization for cancellation of workshops. The proposed ordinance authorizes the deputy mayor and/or the mayor or the mayor's designee to cancel a workshop for lack of business or an anticipated lack of quorum. The draft ordinance further provides for 24 hr. advance notice by email or other method to the Councilmembers.

**BUDGET INFORMATION:**

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
<b>Budget Explanation:</b> No budget impacts.			

**COMMITTEE/BOARD REVIEW:**

Subcommittee Review Date: -  
Commission/Board Review Date: -  
Hearing Examiner Date:

**COUNCIL ACTION:**

Workshop Date(s): 04/21/09 & 05/19/09  
Meeting Date(s):

Public Hearing Date(s):  
Tabled To Date:

**Signatures:**

Director Authorization By HT Edvalson	Mayor 	Date City Attorney Reviewed 05/11/09
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ORDINANCE NO. D09-84

AN ORDINANCE OF THE CITY OF BONNEY LAKE, WASHINGTON RELATING TO CANCELATION OF WORKSHOPS AND AMENDING CHAPTER 2.04 OF THE BONNEY LAKE MUNICIPAL CODE AND ORD. NO. 1061 § 1.

WHEREAS, the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater efficiency in scheduling public workshops;

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

Section 1. Bonney Lake Municipal Code section 2.04.120 and the corresponding portions of Ord. No. 1061 §1 are hereby amended as follows:

**2.04.120 Council workshops.**

The council shall meet on the first and third Tuesday of each month at 5:30 p.m. to review forthcoming agenda issues, review reports on current programs or projects, receive other similar information from city department heads or conduct procedure workshops. Decisions/votes on the issues discussed at workshops will generally be scheduled for a regular or special council meeting, but the council may take action at a workshop upon approval of a majority vote of the councilmembers present. Workshops shall have a council open discussion period at the beginning of the meetings to discuss issues of concern unless waived by the council. Council workshops shall be open to the public. Council workshops may be canceled at the discretion of the deputy mayor and/or the mayor or the mayor's designee for a lack of business or a reasonable expectation of a lack of quorum. Prior to cancelation of any workshop, advance notice shall be given to all councilmembers by email or other method no later than twenty-four (24) hours before the scheduled start of the workshop, if possible.

Section 2. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force effect.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

g:\bonk\ordinanc\0504workshop.ord.doc

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

<b><u>Department / Staff Contact:</u></b> CD / Heather Stinson	<b><u>Workshop / Meeting Date:</u></b> 02 Jun 2009	<b><u>Agenda Bill Number:</u></b> AB09-88
<b><u>Ordinance Number:</u></b> D09-88	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>

**Agenda Subject:** Update to the SEPA code

**Proposed Motion:** Motion to approve Draft Ordinance 09-88 updating the SEPA code.

**Administrative Recommendation:** Approve Draft Ordinance 09-88.

**Background Summary:** Procedures for administering the State Environmental Policy Act (SEPA) are scattered throughout BLMC. This ordinance consolidates all the procedures for administering SEPA into Chapter 16.04. The one substantive change is making the building of single family residential lots with critical areas subject to SEPA review.

**BUDGET INFORMATION:**

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
<b>Budget Explanation:</b>			

**COMMITTEE/BOARD REVIEW:**

Subcommittee Review Date: -

Commission/Board Review Date: Planning Commission -15 Apr 2009

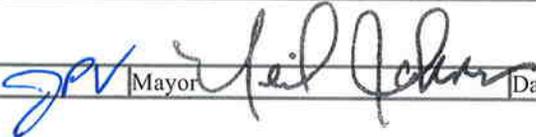
Hearing Examiner Date:

**COUNCIL ACTION:**

Workshop Date(s):                      Public Hearing Date(s): 18 Mar 2009

Meeting Date(s):                      Tabled To Date:

**Signatures:**

Director Authorization		Mayor	Date City Attorney Reviewed
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ORDINANCE NO. D09-88

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING BONNEY LAKE MUNICIPAL CODE SECTIONS 14.50.030, 14.70.040, 14.80.040, 14.120.020, 14.140.050, REPEALING SECTIONS 14.50.040, 14.70.050, 14.80.050, 14.90.060, AND CHAPTER 16.04, AND ADDING A NEW CHAPTER 16.04 TO CLARIFY THE PROCEDURES FOR ADMINISTRATING THE STATE ENVIRONMENTAL PROTECTION ACT

WHEREAS, the State of Washington declared its environmental policies through adoption of the State Environmental Policy Act (SEPA); and

WHEREAS, the City of Bonney Lake adopted SEPA policies and procedures in a variety of sections throughout the Bonney Lake Municipal Code; and

WHEREAS, the City of Bonney Lake desires to unify the SEPA policies and procedures into a single code chapter; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on January 13, 2009; and

WHEREAS, the Planning Commission conducted a public hearing on March 18, 2009 and issued a recommendation for passage of this Ordinance on April 15, 2009; and

WHEREAS, Washington State Department of Community, Trade and Economic Development has completed their required review and had no comments.

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

Section 1. BLMC § 14.50.030, Threshold determination and notice of application, and the corresponding portions of Ordinance 988 are hereby amended to read as follows:

**14.50.030 Threshold determination and notice of application.**

Within 14 days of determination of completeness of an application, the director(s) shall:

A. ~~Perform a threshold determination regarding the proposal in accordance with WAC 197-11 Part Three.~~

B. Publish a notice of application in accordance with BLMC 14.90.040; provided, that:

1. The public comment period shall be 15 days.

2. ~~If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the director(s) will reconsider the DNS. The notice shall~~ include any information required under the State Environmental Policy Act as adopted in

BLMC 16.04.

~~3. If WAC 197-11-340(2) applies (that is, city cannot take final action until 15 days after issuing a DNS), the director(s) shall also send the notice of application/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2). If possible, a single notice shall be used for each proposal with a single comment period.~~

~~4. If a determination of significance (DS) has been issued, the notice of application/DS shall incorporate the DS and scoping notice. If other agencies share jurisdiction over the proposal, they shall also receive the notice of application/DS/scoping.~~

~~B. If the proposal is not exempt from the State Environmental Policy Act, the procedures in 16.04 shall apply.~~

**Section 2.** BLMC § 14.50.040, Reconsideration of DNS, and the corresponding portions of Ordinance 988 are hereby repealed.

**Section 3.** BLMC § 14.70.040, Threshold determination, scheduling of hearing, and notice, and the corresponding portions of Ordinance 988 are hereby amended to read as follows:

**14.70.040 Threshold determination, scheduling of hearing, and notice.**

Within ~~14~~ 90 days of determination of completeness of an application, the director(s) shall:

A. Perform a threshold determination regarding the proposal ~~in accordance with WAC 197-11 Part Three, if applicable, in accordance with BLMC 16.04;~~

B. Schedule a public hearing before the hearing examiner for a date that conforms to the following notice requirement, except that if a determination of significance (DS) has been issued, the hearing may be scheduled and publicized later to allow time to prepare the draft environmental impact statement (DEIS); and

C. Publish between 15 and 30 days before the hearing ~~(C)(4) of this section~~ a notice of application/hearing/SEPA in accordance with BLMC 14.90.040 and BLMC 16.04; provided, that:

~~1. If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the director(s) will reconsider the DNS.~~

~~2. If WAC 197-11-340(2) applies (that is, city cannot take final action until 15 days after issuing a DNS), the director(s) shall also send the notice of application/hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).~~

~~3. If a DS has been issued, the notice of application/hearing shall incorporate the DS and scoping notice. If other agencies share jurisdiction over the proposal, they shall also be sent the notice of application/hearing/DS/scoping.~~

~~4. Shoreline permits require a 20-day comment period (for certain improvements to single-family residential lots per RCW 90.58.140(11)(a)) or a 30-day comment period (all other substantial development permits per RCW 90.58.140(4)) before the hearing.~~

~~5-2. For shoreline permits the notice shall also include the information required in RCW 90.58.140(4).~~

**Section 4.** BLMC § 14.70.050, Reconsideration of DNS, and the corresponding portions of Ordinance 988 are hereby repealed.

**Section 5.** BLMC § 14.80.040, Threshold determination, scheduling of hearing, and notice, and the corresponding portions of Ordinance 988 are hereby amended to read as follows:

**14.80.040 Threshold determination, scheduling of hearing, and notice.**

Within ~~14~~ 90 days of determination of completeness of an application, the director(s) shall:

A. Perform a threshold determination regarding the proposal ~~in accordance with WAC 197-11-Part Three, if applicable, in accordance with BLMC 16.04;~~

B. Schedule a public hearing before the hearing examiner for a date that conforms to the following notice requirement, except that if a determination of significance (DS) has been issued, the hearing may be scheduled and publicized later to allow time to prepare the draft environmental impact statement (DEIS); and

C. Publish between 15 and 30 days before the hearing ~~(C)(4) of this section~~ a notice of application/hearing/SEPA in accordance with BLMC 14.90.040 and BLMC 16.04;

~~1. If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the director(s) will reconsider the DNS.~~

~~2. If WAC 197-11-340(2) applies (that is, city cannot take final action until 15 days after issuing a DNS), the director(s) shall also send the notice of application/hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).~~

~~3. If a DS has been issued, the notice of application/hearing shall incorporate the DS and scoping notice. If other agencies share jurisdiction over the proposal, they shall also be sent the notice of application/hearing/DS/scoping.~~

**Section 6.** BLMC § 14.80.050, Reconsideration of DNS, and the corresponding portions of Ordinance 988 are hereby repealed.

**Section 7.** BLMC § 14.90.060 and the corresponding portions of Ordinance 988 are hereby repealed.

**Section 8.** BLMC § 14.120.020 and the corresponding portions of Ordinance 988 are hereby amended to read as follows:

**14.120.020 Appeal of actions of the director(s) to the hearing examiner.**

A. All final actions of the director(s), including Type 1, 2, or 3 permit decisions, SEPA threshold determinations, code interpretations (see BLMC 14.10.070(C)), notices of civil violation, and approvals of minor changes to permits (see BLMC 14.90.110) shall be final and conclusive unless the applicant, a department of the city or county, or other party of record or agency with jurisdiction files a written appeal with the community development department within 15 days following:

1. The decision if the decision process does not provide for a comment period or notice of decision; or

2. The notice of decision if the permit process provides for such notice; or

3. The end of the comment period in the case of SEPA threshold determinations.

B. BLMC 14.120.030 shall govern appeals of actions authorized by the building codes, as adopted by Chapter 15.04 BLMC.

C. Appeals shall contain all grounds on which error is assigned to the decision, and shall be accompanied by the appropriate fee in accordance with Chapter 3.68 BLMC; provided, that such appeal fee shall not be charged to a department of the city or to other than the first appellant.

D. The timely filing of an appeal shall delay the effective date of the administrative staff decision until such time as the appeal is decided by the hearing examiner or is withdrawn.

E. Following the timely filing of an appeal, notice of the date, time and place for the hearing examiner's consideration shall be mailed to the applicant and to all other parties of record. Such notice shall additionally indicate the deadline for submittal of written comments.

F. Testimony before the Hearing Examiner shall be under oath and the City shall keep a taped or written transcript of the hearing.

GF. The hearing examiner's decision on the appeals shall be final unless appealed to court in accordance with state law.

Section 9. BLMC § 14.140.050, Reconsideration of DNS, and the corresponding portions of Ordinance 988 are hereby repealed.

Section 10. BLMC Chapter 16.04 State Environmental Policy Act (SEPA), and the corresponding portions of Ordinance 988; are hereby repealed.

Section 11. A new Chapter 16.04 BLMC, State Environmental Policy Act (SEPA) is hereby added to read as follows:

**16.04.010 Authority.**

A. The City of Bonney Lake adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904.

B. This chapter contains the City's SEPA procedures and policies.

C. The SEPA rules, chapter 197-11 WAC, must be used in conjunction with this chapter.

**16.04.020 Adoption by reference.**

The city adopts the following sections of the Washington Administrative Code by reference, as supplemented and modified by the Bonney Lake Municipal Code:

WAC

173-806-070 (Flexible thresholds)

173-806-080 (Use of exemptions)

173-806-190 (Critical areas)

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-158	GMA project review ~ Reliance on existing plans, laws, and regulations.
197-11-210	SEPA/GMA integration.
197-11-220	SEPA/GMA definitions.
197-11-228	Overall SEPA/GMA integration procedures.
197-11-230	Timing of an integrated GMA/SEPA process.
197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235	Documents.
197-11-238	Monitoring.
197-11-250	SEPA/Model Toxics Control Act integration.
197-11-253	SEPA lead agency for MTCA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of nonsignificance for MTCA remedial actions.
197-11-262	Determination of significance and EIS for MTCA remedial actions.
197-11-265	Early scoping for MTCA remedial actions.
197-11-268	MTCA interim actions.
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-355	Optional DNS process.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.

197-11-443 EIS contents when prior nonproject EIS.  
 197-11-444 Elements of the environment.  
 197-11-448 Relationship of EIS to other considerations.  
 197-11-450 Cost-benefit analysis.  
 197-11-455 Issuance of DEIS.  
 197-11-460 Issuance of FEIS.  
 197-11-500 Purpose of this part.  
 197-11-502 Inviting comment.  
 197-11-504 Availability and cost of environmental documents.  
 197-11-508 SEPA register.  
 197-11-510 Public notice.  
 197-11-535 Public hearings and meetings.  
 197-11-545 Effect of no comment.  
 197-11-550 Specificity of comments.  
 197-11-560 FEIS response to comments.  
 197-11-570 Consulted agency costs to assist lead agency.  
 197-11-164 Planned actions ~ Definition and criteria.  
 197-11-168 Ordinances or resolutions designating planned actions ~ Procedures for adoption.  
 197-11-172 Planned actions ~ Project review.  
 197-11-600 When to use existing environmental documents.  
 197-11-610 Use of NEPA documents.  
 197-11-620 Supplemental environmental impact statement ~ Procedures.  
 197-11-625 Addenda ~ Procedures.  
 197-11-630 Adoption ~ Procedures.  
 197-11-635 Incorporation by reference ~ Procedures.  
 197-11-640 Combining documents.  
 197-11-650 Purpose of this part.  
 197-11-655 Implementation.  
 197-11-660 Substantive authority and mitigation.  
 197-11-680 Appeals.  
 197-11-700 Definitions.  
 197-11-702 Act.  
 197-11-704 Action.  
 197-11-706 Addendum.  
 197-11-708 Adoption.  
 197-11-710 Affected tribe.  
 197-11-712 Affecting.  
 197-11-714 Agency.  
 197-11-716 Applicant.  
 197-11-718 Built environment.  
 197-11-720 Categorical exemption.  
 197-11-721 Closed record appeal.  
 197-11-722 Consolidated appeal.

197-11-724 Consulted agency.  
197-11-726 Cost-benefit analysis.  
197-11-728 County/city.  
197-11-730 Decision maker.  
197-11-732 Department.  
197-11-734 Determination of nonsignificance (DNS).  
197-11-736 Determination of significance (DS).  
197-11-738 EIS.  
197-11-740 Environment.  
197-11-742 Environmental checklist.  
197-11-744 Environmental document.  
197-11-746 Environmental review.  
197-11-750 Expanded scoping.  
197-11-752 Impacts.  
197-11-754 Incorporation by reference.  
197-11-756 Lands covered by water.  
197-11-758 Lead agency.  
197-11-760 License.  
197-11-762 Local agency.  
197-11-764 Major action.  
197-11-766 Mitigated DNS.  
197-11-768 Mitigation.  
197-11-770 Natural environment.  
197-11-772 NEPA.  
197-11-774 Nonproject.  
197-11-775 Open record hearing.  
197-11-776 Phased review.  
197-11-778 Preparation.  
197-11-780 Private project.  
197-11-782 Probable.  
197-11-784 Proposal.  
197-11-786 Reasonable alternative.  
197-11-788 Responsible official.  
197-11-790 SEPA.  
197-11-792 Scope.  
197-11-793 Scoping.  
197-11-794 Significant.  
197-11-796 State agency.  
197-11-797 Threshold determination.  
197-11-799 Underlying governmental action.  
197-11-800 Categorical exemptions.  
197-11-880 Emergencies.  
197-11-890 Petitioning DOE to change exemptions.  
197-11-960 Environmental checklist.

197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.
197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

#### **16.03.030 Additional definitions.**

In addition to those definitions contained within WAC 197-11-700 through 197-11-799 and 197-11-220, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

- A. "Department" means any division, subdivision or organizational unit of the city established by chapter, rule, or order.
- B. "SEPA rules" means chapter 197-11 WAC adopted by the department of ecology.
- C. "Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.
- D. "Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).
- E. Time shall be calculated as required in BLMC 1.04.070.

#### **16.04.040 Designation of responsible official.**

- A. For those proposals for which the city is the lead agency, the responsible official shall be the Community Development Department Director or other qualified person designated by the mayor.
- B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in BLMC 16.04.020.
- C. The city shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.56 RCW.

**16.04.050 Lead agency determination and responsibilities.**

- A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.
- B. When the city is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.
- C. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.
- D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city may be initiated by the community development department director.
- E. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944: Provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.
- F. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require nonexempt licenses?).
- G. When the city is lead agency for a MTCA remedial action, the department of ecology shall be provided an opportunity under WAC 197-11-253(5) to review the

environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the city shall decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

**16.04.060 Transfer of lead agency status to a state agency.**

For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the city's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city shall be an agency with jurisdiction. To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

**16.04.070 Additional timing considerations.**

- A. For nonexempt proposals, the DNS, MDNS, or draft EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission or hearing examiner.
- B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.
- C. The point at which environmental review may be initiated for specific permits or other licenses requiring detailed project plans and specifications is whenever the responsible official deems that the proposal is sufficiently defined to meaningfully assess its environmental impacts.

**16.04.080 Flexible thresholds for categorical exemptions.**

- A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800 (1)(b) based on local conditions. The following types of construction shall be exempt except when undertaken wholly or partly on lands covered by water:
  - 1. For residential dwelling units in WAC 197-11-800 (1)(b)(i) up to 9 dwelling units.
  - 2. For agricultural structures in WAC 197-11-800 (1)(b)(ii) up to 10,000 square feet.
  - 3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800 (1)(b)(iii) up to 4,000 square feet and up to 20 parking spaces.
  - 4. For parking lots in WAC 197-11-800 (1)(b)(iv) up to 20 parking spaces.
  - 5. For landfills and excavations in WAC 197-11-800 (1)(b)(v) up to 500 cubic yards.

- B. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800 (1)(c).
- C. The city has selected certain categorical exemptions that will not apply in one or more critical areas identified in the critical areas ordinances required under RCW 36.70A.060. For each critical area listed below, as shown on the city's geographic information system, the exemptions within WAC 197-11-800 that are inapplicable for that area are:
  - 1. The exemptions listed in WAC 197-11-800(1) as modified by this chapter, (2.a. through h.), and (6.a.):
    - a. Potential Landslide Hazard Areas
    - b. FEMA 100-year Floodplains
    - c. Wetlands and streams, and their buffers
  - 2. The scope of environmental review of actions within these areas shall be limited to:
    - a. Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and
    - b. Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and with other applicable environmental review laws.
  - 3. All categorical exemptions not listed in subsection (C.1.) of this section apply whether or not the proposal will be located in a critical area.

**16.04.090 Use of exemptions.**

- A. Each department within the city that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.
- B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
- C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
  - 1. The city shall not give authorization for:
    - a. Any nonexempt action;
    - b. Any action that would have an adverse environmental impact; or
    - c. Any action that would limit the choice of alternatives.

2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

**16.04.100 Environmental checklist.**

- A. Except as provided in subsection (C) of this section, a completed environmental checklist or copy, in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making the threshold determination.
- B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
- C. For projects submitted as planned actions under WAC 197-11-164, the city shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after this chapter is adopted. In either case, a proposed modified environmental checklist form must be sent to the department of ecology to allow at least a thirty-day review prior to use.

**16.04.110 Mitigated DNS.**

- A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
- B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:
  1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
  2. Precede the city's actual threshold determination for the proposal.
- C. The responsible official should respond to the request for early notice within 21 working days. The response shall:
  1. Be written;
  2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and

3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
- E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:
1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS under WAC 197-11-340(2).
  2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
  3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.
  4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- F. A mitigated DNS is issued under either WAC 197-11-340(2), requiring a fourteen-day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.
- G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and shall be enforced in the same manner as any term or condition of the permit.
- H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3)(a) (withdrawal of DNS).
- I. The city's written response under subsection (B) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

**16.04.120 Preparation of EIS — Additional considerations.**

- A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the Community Development Department under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and chapter 197-11 WAC.

- B. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.
- C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency, unless required by another ordinance or statute.

**16.04.132 Public notice.**

- A. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.
- B. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city shall give public notice as follows:
  - 1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
  - 2. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).
  - 3. If no public notice is otherwise required for the permit or approval, the city shall give notice of the DNS or DS by:
    - a. Posting the property, for site-specific proposals;
    - b. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered.
  - 4. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
- C. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510 (1)(b).
- D. Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
  - 1. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and (Note: In addition select at least one of the following or insert all of the list and require that at least one method be used.)
  - 2. Posting the property, for site-specific proposals;
  - 3. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

4. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
  5. Notifying the news media;
  6. Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas).
- E. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).
- F. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

**16.04.140 Designation of official to perform consulted agency responsibilities for the city.**

- A. The Community Development Department Director or designee shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.
- B. The Community Development Department Director or designee shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

**16.04.160 Substantive authority.**

- A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the City of Bonney Lake.
- B. The city may attach conditions to a permit or approval for a proposal so long as:
  1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
  2. Such conditions are in writing; and
  3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
  4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
  5. Such conditions are based on one or more policies in subsection (D) of this section and cited in the license or other decision document.
- C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:
  1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and
  2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
  3. The denial is based on one or more policies identified in subsection (D) of this section and identified in writing in the decision document.

- D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:
1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
    - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
    - b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
    - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
    - d. Preserve important historic, cultural, and natural aspects of our national heritage;
    - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
    - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
    - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
  2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
  3. The city adopts by reference the policies in the following city documents:
    - a. The Bonney Lake Municipal Code
    - b. The Bonney Lake Comprehensive Plan
    - c. The Shoreline Management Master Program
    - d. The city's East Town Development Plan
    - e. Fennel Creek Trail Plan
    - f. The Public Works development policies and design standards
    - g. Comprehensive Water System Plan
    - h. Comprehensive Sewer System Plan
    - i. City of Bonney Lake Transportation Plan
    - j. The Non-motorized Transportation Plan
    - k. The Pierce County Countywide Policies
    - l. The Pierce County Shoreline Management Master Program
    - m. Pierce County Stormwater Management and Site Development Manual
    - n. Vision 2040
  4. The city establishes the following additional policies concerning SEPA:
    - a. Short subdivision of lands previously subdivided under an exemption from the SEPA rules shall not be exempt from environmental review if the subsequent proposal exceeds exemption levels. (For example a 2-lot short plat on land that was subject to a previous 8-lot short plat)

- b. Proposed development that is adjacent to previous development or adjacent to land on which development is pending shall not be exempt if the adjacent developments share any improvements or access easements, and the development together exceeds exemption levels. In such cases, the proposed development will be considered physically or functionally related regardless of ownership.

**16.04.170 Appeals.**

- A. The city establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
  1. The appeal procedures of BLMC 14.120 shall be used for SEPA appeals.
  2. The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.
- B. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

**16.04.200 Fees.**

- A. Threshold determination. For every environmental checklist the city will review when it is lead agency, the city shall collect a fee in accordance with BLMC 3.68 from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.
- B. Environmental impact statement.
  1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
  2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals.
  3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under (1) or (2) of this subsection which remain after incurred costs are paid.
- C. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.
- D. The city shall not collect a fee for performing its duties as a consulted agency.
- E. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by chapter 42.56 RCW.

Section 12. 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 13. 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:

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

Passed:  
Valid:  
Published:  
Effective Date:



# Memo

**Date** : June 2, 2009  
**To** : Mayor and City Council  
**From** : Randy McKibbon, Chair, Bonney Lake Planning Commission  
**CC** :  
**Re** : **SEPA regulations**

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## BACKGROUND

City Council initiated the review of the SEPA procedures through adoption of the 2009 Planning Commission workplan. The Planning Commission proceeded to review BLMC Titles 14 and 16

The Planning Commission recommends the updated version of Titles 14 and 16 attached to this document:

## FINDINGS:

1. A Notice of Public Hearing was published in the Bonney Lake Courier Herald on March 4, 2009.
2. The Planning Commission held a public hearing on March 18, 2009 to receive testimony concerning the rezone. There was no public comment.
3. An environmental determination of non-significance was issued on January 13, 2009. It was not appealed.
4. The Washington State Department of Community, Trade and Economic Development has completed their required review and had no comments.
5. The suggested changes to the SEPA procedures reflect discussion amongst the Commissioners about better clarifying SEPA procedures for staff.
6. The one substantive change made to the code was allowing for SEPA review for single family homes built in critical areas.
7. The Planning Commissioners voted 5 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 updated SEPA procedures be adopted.