

**CITY COUNCIL
WORKSHOP**

**September 1, 2009
5:30 p.m.**

AGENDA



"Where Dreams Can Soar"

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

Website: www.ci.bonney-lake.wa.us

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.

I. Call to Order:

Mayor Neil Johnson @ Bonney Lake City Hall - 19306 Bonney Lake Blvd.

II. 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 Jim Rackley.

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

III. Agenda Items:

- A. Council Open Discussion
- B. Review of Council Minutes: August 18, 2009 Council Workshop & August 25, 2009 Council Meeting.
- C. Discussion: AB09-134 - Ordinance D09-134 - Rezone of Thompson & Chase Properties (R-1 to R-2).

IV. Executive Session:

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.

V. 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

August 18, 2009
5:30 p.m.

DRAFT MINUTES

City of



"Where Dreams Can Soar"

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

Website: www.ci.bonney-lake.wa.us

Audio Time
Stamp ↓

I. Call to Order:

Mayor Neil Johnson, Jr. called the Workshop to order at 5:33 p.m.

II. 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, Councilmember David King and Councilmember James Rackley.

[Staff Members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Police Chief Mike Mitchell, City Engineer John Woodcock, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, Human Resources Officer Jenna Young and Records & Information Specialist Susan Duis.]

III. Agenda Items:

5:33:15

A. Council Open Discussion:

Historical Society Calendars: Mayor Johnson said 2010 Historical Society calendars are now available and may be purchased from Winona Jacobsen.

WSU Forest Proposed Comprehensive Plan Amendment: Mayor Johnson said the WSU Draft Environmental Impact Statement (DEIS) is available to review and comment through September 14, 2009. A public hearing on all the comprehensive plan applications is scheduled for September 2, 2009 at the Planning Commission Meeting. He said the plans he has seen look favorable for low-impact development and traffic flow mitigation. Councilmembers encouraged the public to submit comments and attend public hearings.

Bonney Lake Days: Mayor Johnson and the Council thanked staff and citizens for their hard work on Bonney Lake Days. Mayor Johnson said there was a great turnout and citizens appreciated all the events. Councilmember Rackley said he has heard discussions of reducing the event to one day, and he feels this event is one of the best ways for people to meet their councilmembers and neighbors. Mayor Johnson said Special Events Coordinator David Wells has suggested setting up a group to discuss next year's event, and whether to hold the event over two or three days. Councilmember King said several people commented on the excellent sound system, and said they would like to see a farmer's market or street festival. He said this might be a good addition once construction on Main St. and the Interim Justice Center is completed. He also thanked Al Catanzaro in Community Development for creating the event maps and charts. Councilmember

Carter said she appreciated the brochures on natural yard care options that Public Works staff provided.

Interim Justice Center Update: Mayor Johnson said bids were opened for construction of the Interim Justice Center on Monday, August 17th and the apparent low bid was \$3.37 million from Sierra Construction. Many of the 16 bids received came in under \$4 million, while the engineer’s estimate was \$4.2 million to \$5.4 million.

Myers Road Construction: Councilmember King asked about the construction on Myers Rd. earlier in the day. He said he had not heard about it and was surprised to find the road closed. City Engineer John Woodcock said he would look into the issue.

Water Supply Update: City Engineer Woodcock said he has provided updated information to Councilmembers on the city’s water supply. The City supplied water to Tapps Island and expects to continue providing water to the City of Auburn for about four more weeks.

Initiative 1033: Councilmember King said he has been researching State Initiative 1033, which was submitted to the ballot by Tim Eyman. He said a study by the Association of Washington Cities raises concerns that the initiative could negatively affect cities and communities. He asked if other councilmembers would consider a resolution stating the Council’s opposition to the initiative. Councilmembers Carter and King will draft a proposed resolution for the Council to discuss at a future workshop.

Special Events: Councilmember Carter said upcoming special events include Kids Club on Tuesdays, Tunes at Tapps on Wednesdays, the Health & Wellness Expo on August 29, Bonney Lake Night at the Rainiers on August 31, and Beautify Bonney Lake on September 19. She said Bark in the Park was postponed to 2010 due to a lack of vendors.

Community Garden: Councilmember Bowen asked if there was any interest in a pea patch or community garden program. Councilmembers discussed the need for volunteers for a garden or dog park option. Councilmember Rackley offered to start a subcommittee and invited interested councilmembers to email him so they could review the options.

5:54:47

B. Review of Council Minutes: July 21, 2009 Council Workshop, July 28, 2009 Council Meeting, and August 11, 2009 Council Meeting.

Councilmember Carter noted two errors on the July 21, 2009 minutes. On p. 5, Tunes at Tapps should be listed on Wednesday nights, not Thursday. On p. 2, information on the sales tax revenues should be revised to read “17% below ~~83%~~ below the previous year’s revenues”. The minutes were moved forward to the August 25, 2009 Meeting with corrections.

5:55:53

C. Discussion: AB09-130 - Planning Commission Recommendation - Alternatives for Nightclub Design Standards.

Community Development Director John Vodopich said this item was on the Planning Commission workplan. The Commission provided a menu of various alternatives and asked for input from the Council. Councilmembers discussed options to include downtown areas in the ‘commercial performance standards’ code, limiting specific activities near residential areas, requiring conditional use permits for outdoor seating, etc. Councilmembers Carter and Hamilton supported all the suggested amendments. Councilmember Rackley said the standards should be applied city-wide, not just to Downtown or Eastown. Councilmember Decker said restrictions on outdoor seating should apply to any business, not just nightclubs. Councilmember Carter said the ordinance should address mixed-use developments as well. As an example she asked what would be required for a building with a restaurant on the ground floor and condominiums above. Director Vodopich said he would take the Council’s comments back to the Planning Commission for continued discussion and review.

6:05:22

D. Discussion: AB09-120 – D09-120 – Ordinance to Modify and Update the Sewer System Development Charge (SDC) (includes adding Multi-Family Rate & Sewer Schedule A).

City Engineer John Woodcock said a draft of this ordinance came before the Council at the July 21, 2009 Workshop, and this revised draft incorporates the Council’s comments and other changes. City Administrator Morrison explained the changes and asked for Council input on various portions of the ordinance. He asked whether Council wants to raise the current rate of \$9,099 or not. He offered an option to consider the number of bedrooms in calculating SDCs. He said the Council should consider whether to adjust the SDC automatically each year, and which standard should be used – the Consumer Price Index (CPI) or the Construction Cost Index (CCI). Finally, he asked whether the proposed ordinance should be temporary with a ‘sunset’ date. Director Vodopich added that the proposed ordinance also clarifies when the permit center collects SDC charges from applicants, and removes the option for payments in installments.

Councilmembers discussed the options. Councilmember Decker said he did not think the City should define what qualifies as a bedroom. Councilmember Rackley said builders may describe rooms as ‘bonus rooms’ or offices to reduce their permit fees, when those rooms are actually intended for use as bedrooms. Councilmembers asked to review options for varying SDC fees based on the square footage size and/or number of bedrooms. City Engineer Woodcock said one of the intents of the ordinance is to encourage builders to build smaller multi-family units, not more 3-bedroom condominiums, which do not help add density and a variety of housing options.

Councilmember King spoke in support of continuing to use the CCI for annual fee adjustments, and suggested the code be updated annually to reflect the new fees. He said if staff brought an update ordinance to Council each year, it would also ensure Council remains aware of the current rates. Councilmembers spoke in favor of a 3-year sunset date for the ordinance. Mayor Johnson suggested the ordinance could be lined up with the other incentive ordinances passed by the Council earlier in 2009 so they would all sunset at the same time. Councilmember Carter suggested the SDC ordinance apply retroactively so developments already in progress could apply for the new rates. Councilmember Hamilton said the

Council should also consider offering multi-family rates for Water SDCs. Mayor Johnson said staff members will incorporate these suggestions and provide a revised draft for Council discussion.

6:42:51

E. Discussion: Option for an Ordinance Allowing the Use of a “Temporary Commercial Septic System” in Lieu of Connecting to the City Sewer System.

City Engineer Woodcock said a temporary commercial septic system is a possible solution to the Eastown sewer dilemma faced by some property owners. He said it would allow property owners to install a temporary septic system and develop their land for commercial use. The ordinance would require property owners to participate in future latecomers agreements, to hook up to sewer when it is installed in Eastown, and to pay applicable SDC charges. Mr. Woodcock reviewed the pros and cons provided in the agenda packet.

Councilmember Rackley said the Community Development Committee discussed this issue with about 6 property owners at its last meeting. He said the property owners just want assurance that the plan is moving forward and there is a timeline. Councilmember Bowen said septic systems are expensive to install but property owners are frustrated. He said the proposed ordinance at least gives them an option if sewers will not be installed soon. Councilmembers discussed options for property owners, possible timelines, and financing sewer projects. Extending sewer into Eastown may require a bond issue, even if SDCs and a latecomers agreement were used. Councilmember Bowen said any sewer plan should include a line under SR410 to properties to the South as well. Councilmember Hamilton said in Falling Waters, for example, dry lines were installed for future sewer hookup, and a septic system installed. City Engineer Woodcock said dry lines are an option, but the plan must be fully designed before lines are installed. He said if the City wants to take control it could set a better timeline and focus resources on designing the system. Deputy Mayor Swatman said government is one of several solutions to the issue. He said homeowners could collaborate on a plan as well, though it may be difficult.

Mayor Johnson asked staff to get input from Compass Pointe to get an update on their potential lift station construction. Councilmember Bowen asked that the proposed septic ordinance be revisited if a more firm timeline is not available by November 1, 2009.

At 7:17 p.m. Deputy Mayor Swatman moved for a ten minute recess. Councilmember King seconded the motion.

Motion approved 7 – 0.

The Workshop returned to order at 7:30 p.m.

7:30:56

F. Discussion: Long-range Financial Planning Models (Update).

Mayor Johnson presented those in attendance with an updated financial planning model. He said this version is more conservative in estimates for sales tax, permits, goods and services. He said the model includes line items for ‘additional revenues not included above,’ which adds possible and probable revenues

including the Public Safety Building lease, a recently awarded police grant, etc. The model shows reduced expenditures that would be realized through employee furloughs, general fund reduction and general staffing reductions of at least three employees in 2010. The next agenda item will be a discussion of a proposed policy to allow employees who sign up for furloughs voluntarily to receive vacation credits. Chief Financial Officer Juarez highlighted two positive revenue items on the model – investment interest and other revenues – which are estimated to come in above budget expectations. He said the model anticipates modest increases of 1% for line items in 2010 and 3% sales tax increase for inflation.

Councilmembers discussed the model and various line items. Councilmember Hamilton said the city's cost recovery bond for the Public Safety Building is set to expire soon. He suggested the City place a bond measure on an upcoming ballot for a similar bond to help pay off the recently acquired Moriarty property. CFO Juarez said he is looking at a possible opportunity to refinance City bonds through the 'Build America' bond opportunity with the City's bond attorney Jim Nelson. The Build America program is part of the current economic stimulus program, and the Interim Justice Center bonds may be eligible. He said he will continue researching this opportunity with the bond attorney. Councilmembers thanked staff for their work to bring updated budget information for review.

8:00:46

G. Discussion: AB09-123 – Ordinance D09-123 – Establishing Temporary Benefit Policies due to the Current Recession and Accompanying Reductions in City Revenues.

City Administrator Don Morrison said this item has been revised since the Finance Committee reviewed it on August 11, 2009. The Mayor suggested giving matching vacation hour credits to employees who volunteer to take furlough days by a certain date. After that date, if furloughs are made mandatory, employees who did not volunteer would not receive vacation credits for furlough hours. He asked councilmembers for input on vacation hour credits, how to deal with employees who would exceed the cap for vacation hours, and how employee benefits would be affected.

Deputy Mayor Swatman said he objected to the original draft ordinance's vacation credit option, but now that vacation credit is tied only to voluntary furloughs, he supports the proposed ordinance. Councilmember Decker asked if furloughs would affect employee seniority or retirement benefits. City Administrator Morrison said any furlough must be negotiated for union employees and seniority would be protected. Human Resources Officer Jenna Young said the State Legislature has addressed the retirement credit issue, and furloughs will not create a 'break in service' for employees' state retirement funds. The City Administrator said if 50% of employees participate in furloughs, the City would save \$91,800. Removing step increases would save an additional \$89,000. Councilmember consensus was to move the proposed ordinance forward with the changes discussed. Mayor Johnson said he will review the proposed ordinance with the unions and bring it back to Council in the future.

IV. Executive Session: None.

8:06:50

V. Adjournment:

**At 8:06 p.m., Councilmember Rackley moved to adjourn the workshop.
Councilmember Decker seconded the motion.**

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of August 18, 2009:

- City of Bonney Lake – *Financial Planning Model 2009-2014 (dated 8/14/2009)* – City Administrator Don Morrison.

CITY COUNCIL MEETING

**August 25, 2009
7:00 P.M.**

DRAFT MINUTES



"Where Dreams Can Soar"

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Audio Time Stamp ↓

I. CALL TO ORDER – Mayor Neil Johnson, Jr. 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:

Records & Information Specialist Susan Duis 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, Councilmember Dave King and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Community Development Director John Vodopich, City Engineer John Woodcock, Chief Financial Officer Al Juarez, City Attorney Jim Dionne and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations:

1. Announcements:

Mayor Johnson said City Administrator Don Morrison was presented with a 25 year Distinguished Public Service Award at the WMCA Conference last week. City Administrator Morrison said he has served in Washington since 1984 and before that worked for municipal governments in Montana and Utah. The Mayor and Council congratulated the City Administrator on his award.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications: None.

7:02:18

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Steve Boerstler, 22318 SR 410 E, Bonney Lake, asked if there were any updates on sewer line plans for Eastown south of SR 410. Mayor Johnson said staff are working on a timeline for sewer construction and funding options currently. He said he hoped to get more information on a potential timeline to Council in two or three weeks. Mr. Boerstler said he has had one more property owner sign on to his list of supporters for sewer south of SR 410.

- C. Correspondence: None.

7:04:03

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed personnel updates, possible revisions to the shared leave policy, upcoming grant applications, minutes, and the recent discovery that two local businesses have not been paying gambling taxes to the City. He said Finance staff are working with the businesses in question to collect payments.
- B. Community Development Committee: Councilmember Rackley said the committee met on August 17, 2009 and meeting notes are available online for review. The committee forwarded items to the Consent Agenda.
- C. Public Safety Committee: Councilmember King said the committee has not met since the last Council Meeting. The next committee meeting is scheduled on September 14, 2009.
- D. Other Reports:
- Special Events Questionnaire: Mayor Johnson said Special Events Coordinator David Wells has provided a brief list of questions about Bonney Lake Days and how future events could be planned. Councilmember Rackley thanked Mr. Wells for his hard work and noted that the current edition of the Courier Herald newspaper listed Mr. Wells' achievements and events from this year.

7:06:37

IV. CONSENT AGENDA:

- A. **Approval of Minutes**: July 21, 2009 Council Workshop, July 28, 2009 Council Meeting, and August 11, 2009 Council Meeting.
- B. **Approval of Accounts Payable Checks/Vouchers**: Accounts Payable Checks/Vouchers #56509 thru 56562 (including wire transfer #'s 8042009, 8052009 & 8072009) in the amount of \$263,213.31. Accounts Payable Checks/Vouchers #56508 & 56563 for Utility Refunds in the amount of \$29,669.39. Accounts Payable Checks/Vouchers #56564 thru 56646 in the amount of \$245,429.43.
- C. **AB09-122 – Ordinance 1328** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Amending Section 1 of Ordinance No. 1214, and BLMC Section 2.32.010(E) Relating to Holiday Pay.
- D. **AB09-126 – Ordinance 1329** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Authorizing the Chief Financial Officer (CFO) of the City to Close the LID Guaranty Fund #240 and Transfer the Assets of the LID Guaranty Fund to the Contingency Fund #126, Pursuant to RCW 35.54.095.
- E. **AB09-128 – Ordinance 1330** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Amending Bonney Lake Municipal Code Chapter 15.13 Relating to Stormwater Management.

- F. ~~AB09-125 – Resolution 1960~~ – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding the City of Bonney Lake Downtown Improvements Contract to Johansen Excavating, Inc. *Moved to Full Council Issues, Item A.*
- G. **AB09-127 – Resolution 1961** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Professional Services Agreement with KPG Consultants for Construction Services and Survey for the Downtown Improvements Project.
- H. **AB09-129 – Resolution 1962** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Granting Puget Sound Energy an Easement on the Property of Parcel 5640001380 which is the Location of the Current City’s Annex.
- I. **AB09-124** – A Motion of the Bonney Lake City Council, Pierce County, Washington, Ratifying the Settlement, Release and Full Exoneration Agreement as Signed by the City Administrator, in Reference to the Park Place Condominium Project and Reich Land, Inc.

Councilmember Hamilton requested to move Item F., Resolution 1960, to Full Council Issues, Item A.

Councilmember Rackley moved to approve the Consent Agenda. Councilmember Decker 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.

7:07:07

VIII. FULL COUNCIL ISSUES:

- A. **AB09-125 – Resolution 1960** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding the City of Bonney Lake Downtown Improvements Contract to Johansen Excavating, Inc. *Moved from Consent Agenda, Item F.*

Councilmember Rackley moved to approve Resolution 1960. Councilmember Decker seconded the motion.

Councilmember Hamilton asked about the two accounts listed for funding the contract. City Administrator Morrison said the funding comes from the same account, but it is split into two sub-sections so the engineering and construction costs

can be tracked separately. City Engineer Woodcock said this is the largest project that has been funded by TIF funds so far.

Councilmember Rackley asked about the progress of an unrelated project to reconcile TIF and SDC funds and expenditures. Chief Financial Officer Juarez said his staff have identified expenditures and will be meeting with engineering and administrative staff to review the expenditures. He said he hoped the reconciling project could be completed in about two more weeks. Mayor Johnson noted that this reconciling project is not related to this proposed resolution, but was brought up as it involves TIF funds in general.

Motion approved 7 – 0.

7:12:54

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(i), the City Council adjourned to an Executive Session with the City Attorney at 7:13 p.m. to discuss potential litigation. Mayor Johnson brought the Meeting back to order at 7:31 p.m.

7:31:22

X. ADJOURNMENT:

At 7:31 p.m. Councilmember Hamilton moved to adjourn the meeting. Councilmember Carter seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of August 25, 2009: None.



Planning & Community Development Department

July 24, 2009

RECEIVED

JUL 27 2009

City of Bonney Lake
Permit Center

Douglas and Marilyn Thompson
P.O. Box 42
South Prairie, WA 98385

Larry and Joanne Chase
PMB 333, 1402 Lake Tapps Parkway E. F-104
Auburn, WA 98092

RE: PLN-2009-01190, Thompson/Chase Rezone

Dear Applicant:

Transmitted herewith is the Report and Recommendation of the City of Bonney Lake Hearing Examiner relating to the above-entitled matter.

Very truly yours,

STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

SKC/ca

cc: Parties of Record
City of Bonney Lake

- 1 -

OFFICE OF THE HEARING EXAMINER

CITY OF BONNEY LAKE

REPORT AND RECOMMENDATION

CASE NO.: PLN-2009-01190, Thompson/Chase Rezone

APPLICANTS/

OWNERS:

Douglas and Marilyn Thompson
P.O. Box 42
South Prairie, WA 98385

Larry and Joanne Chase
PMB 333, 1402 Lake Tapps Parkway E. F-104
Auburn, WA 98092

SUMMARY OF REQUEST:

The applicant is requesting approval to rezone R1 property to R2 in compliance with the comprehensive plan.

SUMMARY OF RECOMMENDATION:

It is hereby recommended that the Bonney Lake City Council approve the request to rezone the property located at 18604 84th St. E. and 18602 84th St. E.

PUBLIC HEARING:

After reviewing Community Development Department Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on July 10, 2009, at 9:03 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1" - Community Development Department Staff Report and Attachments

EXHIBIT "2" - Hard copy of slides

KATHY JAMES appeared, presented the Community Development Staff Report, and testified that the request now includes three lots as the Chase parcel completed a short plat in June. The newly created Chase parcel could support a duplex under the R2 classification. The 14,000 square foot Thompson parcel can support either a duplex or single family dwelling under the R1 classification. The Chase parcel cannot be further subdivided. The zoning of the parcels and abutting parcels is R1, but are designated as R2 in the Bonney Lake Comprehensive Plan and the Future Land Use Map. The code contains only one decision criteria for a zone reclassification and that is whether the rezone complies with the comprehensive plan. The Examiner's decision is in the nature of a recommendation to the Bonney Lake City Council as it is a Type 6 procedure. The only condition of approval requires that future structures meet the bulk regulations of the R2 classification.

DOUGLAS THOMPSON appeared and testified that he requested the rezone for his lot only because he thought it best to convert the uses to those contemplated by the comprehensive plan. Two weeks later the Chases approached him and wanted to join with the request and he agreed. The Chases were in the middle of a short plat proceeding at the time they joined. The short plat makes no difference to him as it does not affect his lot. The rezone will allow him to remove an eyesore and replace it with an attractive duplex. It will clean up the area. He has no problem meeting the setbacks required by R2. The Chase property may have an issue due to the flag lot, but they can build a structure.

No one spoke further in this matter and so the Examiner took the request under advisement and the hearing was concluded at 9:16 a.m.

NOTE: A complete record of this hearing is available in the City of Bonney Lake Community Development Department.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.
2. A threshold determination of Nonsignificance was issued under the optional SEPA method, which includes the SEPA comment period with the Notice of Application. No appeals were filed.
3. Notice of this request was advertised pursuant to the Bonney Lake Municipal Code.
4. Applicants Douglas and Marilyn Thompson have a possessory ownership interest in a rectangular, .331 acre parcel of property abutting the north side of 84th St. E., one parcel removed from its intersection with Locust Avenue East to the east. Improvements on the site include a single family residential home. Applicants Larry

and Joanne Chase have a possessory ownership interest in two parcels of property that together form a rectangle and contain .5 acres. The eastern property line of the Chase parcel abuts the western property line of the Thompson property. One of the Chase lots is improved with a single family residential home and the second lot is unimproved. The applicants request a zone reclassification from the present Residential (R1) to Residential (R2) for all three parcels.

5. The Thompsons submitted a completed application for a zone reclassification on May 6, 2009, and were subsequently contacted by the Chases who desired to add their parcel to the application. The Chases submitted their application on May 19, 2009, and the City determined the application complete on May 20, 2009. At the time of submittal the Chases had also submitted and were processing an application to divide their property into two lots through the short plat process. The City approved the short plat and the Chases recorded it on June 24, 2009.
6. Abutting uses include single family residential homes to the north and east and across 186th Avenue E. to the west. Improvements on parcels to the south across 84th St. E. include single family residential homes and a multi-family residential building. The parcels and abutting parcels to the north, east, and west are located within the R1 zone classification, and parcels to the south of 84th St. E. are located in either the R1 or R3 (High Density Residential) zone classifications.
7. The applicants request a zone reclassification from R1 to the Medium Density Residential District (R2). Such would bring the parcels into compliance with the Bonney Lake Future Land Use Map (FLUM) which designates all three parcels for medium density residential uses. The FLUM shows abutting parcels to the north and east within the MDR designation while parcels to the west across 186th Avenue E. remain in the Single Family Residential designation. Across 84th St. E. to the south parcels are located in the Medium Density Residential and High Density Residential designations of the FLUM. Approval of the zone classification will bring all three parcels into compliance with the FLUM.
8. A comparison of the R1 and R2 zone classifications shows that typical uses in the R1 zone are limited to single family residential dwellings, while duplexes and accessory dwelling units are allowed in the R2 classification. The density in the R1 zone can equal four to five dwelling units for each net acre, while the density in the R2 zone is dependent upon lot size. A single family residential home must have a minimum lot size of 8,600 square feet and a duplex 10,000 square feet in the R2 zone. Setbacks are the same except the living portion of a house may extend to within ten feet of a street in the R1 classification, but only to 20 feet in the R2 classification. The side yard setbacks are a minimum of five feet, but the R2 classification requires a total side yard setback of 15 feet. The building height and maximum lot coverage are the same.
9. The Thompsons propose to remove the existing single family residential home and

replace it with a duplex. The Chases have not indicated a proposed use for either lot, but any use must comply with the R2 requirements. The present application proposes no construction, and prior to commencing such, the applicants must secure all required permits from the City.

10. Section 18.52.030 of the Bonney Lake Municipal Code (BLMC) sets forth the criteria for zone reclassifications. Subsection A sets forth the only criteria applicable to site specific quasi-judicial rezones. Said criteria requires an applicant to show that the purpose of the rezone is to better implement the comprehensive plan. As previously found, the FLUM designates the area as Medium Density Residential and the R2 classification implements said designation. Therefore, the rezone will better implement the comprehensive plan.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The applicants have shown that the request for a zone reclassification satisfies the decision criteria set forth in BLMC 18.52.030, and therefore the zone reclassification should be granted subject to the following condition:

All future structures shall meet the setback requirements of the R2 zone classification.

RECOMMENDATION:

It is hereby recommended to the Bonney Lake City Council that it grant the request for a zone reclassification from R1 to R2 for parcels located at 18604 84th St. E. and 18602 84th St. E. within the City of Bonney Lake subject to the condition contained in the conclusions above.

ORDERED this 24th day of July, 2009.



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this 24th day of July, 2009, to the following:

APPLICANTS/

OWNERS:

Douglas and Marilyn Thompson
P.O. Box 42
South Prairie, WA 98385

Larry and Joanne Chase
PMB 333, 1402 Lake Tapps Parkway E. F-104
Auburn, WA 98092

OTHERS:

CITY OF BONNEY LAKE
Planning and Community Development Department
P.O. BOX 7380
19306 BONNEY LAKE BLVD.
BONNEY LAKE, WA 98390-0944

CASE NO. PLN-2009-01190, Thompson/Chase Rezone

NOTICE

Pursuant to City of Bonney Lake, this decision becomes final and conclusive on **August 10, 2009**, unless:

1. **RECONSIDERATION**: Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors of misinterpretation of fact may make a written request for review by the Examiner in writing and filed not later than 5:00 p.m. on **August 4, 2009**, with the Planning and Community Development Department. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision.

2. **APPEAL OF EXAMINER'S DECISION**: The final decision by the Examiner on any land use matter within his jurisdiction may be appealed to the City Council by the applicant, a department of the city or county, or other party of record or agency with jurisdiction. Said appeal procedure is as follows:

The appellant must file written notice of appeal with the Planning and Community Development Department in writing with an appeal fee as required by the Department no later than 5:00 p.m. on **August 10, 2009**.

NOTE: In an effort to avoid confusion at the time of filing a request for reconsideration or an appeal, please attach this page to the request or appeal.

ORDINANCE NO. D09-134

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, CHANGING THE ZONING DESIGNATION OF PARCELS 5640000230 AND 5640000192 FROM SINGLE FAMILY RESIDENTIAL (R-1) TO MEDIUM DENSITY RESIDENTIAL (R-2)

WHEREAS, the State Environmental Policy Act was complied with through the adoption of a threshold determination of non-significance (DNS) on May 22, 2009; and

WHEREAS, the City's Future Land Use Map indicates a designation of the properties as Medium Density Residential; and

WHEREAS, the proposed rezone is consistent with the Comprehensive Plan Land Use Designation map; and

WHEREAS, the proposed rezone is in conformance with the decision criteria of BLMC 18.52.030; and

WHEREAS, the Hearing Examiner conducted a public hearing on July 10, 2009, and issued a recommendation to approve this Rezone request on July 24, 2009.

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

Section 1. The recommendation of the Hearing Examiner submitted to the City of Bonney Lake is accepted as written for parcel numbers 5640000230 and 5640000192, identified in the attached Exhibit A. These two parcels are to be rezoned from "R-1 Residential" to "R-2 Medium Density Residential" on the Official Zoning Map for the City of Bonney Lake.

Section 2. Additions to the existing single family residential home on Lot 1 of the Chase short plat and any future improvements shall meet the setback requirements of the R-2 zone.

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

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

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2009

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

CountyView Web Map



Map Legend

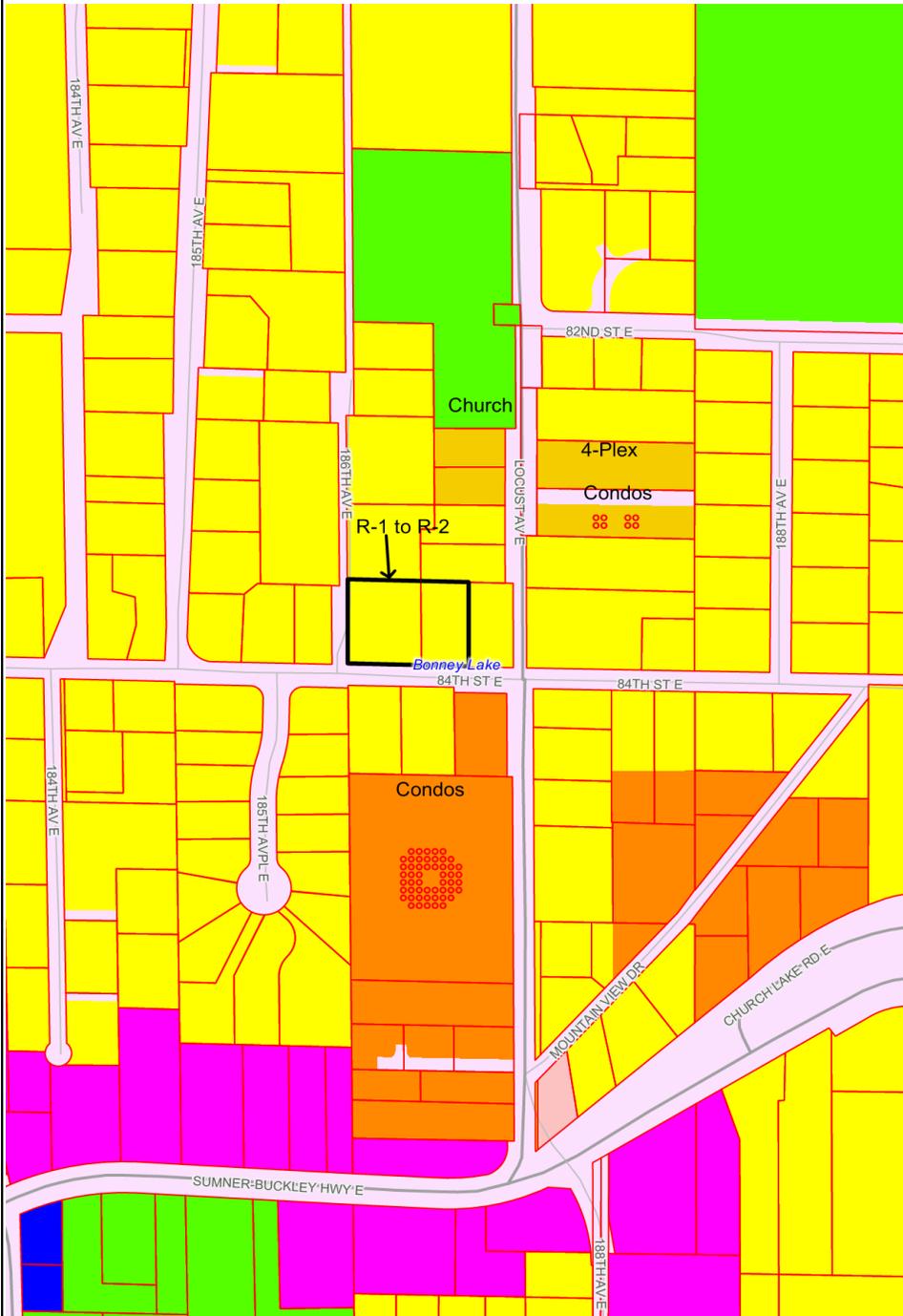
- Tax Parcels
- Roads**
 - Interstate
 - Limited Access State Routes
 - Other State Routes
 - Ramps
 - Major Arterial
 - Collector
 - Local Access
- Zoning Overlay - Bonney Lake

Zoning - Bonney Lake

- C1
- C2
- C2-C3
- DC
- DM
- PF
- R1
- R2
- R3
- RC5

Pierce County Basemap

- Unincorporated County
- Tacoma
- Lakewood, Edgewood, Bonney Lake, Buckley, South Prairie
- Steilacoom, Fircrest, Fife, Gig Harbor, Orting, Eatonville, Roy, Carbonado, Wilkeson, Mt Rainier
- University Place, Puyallup, Auburn
- DuPont, Milton, Sumner
- Fort Lewis, McChord, McNeil Island
- Water



0 300 ft.



Scale 1:3,605

The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. The orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. All data is expressly provided AS IS and WITH ALL FAULTS. The County makes no warranty of fitness for a particular purpose.

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