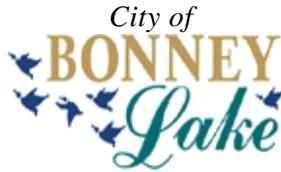


**CITY COUNCIL  
WORKSHOP**

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

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*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.*

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**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 Draft Council Minutes - November 17, 2009 Council Workshop Minutes
- C. Discussion Pursuant to Public Hearing on 11/24/09: AB09-168 - Ordinance D09-168 - Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest
- D. Discussion Pursuant to Public Hearing on 11/24/09: AB09-170 – Ordinance D09-170 - Woodyard Comprehensive Plan Amendment
- E. Discussion Pursuant to Public Hearing on 11/24/09: AB09-171 – Ordinance D09-171 - Utilities Element Comprehensive Plan Amendment
- F. Discussion: AB09-190 - Consider Changes to Zoning Code - R3 and possible R4 zones.
- G. Discussion: AB09-191 - Ordinance D09-191 - Comprehensive Plan amendment updating the Transportation Element.
- H. Presentation/Discussion: AB09-192 – Resolution 1991 – WSU Forest Development Agreement (Information to be provided at council workshop)

**III. Agenda Items:**

- I. Discussion: Pursuant to Public Hearing on 11/24/09 – AB09-174 - Ordinance D09-174 - Mid-Biennial Budget Modifications
- J. Discussion Continued from 11/17/09 Workshop: AB09-79 – Ordinance D09-79 Park Rules and Regulations

**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**

*November 17, 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](http://www.ci.bonney-lake.wa.us)*

**I. Call to Order:**

Mayor Neil Johnson, Jr. called the workshop to order at 5:35 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 and Councilmember James Rackley. Councilmember Dave King was absent.

[Staff Members in attendance were City Administrator Don Morrison, Community Development Director John Vodopich, Assistant Police Chief Dana Powers, Chief Financial Officer Al Juarez, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, City Attorney James Dionne, Assistant Public Works Director Charlie Simpson, Human Resources Officer Jenna Young, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

**Councilmember Rackley moved to excuse Councilmember King. Councilmember Carter seconded the motion.**

**Motion approved 6 – 0.**

**III. Agenda Items:**

5:35:45

**A. Discussion:** AB09-155 Eastown Utility Latecomer Agreement (ULA).

Public Works Director Grigsby said he provided two new documents for Council’s review, including a question and answer sheet and an updated future road network map. The map updates the previous version from 2005 and shows proposed signals, public and private roads. He said the road placement is still not definite, and additional research and agreements must be in place first.

Councilmember Rackley said the Council received copies of letters from David Konsmo representing the ‘group of 8’ property owners in Eastown. Director Grigsby said the letters indicate the property owners have come to agreement on easements for the street and sewer lines. He said developers need to determine legal descriptions and prepare formal agreements for those easements.

Councilmembers discussed how much of the sewer system the city should take responsibility for designing and constructing. Councilmembers expressed concern with getting the project started as soon as possible, ensuring fairness for property owners, and getting a good return on investment for building out the sewer system in Eastown. Councilmember Bowen noted that people who own property South of 410 in Eastown were in attendance and had come forward to work with the city for sewer service in their area as well. Councilmembers said they would like the

entire system to be designed and constructed. They asked staff to prepare information on separating the project into three parts, so work could begin immediately on the first portion while the city designs subsequent portions. They asked for estimates for setting up three separate latecomer's agreements and utility bonds versus financing the entire project at once.

Councilmember Hamilton said the city would take a big risk in financing the entire sewer system and utility customers could face rate increases if the city did not make its money back in latecomer's fees. He questioned whether the city can afford to build the entire Eastown system along with the necessary expansion of the Sumner Sewer Treatment Plant and other projects in the future. He asked for reassurance that the existing system can handle extra sewer capacity for Eastown and that the city will have a good return on its investment.

Director Grigsby said another item in the agenda packet is a map for property owner Roger Watts' parcel. Mr. Watts had asked that the frontage road not cut through the corner of his property. Director Grigsby said it would not be practical to have the road curve in the small area and that Mr. Watt could use the corner of the property for a stormwater pond or other use.

Mayor Johnson asked staff to prepare information on completing the Eastown sewer system in three portions, including the process to create separate utility latecomer's agreements and bonds for each. He said these discussions will continue at a future workshop.

6:09:05

**B. Council Open Discussion:**

Senior Trips: Deputy Mayor Swatman asked if the administration had completed its new Senior Center policy, and what it says about out-of-state travel. City Administrator Morrison said the policy has been adopted and requires the Center to use a charter bus for any out-of-state travel.

Lacey Sewer Treatment Tour: Councilmember Carter noted that several councilmembers plan to attend a tour of the Lacey Wastewater Treatment Facility on December 5, 2009. Mayor Johnson said the tour will be advertised as a special meeting since he and several Councilmembers are planning to attend. He said he was unsure how many people the tour could facilitate but invited interested citizens to attend if possible.

State Representatives: Councilmember Carter suggested the Mayor invite State Representative Dan Roach and State Senator Pam Roach to come and speak to the Council, noting that Representative Chris Hurst recently attended a meeting.

Historical Society: Councilmember Carter said the Historical Society is working on a book about the history of Bonney Lake and is seeking historical photos. She asked any citizens with historical photos of the city to contact the Society.

Human Services: Councilmember Carter said she received an email that the Bonney Lake Food Bank is in need of food and funds to help feed 750 families this Thanksgiving. She said she has collected \$820 and several bags of food that day and encouraged others to give at the food bank or at City Hall. She said

community resources are available, including the Plateau Community Resource Guide, 2-1-1 phone services and the Sumner Family Center.

Citizen Notifications: Councilmember Carter said she attended a homeowner's association meeting recently and residents offered suggestions to improve notification of proposed land use actions. The suggestions included larger signs, e-mail notifications, posting information on the web site, and providing a guide for citizens online so they know how to get on notification lists and stay informed.

Councilmember Rackley said citizens are often not aware of small projects completed by the Public Works crew, like fixing potholes or repairing signs. He suggested the city put up signs or door hangers to increase awareness of this important work. Councilmember Bowen suggested the city make some a-board signs to place in neighborhoods to highlight the crews' work.

Property Taxes: Deputy Mayor Swatman said a proposed ordinance is on the November 24, 2009 agenda to allow the city to bank a portion of future property taxes. He said he read that Sumner's tax rate is at 0.44% since they de-annexed from the fire district.

Comprehensive Urban Growth Area: Deputy Mayor Swatman said he has spoken with residents living in the CUGA about whether they are interested in being annexed into Bonney Lake. Councilmember Carter asked how annexing the CUGA might affect the city's sewer treatment capacity concerns. She said both possible annexations and the 2010 Census could affect Council Ward boundaries in the future.

Town Hall Meetings: Deputy Mayor Swatman noted that the Council hosted Town Hall meetings last year after the election. He said the events gave citizens a chance to meet Councilmembers and the Mayor and talk about issues that are important to them. He suggested the Council schedule one or two weekend events early next year. Mayor Johnson agreed.

Budget: Deputy Mayor Swatman said he is interested in whether the city could have a 'zero-based' budget and what it would require. Chief Financial Officer said he and his staff have discussed zero-based budgeting and it would be possible to develop. He suggested they continue discussions and look at the 2011-2012 budget as a possible starting point. Councilmember Decker noted that Pierce County plans to lay off 300 more employees in 2010, and asked how the city's finances compare to the County's. Deputy Mayor Swatman said the city should consider 2010 events such as Bonney Lake Days, which may be reduced to Friday night and Saturday, with no events on Sunday.

Holiday Decorations: Councilmember Rackley encouraged the city to put up holiday decorations around the city as soon as possible after Thanksgiving to help kick off the season for residents and local businesses.

**Councilmember Bowen moved for a 5-minute break. Councilmember Rackley seconded the motion.**

**Motion approved 6 – 0.**

Mayor Johnson brought the workshop back to order at 6:39 p.m.

6:40:07

- C. **Review of Council Minutes:** October 20, 2009 Workshop, October 27, 2009 Meeting, and November 10, 2009 Meeting.

Councilmember Carter said the October 20, 2009 had typographical errors on pages 1 and 2. On the November 10, 2009 Minutes, the minutes should reflect that Administrator Don Morrison also attended the Community Leaders' Coffee. The minutes were forwarded to the November 24, 2009 Meeting for approval with these corrections.

6:41:53

- D. **Discussion:** AB09-168 - Ordinance D09-168 - An Ordinance of the City Council of the City of Bonney Lake Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, Also Known as the WSU Forest.

Community Services Director said the proposed amendment includes three parcels known as the 'WSU Forest.' The amendment would change the land use and zoning for portions of the property to commercial, public facilities and high density residential, respectively. A public hearing on the proposed amendment is scheduled for the November 24, 2009 Council Meeting. Mayor Johnson said the city is working with the property owner on an agreement to transfer a portion of the property to the city for a public park. He said the final Environmental Impact Statement is in progress and should be available shortly. The Planning Commission recommended approving the proposed ordinance, with two commissioners voting 'no' due to concerns about traffic and sewer capacity. He said the developer has proposed connecting 211<sup>th</sup> St E, noting that any agreements needed to extend the road would need to be worked out between the developer and property owners directly.

Councilmembers discussed the value of the property and noted its proximity to other commercial areas. Councilmember Carter said it would benefit the city to have additional trails on the property, but a soft surface trail would be problematic for seniors and the disabled. She also said she does not want to see construction of mini-storage facilities on the site. Community Services Director Leaf said the acquisition of public land on the site would double the city's parks acreage, and would also require more funds to open and maintain the area for public access. Deputy Mayor Swatman said he hopes the public land agreement will offer the city flexibility to use the land for other purposes in the far future. The proposed ordinance was forwarded to the November 24, 2009 Meeting for a public hearing.

7:09:26

- E. **Discussion:** AB09-170 - Ordinance D09-170 - An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Amending the Comprehensive Plan Land Use Designation of the Woodyard Property, Parcel No. 4910000330.

Community Development Director Vodopich said the Planning Commission unanimously recommended approving this proposed ordinance. He said this is a site-specific rezone to commercial zoning and land use. Deputy Mayor Swatman said he opposes the proposed change. He said the commercial frontage creeps along the roadway and the Council needs to evaluate how the change fits with the Comprehensive Plan overall. Councilmembers discussed commercial access

issues in the area near the parcel for the Wal-Mart shopping center and other businesses. The proposed ordinance was forwarded to the November 24, 2009 Meeting for a public hearing.

7:15:41

- F. **Discussion:** AB09-171 - Ordinance D09-171 - An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adopting the 2009 Comprehensive Sewer Plan, the 2008 Comprehensive Water Plan, and Amending the Utilities Element of the Comprehensive Plan Referencing these Plans.

Director Grigsby explained that the Council has received copies of the draft utilities plans during discussions earlier in the year. Once approved, they will be re-titled as 'final' and inserted into the Comprehensive Plan. Deputy Mayor Swatman expressed concern that the plans are based on old growth projections, which have been affected by the current economic crisis. Director Grigsby said the plans are based on 2007 and 2008 projections, and the city reviews these plans every 5-6 years specifically to address changes in projections and needs. He said all the projects listed in the plans must still be approved by the Council before they go forward. Deputy Mayor Swatman noted the city's water conservation plan has been quite successful, noting strong use of the city's toilet and washer rebate programs. Director Grigsby said the leaky mains project has helped reduce water use considerably. He said the city's water loss is estimated at 6%, which is far below the State's goals for 10% or less water loss rates. The proposed ordinance was forwarded to the November 24, 2009 Meeting for a public hearing.

7:21:51

- G. **Discussion:** AB09-174 - Ordinance D09-174 - An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adopting the Mid-biennial Budget Amendment for Budget Years 2009 and 2010.

City Administrator Morrison explained the exhibits provided for review, including adjustments to individual funds, adjusted revenue and expenditure projections, and a revised budget model. He said most discretionary items were put on hold. He said department heads will receive revised departmental budget balances and will have discretion on how to use their remaining budgets in 2010. He said the budget model has improved slightly, but the city will still need to draw down the fund balance over the next couple of years. Chief Financial Officer Juarez highlighted specific expenditure and revenue reductions, and said staff are working hard to be good stewards of the city's revenues. City Administrator Morrison said he is trying not to reduce services to the public like public safety, street repair, and parks. He said the public will probably not notice reductions at this time, though several years of reductions will begin to impact services on a larger scale.

Councilmembers asked department heads to give input on how budget cuts affect their departments. Department heads said they have cut discretionary items such as equipment, training and consulting services. They said employee furloughs may cause scheduling issues and some reduced service over the coming year. Public Works Director Grigsby said the city plans to hire a development engineer instead of paying consultants for development review, which will result in a cost savings to the city. Several vacant positions will not be filled and other staff have been re-assigned to other departments. In addition, non-represented employees will not receive cost of living increases, and additional cost savings may be

available through changes to health plans. The city is currently in negotiations with the AFSCME union on their new contract. Councilmembers thanked staff for their hard work to reduce expenditures and stressed the importance of maintaining the city’s ‘human capital’ by retaining employees in the future. The proposed ordinance was forwarded to the November 24, 2009 Meeting for a public hearing.

7:50:36

H. **Discussion:** AB09-79 - Ordinance D09-79 - An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 12.12 of the Bonney Lake Municipal Code and the Corresponding Portions of Ordinance Nos. 1232, 1150, 1037, 1015, 826, 669, 661, and 454 Relating to Park Regulations.

Community Services Director Leaf said the proposed ordinance has come before the Park Board, Public Safety committee and Finance Committee. He said there are several minor amendments, including those that address trespassing in public parks. Councilmember Carter noted possible State legislation regarding banning alcohol sales in public parks, which may come forward next year. Mayor Johnson suggested the discussions continue at a future workshop so Councilmember King, who has invested a lot of time in the ordinance, can take part. The item was continued to the December 1, 2009 Workshop for discussion.

7:54:44

**IV. Closed Session:**

Pursuant to RCW 42.30.140(4)(a) the City Council met in a closed session with the City Attorney to discuss labor negotiations at 7:57 p.m. for 15 minutes. The closed session was extended for 5 minutes at 8:20 p.m. The workshop returned to order at 8:26 p.m. No action was taken.

**V. Adjournment:**

**At 8:26 p.m. Councilmember Rackley moved to adjourn the workshop. Councilmember Bowen seconded the motion.**

**Motion approved 7 – 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 November 17, 2009:

- City of Bonney Lake – *Letter from David Konsmo re: “Inclusion of Septic Variance for Limited Eastown Property Owners”* – Public Works Director Dan Grigsby.
- City of Bonney Lake – *Letter from David Konsmo re: “Follow Up on Eastown “A” & “B” Sewer Infrastructure Matters”* – Public Works Director Dan Grigsby.
- City of Bonney Lake – *Future Eastown Road Network Map* – Public Works Director Dan Grigsby.

**File** [9CE3D592C01146AE9E170FD7EF6D15E2-](#)  
**Name:** [WSU\\_Forest\\_Comprehensive\\_Plan\\_Amendment.mht](#)  
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**Uploaded:** 25 Nov 2009 02:58:58 PM



**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> 17 Nov 2009	<b><u>Agenda Bill Number:</u></b> AB09-170
<b><u>Ordinance Number:</u></b> D09-170	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>

**Agenda Subject:** Woodyard Comprehensive Plan Amendment

**Proposed Motion:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN LAND USE DESIGNATION OF THE WOODYARD PROPERTY, PARCEL NO. 4910000330.

**Administrative Recommendation:** Approve as recommended the change of land use designation from medium-density residential to Commercial.

**Background Summary:** On April 30, 2009 the City received an application from Wendi Woodyard for a change to the Comprehensive Plan Future Land Use map of parcel number 4910000330 from Medium Density Residential to Commercial. All procedural requirements for this request have been met. This property is adjacent to the Walmart property and within close proximity to SR 410.

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

**COMMITTEE/BOARD REVIEW:**

Subcommittee Review Date: -  
 Commission/Board Review Date: Planning Commission -04 Nov 2009  
 Hearing Examiner Date:

**COUNCIL ACTION:**

Workshop Date(s):                      Public Hearing Date(s): 2nd and 16th September 2009  
 Meeting Date(s):                        Tabled To Date:

**Signatures:**

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed
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ORDINANCE NO. D09-170

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN LAND USE DESIGNATION OF THE WOODYARD PROPERTY, PARCEL NO. 4910000330.

**WHEREAS**, on April 30, 2009 the City received an application from Wendi Woodyard for a change to the Comprehensive Plan Future Land Use map of parcel number 4910000330 from Medium Density Residential to Commercial; and

**WHEREAS**, a Notice of Public Hearing was issued on August 19, 2009; and

**WHEREAS**, the Planning Commission conducted a public hearing on September 2, 2009; and

**WHEREAS**, at the November 4, 2009 Planning Commission meeting the Planning Commission recommended that the land use designation for the parcel be changed from Medium Density Residential to Commercial; and

**WHEREAS**, SEPA has been complied with via a Determination of Non-Significance issued on September 3, 2009; and

**WHEREAS**, RCW 36.70A.106 requiring a 60 day review by the Washington State Department of Community, Trade and Economic Development has been complied with; and

**WHEREAS**, this is one of three Comprehensive Plan amendments concurrently coming before the City Council; and

**WHEREAS**, the criteria for amending the Comprehensive Plan set forth in BLMC § 14.140.090, is as follows: 1) the amendment is consistent with the goals and policies of the Comprehensive Plan, 2) the comprehensive plan would remain internally consistent, 3) the amendment is consistent with the Countywide Planning Policies, 4) the amendment is consistent with the Growth Management Act, and 5) the amendment advances the public health, safety, or welfare and is in the best interest of the residents of Bonney Lake; and

**WHEREAS**, Commercial Policies 3-8b and 3-16a of the City's Comprehensive Plan encourage coordinated development along SR 410. This coordination includes encouraging development that can reach away from the strips and malls along SR 410 toward residentially-zoned properties; and

**WHEREAS**, the proposed Comprehensive Plan amendment meets this goal and is therefore consistent with the City's Comprehensive Plan as changing the lots in

question from residential to commercial would coordinate more closely with the adjacent commercial site and surrounding commercial uses; and

**WHEREAS**, this proposal would not conflict with any other aspect of the City's Comprehensive Plan and therefore the City's Comprehensive Plan would remain internally consistent; and

**WHEREAS**, the Economic Development and Employment policy of the County Wide Planning Policies favors promoting diverse economic and employment opportunities that are compatible with the environment; and

**WHEREAS**, because the proposed amendment has the potential for providing diverse economic and employment opportunities that are compatible with the environment by converting residentially designated property into commercial property compatible with surrounding commercial uses, this amendment is consistent with the County Wide Planning Policies; and

**WHEREAS**, RCW 36.70A.020 (1) states that one of the goals of the Washington State Growth Management Act is to encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner; and

**WHEREAS**, because the proposed amendment concentrates a more intense use within the City's Urban Growth Area where adequate public facilities and services exist or can be provided in an efficient manner, the amendment is consistent with the Washington State Growth Management Act; and

**WHEREAS**, because health and safety are adequately provided for through public utilities such as water and sewer, and commercial land has the potential for more employment opportunities, the proposed amendment advances the public health, safety, or welfare and is in the best interest of the residents of Bonney Lake.

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

**Section 1.** The City Comprehensive Plan's Future Land Use Map is hereby revised to show tax parcel No. 4910000330 as depicted in Attachment "A" as "Commercial."

**Section 2.** This Ordinance concerns powers vested solely in the Council, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law.

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

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Neil Johnson, Mayor

ATTEST:

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Harwood Edvalson  
City Clerk

APPROVED AS TO FORM:

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James Dionne  
City Attorney

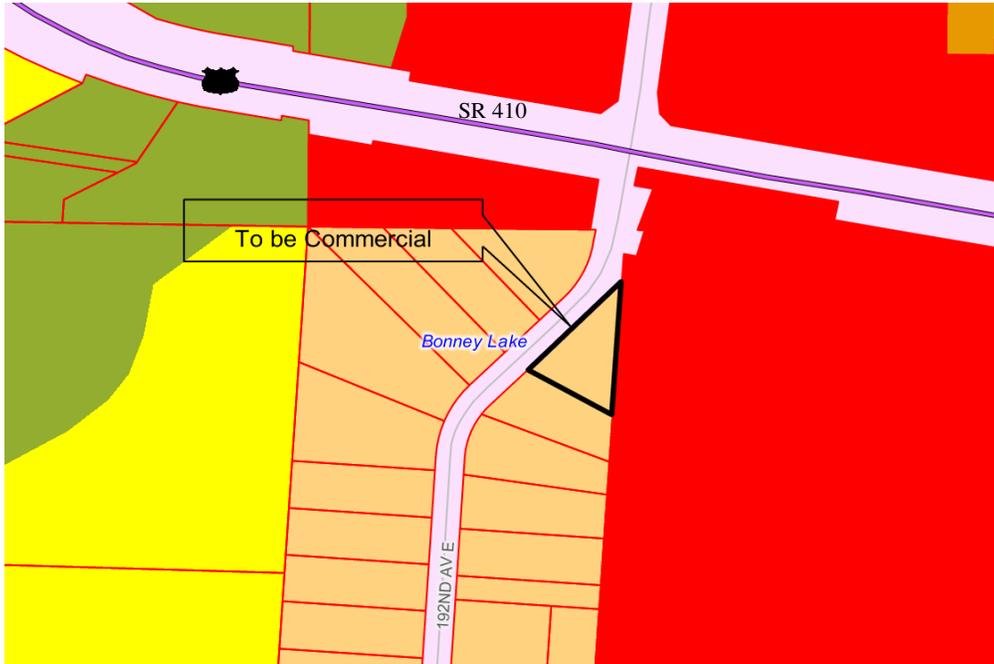
Passed:

Valid:

Published:

Effective Date:

D09-170 Attachment "A"





**Staff Report**

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**Date:** 9/2/09  
**To:** Planning Commission  
**From:** Heather Stinson, Planning Manager  
**RE: Proposal to change the land use designation of the Woodyard property from Medium Density Residential to Commercial.**

**Proposal and Location**

The proposal is to change the land use designation of parcel number 4910000330 which is approximately .77 acres from Medium Density Residential to Commercial. The site accesses 192<sup>nd</sup> Avenue and is west and adjacent to the Walmart property. The site is located at 9606 192nd Avenue East.

**Procedure**

The applicant, Wendi Woodyard, met the application deadline and submitted her request for the change in land use designation on April 30, 2009.

A Determination of Nonsignificance was issued for this Comprehensive Plan amendment on August 31, 2009. The Planning Commission will conduct a public hearing and make its recommendation. The City Council will make the final decision.

A rezone of the property could not proceed until the Comprehensive Plan amendment is approved. If that occurs, a separate application would have to be filed with the City and would have to be heard by the Hearing Examiner. The Hearing Examiner’s recommendation would then go to the City Council who would make the final decision.

**Adjacent Uses**

<b>Direction</b>	<b>Zoning</b>	<b>Land Use Designation</b>	<b>Existing Land Use</b>
North	C-2	Commercial	Retail / Commercial
South	R-2	Single Family Residential	Single-family residence
East	C-2	Commercial	Walmart
West	R-2 and C-2	Medium Density Residential / Commercial	Duplex / Single Family residential



Figure 1 – Current City Zoning

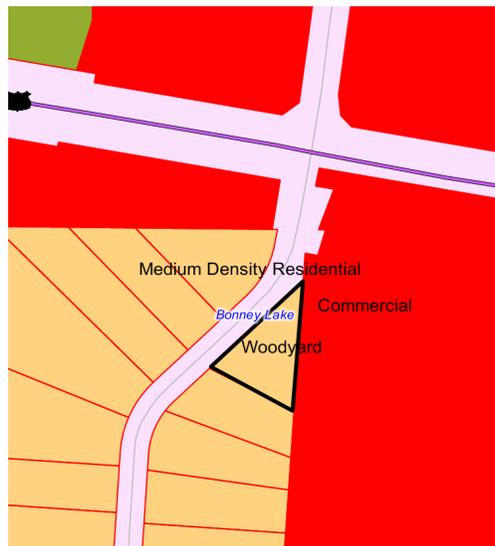


Figure 2 – Current Comprehensive Land-Use Designation



Staff Report

Staff Analysis

Land Use Designation Comparison

	Medium Density Residential (implemented by R-2 zoning)	Commercial (implemented by C-2 zoning)
<b>Allowed Uses</b>	<ul style="list-style-type: none"> <li>- Single-family residence;</li> <li>- Duplexes</li> <li>- Accessory dwelling units.</li> <li>- Elementary schools.</li> <li>- Parks, opens space and trails;</li> <li>- Churches of less than 250 seats; provided the requirements of BLMC <a href="#">18.22.040</a> are met.</li> <li>- Agriculture and orchards;</li> <li>- Forestry and tree farms;</li> <li>- Raising of livestock, small animals and fowl; provided the requirements of BLMC <a href="#">18.22.060</a> are met.</li> <li>- Public utility facility; provided the requirements of BLMC <a href="#">18.22.050</a> are met;</li> <li>- Wireless communications facilities</li> </ul>	<ul style="list-style-type: none"> <li>- Residences in connection with a business establishment;</li> <li>- Apartments, attached residential dwellings,</li> <li>- Nursing homes, group homes and boarding homes.</li> <li>- Elementary school.</li> <li>- Parks,</li> <li>- Churches;</li> <li>- Libraries;</li> <li>- Swimming pools, public or private;</li> <li>- Entertainment facilities, such as bowling alleys, skating rinks, pool halls, arcades, theaters, public or private.</li> <li>- Public utility facility;</li> <li>- Wireless communications facilities</li> <li>- Adult entertainment facilities</li> <li>- Ambulance service;</li> <li>- Antique shop;</li> <li>- (ATMs);</li> <li>- Automobile service stations and car washes;</li> <li>- Bakery, retail;</li> <li>- Banks, savings and loan associations;</li> <li>- Barber and beauty shops;</li> <li>- Coffee shops,</li> <li>- instruction schools;</li> <li>- Day care centers;</li> <li>- Food markets, delicatessen</li> <li>- Furniture and small household appliance repair shops;</li> <li>- Gymnasiums and fitness centers, public or commercial;</li> <li>- Hotels, motels, apartments;</li> <li>- Hospitals;</li> <li>- Laundries, including dry cleaning;</li> <li>- Liquor stores;</li> <li>- Offices and professional buildings;</li> <li>- Photographic processing and supply;</li> <li>- Mini-storage facilities;</li> </ul>



Staff Report

		<ul style="list-style-type: none"> <li>- Plumbing shops, electricians, heating, air conditioning sales or repair;</li> <li>- Printing</li> <li>- Locksmiths;</li> <li>- Retail shops, including department stores and shopping centers;</li> <li>- Restaurants,</li> <li>- Tailor shops;</li> <li>- Tool sales and rental;</li> <li>- Veterinary clinics, animal hospitals and pet grooming.</li> </ul>
<p><b>Conditional Uses</b></p>	<ul style="list-style-type: none"> <li>- Junior high, high schools and junior colleges, public or private.</li> <li>- Hospitals; provided the criteria in BLMC <a href="#">18.22.040</a> are met.</li> <li>- Public and private meeting halls and lodge buildings; provided the criteria in BLMC <a href="#">18.22.040</a> are met.</li> <li>- Municipal Offices.</li> </ul>	<p>A. Buildings taller than 50 feet, provided:</p> <ol style="list-style-type: none"> <li>1. Adequate provision is made for fire fighting and emergency rescue;</li> <li>2. The use or building will not cast a shadow on residential properties;</li> <li>3. The use or building is designed with visual relief or landscaping to make it compatible with the surrounding land uses, topography and landscape.</li> </ol>

**Land Uses**

The proximity of the property to other Commercial uses makes it compatible with these uses. The single family residences to the west and south could be impacted negatively from potential commercial uses. The Bonney Lake municipal code anticipates this by requiring a site-obscuring, 20 foot landscape buffer between C-2 and R-2 zoning.

**Utilities**

Public water and sewer lines are available near the subject property on SR 410. Any projects that were to be built on the project in C-2 zoning would be required to connect to these systems and meet commercial fire flow.

**Criteria**

BLMC 14.140.090 establishes the following criteria. *Staff responses follow in italics.*

1. Is the amendment consistent with the goals and policies of the comprehensive plan?  
*Specific areas of the comprehensive plan that are involved in deciding this proposal include*



Staff Report

the following goals and policies that concern community character, housing, commercial uses, and the environment:

Community Character Goal 1-3 and Policy 1-3b: “wherever possible, developments should reach deeply into the adjoining commercial land...”

Policy 4-3c Encourage mixed-use development wherever businesses and residences can complement each other

Policy 3-1b Encourage compatible infill development and redevelopment in established areas.

Policy 3-4a Encourage infill and development which minimizes the consumption of Land

Commercial Policies 3-8b and 3-16a encourage coordinated development along SR 410. This coordination includes encouraging development that can reach away from the strips and malls along SR 410 toward residentially-zoned properties. The policies generally encourage the city to provide zoning for employment-generating land uses.

**Comment:** Changing the land use designation to Commercial and the possible rezone of the property would implement the Community Character Element goal of developments reaching deeply into adjoining commercial land. It would also encourage the redevelopment of established areas.

2. Would the comprehensive plan remain internally consistent?

**Comment:** The internal components of the comprehensive plan will not be affected by the proposed land use designation.

3. Is the amendment consistent with the countywide planning policies?

*The Economic Development and Employment policy favors promoting diverse economic and employment opportunities that are compatible with the environment.*

**Comment:** Redesignating this property as Commercial would advance this policy.

4. Is the amendment consistent with the Growth Management Act?

Growth management goals include the following:



**Staff Report**

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

**Comment:** The proposed amendment is consistent with these goals of the Growth Management Act.

5. Does the amendment advance the public health, safety, or welfare and is it in the best interest of the residents of Bonney Lake?

**Comment:** Adopting the new land use designation has the potential of impacting the welfare of adjacent single family residents in terms of views, light and noise impacts. When taking into consideration the residents of Bonney Lake as a whole, however, the changes have the potential to advance the public welfare in terms of providing more employment and service opportunities. Public health would be adequately addresses by connection to public water and sewer systems and public safety is served by proximity to the City's police headquarters and an East Pierce Fire and Rescue station.

**Staff recommendation**

Change the land use designation of the Woodyard property to Commercial.



**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> 17 Nov 2009	<b><u>Agenda Bill Number:</u></b> AB09-171
<b><u>Ordinance Number:</u></b> D09-171	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>

**Agenda Subject:** Comprehensive Plan Amendment of the Utilities Element

**Proposed Motion:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING THE 2009 COMPREHENSIVE SEWER PLAN, THE 2008 COMPREHENSIVE WATER PLAN, AND AMENDING THE UTILITIES ELEMENT OF THE COMPREHENSIVE PLAN REFERENCING THESE PLANS.

**Administrative Recommendation:** Adopt the 2009 Sewer Comprehensive Plan, the 2008 Water Comprehensive Plan, and update the language in the Utilities element as drafted in the attached ordinance.

**Background Summary:** The water and sewer comprehensive plans have been updated and these plans need to be adopted. Hard copies of these documents are available and have been offered to Council members but no Council members have requested hard copies to date. These documents are also available on the City's website at the following link:

Sewer -  
[http://www.ci.bonney-lake.wa.us/UserFiles/File/Business\\_Downloads/Comprehensive\\_Plans/SewerCompPlan\\_09\\_DRAFT.pdf](http://www.ci.bonney-lake.wa.us/UserFiles/File/Business_Downloads/Comprehensive_Plans/SewerCompPlan_09_DRAFT.pdf)

Water-  
[http://www.ci.bonney-lake.wa.us/UserFiles/File/Business\\_Downloads/Comprehensive\\_Plans/DRAFTCWSP\\_2009.pdf](http://www.ci.bonney-lake.wa.us/UserFiles/File/Business_Downloads/Comprehensive_Plans/DRAFTCWSP_2009.pdf)

The Utilities Element of the Comprehensive Plan references these plans and the language should be changed to reflect the updates.

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

<b><u>COMMITTEE/BOARD REVIEW:</u></b>	
<b>Subcommittee Review Date:</b>	-
<b>Commission/Board Review Date:</b>	Planning Commission -04 Nov 2009
<b>Hearing Examiner Date:</b>	

<b><u>COUNCIL ACTION:</u></b>	
<b>Workshop Date(s):</b>	<b>Public Hearing Date(s):</b> 2nd and 16th September 2009
<b>Meeting Date(s):</b>	<b>Tabled To Date:</b>

**Signatures:**

Director Authorization	Mayor	Date City Attorney Reviewed
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**ORDINANCE NO. D09-171**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING THE 2009 COMPREHENSIVE SEWER PLAN, THE 2008 COMPREHENSIVE WATER PLAN, AND AMENDING THE UTILITIES ELEMENT OF THE COMPREHENSIVE PLAN REFERENCING THESE PLANS.**

**WHEREAS**, on January 20, 2009 the City Council adopted the Planning Commission annual work plan that included consideration of making changes to the Utilities Element of the Comprehensive Plan; and

**WHEREAS**, a Notice of Public Hearing was issued on August 19, 2009; and

**WHEREAS**, the Planning Commission conducted a public hearing on September 2, 2009; and

**WHEREAS**, at the November 4, 2009 Planning Commission meeting the Planning Commission recommended that the City Council adopt the 2009 Comprehensive Sewer Plan and the 2008 Comprehensive Water Plan and update the language in the Utilities Element of the Comprehensive Plan to reference these two plans; and

**WHEREAS**, SEPA has been complied with via a Determination of Non-Significance issued on September 3, 2009; and

**WHEREAS**, RCW 36.70A.106 requiring a 60 day review by the Washington State Department of Commerce has been complied with; and

**WHEREAS**, this is one of three Comprehensive Plan amendments concurrently coming before the City Council; and

**WHEREAS**, the criteria for amending the Comprehensive Plan set forth in BLMC § 14.140.090 are: 1) the amendments are consistent with the goals and policies of the Comprehensive Plan, 2) the comprehensive plan would remain internally consistent, 3) the amendments are consistent with the Countywide Planning Policies, 4) the amendments are consistent with the Growth Management Act, and 5) the amendments advance the public health, safety, or welfare and are in the best interest of the residents of Bonney Lake; and

**WHEREAS**, Goal 7-1 of the City's Comprehensive Plan and its implementing policies are intended to ensure sufficient sewer, water, and stormwater service for the City and UGA through the planning horizon and the City's updates of the Water and Sewer Comprehensive Plans help to implement this goal; and

WHEREAS, the proposed amendments make the Comprehensive Plan more internally consistent, and

WHEREAS, adopting the Comprehensive Plan amendment does not violate any of the Countywide Planning Policies or the Growth Management Act, and

WHEREAS, adopting updated comprehensive water and sewer plans furthers the public health, welfare, and safety.

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

**Section 1.** The City hereby adopts the Comprehensive Sewer Plan prepared by RH2 and dated February, 2009 and the Comprehensive Water Plan prepared by RH2 and dated October, 2008.

**Section 2.** The “Water” and “Sewer” sections of Page 7-1 of the City’s Comprehensive Plan are amended to read as follows:

Water

The City hereby adopts the City of Bonney Lake Comprehensive Water System Plan, prepared by RH2 and dated ~~March, 2006~~ October, 2008, as part of this Utilities Element. Copies are available at City Hall or the City Hall Annex.

Sewer

The City hereby adopts the City of Bonney Lake Comprehensive Sewer System Plan, prepared by RH2 and dated ~~March, 2006~~ February, 2009, as part of this Utilities Element. Copies are available at City Hall or the City Hall Annex.

**Section 3.** This Ordinance concerns powers vested solely in the Council, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law

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

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Neil Johnson, Mayor

ATTEST:

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Harwood Edvalson  
City Clerk

APPROVED AS TO FORM:

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James Dionne  
City Attorney

Passed:

Valid:

Published:

Effective Date:



**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> 01 Dec 2009	<b><u>Agenda Bill Number:</u></b> AB09-190
<b><u>Ordinance Number:</u></b> D09-190A and D09-190B	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>

**Agenda Subject:** Consideration of updates to the R-3 zone or adoption of new zone

**Proposed Motion:** Motion to consider updating R-3 zoning to allow for detached single family dwelling units or consider adopting a new zoning designation applicable to WSU Forest residential area.

**Administrative Recommendation:** The Planning Commission recommended not to allow single family in the R-3 zone and further recommended to pursue adoption of new residential zone applicable to the WSU Forest. Staff recommends, at a minimum, adopting a 10 unit per acre minimum density in the R-3 zone to be consistent with the Pierce County Buildable Lands report.

**Background Summary:** See attached memorandum

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

**COMMITTEE/BOARD REVIEW:**

Subcommittee Review Date: -  
 Commission/Board Review Date: Planning Commission -18 Nov 2009  
 Hearing Examiner Date:

**COUNCIL ACTION:**

Workshop Date(s):                      Public Hearing Date(s): November 4, 2009  
 Meeting Date(s):                        Tabled To Date:

**Signatures:**

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed
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**ORDINANCE NO. D09-190A**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, UPDATING R-3 ZONING**

WHEREAS, The purpose of this ordinance is to allow for single-family residential, adopt a minimum density as recommended by the Pierce County Buildable Lands report, and reduce setback requirements in the R-3 zone; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on October 14, 2009; and

WHEREAS, the Planning Commission conducted a public hearing on November 4, 2009; and

WHEREAS, the Planning Commission voted 5 to 0 not to recommend this ordinance on November 18, 2009; and

WHEREAS, a letter informing the state department of community trade and economic development was mailed on October 15, 2009, more than 60 days ago informing it about the possible adoption of this ordinance;

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

**Section 1.** BLMC Chapter 18.18.010 is hereby amended to read as follows:

**18.18.010 General intent.**

This zone is intended to provide appropriately located areas for ~~multifamily~~ living at densities ~~up from 10~~ to 20 units per acre to meet the needs of households with a variety of income levels and lifestyles. They are further intended to protect the public health, safety and general welfare by assuring access to arterial or collector roads and transit, and the provision of adequate utility services, public facilities and amenities necessary to assure the comfort and enhance the lifestyles of their occupants. (Ord. 1250 § 2, 2007; Ord. 740 § 6, 1997).

**Section 2.** BLMC Chapter 18.18.020 is hereby amended to read as follows:

**18.18.020 Uses permitted outright.**

The following uses may be operated as uses permitted unconditionally in an R-3 zone, subject to the off-street parking requirements, bulk regulations, and other provisions and exceptions set forth in this title:

- A. Residential Uses.

1. Detached single family residences; provided, the requirements of BLMC 14.95 are met;
  - ~~2.1~~ Duplex residences;
  - ~~3~~ 2. Apartment houses;
  - ~~4~~ 3. Townhomes and attached single-family housing;
  - ~~5~~ 4. Accessory dwelling units;
  - ~~6~~ 5. Nursing homes, residential care facilities, boarding homes, and group homes for persons with handicaps as defined in RCW 35A.63.240.
- B. Educational Uses.
1. Elementary schools.
- C. Cultural, Religious, and Recreational Uses.
1. Parks, open space and trails;
  2. Churches of less than 250 seats; provided, the requirements of BLMC [18.22.040](#) are met;
  3. Museums, libraries, lodge halls, municipal facilities and community clubs; provided, the requirements of BLMC [18.22.040](#) are met.
- D. Transportation, Communication and Utilities.
1. Public utility facility; provided, the requirements of BLMC [18.22.050](#) are met;
  2. Wireless communications facilities are permitted as principal or accessory uses; provided, the requirements of Chapter [18.50](#) BLMC are met. (Ord. 1250 § 2, 2007; Ord. 1071 § 1, 2004; Ord. 747 § 1, 1997; Ord. 746 § 4, 1997; Ord. 740 § 6, 1997).

**Section 3.** BLMC Chapter 18.18.050 is hereby amended to read as follows:

**18.18.050 Setback and bulk regulations.**

The following bulk regulations shall apply to the uses permitted in the district subject to the provisions for yard projections included in BLMC [18.22.080](#):

- A. Minimum lot area shall be determined by yard setbacks, parking, landscaping and open space requirements.
- B. Density shall be a minimum of 10 and a maximum of 20 units per net acre for multifamily residential uses, exclusive of public rights-of-way.
- C. Minimum lot width: ~~40~~ 30 feet. Exception: There is no minimum lot width for developments within the transit-oriented development overlay.
- D. Minimum front setback: ~~45~~ 10 feet from the right-of-way; provided, that a greater setback may be required from streets with inadequate rights-of-way at the discretion of the public works director.
- E. Minimum side yard setback: building spacing may be reduced to a zero lot line on side if a firewall is provided, a minimum of five feet is maintained between structures on adjacent lots with separate structures, and at least a five foot easement is provided to maintain spacing and permit maintenance access. five feet, with a total side yard setback of 15 feet for both side yards. Exception: Lots internal to a development within the transit-oriented development overlay may

Deleted: November 23, 2009

~~have zero side yard setback provided the development is capable of meeting the applicable design standards.~~

F. Minimum rear setback is 20 feet; provided, that a separated garage may be built within 10 feet of the rear property line.

G. Minimum setback to a single-family residential zone: 20 feet. Exception: Buildings taller than 35 feet shall increase the setback by one foot from any single-family residential zone or lot with an existing single-story residence for every one foot of building height increase over 35 feet. For example, a proposed building of 50 feet shall be set back at least 35 feet from any single-family zone or lot with an existing single-story residence (20 feet plus 15 extra feet for the height increase over 35 feet).

H. Maximum height: 35 feet; provided, that the director(s), with the concurrence of the fire chief of Pierce County Fire Protection District No. 22, may approve buildings up to four stories tall if adequate provision is made for fire protection.

I. Maximum impervious surface: 80 percent. (Ord. 1250 § 2, 2007; Ord. 1230 § 19, 2007; Ord. 1155 § 4, 2005; Ord. 1099 § 19, 2005; Ord. 851 § 32, 2000; Ord. 740 § 6, 1997).

**Section 4.** BLMC Chapter 14.95.020 is hereby amended to read as follows:

**14.95.020 Exemptions.**

The design process shall apply to all property improvements except the following, which will not materially affect implementation of the comprehensive plan's design goals, and are therefore exempt:

A. Development permits not immediately associated with building construction, such as short plats, subdivisions, or rezones unaccompanied by any building permit application;

B. Detached single-family residences in RC-5, R-1 and R-2 zoning outside of the Downtown Boundaries and accessory uses, both new construction and modifications;

C. Construction activities which do not require a building permit, sign permit, or any other city permit;

D. Modifications to existing structures which will not be visible from outside the structure;

E. Additions of less than 1,000 square feet of floor area;

F. Modifications of existing building facades which are not visible from a public right-of-way or which affect less than 200 square feet of facade surface;

G. Temporary placement of mobile structures such as construction offices;

H. Wireless communication antennas on existing towers or other structures. (Ord. 1099 § 4, 2005; Ord. 1025 § 11, 2004).

**Section 5.** 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 6.** 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:

**Deleted:** November 23, 2009

**ORDINANCE NO. D09-190B**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,  
WASHINGTON, ADOPTING A NEW ZONING DESIGNATION ENTITLED  
“MODERATELY HIGH DENSITY RESIDENTIAL, (R-4)”**

**Chapter 18.XX**

**R-4 MODERATELY HIGH DENSITY RESIDENTIAL DISTRICT**

Sections:

- 18.XX.010 General intent
- 18.XX.020 Uses permitted outright
- 18.XX.030 Accessory uses and structures
- 18.XX.040 Setback and bulk regulations
- 18.XX.050 Off-street parking and loading requirements
- 18.XX.060 Multiple dwelling outdoor recreation area

**18.XX.010 General intent.**

This zone is intended to provide appropriately located areas for a mix of attached and detached residences and densities, including single family detached and single family attached residences, duplexes, townhomes, condominiums, or apartments or a combination thereof, to create a stable environment for family life, to accommodate appropriate urban densities, and to encourage clustered development

**18.XX.020 Uses permitted outright.**

The following uses are permitted in an R-4 zone, subject to the off-street parking requirements and other provisions and exceptions set forth in this code:

A. Residential Uses

1. Single-family detached residences subject to Design Review of the overall project.
2. Townhomes and attached single-family housing
3. Duplexes;
4. Apartments;
5. Accessory dwelling units.
6. Nursing homes, residential care facilities, boarding homes, and groups homes for persons with handicaps defined in RCW 35A.63.240.

B. Educational Uses.

1. Elementary schools.

- C. Cultural, Religious, and Recreational Uses
  - 1. Parks, open space and trails.
  - 2. Churches of less than 250 seats; provided, the requirements of BLMC 18.22.040 are met;
  - 3. Museums, libraries, lodge halls, municipal facilities and community clubs; provided the requirements of BLMC 18.22.040 are met;
- D. Transportation, Communication, Utilities.
  - 1. Public utility facility; provided the requirements of BLMC 18.22.050 are met;
  - 2. Wireless communications facilities are permitted as principal or accessory uses provided the requirements of Chapter 18.50 BLMC are met.

**18.XX.030 Accessory uses and structures.**

The following accessory uses and structures are permitted on a lot in this district:

- A. Accessory Structures.
  - 1. Swimming pool, if enclosed with a six-foot fence;
  - 2. Awnings or canopies;
  - 3. Walls or fences; provided the requirements of BLMC 18.22.020 are met;
  - 4. Flagpoles;
  - 5. Outside fireplaces;
  - 6. Accessory, noncommercial greenhouses;
  - 7. Accessory sheds and tool rooms; provided they are part of a residential use;
  - 8. Garage or carport.

( Docks are not included which are permitted in the R-3 zone because they are not relevant to the WSU Forest.)

- B. Accessory Uses.
  - 1. State-licensed family day care homes;
  - 2. State-licensed adult family homes;
  - 3. Home occupations; provided the criteria in BLMC 18.22.010 are met.

(Commercial uses such as banks and conditional uses permitted in the R-3 zone are not included as this new zone is intended to be only a mixed residential zone.)

**18.XX.040 Setback and bulk regulations.**

The following bulk regulations shall apply to the uses permitted in the district subject to the provisions for yard projections included in BLMC [18.22.080](#):

- A. Minimum lot area shall be determined by yard setbacks, parking, landscaping and open space requirements.

- B. Density shall be a minimum of 10 and a maximum of 20 units per net acre for residential uses, exclusive of public rights-of-way. "Net acre" is defined in BLMC [18.04.140](#).
- C. Minimum lot width: 30 feet for detached single family uses; and 20 feet for all other uses.
- D. Minimum front setback: 10 feet from the right-of-way; provided, that a greater setback may be required from streets with inadequate rights-of-way at the discretion of the public works director.
- E. Minimum side yard setback: five feet. Exception: attached dwellings may have zero side yards provided that detached building walls shall have a minimum distancing of 5 feet.
- F. Minimum rear setback is 15 feet; provided, that a separated garage may be built within 10 feet of the rear property line.
- G. Minimum setback to a single-family residential zone: 20 feet. Exception: Buildings taller than 35 feet shall increase the setback by one foot from any single-family residential zone or single family lot for every one foot of building height increase over 35 feet. For example, a proposed building of 50 feet shall be set back at least 35 feet from any single-family zone (20 feet plus 15 extra feet for the height increase over 35 feet).
- H. Maximum height: 35 feet; provided, that the director(s), with the concurrence of the fire chief of Pierce County Fire Protection District No. 22, may approve buildings up to four stories tall if adequate provision is made for fire protection.
- I. Maximum impervious surface: 80 percent.

**18.XX.050 Off-street parking and loading requirements.**

For off-street parking requirements, see Residential Development Standards, BLMC 18.22.100.

The following section may or may not be needed with the City's parkland in close proximity:

**18.XX.060 Multiple dwelling outdoor recreation area.**

- A. An outdoor recreation area shall be provided on all multiple dwelling projects.

B. A minimum of 20 percent of the total land area of the site shall be maintained as pervious open space, landscaping or recreation areas, with a minimum of 10 percent developed for recreational use. Developments within the transit-oriented development overlay are exempt from this requirement.

C. The recreation area as required herein shall be located in an accessible and usable area, which area must be free of involvement with any parking or vehicular traffic whatsoever, either on the premises or otherwise. Areas with wetlands, seasonal flooding or slopes exceeding 25 percent may not be considered recreational areas.



# Memo

**Date** : November 23, 2009  
**To** : Mayor and City Council  
**From** : Heather Stinson, Planning Manager  
**CC** :  
**Re** : **Changes to R-3**

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## BACKGROUND

Early in 2009 City Council added a review of R-3 to the Planning Commission's workplan at staff's request to comply with the Pierce County Buildable Lands recommendation that the City adopt minimum density standards for R-3 zoning. Currently the language says "up to 20 units per acre". Staff recommended a minimum of 10 units per net acre.

In April of 2009, WSU submitted their application for a Comprehensive Plan amendment and a separate written request that R-3 zoning be changed to allow for some minor changes to setbacks as well as making single family detached an allowable use in the zone. Currently attached single family uses (townhouses or duplexes) are allowed in R-3 as well as multi-family.

The Planning Commission discussed the proposed changes to R-3, conducted a public hearing on November 4<sup>th</sup>, 2009 and were generally in agreement that the proposed changes to setbacks and adoption of the minimum density were acceptable. The Planning Commissioners were concerned, however, with allowing single family in the zone. In the end they were not completely opposed to single-family uses in the WSU Forest, but had the following concerns:

1. While the Planning Commissioners generally agreed that single-family should be allowed in the WSU Forest, they was some concern about allowing single-family as an allowed use in all areas of the City zoned R-3. The Planning Commissioners were particularly concerned with more buffering requirements between potential single-family and multi-family developments within the zone.
2. The Commissioners were concerned that there were no design standards proposed for single-family at a minimum of 10 units per acres in the drafts of R-3 changes that they had seen. Staff did recommend making single-family development subject to Design Review, but the Planning Commissioners concerned with this aspect of the proposal did not think this was enough protection of the community's interests.

3. In the end the Commissioners voted 5 to 0 not to recommend changes to R-3 and 5-0 to recommend to the City Council that the City consider adopting a new zoning designation that would only apply to the residential portion of the WSU Forest. The rationale for this was that it would protect other parts of the City zoned R-3, it would be tailored for the particular environmental conditions of the WSU Forest and allow for the possibility of a discussion of design standards.



**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> 01 Dec 2009	<b><u>Agenda Bill Number:</u></b> AB09-191
<b><u>Ordinance Number:</u></b> D09-191	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>

**Agenda Subject:** A comprehensive plan amendment updating the Transportation Element

**Proposed Motion:** An ordinance amending the transportation element of the comprehensive plan by adding a project to the “tif list”.

**Administrative Recommendation:** Discuss the merits of adding this project to the TIF list.

**Background Summary:** In order to receive transportation impact fee (TIF) credit, a roadway has to be included on the Transportation Improvement Projects and Programs list in the City's Transportation Element of the Comprehensive Plan. The proposal is to add the proposed North / South roadway of the WSU forest site to this list in order for potential projects in this area to receive TIF credit.

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

<b><u>COMMITTEE/BOARD REVIEW:</u></b>
<b>Subcommittee Review Date:</b> -
<b>Commission/Board Review Date:</b> Planning Commission -02 Sep 2009
<b>Hearing Examiner Date:</b>

<b><u>COUNCIL ACTION:</u></b>	
<b>Workshop Date(s):</b>	<b>Public Hearing Date(s):</b> 02 Sept 2009 and 16 Sept 2009
<b>Meeting Date(s):</b>	<b>Tabled To Date:</b>

**Signatures:**

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed November 24, 2009
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**ORDINANCE NO. D09-171**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN BY ADDING A PROJECT TO THE “TIF LIST.”**

**WHEREAS**, the City received an application from Washington State University for a comprehensive plan amendment of the WSU forest to change the Future Land Use designation from Conservation/Open space to a combination of commercial, public facilities, and high density residential, and also an application for a rezone to establish zoning consistent with these Plan designations; and

**WHEREAS**, WSU, with Quadrant Homes acting as agent, is planning a commercial development for the northwest section of the property, which would accommodate a medical office building and other commercial uses; and

**WHEREAS**, as part of this development, a connector road would be constructed, to connect South Prairie Road E with SR 410, across the commercial/medical portion of the WSU property (hereinafter “Connector Road”); and

**WHEREAS**, Quadrant has requested that the Connector Road be added to the list of projects eligible for funding with transportation impact fees (hereinafter “TIF List”), so that Quadrant can receive a credit for constructing the road pursuant to BLMC 19.04.080; and

**WHEREAS**, engineers for Quadrant and the City have determined that the connector road provides a **X%** public benefit and would cost approximately **\$x**; and

**WHEREAS**, the City’s engineer has determined that adding the project would not require an adjustment of the transportation impact fee charged pursuant to Attachment B of Chapter 19.04 BLMC; and

**WHEREAS**, a Notice of Public Hearing was issued on August 19, 2009; and

**WHEREAS**, the Planning Commission conducted a public hearing on September 2, 2009, but did not make a recommendation; and

**WHEREAS**, SEPA has been complied with via a Determination of Non-Significance issued on September 3, 2009; and

**WHEREAS**, RCW 36.70A.106, requiring a 60 day review by the Washington State Department of Commerce, has been complied with; and

**WHEREAS**, this is one of four Comprehensive Plan amendments concurrently coming before the City Council; and

**WHEREAS**, the criteria for amending the Comprehensive Plan set forth in BLMC § 14.140.090 are: 1) the amendments are consistent with the goals and policies of the Comprehensive Plan, 2) the comprehensive plan would remain internally consistent, 3) the amendments are consistent with the Countywide Planning Policies, 4) the amendments are consistent with the Growth Management Act, and 5) the amendments advance the public health, safety, or welfare and are in the best interest of the residents of Bonney Lake; and

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

**Section 1.** The City Council finds that adding the connector road to the TIF list satisfies the elements of BLMC 14.140.090, and hereby adopts the amendments to the transportation element as reflected in the changes to Table 10 and Figure 9 of the City of Bonney Lake 2006 Transportation Plan prepared by Transpo in April of 2006 (Attachments A and B to this Ordinance, respectively).

**Section 2.** The City shall modify Chapter 19.04 BLMC if needed to achieve consistency with this Amendment.

**Section 3.** This Ordinance concerns powers vested solely in the Council, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication 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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Harwood Edvalson  
City Clerk

APPROVED AS TO FORM:

---

James Dionne  
City Attorney

Passed:

Valid:

Published:

Effective Date:

**TABLE 10  
Bonney Lake Transportation Improvement Projects and Programs (2005 to 2025)**

Project Type	MAP ID <sup>(1)</sup>	Project Name	Project Limits	Project Description	In Existing TIP? <sup>(2)</sup>	Total Cost (\$1,000's) <sup>(3)</sup>	Bonney Lake Cost (\$1,000's) <sup>(3)</sup>	Timing <sup>(5)</sup>	Relative Priority <sup>(6)</sup>	Comments
	R18	204 <sup>th</sup> Ave E	S. Prairie Rd E to SR 410	Construct new three-lane roadway to collector arterial standards including curb, gutter, sidewalk/trail, and stormwater facilities	N		Impact fee credit for excess capacity	Short-Mid		Will be constructed by developers of adjacent land in phases as warranted. City will give credit against transportation impact fees for capacity in excess of that needed for build out of adjacent property.



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

<b><u>Department / Staff Contact:</u></b> Exec / Don Morrison	<b><u>Workshop / Meeting Date:</u></b> 17 Nov 2009	<b><u>Agenda Bill Number:</u></b> AB09-174
<b><u>Ordinance Number:</u></b> D09-174	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>

**Agenda Subject:** Mid-Biennial Budget Amendment

**Proposed Motion:** An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adopting the Midbiennial Budget Amendment for Budget Years 2009 and 2010.

**Administrative Recommendation:**

**Background Summary:** See attached Agenda Bill

**BUDGET INFORMATION:**

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

**COMMITTEE/BOARD REVIEW:**

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

**COUNCIL ACTION:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

**Signatures:**

Director Authorization	Mayor	Date City Attorney Reviewed
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**ORDINANCE NO. D09-174**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING THE MID-BIENNIAL BUDGET AMENDMENT FOR BUDGET YEARS 2009 AND 2010**

**WHEREAS**, the City Council approved Ordinance No. 1291 which adopted a biennial budget for fiscal years 2009-2010; and

**WHEREAS**, Ch. 35A.34 RCW provides procedures for adopting, managing, and amending a biennial budget; and

**WHEREAS**, RCW 35A.34.130 requires that the adopted biennial budget be subject to a mid-biennial review and modification as needed; and

**WHEREAS**, on November 24, 2009 the City Council held a public hearing upon notice for the purpose of considering mid-biennial modifications and amendments to the adopted 2009-2010 biennial budget;

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

**Section 1.** The biennial budget for the City of Bonney Lake for the period January 1, 2009 through December 31, 2010 as contained in the adopted 2009-2010 Biennial Budget for total revenues/sources (including beginning fund balances) and expenditures/uses (excluding ending fund balances) and as revised by the City Council, is hereby amended by Total Revenues and Expenditures for each fund as shown on the attached Exhibit "A" (City of Bonney Lake Mid-Biennial Budget Amendment).

**Section 3.** The changes to biennial operating expenditures, capital expenditures, transfers and debt service schedules as shown on the attached Exhibit "B" is hereby adopted.

**Section 4.** The City Clerk is directed to transmit a certified copy of the City of Bonney Lake adopted 2009-2010 Mid-Biennial Budget Amendment (Ordinance No. D09-174 and Exhibits "A", and "B") to the Office of State Auditor and to the Association of Washington Cities.

**Section 4.** This ordinance concerning matters set out in RCW 35A.11.090, it is not subject to referendum, and shall take effect January 1, 2010 after its passage, approval and publication as required by law.

**PASSED by the City Council of the City of Bonney Lake this 8<sup>th</sup> day of December, 2009.**

---

Neil Johnson, Jr. Mayor

Attested:

---

Harwood T. Edvalson, City Clerk

Approved as to Form:

---

James Dionne, City Attorney

Passed:  
Valid:  
Published:  
Effective Date:

Number	Name	Fund	2009		2010		2009/2010 Biennium			
			Adopted	Mid-Biennial Final	Adopted	Mid-Biennial Final	Adopted	Mid-Biennial Final		
001	General		13,686,357	(1,906,705)	11,779,651	11,920,908	27,993,667	(4,293,128)	23,700,539	
120	Drug Investigation		-	35,000	-	3,000	-	-	38,000	-
126	Contingency		-	-	-	-	-	-	-	-
208	1997 G.O. Public Safety Building		365,305	-	355,305	359,750	715,055	715,055	-	715,055
301	Street CIP		4,886,688	277,650	5,164,348	1,094,625	6,121,313	137,660	6,258,973	
302	Parks CIP		1,344,687	(396,800)	947,887	2,485,532	4,930,219	(1,496,800)	3,433,419	
320	General Government CIP		3,615,698	500,000	4,115,698	990,698	3,846,396	1,250,000	5,106,396	
325	Civic Center CIP		7,416,825	(6,600,000)	816,825	8,014,638	8,081,463	750,000	8,831,463	
401	Water		11,095,062	288,977	11,384,039	14,892,128	24,222,590	2,033,577	26,256,167	
402	Wastewater (Sewer)		8,182,037	(1,073,038)	7,108,999	10,564,903	21,288,571	(3,614,659)	17,673,902	
415	Stormwater		1,524,954	(405,700)	1,119,254	1,325,182	2,837,136	(392,700)	2,444,436	
501	Equipment Rental & Replacement		751,046	-	751,046	933,250	1,684,296	1,684,296	1,684,296	
502	Insurance		340,696	-	340,696	357,731	698,427	698,427	698,427	
	Total		53,799,335	(9,300,607)	43,898,748	52,942,345	102,419,153	(5,578,060)	96,841,093	

Number	Name	Fund	2009		2010		2009/2010 Biennium		
			Adopted	Mid-Biennial Final	Adopted	Mid-Biennial Final	Adopted	Mid-Biennial Final	
001	General		12,701,861	(692,589)	12,009,272	12,277,500	25,849,850	(1,563,078)	24,286,772
120	Drug Investigation		984,495	(1,214,216)	(229,721)	(356,592)	2,143,837	(2,730,150)	(586,313)
126	Contingency		-	18,909	-	30,700	-	60,700	60,700
208	1997 G.O. Public Safety Building		355,305	-	355,305	359,750	715,055	715,055	715,055
301	Street CIP		4,886,688	172,004	5,058,692	1,529,625	6,121,313	467,004	6,588,317
302	Parks CIP		1,344,687	(416,000)	928,687	2,483,532	4,930,219	(1,518,000)	3,412,219
320	General Government CIP		3,615,698	1,973,001	5,588,699	2,930,698	3,846,396	4,673,001	8,519,397
325	Civic Center CIP		7,416,825	-	7,416,825	8,014,638	8,081,463	750,000	8,831,463
401	Water		11,095,062	2,188,200	13,283,262	12,949,128	24,222,590	2,009,800	26,232,390
402	Wastewater (Sewer)		8,182,037	(1,073,038)	7,108,999	10,564,903	21,288,571	(3,614,659)	17,673,902
415	Stormwater		1,524,954	(313,000)	1,211,954	1,312,182	2,837,136	(313,000)	2,524,136
501	Equipment Rental & Replacement		751,046	-	751,046	933,250	1,684,296	1,684,296	1,684,296
502	Insurance		340,696	-	340,696	357,731	698,427	698,427	698,427
	Total		53,199,354	1,746,309	54,945,663	49,219,799	(621,552)	102,419,153	1,124,757

General Fund  
Revenues + Use of Fund Balance = Expenditures

REVENUES

City of Bonney Lake: All Funds EXPENDITURES	2009			2010		
	Adopted	Mid-Biennial BA	Revised	Adopted	Mid-Biennial BA	Revised
<b>OPERATING EXPENDITURES</b>						
<b>General Fund</b>						
Legislative (City Council)	\$ 135,368	\$ (41,818)	\$ 93,550	\$ 83,384	\$ 14,844	\$ 98,228
Judicial (Municipal Court)	542,653	(72,663)	470,000	568,819	(80,819)	488,000
Executive (Office of the Mayor & Administrator)	475,699	(190,699)	285,000	491,936	(126,936)	365,000
Executive (Financial Services)	975,805	(35,805)	940,000	1,034,886	(44,886)	990,000
Legal (City Attorney)	466,000	29,000	495,000	466,000	1,000	467,000
Administrative Services (City Clerk/Human Resources)	539,781	(83,781)	456,000	567,026	(88,226)	478,800
Administrative Services (Information Technology)	528,908	(81,583)	447,325	538,255	(68,564)	469,691
Community Services (Senior Center)	314,205	(15,205)	299,000	334,123	(20,173)	313,950
Community Services (Community Information)	268,163	166,837	435,000	275,527	181,223	456,750
Community Services (Facilities)	414,055	(4,055)	410,000	488,331	(39,681)	448,650
Community Services (Parks)	335,247	(48,247)	287,000	343,659	(42,309)	301,350
Community Development	871,466	(249,960)	621,506	940,295	(241,295)	699,000
Building	895,228	(405,228)	490,000	898,348	(383,848)	514,500
Police	5,089,967	(454,559)	4,635,408	5,359,544	(513,921)	4,845,623
Public Works - Administration/Engineering	401,574	(271,574)	130,000	422,644	(322,644)	100,000
Public Works - Streets	1,091,366	(147,366)	944,000	1,146,186	(107,186)	1,039,000
Non-Departmental	340,863	-	340,863	348,370	(212,201)	136,169
General Fund Labor Savings (Furlough, Step Freeze, AWC)	-	-	-	-	(290,800)	(290,800)
<b>Other Funds</b>						
Drug Seizure Fund	-	35,000	35,000	-	3,000	3,000
Contingency Fund	-	-	-	-	-	-
Civic Center Fund	8,000	-	8,000	5,000	-	5,000
<b>Waterworks (Water, Sewer, Storm)</b>						
Water Administration & Operations	3,751,139	555,100	4,306,239	3,938,002	647,000	4,585,002
Sewer Administration & Operations	3,108,816	5,100	3,113,916	2,682,690	515,274	3,197,964
Stormwater Administration & Operations	833,954	39,300	873,254	875,182	53,000	928,182
Equipment Rental Admin & Operations	660,046	-	660,046	688,250	-	688,250
Insurance Fund	340,696	-	340,696	357,731	-	357,731
<b>Total Operating Expenditures</b>	<b>22,389,009</b>	<b>(1,272,206)</b>	<b>21,116,803</b>	<b>22,854,188</b>	<b>(1,168,148)</b>	<b>21,686,040</b>
<b>CAPITAL</b>						
Street CIP	4,696,000	277,660	4,973,660	1,045,000	(140,000)	905,000
Parks CIP	1,070,000	(396,800)	673,200	3,320,000	(1,100,000)	2,220,000
General Government CIP	260,000	500,000	760,000	-	760,000	760,000
Civic Center CIP	7,350,000	(7,200,000)	150,000	-	7,350,000	7,350,000
Water Fund	5,679,050	(786,123)	4,892,927	7,332,810	(582,400)	6,750,410
Sewer Fund	4,470,000	(1,428,138)	3,041,862	9,774,000	(4,056,905)	5,717,955
Stormwater Fund	691,000	(515,000)	176,000	437,000	(40,000)	397,000
Equipment Rental Fund	91,000	-	91,000	245,000	-	245,000
<b>OTHER FINANCING USES</b>						
<b>Transfers Out</b>						
General Government CIP	3,125,000	-	3,125,000	-	-	-
Water Fund	-	500,000	500,000	-	1,700,000	1,700,000
Sewer Fund	-	350,000	350,000	-	1,000,000	1,000,000
Stormwater Fund	-	70,000	70,000	-	-	-
<b>Debt Service</b>						
General Fund	-	-	-	-	-	-
Public Safety GO Bond	355,305	-	355,305	359,750	-	359,750
Parks CIP	274,687	-	274,687	265,532	-	265,532
Street CIP	190,688	-	190,688	189,625	-	189,625
General Government CIP	230,698	-	230,698	230,698	-	230,698
Civic Center CIP	58,825	600,000	658,825	659,638	-	659,638
Water Fund	1,664,873	-	1,664,873	1,856,716	-	1,856,716
Sewer Fund	603,220	-	603,220	649,845	-	649,845
Stormwater Fund	-	-	-	-	-	-
Other Financing Uses	-	-	-	-	-	-
<b>Total Other Financing Sources</b>	<b>6,503,296</b>	<b>1,520,000</b>	<b>8,023,296</b>	<b>4,211,804</b>	<b>2,700,000</b>	<b>6,911,804</b>
<b>TOTAL EXPENDITURES &amp; OTHER USES</b>	<b>\$ 53,199,355</b>	<b>\$ (9,300,607)</b>	<b>\$ 43,898,748</b>	<b>\$ 49,219,802</b>	<b>\$ 3,722,547</b>	<b>\$ 52,942,349</b>



November 3, 2009

Dear Council Members:

### **Budget Process Overview**

State law (RCW 35A.34.130) requires cities that have adopted a biennial budget to conduct a mid-biennial review, and make any modifications deemed appropriate. Consistent with our past practice, we intend the mid-biennial review to be limited to minor modifications necessitated by changing conditions. The mid-biennial review is not intended to be a major rewrite of the budget.

Accordingly, the amendments to the adopted 2009-2010 biennial budget are those which deal primarily with reduced revenues, and consequently reduced expenditures, as a result of the continuing recession.

The attached budget ordinance adopts revised revenue estimates and corresponding revisions and reductions to adopted expenditures. These are based upon the latest update of the City's financial planning model.

### **Budget Picture**

Since we are currently in a budget reduction mode due to significantly reduced revenues from the continuing deep recession, the only planned amendments have to do with reductions to the budget. Total General Fund revenue collections for 2009 are estimated to be \$1.47 million less this year than last. The general intent is to carry-over an operating budget that is based largely upon this year's estimated actuals. Most divisions have done well to reduce their spending to gain the needed savings to help offset the drop in revenue.

Each departmental budget in the General Fund (GF) has been reduced from what was originally appropriated when the Council initially adopted the budget in December of 2008. Actual 2009 expenditures are projected to be \$1.05 million less than budgeted. The reductions in the 2010 departmental operating budgets of the General Fund largely reflect a carry-over actual 2009 spending, adjusted as needed for one time expenditures. The GF budget has been pared down by reducing payroll costs, supplies, professional services, equipment, and travel. In total, the 2010 General Fund budget has been reduced by approximately \$1.40 million over what was originally adopted in December of 2008.

Most of the discretionary items (e.g. special studies, equipment, travel, etc.) that were originally included in the adopted 2009-2010 budget were frozen in 2009 in order to reduce expenditures. These saving are reflected in the numbers listed above. There are few discretionary items included in the departmental operating budgets for 2010. Departments will be given a base operating budget to live within (Exhibit "B"). If they are able to be frugal and creative, there may be opportunities to restore some of the discretionary items that have been put on hold.

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Bonney Lake, WA 98391  
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City Hall Annex:  
8720 - 184th Ave. E.  
Bonney Lake, WA 98391  
Fax (253) 826-1921

Part of balancing the budget is a reduction in payroll costs since they comprise the majority of General Fund spending. This is being accomplished by the furlough program, and the reduction and/or reassignment of a number of general fund positions. Unfortunately, building related permits for this year have dropped dramatically from the boom we experienced in 2004 through the third quarter of 2007. During the slow down, building division staff were able to catch up on filing, cataloging, and various housekeeping projects. However, we are no longer able to justify the size of staff needed to deal with a workload that has been more than cut in half. Accordingly, a few personnel related changes are reflected in this budget amendment:

- One building inspector has been temporarily transferred to public works with the intent that he will be cross-trained as the construction inspector in Community Development. Funding for this position is an offset against the contracted construction inspection services previously performed by Parametrix and RH2. Despite reduced private developments, fees generated have been more than sufficient to support this position.
- Even despite the economic downturn, from January 1, 2008 through July 31, 2009 the City expended approximately \$257,000 on civil review consultant services. We are proceeding to fill the vacant development review engineer position, the funding for which will come from a corresponding reduction in civil review consultant services. The reduction to the Public Works Administration and Engineering budget reflects this transfer to the Development Services Group which is being established in the Community Development Department.
- Staffing in the Community Development Department is being “right sized” to fit the current and projected workload of the City. One permit technician position is proposed to be transferred to public works to assist with the data base development and associated data entry and administrative work associated with the revamping of the ERR program, and the development of the automated PW work order system (GBA). Other changes will be made to better match staffing with workload demands.

### **Capital Projects**

In the capital funds, projects are progressing as planned for those projects which have been funded. Many of these are grant or loan funded. There are many projects in progress which are being carried over into 2010. There are few new projects to be initiated in 2010. As outlined in the adopted 2009-2010 biennial budget, most capital projects were scheduled to begin in 2009 with an anticipated completion date of 2010.

The major capital projects anticipated to be completed by the end of the 09-10 biennium include:

- Interim Justice Center
- 90<sup>th</sup> Street improvements
- Sumner-Buckley Highway Improvements (SR410 to Main)
- Safe Routes to Schools Sidewalk/Trail Project
- SR410 sidewalk linkages
- Eastown SR410 widening (mostly WSDOT)
- Tacoma intertie and pump station
- Interlake and Church Lake water main and street improvements

- SR410 Sewer trunk line Improvements

To date in 2009, the City has been able to secure more than \$467,000 in grant funds for planning, stormwater, energy conservation and public safety. We have applications pending for more than \$3 million in other funding, mostly for street improvements. We continue to aggressively pursue grants and other available sources of funding.

### **Salaries and Benefits**

The 2010 amendment does not include any Cost-of-Living-Adjustment (COLA) for employees. No changes in salary rates are proposed for nonunion employees. The 2010 salary rates for the police department have been previously set by the adopted collective bargaining agreement. Salary rates are currently under negotiation with AFSCME.

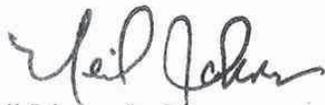
There are no enhancements to fringe benefits proposed in this amendment, as the City is still in a cost-cutting mode due to revenue shortfalls from the recession. I am proposing to switch both AFSCME and Non-represented employees to the AWC HealthFirst plan, effective next year, which will be a budget saving as outlined in our 6 year Financial Model. As you are aware, our current plan is being phased out, and the HealthFirst plan is the closest plan to what employees have now.

### **Summary**

Despite the deepest recession in modern history, we have managed to maintain essential services to the citizens. However, our capital needs are great and our resources somewhat limited. We will need to do more with less. The development of our financial planning model tied to our capital plans has helped us realistically plan a workable spending plan. Again, some of the fund balance we saved during the good times will be used to offset reduced revenues in accordance with our six year financial planning model.

In closing, the real thanks for the City's success comes from the work performed by city staff, the hours spent by the City Council in formulating policy and conducting the business of the city, and the many volunteer hours spent by citizens on City Boards and committees. I would also like to thank the citizens, service organizations, and community volunteers that make our city what it is. I appreciate the confidence the citizens have in me by granting me a new uncontested 4 year term as mayor. Despite the economic challenges, we have made a lot of progress this year, and I am confident that we will see considerable more progress in the next four years as well.

Sincerely,



Neil Johnson Jr., Mayor

CITY OF BONNEY LAKE  
Run Date: 11/10/2009 @ 1:30 P.M.  
Version A

Schedule A  
TOTAL REVENUES & EXPENDITURES  
GOVERNMENTAL FUNDS (A)  
2009 - 2014 ANALYSIS

GENERAL GOVERNMENT	Actual		Unaudited		Adopted Budget		Estimate at September 30					Projected Budget					Totals	
	2006	2007	2009	2010	2009	2010	2009	2010	2011	2012	2013	2014	2011	2012	2013	2014		
<b>General Revenues</b>																		
Property Taxes (311)	2,029,022	2,133,942	2,507,813	2,593,836	2,507,813	2,593,836	2,507,813	2,593,836	2,932,296	3,020,265	3,110,873	3,204,199	3,110,873	3,020,265	3,110,873	3,204,199	17,650,246	
Franchise Fees	3,473,570	3,571,492	3,820,376	3,954,089	3,820,376	3,954,089	3,820,376	3,954,089	3,569,915	3,784,110	4,048,997	4,352,672	3,784,110	4,048,997	4,352,672	4,656,504	22,455,504	
Sales Tax (313)	1,869,956	2,518,967	2,576,000	2,666,160	2,576,000	2,666,160	2,576,000	2,666,160	2,653,795	2,733,409	2,815,411	2,899,874	2,653,795	2,733,409	2,815,411	2,899,874	16,280,249	
Utility Tax (314, 316, 316.20)	0	0	156,000	161,460	156,000	161,460	156,000	161,460	160,711	165,533	170,499	175,613	160,711	165,533	170,499	175,613	998,916	
Other taxes (316.20, 317)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Licenses & Permits (320)	1,771,963	1,776,038	523,250	541,564	523,250	541,564	523,250	541,564	577,541	693,050	866,912	1,126,205	577,541	693,050	866,912	1,126,205	3,998,161	
Intergovernmental (330)	205,198	240,597	386,731	403,579	386,731	403,579	386,731	403,579	386,410	410,363	422,873	435,554	386,410	410,363	422,873	435,554	2,484,128	
Charges for Goods & Service	675,935	1,086,236	969,600	1,003,537	969,600	1,003,537	969,600	1,003,537	977,541	1,003,537	1,030,588	1,057,639	977,541	1,003,537	1,030,588	1,057,639	4,580,152	
Fines & Forfeits (350)	444,639	307,975	723,900	751,307	723,900	751,307	723,900	751,307	676,399	679,230	679,230	679,230	676,399	679,230	679,230	679,230	3,580,353	
Investment Interest (361)	176,832	176,832	169,000	169,000	169,000	169,000	169,000	169,000	169,000	169,000	169,000	169,000	169,000	169,000	169,000	169,000	695,000	
Other Revenues (362 - 369)	948,512	1,055,819	805,992	835,236	805,992	835,236	805,992	835,236	1,417,720	1,521,152	1,567,117	1,614,418	1,417,720	1,521,152	1,567,117	1,614,418	1,265,995	
Administrative Transfers in (349)	1,088,611	1,088,611	805,992	835,236	805,992	835,236	805,992	835,236	805,992	835,236	835,236	835,236	805,992	835,236	835,236	835,236	906,221	
Total Budgeted Revenue	11,544,524	12,818,115	12,701,652	13,147,990	12,701,652	13,147,990	12,701,652	13,147,990	12,775,761	13,395,993	14,138,570	15,028,828	12,775,761	13,395,993	14,138,570	15,028,828	79,207,296	
<b>Additional Revenues Not Included Above</b>																		
Fire Station Lease (D)																		260,604
New Police Grants																		100,926
800MHz Related Revenues																		800,000
LJC Leased Space																		360,000
Shoreline Mgt Planning Grant																		50,000
COSTCO/BIG Box Sales Tax Revenues																		0
Total Additional Revenue			961,530	1,000,926	961,530	1,000,926	961,530	1,000,926	900,000	900,000	900,000	900,000	900,000	900,000	900,000	900,000	2,790,530	
<b>Operations &amp; Maintenance - See Attachment B</b>																		82,000,895
Sub-Total Revenues of Operations	9,595,656	10,530,401	13,386,939	13,305,821	12,009,373	12,277,500	12,009,373	12,277,500	12,899,761	13,785,993	15,028,570	16,012,828	12,899,761	13,785,993	15,028,570	16,012,828	77,128,311	
<b>Debt Service</b>																		4,875,514
Dedicated Revenues (1997 Bonds)			355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	1,075,000
1997 Bonds (C)			355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	355,000	1,075,000
2009 Bonds - Paid through Cap Imp Fund #325			330,000	659,000	330,000	659,000	330,000	659,000	659,000	659,000	659,000	659,000	659,000	659,000	659,000	659,000	659,000	3,625,000
2009 800 MHz Loan			231,000	231,000	231,000	231,000	231,000	231,000	231,000	231,000	231,000	231,000	231,000	231,000	231,000	231,000	231,000	1,388,000
Total Net Debt Service			916,000	1,275,000	916,000	1,275,000	916,000	1,275,000	1,251,000	1,251,000	1,251,000	1,251,000	1,251,000	1,251,000	1,251,000	1,251,000	5,071,000	
Annual Net Available			1,416,114	1,416,114	1,293,373	1,293,373	1,293,373	1,293,373	1,648,761	1,648,761	1,648,761	1,648,761	1,648,761	1,648,761	1,648,761	1,648,761	1,648,761	2,577,296
Carryover From Prior Year			4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	4,432,000	17,810,000
<b>Year End Fund Balance</b>			5,848,114	5,848,114	5,725,373	5,725,373	5,725,373	5,725,373	6,290,761	6,290,761	6,290,761	6,290,761	6,290,761	6,290,761	6,290,761	6,290,761	6,290,761	20,388,296

Notes:  
 A. Includes only General Fund. Capital and Contingency funds not included in this analysis.  
 B. 2009 reflects unaudited accruals at May 31, 2009. Once the audit is complete the audited numbers will be inserted.  
 C. 1997 GO Bonds for the Public Safety Building will be paid off in 2011.  
 D. Fire Station Lease: catch up amount of \$260,604 in 2009. Years hence the annual lease is included in budget line items.  
 \*\*\* State Economist is predicting that the recession will bottom out in late 3rd Qtr of 2009. Our economic recovery estimates begin in 2010\*\*\*  
 D. Year 2010: Sales tax = +3% inflation factor; Licenses & Permits = +50%; Charges for goods & svcs = +6%  
 E. Year 2011: Sales tax = +6% inflation factor; Licenses & Permits = +20%; Charges for goods & svcs = +4%  
 F. Year 2012: Sales tax = +6% inflation factor; Licenses & Permits = +20%; Charges for goods & svcs = +4%  
 G. Year 2013: Sales tax = +7% inflation factor; Licenses & Permits = +20%; Charges for goods & svcs = +6%  
 H. Year 2014: Sales tax = +7.5% inflation factor; Licenses & Permits = +20%; Charges for goods & svcs = +6.5%

Schedule B  
General Fund Operations & Maintenance Expenditures  
GENERAL GOVERNMENT  
2009 - 2014 ANALYSIS

	Actuals		A		B		C		D		E		F		G		H		I		Totals	
	2006	2007	2008	2009	2010	2009	2010	2009	2010	2011	2012	2013	2014	2011	2012	2013	2014	2011	2012	2013		2014
11 Legislative	91,271	100,760	74,673	135,388	83,334	93,550	98,228	102,157	106,243	110,493	114,912	114,912	114,912	110,493	114,912	114,912	114,912	110,493	114,912	114,912	114,912	625,562
12 Judicial	337,964	400,346	542,491	542,663	568,819	470,000	488,000	507,520	527,821	546,934	570,891	570,891	570,891	507,520	527,821	546,934	570,891	507,520	527,821	546,934	570,891	3,113,165
13 Executive	218,771	254,914	355,954	475,699	491,536	285,000	365,000	379,600	394,784	410,575	410,575	410,575	410,575	379,600	394,784	410,575	410,575	379,600	394,784	410,575	410,575	2,611,958
14 Financial Services	645,464	639,181	900,358	975,805	1,034,886	940,000	990,000	1,029,600	1,070,784	1,113,615	1,158,160	1,158,160	1,158,160	1,029,600	1,070,784	1,113,615	1,158,160	1,029,600	1,070,784	1,113,615	1,158,160	6,302,159
15 Legal	335,641	341,610	590,851	468,000	468,000	495,000	467,000	350,000	364,000	378,560	393,702	393,702	393,702	350,000	364,000	378,560	393,702	350,000	364,000	378,560	393,702	2,448,262
16 Information Technology	442,151	426,615	461,435	528,908	538,255	447,325	469,691	488,479	488,479	498,479	508,018	523,339	549,128	447,325	469,691	488,479	508,018	447,325	469,691	488,479	508,018	2,991,324
18 Administrative Services	390,882	426,229	463,034	538,781	567,028	456,000	478,800	497,962	517,870	538,585	560,128	560,128	560,128	456,000	478,800	497,962	517,870	456,000	478,800	497,962	517,870	3,049,335
21 Law Enforcement	3,647,573	4,040,303	4,317,803	5,098,967	5,359,544	4,635,408	4,845,623	5,039,448	5,241,026	5,450,667	5,668,694	5,668,694	5,668,694	4,635,408	4,845,623	5,039,448	5,241,026	4,635,408	4,845,623	5,039,448	5,241,026	30,880,865
32 Engineering and Public Works Administration	30,324	65,475	163,750	401,574	422,844	130,000	100,000	104,000	108,160	112,286	116,986	116,986	116,986	104,000	108,160	112,286	116,986	104,000	108,160	112,286	116,986	671,632
42 Road & Streets Maintenance	925,885	909,867	865,130	1,091,386	1,146,166	944,000	1,039,000	1,080,560	1,123,782	1,168,734	1,215,483	1,215,483	1,215,483	944,000	1,039,000	1,080,560	1,123,782	944,000	1,039,000	1,080,560	1,123,782	6,571,559
50 Senior Center	243,005	282,867	305,806	314,205	334,123	299,000	313,950	326,508	338,568	353,151	367,277	367,277	367,277	299,000	313,950	326,508	338,568	299,000	313,950	326,508	338,568	1,998,454
57 Community Service	167,237	249,806	259,122	268,163	275,827	435,000	456,750	475,020	494,021	513,782	534,333	534,333	534,333	435,000	456,750	475,020	494,021	435,000	456,750	475,020	494,021	2,908,905
58 Community Development	612,788	641,724	658,123	871,466	940,294	621,506	699,000	726,960	756,038	786,280	817,731	817,731	817,731	621,506	699,000	726,960	756,038	621,506	699,000	726,960	756,038	4,407,515
59 Building	432,964	579,554	639,439	895,228	998,348	490,000	514,500	535,080	556,483	578,243	601,862	601,862	601,862	490,000	514,500	535,080	556,483	490,000	514,500	535,080	556,483	3,276,698
60 Facilities	246,440	404,630	423,025	414,055	488,332	410,000	448,650	470,000	498,650	521,764	542,934	542,934	542,934	410,000	448,650	470,000	498,650	410,000	448,650	470,000	498,650	2,968,084
76 Parks and Recreation	359,870	361,400	403,208	335,247	345,659	287,000	301,350	313,404	325,940	338,978	352,537	352,537	352,537	287,000	301,350	313,404	325,940	287,000	301,350	313,404	325,940	1,919,209
90 Miscellaneous Non-Departmental	489,328	403,000	292,395	340,863	348,920	340,863	357,939	372,222	387,111	402,666	418,698	418,698	418,698	340,863	357,939	372,222	387,111	340,863	357,939	372,222	387,111	2,278,397
C. Potential Additional Resources				13,689,358	14,307,533	11,779,652	12,453,448	12,850,206	13,343,414	13,877,150	14,432,236	14,432,236	14,432,236	13,689,358	14,307,533	14,432,236	14,432,236	13,689,358	14,307,533	14,432,236	14,432,236	78,698,106
D. Less Specific Contingency Items				(300,000)	(1,001,513)	0	0	0	0	0	0	0	0	(300,000)	(1,001,513)	0	0	(300,000)	(1,001,513)	0	0	0
** J. 12 Vol. Furlough days paid via vacation credit - 50% Participation				0	(151,800)	0	(151,800)	(89,000)	(89,000)	(89,000)	(89,000)	(89,000)	(89,000)	0	(151,800)	(89,000)	(89,000)	0	(151,800)	(89,000)	(89,000)	(151,800)
J. Pay Increases Traded for vacation - 50% Participation				0	(89,000)	0	(89,000)	(221,737)	(221,737)	(221,737)	(221,737)	(221,737)	(221,737)	0	(89,000)	(221,737)	(221,737)	0	(89,000)	(221,737)	(221,737)	(178,000)
K. Net Gr Starting Changes (Additions/Reductions/Transfers)				0	(150,000)	0	(150,000)	(78,000)	(78,000)	(78,000)	(78,000)	(78,000)	(78,000)	0	(150,000)	(78,000)	(78,000)	0	(150,000)	(78,000)	(78,000)	(178,000)
L. Net savings from medical benefit plan changes				0	(150,000)	0	(150,000)	(78,000)	(78,000)	(78,000)	(78,000)	(78,000)	(78,000)	0	(150,000)	(78,000)	(78,000)	0	(150,000)	(78,000)	(78,000)	(178,000)
M. TOTAL EXPENDITURES	9,895,656	10,590,407	11,708,537	13,888,359	13,305,821	11,779,652	11,920,911	12,469,489	13,111,907	13,645,643	14,200,729	14,200,729	14,200,729	11,779,652	11,920,911	12,469,489	13,111,907	11,779,652	11,920,911	12,469,489	13,111,907	77,128,311

Estimated Ending Fund Balances are not shown here as they are considered reserves; not programmed expenditures.

- Notes:
- A. 2008 reflects unaudited actuals at 5/31/09 (Audited figures will be inserted at conclusion of audit)
  - B. Figures derived from the 2009/2010 adopted budget document less estimated annual expenditure savings
  - C. Potential Additional Resources for period 2009 - 2014. A total of 0- new positions for the 6 year period.
  - D. Expenditure Savings: 2009- 4.5% over 2008; adjusted for 1 time items
  - E. 2010 Expenditures increase 4% over 2010
  - F. 2011 Expenditures increase 4% over 2011
  - G. 2012 Expenditures increase 4% over 2012
  - H. 2013 Expenditures increase 4% over 2013
  - I. 2014 Expenditures increase 4% over 2014
  - J. Calculation for this purpose = (a) \$25,300 x 5 = \$126,500; (b) 25,300 x 12 = \$303,600
  - K. Calculation for this purpose = monthly salary x 3% x 12; (\$496,045 x .03 = \$14,881 x 12 = \$178,000)
  - L. May be any combination of staff additions or reductions - shown as a net of 2 positions
  - M. Estimated savings from changes to medical benefit plans



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

<b><u>Department / Staff Contact:</u></b> CS / Gary Leaf	<b><u>Workshop / Meeting Date:</u></b> 17 Nov 2009	<b><u>Agenda Bill Number:</u></b> AB09-79
<b><u>Ordinance Number:</u></b> D09-79	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b> N/A

**Agenda Subject:** FOR REVIEW - City Park Rules, Regs, Fees Ordinance

**Proposed Motion:** An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 12.12 of the Bonney Lake Municipal Code and the Corresponding Portions of Ordinance Nos. 1232, 1150, 1037, 1015, 826, 669, 661, and 454 Relating to Park Regulations

**Administrative Recommendation:** Approve

**Background Summary:** Since the Park Regulations ordinance was last revised in 2007, a majority of the Park Board positions have been replaced with newcomers. New perspectives have brought a fresh way of looking at the Park Regulations ordinance and uncovered a number of shortcomings of and inconsistencies in the existing city code. The attached draft ordinance reflects refinements and improvements to Bonney Lake's Park Regulations ordinance. It also includes new language addressing the "No Trespass" issue in parks and related buildings. Proposed ordinance has been reviewed by the Finance Committee, the Park Board, and the Public Safety Committee.

<b><u>BUDGET INFORMATION:</u></b>			
<b>Budget Amount</b>	<b>Required Expenditure</b>	<b>Budget Impact</b>	<b>Budget Balance</b>
N/A	N/A	N/A	N/A
<b>Budget Explanation:</b> No significant impact on revenues or expenditures			

**COMMITTEE/BOARD REVIEW:**

**Subcommittee Review Date:** Public Safety Committee - 14 Sep 2009  
**Commission/Board Review Date:** Park Board -03 Aug 2009  
**Hearing Examiner Date:**

**COUNCIL ACTION:**

**Workshop Date(s):** \_\_\_\_\_ **Public Hearing Date(s):** \_\_\_\_\_  
**Meeting Date(s):** 24 Nov 2009 **Tabled To Date:** \_\_\_\_\_

**Signatures:**

Director Authorization Gary Leaf	Mayor	Date City Attorney Reviewed 5/29/09; 10/21/09
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**ORDINANCE NO. D09-79**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTERS 12.12 AND 8.20 OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORDINANCE NOS. 1232, 1150, 1037, 1015, 826, 669, 661, AND 454 RELATING TO PARK REGULATIONS.**

WHEREAS, the Bonney Lake Park Board has reviewed Chapter 12.12 of the Bonney Lake Municipal Code and recommends clarifications to the code; and

WHEREAS, it is necessary to amend the City's regulations with regard to the issuance of No Trespass Orders from City parks and other facilities, in order to clarify the process and allow for due process protections;

**NOW THEREFORE, the City Council of the City of Bonney Lake do ordain as follows:**

Section 1. Bonney Lake Municipal Code Chapter 12.12 and the corresponding portions of Ordinance Nos. 1150, 1037, 1015, 826, 669, 661, and 454 are hereby amended to read as follows:

**12.12.010 Rule making authority.**

The mayor, or his or her designee, may make and promulgate reasonable rules and regulations for safety and sanitation and periods of public use of public parks of the city, which shall be posted in conspicuous places in or adjacent to any park of the city. (Ord. 1232 § 1, 2007; Ord. 250 § 4, 1967).

**12.12.020 Unauthorized motor vehicles.**

Unless authorized in advance for a special event specifically designated by the mayor, or his or her designee, Mmotor vehicles are prohibited in all areas of any city park, except that motor vehicles licensed by the Washington State Department of Licensing or similar licensing department from another state are permitted in areas designated for parking only. For purposes of this section, "motor vehicles" are defined as any device with two or more wheels powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. Examples of "motor vehicles" include, but are not limited to, motorized foot scooters, mini-motorcycles, and ~~motorized toys~~ all-terrain vehicles, commonly referred to as power wheels. This section shall not apply to any disabled person using a wheelchair conveyance as defined in RCW 46.04.710, or city-owned or approved park maintenance vehicles. (Ord. 1232 § 1, 2007; Ord. 1150 § 1, 2005; Ord. 454 § 6(1), 1977).

**12.12.030 Alcoholic beverages.**

No person shall possess or consume an alcoholic beverage in any city park except in a City-designated beer garden or wine tasting area according to BLMC 12.12.035. (Ord. 1232 § 1, 2007; Ord. 454 § 6(2), 1977).

**12.12.035 City-designated beer gardens and/or wine tasting areas.**

Notwithstanding the provisions of BLMC 12.12.030, it shall not be unlawful for any person over 21 years of age to possess or consume alcoholic beverages within any city-designated beer garden and/or wine tasting area at Allan Yorke Park during the annual Bonney Lake Days, Friday, Saturday and Sunday during the third weekend in August or other special events specifically designated by the mayor, or his or her designee. The mayor or his or her designee is authorized to impose such regulations upon such operations as he or she deems appropriate; provided, that the city-designated beer garden and/or wine tasting area shall not open any sooner than 12:00 p.m. on each day of the annual event and shall be allowed to remain open until the day's planned event ends, or earlier, if circumstances so require. (Ord. 1232 § 1, 2007; Ord. 1015 § 1, 2004).

**12.12.040 Hours of use.**

Unless authorized in advance for a special event specifically designated by the mayor, or his or her designee, City parks shall be open from dawn until dusk each day. No person shall go upon any city park except during opening hours. (Ord. 1232 § 1, 2007; Ord. 454 § 6(3), 1977).

**12.12.050 Group use.**

Groups of more than 50 people shall not be allowed to use any city park without first obtaining a permit from the city. The conditions for issuance of a permit shall be set by the ~~city clerk~~ mayor, or his or her designee, and shall be designed to mitigate problems caused by large groups, such as park overcrowding, noise, traffic, safety concerns, competition over park facilities, littering, crime, and damage to park facilities. Groups wishing to reserve park facilities such as ballfields and picnic shelters must make a reservation prior to such use by contacting the community services department. Reservation fees are listed in BLMC 12.12.055. (Ord. 1232 § 1, 2007; Ord. 454 § 6(4), 1977).

**12.12.051 Boat launch facilities – Fees established.**

~~There is fixed and established at~~The following schedule of fees ~~to~~ shall be charged by the city for use of the boat launch facilities:

A. A resident boat launch admission card (“card”) shall be available at Bonney Lake City Hall. The cost of the card shall be \$25.00 per watercraft per year. Residency will be verified through utility accounts information, current Washington State driver’s license or other acceptable proof of residency. The card shall not be transferable to other watercraft. Resident watercraft ownership must be verified by state license(s) ~~of the watercraft,~~ if applicable, or some other acceptable proof of ownership. The card will expire on December 31st of each year.

B. A fee of \$8.50, paid electronically, will be required, per launch or recovery, at the boat launch facilities for any watercraft not issued a valid resident boat launch admission card for which a currently authorized card is not being used.

C. The administrative fee for replacement of a card is \$100.00. No refunds will be given for lost, stolen, or unused cards.

D. The city may temporarily close the boat launch facility without advance notice. No refunds will be given for the temporary or permanent closure of the boat launch facility.

E. The mayor is authorized to promulgate policies and procedures necessary for the implementation of this section and the administration of the boat launch program. (Ord. 1232 § 1, 2007; Ord. 1037 § 1, 2004; Ord. 826 § 8, 1999; Ord. 669 § 1, 1993).

**12.12.052 Disposition of boat launch fees.**

All costs of the program will be paid from the gross revenues collected. The balance of any moneys after the expenses are to be paid into the general fund and split evenly between the park department and the police department. The park department funds shall be used solely for park facilities operation, maintenance and improvements to park department facilities. Police department funds shall be used solely for the water safety and park enforcement programs. (Ord. 1232 § 1, 2007; Ord. 669 § 2, 1993).

**12.12.053 Administration of program.**

*Repealed by Ord. 1232.* (Ord. 669 § 3, 1993).

**12.12.055 Fees established.**

There is fixed and established the following schedule of fees to be charged for reserved use of the following designated facilities:

Soccer and baseball fields:	
First two hours of rental	\$7.00
Each additional two hours	\$7.00
Picnic areas:	
1 – 50 persons	\$25.00
*51 – 150 persons	\$50.00
*151+ persons	\$75.00
<u>*In addition a permit from the City is required for groups of more than 50 people (see BLMC 12.12.050)</u>	

(Ord. 1232 § 1, 2007; Ord. 826 § 9, 1999; Ord. 661 § 1, 1993).

**12.12.057 Disposition of fee moneys.**

All such fees collected from the use of the concession stand, soccer fields, baseball fields and picnic areas, and revenues derived from cellular towers sited in city parks shall be paid into the ~~park department~~ general fund and ~~shall be~~ used solely for park facilities' operations and maintenance and/or park facilities' improvements. (Ord. 1232 § 1, 2007; Ord. 661 § 2, 1993).

**12.12.060 City ordinances to remain in effect.**

The ordinances of the city and the laws of the state not in conflict with BLMC 12.12.020 through 12.12.050 shall remain in full force and effect as to city parks. (Ord. 1232 § 1, 2007; Ord. 454 § 6(5), 1977).

**12.12.070 Structures and signs.**

No person, firm or corporation shall use, place or erect any placard, notice, sign or device or any kind of advertising in any park, or erect a structure of any kind in any park; provided, however, the ~~community services director~~ mayor, or his or her designated representative, may permit the erection of temporary directional signs, decorations, advertising signs or temporary stands and buildings on occasions of group or public meetings, ~~or for purposes of organized athletic events, or special events specifically designated by the mayor, or his or her designee.~~ Except during special events, signs must be affixed in such a way they do not block the vision of first responders entering the park. (Ord. 1232 § 1, 2007; Ord. 454 § 6(6), 1977).

**12.12.080 Injuring plants.**

No person shall, without the written permission of the ~~community services director~~ mayor, or his or her designated representative, cut, injure, deface, remove or disturb any tree, shrub, plant, building, fence, bench or other structure, apparatus or property in a public park or a public place, or injure, misuse or remove any device placed to protect such tree, shrub, building, fence, bench, or other structure, apparatus or property. (Ord. 1232 § 1, 2007; Ord. 454 § 6(7), 1977).

**12.12.090 Entering posted areas.**

No person shall enter upon any portion of lawn or ground within a public park or a public place when notified by a sign placed in such park or public place, or by a police officer, not to enter upon such lawn or ground. (Ord. 1232 § 1, 2007; Ord. 454 § 6(8), 1977).

**12.12.100 Littering.**

No person shall throw or deposit any refuse, litter, garbage or other waste materials in any park or public place, except in designated receptacles. (Ord. 1232 § 1, 2007; Ord. 454 § 6(9), 1977).

**12.12.110 Fires.**

No person shall make or kindle any fire in a public park or public place except at places designated for such purpose. (Ord. 1232 § 1, 2007; Ord. 454 § 6(10), 1977).

**12.12.120 Remaining after closing hours.**

Unless authorized by the mayor, or his or her designee for special events, ~~community services director~~, no person or motor vehicle shall remain in a public park or public place after the posted closing hours. Any motor vehicle found parked in violation shall be towed away at the owner's expense and/or cited. Signs shall be posted in parking areas in public places designating such places as tow-away zones in conformance with RCW 46.55.070. (Ord. 1232 § 1, 2007; Ord. 454 § 6(11), 1977).

**12.12.130 Animals at large.**

No person shall allow or permit any animal to run at large in any public park except in designated areas. Animals are permitted if kept on a leash no longer than eight feet, or confined and under control at all times. Any person with an animal in his or her

possession or control in any city park shall be responsible for the conduct of the animal and removing from the park grounds fecal matter deposited by such animal. Horses shall not be permitted in any city park except where specifically designated. This regulation may be temporarily waived by the mayor, or his or her designee, community services director for special events. ~~No person may fish where a sign prohibiting such activity is posted. All laws, rules, and regulations of the state of Washington relating to season catch limits and methods of fishing shall apply to all city parks and public places. A violator of this section may be charged with an infraction for which the penalty is listed in BLMC 12.12.250.~~ (Ord. 1232 § 1, 2007; Ord. 454 § 6(12), 1977).

**12.12.135 Fishing.**

No person may fish where a sign prohibiting such activity is posted. A violator of this section may be charged with an infraction for which the penalty is listed in BLMC 12.12.250. (Ord. 1232 § 1, 2007; Ord. 454 § 6(12), 1977).

**12.12.140 Firearms.**

No person shall possess, use or discharge any firearm, air gun, BB gun, slingshot or any bow and arrow in a public park, or use or discharge any such weapon in a public place, unless otherwise authorized as a part of an organized recreation program of the park and recreation department of the city, or other public agency, or a special event specifically designated by the mayor, or his or her designee. A violator of this section may be cited into an appropriate court of law and charged with a misdemeanor. Conviction of such misdemeanor shall be punished by a fine of not more than \$1,000, imprisonment for a term not to exceed 90 days, or both. (Ord. 1232 § 1, 2007; Ord. 454 § 6(13), 1977).

**12.12.145 Fireworks prohibited.**

No person shall possess, nor allow any minor child under said person's immediate supervision to use, possess or explode any fireworks in any public park unless such possession or use is part of a duly authorized public display. The term "fireworks" shall include "common consumer fireworks" as per the provisions of Chapter 70.77 RCW. (Ord. 1232 § 1, 2007; Ord. 454B § 1, 1983).

**12.12.150 Molesting animals.**

No person shall molest, catch, injure or kill, or throw any stone or missile of any kind at, or strike with any stick or weapon, any animal or bird in a public park or public place. A violator of this section may be ~~cited into an appropriate court of law and~~ charged with a misdemeanor. Conviction of such misdemeanor shall be punished by a fine of not more than \$1,000, imprisonment for a term not to exceed 90 days, or both. (Ord. 1232 § 1, 2007; Ord. 454 § 6(14), 1977).

**12.12.160 ~~Soliciting~~ Selling merchandise prohibited.**

Unless authorized in advance for a special event specifically designated by the mayor, or his or her designee, No person shall solicit or ask for the payment or gift of money, or sell, offer or solicit for sale, any goods, services or merchandise in a public park or public place without the prior written permit from the city clerk or his designated representative. An exemption from this section is hereby granted to the concessionaire occupying the

concession stand at Allan Yorke park. (Ord. 1232 § 1, 2007; Ord. 454 § 6(15), 1977).

**12.12.170 Amplified sound.**

No person shall operate or use any loudspeaker or mechanical means of amplifying sound in any public park or public place without the prior written consent of the ~~police~~ chief mayor, or his or her designated representative. Loud music, loud muffler noise, and loitering in vehicles in city parks shall be prohibited. (Ord. 1232 § 1, 2007; Ord. 454 § 6(16), 1977).

**12.12.180 Exhibitions.**

No person shall conduct any circus, carnival or similar exhibition except as a part of an organized recreation program of the parks and recreation department, or as a special event authorized by the mayor, or his or her designee. (Ord. 1232 § 1, 2007; Ord. 454 § 6(17), 1977).

**12.12.190 Boats – Operation.**

No person shall have, keep or operate any boat or other watercraft within the limits of any park or land the same at any point on the shore bordering any park, except at places designated for such purpose or except in an emergency. (Ord. 1232 § 1, 2007; Ord. 454 § 6(18), 1977).

**12.12.200 Boats – Compliance with Pierce County water regulations required.**

*Repealed by Ord. 1028.* (Ord. 454A § 2, 1978).

**12.12.210 Bicycles.**

No person shall ride or drive any bicycle in any city park in a manner that is negligent or endangers or is likely to endanger any person or property. For purposes of this section, “negligent” means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances ~~or motor vehicle over or through any public park or public place except along and upon public roads, streets or other designated areas therein, or operate any vehicle at a speed in excess of the posted speed limit.~~ (Ord. 1232 § 1, 2007; Ord. 454 § 6(20), 1977).

**12.12.220 Games.**

No person shall practice or play golf, baseball or other games of like character in any public park or public place except at places designated for such purposes. (Ord. 1232 § 1, 2007; Ord. 454 § 6(21), 1977).

**12.12.230 Trees.**

No person shall, without the written permission of the ~~city engineer~~ mayor, or his or her designated representative, after consulting with the City Arborist, place or hereafter maintain upon the ground in a public park or public place any stone, cement or other substance which shall impede the free entrance of water and air to the roots of any tree planted in such public park or public place, without leaving an open space of ground outside the trunk of the tree not less than four feet square. (Ord. 1232 § 1, 2007; Ord. 454

§ 6(22), 1977).

**12.12.240 Interference with employees.**

No person, firm or corporation shall prevent, delay or interfere with the employees of the city in the planting, pruning, spraying or removing of trees, plants or shrubs in a public park or a public place. Any removal of trees shall be under advice of the City Arborist. If tree removal is in an area identified as a Critical Area under BLMC 16.20, the guidelines for tree preservation and removal contained within BLMC Title 16 shall govern. (Ord. 1232 § 1, 2007; Ord. 454 § 6(23), 1977).

**12.12.250 Violations – Penalties.**

~~The acts or conditions enumerated in~~ Unless otherwise designated elsewhere in this Chapter, violations of any of the provisions of this chapter are proclaimed to be public nuisances. Those persons responsible for maintaining with knowledge such nuisance, or for committing a crime in any city park, shall be subject to immediate ejection from the city park area and served with a no trespass order by the police department pursuant to the procedures of BLMC 8.20.050. Unless otherwise specifically set forth herein, a violator may also be charged with an infraction for which the penalty shall be as follows:

<del>1st offense within one year</del>	<del>\$45.00</del>
<del>2nd offense within one year</del>	<del>\$150.00</del>
<del>3rd offense within one year</del>	<del>\$200.00</del>

~~Persons charged with infractions shall be processed by the municipal court in the same manner as persons charged with traffic infractions. Persons failing to appear for hearings for violations of this chapter shall be subject to the penalties set forth in BLMC 1.16.030 a class 3 civil infraction under Chapter 7.80 RCW. Repeat violations shall constitute class 1 civil infractions under Chapter 7.80 RCW.~~ (Ord. 1232 § 1, 2007; Ord. 656 § 3, 1992; Ord. 454 § 6(23), 1977).

Section 2. Section 8.20.050 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 454 are hereby amended to read as follows:

8.20.050 Violation deemed misdemeanor – No trespass orders authorized.

(1) Any person, firm or corporation who shall knowingly cause or create a nuisance, or permit any nuisance to be caused or created or placed upon or any premises owned or occupied by him or them, shall upon conviction thereof be deemed guilty of a misdemeanor.

(2) In addition to or in lieu of charging a violator with a misdemeanor, the police department has the authority to issue and serve no trespass orders informing the recipient that he or she is prohibited from entering or remaining on the city property identified in the order, upon the following:

- (a) persons responsible for violation of BLMC 12.12.250; and
- (b) persons whom the department has probable cause to believe have committed a criminal offense or nuisance on city property. For purposes of this provision, city property does not include streets and city rights-of-way.

(3) No trespass orders shall be in writing and shall contain the following elements:

(a) the signature of the issuing police officer;

(b) the date of issuance;

(c) the reason for issuance;

(d) the duration of the order, not to exceed one year;

(e) identification of the property the recipient is prohibited from entering or remaining on; and

(f) language notifying the recipient that violation of the terms of the order shall give rise to criminal prosecution under BLMC 9.60.

(g) a description of how to appeal the order pursuant to subsection (4) of this Section.

(4) Appeal. The recipient of a no trespass order may appeal issuance or terms of the order by submitting a written appeal request to the Police Chief or designee.

(a) Upon receipt of a request for appeal, the Police Chief or designee shall meet with the appellant, receive such evidence as the appellant chooses to present, and review any sworn statement of the issuing officer. If the Police Chief or designee determines it is more likely than not that the appellant committed the violation that prompted the trespass order, the order shall be affirmed. Upon affirming of an order, the Police Chief or designee may, at his or her discretion, reduce the duration of the no trespass order for good cause shown.

(b) The decision of the Police Chief or Designee shall be final.

Section 3. This ordinance shall take effect thirty (30) days after its passage, approval, and publication as required by law.

**PASSED by the City Council and approved by the Mayor this 24th day of November, 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: