

CITY COUNCIL MEETING

City of

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

**June 28, 2011
7:00 P.M.**



AGENDA

“Where Dreams Can Soar”

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

SIGN-UP TO SPEAK FOR SPECIFIC ACTION ITEMS ON THE AGENDA: *If you have signed-up prior to the Council meeting to speak with respect to a particular ordinance or resolution appearing on the agenda, you will be recognized to address the Council for up to one minute before the Council takes action on that item. Those wishing to address such items on the “Consent Agenda” should do so during the “Citizen Comments” portion of the Agenda. If the Council chooses to discuss the item further after taking comments, they may restrict additional public comment before taking action. Please look for the sign-up sheets near the Council Chamber doorway. (See Item II B. for Citizen Comments on other items of City business.)*

Location: Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

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

A. Flag Salute – Mayor Neil Johnson, Jr.

B. Roll Call:

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley.

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. AB11-76 – Easttown Steering Committee Report.

D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the “Consent Agenda” should limit their comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated representatives speaking on behalf of a group may take up to 10 minutes on matters of general City business.

C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee

B. Community Development Committee

- C. Public Safety Committee
- D. Other Reports

IV. CONSENT AGENDA:

The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.

- A. **Approval of Accounts Payable Checks/Vouchers:** #61309 thru 61365 (including wire transfer #'s 6162011, 7617285 & 20110603) in the amount of \$2,360,530.84; Accounts Payable checks/vouchers #61366 thru 61400 (including wire transfer # 20110206, 20110615 & 20110616) in the amount of \$181,350.84; Accounts Payable wire transfer (20110617) in the amount of \$33,652.20; for a grand total of \$2,575,533.88.
- B. **Approval of Payroll:** Payroll for June 1-15th 2011 for checks **29820-29848** including Direct Deposits and Electronic Transfers in the amount of **\$ 418,124.51.**

V. FINANCE COMMITTEE ISSUES:

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- A. **AB11-70 – Ordinance D11-70** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Amending Chapter 5.04 Of The Bonney Lake Municipal Code, And The Corresponding Portions Of Ordinance Nos. 990 And 305, Relating To Utility Tax.

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- B. **AB11-64 – Resolution 2126** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contractor Agreement With Doolittle Construction, LLC For The 2011 Chip Seal Application.

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- C. **AB11-71 – Resolution 2130** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The 80th Street E. And 82nd Street E Sidewalk Improvements Project To Les Russell Construction, LLC.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

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- A. **AB11-72 – Ordinance D11-72** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Amending Chapter 10.16 Of The Bonney Lake Municipal Code Relating To The Parking Of Recreational Vehicles.

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- B. **AB11-68 – Resolution 2129** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor Sign A Hold Harmless Agreement With The Swiss Sportsmen’s Club Of Tacoma For The Use Of Their Firearms Training Facility And Increase The Bonney Lake Police Department’s Facility Rental Agreement By \$2,000.00.

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- C. **AB11-75** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The GMG Final Plat.

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

X. 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**

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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: CD / Heather Stinson	Meeting/Workshop Date: 28 June 2011	Agenda Bill Number: AB11-76
Agenda Item Type: Presentation	Ordinance/Resolution Number:	Councilmember Sponsor:

Agenda Subject: Presentation of the Eastown Steering Committee recommendations.

Full Title/Motion: n/a .

Administrative Recommendation:

Background Summary: In March, 2011 Council passed Resolution 2113 forming a Steering Committee charged with making recommendations to the Planning Commission in regards to the Eastown Subarea Plan, Eastown Design Standards and zoning in Eastown. The Committee met over the course of 4 meetings, including the last "Open House" meeting on May 26th inviting the public. Attached is a summary of the Committee's recommendations.

Attachments: Summary memo.

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	Chair/Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
Forward to:	Consent		
	Agenda:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: <i>John P. Vodopich, AICP</i>	Mayor:	Date Reviewed by City Attorney: (if applicable):



Community
Development
Department

Memo

Date : June 22, 2011
To : City Council
From : Council Member McKibbin, Council Member Lewis
CC :
Re : Eastown Subcommittee Report

The following is a summary of recommendations made by the Eastown Steering Committee that were intended to be forwarded to the Planning Commission. The final documents with changes are attached to this memo. It should be noted that there were several citizens who attended the Committee's Open House and all were primarily interested in discussing the sewer situation but as sewers were not a topic assigned to the Committee, citizens were encouraged to follow the discussions being conducted by City Council.

Summaries of the Committee's recommendations follow:

Eastown Subarea Plan Text

- The initial text as presented to the Committee had been edited by the City Administrator and Public Works Director to reflect general changes in the City since adoption in 2005. These changes reflected the widening of SR 410 and updated regulations in regards to water, sewer and roads in Eastown. The Committee had no recommendations to change staff editing.
- The Committee's overall comments to the Subarea text reflected their vision of Eastown as less "pedestrian-friendly" and more retail friendly. Recommendations included:
 - Removing references to the "Town Center" that had been used interchangeably with Eastown
 - Removing language that encourages buildings to be built up against the right of way.
 - Removing language that encourages main pedestrian entrances on the sidewalk.
 - Removing language that references pedestrian plazas.

Eastown Design Standards

- Consistent with the Committee’s vision of Eastown as retail rather than pedestrian-oriented, Design Standards were recommended to be removed that:
 - Did not allow parking between buildings and public right of way.
 - Required buildings to be adjacent to the right of way
 - Required main entrances to be from the sidewalk
- In addition to these recommendations, the Committee recommended that:
 - The light and drive-thru standards recommended by the Planning Commission in the Fall of 2010 should be included.
 - Multi-family developments except senior housing should be required to provide visitor parking at a ratio of one per five dwelling units.
 - Landscaping and tree retention should be determined by the existing provisions of the municipal code.
 - In the interest of providing an Eastern “Gateway” to the City, at time of development the Northeastern most property owner should be required to provide an easement for a Gateway sign sponsored by the City.

C-2 / C-3 Zoning

The Eastown Committee was presented with the commercial portion of the draft zoning matrix that has been under review by the Planning Commission. The matrix listed current uses allowed in the Bonney Lake Municipal Code and indicated whether or not the use was currently permitted, accessory, conditional or not permitted. In addition, the matrix they were presented with had some proposed changes to the listed uses that had already been discussed at the Planning Commission. The Committee had very few recommendations for the matrix in terms of uses that should or should not be allowed in Eastown. Their changes are attached in red.

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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Fin / Al Juarez	Meeting/Workshop Date: 28 June 2011	Agenda Bill Number: AB11-70
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D11-70	Councilmember Sponsor:

Agenda Subject: Revise the City's Utility Tax Ordinance and Related Municipal Code

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 5.04 Of The Municipal Code And The Corresponding Portions Of Ordinance Nos. 990 And 305, Relating To Utility Tax.

Administrative Recommendation:

Background Summary: A recent tax refund request made by a private utility doing business within the City of Bonney Lake has brought to light the need to make certain revisions to the utility tax provision of the municipal code. Additionally, Code updates are required to define cellular service as well as to illustrate that our utility tax does apply to cellular service.

Attachments: Yes

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: NA			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Finance Committee Date: 14 June 2011	Approvals: Chair/Councilmember Deputy Mayor Swatman Councilmember Mark Hamilton Councilmember James Rackley	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Forward to: 6/28/2011 Council Meeting		Consent Agenda:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: <i>Al Juarez</i>	Mayor:	Date Reviewed by City Attorney: 5/23/2011 (if applicable):

ORDINANCE D11-70

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON
AMENDING CHAPTER 5.04 OF THE BONNEY LAKE MUNICIPAL CODE, AND THE
CORRESPONDING PORTIONS OF ORDINANCE NOS. 990 AND 305,
RELATING TO UTILITY TAX

WHEREAS, a recent tax refund request, made by a private utility doing business within the City of Bonney Lake, has brought to light the need to make certain revisions to the utility tax provisions of the municipal code.

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

Section 1. Chapter 5.04 of the Bonney Lake Municipal Code, Utility Tax, is hereby amended to read as follows:

5.04.010 Power to license for revenue.

The provisions of this chapter shall be deemed to be an exercise of the power of the city to license for revenue.

5.04.020 License required.

No person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by BLMC 5.04.030 without first having obtained, and being the holder of, a license so to do pursuant to the provisions of BLMC Chapter 5.08.

5.04.030 Tax designated.

A. There is levied upon, and there shall be collected from, every person, firm or corporation engaged in furnishing, for a monetary consideration, of the city and the inhabitants thereof, with electricity and electrical energy for lighting, heating, power, and other public purposes, within or partly within the corporate limits of the city, an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross subscribers revenues from business and residential electrical power service in the city.

B. There is levied upon and there shall be collected from, every person, firm or corporation engaged in carrying on a telephone business for hire, including cellular telephone service, within or partly within the corporate limits of the city an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross operation revenues within the city. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

“Telephone business” means the business of providing access to local telephone network, local telephone switching service, toll service, or coin telephone services, or providing telephonic, video, data or similar communication or transmission for hire, via a local telephone network, toll line or changes, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. “Telephone business” does not include the providing of competitive service.

“Cellular telephone service” means a two-way voice and data telephone/telecommunications system based in whole or substantially in part on wireless radio communications which is not subject to regulation by the Washington State Utilities and Transportation Commission (WUTC). This includes cellular mobile service. The definition of cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS), and any other evolving wireless radio communications technology which accomplishes a purpose similar to cellular mobile service. Cellular telephone service is included within the definition of “telephone business” for the purposes of this chapter.

“Competitive telephone service” means the providing by any person of telephone equipment, apparatus, or service related to that equipment or apparatus, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made.

C. There is levied upon, and there shall be collected from, every person, firm or corporation engaged in furnishing, for a monetary consideration, natural gas or manufactured gas for lighting, heating, power, and other public purposes, within or partly within the corporate limits of the city, an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross subscriber revenue from business and residential gas service, both natural and manufactured, in the city.

D. There is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the business of selling or furnishing water for domestic or industrial consumption, or sewer service, within or partly within the corporate limits of the city, a tax equal to 8.00 percent of the total gross income from such business in the city.

E. There is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the business of selling or furnishing garbage service, including recyclables and yard waste, within or partly within the corporate limits of the city, a tax equal to 6.00 percent of the total gross income from such business in the city.

F. There is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the business of selling or furnishing cable television service, for domestic or commercial consumption, within or partly within the corporate limits of the city, a tax equal to 6.5 percent of the total gross subscriber revenue from such service.

G. There is levied upon and there shall be collected from every person, firm or corporation engaged in carrying on the business of selling or furnishing stormwater service, within or partly within the corporate limits of the city, a fee or tax equal to 8.00 percent of the total gross revenues from such business in the city.

5.04.040 Computation deductions.

In computing the annual tax there shall be deducted from the gross operating revenues the following items:

- A. The amount of credit losses and uncollectibles actually sustained by the taxpayer;
- B. Amounts derived from transactions in interstate or foreign commerce or from any business which the city is prohibited from taxing under the Constitution of the United States, the Constitution of the state, or laws of the United States.
- C. That portion of gross income derived from charges to another telecommunications company for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services, or charges for telephone service which the purchaser buys for the purpose of resale.

5.04.050 Due date.

A. The tax imposed by this chapter shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued. Such quarterly periods are as follows:

First quarter – January, February, March;

Second quarter – April, May, June;

Third quarter – July, August, September;

Fourth quarter – October, November, December.

B. On or before the due date the taxpayer shall file with the city a written return, upon such form and setting forth such information as the city shall reasonably require, together with the payment of the amount of the tax.

5.04.060 Records of revenue.

Each taxpayer shall keep records reflecting the amount of his gross operating revenues, and such records shall be open at all reasonable times to the inspection of the city, or his duly authorized subordinates, for verification of the tax returns or for the fixing of the tax of a taxpayer who fails to make such returns.

5.04.070 Failure to pay - underpayment.

If any person, firm or corporation subject to this chapter fails to pay any tax required by this chapter within 30 days after the due date thereof, there shall be added to such tax a penalty of 10 percent of the amount of such tax, and any tax due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the city and may be collected by court proceedings, which remedy shall be in addition to all other remedies. In the event of a failure to pay or underpayment, the Director is authorized to determine the amount of the tax due. Such assessment shall be deemed correct. The Director shall notify the taxpayer by mail of the amount of tax so determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable.

5.04.080 Overpayment.

Any money paid to the city through error or otherwise not in payment of the tax imposed by this chapter, or in excess of such tax, shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer under this chapter or, upon the taxpayer's ceasing to do business in the city, be refunded to the taxpayer. Provided, however, that overpayments extending beyond one year prior to the date the taxpayer requests a credit or refund shall not be credited or refunded.

5.04.090 Authority of the city.

The city is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it shall be a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter.

5.04.100 Violation - Penalty.

Any person, firm or corporation subject to this chapter who fails or refuses to apply for an occupation license or to make tax returns or to pay such tax when due, or who makes any false statement or representation in or in connection with any such application for an occupation license on such tax return, or otherwise violates or refuses or fails to comply with this chapter, shall be guilty of a civil infraction, with a fine of \$250 per day that a violation continues.

Section 2. This Ordinance shall take effect and be in force 30 days from its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2011.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

ORDINANCE D11-70

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON
AMENDING CHAPTER 5.04 OF THE BONNEY LAKE MUNICIPAL CODE, AND THE
CORRESPONDING PORTIONS OF ORDINANCE NOS. 990 AND 305,
RELATING TO UTILITY TAX

WHEREAS, a recent tax refund request, made by a private utility doing business within the City of Bonney Lake, has brought to light the need to make certain revisions to the utility tax provisions of the municipal code.

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

Section 1. Chapter 5.04 of the Bonney Lake Municipal Code, Utility Tax, is hereby amended to read as follows:

5.04.010 Power to license for revenue.

The provisions of this chapter shall be deemed to be an exercise of the power of the city to license for revenue.

5.04.020 License required—~~Application.~~

~~After January 1, 1970, n~~No person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by BLMC 5.04.030 without first having obtained, and being the holder of, a license so to do, to be known as an “occupation license.” Each such person, firm or corporation shall promptly apply to the city for such license upon such forms as the city shall prepare and provide, giving such information as the city shall deem reasonably necessary to enable him to administer and enforce this chapter; and, upon acceptance of such application by the city, he shall thereupon issue such license to the applicant. Such occupation license shall be personal and nontransferable and shall be valid as long as the licensee continues in such business and complies with this chapter. pursuant to the provisions of BLMC Chapter 5.08.

5.04.030 Tax designated.

A. ~~From and after November 1, 1993, t~~There is levied upon, and there shall be collected from, every person, firm or corporation engaged in furnishing, for a monetary consideration, of the city and the inhabitants thereof, with electricity and electrical energy for lighting, heating, power, and other public purposes, within or partly within the corporate limits of the city, an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross subscribers revenues from business and residential electrical power service in the city.

B. ~~From and after January, 1991, t~~There is levied upon and there shall be collected from, every person, firm or corporation engaged in carrying on a telephone business for hire, including cellular

telephone service, within or partly within the corporate limits of the city an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross operation revenues within the city. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

“Telephone business” means the business of providing access to local telephone network, local telephone switching service, toll service, or coin telephone services, or providing telephonic, video, data or similar communication or transmission for hire, via a local telephone network, toll line or changes, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. “Telephone business” does not include the providing of competitive service.

“Cellular telephone service” means a two-way voice and data telephone/telecommunications system based in whole or substantially in part on wireless radio communications which is not subject to regulation by the Washington State Utilities and Transportation Commission (WUTC). This includes cellular mobile service. The definition of cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS), and any other evolving wireless radio communications technology which accomplishes a purpose similar to cellular mobile service. Cellular telephone service is included within the definition of “telephone business” for the purposes of this chapter.

“Competitive telephone service” means the providing by any person of telephone equipment, apparatus, or service related to that equipment or apparatus, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made.

C. ~~From and after November 1, 1993, there is levied upon, and there shall be collected from,~~ every person, firm or corporation engaged in furnishing, for a monetary consideration, natural gas or manufactured gas for lighting, heating, power, and other public purposes, within or partly within the corporate limits of the city, an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross subscriber revenue from business and residential gas service, both natural and manufactured, in the city.

D. ~~From and after November 1, 1993, there is levied upon, and there shall be collected from,~~ every person, firm or corporation engaged in carrying on the business of selling or furnishing water for domestic or industrial consumption, or sewer service, within or partly within the corporate limits of the city, a ~~fee or~~ tax equal to 8.00 percent of the total gross income from such business in the city.

E. ~~From and after April 1, 2000,~~ There is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the business of selling or furnishing garbage

service, including recyclables and yard waste, within or partly within the corporate limits of the city, a ~~fee or~~ tax equal to 6.00 percent of the total gross income from such business in the city.

F. ~~From and after November 1, 1993,~~ ~~€~~There is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the business of selling or furnishing cable television service, for domestic or commercial consumption, within or partly within the corporate limits of the city, a ~~fee or~~ tax equal to 6.5 percent of the total gross subscriber revenue from such service.

G. ~~From and after March 1, 1998,~~ ~~€~~There is levied upon and there shall be collected from every person, firm or corporation engaged in carrying on the business of selling or furnishing stormwater service, within or partly within the corporate limits of the city, a fee or tax equal to 8.00 percent of the total gross revenues from such business in the city.

5.04.040 Computation deductions.

In computing the annual tax there shall be deducted from the gross operating revenues the following items:

A. The amount of credit losses and uncollectibles actually sustained by the taxpayer;

B. Amounts derived from transactions in interstate or foreign commerce or from any business which the city is prohibited from taxing under the Constitution of the United States, ~~or~~ the Constitution of the state, or laws of the United States.

C. That portion of gross income derived from charges to another telecommunications company for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services, or charges for telephone service which the purchaser buys for the purpose of resale.

5.04.050 Due date.

A. The tax imposed by this chapter shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued. Such quarterly periods are as follows:

First quarter - January, February, March;

Second quarter - April, May, June;

Third quarter - July, August, September;

Fourth quarter - October, November, December.

B. ~~The first payment made under this chapter shall be made by April 30, 1982, for the three-month period ending March 31, 1982.~~ On or before the due date the taxpayer shall file with the city a written return, upon such form and setting forth such information as the city shall reasonably require, together with the payment of the amount of the tax.

5.04.060 Records of revenue.

Each taxpayer shall keep records reflecting the amount of his gross operating revenues, and such records shall be open at all reasonable times to the inspection of the city, or his duly authorized subordinates, for verification of the tax returns or for the fixing of the tax of a taxpayer who fails to make such returns.

5.04.070 Failure to pay - underpayment.

If any person, firm or corporation subject to this chapter fails to pay any tax required by this chapter within 30 days after the due date thereof, there shall be added to such tax a penalty of 10 percent of the amount of such tax, and any tax due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the city and may be collected by court proceedings, which remedy shall be in addition to all other remedies. In the event of a failure to pay or or underpayment, the Director is authorized to determine the amount of the tax due. Such assessment shall be deemed correct. The Director shall notify the taxpayer by mail of the amount of tax so determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable.

5.04.080 ~~Overpayment or underpayment~~.

Any money paid to the city through error or otherwise not in payment of the tax imposed by this chapter, or in excess of such tax, shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer under this chapter or, upon the taxpayer's ceasing to do business in the city, be refunded to the taxpayer. Provided, however, that overpayments extending beyond one year prior to the date the taxpayer requests a credit or refund shall not be credited or refunded.

5.04.090 Authority of the city.

The city is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it shall be a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter.

5.04.100 ~~Violation deemed misdemeanor~~ - Penalty.

Any person, firm or corporation subject to this chapter who fails or refuses to apply for an occupation license or to make tax returns or to pay such tax when due, or who makes any false statement or representation in or in connection with any such application for an occupation

license on such tax return, or otherwise violates or refuses or fails to comply with this chapter, shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be punished as provided in the Revised Code of Washington for misdemeanors~~ civil infraction, with a fine of \$250 per day that a violation continues.

Section 2. This Ordinance shall take effect and be in force 30 days from its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this ____ day of _____, 2011.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: PW / Assistant PW Director Charlie Simpson	Meeting/Workshop Date: 28 June 2011	Agenda Bill Number: AB11-64
Agenda Item Type: Motion	Ordinance/Resolution Number: 2126	Councilmember Sponsor: James Rackley

Agenda Subject: Award Contract to Doolittle Construction LLC for the 2011 Chip Seal Application

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Approve The Contract With Doolittle Construction For The 2011 Chip Seal Application.

Administrative Recommendation: Approve

Background Summary: The City solicited quotes for the 2011 Chip Seal Application using the MRSC Small Works Roster. We received 2 quotes in the amount of:
Doolittle Construction-\$154,271.26 and Sierra Santa Fe Corp-\$168,124.00.
Doolittle Construction LLC has been low bidder for several years and does excellent street chip sealing work. The contract scope of work includes chip sealing of approximately 44,284 square yards and double chip sealing of approximately 8,619 square yard. Location of this work is shown on attached map and exhibit "D" spreadsheet.
Attachments: Resolution 2126, Quote sheets, Scope of Work, Chip Seal Quantities spreadsheet, Contract, Map showing streets to be chip sealed.

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
\$178,000	\$176,833.50	\$154,271.26	\$17,362.24
Budget Explanation: 301.000.042.595.30.63.01-Chip Seal Program			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Finance Committee Date: 28 June 2011	<i>Approvals:</i>	Yes No
		Chair/Councilmember Dan Swatman	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember James Rackley	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember Mark Hamilton	<input type="checkbox"/> <input type="checkbox"/>
	Forward to:	Consent	
		Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: <i>Dan Grigsby</i>	Mayor:	Date Reviewed by City Attorney: (if applicable):

RESOLUTION NO. 2126

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,
PIERCE COUNTY, WASHINGTON, AUTHORIZING A CONTRACTOR
AGREEMENT WITH DOOLITTLE CONSTRUCTION, LLC FOR THE 2011
CHIP SEAL APPLICATION.**

Whereas, the City of Bonney Lake solicited Invitations to Quote for the 2011 Chip Seal Application on June 9, 2011; and

Whereas, the City has received 2 Quotes for the 2011 Chip Seal Application and has selected to award Doolittle Construction in the amount of \$154,271.26; and

Whereas, the City Council adopted this annual project in the Street Capital budget; and

Whereas, the City Council finds that it is in the public interest that this project be carried out at this time;

Now therefore, be it resolved;

that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached agreement to award this contract to Doolittle Construction in the amount of \$154,271.26.

PASSED by the City Council this 28th day of June, 2011.

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

Chip Seal Cost Breakdown as of 6/09/11:

Street CIP -- 301.001.042.595.30.63.01

Approved Budget Amount- \$178,000.00

Doolittle Construction (Council Action 6/28/11)

2011 Chip Seal Program **\$154,271.26**

Remaining Balance \$ 23,728.74

Stripe Rite (Approved by Council 5/24/11)

Striping and Pavement Markings **\$ 1,166.50**

Remaining Balance \$ 22,562.24

Scot's Seal Coat (Contract given to Exec 6/17/11-To be signed)

2011 Seal Coat Program **\$ 5,200.00**

Remaining Balance \$17,362.24

Paving of Cul-de-sac's)
In process of compiling documentation

Estimated Project Amount **\$ 7,500.00**

Remaining Balance in Fund \$ 9,862.24

CITY OF BONNEY LAKE CONTRACTOR AGREEMENT

THIS AGREEMENT, is made and entered into this 28th day of June 2011 by and between the CITY OF BONNEY LAKE, a Washington municipal corporation, hereinafter referred to as the "CITY" and Doolittle Construction, LLC., hereinafter referred to as the "CONTRACTOR."

WITNESSETH:

WHEREAS, the CITY desires to have certain work, services and/or tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient CITY resources are not available to provide such work; and

WHEREAS, the CONTRACTOR represents that the CONTRACTOR is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the work, services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. SCOPE OF WORK.

The CONTRACTOR shall perform such work and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as CONTRACTOR responsibilities throughout this Agreement and as detailed in Exhibit "A" attached hereto and incorporated herein (the "Project").

2. TERM.

The Project shall begin no earlier than Refer to Notice to Proceed and shall be completed no later than Refer to Notice to Proceed, unless sooner terminated according to the provisions herein.

3. COMPENSATION AND METHOD OF PAYMENT.

A. Payments for work provided hereunder shall be made following the performance of such work, unless otherwise permitted by law and approved in writing by the CITY.

B. No payment shall be made for any work rendered by the CONTRACTOR except for work identified and set forth in this Agreement.

C. The CITY shall pay the CONTRACTOR for work performed under this Agreement pursuant to accepted bid proposal attached hereto as Exhibit "B" and by this reference incorporated herein.

D. The CONTRACTOR shall submit to the CITY Clerk-Treasurer on forms approved by the Clerk-Treasurer, a voucher or invoice for services rendered during the pay period. The CITY shall initiate authorization for payment after receipt of said approved voucher or invoice and shall make payment to the CONTRACTOR within approximately thirty (30) days thereafter.

4. REPORTS AND INSPECTIONS.

A. The CONTRACTOR at such times and in such forms as the CITY may require, shall furnish to the CITY such statements, records, reports, data, and information as the CITY may request pertaining to matters covered by this Agreement. All of the reports, information data, and other related materials, prepared or assembled by the CONTRACTOR under this Agreement and any information relating to personal, medical and financial data will be treated as confidential insofar as is allowed by Washington State laws regarding disclosure of public information, Chapter 42.17, R.C.W. Generally, Chapter 42.17, R.C.W. requires disclosure of all but the most personal and sensitive information in CITY hands.

B. The CONTRACTOR shall at any time during normal business hours and as often as the CITY or State Examiner may deem necessary, make available for examination all of its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the CITY or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The CITY shall receive a copy of all audit reports made by the agency or firm as to the CONTRACTOR'S activities. The CITY may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the CONTRACTOR'S activities which relate, directly or indirectly, to this Agreement.

5. INDEPENDENT CONTRACTOR RELATIONSHIP.

A. The parties intend that an independent CONTRACTOR/CITY relationship will be created by this Agreement. The CITY is interested primarily in the results to be achieved; subject to paragraphs herein, the implementation of work and/or services will lie solely with the discretion of the CONTRACTOR. No agent, employee, servant or representative of the CONTRACTOR shall be deemed to be an employee, agent, servant or representative of the CITY for any purpose, and the employees of the CONTRACTOR are not entitled to any of the benefits the CITY provides for its employees. The CONTRACTOR will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the work herein contemplated the CONTRACTOR is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the CITY and shall be subject to the CITY'S general rights of inspection and review to secure the satisfactory completion thereof.

6. CONTRACTOR EMPLOYEES/AGENTS

The CITY may in its sole discretion require the CONTRACTOR to remove an employee(s), agent(s) or servant(s) from employment on this Project. The CONTRACTOR may however employ that (those) individual(s) on other non-CITY related projects.

7. HOLD HARMLESS INDEMNIFICATION.

A. The CONTRACTOR shall indemnify and hold the CITY and its agents, employees, and/or officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the CITY arising out of, in connection with, or incident to the execution of this Agreement and/or the CONTRACTOR'S performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the CITY, its agents, employees, and/or officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the CONTRACTOR; and provided further, that nothing herein shall require the CONTRACTOR to hold harmless or defend the CITY, its agents, employees and/or officers from any claims arising from the sole negligence of the CITY, its agents, employees, and/or officers. The CONTRACTOR expressly agrees that the indemnification provided herein constitutes the CONTRACTOR'S waiver of immunity under Title 51 RCW, for the purposes of this Agreement. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the CITY by reason of entering into this Agreement except as expressly provided herein.

8. INSURANCE.

The CONTRACTOR shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the CONTRACTOR, its agents, representatives, employees or subcontractors.

A. Minimum Scope of Insurance

The CONTRACTOR shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an

insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.

3. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance

CONTRACTOR shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

B. Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Contractor's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and not contribute with it.
2. The Contractor's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
3. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
4. Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including, but not limited to, the additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work.

The CONTRACTOR'S insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

Any payment of deductible or self-insured retention shall be the sole responsibility of the CONTRACTOR.

The CONTRACTOR'S insurance shall be primary insurance as respects the CITY and the CITY shall be given thirty (30) days prior written notice of any cancellation, suspension or material change in coverage.

9. TREATMENT OF ASSETS.

Title to all property furnished by the CITY shall remain in the name of the CITY and the CITY shall become the owner of the work product and other documents, if any, prepared by the CONTRACTOR pursuant to this Agreement.

10. COMPLIANCE WITH LAWS.

A. The CONTRACTOR, in the performance of this Agreement, shall comply with all applicable federal, state or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

B. The CONTRACTOR specifically agrees to pay any applicable business and occupation (B & O) taxes which may be due on account of this Agreement.

C. The CONTRACTOR shall fully satisfy, and shall require any subcontractors to fully satisfy, any obligation to make industrial insurance premium payments related to the Project and required under RCW 51.12.050 and/or RCW 51.12.070. Specified retainage relating to the Project will be withheld until receipt by the City of evidence that CONTRACTOR and all of its subcontractors have fully satisfied any obligation to make industrial insurance premium payments related to the Project and required under RCW 51.12.050 and/or RCW 51.12.070.

11. NONDISCRIMINATION AND LEGAL COMPLIANCE.

A. The CITY is an equal opportunity employer.

B. Nondiscrimination in Employment. In the performance of this Agreement, the CONTRACTOR agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, gender, age or handicap except for a bona fide occupational qualification with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for

training; and rendition of services. Contractor understands and agrees that if it violates this section, this Agreement may be terminated by the City, and that Contractor shall be barred from performing any services for the City in the future unless and until a showing is made satisfactory to the City that discriminatory practices have terminated and that recurrence of such action is unlikely.

C. Nondiscrimination in Services. The CONTRACTOR will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

D. If any assignment and/or subcontracting has been authorized by the CITY, said assignment or subcontract shall include appropriate safeguards against discrimination. The CONTRACTOR shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

E. The contractor represents and warrants that it is in compliance with and agrees that it will remain in compliance with the provisions of the Immigration Reform and Control Act of 1986, including but not limited to the provisions of the Act prohibiting the hiring and continued employment of unauthorized aliens and requiring verification and record keeping with respect to the status of each of its employees' eligibility for employment. The contractor shall include a provision substantially the same as this section in any and all contracts with subcontractors performing work required of the contractor under this contract. The contractor agrees to indemnify and hold the City harmless from any and all liability, including liability for interest and penalties, the City may incur as a result of the contractor failing to comply with any provisions of the Immigration Reform and Control Act of 1986.

12. ASSIGNMENT/SUBCONTRACTING.

A. The CONTRACTOR shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the CITY, and it is further agreed that said consent must be sought in writing by the CONTRACTOR not less than thirty (30) days prior to the date of any proposed assignment. The CITY reserves the right to reject without cause any such assignment.

B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and proper bidding procedures where applicable as set forth in local, state and/or federal statutes, ordinances and guidelines.

C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the CITY.

13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon the CITY unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

The CITY will have the right to make changes to the work provided for hereunder, within its general scope, and the contract time and for contract amount will be equitably adjusted to reflect the change. The CONTRACTOR will promptly commence and continue to perform the work as changed notwithstanding disagreement over the equitable adjustment owing therefore.

14. MAINTENANCE AND INSPECTION OF RECORDS.

A. The CONTRACTOR shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit, by the CITY, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

B. The CONTRACTOR shall retain all books, records, documents and other material relevant to this agreement, for six (6) years after its expiration. The CONTRACTOR agrees that the CITY or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under this Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. PROHIBITED INTEREST.

No member, officer, or employee of the CITY shall have any interest, direct or indirect, in this Agreement or the proceeds thereof

17. RETAINAGE.

Notwithstanding any other provision of this Agreement, in accordance with Ch. 60.28 RCW, the CITY shall retain from the monies earned by CONTRACTOR hereunder, five percent as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor or furnish any supplies related to the Project, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from

CONTRACTOR. Said retainage shall be reserved in a CITY fund until thirty days following final acceptance of the Project as completed, and shall not be released to CONTRACTOR until the CITY has received certification from the Washington State Department of Revenue that all taxes, increases and penalties due from CONTRACTOR, and all taxes due and to become due with respect to the Project, have been paid in full or are readily collectible without recourse to the state's lien on the retainage, and until the requirements of section 10(C) have been satisfied.

18. PERFORMANCE BOND.

In accordance with Ch. 39.08 RCW, CONTRACTOR shall furnish to the CITY a bond, with a surety company licensed as a surety in Washington as surety, conditioned that CONTRACTOR shall faithfully perform all provisions of this Agreement and pay all laborers, mechanics, subcontractors and materialmen, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for carrying out the Project. Said bond shall be in the amount of the total amount of this Agreement.

19. PREVAILING WAGE.

CONTRACTOR shall pay all laborers, workers, or mechanics performing work under this Agreement prevailing wages as required by Ch. 39.12 RCW, and shall satisfy all other requirements of that chapter, including without limitation requiring that all subcontractors performing work related to the project comply with the requirements of that chapter. The hourly minimum rate of wage which may be paid to laborers, workers, or mechanics for work related to the Project is shown on Exhibit C, attached hereto and incorporated herein by this reference. Prior to the CITY making any payment to CONTRACTOR under this Agreement, CONTRACTOR and each subcontractor shall submit to the CITY a Statement of Intent to Pay Prevailing Wages approved by the industrial statistician of the Washington State Department of Labor and Industries and complying with the requirements of RCW 39.12.040. Prior to release of the sums retained pursuant to section 17 of this Agreement ["Retainage"], CONTRACTOR and each subcontractor shall submit to the City an Affidavit of Wages Paid approved by the industrial statistician of the Washington State Department of Labor and Industries and complying with the requirements of RCW 39.12.040.

20. TERMINATION.

A. Termination for Convenience. The CITY may terminate this Agreement, in whole or in part, at any time, by written notice to the CONTRACTOR. In the event of termination for the convenience of the CITY, the CONTRACTOR shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The CONTRACTOR shall promptly submit a termination claim to the CITY. If the CONTRACTOR has any property in its possession belonging to the CITY, the CONTRACTOR will account for the same, and dispose of it in the manner directed by the CITY.

B. Termination for Cause. If the CONTRACTOR fails to perform in the manner called for in this Agreement, or if the CONTRACTOR fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within five (5) days written notice thereof, the CITY may terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the CONTRACTOR setting forth the manner in which the CONTRACTOR is in default. The CONTRACTOR will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

21. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

22. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

23. JURISDICTION AND VENUE.

A. This Agreement has been and shall be construed as having been made and delivered with the State of Washington and it is agreed by each party hereto that this Agreement shall be governed by laws of the State of Washington, both as to interpretation and performance.

B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in any of the courts of competent jurisdiction in Pierce County, Washington.

24. SEVERABILITY.

A. If, for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform to such statutory provisions.

25. ENTIRE AGREEMENT.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

CITY OF BONNEY LAKE

CONTRACTOR: _____

Neil Johnson Jr., Mayor

Date: _____

UBI Number _____

Date: _____

- EXHIBIT "A" (Project Work)
- EXHIBIT "B" (Bid Proposal)
- EXHIBIT "C" (Prevailing Wage Rates)



**City of Bonney Lake
Small Public Works Project
Prevailing Wages are required to be paid**

Invitation to Quote
Date: 19 May 2011

The City of Bonney Lake is accepting bids for a Small Public Works Project. As a contractor on our Small Works Roster, you are invited to submit a quote on this project.

Project Title: 2011 Chip Seal Application

Scope of Work:

Apply a chip seal to approximately 44,284 square yards of paved surface.

Apply a Dual Bituminous Surface Treatment to Approximately 8,619 square yards of paved surface.

- Chip Seal application must conform to DOT specifications
- Traffic control will be provided by the contractor.
- Contractor will notify the City 30 days in advance of starting work.
- Chip seal will be applied to the following approximate square yards (see attached "Street Improvements 2011").
- City crews will prepare all surfaces prior to the chip seal application.

Please see enclosed: Bid sheet, "Chip Seal Specifications", 2011 Street Improvements, Chip Seal and the contractor agreement.

Date Proposals are requested: 3:00 p.m., Thursday, 09 June 2011.

If you are interested in submitting a quote on this project please return packets to Triss Weber at City Hall, 19306 Bonney Lake Blvd, Bonney Lake, WA 98391. If you have any questions please contact Steve Willadson at (253) 261-5224.

City of Bonney Lake
(253) 862-8602 Fax (253) 447-4330

Mail to: PO Box 7380
Bonney Lake, WA 98391

Exhibit B



City of Bonney Lake Small Public Works Project Quote Sheet

Company Name: SIERRA SANTA FE CORP
 Address: P.O. BOX 1058
RIDGEFIELD, WA. 98642
 Phone Number: 360-887-2222
 Fax Number: 360-887-4422
 Contact Name: DAVID ZIMMERLY

Project Title: 2011 Chip Seal Application

Having carefully examined all documents enclosed herein, the Contractor proposes to perform all work in strict compliance with all documents, for the amount set forth below.

Schedule: Work shall be completed within 90 calendar days after the indicated starting date appearing in an official "Notice to Proceed" issued by Bonney Lake.
 Liquidated damages shall be imposed as specified in the contract documents for each day Contractor fails to meet the completion date.

Item	Description	Qty (Approx.)	Unit	Unit Price	Extended Price
1	Chip Seal Application (Standard)	44,284	Square Yards	\$ 3 ⁰⁵	\$ 135,066 ²⁰
2	Chip Seal Application (DBST)	8,619	Square Yards	\$ 3 ⁰³	\$ 26,115 ⁵⁷
3	Mobilization		Lump Sum	\$	\$ 6,942 ²³
4				\$	\$
5				\$	\$
				\$	\$
	Total Bid				\$ 168,124 ⁰⁰

Exhibit B



City of Bonney Lake Small Public Works Project Quote Sheet

Company Name: Doolittle Construction LLC
 Address: 1900 118 Ave SE
Bellevue WA 98005
 Phone Number: 425-455-1150
 Fax Number: 425-455-6782
 Contact Name: Tom Doolittle

Project Title: 2011 Chip Seal Application

Having carefully examined all documents enclosed herein, the Contractor proposes to perform all work in strict compliance with all documents, for the amount set forth below.

Schedule: Work shall be completed within 90 calendar days after the indicated starting date appearing in an official "Notice to Proceed" issued by Bonney Lake. Liquidated damages shall be imposed as specified in the contract documents for each day Contractor fails to meet the completion date.

Item	Description	Qty (Approx.)	Unit	Unit Price	Extended Price
1	Chip Seal Application (Standard)	44,284	Square Yards	\$ <u>2.⁷⁹</u>	\$ <u>123,552.³⁶</u>
2	Chip Seal Application (DBST)	8,619	Square Yards	\$ <u>3.¹⁰</u>	\$ <u>26,718.⁹⁰</u>
3	Mobilization		Lump Sum	\$ <u>4000.-</u>	\$ <u>4000.-</u>
4				\$	\$
5				\$	\$
6				\$	\$
	Total Bid				\$ <u>154,271.²⁶</u>

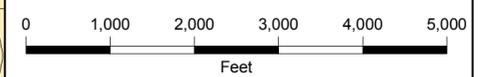
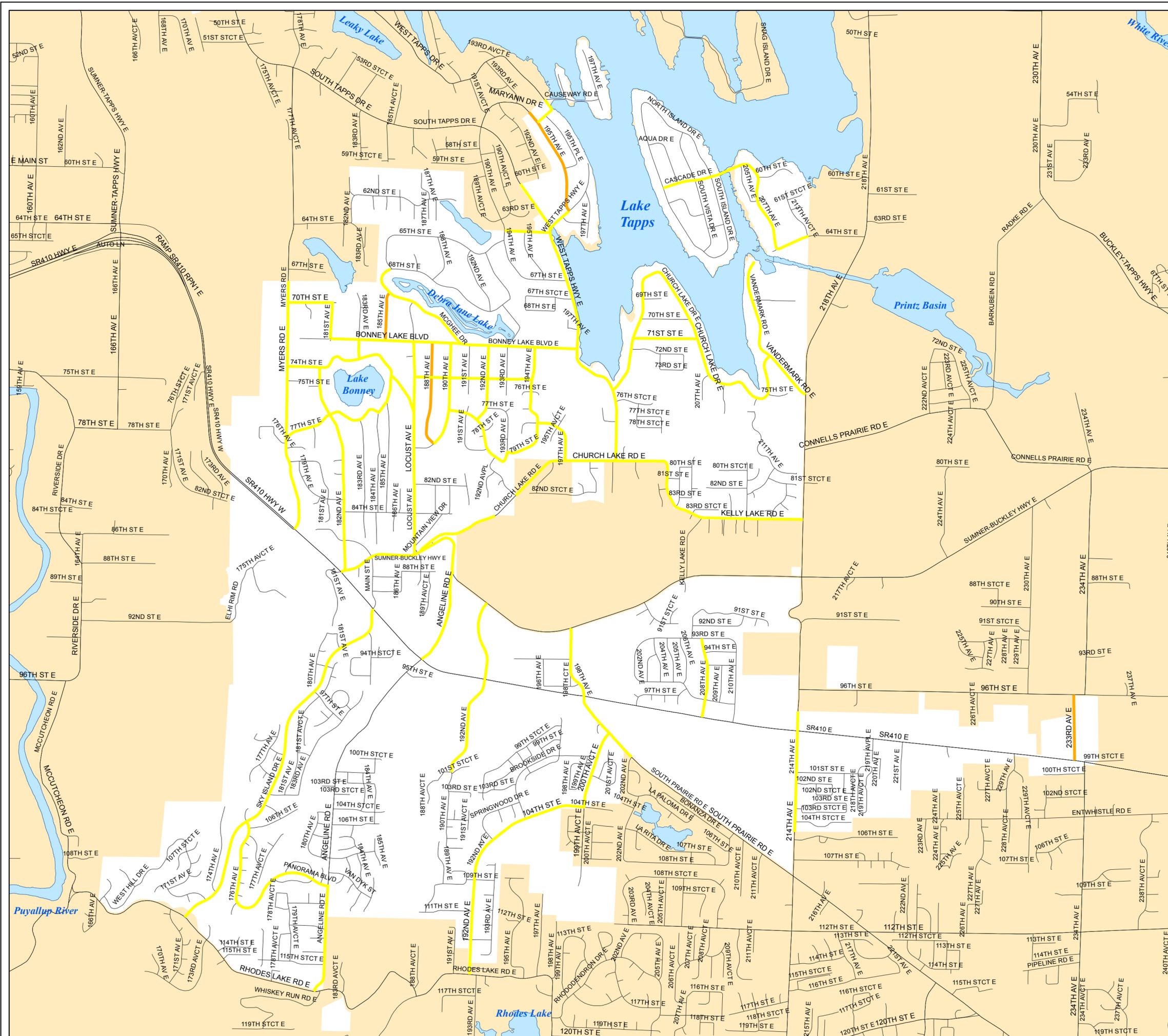
2011 Chip Seal Quantities:

Sec- tion	<u>3/8" Chip Seal</u> 2011	Width	Length	Sq Yards	<u>Scope of Work</u> <u>Comments:</u>
Interlake Island:					
153	195th AVE E	20	2463	5473	From West Tapps Dr E to the northern city Limit.
Day's Addition					
207	67TH ST CT E	16	1087	1932	From West Tapps HWY E to 194th Ave E
208	194TH AVE EAST	16	327	581	From 67th St Ct E to 68th St E
209	68TH ST E	20	697	1549	From 194th Ave E to 195th St E
210	195TH AVE EAST	16	307	546	From 68th St E to 67th St Ct E
Lake Jane:					
221	185TH AVE EAST (2)	20	1120	2489	From Bonney Lake BLVD to McGhee Dr E
Downtown:					
Bonnie Brae II					
323	79TH ST EAST	21	495	1155	From 192nd Ave E to 191st Ave E
324	191ST AVE E (3)	21	893	2084	From 79th St E to 77th St E
328	188TH AVE E (3)	20	2406	5347	From Bonney Lake BLVD to 80th St E (Mask "SCHOOL ZONE")
331	193RD AVE EAST (3)	20	1158	2573	From Bonney Lake BLVD to end of street
Downtown:					
339	84TH ST E	21	2421	5649	From 189th Ave E to 182nd Ave E (Mask Crosswalk & Stop Bars)
4109	88TH ST E	16	395	702	From 188th Ave E to 186th Ave E
4112	186TH AVE E	16	463	823	From 88th ST E to 90th St E
4113	89TH ST E	16	645	1147	From 186th Ave E to Main ST E
Bonney Lake Manor:					
403	111TH ST E	24	1151	1213	From 192nd Ave E to the cul de sac at the end of the street
406	109TH ST CT E	24	801	1200	From 109th St E to 189th Ave E
408	108TH ST CT E	24	450	1200	From 109th St E to cul de sac (Mask Crosswalk at 109th St E)
Cedar View:					
512	97TH ST E	21	638	1489	From 208th Ave E to 205th Ave Ct E
519	93RD ST E	21	2010	4690	From 202nd Ave E to 210th Ave E
	93RD ST E (Cul de sac)	35	35	136	Preserve 2 - "20 MPH" legends @ Cedar View Park Chip Seal Cul de sac
Eastown:					
532	233rd AVE E	21	988	2305	From 450' north of the intersection of SR-410 to 96th St E
Total Chip Seal Length		Miles	3.9	44284	

Section	<u>5/8" Double Chip Seal</u> 2011	Width	Length	Sq Yards	<u>Scope of Work</u>
Bonnie Brae II					
323	79TH ST EAST	21	495	1155	From 192nd Ave E to 191st Ave E
324	191ST AVE E (3)	21	893	2084	From 79th St E to 77th St E
Cedar View:					
512	97TH ST E	21	1318	3075	From 210th Ave E to 205th Ave Ct E
Eastown:					
532	233rd AVE E	21	988	2305	From 450' north of SR-410 to 96th St E
		Miles	0.7	8619	

Striping & Chip Seal 2011

-  OK To Stripe
-  Chip Seal
-  Public Roads (edges)
-  Private Roads (edges)
-  Outside of City Limits



April 13, 2011

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: PW / John Woodcock	Meeting/Workshop Date: 28 June 2011	Agenda Bill Number: AB11-71
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2130	Councilmember Sponsor: James Rackley

Agenda Subject: 80th Street E. and 82nd Street E. Sidewalk Improvement Contract with Les Russell Construction, LLC

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The 80th Street E. And 82nd Street E. Sidewalk Improvement Project To Les Russell Construction, LLC.

Administrative Recommendation:

Background Summary: The City opened bids for the project on June 22, 2011. The City received 4 bids and Les Russell Construction, LLC was the apparent low bidder with a bid of \$326,515.55, 15.5% below the Engineer's Estimate of \$386,256.58. PW Staff has determined that their proposal is consistent with the requirements of the contract and bid specifications.

Attachments: Resolution, Agreement, Bid Tabulation, Map

BUDGET INFORMATION

Budget Amount	Current Balance	Required Expenditure	Budget Balance
\$905,000	\$842,578.14	\$375,492.89	\$467,085.25

Budget Explanation:

301.025.032.595.30.63.10- Bonney Lake Elementary School (Sidewalk & On-Street Parking)- \$289,700
 401.000.034.594.34.63.04- Leaky Mains (PWTFL 2): Phase 2D- \$85,792.89
 Construction Contract Amount: \$326,515.55 +10% Contingency \$32,651.56 +5% Project Mgt.
 \$16,325.78 = Total: \$375,492.89

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review:	Finance Committee	<i>Approvals:</i>		
	Date: 28 June 2011	Chair/Councilmember	Dan Swatman	<input type="checkbox"/> Yes <input type="checkbox"/> No
		Councilmember	Mark Hamilton	<input type="checkbox"/> Yes <input type="checkbox"/> No
		Councilmember	James Rackley	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Forward to:	Consent		
		Agenda:	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Commission/Board Review:

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 28 June, 2011	Tabled to Date:

APPROVALS

Director: Dan Grigsby	Mayor: Neil Johnson	Date Reviewed by City Attorney: (if applicable):
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RESOLUTION NO. 2130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AWARING THE 80th STREET E. AND 82ND STREET E SIDEWALK IMPROVEMENTS PROJECT TO LES RUSSELL CONSTRUCTION, LLC

WHEREAS, the City Council approved Resolution 2038 accepting the Sumner School District's sum of \$215,000 for the City of Bonney Lake to construct sidewalks adjacent to Bonney Lake Elementary School;

WHEREAS, the City Council approved the design contract for the 80th Street E. and 82nd Street E. Sidewalk Improvements Project by Resolution 2059 on August 24, 2010; and

WHEREAS, the City advertised the 80th Street E. and 82nd Street E. Sidewalk Improvements Project and opened bids on June 22, 2011 and has determined the lowest responsible bid for this contract was received from Les Russell Construction, LLC; and

WHEREAS, the City Council adopted this project as part of the Sidewalk Improvements Program in the CIP budget for construction in 2011; and

NOW, THEREFORE, BE IT RESOLVED that the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached contract with Les Russell Construction, LLC in the amount of \$326,515.55, which includes tax.

BE IT FURTHER RESOLVED that the City of Bonney Lake Council does hereby authorize a 10% Construction Contingency (\$32,651.56) amount based on the contract bid amount as well as a 5% Construction Engineering (\$16,325.78) amount based on the contract bid.

PASSED and adopted by the City Council this 28th day of June, 2011.

Neil Johnson , Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

CONTRACT

THIS CONTRACT, is made and entered into this ____ day of _____, 20__ by and between the CITY OF BONNEY LAKE, a Washington municipal corporation, hereinafter referred to as the "Owner" and _____, hereinafter referred to as the "Contractor."

WITNESSETH:

WHEREAS, the Owner desires to have certain work, services and/or tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, the Contractor represents that the Contractor is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, to perform the work, services and/or tasks set forth in this Agreement; and

WHEREAS the Owner has heretofore caused to be prepared certain plans and specifications described as the _____ and the Contractor did on the ____ day of _____, 2011, file with the Owner a proposal to construct said work and agreed to accept as payment therefore the sum fully stated and set forth in the proposal; and

WHEREAS, the said Contract Documents fully and accurately described the terms and conditions upon which the Contractor proposes to furnish said equipment, labor, materials, and appurtenances and perform said work, together with the manner and time of furnishing same;

IT IS THEREFORE AGREED, first, the Contractor shall perform such work and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Contractor responsibilities throughout this Agreement and as detailed in the plans and specifications described as _____. It is agreed that a copy of said General Conditions and other Contract Documents filed with the Owner, as aforesaid, do, in all particulars, become a part of this Agreement by and between the parties hereto in all matters and things therein set forth and described;

AND FURTHER, that the Owner and the Contractor hereby accept and agree to the terms and conditions of said Contract Documents as filed as completely as if said terms and conditions and plans were herein set out in full.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

CITY OF BONNEY LAKE

CONTRACTOR

Neil Johnson, Jr., Mayor

By: _____

Title: _____

Date: _____

Date: _____

City of Bonney Lake
80th & 82nd St. E. Sidewalk Improvements Project
6/22/2011

SCHEDULE A- 80th & 82nd St. E. Sidewalk Improvements			Engineer's Estimate		Les Russell Construction		Archer Construction		Titan Earthwork LLC		Northwest Cascade Inc.		
Bid No.	Units	Description of Item	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	FA	Minor Change	1	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
2	LS	Project Surveying	1	\$ 3,000.00	\$ 3,000.00	\$ 4,500.00	\$ 4,500.00	\$ 7,030.00	\$ 7,030.00	\$ 4,250.00	\$ 4,250.00	\$ 8,250.00	\$ 8,250.00
3	LS	Property Restoration	1	\$ 5,000.00	\$ 5,000.00	\$ 7,000.00	\$ 7,000.00	\$ 5,460.00	\$ 5,460.00	\$ 5,000.00	\$ 5,000.00	\$ 2,800.00	\$ 2,800.00
4	LS	SPCC Plan	1	\$ 2,500.00	\$ 2,500.00	\$ 300.00	\$ 300.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 250.00	\$ 250.00
5	LS	Mobilization	1	\$ 22,150.76	\$ 22,150.76	\$ 19,500.00	\$ 19,500.00	\$ 28,921.00	\$ 28,921.00	\$ 25,000.00	\$ 25,000.00	\$ 29,000.00	\$ 29,000.00
6	LS	Traffic Control Supervisor	1	\$ 200.00	\$ 200.00	\$ 1,000.00	\$ 1,000.00	\$ 528.00	\$ 528.00	\$ 5,500.00	\$ 5,500.00	\$ 9,500.00	\$ 9,500.00
7	HR	Flaggers and Spotters	480	\$ 50.00	\$ 24,000.00	\$ 42.00	\$ 20,160.00	\$ 44.00	\$ 21,120.00	\$ 40.00	\$ 19,200.00	\$ 39.00	\$ 18,720.00
8	HR	Other Traffic Control Labor	60	\$ 50.00	\$ 3,000.00	\$ 42.00	\$ 2,520.00	\$ 46.00	\$ 2,760.00	\$ 40.00	\$ 2,400.00	\$ 39.00	\$ 2,340.00
9	SF	Construction Signs Class A	128	\$ 25.00	\$ 3,200.00	\$ 4.00	\$ 512.00	\$ 5.00	\$ 640.00	\$ 20.00	\$ 2,560.00	\$ 10.00	\$ 1,280.00
10	LS	Other Temporary Traffic Control	1	\$ 3,500.00	\$ 3,500.00	\$ 3,000.00	\$ 3,000.00	\$ 275.00	\$ 275.00	\$ 2,000.00	\$ 2,000.00	\$ 5,200.00	\$ 5,200.00
11	LS	Clearing and Grubbing	1	\$ 1,000.00	\$ 1,000.00	\$ 3,400.00	\$ 3,400.00	\$ 2,195.00	\$ 2,195.00	\$ 6,500.00	\$ 6,500.00	\$ 5,500.00	\$ 5,500.00
12	FA	Roadside Cleanup	1	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
13	EA	Removing Drainage Structure	1	\$ 400.00	\$ 400.00	\$ 310.00	\$ 310.00	\$ 420.00	\$ 420.00	\$ 225.00	\$ 225.00	\$ 415.00	\$ 415.00
14	LF	Removing Storm Pipe	34	\$ 30.00	\$ 1,020.00	\$ 22.00	\$ 748.00	\$ 16.00	\$ 544.00	\$ 7.00	\$ 238.00	\$ 5.00	\$ 170.00
15	LF	Removing Cement Conc. Curb and Gutter	57	\$ 10.00	\$ 570.00	\$ 12.00	\$ 684.00	\$ 6.00	\$ 342.00	\$ 5.00	\$ 285.00	\$ 9.00	\$ 513.00
16	SY	Removing Cement Conc. Sidewalk	30	\$ 15.00	\$ 450.00	\$ 22.00	\$ 660.00	\$ 17.00	\$ 510.00	\$ 16.00	\$ 480.00	\$ 11.00	\$ 330.00
17	SY	Removing Cement Conc. Pavement	51	\$ 20.00	\$ 1,020.00	\$ 22.00	\$ 1,122.00	\$ 24.50	\$ 1,249.50	\$ 12.00	\$ 612.00	\$ 12.00	\$ 612.00
18	SY	Removing Asphalt Conc. Pavement	120	\$ 13.00	\$ 1,560.00	\$ 20.00	\$ 2,400.00	\$ 11.50	\$ 1,380.00	\$ 9.00	\$ 1,080.00	\$ 8.00	\$ 960.00
19	LF	Removing Chain Link Fence	327	\$ 2.50	\$ 817.50	\$ 3.00	\$ 981.00	\$ 3.50	\$ 1,144.50	\$ 4.00	\$ 1,308.00	\$ 3.00	\$ 981.00
20	CY	Roadway Excavation Incl. Haul	733	\$ 20.00	\$ 14,660.00	\$ 18.00	\$ 13,194.00	\$ 17.00	\$ 12,461.00	\$ 15.00	\$ 10,995.00	\$ 14.00	\$ 10,262.00
21	SF	Shoring or Extra Excavation Class B	653	\$ 4.00	\$ 2,612.00	\$ 1.00	\$ 653.00	\$ 1.00	\$ 653.00	\$ 2.00	\$ 1,306.00	\$ 1.00	\$ 653.00
22	TONS	Crushed Surfacing Top Course	660	\$ 25.00	\$ 16,500.00	\$ 28.00	\$ 18,480.00	\$ 16.00	\$ 10,560.00	\$ 20.00	\$ 13,200.00	\$ 16.00	\$ 10,560.00
23	TONS	HMA Cl. 1/2 In. PG 64-22	300	\$ 100.00	\$ 30,000.00	\$ 88.00	\$ 26,400.00	\$ 91.50	\$ 27,450.00	\$ 90.00	\$ 27,000.00	\$ 90.00	\$ 27,000.00
24	SY	Planing Bituminous Pavement	280	\$ 10.00	\$ 2,800.00	\$ 8.00	\$ 2,240.00	\$ 14.50	\$ 4,060.00	\$ 17.00	\$ 4,760.00	\$ 16.00	\$ 4,480.00
25	CY	Concrete Class EA	10	\$ 250.00	\$ 2,500.00	\$ 210.00	\$ 2,100.00	\$ 357.50	\$ 3,575.00	\$ 400.00	\$ 4,000.00	\$ 600.00	\$ 6,000.00
26	LF	Ductile Iron Storm Sewer Pipe 12 In. Diam.	46	\$ 55.00	\$ 2,530.00	\$ 52.00	\$ 2,392.00	\$ 46.50	\$ 2,139.00	\$ 50.00	\$ 2,300.00	\$ 46.00	\$ 2,116.00
27	LF	Solid Wall PVC Storm Sewer Pipe 12 In. Diam.	180	\$ 40.00	\$ 7,200.00	\$ 33.00	\$ 5,940.00	\$ 22.50	\$ 4,050.00	\$ 33.00	\$ 5,940.00	\$ 32.00	\$ 5,760.00
28	LF	Testing Storm Sewer Pipe	226	\$ 5.00	\$ 1,130.00	\$ 2.00	\$ 452.00	\$ 1.50	\$ 339.00	\$ 3.25	\$ 734.50	\$ 2.00	\$ 452.00
29	LS	Storm Drainage Water Retention Structure	1	\$ 50,000.00	\$ 50,000.00	\$ 58,000.00	\$ 58,000.00	\$ 62,815.00	\$ 62,815.00	\$ 62,000.00	\$ 62,000.00	\$ 90,000.00	\$ 90,000.00
30	EA	Catch Basin Type 1	3	\$ 1,700.00	\$ 5,100.00	\$ 750.00	\$ 2,250.00	\$ 855.00	\$ 2,565.00	\$ 855.00	\$ 2,565.00	\$ 750.00	\$ 2,250.00
31	EA	Catch Basin Type 2 - 48 In. Diam.	1	\$ 3,000.00	\$ 3,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,857.00	\$ 1,857.00	\$ 1,655.00	\$ 1,655.00	\$ 1,900.00	\$ 1,900.00
32	EA	Adjust Manhole	1	\$ 700.00	\$ 700.00	\$ 260.00	\$ 260.00	\$ 600.00	\$ 600.00	\$ 400.00	\$ 400.00	\$ 310.00	\$ 310.00
33	LS	Erosion/Water Pollution Control	1	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 1,075.00	\$ 1,075.00	\$ 4,000.00	\$ 4,000.00	\$ 15,200.00	\$ 15,200.00
34	LF	Silt Fence	305	\$ 10.00	\$ 3,050.00	\$ 4.00	\$ 1,220.00	\$ 4.50	\$ 1,372.50	\$ 4.25	\$ 1,296.25	\$ 5.00	\$ 1,525.00
35	CY	Topsoil Type A	25	\$ 60.00	\$ 1,500.00	\$ 38.00	\$ 950.00	\$ 41.50	\$ 1,037.50	\$ 48.00	\$ 1,200.00	\$ 55.00	\$ 1,375.00
36	SY	Sod Installation	75	\$ 15.00	\$ 1,125.00	\$ 7.00	\$ 525.00	\$ 16.50	\$ 1,237.50	\$ 10.00	\$ 750.00	\$ 10.00	\$ 750.00
37	CY	Bark or Wood Chip Mulch	25	\$ 40.00	\$ 1,000.00	\$ 42.00	\$ 1,050.00	\$ 61.00	\$ 1,525.00	\$ 48.00	\$ 1,200.00	\$ 55.00	\$ 1,375.00
38	LF	Cement Conc. Traffic Curb and Gutter	860	\$ 25.00	\$ 21,500.00	\$ 12.00	\$ 10,320.00	\$ 11.00	\$ 9,460.00	\$ 11.00	\$ 9,460.00	\$ 14.00	\$ 12,040.00
39	SY	Cement Conc. Driveway	74	\$ 100.00	\$ 7,400.00	\$ 35.00	\$ 2,590.00	\$ 31.00	\$ 2,294.00	\$ 40.00	\$ 2,960.00	\$ 45.00	\$ 3,330.00
40	LF	Chain Link Fence Type 3	300	\$ 30.00	\$ 9,000.00	\$ 27.00	\$ 8,100.00	\$ 25.50	\$ 7,650.00	\$ 24.00	\$ 7,200.00	\$ 20.00	\$ 6,000.00
41	EA	End, Gate, Corner & Pull Post - Chain Link Fence	8	\$ 350.00	\$ 2,800.00	\$ 230.00	\$ 1,840.00	\$ 242.00	\$ 1,936.00	\$ 250.00	\$ 2,000.00	\$ 200.00	\$ 1,600.00
42	EA	Double 14 Ft. Chain Link Gate	1	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,100.00	\$ 1,100.00	\$ 1,050.00	\$ 1,050.00	\$ 1,375.00	\$ 1,375.00
43	SY	Cement Conc. Sidewalk	420	\$ 32.00	\$ 13,440.00	\$ 22.00	\$ 9,240.00	\$ 21.00	\$ 8,820.00	\$ 21.50	\$ 9,030.00	\$ 30.00	\$ 12,600.00
44	EA	Cement Conc. Sidewalk Ramp Type Parallel A	4	\$ 1,250.00	\$ 5,000.00	\$ 800.00	\$ 3,200.00	\$ 880.00	\$ 3,520.00	\$ 800.00	\$ 3,200.00	\$ 1,600.00	\$ 6,400.00
45	EA	Cement Conc. Sidewalk Ramp Type Parallel B	4	\$ 400.00	\$ 1,600.00	\$ 250.00	\$ 1,000.00	\$ 495.00	\$ 1,980.00	\$ 300.00	\$ 1,200.00	\$ 420.00	\$ 1,680.00
46	LS	Mailbox Support Type 1	4	\$ 1,500.00	\$ 6,000.00	\$ 2,500.00	\$ 10,000.00	\$ 2,530.00	\$ 10,120.00	\$ 1,000.00	\$ 4,000.00	\$ 4,300.00	\$ 17,000.00
47	LF	Permanent Signage	1	\$ 25.00	\$ 25.00	\$ 6.00	\$ 6.00	\$ 6.00	\$ 6.00	\$ 7.00	\$ 7.00	\$ 7.00	\$ 7.00
48	LF	Plastic Stop Line	15	\$ 2.00	\$ 30.00	\$ 0.70	\$ 10.50	\$ 1.00	\$ 15.00	\$ 0.85	\$ 12.75	\$ 1.00	\$ 15.00
49	LF	Paint Line	1450	\$ 2.00	\$ 2,900.00	\$ 0.70	\$ 1,015.00	\$ 1.00	\$ 1,450.00	\$ 0.85	\$ 1,232.50	\$ 1.00	\$ 1,450.00
49	SF	Plastic Crosswalk Line	144	\$ 15.00	\$ 2,160.00	\$ 5.00	\$ 720.00	\$ 5.50	\$ 792.00	\$ 7.50	\$ 1,080.00	\$ 8.00	\$ 1,152.00
Total Cost: Schedule A				\$ 305,970.26	\$ 305,970.26	\$ 266,018.00	\$ 266,018.00	\$ 273,192.50	\$ 273,192.50	\$ 279,107.25	\$ 279,107.25	\$ 338,321.00	\$ 338,321.00
Utility Work			Engineer's Estimate		Les Russell Construction		Archer Construction		Titan Earthwork LLC		Northwest Cascade Inc.		
Bid No.	Units	Description of Item	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	SY	Removing Asphalt Conc. Pavement	310	\$ 13.00	\$ 4,030.00	\$ 14.00	\$ 4,340.00	\$ 8.00	\$ 2,480.00	\$ 9.00	\$ 2,790.00	\$ 9.00	\$ 2,790.00
2	EA	Potholing	5	\$ 400.00	\$ 2,000.00	\$ 250.00	\$ 1,250.00	\$ 373.00	\$ 1,865.00	\$ 265.00	\$ 1,325.00	\$ 450.00	\$ 2,250.00
3	LF	Saw Cutting	1030	\$ 2.50	\$ 2,575.00	\$ 1.00	\$ 1,030.00	\$ 2.00	\$ 2,060.00	\$ 2.00	\$ 2,060.00	\$ 1.75	\$ 1,802.50
4	TONS	Crushed Surfacing Top Course	100	\$ 25.00	\$ 2,500.00	\$ 28.00	\$ 2,800.00	\$ 20.00	\$ 2,000.00	\$ 28.00	\$ 2,800.00	\$ 34.00	\$ 3,400.00
5	TONS	HMA Cl. 1/2 In. PG 64-22	185	\$ 100.00	\$ 18,500.00	\$ 100.00	\$ 18,500.00	\$ 102.50	\$ 18,962.50	\$ 98.00	\$ 18,130.00	\$ 113.00	\$ 20,905.00
6	SY	Planing Bituminous Pavement	250	\$ 10.00	\$ 2,500.00	\$ 8.00	\$ 2,000.00	\$ 14.00	\$ 3,500.00	\$ 18.00	\$ 4,500.00	\$ 16.00	\$ 4,000.00
7	LF	Class 50 Ductile Iron Pipe for Water Main 8 In. Dia.	350	\$ 60.00	\$ 21,000.00	\$ 38.00	\$ 13,300.00	\$ 42.00	\$ 14,700.00	\$ 48.00	\$ 16,800.00	\$ 40.00	\$ 14,000.00
8	EA	Air and Vacuum Release Valve 2 In.	1	\$ 2,500.00	\$ 2,500.00	\$ 3,300.00	\$ 3,300.00	\$ 3,195.00	\$ 3,195.00	\$ 3,750.00	\$ 3,750.00	\$ 3,900.00	\$ 3,900.00
9	EA	Adjust Water Valve	7	\$ 250.00	\$ 1,750.00	\$ 210.00	\$ 1,470.00	\$ 300.00	\$ 2,100.00	\$ 275.00	\$ 1,925.00	\$ 310.00	\$ 2,170.00
10	EA	Remove and Reinstall Hydrant Assembly	2	\$ 2,000.00	\$ 4,000.00	\$ 2,400.00	\$ 4,800.00	\$ 1,672.00	\$ 3,344.00	\$ 4,200.00	\$ 8,400.00	\$ 4,000.00	\$ 8,000.00
11	EA	Service Connection 1 1/2 In. Diam	4	\$ 3,000.00	\$ 12,000.00	\$ 620.00	\$ 2,480.00	\$ 1,000.00	\$ 4,000.00	\$ 1,200.00	\$ 4,800.00	\$ 900.00	\$ 3,600.00
Construction Cost: Schedule B				\$ 73,455.00	\$ 73,455.00	\$ 55,350.00	\$ 55,350.00	\$ 58,346.50	\$ 58,346.50	\$ 67,410.00	\$ 67,410.00	\$ 66,977.50	\$ 66,977.50
SCHEDULE B WSST @ 9.3%				\$ 6,831.32	\$ 6,831.32	\$ 5,147.55	\$ 5,147.55	\$ 5,426.22	\$ 5,426.22	\$ 6,269.13	\$ 6,269.13	\$ 6,228.91	\$ 6,228.91
Total Schedule B Incl. WSST				\$ 80,286.32	\$ 80,286.32	\$ 60,497.55	\$ 60,497.55	\$ 63,772.72	\$ 63,772.72	\$ 73,679.13	\$ 73,679.13	\$ 73,206.41	\$ 73,206.41
Total Cost Schedule A + B Including WSST				\$ 386,256.58	\$ 386,256.58	\$ 326,515.55	\$ 326,515.55	\$ 336,965.22	\$ 336,965.22	\$ 352,786.38	\$ 352,786.38	\$ 411,	

80th & 82nd Street Sidewalk Project



Map Legend

Roads

- Interstate
- Limited Access State Routes
- Other State Routes
- Ramps
- Major Arterial
- Collector
- Local Access
- County - 2008 - Ortho



0 250 ft.



Scale 1:2,930

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

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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Community Development / John P. Vodopich, AICP	Meeting/Workshop Date: 28 June 2011	Agenda Bill Number: AB11-72
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D11-72	Councilmember Sponsor: Carter

Agenda Subject: Revisions regarding the parking of recreational vehicles.

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Revising Chapter 10.16 Of The Bonney Lake Municipal Code With Regards To The Parking Of Recreational Vehicles.

Administrative Recommendation:

Background Summary: Chapter 10.16 pertaining to the parking of recreational vehicles is outdated and has created confusion causing a need to clarify this Chapter. Proposed revisions were discussed at the June 7, 2011 Council Workshop, legal staff recommended changes to the suggested language which have been incorporated into the Ordinance as presented.
Attachments: Comparison of recommended language; Ordinance D11-72

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	Chair/Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
	Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
	Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Forward to:	Consent Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s): June 7, 2011	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: <i>John P. Vodopich, AICP</i>	Mayor:	Date Reviewed by City Attorney: June 13, 2011 (if applicable):

10.16.020 Parking of recreational vehicles - Prohibited where and when.

- A. It is unlawful to park or stand any trailer, recreational vehicle or boat, or use or occupy same on any tract of ground except as provided in this chapter or as specified in BLMC 10.48, and
- B. No trailer, recreational vehicle or boat shall be parked on any street, alley or public place in Bonney Lake for a period exceeding 24 hours and shall not be parked for any period of time between sunset and sunrise in any city park or upon any city-owned property, unless that area is posted granting permission to so use or as specified in BLMC 12.12; and
- C. It is provided, that a trailer, recreational vehicle or boat may be parked, used or occupied on the premises of any occupied dwelling with the permission of the lawful occupant thereof for a period not to exceed two weeks, provided that such occupancy does not create a public health hazard or nuisance; and
- D. It is provided, further, that the provisions of this chapter shall not apply to unoccupied trailers, recreational vehicles or boats in sales lots, or within public or private garages, or on private property if parked on a hard, drivable surface and that such surface does not exceed the maximum allowable impervious surface lot coverage limitations for the zone in which the property is located. Unoccupied trailers, recreational vehicles or boats parked along the side of or in the rear of a residence must be adequately screened from view of the right-of-way in accordance with BLMC 8.20.

06/05/11 Iteration

Edits by Legal Staff - June 13, 2011

10.16.020 Parking of recreational vehicles - Prohibited where and when.

- A. It is unlawful to park or stand any trailer, recreational vehicle or boat, or use or occupy same while so parked or standing, on any tract of ground except as provided in this chapter ~~or as specified in BLMC 10.48~~, and
- B. No trailer, recreational vehicle or boat shall stand or be parked on any street, right-of-way, alley or public place in Bonney Lake for a period exceeding 24 hours, and shall not stand or be parked for any period of time between sunset and sunrise in any city park or upon any other city-owned property, excluding a street or right-of-way, unless that area is posted granting permission to so use or as specified in BLMC 12.12; and
- C. It is provided, that a trailer, recreational vehicle or boat may stand or be parked and used or occupied on the premises of any occupied dwelling with the permission of the lawful occupant thereof for a period not to exceed two weeks provided that such use or occupancy does not create a public health hazard or nuisance; and
- D. It is provided, further, that unused and unoccupied trailers, recreational vehicles, or boats may stand or be parked on private property if parked on a hard, drivable, impervious surface, which does not exceed the current maximum allowable impervious surface lot coverage limitations for the zone in which the property is located. If such trailer, recreational vehicle or boat stands or is parked along the side of or in the rear of a residence, it must be adequately screened from adjoining properties and from the view of the right-of-way in accordance with BLMC 8.20.
- E. ~~It is provided, further, that~~ The provisions of this chapter shall not apply to unoccupied trailers, recreational vehicles, or boats that stand or are parked in sales lots, or within public or private garages.

ORDINANCE NO. D11-72

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,
PIERCE COUNTY, WASHINGTON AMENDING
CHAPTER 10.16 OF THE BONNEY LAKE MUNICIPAL CODE
RELATING TO THE PARKING OF RECREATIONAL VEHICLES.**

WHEREAS, Chapter 10.16 pertaining to the parking of recreational vehicles was outdated and created confusion causing a need to clarify this Chapter.

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

Section 1. Chapter 10.16.020 of the Bonney Lake Municipal Code, "Parking of recreational vehicles - Prohibited where and when," is hereby amended to read as follows:

10.16.020 Parking of recreational vehicles - Prohibited where and when.

~~It is unlawful to park or stand any trailer, recreational vehicle or boat, or use or occupy same on any tract of ground except as provided in this chapter, and no trailer, recreational vehicle or boat shall be parked on any street, alley or public place in Bonney Lake for a period exceeding 24 hours and shall not be parked for any period of time between sunset and sunrise in any city park or upon any city owned property, unless that area is posted granting permission to so use or as specified in Chapter 12.12 BLMC; provided, that a trailer, recreational vehicle or boat may be parked, used or occupied on the premises of any occupied dwelling with the permission of the lawful occupant thereof for a period not to exceed two weeks, provided that such occupancy does not create a public health hazard or nuisance; and provided further, that the provisions of this chapter shall not apply to unoccupied trailers, recreational vehicles or boats in sales lots, or within public or private garages, or on private property if adequately screened from view from adjacent structures in accordance with BLMC 8.20.030 and placed with a setback the same as or greater than that required for the dwelling or primary building as specified in the Bonney Lake zoning ordinance for the applicable zone or district.~~

A. It is unlawful to park or stand any trailer, recreational vehicle or boat, or use or occupy same while so parked or standing, on any tract of ground except as provided in this chapter; and

B. No trailer, recreational vehicle or boat shall stand or be parked on any street, right-of-way, alley or public place in Bonney Lake for a period exceeding 24 hours, and shall not stand or be parked for any period of time between sunset and sunrise in any city park or upon any other city-owned property, excluding a street or right-of-way, unless that area is posted granting permission to so use or as specified in BLMC 12.12; and

C. It is provided, that a trailer, recreational vehicle or boat may stand or be parked and used or occupied on the premises of any occupied dwelling with the permission of the

lawful occupant thereof for a period not to exceed two weeks provided that such use or occupancy does not create a public health hazard or nuisance; and

D. It is provided, further, that unused and unoccupied trailers, recreational vehicles, or boats may stand or be parked on private property if parked on a hard, drivable, impervious surface, which does not exceed the current maximum allowable impervious surface lot coverage limitations for the zone in which the property is located. If such trailer, recreational vehicle or boat stands or is parked along the side of or in the rear of a residence, it must be adequately screened from adjoining properties and from the view of the right-of-way in accordance with BLMC 8.20.

E. The provisions of this chapter shall not apply to unoccupied trailers, recreational vehicles, or boats that stand or are parked in sales lots, or within public or private garages.

Section 2. This Ordinance shall take effect and be in force 30 days from its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2010.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:
There are ___ Pages to this Ordinance

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City of Bonney Lake, Washington
Council Agenda Bill (CAB)

Department/Staff Contact: PD / Mike Mitchell	Meeting/Workshop Date: 28 June 2011	Agenda Bill Number: AB11-68
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2129	Councilmember Sponsor:

Agenda Subject: Swiss Sportsmen's Club of Tacoma Rental Hold-Harmless Agreement

Full Title/Motion: A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Sign The Swiss Sportsmen's Club Of Tacoma Rental Hold-Harmless Agreement .

Administrative Recommendation: Approve

Background Summary: The Bonney Lake Police Department needs a location for firearms training on a (at minimum) quarterly basis. The Swiss Park facility has been a satisfactory location to accomplish our training requirements. Without the use of this facility, the Bonney Lake Police Department will need to look elsewhere for a training facility for officers in order to stay proficient at an inflated cost.

Attachments: Swiss Sportsmen's Club Of Tacoma Rental Hold-Harmless Agreement

BUDGET INFORMATION

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
3,000.00	5,000.00	2,000.00	(2,000.00)

Budget Explanation: No Anticipated Budget Impact.

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review: Finance Committee Approvals: Swatman, Chair
Date: 14 June 2011 Rackley, Councilmember
 Hamilton, Councilmember

Forward to: Council Meeting Consent Agenda: Yes No

Commission/Board Review:

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s): 7 June 2011 Public Hearing Date(s):
Meeting Date(s): 28 June 2011 Tabled to Date:

APPROVALS

Director: *HTE* Mayor: Date Reviewed by City Attorney: N/A (if applicable):

RESOLUTION NO. 2129

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR SIGN A HOLD HARMLESS AGREEMENT WITH THE SWISS SPORTSMEN'S CLUB OF TACOMA FOR THE USE OF THEIR FIREARMS TRAINING FACILITY AND INCREASE THE BONNEY LAKE POLICE DEPARTMENT'S FACILITY RENTAL AGREEMENT BY \$2,000.00.

WHEREAS, Bonney Lake Police Department requires a firearms training facility to ensure officers are adequately qualified to carry a firearm while working in their capacity as a Commissioned Officer for the City of Bonney Lake; and

WHEREAS, the Swiss Sportsmen's Club of Tacoma has offered such a facility within the City of Bonney Lake pending the signing of the hold harmless agreement; and

WHEREAS, this agreement's additional cost has not been budgeted; and

WHEREAS, the City will have to increase the budget of the Bonney Lake Police Department facility rental agreement by \$2,000.00 to cover the additional cost of utilizing the Swiss Sportsmen's Club of Tacoma's facility.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to sign the hold harmless agreement with the Swiss Sportsmen's Club of Tacoma and to increase the budget of the Bonney Lake Police Department's facility rental by \$2,000.00.

PASSED BY THE CITY COUNCIL this _____ day of June 14, 2011.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

SWISS SPORTSMEN'S CLUB OF TACOMA RENTAL HOLD-HARMLESS AGREEMENT

This agreement is made this _____ day of _____, 20____ and entered between the Swiss Sportsmen's Club of Tacoma, a non-profit organization, here after referred to as "SSCT", and the City of Bonney Lake, here after referred to as "COBL".

1. **DAYS OF USE:** Whereas the COBL desires to use the SSCT Facilities for firearm shooting, practice and training, **two (2)** days per month. These days of use shall be mutually scheduled and reserved in advanced by the Training Officer for the COBL, and the SSCT Park Manager. The COBL will schedule days of use no less than 14 days in advance.
2. **COMMISSION OFFICERS ONLY:** No other person, other than Commissioned Law Enforcement Officers **employed by the COBL**, may use the facility without written approval from the SSCT.
3. **SAFETY RULES:** All Commissioned Officers using the facility shall conduct themselves in accords with the standard firearm safety practices and observe all established shooting rules of the SSCT as set forth in the attached Outdoor Range and Safety Rules.
4. **USING THE FACILITIES:** The COBL shall furnish to the SSCT, prior to using the facilities, a city approved safety plan. When the COBL is using the facilities, there shall be at least one COBL designated Range Supervisor to ensure all safety rules and regulations are followed. Upon finishing after each use of the facility, the facility grounds shall be inspected by COBL and returned to its original condition with specific concern given to recovering any live ammunition.
5. **HOLD HARMLESS AND INSURANCE:** The COBL shall be fully responsible for all acts, commissions, or omissions, of Officers or Agents using the facility for firearm shooting, training, and practice. The COBL hereby agrees to save and hold SSCT, its officials, members, board members, employees, and agents, harmless from all damages directly or indirectly incurred as a result of any acts, omissions, errors, or negligence of its Officers or Agents using the SSCT Facility. The COBL agrees to indemnify and hold the SSCT harmless from any such acts and/or omissions. ~~The COBL shall provide a certificate of insurance naming the SSCT as an additional insured prior to use of the facilities.~~ *MJM* *1/4/21*
6. **EFFECTIVE DATE:** This agreement shall be effective upon execution and shall be renewed on an annual basis. Either party privy to this agreement may terminate this agreement by delivering a written notice of termination at least thirty (30) days in advance of the termination date.

7. **CHANGE IN WRITING ONLY:** This agreement represents the entire agreement between the parties. No change or modification attempt to waive any of the provisions of this agreement shall be binding by either party unless the authorized representative of each party agrees to the change in writing. This agreement shall not be modified, supplemented, or otherwise affected by the course and dealings between the parties.
8. **ANNUAL FEE:** The annual fee in the amount of Five Thousand (\$5,000.00) Dollars shall be charged to the COBL and shall be paid within thirty (30) days of signing this agreement and must be paid before the facility may be used by the COBL.
9. **NOTICES:** All notices shall be sent to the named party as listed below.

Swiss Sportsmen's Club of Tacoma
9205 198th Avenue East
Bonney Lake, WA 98391

Dated this ____ day of _____, 20 ____

By (print name) _____, President SSCT

By (signature) _____

CITY OF BONNEY LAKE

By (print name) _____

By (signature) _____

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: CD / John Vodopich	Meeting/Workshop Date: 28 June 2011	Agenda Bill Number: AB11-75
Agenda Item Type: Motion	Ordinance/Resolution Number:	Councilmember Sponsor:

Agenda Subject: Approval of the GMG final plat.

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The GMG Final Plat.

Administrative Recommendation:

Background Summary: The GMG plat was one of several Pierce County preliminary plats that the City inherited when Bonney Lake annexed "Area 1-A" in 2006. This plat was one of four that was conditioned on a traffic light being built at 214th Ave. E. and Kelly Lake Rd. This traffic light has yet to be built. The City received an Assignment of Funds as a condition on the Ptarmigan Ridge plat anticipating that the developers of Ptarmigan Ridge would construct the traffic light. Ptarmigan Ridge has since been taken over by Home Street Bank and staff anticipates that the City and / or Pierce County will be required to use the Assignment of Funds in order to build the traffic light prior to building permits being issued for GMG or any of the three other plats associated with this traffic light as the Hearing Examiner's condition requires.

City Council would not normally receive the final plat for approval until signatures from all departments were placed on the mylar. Staff are waiting on documents that would normally be received prior to City Council review of a final plat, however bank ownership of GMG has created a situation in which the applicant wishes to have approval prior to submitting bonds associated with the plat. Staff finds that this request is reasonable and anticipates that we would not allow recording of the plat until Council approves the plat and the appropriate bonds and documentation are approved. The outstanding documents are: The Bonds for infrastructure, landscaping and wetland mitigation and a right of way dedication deed.

Attachments: Final Plat Staff Report, Hearing Examiner's plat and wetland variance decisions.

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	Chair/Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
Forward to:	Consent Agenda:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Commission/Board Review:			
Hearing Examiner Review:	4 Dec 2007		

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):

Meeting Date(s):

Tabled to Date:

APPROVALS

Director:

John P. Vodopich, AICP

Mayor:

Date Reviewed

by City Attorney:
(if applicable):

GMG PLAT
A PORTION OF THE SE 1/4 OF SW 1/4 OF SECTION 27,
TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.,
CITY OF BONNEY LAKE
PIERCE COUNTY, WASHINGTON

DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED PROPERTY, DEDICATE THESE LOTS TO SPECIFICALLY DESIGNATED HEREIN AS PRIVATE TO THE USE OF THE PUBLIC FOR WALKWAYS AND HEREBY GRANT TO THE PUBLIC THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THESE LOTS IN THE ORIGINAL REASONABLE GRADING OF THE STREETS.
FURTHERMORE, THE OWNERS AND SUBSEQUENT PURCHASERS WAIVE ALL CLAIMS FOR DAMAGES AGAINST THE ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SUCH ROADS AS SHOWN HEREIN.
THIS SUBMISSION HAS BEEN MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNERS.
IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HAND.

GMG DEVELOPMENT INC, A WASHINGTON CORPORATION
BY: [Signature] TITLE: GMG President

EAST WEST BANK
BY: [Signature] TITLE: SWP

ACKNOWLEDGMENTS

STATE OF WASHINGTON }
COUNTY OF KING } SS

ON THIS 2nd DAY OF June, 2011, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, PERSONALLY APPEARED GMG DEVELOPMENT INC, A WASHINGTON CORPORATION, THAT EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED AND STATED TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES HEREIN AUTHORIZED TO EXECUTE SAID INSTRUMENT.
IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR FIRST ABOVE WRITTEN.



NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT 1414 1st Ave
TITLE: Notary Public
MY COMMISSION EXPIRES: 6/9/12

STATE OF WASHINGTON }
COUNTY OF KING } SS

ON THIS 27 DAY OF May, 2011, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, PERSONALLY APPEARED Rick A. Edworthy, THAT EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED AND STATED TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID COMPANY FOR THE USES AND PURPOSES THEREIN MENTIONED AND ON OATH STATED THAT he WAS AUTHORIZED TO EXECUTE SAID INSTRUMENT.
IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT 1414 1st Ave
TITLE: Notary Public
MY COMMISSION EXPIRES: 6/9/12



APPROVALS

PUBLIC WORKS DEPARTMENT

ALL CONSTRUCTION OF PUBLIC UTILITIES, INCLUDING WATER, SEWER, SIDEWALKS, AND STORMWATER HAS BEEN COMPLETED OR IN PROGRESS. CONSTRUCTION IN CONFORMANCE WITH CITY OF BONNEY LAKE STANDARDS FOR BONNETS, BONDS WITH THE PROPER AMOUNTS HAVE BEEN POSTED TO COVER MAINTENANCE OF THE PUBLIC IMPROVEMENTS FOR TWO YEARS, AND ALL CONDITIONS OF PRELIMINARY PLAT HAVE BEEN COMPLETED WITH:

CITY ENGINEER _____ DATE _____

PIERCE COUNTY FIRE PROTECTION

WE HEREBY CERTIFY THAT THIS PLAT IS DULY APPROVED, SUBJECT TO COMPLIANCE WITH ALL CURRENT REQUIREMENTS OF THE FIRE PREVENTION BUREAU.

FIRE MARSHAL, DISTRICT 22 [Signature] DATE 6-8-11

CITY COUNCIL

I, THE UNDERSIGNED MAYOR, ON BEHALF OF THE CITY COUNCIL OF BONNEY LAKE, WASHINGTON, HEREBY CERTIFY THAT THIS PLAT IS DULY APPROVED AND ACCEPT SUCH DEDICATIONS AND EASEMENTS AS MAY BE INCLUDED THEREON.

MAYOR _____ DATE _____

CITY CLERK _____ DATE _____

COMMUNITY DEVELOPMENT DEPARTMENT

I HEREBY CERTIFY THAT THIS PLAT CONFORMS TO THE CITY OF BONNEY LAKE COMPREHENSIVE PLAN, LOCAL GOVERNMENT ENVIRONMENTAL REGULATIONS AND ALL CONDITIONS OF THE PRELIMINARY PLAT HAVE BEEN COMPLETED WITH:

DIRECTOR, COMMUNITY DEVELOPMENT DEPARTMENT _____ DATE _____

ASSESSOR/TREASURER

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE HAVE BEEN FULLY PAID AND DISCHARGED.

ASSESSOR/TREASURER, PIERCE COUNTY, WASHINGTON _____ DATE _____

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 2011, AT _____ MINUTES PAST _____ M. AT THE REQUEST OF _____, RECORDS OF THE PIERCE COUNTY AUDITOR, TACOMA, WASHINGTON.

RECORDING NUMBER _____

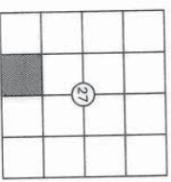
PIERCE COUNTY AUDITOR _____

FEE BY _____

5-27-2011



SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS PLAT ENTITLED "GMG PLAT" IS BASED UPON A SURVEY OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST, THAT ALL COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON, THAT THE MONUMENTS ON THE GROUND AS CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATING REGULATIONS.
Rick A. Edworthy 5-27-2011
DATE
RICK A. EDWORTHY, PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 35142



SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.

ESM CONSULTING ENGINEERS LLC
181 S 333rd St
Bldg C, Ste 210
Federal Way, WA 98003
www.esmcivil.com
Civil Engineering | Land Surveying | Land Planning
Public Works | Project Management | Landscape Architecture
JOB NO. 1497-001-009-0003 | DATE: 2011-05-27 | SHEET 1 OF 8
DRAWN: D.R./CAF

GMG PLAT

A PORTION OF THE SE 1/4 OF SW 1/4 OF SECTION 27,
TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.,
CITY OF BONNEY LAKE
PIERCE COUNTY, WASHINGTON

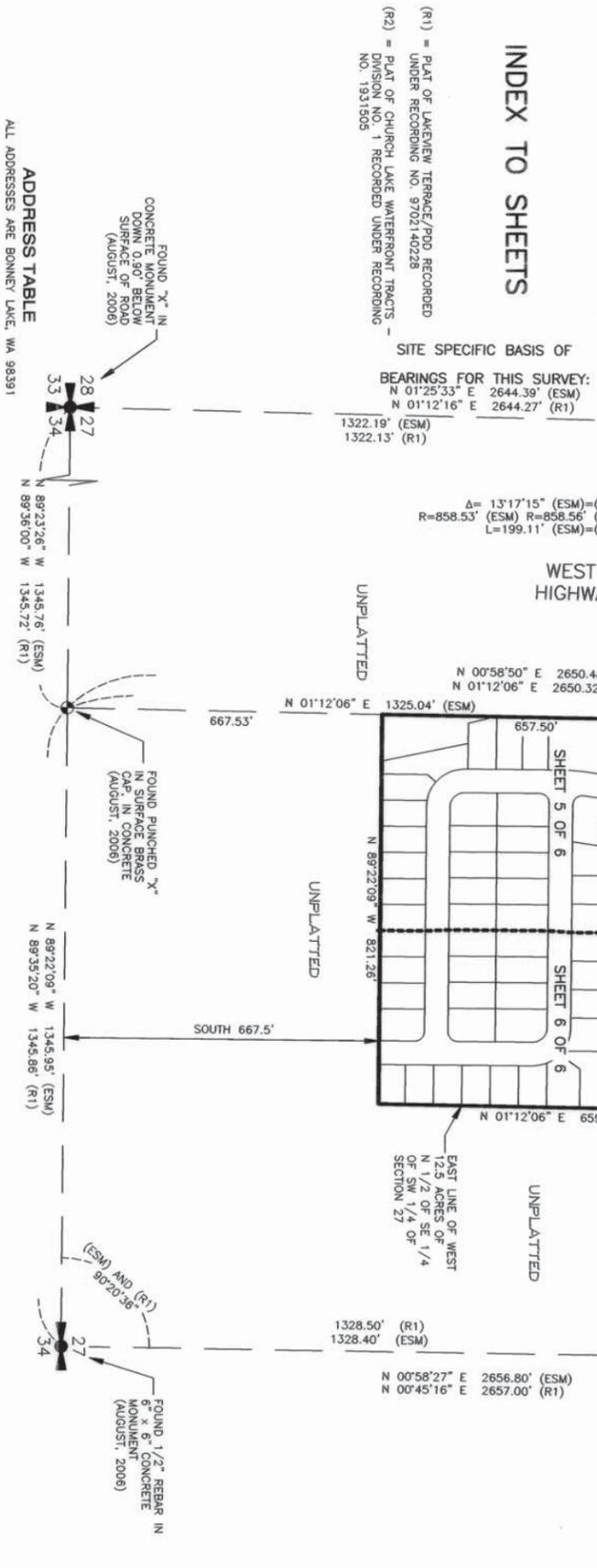
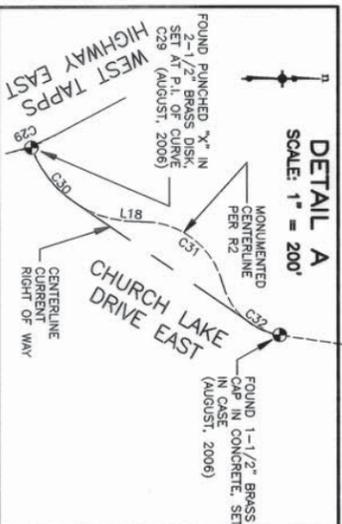
LEGAL DESCRIPTION

PARCEL A
THE WEST 1/2 AND 1/2 ACRES OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN;

EXCEPT ANY PORTION THEREOF LYING WITHIN THE SOUTH 667.5 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, (AS CONVEYED BY QUIT CLAIM DEEDS RECORDED UNDER RECORDING NOS. 201105130555 AND 201105130556 WHICH WERE CONVEYED UNDER AUTHORITY OF RCW 58.04 IN CONNECTION WITH THAT BOUNDARY LINE AGREEMENT RECORDED UNDER RECORDING NO. 201105130557.)

PARCEL B
A NON-EXCLUSIVE EASEMENT FOR VEHICULAR, PEDESTRIAN AND UTILITY ACCESS AS MORE FULLY SET FORTH AND DESCRIBED IN DOCUMENT RECORDED FEBRUARY 6, 2008, UNDER RECORDING NO. 200802060539, RECORDS OF PIERCE COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.



PROJECT BASIS OF BEARINGS
 WASHINGTON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE:
 N 01°25'33" E, AS OBSERVED BY GPS OBSERVATION BETWEEN THE SOUTHWEST SECTION CORNER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST, DESCRIBED AS A CONCRETE MONUMENT Scribed WITH AN "X", AND THE WEST BOUNDARY OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST, DESCRIBED AS 5/8" REBAR WELDED TOGETHER AND SET IN CONCRETE.

SURVEY INSTRUMENTATION
 SURVEYING PERFORMED IN CONJUNCTION WITH THIS RECORD OF SURVEY UTILIZED THE FOLLOWING EQUIPMENT AND PROCEDURES:
 10" TOTAL STATION MAINTAINED TO MANUFACTURER'S SPECIFICATIONS AS REQUIRED BY WAC-352-150-100
 THREE DUAL FREQUENCY SURVEY GRADE GPS UNITS UTILIZING RAPID STATIC AND POST PROCESSING TECHNIQUES
 PROCEDURE USED: FIELD TRAVERSE AND GPS WITH ACCURACY MEETING OR EXCEEDING THE REQUIREMENTS OF WAC-352-150-090

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C29	15°03'30"	378.30	99.42	50.00 (ESM)=(R2)
C30	68°33'03"	218.49	261.41	(ESM)=(R2)
C31	74°28'00"	158.00	205.26	(ESM)=(R2)
C32	67°37'57"	135.03	159.39	(ESM)=(R2)

LINE TABLE

LINE	BEARING	LENGTH
L18	N 01°17'08" E	20.20 (ESM)
L19	N 101°40" E	20.20 (R2)

ESM CONSULTING ENGINEERS, LLC

181 S 333rd St
 Bldg C, Ste 210
 Federal Way, WA 98003

www.esmci.com

Civil Engineering | Land Surveying
 Public Works | Project Management
 Job NO. 1497-001-009-0003 | DATE: 2011-06-01

DRAWN: DLB/GAF | SHEET 2 OF 6

\\ESM\ENGR\ESM-1085\1497\001\0008\PLOTS\PP-02-P1.DWG

GMG PLAT
 A PORTION OF THE SE 1/4 OF SW 1/4 OF SECTION 27,
 TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.,
 CITY OF BONNEY LAKE
 PIERCE COUNTY, WASHINGTON

VOL./PG.

NOTES

- 1) A REBAR AND PLASTIC CAP MARKED "ESM, LLC 29294/29281" SHALL BE SET AT ALL REAR LOT CORNERS AND LOT ANGLE POINTS EXCEPT "B" AND "C" REAR CORNERS. REBAR POINTS WHEN AN OBSTACLE PREVENTS SETTING A REBAR AND CAP IN THE EVENT THAT A NON-REMOVABLE OBSTACLE PREVENTS THE SETTING OF THE ACTUAL PROPERTY CORNER, A STAMPED 2" ALUMINUM CAP WILL BE SET ON THE PROPERTY LINE AS AN OFFSET TO THE ACTUAL CORNER WITH THE DISTANCE TO THE ACTUAL CORNER NOTED THEREON. THE INTERSECTION OF LOT LINES WITH STREET IMPROVEMENTS SHALL BE REFERENCED BY A PK NAIL AND BRASS TAG MARKED "S 29294/LS 29281" SET IN THE TOP OF CURB OR THICKENED EDGE OF ASPHALT ON THE EXTENSION OF THE LOT LINE.
- 2) A PRIVATE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY COMPANY, WEST PIERCE TELEPHONE, COMCAST, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON ALL PRIVATE STREETS, ALLEYS AND PRIVATE ACCESS TRACTS, THE EXTERIOR 10 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS AND 5 FEET PARALLEL WITH AND ADJOINING ALL PRIVATE DRIVEWAYS AND DRIVEWAYS. THE EASEMENT SHALL BE RESERVED OVER PRIVATE LOTS FOR VALUING, PEDESTAL ACCESS, TRACTS, UTILITY EASEMENTS AND RESERVED OVER PRIVATE LOTS FOR EASEMENT RESERVED IN THE PRECEDING SENTENCE AS FOLLOWS: THE VALUING EASEMENT MAY OCCUPY UP TO AN ADDITIONAL 5 FEET IN WIDTH (FOR A TOTAL WIDTH OF 10 FEET) WITH THE LENGTH OF EACH VALUING EASEMENT EXTENDING 5 FEET FROM EACH END OF THE AS-BUILT VALUING. THE NUMBER AND LOCATION OF VALUING EASEMENTS WILL BE AS INSTALLED DURING THE UTILITY'S INITIAL INSTALLATION OF FACILITIES. THE EASEMENTS ARE RESERVED AND GRANTED IN ORDER TO INSTALL, MAINTAIN, CONSTRUCT, REPAIR, OPERATE AND MAINTAIN UTILITY FACILITIES, INCLUDING BUT NOT LIMITED TO: STUBS AND PEDESTALS WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THE SUBDIVISION, WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION, AND OTHER PROPERTY, WITH UTILITY SERVICES TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED. ALSO HEREBY GRANTED IS THE RIGHT TO USE ALL STREET AND ROAD RIGHTS OF WAY FOR THE SAME PURPOSES. NO LINES OF PAVEMENT OR THE TRANSMISSION OF ELECTRIC CURRENT OR FOR TELEPHONE USE, CABLE TELEVISION, OR FIBER OPTIC CABLES SHALL BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.
- 3) AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF BONNEY LAKE AND OTHER UTILITY PROVIDERS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS FOR PUBLIC AND PRIVATE STORM DRAINAGE, WATER SERVICE, IRRIGATION, AND OTHER UTILITIES UNDER AND UPON THE 10 FEET OF LOTS AND TRACTS AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS AND 5 FEET PARALLEL WITH AND ADJOINING ALL PRIVATE DRIVEWAYS AND DRIVEWAYS. THE EASEMENT SHALL BE RESERVED OVER PRIVATE LOTS FOR PROPOSED ACCESS RIGHT OF WAY AS DERIVED HEREIN, IN WHICH THE CITY OF BONNEY LAKE AND OTHER UTILITY PROVIDERS AND MAINTAIN UNDERGROUND DISTRIBUTION SYSTEMS WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION, AND OTHER PROPERTY, WITH UTILITY SERVICES TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED. ALSO HEREBY GRANTED IS THE RIGHT TO USE ALL STREET AND ROAD RIGHTS OF WAY FOR THE SAME PURPOSES. NO LINES OF PAVEMENT OR THE TRANSMISSION OF ELECTRIC CURRENT OR FOR TELEPHONE USE, CABLE TELEVISION, OR FIBER OPTIC CABLES SHALL BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.
- 4) THE 10 FOOT WIDE EASEMENT ADJOINING STREETS MAY CONTAIN PRIVATE STORM DRAINAGE SYSTEMS AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS ON FILE AT THE CITY OF BONNEY LAKE. THE MAINTENANCE OF THOSE PRIVATE STORM DRAINAGE SYSTEMS SHALL BE THE RESPONSIBILITY OF THOSE LOT OWNERS BENEFITING FROM SAID SYSTEMS.
- 5) THIS SITE CONTAINS CRITICAL WETLANDS, STREAMS AND THEIR BUFFERS. RESTRICTIONS ON USE OR ALTERATION OF THE SITE MAY EXIST DUE TO NATURAL CONDITIONS OF THE SITE AND RESULTING REGULATIONS.
- 6) PROPERTIES ADJACENT TO THE SITE OF A LAND DISTURBANCE SHOULD BE PROTECTED FROM SEDIMENT DEPOSITION THROUGH THE USE OF BUFFERS OR OTHER PERIMETER CONTROLS, SUCH AS FILTER FENCE OR SEDIMENT BASINS.
- 7) THE ONSITE WETLANDS AND STREAMS WERE DELINEATED BY CHAD ARMOUR LLC ON JULY 19, 2006 AND FEBRUARY 16, 2007 AND SURVEY LOCATED BY ESM CONSULTING ENGINEERS, LLC.
- 8) THE RESIDENTS OF THIS PLAT FOR THE LIFE OF THE PROJECT SHALL MAINTAIN THE LANDSCAPING WITHIN TRACT C. ALL PLANT MATERIALS SHALL BE PRUNED AND TRIMMED AS NECESSARY TO MAINTAIN A HEALTHY DRAINAGE SYSTEM TO PREVENT LINE FAILURE. THE TRACT SHALL BE KEPT FREE OF TRASH, ANY PLANT MATERIALS SHALL BE REPAIRED FROM THE SPRING OR FALL GROWING SEASON FOLLOWING PLANT LOSS, BUT NOT GREATER THAN 180 DAYS FROM TIME OF LOSS.
- 9) TRACT A IS DEDICATED AND CONVEYED TO THE CITY OF BONNEY LAKE UPON THE RECORDING OF THIS PLAT FOR STORM DRAINAGE FACILITY PURPOSES. THE CITY OF BONNEY LAKE SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE IMPROVEMENTS WITHIN SAID TRACT, WITH THE EXCEPTION OF THOSE UTILITIES OWNED AND MAINTAINED BY UTILITY PROVIDERS LISTED IN NOTES 2 AND 3.
- 10) TRACTS B AND D ARE DEDICATED AND CONVEYED TO THE CITY OF BONNEY LAKE UPON THE RECORDING OF THIS PLAT FOR OPEN SPACE AND SENSITIVE AREA PURPOSES. SAID TRACTS CONTAIN WETLANDS THAT HAVE BEEN MITIGATED AND/OR RESTORED PER THE BUFFER MITIGATION PLAN APPROVED AND ON FILE AT THE CITY. THE CITY OF BONNEY LAKE SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE IMPROVEMENTS WITHIN SAID TRACT, WITH THE EXCEPTION OF THOSE UTILITIES OWNED AND MAINTAINED BY UTILITY PROVIDERS LISTED IN NOTES 2 AND 3.
- 11) TRACT C IS GRANTED AND CONVEYED TO THE HOMEOWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT FOR PARK PURPOSES. SAID HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE IMPROVEMENTS WITHIN SAID TRACT, WITH THE EXCEPTION OF THOSE UTILITIES OWNED AND MAINTAINED BY UTILITY PROVIDERS LISTED IN NOTES 2 AND 3. A 15 FOOT EASEMENT ACROSS TRACT C FOR ACCESS TO TRACT B IS ESTABLISHED UPON THE RECORDING OF THIS PLAT.
- 12) TRACT E IS GRANTED AND CONVEYED TO THE OWNERS OF LOTS 53 AND 54 ADJOINING SAID TRACTS AND OBTAINING THEIR ACCESS TO THE PUBLIC ROADS OVER SAID TRACT AS EQUAL AND UNDIVIDED OWNERSHIP UPON THE RECORDING OF THIS PLAT FOR JOINT USE DRIVEWAY PURPOSES. SAID OWNERS SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT, AND THE MAINTENANCE, REPAIR AND REPLACEMENT OF ANY IMPROVEMENTS CONTAINED THEREIN, WITH THE EXCEPTION OF THOSE UTILITIES OWNED AND MAINTAINED BY UTILITY PROVIDERS LISTED IN NOTES 2 AND 3. THE ENTIRETY OF SAID TRACT IS SUBJECT TO AN EASEMENT FOR UTILITIES OWNED AND MAINTAINED BY THE CITY OF BONNEY LAKE. THE FENCE SHALL BE MAINTAINED IN PERPETUITY BY THE HOMEOWNERS ASSOCIATION. PARKING IS PROHIBITED WITHIN SAID TRACT AND IT MUST REMAIN CLEAR OF ANY OBSTRUCTIONS.
- 13) A 5 FOOT WIDE PRIVATE STORM DRAINAGE EASEMENT ACROSS LOTS 46, 47 AND 48 IS ESTABLISHED UPON THE RECORDING OF THIS PLAT. THE MAINTENANCE OF THE PRIVATE STORM DRAINAGE SYSTEM CONTAINED IN SAID EASEMENT SHALL BE THE RESPONSIBILITY OF THOSE LOT OWNERS BENEFITING FROM SAID SYSTEM.
- 14) NO PESTICIDE USE SHALL BE ALLOWED WITHIN THE WETLAND OR BUFFER AREAS.
- 15) BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED DURING ALL PHASES OF SITE DEVELOPMENT.
- 16) AS IS ALLOWED PER SECTION 18.6.10.0806, PIERCE COUNTY REQUIRES THE CONSTRUCTION OF A 2- OR 3-RAIL, SPLIT RAIL, WOOD FENCE. THIS IS BEING REQUIRED TO DISTINGUISH THE CRITICAL AREA FROM THE DEVELOPED PORTIONS OF THE SITE AND HELP PROTECT THE WETLAND, FISH OR WILDLIFE HABITAT CONSERVATION AREA FROM INTRUSION AND OTHER HUMAN IMPACTS. THE FENCE SHALL BE MAINTAINED IN PERPETUITY BY THE HOMEOWNERS ASSOCIATION.
- 17) THE PROJECT LOCATION IS IN VERY CLOSE PROXIMITY TO SEVERAL AREAS THAT HAVE POTENTIAL FOR POSSIBLE FLOODING AND OTHER HISTORICAL SITES WILL NEED TO BE RECORDED TO THE PUYALLUP TRIBE AND THE STATE OF WASHINGTON IMMEDIATELY.
- 18) EROSION CONTROL MEASURES MUST BE IN PLACE PRIOR TO ANY FUTURE CLEARING, GRADING, OR CONSTRUCTION.
- 19) PROPER DISPOSAL OF CONSTRUCTION DEBRIS MUST BE ON LAND IN SUCH A MANNER THAT DEBRIS CANNOT ENTER THE WETLANDS, STREAMS, AND THEIR BUFFERS OR CAUSE WATER QUALITY DEGRADATION OF STATE WATERS.
- 20) DURING CONSTRUCTION, ALL RELEASES OF OILS, HYDRAULIC FLUIDS, FUELS, OTHER PETROLEUM PRODUCTS, PAINTS, SOLVENTS, AND OTHER DELETERIOUS MATERIALS MUST BE CONTAINED AND REMOVED IN A MANNER THAT WILL PREVENT THEIR DISCHARGE TO WATERS AND SOILS OF THE STATE. THE CLEANUP OF SPILLS SHOULD TAKE PRECEDENCE OVER OTHER WORK ON THE SITE.

EXCEPTIONS FROM TITLE REPORT

- LEGAL DESCRIPTION, EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS ARE FROM CHICAGO TITLE INSURANCE COMPANY AMENDED PLAT INSTRUMENT NO. 232522 DATED JULY 13, 2010. IN PREPARING THIS TITLE REPORT, THE ENGINEER HAS REVIEWED THE INSTRUMENT RECORDED UNDER RECORDING NO. 95111130192, THE AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN ON THIS PLAT. ESM HAS MADE OF RELEASING THE REFERENCED SUBDIVISION GUARANTEE TO PREPARE THIS PLAT AND THEREFORE QUALIFIES THE PLAT'S ACCURACY AND COMPLETENESS TO THAT EXTENT.
- 1) SUBJECT TO GENERAL PROPERTY TAXES AND SERVICE CHARGES FOR TAX ACCOUNT NUMBER 0520227028.
 - 2-4) NOT REPORTED HEREIN.
 - 5) SUBJECT TO VOLUNTARY SCHOOL IMPACT FEE LIEU AS RECORDED UNDER RECORDING NO. 9708050476.
 - 6) SUBJECT TO VOLUNTARY PARKS IMPACT FEE LIEU AS RECORDED UNDER RECORDING NO. 9708050477.
 - 7-8) NOT REPORTED HEREIN.
 - 9) SUBJECT TO AN EASEMENT FOR ELECTRIC TRANSMISSION AND/OR DISTRIBUTION SYSTEMS AND THE TERMS AND CONDITIONS THEREOF AS CONTAINED IN INSTRUMENT RECORDED UNDER RECORDING NO. 95111130192. THE LOCATION OF SAID EASEMENT CANNOT BE DETERMINED FROM SAID INSTRUMENT AND IS NOT DEPICTED HEREIN.
 - 10) SUBJECT TO AN EASEMENT FOR VEHICULAR, PEDESTRIAN, AND UTILITY ACCESS AND THE TERMS AND CONDITIONS THEREOF AS CONTAINED IN INSTRUMENT RECORDED UNDER RECORDING NO. 200802080539 AND THOSE TERMS HEREBY REFERRED TO AS RECORDED UNDER RECORDING NO. 2010040804093. THE LOCATION OF SAID EASEMENT IS DEPICTED HEREIN.
 - 11) NOT REPORTED HEREIN.

BUILDING SETBACKS

BUILDING SETBACKS ARE AS FOLLOWS (UNLESS DEPICTED OTHERWISE):
 FRONT: 25'
 SIDE: 5'
 SIDE ALONG RIGHT OF WAY: 15'
 REAR: 10'

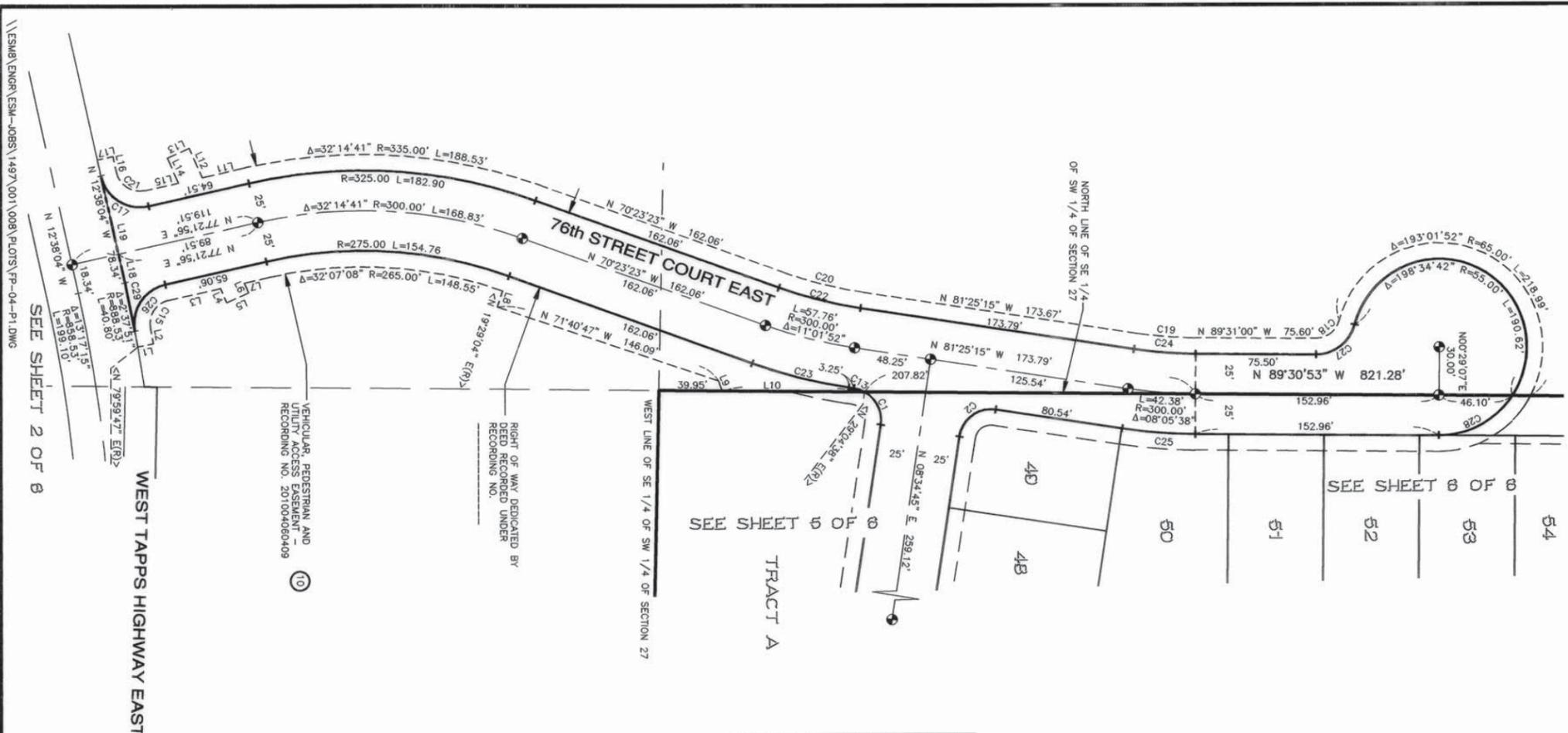
VOL./PG.



5-27-2011

ESM CONSULTING ENGINEERS, LLC	
181 S 333rd St Bldg C, Ste 210 Federal Way, WA 98003	
www.esmcivil.com	
Civil Engineering Public Works	Land Surveying Project Management
JOB NO: 1497-001-009-0003	DATE: 2011-06-01
DRAWN: DLF/CAF	SHEET 3 OF 6
PROBABLY (203) 838-4113 EVERETT (425) 297-8800 ELDSBURG (509) 874-1905	

GMG PLAT
 A PORTION OF THE SE 1/4 OF SW 1/4 OF SECTION 27,
 TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.,
 CITY OF BONNEY LAKE
 PIERCE COUNTY, WASHINGTON



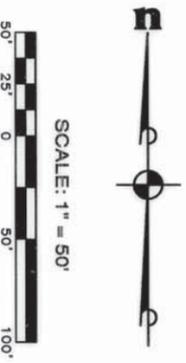
- LEGEND**
- ⊕ = ESM TO SET CONCRETE MONUMENT WITH BRASS CAP
 - STAMPED: "L.S. 28294", IN CASE, UPON COMPLETION OF CONSTRUCTION
 - B.S.B.L. = BUILDING SETBACK LINE
 - R = RADIUS
 - Δ = DELTA
 - L = ARC LENGTH
 - (R) = RADIAL BEARING
 - <> = RADIAL BEARING AT LOT CORNER
 - 1 = INDICATES NOTE NUMBER ON SHEET 3 OF 6
 - 2 = INDICATES EXCEPTION NUMBER ON SHEET 3 OF 6

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	68°30'07"	20.00	24.26
C2	90°00'00"	20.00	31.42
C13	80°29'53"	20.00	7.16
C15	88°00'51"	15.00	23.04
C17	90°00'00"	25.00	39.27
C18	75°31'21"	15.00	19.77
C19	87°05'45"	285.00	37.44
C20	110°01'52"	135.00	23.56
C21	90°00'00"	135.00	52.95
C22	110°01'52"	275.00	62.57
C23	08°05'38"	325.00	38.85
C24	08°05'38"	325.00	45.91
C26	88°00'51"	25.00	38.40
C27	75°31'21"	25.00	32.95
C28	58°56'39"	55.00	54.66
C29	01°59'09"	888.53	30.80

LINE TABLE

LINE	BEARING	LENGTH
L1	N 79°21'05" E	10.06
L2	N 107°58'55" W	10.00
L3	N 77°21'56" E	33.33
L4	N 23°48'16" W	9.59
L5	N 65°14'44" E	15.00
L6	N 23°48'16" W	6.62
L7	N 77°21'56" E	16.44
L8	N 18°19'13" E	16.57
L9	N 20°49'02" W	6.91
L10	N 89°30'53" W	85.92
L11	N 77°21'56" E	27.71
L12	N 23°48'16" W	20.00
L13	N 65°14'44" E	15.00
L14	N 23°48'16" W	17.04
L15	N 77°21'56" E	21.50
L16	N 12°38'04" W	10.00
L17	N 77°21'56" E	18.34
L18	N 12°38'04" W	18.34
L19	N 12°38'04" W	50.00



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 Landscape Architecture

FEDERAL WAY (253) 838-9113
 EVERETT (425) 257-9900
 BLENHEIM (360) 674-1900

JOB NO. 1497-001-009-0003 DATE: 2011-08-01
 DRAWN: DJR/CAF SHEET 4 OF 6

SEE SHEET 2 OF 8
 WEST TAPPS HIGHWAY EAST
 VEHICULAR EASEMENT AND UTILITY ACCESS EASEMENT RECORDING NO. 2010004060409
 RIGHT OF WAY DEDICATED BY DEED RECORDED UNDER RECORDING NO. 2010004060409
 WEST LINE OF SE 1/4 OF SW 1/4 OF SECTION 27
 NORTH LINE OF SE 1/4 OF SW 1/4 OF SECTION 27

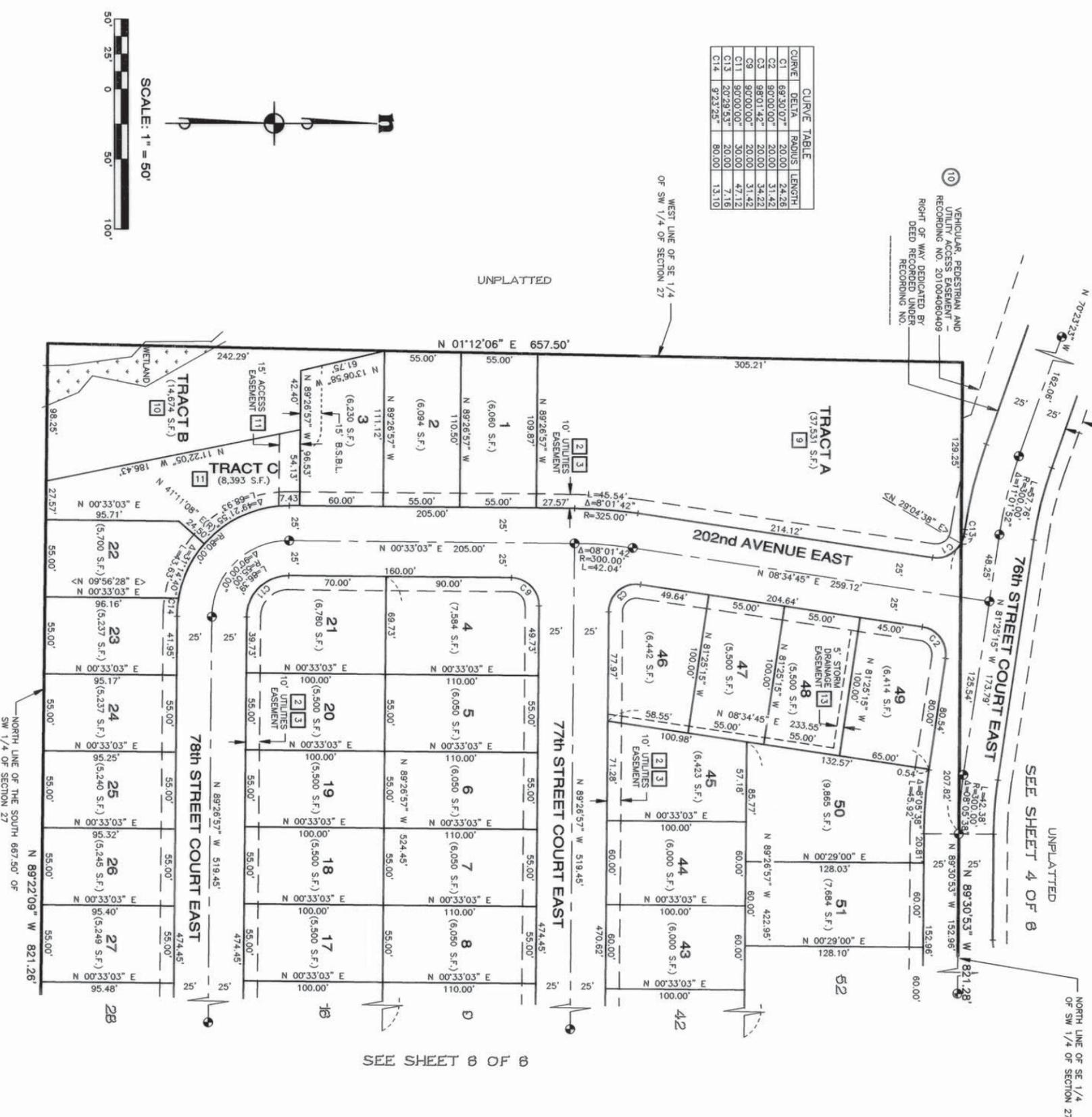
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GMG PLAT

A PORTION OF THE SE 1/4 OF SW 1/4 OF SECTION 27,
TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.,
CITY OF BONNEY LAKE
PIERCE COUNTY, WASHINGTON

VOL./PG.

CURVE	DELTA	RADIUS	LENGTH
C1	69.30.07"	20.00'	24.26'
C2	90.00.00"	20.00'	31.42'
C3	98.01.42"	20.00'	34.22'
C9	90.00.00"	20.00'	31.42'
C11	90.00.00"	20.00'	47.12'
C13	20.29.53"	20.00'	7.16'
C14	9.23.25"	80.00'	13.10'



- LEGEND**
- = ESM TO SET CONCRETE MONUMENT WITH BRASS CAP STRAPPED "L.S." 29294", IN CASE UPON COMPLETION OF CONSTRUCTION
 - = B.S.B.L. = BUILDING SETBACK LINE
 - R = RADIUS
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 - (R) = RADIAL BEARING AT LOT CORNER
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 - [1] = INDICATES NOTE NUMBER ON SHEET 3 OF 6
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\\ESMR\ENR\ESM-1095\1497\001\008\PLATS\FP-05-P1.DWG

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Land Planning
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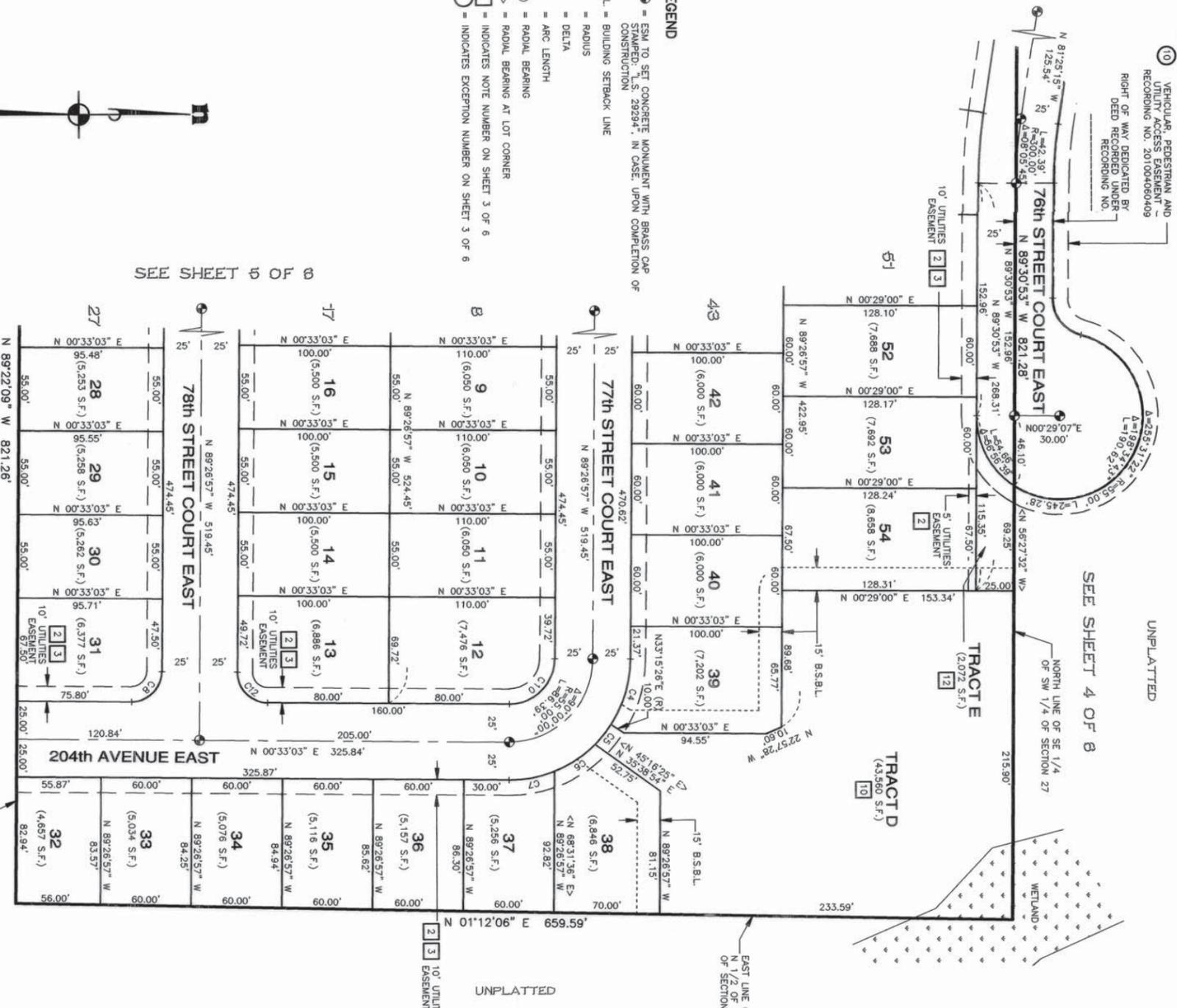
JOB NO. 1497-001-009-0003 DATE: 2011-06-01

DRAWN: DLR/GAF SHEET 5 OF 6

VOL./PG.

GMG PLAT
 A PORTION OF THE SE 1/4 OF SW 1/4 OF SECTION 27,
 TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.,
 CITY OF BONNEY LAKE
 PIERCE COUNTY, WASHINGTON

CURVE	DELTA	RADIUS	LENGTH
C4	32.42°	90.00'	45.67'
C5	12.00°	90.00'	16.77'
C6	23.19°	90.00'	32.47'
C8	22.01°	90.00'	30.75'
C9	90°00'00"	30.00'	31.42'
C10	90°00'00"	30.00'	47.12'
C12	90°00'00"	20.00'	31.42'



- LEGEND**
- ⊕ = ESM TO SET CONCRETE MONUMENT WITH BRASS CAP STAMPED "L.S. 28294", IN CASE, UPON COMPLETION OF CONSTRUCTION
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JOB NO. 1497-001-008-0003
 DATE: 2011-08-01
 DRAWN: DJR/CAF
 SHEET 6 OF 6

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Pierce County

Office of the Pierce County Hearing Examiner

902 South 10th Street
Tacoma, Washington 98405
(253) 272-2206

STEPHEN K. CAUSSEAU, JR.
Pierce County Hearing Examiner

RECEIVED

DEC 4 2007

ESM

December 4, 2007

Legacy Land Management
Attn: Gary Wilson
47101 SE 171st
North Bend, WA 98405

**RE: PRELIMINARY PLAT/ADMINISTRATIVE DESIGN REVIEW
LEGACY/ADR168-06, APPLICATION NOS. 578934, 578940, 578942**

Dear Applicant:

Transmitted herewith is the Report and Decision of the Hearing Examiner regarding your request for the above-entitled matter.

Very truly yours,

**MARK E. HURDELBRINK
Deputy Hearing Examiner**

MEH/dd

- cc: Parties of Record
- PIERCE COUNTY PLANNING AND LAND SERVICES
- PIERCE COUNTY CODE ENFORCEMENT
- PIERCE COUNTY DEVELOPMENT ENGINEERING DEPARTMENT
- PIERCE COUNTY PUBLIC WORKS AND UTILITIES DEPARTMENT
- TACOMA-PIERCE COUNTY HEALTH DEPARTMENT
- FIRE PREVENTION BUREAU
- PIERCE COUNTY PARKS AND RECREATION
- PIERCE COUNTY COUNCIL
- PIERCE COUNTY RESOURCE MANAGEMENT



OFFICE OF THE HEARING EXAMINER

PIERCE COUNTY

REPORT AND DECISION

CASE NO.: PRELIMINARY PLAT/ADMINISTRATIVE DESIGN REVIEW
LEGACY/ADR168-06, APPLICATION NOS. 578934, 578940,
578942

APPLICANT: Legacy Land Management
Attn: Gary Wilson
47101 SE 171st Street
North Bend, WA 98405

AGENT: ESM Consulting Engineers
Attn: Eric LaBrie and Robert "Doc" Hansen
33915 1st Way South, Ste. 200
Federal Way, WA 98003

SUMMARY OF REQUEST:

Applicant requests the formal subdivision of 12.5 acres into 56 single-family lots and five (5) tracts for drainage, park, and open space. The project will be served by City of Bonney Lake Water and Sewer and was located in the Moderate Density Single Family (MSF) zone classification at the time of the application on November 30, 2006. The project site has subsequently been annexed by the City of Bonney Lake. The project is located at 7509 West Tapps Highway, in the SW 1/4 of Section 27, T20N, R5E, W.M., in Council District #1.

SUMMARY OF DECISION:

Request granted, subject to conditions.

PUBLIC HEARING:

After reviewing Planning and Land Services Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on November 7, 2007 at 2:05 p.m.

Parties wishing to testify were sworn in by the Examiner.

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

- EXHIBIT "1" - Planning and Land Services Staff Report and Attachments**
- EXHIBIT "2" - Letter to Terry Belieu from Robert Hansen dated November 5, 2007**
- EXHIBIT "3" - Legal description of easement**
- EXHIBIT "4" - Proposed Conditions from City**
- EXHIBIT "5" - Letter to Examiner from ESM Consulting Engineers, LLC dated November 8, 2007**

Appearing was TERRENCE BELIEU who presented the Planning Division Staff Report. There are actually two separate issues before the Examiner. He will discuss the preliminary plat/administrative design review application. The other application is for a wetland variance. That will be discussed by Carla Vincent. He discussed a couple of corrections with the Staff Report. The applicant is requesting formal subdivision of 12.5 acres into 54 single family lots with five tracts for drainage, park, and open space. The project site was originally within unincorporated Pierce County. It was located within the Moderate Density Single Family zone classification of the Pierce County Code. The application was completed on November 30, 2006. The project site has subsequently been annexed by the City of Bonney Lake. Despite the subsequent annexation, the Pierce County Code provisions apply to the project because the project was vested at the time of application. Everyone has agreed that the City of Bonney Lake will review the conditions. The original plan was for 56 lots. It is only for 54. The wetlands exist on the northwest corner and southwest corner and the buffers extend off-site. One access will be provided off West Tapps Highway East. This necessitates the wetland variance that is also a part of this hearing. The proposed preliminary plat of Hemminger abuts the project to the south. There is a variety of residential developments in the neighboring areas. The smallest lot size is 5,500 square feet and the largest is 9,258 square feet. The net density per acre is 6.04 units. There is adequate open space and all other preliminary plat provisions have been satisfied. The tree conservation requirements are also going to have to be satisfied. A condition of approval requires a tree conservation plan to be submitted. All administrative design review standards also have to be satisfied. Sidewalks, curbs, gutters, and street trees are part of the plat. Planning staff recommends approval.

Appearing was CARLA VINCENT who discussed the wetlands. She will discuss more thoroughly the wetland variance when that application is discussed.

Appearing was DOC HANSEN, the applicant's agent, who suggested various changes to the recommended conditions of approval. These suggestions were submitted as an Exhibit. He has no problem with the City of Bonney Lake administrating this plat. Easements are being provided. He does wish to change the condition related to an

archeologist being located on-site. Obviously if any artifacts are found the development will immediately cease.

Appearing was HEATHER STINSON, who is a representative for the City of Bonney Lake. She is in agreement with the proposal and submitted an exhibit with her changes to the recommended conditions. She wanted the tree retention requirements put in as an exhibit.

Reappearing was DOC HANSEN who discussed the new erosion control measures.

Appearing was CARLA VINCENT who is the environmental biologist for this proposal. She discussed the wetland variance. The applicant is requesting a variance from the critical area requirements to reduce the standard 50 foot buffer of a Category III wetland to a minimum of five feet. The purpose is to improve an existing road that crosses the wetland. The road will provide access to the proposed plat. It currently provides access to the site. This road improvement is located off-site. There was discussion about locating the road to another area, but this would cause even more disturbance. To minimize impacts overall impacts, allowing the wetland variance is appropriate. The variance criteria were discussed. These criteria are satisfied by this proposal.

No one spoke further in this matter and the Examiner took the matter under advisement. The hearing was concluded at 2:55 p.m.

NOTE: A complete record of this hearing is available in the office of Pierce County Planning and Land Services.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, viewed the property, and taken this matter under advisement.
2. Notice of this request was advertised in accordance with Section 16.08.010 of the Pierce Subdivision Code. Notice of the date and time of hearing was published two (2) weeks prior to hearing in the official County newspaper. Property owners within 300 feet of the site were sent written notice. The site has been posted with a public notice sign.
3. Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations (Pierce County Code, Chapter 17.08), Title 18D. – Environmental Regulations, The Pierce County Environmental Official designate has reviewed this project and issued a Mitigated Determination of Nonsignificance on September 13, 2007, with a comment period ending date of September 28, 2007.

4. The applicant has a possessory ownership interest in a rectangular, 12.5 acre parcel of property located along West Tapps Highway. The site was annexed into the City of Bonney Lake on January 1, 2007, subsequent to filing a completed application with Pierce County on November 30, 2006. The applicant requests preliminary plat approval to allow subdivision of the site into 54 single family residential lots and five tracts. Pierce County, the City of Bonney Lake, and the applicant have agreed that the City of Bonney Lake shall be the agency that determines whether the conditions of approval have been satisfied.
5. The preliminary plat map shows access being provided via a public road from West Tapps Highway on the west and to the southeast corner through the plat of Hemminger. Four internal public roads will provide circulation throughout the plat. A single family residence is located at the southeast corner of the site, however, the applicant will remove said structure prior to final plat approval. A 37,530 square foot Tract A is located on the west portion of the site which will accommodate storm drainage from the plat. Tract C will contain 6,661 square feet of park area to the southwest and Tracts B and D consisting of 57,683 square feet will be set aside as sensitive areas to include storm drainage, wetlands and wetland buffers. A Category II wetland exists on the northwest portion of the site just south of the access road and contains approximately 0.75 acres. Open space will provide opportunities for active and passive recreational use on approximately 2.34 acres or 18% of the gross site area. The plat proposes a minimum lot size of 5,500 square feet and a maximum lot size of 9,258 square feet. The net acreage of the site, after subtraction of the road and critical areas, calculates to 8.94 acres. This means the net density is 6.04 dwelling units per acre.
6. Abutting uses include a variety of residential uses including the approved plat of Hemminger to the south. The surrounding area is generally residential in character. The site is vegetated with a variety of shrubs, trees, and grasses. The site slopes generally to the west.
7. The applicant submitted a completed application for preliminary plat approval on November 30, 2006, which, pursuant to RCW 58.17.033, vested the plat for consideration under the comprehensive plan, zoning regulations, and land use development regulations in effect on said date. On November 30, 2006, the site and parcels to the south were zoned Moderate Density Single Family (MSF) while property to the north and west were zoned Residential. The City of Bonney Lake abutted the site to the east. As of January 1, 2007, the site and surrounding properties were annexed into the City of Bonney Lake and currently are zoned Residential (R-1). However, based on RCW 58.17.033, the site is required to meet standards in effect on November 30, 2006. The MSF zone requires a minimum lot size of 4,000 square feet and an average lot size of 5,000 square feet and a density of four to six dwelling units per acre. As previously found, the preliminary plat shows lots meeting the minimum and average lot size requirements as well as minimum lot width requirement. Therefore, the project satisfies all bulk regulations of the MSF

classification. All lots will also meet the structural setbacks of 25 feet from internal plat roads, 10 feet from rear yards, and five feet from side yards.

8. The applicant is required to submit a final tree conservation and native vegetation plan for approval prior to final plat approval. Said plan must meet the requirements of Section 18J.15.030. The storm drainage system must meet the requirements of Section 18J.30.050(A) PCC to include the design objectives and standards set forth therein.
9. PCC 18F.40.030 requires that certain findings and determinations be made prior to preliminary plat approval. These findings and determinations are made as follows:
 - A. The preliminary plat maintains a total of 45,003 square feet as active and passive recreational areas. The Pierce County residential design standards require 342 square feet of open space and recreational area per single family unit. Thus, the applicant is required to provide 18,468 square feet, which is far exceeded by the proposed 45,003 square feet. 2.34 acres of the site will be set aside as open space area including the storm water facility, stream, wetlands and buffers, and active play areas. The applicant must comply with the Pierce County Park Impact Fee Ordinance and make a per lot payment for the support and maintenance of Pierce County regional parks. The plat makes appropriate provision for open spaces, parks, and regional parks. The applicant must construct the storm drainage system in accordance with ordinance standards. Tract A, consisting of 37,530 square feet, has been set aside for storm drainage facilities. The plat makes appropriate provision for drainage ways.
 - B. Two wetlands exist on the site including a Category II wetland to the southeast and a Category III wetland located off-site to the southeast. The applicant has requested a wetland variance for Wetland B which is a Category III wetland adjacent to the road approach. Pursuant to the wetland variance decision, the Examiner has found that with the requested variance and existing buffers the applicant makes appropriate provision for critical areas.
 - C. The applicant will construct the internal plat roads to meet required standards. Said roads will be constructed with curbs, gutters, sidewalks, streets trees, and street lights. Access is provided via West Tapps Highway from a proposed entrance road and also to the south from the Hemminger plat. The applicant prepared a Traffic Impact Analysis in March, 2007. The applicant will comply with the Traffic Impact Fee Ordinance. The applicant makes appropriate provision for streets, roads, alleys, and other public ways.
 - D. Pierce Transit has requested no improvements and the City of Bonney Lake will provide potable water and fire flow to the site. The City of Bonney Lake

will also provide sanitary sewer service to each lot. The plat makes appropriate provision for transit stops, potable water supplies, and sanitary waste.

- E. The applicant must comply with the Pierce County School Impact Fee Ordinance and make a per lot payment to the Sumner School District to offset the impact on the district of school children residing in the plat. Compliance with said ordinance will ensure that the plat makes appropriate provision for schools and school grounds.
 - F. The Residential Design Standards set forth in Chapter 18J PCC require construction of sidewalks on both sides of the internal plat roads. Sidewalks will also extend along frontage of the site. The plat makes appropriate provision for sidewalks and safe walking conditions.
10. The project satisfies all criteria for administrative design review as set forth on pages 17-22 of the staff report. The conditions of approval will ensure those standards are satisfied.

CONCLUSIONS:

- 1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
- 2. The applicant has shown that the request for preliminary plat approval is consistent with the Pierce County Comprehensive Plan, and the MSF zone classification. All administrative design standards will be satisfied
- 3. The proposed preliminary plat satisfies PCC 18F.40.030, by making appropriate provision for the public health, safety, and general welfare for open spaces, drainage ways, critical areas, streets, roads, alleys, and other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, schools and school grounds, and safe walking conditions.
- 4. The preliminary plat will serve the public use and interest by providing an attractive location for a single family residential subdivision convenient to schools and employment opportunities and therefore should be approved subject to the following conditions:
 - 1. The SEPA mitigating measures set forth in the Mitigated Determination of Nonsignificance issued by the Pierce County Environmental Official on September 13, 2007, are hereby made conditions of approval as set forth hereinafter. Provided, however, that said mitigating conditions are not subject to change by the major amendment process, but must be changed

by the Environmental Official through the SEPA process.

2. The final plat for this proposal shall be submitted to the City of Bonney Lake Planning and Community Development Department for approval and signature within five (5) years of the effective date of the Hearing Examiner's decision on the Preliminary Plat, subject to the conditions for time extensions as outlined in BLMC Chapter 17.16.070(B).
3. All requirements of the Bonney Lake Building Department must be met prior to the issuance of building permits for this proposal.
4. All on-site and off-site sanitary sewer improvements required by the City of Bonney Lake to provide sanitary sewer service for this plat shall be designed and constructed in accordance with the regulations and sanitary sewer standards prescribed by the City of Bonney Lake. Final plat approval shall not be granted by the County until such time as the City of Bonney Lake provides written notification that the required sanitary sewer improvements have been installed to the satisfaction of the City of Bonney Lake and that all applicable fees and connection charges have been paid.
5. Fire flow requirements for one- and two-family dwellings are 750 gpm at 20 psi for 45 minutes, except that 1,000 gpm at 20 psi for 60 minutes is required when the total floor area, including attached garages, covered porches, and upper story decks is 3,600 square feet or more. A fire hydrant shall be located within 350 feet of the middle of the street frontage of each lot, except that no hydrant is required on a dead-end street not exceeding 600 feet in length when a hydrant is installed at the intersection of the cross street. Spacing between hydrants shall not exceed 700 feet.
6. Hydrant flow test results and water system "as built" plans shall be submitted to and approved by the Fire Prevention Bureau prior to final plat approval. This requirement can be waived if a bond or other approved form of security in the amount of 125% of the estimated water system cost is posted.
7. Prior to the issuance of any permits on this site (site development) or the initiation of any grading, clearing, filling, or vegetation removal, the project shall complete the requirements necessary to obtain approval and shall obtain Final Approval from the City of Bonney Lake.
8. The stormwater facilities for this development shall be designed to minimize impacts to water quality and quantity, and wetland and buffer habitat. All stormwater shall be pretreated prior to its release into a natural system, and all stormwater facilities shall be located outside of wetlands and wetland buffers. A copy of the stormwater plans and calculations shall be submitted to and reviewed by an Environmental Biologist prior to the issuance of the Site

Development Permit or Final Approval.

9. As is allowed per Section 18E.10.080 G., Pierce County requires the construction of a 2- or 3-rail, split rail, wood fence or Bonney Lake approved substitute fence along the buffer boundaries of the on-site wetland, fish or wildlife habitat conservation area. This is being required to distinguish the critical area from the developed portions of the site and help protect the wetland, fish or wildlife habitat conservation area from intrusion and other human impacts. The split rail fence shall be installed prior to final plat approval. The fence shall be maintained in perpetuity by the homeowner's association. Photographs of the installed fences shall be submitted to the City of Bonney Lake upon completion.
10. The applicant must comply with all other local, state, and federal regulations and obtain relevant permits. This includes the U.S. Army Corps of Engineers and the Washington State Department of Ecology (DOE). **It is the sole responsibility of the applicant to contact the other jurisdictions and secure any and all other permits required for this proposed project.**
11. The following notes shall be included on the face of the final plat:
 - "Notice: This site contains critical wetlands, streams, and their buffers. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulations.
 - "The wetland and critical fish and wildlife habitat areas approval for this formal plat was recorded at _____ on _____ (date), recording number _____.
 - "The on-site wetlands and streams were delineated by Chad Armour LLC on _____ and survey located by ESM Consulting Engineering, LLC.
12. All grading and filling of land must utilize only clean fill, i.e., dirt or gravel. All other materials, including waste concrete and asphalt, are considered to be solid waste and permit approval must be obtained through the TPCHD prior to filling.
13. Asbestos containing material must be removed prior to demolition and disposed in accordance with the requirements of the Puget Sound Clean Air Agency, Washington Department of Labor and Industries, and the TPCHD.
14. All demotion material, including but not limited to, wood waste, sheetrock, roofing material, and concrete, must go to a licensed solid waste handling or disposal facility.

15. Should this project not be served by sanitary sewer, the TPCHD will require a review of potential adverse environmental impacts and justification for utilization of on-site sewage treatment and disposal. The TPCHD is in receipt of a plat subdivision review application and will forward the results of its review of that application to the environmental official once the review has been completed.
16. All wells that will not be included in the public water system for this project must be properly "Decommissioned" per WAC (173-160) prior to final application approval. The TPCHD must be contacted 48 hours prior to any decommissioning activity at the site. Contact Rich Dickerson at (253) 978-2885, TPCHD for further information regarding decommissioning wells.
17. A storm drainage plan must be submitted to the City of Bonney Lake Public Works Department as part of the site development plans. The drainage plans shall be in accordance with Ordinance 2004-56S, Title 17A, Construction and Infrastructure Regulations – Site Development and Stormwater Drainage.
18. All work associated with stabilizing slopes and other disturbed areas shall be in accordance with City of Bonney Lake Public Work Design Standards.
19. All public roads within and providing access to this plat must conform to City of Bonney Lake Public Works Design Standards.
20. Because the plat has been annexed prior to preliminary plat approval and that Church Lake Road East will become a city maintained road, City Development standards shall apply to the extent possible. Specifically, the City requests that the following road standards apply:
 - Minimum R.O.W. width – 50 feet for local roads; 60 feet for Collector roads.
 - The intersection curb radius for a collector road is 25 feet / cul-de-sac bulb radius 55 feet.
 - Vertical curb, gutter, and sidewalks (5 foot wide) required on both sides of internal plat roads.
 - Local access roads – 50 foot minimum with 10 foot easements on both sides.
 - Pavement width should be 26 feet including gutter.
21. The project shall be subject to Bonney Lake traffic impact fees in place at time of building permit.
22. To better provide future connectivity and prevent congestion to West Tapps

Highway East, the development shall provide a 50 foot road access to the south. It is understood that the design of the Hemminger preliminary plat, southeast of the project site, does not currently provide for access to the north.

If this should change, the corresponding southeastern lot of the project site shall be converted to road / utility access in correspondence to the Hemminger Preliminary Plat. If the currently designed Hemminger preliminary plat is approved, the road / utility access shall replace the west 50 feet of lot 25.

23. A minimum of 15 foot water and sewer easement shall be provided on the western and eastern edges of the project, extending inward from the property to the internal plat road.
24. The name of the preliminary plat shall be changed. The City of Bonney Lake is currently processing a final plat called "Legacy Park".
25. The City requests a copy of the already submitted traffic impact analysis in order to review for impacts to the City's road network.
26. Utility easements shall be provided on the face of the final plat which are necessary to the provision of water, power, sewer, natural gas and mail delivery to the lots within the subdivision. The affected purveyors should be contacted prior to development of the final plat for their specific easement requirements.
27. A landscaping plan shall be submitted to the Bonney Lake Planning and Community Development Department for review and approval prior the final plat approval.
28. A note shall be placed on the final plat Mylar which states:

The residents of for the life of the project shall maintain the landscaping tract. All plant materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent limb failure. The landscaping tract shall be kept free of trash. Any plant material shall be replaced within the spring or fall growing season following plant loss but not greater than 180 days from time of loss.
29. The project location is in very close proximity to several areas that have potential for possible archaeological discoveries. At this time, please recognize that historic sites may be exposed when such projects are undertaken. We recommend an archaeologist is hired to oversee and evaluate the proposed location of the project and that a cultural resource report is completed. Any exposure of historical sites will need to be reported to the Puyallup Tribe immediately.

30. All stormwater from this proposal shall be treated to the maximum extent possible, particularly for pollutants commonly associated with residential development (i.e. chemicals, fertilizers, metals, etc.), then this treated stormwater should be infiltrated on the plat site if suitable soils exist. Some of the stormwater generated from the site may be treated by amending the soil throughout the site with compost.
31. Full water quality treatment and infiltration of stormwater instead of a stormwater discharge that may ultimately end up in Lake Tapps, and eventually the White and Puyallup Rivers, is necessary to minimize impacts to water quantity and quality that salmonids and other aquatic life in these river systems need. Infiltration of stormwater is also the preferred option of treatment according to the Department of Ecology's Western Washington Stormwater Manual Volume 1 (WDOE 2001, page 1-5). These recommended measures would also reduce the potential contribution of phosphorus from the developed plat to drainage areas that drain to Lake Tapps.
32. In the event that infiltration is not feasible, the tribe recommends that phosphorus and other discharges from development be regulated to insure no degradation of existing water quality to address water quality concerns.
33. Sidewalks shall be provided within the development and also along the frontage of the site. The District agrees with such plans and requests that the standard Pierce County impact fees be imposed and that sidewalks be a condition of development.
34. Streetlights shall be provided for increased visibility and safety.
35. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.
36. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered pollutants.
37. Proper disposal of construction debris must be on land in such a manner that debris cannot enter the wetlands, streams, and their buffers or cause water quality degradation of state waters.
38. During construction, all releases of oils, hydraulic fluids, fuels, other

petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

39. Soil in stockpiles should be stabilized or protected with sediment-trapping measures to prevent soil loss. All exposed areas of final grade or areas that are not scheduled for work, whether at final grade or otherwise, shall not remain exposed and un-worked for more than two days, between October 1 and April 30. Between May 1 and September 30, no soils shall remain exposed and un-worked for more than 7 days.
40. Clearing limits and/or any easements or required buffers should be identified and marked in the field, prior to the start of any clearing, grading, or construction. Some suggested methods are staking and flagging or high visibility fencing.
41. A permanent vegetative cover should be established on denuded areas at final grade if they are not otherwise permanently stabilized.
42. Properties adjacent to the site of a land disturbance should be protected from sediment deposition through the use of buffers or other perimeter controls, such as filter fence or sediment basins.
43. All temporary erosion control systems should be designed to contain the runoff from the developed two year, 24-hour design storm without eroding.
44. Provision should be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.
45. Wash water from paint and wall finishing equipment should be disposed of in a way which will not adversely impact waters of the state. Untreated disposal of this wastewater is a violation of State Water Quality laws and statutes and as such, would be subject to enforcement action.
46. This project will disturb one or more acres of soil surface area and already has potential to discharge stormwater off the site to waters of the state. The owners must obtain coverage under a Construction Stormwater National Pollution Discharge Elimination System (NPDES) permit before the start of any clearing, grading or construction activities on the site.
47. 30 tree units per acre be preserved and/or planted. Prior to final plat approval, a final tree conservation plan must be submitted to staff for review

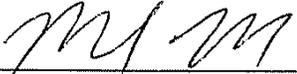
and approval.

48. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.
49. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

DECISION:

The request for preliminary plat and administrative design review approval for Legacy is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 4th day of December, 2007.



MARK E. HURDELBRINK
Deputy Hearing Examiner

TRANSMITTED this 4th day of December, 2007, to the following:

APPLICANT: Legacy Land Management
Attn: Gary Wilson
47101 SE 171st Street
North Bend, WA 98405

AGENT: ESM Consulting Engineers
Attn: Eric LaBrie and Robert "Doc" Hansen
33915 1st Way South, Ste. 200
Federal Way, WA 98003

OTHERS:

Heather Stinson
8720 184th Avenue East
Bonney Lake, WA 98391

Gina Saijadi
7509 West Tapps Highway
Bonney Lake, WA 98390

PIERCE COUNTY PLANNING AND LAND SERVICES
PIERCE COUNTY BUILDING DIVISION
PIERCE COUNTY DEVELOPMENT ENGINEERING DEPARTMENT
PIERCE COUNTY PUBLIC WORKS AND UTILITIES DEPARTMENT
TACOMA-PIERCE COUNTY HEALTH DEPARTMENT
FIRE PREVENTION BUREAU
PIERCE COUNTY PARKS AND RECREATION
PIERCE COUNTY COUNCIL
PIERCE COUNTY RESOURCE MANAGEMENT

CASE NO: PRELIMINARY PLAT/ADMINISTRATIVE DESIGN REVIEW
LEGACY/ADR168-06, APPLICATION NOS. 578934, 578940, 578942

NOTICE

1. **RECONSIDERATION:** Any aggrieved party or person affected by the decision of the Examiner may file with the Department of Planning and Land Services a written request for reconsideration including appropriate filing fees within seven (7) working days in accordance with the requirements set forth in Section 1.22.130 of the Pierce County Code.

2. **APPEAL OF EXAMINER'S DECISION:** The final decision by the Examiner may be appealed in accordance with Ch. 36.70C RCW.

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



Pierce County

Office of the Pierce County Hearing Examiner

902 South 10th Street
Tacoma, Washington 98405
(253) 272-2206

STEPHEN K. CAUSSEAU, JR.
Pierce County Hearing Examiner

December 4, 2007

**Legacy Land Management
c/o Gary Wilson
47101 SE 171st Street
North Bend, WA 98045**

**RE: WETLAND VARIANCE: CASE NO. WV15-07
LEGACY PRELIMINARY PLAT
APPLICATION NO. 578944, 611833, 606088**

Dear Applicant:

Transmitted herewith is the Report and Decision of the Hearing Examiner regarding your request for the above-entitled matter.

Very truly yours,

**MARK E. HURDELBRINK
Deputy Hearing Examiner**

MEH/dd

- cc: Parties of Record
- PIERCE COUNTY PLANNING AND LAND SERVICES
- PIERCE COUNTY CODE ENFORCEMENT
- PIERCE COUNTY DEVELOPMENT ENGINEERING DEPARTMENT
- PIERCE COUNTY PUBLIC WORKS AND UTILITIES DEPARTMENT
- TACOMA-PIERCE COUNTY HEALTH DEPARTMENT
- FIRE PREVENTION BUREAU
- PIERCE COUNTY PARKS AND RECREATION
- PIERCE COUNTY COUNCIL
- PIERCE COUNTY RESOURCE MANAGEMENT



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OFFICE OF THE HEARING EXAMINER

PIERCE COUNTY

REPORT AND DECISION

CASE NO.: WETLAND VARIANCE: CASE NO. WV15-07
LEGACY PRELIMINARY PLAT
APPLICATION NO. 578944, 611833, 606088

APPLICANT: Legacy Land Management
c/o Gary Wilson
47101 SE 171st Street
North Bend, WA 98045

AGENT: ESM Consulting Engineers
c/o Robert "DOC" Hansen
33915 1st Way South Suite 200
Federal Way, WA 98003

OWNER: Gina Saijadi
7509 West Tapps Highway
Bonney Lake, WA 98390

SUMMARY OF REQUEST:

The applicant is requesting a variance from Title 18E, Development Regulations-Critical Areas. This request is part of the Legacy preliminary plat proposal.

SUMMARY OF DECISION:

Request granted, subject to conditions.

PUBLIC HEARING:

After reviewing Planning and Land Services Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

EXHIBITS AND TESTIMONY RELATED TO THIS MATTER CAN BE FOUND WITHIN THE REPORT AND DECISION ON THE PRELIMINARY PLAT OF LEGACY/ADR168-06

NOTE: A complete record of this hearing is available in the office of Pierce County Planning and Land Services.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, viewed the property, and taken this matter under advisement.
2. Notice of this request was advertised in accordance with Chapter 1.22 of the Pierce County Code. Notice of the date and time of hearing was published two (2) weeks prior to the hearing in the official County newspaper. Property owners within 300 feet of the site were sent written notice. The site has been properly posted and an affidavit of posting was received.
3. The applicant is requesting a variance from Title 18E, Development Regulations – Critical Areas effective March 1, 2005, amended March 1, 2007, for reduction of the standard 50 foot buffer of a Category III wetland to a minimum of five feet. The purpose of the buffer reduction is to improve an existing road that crosses the wetland. The road will provide access to the proposed Legacy plat. The preliminary plat is being approved under a separate decision. This road improvement affects wetlands that are located off-site of the plat.
4. The request to reduce the setback involves about 230 feet of roadway. A Category III wetland with a 50 foot buffer exists on the south side of the existing road. There is an intermittent drainage that crosses under the subject access road via a culvert and eventually empties into Lake Tapps which is about 550 feet north of the project site. Most of the buffer area is grazed pasture. The drainage is classified as Type N2. No fish use is documented in this drainage. A fish and wildlife habitat buffer variance is not required since the project complies with PCC 18E.40.040. The intrusion is proposed to be just within the wetland buffer and not the wetland itself.
5. Prior to a wetland variance being granted the applicant must show that the criteria set forth in PCC 18E.20.060 are satisfied: Findings on those criteria are hereby made as follows:
 - A. *There are special circumstances applicable to the subject property, or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties or that make it impossible to redesign the project to preclude the need for a variance.*

The underlying preliminary plat has special circumstances relating to access. Two access points are necessary. One access will be provided through the

Hemminger plat to the south and the other is through the road subject to this wetland variance. There has been studies done to determine whether it would be more appropriate to have the access road located in a different location. There may be issues to obtaining easements. In addition, it has been determined that it would cause more disturbance to remove the road bed than allowing the wetland variance.

- B. *The applicant has avoided impacts and provided mitigation to the maximum practical extent.*

There will be no actual wetland disturbance. The widening of the road will be away from the wetland, but still within the wetland buffer. A condition of approval allows the City of Bonney Lake to have discretion over whether enhancement is needed after the road is complete.

- C. *The buffer reduction proposed through the variance is limited to that necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated properties, but which because of special circumstances is denied to the property in question.*

The Legacy preliminary plat is a use allowed within the MSF zone. The only possible second access point is through the existing road which would have to be improved. Without this access, the property could not be subdivided as proposed.

- D. *Granting the wetland variance will not be materially detrimental to the public welfare or injurious to the property or improvement.*

There does not appear to be any detrimental effects. There will be no wetland area disturbed. The wetland buffer area is not of high quality. The improvements will take place away from the actual wetland. The proposal is subject to all applicable standards relating to stormwater treatment and the road standards.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The applicant has shown that the request for a wetland variance satisfies the variance criteria contained within PCC 18E.20.060, therefore, the variance is granted subject to the following conditions:

1. Storm water from the entrance road should be treated before being allowed to enter the Category III wetland or Type N2 drainage. Pre-treatment shall meet Pierce County standards and inspected by the City of Bonney Lake.
2. Sediment control shall be used within the Type N2 drainage if there is any surface water in the drainage during road construction.
3. The entrance road shall be adequately culverted to maintain pre-development flow through the Type N2 drainage.
4. Prior to issuance of any permits or initiation of any vegetation removal, clearing, grading, or filling associated with the entrance road off West Tapps Highway East, the City of Bonney Lake will inspect the wetland to insure that County standards of the approved plat are met.
5. ~~Disturbance shall not extend any closer than 20 feet to the Category III wetland, and shall be limited to within the proposed 50-foot public access and utility easement off of West Tapps Highway East.~~ See 12/7/07 memo
6. No pesticide use shall be allowed within the wetland or buffer areas.
7. Impervious surfaces shall be minimized. The road shall be surfaced with pervious materials if possible.
8. Best management practices shall be implemented during all phases of site development.
9. The applicant shall retain and enhance (as roadway design allows) all native vegetation contained within the road easement. The City of Bonney Lake may require a wetland/buffer restoration/enhancement plan and associated application materials and review fees, if the City determines that it is warranted.
10. The applicant shall comply with all other local, state and federal regulations and obtain relevant permits. It is the sole responsibility of the applicant to contact other jurisdictions and secure any and all other permits required for this proposed project. This includes mitigation for any floodplain impacts.
11. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.
12. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations,

and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

DECISION:

The request for a wetland variance is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 4th day of December, 2007.



MARK E. HURDELBRINK
Deputy Hearing Examiner

TRANSMITTED this 4th day of December, 2007, to the following:

APPLICANT: Legacy Land Management
c/o Gary Wilson
47101 SE 171st Street
North Bend, WA 98045

AGENT: ESM Consulting Engineers
c/o Robert "DOC" Hansen
33915 1st Way South Suite 200
Federal Way, WA 98003

OWNER: Gina Saijadi
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OTHERS:

Heather Stinson
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PIERCE COUNTY BUILDING DIVISION
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TACOMA-PIERCE COUNTY HEALTH DEPARTMENT
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PIERCE COUNTY PARKS AND RECREATION
PIERCE COUNTY COUNCIL
PIERCE COUNTY RESOURCE MANAGEMENT

CASE NO: WETLAND VARIANCE: CASE NO. WV15-07
LEGACY PRELIMINARY PLAT
APPLICATION NO. 578944, 611833, 606088

NOTICE

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2. **APPEAL OF EXAMINER'S DECISION:** The final decision by the Examiner may be appealed in accordance with Ch. 36.70C RCW.

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

CLARIFICATION MEMORANDUM

TO: PARTIES OF RECORD
FROM: MARK E. HURDELBRINK, Deputy Hearing Examiner
RE: Wetland Variance: Case No.: WV15-07
Legacy Preliminary Plat
Application No.: 578944, 611833, 606088
DATE: December 7, 2007

On December 4, 2007 a wetland variance request was granted subject to conditions. There was a mistake in one of the conditions. Condition no. 5 on page 5 shall be stricken and instead shall read as follows:

Disturbance shall not extend any closer to the existing Category III wetland ~~than the current driveway exists~~, and shall be limited to within the proposed 50 foot public access and utility easement off of West Tapps Hwy. East.

MEH/dd



JEFF K
LEGACY PLAT
ENGINEERING FILE

ORDER SETTING HEARING ON A PETITION FOR RECONSIDERATION

Applicant: Hanson Parks LLC
File No.: V(FW) 3-07 Legacy FP
Date of Initial Decision: October 12, 2007
Name of Petitioner: Hanson Parks LLC, Represented by Attorney William Lynn
Date Petition Filed: October 30, 2007

WHEREAS, Hanson Parks by its attorney William Lynn filed a timely Petition for Reconsideration regarding the above-referenced Decision; and

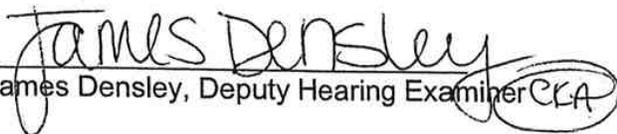
WHEREAS, the Petitioner requests an opportunity to discuss alternate designs and plans with PALS staff and to keep the record open.

WHEREAS, PALS in its response to the petition for reconsideration indicated a willingness to engage in further discussions with the applicant.

WHEREAS, the Deputy Hearing Examiner is willing to grant the applicant and the county additional time to discuss alternate designs and plans so that the proposed project can be built according to law.

NOW, THEREFORE, the Examiner sets a hearing on the petition for reconsideration on Thursday January 17, at 9:00 a.m. at a public meeting room at the Pierce County Annex, 2401 South 35th Street, Tacoma, Washington 98409. The record in this matter shall remain open until the conclusion of said hearing.

ORDER issued this 11th day of December, 2007.


James Densley, Deputy Hearing Examiner CRA



June 21, 2011, Report to Council
GMG Final Plat; PLN-2010-01288

PROJECT DESCRIPTION:

The applicant seeks final plat approval for the GMG Plat. This final plat contains 54 single-family residential lots in an R-1 zone. The site also contains a public road system, a storm water tract A, two wetland tracts (B and D), and Tract E, a driveway for Lots 53 and 54.

The plat was approved by Pierce County December 4, 2007, and contained 49 conditions of approval. A related wetland variance was also approved by the hearing examiner that same day and contained 12 conditions of approval. The SEPA review contained one mitigation measure. The land was annexed to the City of Bonney Lake with an effective date of February 23, 2007, as Area 1-A, under Ordinance 1208, and zoned R-1, single family residential, under Ordinance 1209.

SPECIAL CIRCUMSTANCES:

The subject property is involved with complex financial issues related to bankruptcy, which has caused delays and difficulties for the applicant and City. The City took extra measures to work with the applicant to finalize this plat.

The usual procedure for final plats is to bring forward a completely signed copy of the mylar that is, with the Council's approval and mayor's signature, ready to record. The special circumstances surrounding this plat require a diversion from this normal procedure.

The applicant requested that the City Council review and approve the final plat application which will allow the Mayor to sign the mylar. The applicant said the signature of the mayor on the mylar is necessary for the bank and team of attorneys controlling this project to allow the applicant to file bonds or assignments of funds for the infrastructure and landscaping.

The signatures of the City Engineer and the Community Development Director will not occur until the maintenance bonds are filed with the City. The City will not release the mylar for recording until the signatures of the City Engineer and Community Development Director are added to the mylar.

OWNER:
GMG Development Inc.
7511 W Tapps Hwy. E
Bonney lake WA 98391

(206) 660.3010

CONTACT:
Jim Otness

(253) 377.7751

APPLICANT:
Keith Schlemlein, court custodian
REO Asset Management NW, Inc.

P.O. Box 1110
Sumner, WA 98390
(253) 826.6400



SITE LOCATION:

The site is located at 7509 West Tapps Highway, southeast of Allen Yorke Park, north of Hemminger preliminary plat, east of Montanaro preliminary plat, and west of Highland Ridge preliminary plat, and approximately 125 feet east of West Tapps Highway. A future connection is proposed through the Hemminger plat to Church Lake Road E to the south. It is within the corporate limits of the City of Bonney Lake situated in the SW 1/4 of Section 27, Township 20, Range 5 East, Willamette Meridian. Parcel Numbers: 0520273026 & 0520273002.

DATE APPLICATION DEEMED COMPLETE:

The City deemed the final plat application complete on June 1, 2010.

STAFF FINDINGS:

1. The proposed final plat of GMG satisfies the subdivision criteria set forth in Section 17.16 BLMC. The proposed plat makes appropriate provision for the public health, safety, and welfare for open spaces, drainage ways, streets, roads, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds, and safe walking conditions.
2. The proposed final plat of GMG addresses all conditions of both Pierce County approvals for the subdivision and the wetland variance (WV).
3. The final plat submittal was as a Type 2 permit, which was declared complete on June 1, 2010.
4. As-built CAD drawings were approved by Public Works July 16, 2010.
5. Street signs were determined to be correctly created and adequately placed July 21, 2010.
6. The final plat is properly before the city council for consideration and a decision.

ADHERENCE WITH CONDITIONS OF APPROVAL

The following is from the conditions of approval of the hearing examiner report dated December 4, 2007:

1. The SEPA mitigating measures set forth in the Mitigated Determination of Non-Significance issued by the Pierce County Environmental Official on September 13, 2007, are hereby made conditions of approval as set forth hereinafter. Provided, however, that said mitigating conditions are not subject to change by the major amendment process, but must be changed by the Environmental Official through the SEPA process.

Finding: The mitigation measure reads as follows:

1. A fully-actuated traffic signal shall be installed at the intersection of 214th Avenue East and Kelly Road East. Construction of the signal shall be completed

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to the satisfaction of Pierce County prior to issuance of any residential building permits in any phase of the plat.

Finding: This SEPA mitigation condition was shared by several plats in the county. No building permits may be issued in any of these former-county plats until the traffic light is installed.

2. The final plat for this proposal shall be submitted to the City of Bonney Lake Planning & Community Development Department for approval and signature within five (5) years of the effective date of the Hearing Examiner's decision on the Preliminary Plat, subject to the conditions for time extensions as outlined in BLMC Chapter 17.16.070(B).

Finding: The preliminary plat was approved December 4, 2007, and the final plat application was made May 19, 2010, which is less than five years from preliminary plat approval.

3. All requirements of the Bonney Lake Building Department must be met prior to the issuance of building permits for this proposal.

Finding: All work on the plat was performed under Bonney Lake permits. Further construction also will be made under permits issued by the City of Bonney Lake.

4. All on-site and off-site sanitary sewer improvements required by the City of Bonney Lake to provide sanitary sewer service for this plat shall be designed and constructed in accordance with the regulations and sanitary sewer standards prescribed by the City of Bonney Lake. Final plat approval shall not be granted by the county until such time as the City of Bonney Lake provides written notification that the required sanitary sewer improvements have been installed to the satisfaction of the City of Bonney Lake and that all applicable fees and connection charges have been paid.

Finding: All fees for installing and inspecting the water line were paid. Fees and connection charges are not paid; in this jurisdiction, fees for water and sewer system development charges are paid at the time of building permit, not at the time of final plat. All sewer improvements were installed and approved, as indicated in an e-mail dated August 10, 2010.

5. Fire flow requirements for one-and two-family dwellings are 750 gpm at 20 psi for 45 minutes except that 1,000 gpm at 20 psi for 60 minutes is required when the total floor area, including attached garages, covered porches, and upper story decks is 3,600 square feet or more. A fire hydrant shall be located within 350 of the middle of the street frontage of each lot, except that no hydrant is required on a dead-end street not exceeding 600 feet in length when a hydrant is



installed at the intersection of the cross street. Spacing between the hydrants shall not exceed 700 feet.

Finding: The plat was constructed to city standard, which has a greater standard than the county. The city requires a fire flow of 1,000 gpm for one-and two-family structures; and a 3,600 SF residence requires 1,500 gpm. The city also requires 400 feet between hydrants instead of 350 feet to the middle of the street frontage of each lot and 600 feet instead of 700 feet between each hydrant. The condition as applied in the city removed the exception in the fourth line, and was authorized by the fire marshal to represent the condition as applied during construction rather than as approved by the hearing examiner.

6. Hydrant flow test results and water system “as built” plans shall be submitted to and approved by the Fire Prevention Bureau prior to the final plat approval. This requirement can be waived if a bond or other approved form of security in the amount of 125 percent of the estimated water system cost is posted.

Finding: The flow requirements were determined to be met July 21, 2010, and as built CAD drawings were submitted to and accepted by the city. Fire marshal approved the system in accordance with city standards, rather than county standards.

7. Prior to the issuance of any permits on this site (site development) or the initiation of any grading, clearing, filling, or vegetation removal, the project shall complete the requirements necessary to obtain approval and shall obtain Final Approval from the City of Bonney Lake.

Finding: A Land Clearing & Tree Removal Permit was issued under permit number PLN-2008-01087. The permit was issued July 7, 2008, and a site visit was conducted August 15, 2008, to verify wetland buffers were fenced to prevent sediment intrusion potentially caused by subsequent grading.

Also intended in this condition was the final wetland variance (WV) approval, as required by the county code. The variance was initially approved under County Permit Numbers 606088, 578944, and 611833 by the hearing examiner on December 4, 2007 and clarified on December 7, 2007. The approval included 12 additional conditions of approval for this subdivision, which were added to the city’s final plat review:

- WV1. Storm water from the entrance road should be treated before being allowed to enter the Category III wetland or Type N2 drainage. Pre-treatment shall meet Pierce County standards and inspected by the City of Bonney Lake.



Finding: Stormwater will go through a storm water filter to the north before conveyance to the wetland buffer to the south. This was part of Civil Permit # CIV-2008-00115.

WV2. Sediment control shall be used within the Type N2 drainage if there is any surface water in the drainage during road construction.

Finding: Standard erosion controls were in place during all construction activities.

WV 3. The entrance road shall be adequately culverted to maintain pre-development flow through the Type N2 drainage.

Finding: Runoff is calculated to be the same as it was before the plat was developed. This issue was reviewed during the civil permit process.

WV 4. Prior to issuance of any permits or initiation of any vegetation removal, clearing, grading or filling associated with the entrance road off West Tapps Highway East, the City of Bonney Lake will inspect the wetland to insure that County standards of the approved plat are met.

Finding: The clearing limit was inspected and approved prior to substantial work.

WV 5. Disturbance shall not extend any closer to the Category III wetland than the current driveway exists, and shall be limited to within the proposed 50-foot public access and utility easement off of West Tapps Highway East.

Finding: The wetland buffer boundaries were set prior to construction to reduce or restrict accidental intrusion into the buffer. The entry into the plat is as shown on the plans.

WV 6. No pesticide use shall be allowed within the wetland or buffer areas.

Finding: No pesticides were used during plat construction. This condition extends beyond the limits of plat preparation; therefore, it is noted on the face of the plat on Page 3 of 6 of the plat, Number 14, for all future construction and residential uses to protect the wetland and its buffer.

WV 7. Impervious surfaces shall be minimized. The road shall be surfaced with pervious materials if possible.



Finding: Only impervious material was used for the roads.

WV 8. Best management practices shall be implemented during all phases of site development.

Finding: Best management practices were used during plat construction. This condition extends beyond the limits of plat preparation; therefore, it is noted on the face of the plat on Page 3 of 6 of the plat, Number 15, for all future construction and residential uses to protect the wetland and its buffer.

WV 9. The applicant shall retain and enhance (as roadway design allows) all native vegetation contained within the road easement. The City of Bonney Lake may require a wetland/buffer restoration/enhancement plan and associated application materials and review fees, if the city determines that it is warranted.

Finding: Native vegetation was not retained in the road rights-of-way, however street trees were installed along both sides of the street. Native vegetation within protected wetland buffers was retained.

WV 10. The applicant shall comply with all other local, state and federal regulations and obtain relevant permits. It is the sole responsibility of the applicant and contact other jurisdictions and secure any and all other permits required for this proposed project. This includes mitigation for any floodplain impacts.

Finding: No floodplain impacts were foreseen. All other permits were obtained.

WV 11. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.

Finding: No modifications to the wetland variance were requested or approved.

WV 12. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the



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development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

Finding: The applicant adequately complied with the conditions.

8. The storm water facilities for this development shall be designed to minimize impacts to water quality and quantity, and wetland and buffer habitat. All storm water shall be pretreated prior to its release into a natural system, and all storm water facilities shall be located outside of wetlands and wetland buffers. A copy of the storm water plans and calculations shall be submitted to and reviewed by the Environmental Biologist prior to the issuance of the Site Development Permit of Final Approval.

Finding: This was completed in conjunction with the civil permits, CIV-2008-00115 and -00116.

9. As is allowed per Section 18.E.10.080G., Pierce County requires the construction of a 2- or 3-rail, split rail, wood fence or Bonney Lake approved substitute fence along the buffer boundaries of the on-site wetland, fish or wildlife habitat conservation area. This is being required to distinguish the critical area from the developed portions of the site and help protect the wetland, fish or wildlife habitat conservation area from intrusion and other human impacts. The split rail fence shall be installed prior to final plat approval. The fence shall be maintained in perpetuity by the homeowner's association. Photographs of the installed fences shall be submitted to the City of Bonney Lake upon completion.

Finding: A split rail fence was installed and inspected on July 9, 2010. Because the fence will exist after the plat is recorded, a portion of this condition is noted on the face of the plat on Page 3 of 6 of the plat, Number 16, for all future construction and residential uses to protect the wetland and its buffer. Photographs were submitted with the July 14, 2010 Habitat Technologies report.

10. The applicant must comply with all other local, state, and federal regulation and obtain relevant permits. This includes the US Army Corps of Engineers and the Washington State Department of Ecology (DOE). **It is the sole responsibility of the applicant to contact the other jurisdictions and secure any and all other permits required for this proposed project.**

Finding: A NPDES was obtained from the Department of Ecology on August 11, 2008, permit number WAR-011008.

11. The following notes shall be included on the face of the final plat:

"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."



“Notice: This site contains critical wetlands, streams, and their buffers. Restrictions on the use or alteration of the site may exist due to natural conditions of the site and resulting regulations.

“The wetland and critical fish and wildlife habitat areas approval for this formal plat was recorded at ___ on ___ (date), recording number ___.

“The on-site wetlands and streams were delineated by Chad Armour LLC on ___ and survey located by ESM Consulting Engineering, LLC.”

Finding: The first appears on Page 3 of 6 of the plat as number 5. The last appears on Page 3 of 6 of the plat as number 7. The middle statement was part of a standard county process to record habitat approvals; the city performs this act through recording the plat.

12. All grading and filling of land must utilize only clean fill, i.e., dirt or gravel. All other materials, including waste concrete and asphalt, are considered to be solid waste and permit approval must be obtained through the TPCHD prior to filling.

Finding: Clean fill was used for the plat.

13. Asbestos containing material must be removed prior to demolition and disposed in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and the TPCHD.

Finding: A demolition permit was issued under permit number BLD-2008-04777, which was finalized January 29, 2009.

14. All demotion material, including but not limited to, wood waste, sheetrock, roofing material, and concrete, must go to a licensed solid waste handling or disposal facility.

Finding: A demolition permit was issued under permit number BLD-2008-04777, which was finalized January 29, 2009.

15. Should this project not be served by sanitary sewer, the TPCHD will require a review of potential adverse environmental impacts and justification for utilization of on-site sewage treatment and disposal. The TPCHD is in receipt of a plat subdivision review application and will forward the results of its review of that application to the environmental official once the review has been completed.



Finding: Sewer service is provided and connections were made to the existing manhole on West Tapps Highway. Extensions were provided into the plat and a manhole provided on the property line to the south for future sewer hook-ups for the property to the south, which is currently the Hemminger preliminary plat.

16. All wells that will not be included in the public water system for this project must be properly “decommissioned” per WAC 173-160 prior to final application approval. The TPCHD must be contacted 48 hours prior to any decommissioning activity at the site. Contact Rich Dickerson at 253.978.2885, TPCHD for further information regarding decommissioning wells.

Finding: The well was decommissioned by Richardson Well Drilling Company on April 8, 2010, and approved by the Tacoma-Pierce County Health Department on May 18, 2010.

17. A storm drainage plan must be submitted to the City of Bonney Lake Public Works Department as part of the site development plans. The drainage plans shall be in accordance with Ord. 2004-56S, Title 17A, Construction and Infrastructure Regulations – Site Development and Stormwater Drainage.

Finding: The city adopted Pierce County storm water criteria; the project plans submitted with the civil permit and the resultant installation conform to those requirements.

18. All work associated with stabilizing slopes and other disturbed areas shall be in accordance with the City of Bonney Lake Public Works Design & Construction Standards.

Finding: All work to stabilize slopes and disturbed areas was done in connection with the issued civil permits, CIV-2008-00115 and -00116.

19. All public roads within and providing access to this plat must conform to City of Bonney Lake Public Works Design & Construction Standards.

Finding: All roads were constructed under issued civil permits, CIV-2008-00115 and -00116, which require adherence to City of Bonney Lake codes and the Public Works Design & Construction Standards.

20. Because the plat has been annexed prior to preliminary plat approval and that Church Lake Road East will become a city maintained road, city development standards shall apply to the extent possible. Specifically, the city requests the following road standards apply:

- Minimum row width – 60 feet for local roads; 60 feet for collector roads.
- The intersection curb radius for a collector road is 25 feet/cul-de-sac bulb radius 55 feet.



- Vertical curb, gutter, and sidewalks (5-foot wide) required on both sides of internal plat roads.
- Local access roads – 50 foot minimum with 10 foot easements on both sides.
- Pavement width should be 26 feet including gutter

Finding: These city standards were used in review and installation of civil plans.

21. The project shall be subject to Bonney Lake traffic impact fees in place at time of building permit.

Finding: All impact fees are calculated with each building permit application.

22. To better provide future connectivity and prevent congestion to West Tapps Highway East, the development shall provide a 50-foot road access to the south. It is understood that the design of the Hemminger preliminary plat southeast of the project site, does not currently provide for access to the north. If this should change, the corresponding southeastern lot of the project site shall be converted to road/utility access in correspondence to the Hemminger Preliminary Plat. If the currently designed Hemminger preliminary plat is approved, the road/utility access shall replace the west 50 feet of lot 25.

Finding: The plat provides a 50-foot right-of-way that will connect to the property to the south, which is currently the Hemminger preliminary plat.

23. A minimum of 15 foot water and sewer easement shall be provided on the western and eastern edges of the project, extending inward from the property to the internal plat road.

Finding: A 15-foot easement on either side of the plat does not exist; however, the eastern 15 feet that was originally slated for the plat no longer is part of the plat. The western 15 feet of the plat is wetland and wetland buffers, through which sewer easements should not run. Ten-foot easements run along each side of each street for a total of 20 feet of easements.

24. The name of the preliminary plat shall be changed. The City of Bonney Lake is currently processing a final plat called "Legacy Park."

Finding: The plat name was changed to "GMG."

25. The city requests a copy of the already submitted traffic impact analysis in order to review for impacts to the city's road network.



Finding: The TIA was reviewed by Pierce County and sent to the city by e-mail on September 17, 2008.

26. Utility easements shall be provided on the face of the final plat which are necessary to the provision of water, power, sewer, natural gas and mail delivery to the lots within the subdivision. The affected purveyors should be contacted prior to development of the final plat for their specific easement requirements.

Finding: Purveyors were contacted by the applicant; 10-foot utility easements are shown adjacent to each street. The easements are described on Page 3 of 6 of the plat and purveyors listed in Notes 2, 3, and 4.

27. A landscaping plan shall be submitted to the Bonney Lake Planning and Community Development Department for review and approval prior to final plat approval.

Finding: The landscape plan was approved on January 21, 2010.

28. A note shall be placed on the final plat mylar which states:
"The residents of ___ for the life of the project shall maintain the landscaping tract. All plant materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent limb failure. The landscaping tract shall be kept free of trash. Any plant material shall be replaced within the spring or fall growing season following the Plant loss but not greater than 180 days from the time of loss."

Finding: This appears on Page 3 of 6 of the plat as Number 8.

29. The project location is in very close proximity to several areas that have potential for possible archaeological discoveries. At this time, please recognize that historic sites may be exposed when such projects undertaken. We recommend an archaeologist be hired to oversee and evaluate the proposed location of the project and that a cultural resource report is completed. Any exposure of historical sites will need to be reported to the Puyallup Tribe immediately.

Finding: No archeological discoveries were found. Because this condition extends beyond the limits of plat preparation, a portion is noted on the face of the plat on Page 3 of 6 of the plat, Number 17, together with the instruction to contact the State of Washington for all future construction activities.

30. All storm water from this proposal shall be treated to the maximum extend possible, particularly for pollutants commonly associated with residential development (i.e. chemicals, fertilizers, metals, etc.), then this treated storm water should be infiltrated on the plat site if



suitable soils exist. Some of the storm water generated from the site may be treated by amending the soil throughout the site with compost.

Finding: Infiltration was not possible with the soils in this area. The storm water is to be treated in a settlement pond. Downstream of the pond, the water will be treated again through another filter, according to the plans approved by the city engineer during the civil plan process.

31. Full water quality treatment and infiltration of stormwater instead of a stormwater discharge that may ultimately end up in Lake Tapps, and eventually the White and Puyallup Rivers, is necessary to minimize impacts to water quantity and quality that salmonids and other aquatic life in these river systems need. Infiltration of stormwater is also the preferred option of treatment according to the Department of Ecology's Western Washington stormwater manual volume 1 (WDOE 2001, page 1-5). These recommended measures would also reduce the potential contribution of phosphorus from the developed plat to drainage areas that drain to Lake Tapps.

Finding: Infiltration was not possible with the soils in this area. The city engineer approved an alteration to this condition to accommodate the soil's inability to tolerate infiltration.

32. In the event that infiltration is not feasible, the tribe recommends that phosphorus and other discharges from development be regulated to insure no degradation of existing water quality to address water quality concerns.

Finding: All minerals and pollutants will be discharged according to the approved methods and plans.

33. Sidewalks shall be provided within the development and also along the frontage of the site. The district agrees with such plans and requests that the standard Pierce County impact fees be imposed and that sidewalks be a condition of development.

Finding: Sidewalks were provided within the plat and a narrow area at West Tapps Highway is developed with sidewalks adjacent to the plat boundary.

34. Streetlights shall be provided for increased visibility and safety.

Finding: The street lights were installed by Puget Sound Energy May, 2010.



35. Any discharge of sediment-laden runoff or other pollutants to Waters of the State is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Finding: Erosion controls in place during construction prevented sediment-laden runoff from leaving the site.

36. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to storm water runoff from carrying soil and other pollutants into surface water or storm drains that lead to Waters of the State. Sand silt, clay particles, and soil will damage aquatic habitat and are considered pollutants.

Finding: The temporary erosion and sediment control plan (TESCP) was approved on May 19, 2008, installed, and is still operational around the wetlands. Because this condition extends beyond the limits of plat preparation, it is also noted on the face of the plat on Page 3 of 6 of the plat, Number 18, for all future construction and residential uses.

37. Proper disposal of construction debris must be on land in such a manner that debris cannot enter the wetlands, streams, and their buffers or cause water quality degradation of state waters.

Finding: The demolition permit was received, processed, and inspected by the city.

38. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

Finding: No spills were reported during construction. Because this condition extends beyond the limits of plat preparation, it is also noted on the face of the plat on Page 3 of 6 of the plat, Number 20, for all future construction and residential uses.

39. Soil in stockpiles should be stabilized or protected with sediment-trapping measures to prevent soil loss. All exposed areas of final grade or areas that are not scheduled for work, whether at final grade or otherwise, shall not remain exposed and un-worked for more than two days, between October 1 and April 30. Between May 1 and September 30, no soils shall remain exposed and un-worked for more than 7 days.

Finding: Erosion control measures were in place during construction; no violation of the standards was reported.



40. Clearing limits and/or any easements or required buffers should be identified and marked in the field, prior to the start of any clearing, grading, or construction. Some suggested methods are staking and flagging or high visibility fencing.

Finding: Clearing limits were checked in the field before construction began and again after clearing was completed.

41. A permanent vegetative cover should be established on denuded areas at final grade if they are not otherwise permanently stabilized.

Finding: The areas are seeded and all grass is growing to stabilize areas that were disturbed during plat construction.

42. Properties adjacent to the site of a land disturbance should be protected from sediment deposition through the use of buffers or other perimeter controls, such as filter fence or sediment basins.

Finding: Filter fencing was placed at the outer limits of land work to protect neighbors and wetlands.

43. All temporary erosion control systems should be designed to contain the runoff from the developed two-year, 24-hour design storm without eroding.

Finding: The TESCP was approved May 19, 2008, installed, and is still operational.

44. Provision should be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.

Finding: Adequate controls were maintained throughout development of the plat.

45. Wash water from paint and wall finishing equipment should be disposed of in a way which will not adversely impact Waters of the State. Untreated disposal of this wastewater is a violation of State water quality laws and statutes and as such would be subject to enforcement action.

Finding: No violation of water quality issues was reported.

46. This project will disturb one or more acres of soil surface area and already has potential to discharge stormwater off the site to Waters of the State. The owners must obtain coverage

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under a construction Stormwater National Pollution Discharge Elimination System (NPDES) permit before the start of any clearing, grading, or construction activities on the site.

Finding: An NPDES was obtained from the state August 11, 2008.

47. Thirty tree units per acre be preserved and/or planted. Prior to final plat approval, a final tree conservation plan must be submitted to staff for review and approval.

Finding: The calculation was examined before the landscape plan was approved January 21, 2010, to verify 30 tree units were preserved and/or planted as required.

Conditions 48 and 49 are technical statements of the hearing examiner that the decision was based on representations made and that the applicant is subject to all applicable laws throughout the development process.

Kathy James, Associate Planner

Date

ATTACHMENTS:

1. Final Plat Map
2. Hearing Examiner Decision and Conditions of Approval dated December 4, 2007 (subdivision).
3. Hearing Examiner Decision and Conditions of Approval dated December 4, 2007 (wetland variance), and clarification dated December 7, 2007.



Community Development Department

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Finding: An NPDES was obtained from the state August 11, 2008.

47. Thirty tree units per acre be preserved and/or planted. Prior to final plat approval, a final tree conservation plan must be submitted to staff for review and approval.

Finding: The calculation was examined before the landscape plan was approved January 21, 2010, to verify 30 tree units were preserved and/or planted as required.

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Kathy James, Associate Planner

6/22/11
Date

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