

CITY COUNCIL WORKSHOP

December 3, 2013
5:30 p.m.

AGENDA



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.
Website: www.ci.bonney-lake.wa.us

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

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

I. Call to Order: Mayor Neil Johnson

II. Roll Call:

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, and Councilmember Tom Watson.

III. Agenda Items:

- A. **Council Open Discussion.**
- p. 3 B. **Review of Council Minutes:** November 19, 2013 Workshop and November 26, 2013 Council Meeting.
- p. 15 C. **Discussion:** AB13-55 – Resolution 2297 – Stating City's Intent to Adopt the Shoreline Master Plan.
- p. 229 D. **Discussion:** AB13-137 – Ordinance D13-137 – 2013 Comprehensive Plan Amendments.
- p. 239 E. **Discussion:** AB13-140 – 2013-2014 Mid-Biennial Budget Proposed Budget Amendments.
- p. 259 F. **Discussion:** AB13-143 – Ordinance D13-143 – Re-state the Existing Cluster Requirement in the RC-5 Zone.
- p. 267 G. **Discussion:** AB13-147 – Resolution 2348 – Interlocal Agreement for a Pierce County Auto Theft Task Force (ACE).
- p. 279 H. **Discussion:** AB13-151 – Resolution 2351 – Okanagon County Jail Fee Increase.
- p. 283 I. **Discussion:** AB13-152 – Ordinance D13-152 – Update Council Policies and Procedures.

IV. 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.

V. Adjournment

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

This Page Intentionally Left Blank

CITY COUNCIL WORKSHOP

November 19, 2013
5:30 P.M.

DRAFT MINUTES



“Where Dreams Can Soar”

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

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

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

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the Workshop to order at 5:34 p.m.

II. ROLL CALL:

Administrative Services Director/City Clerk Harwood Edvalson called the roll. Elected officials: attending were Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember Randy McKibbin, Councilmember James Rackley, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Public Works Director Dan Grigsby, Assistant Chief of Police Kurt Alfano, City Attorney Kathleen Haggard, Senior Planner Jason Sullivan, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

III. AGENDA ITEMS:

A. Council Open Discussion:

Food Bank Donation Challenge: Councilmember Watson provided Laurie Carter with a cash donation toward her challenge for the Food Bank Donation. Mayor Johnson said he will provide Mrs. Carter with his donations, and he has a food bin outside of his garage for donations. He encouraged everyone to participate to help the Food Bank.

Reader Board for City Events: Councilmember Watson said he would like to see a reader board providing information about all City events. He believes the different City departments could pay for it out of their respective budgets.

Council Retreat: Councilmember Minton-Davis inquired about the next Council retreat and would like to see it get scheduled early. Councilmember Watson said he thinks getting the retreat scheduled early will help the Council to keep focused on their priorities. Deputy Mayor Swatman said he too thinks getting a retreat scheduled on the calendar will be beneficial for Council to discuss issues and options.

Re-Appointment of Judge Heslop: Mayor Johnson said he sent out information regarding re-appointing Judge Heslop for another four-year appointment. He said the re-appointment will be on next week's Council meeting agenda. He said since he has heard no feedback from Council he is hopeful that the re-appointment will be approved. Councilmember Hamilton said his only concern was the bad publicity the City received due to Judge Heslop's outside business, but those concerns have been resolved.

Shoreline Master Plan Issues: Deputy Mayor Swatman said he attended the meeting at Dieringer School District with Senator Pam Roach regarding concerns with the Shoreline Master Plan regulations that the Department of Ecology (DOE) is considering. He said he

wanted to make everyone aware of the issues involving the shoreline regulations the residents will be facing in dealing with DOE.

Election Costs: Deputy Mayor Swatman spoke regarding concerns with costs associated with elections and wanted to make Council aware of the costs.

Council Committees: Deputy Mayor Swatman said with the new year he would like the Council to evaluate and make determinations regarding the various Committees and Commissions.

Election Results: Councilmember Hamilton congratulated those who won re-election and reminded all that there will always be future opportunity to run for positions. Councilmember Rackley said one of the issues he would like to have Council focus on during the retreat is how to get voters to participate in the democratic process.

B. Review of Council Minutes: November 5, 2013 Council Workshop and November 12, 2013 Council Meeting.

The November 5, 2013 Council Workshop and November 12, 2013 Council Meeting minutes were forwarded to the November 26, 2013 Meeting for action.

C. Discussion: AB13-127 – Public Comments from Public Hearing Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Consider Revenue Sources And Possible Property Tax Increases Before Setting The Ad Valorem Property Tax Rate For 2014.

Councilmember Watson said he has a concern with raising the taxes. Chief Financial Officer Juarez provided Council with an explanation of the proposed tax rate and where the money comes from due to new construction. Councilmember Rackley inquired about the banked capacity and the maximum 1% rate. Councilmembers Hamilton and Watson said they would like to see the Council review and discuss this issue when in next year's budget. Councilmember Minton-Davis spoke regarding one of the workshop sessions she attended at the Association of Washington Cities conference, and recalled that cities who do not make small incremental increases eventually have to raise the tax rate dramatically. Councilmember Rackley said he believes the drop in the rate is due in large part to the incentives developers have received. The continued public hearing on this issue is scheduled for November 26, 2013.

D. Presentation: Tehaleh Update - Newland.

Scott Jones, Vice President and General Manager of the Tehaleh, provided an update and slideshow of the Tehaleh development(s). Councilmember Lewis inquired about the 198th Avenue improvements and Mr. Jones advised that those improvements should be completed in 2015. Councilmember Hamilton inquired about the increased employment rate and Mr. Jones responded. Deputy Mayor Swatman inquired about the free trade zone and Mr. Jones again responded. Deputy Mayor Swatman then asked why Tehaleh isn't considering annexing into the City of Bonney Lake. Mr. Jones stated that is up to the residents of Tehaleh and the registered voters. Deputy Mayor Swatman asked Mr. Jones if

Tehaleh would be willing to provide a letter to the County regarding Tehaleh's desire to annex into the City of Bonney Lake. Councilmember Watson told Mr. Jones he is concerned with the pressure that Tehaleh residents will put on Bonney Lake's roadways. Mr. Jones spoke regarding the mitigations measures tied to the development and that the future phases will be identified as development progresses. Mayor Johnson asked Mr. Jones about a previous proposal regarding widening Rhodes Lake Road. Mr. Jones advised that the Plateau 465 project team is working to discuss that proposal, as well as other issues. No action was taken.

E. Discussion: AB13-135 – Public Comments from Public Hearing Of The City Of Bonney Lake, Pierce County, Washington, Regarding Ordinance 1468, Declaring A Moratorium Prohibiting The Production, Processing, And Retail Sales Of Recreational Marijuana And Prohibiting Granting Of Any City License Or Permit Related To Such Activities.

Deputy Mayor Swatman spoke regarding the public comments received at the November 12, 2013 Public Hearing. He said the speakers clearly stated that they do not want marijuana retail businesses and he believes it is Council's decision to not allow these businesses in the City. Councilmember Hamilton asked if the City can just reject the State's recommendation. City Administrator Morrison said he asked the State Liquor Control Board to remove the City off the list of potential cities to offer marijuana retail businesses, but the State said 'no'. Councilmember Rackley said he attended a Chamber of Commerce meeting last week and the question was raised as to which businesses would want a marijuana retail business next to theirs. City Attorney Haggard stated that these types of businesses are not still not regulated. Councilmember Watson said he is glad to see that Council is working together in supporting the philosophy that marijuana will not be allowed in the City. Councilmembers Lewis and Minton-Davis agreed.

Councilmember Minton-Davis asked about whether any applicants will go through the permitting process and City Attorney Haggard said the City's current moratorium will not allow any applications to be processed. She said if the City lifts the moratorium, then the applicant would have to be in compliance with zoning regulations and building approvals, and if the City did not approve the permitting then the applicant would not have the right to operate a business. City Attorney Haggard stated she would recommend the City have their regulations in place before the moratorium expires, a valid application is received, and the process begins. City Administrator Morrison stated if more than one application is received then a lottery would be held to see which applicant would be permitted to go through the permitting process. Councilmember Hamilton asked if the City can regulate these type of businesses like they do for adult entertainment. Mayor Johnson said the City is going to work with the other cities as a coalition to not permit these types of businesses. City Attorney Haggard said the biggest issue is determining the zoning regulations and getting them approved. No action was taken on this agenda item.

F. Continued Discussion: AB13-105 – Resolution 2322 – A Sewer Development Financing Contract and Utility Latecomer Agreement with Kahne Properties, LLC Re: Eastown Southern Sewer Development.

Public Works Director Grigsby noted that Council discussed this issue on October 1, 2013 and summarized his memo that was included in the agenda packet. Councilmember

Watson asked about the Swift property. Director Grigsby addressed the two different options regarding the Swift property. Councilmember Watson asked about the Shepard/Morris property, and Director Grigsby said the construction easement can be on the same side of their parcel so it will not affect their future development. Deputy Mayor Swatman said there is an impact to the Shepard/Morris property, but they cannot come to an agreement as to what the impact is when they all want sewer. Director Grigsby said staff did look at other options, but those would have involved more than one property owner. Director Grigsby said if the City choose to build the sewer system along SR 410 then another lift station would have to be built and maintained.

Councilmember Minton-Davis thanked everyone that worked on the agreement and said it has been explained very well. She asked about the Chan property; Director Grigsby said the Chan property owners have been notified of the public hearings but they have not responded. Bill Moffitt (developer with Kahne, LLC) and Councilmember Hamilton spoke regarding the easements and the issues if the property owners do not allow access onto their property. Councilmember Hamilton asked for confirmation that the City would have the same rights as the County did before it was annexed, since these easements are from 1982. Councilmember Lewis asked about the potential road that would be put through to SR 410. The item was forwarded for action at the November 26, 2013 Council Meeting.

G. Discussion: AB13-140 – Mid-Biennial Budget Amendments.

City Administrator Morrison provided detail about the 2013-2014 Mid-Biennial Budget Amendments. He said the public hearing regarding the budget amendments is scheduled for November 26, 2013. Mayor Johnson said he wants to make sure that the monies for the crosswalks that Councilmember Lewis spoke about during the November 5, 2013 Council Workshop are addressed. Councilmember Rackley said he would like to see the Council find funds for public outreach via the internet. Mayor Johnson and Councilmember Hamilton proposed putting together an ad hoc committee to discuss and review the future of the City's website to provide increased public outreach. Councilmember Watson suggested adding this item to next year's retreat. A public hearing on this item is scheduled for the November 26th Council meeting.

H. Discussion: AB13-128 – Resolution 2337 – Requesting the WA Secretary of Transportation reduce the speed limit on SR410 to 35mph in Downtown Bonney Lake.

Councilmember Minton-Davis proposed postponing this topic to a future workshop for discussion. City Administrator Morrison provided a brief explanation of this item. He said he is concerned with the downtown landscape median that is required on SR 410 for areas in a 45 mph speed zone. He said City staff have met with the Washington State Department of Transportation (WSDOT) regarding the speed limits along SR 410 between Veterans Memorial Drive and Main Street. Director Grigsby said WSDOT did a study that said 15% of the vehicles were exceeding 40 mph. Mayor Johnson said he has seen numerous requests from citizens to reduce the speed limit to 35 from Veterans Memorial Drive to 214th. Director Grigsby said WSDOT has approved the design as proposed. Deputy Mayor Swatman asked staff to check with WSDOT to determine what the minimum median height would be. Councilmember Hamilton said he is more concerned with safety issues than aesthetic issues. He suggested the issue be sent to the

Public Safety Committee for review and a recommendation. Councilmember Watson moved to table the issue to the Public Safety Committee and Councilmember Minton-Davis seconded.

- I. Discussion:** AB13-146 – Pierce County Wide Planning Policy Amendment and Comprehensive Amendment T-1 relating to methodology for expanding Urban Growth Areas within the County.

Senior Planner Sullivan provided a summary of the three proposed amendments Councilmember Rackley said the Council should support these amendments as presented. Councilmember Lewis said he keeps up to date with Puget Sound Regional Council and he recommends approval of the proposed amendments. He said the issue regarding the T-1 Amendment relating to methodology for expanding the Urban Growth Area within the County requires that the two documents are consistent. He said in order to expand the Urban Growth Area capacity in Bonney Lake, the City would have to demonstrate the need throughout the County. Senior Planner Sullivan said the County Council will not consider the City's Comprehensive Plan Amendment without the interlocal agreement.

Councilmember Hamilton said if the City seeks to expand the Urban Growth Area the Friends of Washington group will bring concerns forward. He said the County is in a difficult situation and need this amendment to be passed. Council consensus was to support the amendments.

The Pierce County Wide Planning Policy Interlocal Agreement was forwarded to the November 26, 2013 Meeting for action.

- I. Executive Session:** Pursuant to RCW 42.30.110(1)(b), the Council adjourned to an Executive Session at 8:01 p.m. for 20 minutes to discuss potential property acquisition. The Council returned to chambers at 8:14 p.m.

Mayor Johnson asked for a motion to amend the agenda and add an action item.

Councilmember Rackley moved to suspend the Council rules to amend the agenda and add Resolution 2349 as an action item. Deputy Mayor Swatman seconded the motion.

Motion to add Resolution 2349 to the agenda approved 7 – 0.

Administrative Services Director/City Clerk Edvalson read the action item, which was a resolution ratifying an agreement between the City and Union Bank for a purchase and sale agreement for the property located at 22405 SR 410 E in Bonney Lake. Deputy Mayor Swatman thanked the staff and Council for all of their work on this item. Councilmember Watson said he thinks it is a great opportunity for the City to move forward with this property acquisition. Councilmember Hamilton said he too thinks it is a great opportunity for the City to move forward towards building a new Public Works Center on the property. Councilmember Lewis said he thinks it is a great investment of the City's utility funds to benefit the City for an easily-accessible Public Works Center. Mayor Johnson thanked staff and Councilmember McKibbin for all of their hard work on this property acquisition.

Councilmember Rackley moved to approve AB13-148 – Resolution 2349 – A Resolution Of The City Council Of the City Of Bonney Lake, Washington, Ratifying A Purchase And Sale Agreement To Purchase One (1) Parcels of Land In Eastown, To Wit Pierce County Parcel #0591021032 Located at 22405 SR 410 E, Consisting of 20.83 Acres, In Order to Further Implement the Development of a Public Works Center. Councilmember Lewis seconded the motion.

Resolution 2349 approved 7 – 0.

IV. ADJOURNMENT:

At 8:17 p.m., Councilmember Lewis moved to adjourn the Council Workshop. Councilmember Watson seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council for the November 19, 2013 City Council Workshop:

- Scott Johns, Newland Communities - *PowerPoint Presentation Re: Tehaleh.*

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

CITY COUNCIL MEETING

November 26, 2013
7:00 P.M.

DRAFT MINUTES



“Where Dreams Can Soar”

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

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

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

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:02 p.m.

- A. Flag Salute: Mayor Johnson led the audience in the Pledge of Allegiance.
- B. Roll Call: Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Kathleen Haggard, and Records & Information Specialist Susan Haigh.

C. Announcements, Appointments and Presentations:

- 1. Announcements: None.
- 2. Appointments:
 - a. **AB13-150** – Reappointment of Ronald Heslop as Bonney Lake Municipal Court Judge.

Mayor Johnson said Judge Heslop is highly rated amongst his peers, works well with staff, and has done good service for the City in the past.

Councilmember Rackley moved to approve motion AB13-150, re-appointing Ronald Heslop as Bonney Lake Municipal Court Judge. Councilmember Watson seconded the motion.

Motion AB13-150 approved 7 – 0.

Administrative Services Director/City Clerk Edvalson administered the oath of office to Judge Heslop. Judge Heslop thanked the Council and staff for their support, and said he appreciates the opportunity to serve. He said the City has great quality staff who are essential, and he has received many compliments from customers about their experience working with staff in the Court and Police Department, and the City Prosecutor.

- 3. Presentations: None.

D. Agenda Modifications:

Mayor Johnson said the City Attorney has presented a proposed agenda modification to the Council for consideration at the current meeting.

Councilmember Lewis moved to amend the agenda to add AB13-153 – Ordinance D13-153 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Reaffirming And Revising The Moratorium Enacted Under Ordinance No. 1468, Prohibiting The Production, Processing, And Retail Sales Of Marijuana And Prohibiting Granting Of Any City License Or Permit Related To Such Activities, to the current agenda as Full Council Issues, item C. Councilmember Watson seconded the motion.

Motion to amend the agenda to add Ordinance D13-153 approved 7 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

1. **AB13-127** – [Continued from November 12, 2013] A Public Hearing Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Receive Citizen Comment In Reference To Ordinance D13-139, Which Sets The Amount Of The Annual Ad Valorem Tax Levy For Fiscal Year 2014.

Mayor Johnson re-opened the public hearing at 7:08 p.m. Seeing no one coming forward to speak, Mayor Johnson closed the public hearing at 7:08 p.m.

2. **AB13-138** – A Public Hearing Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Consider Ordinance D13-140, Amendments To The 2013 - 2014 Biennial Budget That Was Adopted On December 11, 2012 Via Ordinance 1447.

Mayor Johnson opened the public hearing at 7:08 p.m. Seeing no one coming forward to speak, Mayor Johnson closed the public hearing at 7:08 p.m.

B. Citizen Comments:

Marian Betzer, 19812 82nd St Ct E, Bonney Lake, congratulated the City on receiving the “Forever Green Trails Council” award. She explained the history of the “Forever Green” program in Pierce County, and said the City of Bonney Lake was recognized at their 2013 Trails Conference, which she, Don Pardington, Terry Reid, and Gary Leaf attended. She said Forever Green is participating in a Russell Family Foundation grant and the City and the Fennel Creek Habitat Team are working together on a joint grant application to be submitted in December. She and other members of the Fennel Creek Habitat Team presented the award to Mayor Johnson.

Laurie Carter, 9418 184th Ave E, Bonney Lake, provided an update on her Food Drive challenge to the Council and Mayor, and encouraged others to donate through December 7, 2013. Mayor Johnson said he is taking donations and has received several food and cash donations to include in the drive.

Ed Morris, 17301 159th Ave SE, Renton, said he represents the owners of parcel 0519022007, also known as the “Shepard/Morris property”. He spoke against proposed Resolution 2322 to approve the Eastown Southern Utility Latecomer Agreement (ULA)

with Kahne, LLC. He said the property owners are expected to support the project based on a preliminary design, and trust that the City will mitigate any impacts to their property. He said the proposed sewer line will impact how they will be able to develop their property, and his group does not support the ULA presented.

Aaron Babcock, 11107 176th Ave E, Bonney Lake, spoke in favor of the proposed Eastown Southern ULA (Resolution 2322). He said property owners have been waiting for years to extend sewer to the area, and have worked especially hard in the past three years on this project. He said he cannot develop his property until sewer is available and encouraged the Council to approve the proposed resolution.

Bill Moffit, 2144 West Lake Ave, Seattle, spoke on behalf of the Kahne LLC. He spoke in favor of the proposed Kahne ULA (Resolution 2322). He thanked the Council for their discussion and careful deliberation of this issue.

- C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening. The Committee forwarded the yearly salary ordinance for action at an upcoming Council Meeting; discussed planning for a Council retreat with a proposed date of January 25, 2014; and discussed potential revisions to the Council rules for further Council discussion.

- B. Community Development Committee / Economic Development Focus Group: Councilmember McKibbin said the Committee met on November 19, 2013 and forwarded two items to the Consent Agenda and one item to Community Development Committee Issues.

- C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council Meeting.

- D. Other Reports:

Pierce County Regional Council: Councilmember Hamilton said the PCRC met on November 25, 2013. The PCRC discussed the proposed amendment to the Pierce County planning policies (amendment T-1) and he learned that the County pulled the amendment and is now in violation of its own policies. He said a County Councilmember has requested review and consideration of reducing the County Urban Growth Areas (CUGA). The PCRC also discussed regional transportation projects and funding.

Community Updates: Councilmember Lewis said he attended the White River Families First Coalition in Buckley on November 25, 2013 at 3.30 p.m. The group's next meeting is in January. The Coalition heard from the White River School District Superintendent Janel Keating, who explained proposed levies for the School District on the February 2014 ballot. The Coalition also discussed concerns about sexual abuse and ways to educate youth. They also discussed area Food Bank needs and the upcoming lighting event in Buckley on December 1, 2013.

Councilmember Watson said the Bonney Lake Lions Club will be providing gifts of cookies and candies to local first responders this week to thank the police and fire staff

for their service throughout the year.

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** November 5, 2013 Council Workshop and November 12, 2013 Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #67430-67462 (including wire transfer #'s 20131021, 20131104, 20131105, 2031106, and 2013110601) in the amount of \$828,570.03.
Accounts Payable checks/vouchers #67463-67467 in the amount of \$10,357.64 for Accounts Receivable deposit refunds.
Accounts Payable checks/vouchers #67468-67479 in the amount of \$2,933.41.
Accounts Payable checks/vouchers #67480-67497 (including wire transfer # 11042013) in the amount of \$286,732.20.
Accounts Payable checks/vouchers #67498-67502 in the amount of \$2,477.35.
VOIDS: Check #66639 – check lost/missing.
- C. **Approval of Payroll:** Payroll for October 16-31, 2013 for checks #31443-31468 including Direct Deposits and Electronic Transfers is \$ 442,332.64.
- D. **AB13-129 – Resolution 2338** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With KPG Engineering For Services For The 30% Design Of The 186th Corridor Improvements Project
- E. **AB13-130 – Resolution 2339** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With KOG Engineering For Services To Provide The 30% Design Effort For The Church Lake Road Culvert Replacement Project.
- F. **AB13-134 – Resolution 2341** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Supply Capacity Credit Agreement With Cascade Water Alliance To Substitute Tacoma Public Utilities As The Water Supplier.
- G. **AB13-141 – Resolution 2343** – A Resolution Of The City Council Of The City Of Bonney Lake, Washington, Authorizing A Contract With KPG Engineering For Services To Design The 24th Street – 25th Street Watermain Replacement Project.
- H. **AB13-149 – Resolution 2350** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Authorizing The Mayor To Sign An Interlocal Agreement With Pierce County For Certain Amendments To The Pierce County Countywide Planning Polices As Recommended By The Pierce County Regional Council.

Councilmember Lewis moved to approve the Consent Agenda. Councilmember Watson seconded the motion.

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT ISSUES:

- A. **AB13-145 – Resolution 2346** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The Angeline Road Sidewalk Improvement Project To Hoffman Construction Inc. [Previously AB13-142]

Councilmember Lewis moved to approve Resolution 2346. Councilmember Watson seconded the motion.

Mayor Johnson noted this is the ‘missing link’ sidewalk that citizens brought forward as a concern. He thanked staff for their work to move this project forward. Councilmember Watson said he is glad this project could be added, and he hopes in funds will be available in the future to complete similar projects that come up.

Resolution 2346 approved 7 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- A. **AB13-139 – Ordinance 1470 [D13-139]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting The Amount Of The Annual Ad Valorem Tax Levy Necessary For The Fiscal Year 2014 For The Purposes Set Forth Below.

Councilmember Rackley moved to approve Ordinance 1470. Councilmember Lewis seconded the motion.

City Attorney Haggard noted that because there were no comments during the continued public hearing, the Council does not need to suspend its rules to take action on this item at the current meeting. Deputy Mayor Swatman noted that a citizen commented during the hearing on November 12th that the ordinance should provide information on the impact to property owners’ tax rates. He said this information has been included in the ordinance background summary. He noted that the tax rate for individual property owners will decrease from 2013 to 2014, but the City will actually take in slightly more in tax revenues due to an increase in the number of taxable properties in the City.

Ordinance 1470 approved 7 – 0.

- B. **AB13-105 – Resolution 2322** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Establishment Of A Sewer Development Financing Contract And Utility Latecomer Agreement For Eastown Sewers With Kahne Properties, LLC/~~Landmark Development~~.

Councilmember Watson moved to approve Resolution 2322. Councilmember Lewis seconded the motion.

Councilmember Watson thanked staff for their work on this item. He said he still has concerns for land owners who will be impacted and about alternatives to this project.

Councilmember Hamilton spoke in favor of the proposed agreement. He said the Growth Management Act (GMA) dictates that the City have a certain amount of multi-family housing. He said Bonney Lake needs additional multi-family housing and the proposed Kahne Multifamily project will help facilitate this.

Deputy Mayor Swatman agreed about the need for multi-family housing. He said concerns remain about how the ULA will impact property owners. He said though he does not like the proposed action, from a sewer standpoint for the City he will support it. He said the City has tried to work on a pre-agreement with the Morris/Shepard property owners and believes they will be able to come to an agreement in the end. He said the ULA will set a time frame for the process, and a way to determine the quantifiable financial impacts for each property affected.

Mayor Johnson thanked Director Grigsby for his work on the agreement, and his time spent answering questions from the Council, property owners and developers.

Resolution 2322 approved 7 – 0.

- C. **AB13-153 – Ordinance 1469 [D13-153] – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Reaffirming And Revising The Moratorium Enacted Under Ordinance No. 1468, Prohibiting The Production, Processing, And Retail Sales Of Marijuana And Prohibiting Granting Of Any City License Or Permit Related To Such Activities.** *Added to the agenda during Agenda Modifications.*

Councilmember Watson moved to approve Ordinance 1469. Councilmember Lewis seconded the motion.

Councilmember Rackley noted that the Pierce County Council is dealing with this issue currently as well.

Ordinance 1469 approved 7 – 0.

IX. EXECUTIVE SESSION: None.

X. ADJOURNMENT:

At 7:39 p.m., Councilmember Rackley moved to adjourn the Council Meeting. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the November 26, 2013 Meeting:

- Ed Morris – *Comments re: Resolution 2322.*
- Kathleen Haggard, City Attorney – *Additional Agenda Item – Proposed Ordinance D13-153.*

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

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

Department/Staff Contact: Community Development / Jason Sullivan - Senior Planner	Meeting/Workshop Date: 3 December 2013	Agenda Bill Number: AB13-55
Agenda Item Type: Discussion	Ordinance/Resolution Number: 2297	Councilmember Sponsor: Councilmember McKibbin

Agenda Subject: Notice of Intent to Adopt an updated Shoreline Master Program

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Expressing The Intent To Adopt An Update Of The Shoreline Master Program And Authorizing The Submittal Of The Proposed Shoreline Master Program To The Washington State Department Of Ecology.

Administrative Recommendation:

Background Summary: In 2003, the Washington State Legislature mandated a comprehensive update to the over 250 SMPs adopted by cities and counties through the State. All most all of these local SMPs had not been updated since their initial adoption in the late 1970's or early 1980's. The City was awarded a grant by DOE, in 2008, to facilitate the required update and subsequently initiated the update of its 1975 SMP in 2009.

Over the last four years, staff has been working with a citizen advisory committee, consultants, the Cascade Water Alliance, the Department of Ecology, and the Planning Commission to develop an updated SMP that balances the environmental protections mandated by the state, private property rights, and recreational usage of the lake and shoreline. Key considerations within the SMP included conservation, public access, guidance for water-oriented recreational uses, and allowances for residential development.

The new SMP will not be a standalone document, but will be integrated into the City's regulatory framework which did not existing in 1975. Under this approach the required shoreline goals and policies will be a new element added to the City's Comprehensive Plan and the shoreline regulations will be added as a new article in Title 16 of the Bonney Lake Municipal Code consisting of 13 chapters entitled "Shoreline Code".

As part of the update to the SMP, the City was also required to review it Critical Areas Code to demonstrate that there is a no-net-loss of ecological function for those critical areas within the shoreline jurisdiction. As a result of this review, City will have to amend the buffer requirements for wetlands: a discussion regarding this issue is provided on pages 6 through 7 of Planning Commission's recommendation memo.

The purpose of Resolution 2297 is to for the City Council to formal notify the Department of Ecology (DOE) of the City's intent to adopt the required comprehensive update of the City's 1975 SMP as required by 90.58.080(2)(a)(iii). If the Council approves Resolution 2297, a copy of the draft SMP (Ordinance D13-56) will be forwarded to DOE for review and approval. Once DOE approves the draft SMP, the City Council will take final action on Ordinance D13-56. DOE's review is expected to be a minimum of six months from the date that it is submitted to the Department.

Attachments: Resoulution 2297, Ordiance D13-56, Planning Commission recommendation memorandum, October 16, 2013 Planning Commission minutes, Public Comment Matrix, Staff Memo on the following Topics: Removal of Lake Tapps for the Shoreline Management Act; Comparing the Draft Pierce County and City SMP; and Providing Information Regarding Docks and Bulkheads Under the Draft SMP.

BUDGET INFORMATION

Budget Amount
n/a

Current Balance

Required Expenditure

Budget Balance

Budget Explanation:

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review:	Community Development	<i>Approvals:</i>	Yes	No
	Date: 21 May 2013	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: Planning Commission

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s):

Public Hearing Date(s):

Meeting Date(s):

Tabled to Date:

APPROVALS

Director:
JPV

Mayor:

**Date Reviewed
by City Attorney:**
(if applicable):

RESOLUTION NO. 2297

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON EXPRESSING THE INTENT TO ADOPT AN UPDATE OF THE SHORELINE MASTER PROGRAM AND AUTHORIZING THE SUBMITTAL OF THE PROPOSED SHORELINE MASTER PROGRAM TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY.

WHEREAS, the City of Bonney Lake is required to update Bonney Lake's 1975 Shoreline Master Program (hereinafter "SMP) pursuant to RCW 90.58.080 which must be approved by the State Department of Ecology (DOE) prior to its adoption by the City of Bonney Lake;

WHEREAS, there has been extensive public participation, including but not limited to the following: public meetings before the Bonney Lake Planning Commission, open houses, meetings with property owners, notices mailed to every property owner within two hundred feet of Lake Tapps, meetings with affected agencies, and meetings of the Ad Hoc Shoreline Citizen Advisory Committee;

WHEREAS, the updated SMP has been carefully integrated within Bonney Lake's regulatory structure, and is complimentary to other Federal and State rules and regulations;

WHEREAS, the proposed SMP meets the needs Bonney Lake by balancing the protection of the environment with the protection of private property rights;

WHEREAS, the City issued a SEPA Threshold Determination of Non-Significance on September 16, 2013;

WHEREAS, the City issued a Notice of a Determination of Non-Significance and Public Hearing on September 18, 2013;

WHEREAS, the Bonney Lake Planning Commission conducted a public hearing on October 16, 2013 and recommended approval of Ordinance D13-56 adopting a new SMP for the City of Bonney Lake;

WHEREAS, the Bonney Lake City Council considered Ordinance D13-56 adopting a new SMP at the Council work session on November 5, 2013;

WHEREAS, the Bonney Lake Council concluded that the SMP will result in "no net loss" in shoreline ecological function relative to the baseline established in Final Shoreline Analysis Report, and will ultimately produce a net improvement in shoreline ecological function;

WHEREAS, on Bonney Lake City Council concluded that the SMP is consistent with and meets the Guidelines established under Chapter 173.26 WAC;

WHEREAS, the Bonney Lake City Council concludes that the SMP is consistent with and implements Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW); and

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Bonney Lake provides notice of its intent to adopt Ordinance D13-56 attached as Attachment 1 establishing a new Shoreline Master Program for the City of Bonney Lake upon approval from the Washington State Department of Ecology.

BE IT FURTHER RESOLVED, the City Council of the City of Bonney Lake authorizes the Community Development Director to submit the Bonney Lake Shoreline Master Program Update (including this Resolution and all other required submittal documents) to the Washington State Department of Ecology for review and approval.

PASSED by the City Council and approved by the Mayor this ____ day of _____, 2013.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

ORDINANCE NO. D13-56

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING THE SHORELINE MASTER PROGRAM FOR THE CITY OF BONNEY LAKE BY ADOPTING THE OFFICIAL SHORELINE ENVIRONMENTAL DESIGNATION MAP; ADDING A NEW CHAPTER TO THE BONNEY LAKE COMPREHENSIVE PLAN ENTITLED “SHORELINE ELEMENT”; ADDING ARTICLE III TO TITLE 16 OF THE BONNEY LAKE MUNICIPAL CODE CONSISTING OF THIRTEEN CHAPTERS ENTITLED “SHORELINE CODE”; AMENDING CHAPTERS 16.20 AND 16.22 OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO THE REGULATIONS OF WETLANDS, CHAPTERS 14.40 THROUGH 14.80 RELATED TO DEVELOPMENT CODE ADMINISTRATION, SECTION 18.14.060 RELATED TO SETBACKS IN THE R-1 ZONE ADJACENT TO LAKE TAPPS, AND SECTION 16.30.050 RELATED TO THE REGULATION OF STREAM BUFFERS; AND REPEALING CHAPTER 16.08 OF THE BONNEY LAKE MUNICIPAL CODE AND SECTIONS 14.70.110 AND 16.20.160.

WHEREAS, the foundation for shoreline management is the Shoreline Management Act (Chapter 90.58 RCW) which was enacted by the Washington State Legislature in 1971 and ratified by a vote of the people in 1972; and

WHEREAS, Chapter 90.58 RCW requires all cities and counties with "shorelines of the state" to prepare and adopt a Shoreline Master Program that is based on state laws and rules, but tailored to the specific jurisdiction

WHEREAS, on April 23, 1975 the Bonney Lake City Council adopted the City of Bonney Lake Shoreline Master Program as required by the Shoreline Management Act.

WHEREAS, the 1975 SMP and was not integrated into the City’s Municipal Code or the Comprehensive Plan but was a standalone document, and

WHEREAS, the State Legislature adopted Substitute Senate Bill 6012 amending RCW 90.58.080 requiring Bonney Lake to complete a comprehensive update to its 1975 Shoreline Master Plan; and

WHEREAS, RCW 36.70A.480 provides that the goals and policies of the Shoreline Master Program shall be considered an element of a jurisdiction’s comprehensive plan and the regulatory provisions of the Shoreline Master Program shall be considered part of a jurisdiction’s development regulations; and

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

Section 1. Findings of fact and conclusions. The findings of fact set forth in Attachment “A”, attached hereto and incorporated by this reference, are adopted in full by the

City Council in support of its decision to adopt the Shoreline Master Program for the City of Bonney Lake.

Section 2. Shoreline Environmental Designation Map. The City Council adopts the Shoreline Environmental Designation Map included as Attachment “B”, attached hereto and incorporated by this reference, establishing the shoreline environmental designation for all areas within the jurisdiction of the City of Bonney Lake Shoreline Master Program.

Section 3. Comprehensive Plan Chapter. The City Council hereby adopts a new chapter of the *Bonney Lake Comprehensive Plan* entitled “Shoreline Element” included as Attachment “C”, attached hereto and incorporated by this reference.

Section 4. Restoration Plan. The City Council hereby adopts the Bonney Lake Shoreline Restoration Plan, included as Attachment “D”, attached hereto and incorporated by this reference.

Section 5. Shoreline Code Administration. Chapter 16.34 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Code Administration” to read as follows:

16.34.010 Title

Chapter 16.34 BLMC through Chapter 16.58 BLMC shall be known as the “Shoreline Code.”

16.34.010 Authority

The Shoreline Code along with the Shoreline Chapter of the City of Bonney Lake Comprehensive Plan and the City of Bonney Lake Shoreline Restoration Plan are adopted as the Shoreline Master Program (SMP) for the City of Bonney Lake pursuant to the authority provided in Chapter 90.58 RCW and Chapter 173-26 WAC.

16.34.020 Purpose

The purpose of the SMP is to manage the use and development of the shorelines of the City to:

- A. Ensure shoreline development and uses avoid, minimize and mitigate impacts.
- B. Ensure a “no net loss” of ecological functions.
- C. Enable current and future generations to utilize the Lake Tapps Reservoir for water dependent recreation.
- D. Protect the quality of water and shoreline natural resources to preserve fish and wildlife habitats.

- E. Protect the City's investments as well as those of property owners along and near the shoreline.
- F. Efficiently achieve the mandates of the SMA.

16.34.030 Relationship to other Codes and Ordinances

- A. The regulations contained in the Shoreline Code shall apply as an overlay and in addition to zoning, land use regulations, development regulations, and other regulations established by the City.
- B. In the event of any conflict between these regulations and any other regulations of the City, the regulations that provide greater protection of the shoreline ecological function and aquatic habitat shall prevail.
- C. Shoreline Master Program policies, found in the Shoreline Element of the City's Comprehensive Plan, establish intent for the shoreline regulations.

16.34.040 Shoreline Environment Designations Regulations

- A. Chapter 16.38 BLMC through Chapter 16.48 BLMC establish the designation criteria and dimensional standards for each of the five (5) shoreline environment designations (SED) used in the City of Bonney Lake.
- B. Chapter 16.50 BLMC through Chapter 16.54 BLMC establish the development regulations that apply in all of the SEDs.

16.34.050 Interpretation

- A. The Shoreline Administrator may issue interpretations of any provisions of the SMP as necessary to administer the SMP policies and regulations based on the following:
 - 1. The defined or common meaning of the words of the provision.
 - 2. The general purpose of the provision as expressed in the provision.
 - 3. The purpose and intent as expressed in Chapter 90.58 RCW, the guidelines contained in Chapter 173-26 WAC, and the Shoreline Chapter of the City of Bonney Lake Comprehensive Plan.
 - 4. Preference shall be given in the following order to uses that:
 - a. Recognize and protect the statewide interest over local interest.
 - b. Preserve the natural character of the shoreline.

- c. Result in long term over short term benefit.
 - d. Protect the resources and ecology of the shoreline.
 - e. Increase public access to publicly owned areas of the shorelines.
 - f. Increase recreational opportunities for the public in the shoreline; and
 - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
- B. Any formal written interpretations of shoreline policies or regulations shall be considered a Type 1 Permit.
- C. Any formal written interpretations of shoreline policies or regulations shall be submitted to the Department of Ecology for review.
- D. An interpretation of the Shoreline Code shall be enforced as part of this code.
- E. All interpretations of SMP shall be filed sequentially and available for public inspection and copying during regular business hours.

16.34.060 Construction

As provided for in RCW 90.58.900, the SMA is exempted from the rule of strict construction; the SMA and the SMP shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the SMA and the SMP were enacted and adopted, respectively.

Section 6. Shoreline Code Definitions. Chapter 16.36 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Code Definitions” to read as follows:

16.36.010 Applicability

For the purposes of Shoreline Code the following terms shall have the meaning ascribed to them below. Terms not defined in this section shall be defined as set forth in Chapter 18.04 BLMC.

16.36.020 Abbreviation List

BLMC: Bonney Lake Municipal Code in effect on

BMP: Best Management Practice

DBH: Diameter at breast height

DOE: Washington State Department of Ecology

EIS: Environmental Impact Statement.

OHWM: Ordinary High Water Line

LID: Low Impact Development

OWHM: Ordinary High Water Mark

RCW: Revised Code of Washington.

SED: Shoreline Environment Designation

SEPA: State Environmental Policy Act, Chapter 43.21C RCW, as amended

SMA: Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended

SMP: Shoreline Master Program adopted by the City of Bonney Lake and approved by the Department of Ecology

SHB: Shoreline Hearings Board

WAC: Washington Administrative Code.

16.36.030 Adoption by Reference

A. The following definitions established by RCW 90.58.030 are adopted by reference as presently constituted or as may be subsequently amended:

1. Development
2. Guidelines
3. Hearings board
4. Person
5. Floodway
6. Ordinary high water mark
7. Shorelands
8. Shoreland areas
9. Shorelines

10. Shorelines of statewide significance

11. Shorelines of the state

12. Substantial development

13. Wetlands

B. The following definitions established by WAC 173-26-020 are adopted by reference as presently constituted or as may be subsequently amended:

1. Act

2. Agricultural activities

3. Amendment

4. Approval

5. Aquaculture

6. Critical areas

7. Development regulations

8. Document of record

9. Ecological functions

10. Ecological restoration

11. Ecosystem-wide processes

12. Feasible

13. Fill

14. Floodplain

15. Geotechnical report

16. Geotechnical

17. Grading

18. Guidelines
19. Must
20. Nonwater-oriented
21. Priority habitat
22. Priority species
23. Provisions
24. Restore
25. Restoration
26. Shall
27. Shoreline areas
28. Shoreline jurisdiction
29. Shoreline modifications
30. Should
31. Significant vegetation removal
32. Substantially degrade
33. Water-dependent use
34. Water-enjoyment use
35. Water-oriented use
36. Water quality
37. Water-related use

C. The following definitions established by WAC 173-27-030 are adopted by reference as presently constituted or as may be subsequently amended:

1. Average grade level
2. Conditional use

3. Development
4. Exempt
5. Fair market value
6. Height
7. Natural or existing topography
8. Public interest
9. Structure
10. Variance
11. Vessel

16.36.040 “A”

“Accessory dwelling unit” means a second dwelling unit either in or added to an existing detached dwelling, or in a separate structure on the same lot as the primary dwelling for use as a complete, independent living facility with provision within the accessory unit for cooking, eating, sanitation, sleeping and entry separate from that of the main dwelling. Such a dwelling is an accessory use to the main dwelling.

“Accessory use” means any structure or use incidental and subordinate to a primary use or development.

“Accessory utilities” means on-site utility features serving a primary use providing water, sewer gas, communication, telephone, cable, and electricity.

“Adverse impact” means measurable negative effects which diminish or detract from a stated objective, including human health, safety and welfare and environmental quality.

“Appurtenance” means a structure or development which is common and necessarily connected to the use and enjoyment of a detached dwelling structure including but not limited to the development or structures listed under WAC 173-27-040, sheds, greenhouses, and hot tubes landward of the OHWM and the perimeter of a wetland.

“Aquatic” means those areas waterward of the OHWM.

“Associated Wetlands” means wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management.

16.36.050 “B”

“Bioengineering” means project designs or construction methods that use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank that is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

“Boat lift” means lifts for motorized boats, kayaks, canoes and jet skis including floating lifts that are designed to not contact the substrate of the lake; ground-based lifts that are designed to be in contact with or supported by the substrate of the lake; and suspended lifts that are designed to be affixed to the existing overwater structure with no parts contacting the substrate.

“Boating Facilities” means a facility or structure providing access in and out of the water for vessels, such as, boat ramps, marinas, piers, docks, and boat lifts. For purposes of the SMP, boating facilities excludes docks serving four or fewer single-family residence.

“Boat House” means a structure over the water or directly landward of the OHWM designed for the storage of boats, but not including boat lift canopies

“Boat Ramp” means graded slopes, slabs, pads, or planks used for launching boats by means of a trailer, hand, or mechanical device

“Buffer or buffer area” means vegetative areas that are contiguous to and protect a critical area and are required for continued maintenance, functioning, and/or structural stability of a critical area.

“Building height” see “Height” in BLMC 16.36.030.C.

“Bulkhead” means a solid wall erected generally parallel to and near the OHWM for the purpose of protecting adjacent uplands from waves, floods, or current action.

“Buoy” means an anchored float for the purpose of mooring vessels.

16.36.060 “C”

“City” means the City of Bonney Lake, Washington.

“Clearing” means the destruction or removal of vegetation groundcover, shrubs and trees including root material removal and topsoil removal.

“Commercial Use” means uses are those that sell goods and/or services directly to the consumer.

“Covered moorage” means boat moorage, with or without walls, that has a roof to protect the vessel.

“Critical Areas Code” means the City of Bonney Lake’s Critical Areas Code codified in Chapter 16.20 BLMC through Chapter 16.30 BLMC adopted by Ordinance Numbers 1070 (2004), 1189 (2006), 1252 (2007), 1301 (2009), 1325 (2009), and XXXX (2013).

16.36.070 “D”

“Date of filing” means the date of actual receipt by DOE of a local government’s final decision involving approval or denial of a substantial development permit, shoreline conditional use permit, and/or shoreline variance.

“Dike” means a manmade earthen embankment utilized for the purpose of flood control, water impoundment projects, or settling basins.

“Dock” means an overwater structure which abuts the shoreline consisting of piers and/or floats. Docks may be configured to include ell and finger pier.

“Dredging” means the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies or natural wetlands; maintenance dredging and/or support activities are included in this definition.

“Duplex” means a structure containing two-unit separate dwelling units, located on a singular lot providing permanent provisions for cooking, eating, sanitation, sleeping.

“Dry boat storage” means structures or racks located landward of the OHWM that provide dry places and easy access for removing and returning boats, kayaks, jet-skis, etc from the water via a lift or hoist.

16.36.080 “E”

“Ells” means extensions of piers, often in an ‘L’ shape, that provide additional watercraft moorage.

“Enhancement” means alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions.

16.36.090 “F”

“Fetch” means the perpendicular distance measure across a water body in a straight-line from the OHWM to the OHWM of the opposite shoreline.

“Finger Pier” means a narrow pier section projecting from the dock ramp, typically perpendicular to the dock and located landward of an ell in order to form the nearshore side of a boat slip.

“Float” means a structure that floats on the surface of the water that is attached to a pier or dock by is not directly to the shore. Floats may be anchored to submerged land.

“Forest Practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber subject to the requirements of Chapter 76.09 RCW and Title 222 WAC.

16.36.100 “G”

“Gabions” Structures composed of masses of rocks or rubble held tightly together by wire mesh so as to form upright blocks or walls primarily used to retain earth or to retard erosion or wave action.

“Geologically hazardous areas” means landslide, erosion and seismic hazardous areas as defined in WAC 365-190-080(4).

“Grade” means average grade level as defined in WAC 173-27-030.

“Grading” means the movement, excavation, or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that either permanently or temporarily alters the natural contour of the land.

16.36.110 “H”

“Hard Structural Shoreline Stabilization” means shore erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion caused by natural processes, such as current, flood, wind, or wave action. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces that are located at or waterward of ordinary high water.

“Habitat” means the place or type of site where a plant or animal naturally or normally lives and grows.

“Hazard Tree” means a tree that meets all the following criteria:

- A tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years,
- A residence or residential accessory structure is within a tree length of the base of the trunk.

- Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and
- The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.

“High Intensity Recreational Activities” means non-water oriented recreational development such as basketball and tennis courts, baseball and soccer fields, and skate parks

“Houseboat” means a structure designed and operated substantially as a permanently based overwater residence. Houseboats are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities

“Hydrological” means the science related to the waters of the earth including surface and groundwater movement, evaporation and precipitation.

“Hydrological functions” means water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

16.36.120 “I”

“Impervious Surface” means a hard surface that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; and/or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials.

“Industrial Uses” means uses such as manufacturing, assembly, processing, wholesaling, warehousing, distribution of products and high technology.

“In-Stream Structure” means a structure placed by humans within a stream or river waterward of the OHWM that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include structures built for the purpose of hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

“Interpretive Sign” means a permanent sign without commercial message, located on a publicly accessible site, that provides public educational and interpretive information related to the site on which the sign is located, such as information on natural processes, habitat restoration programs, or cultural history, or that is associated with an adopt-a-stream, adopt-a-park or similar agency-sponsored program

16.36.130 “J”

RESERVED

16.36.140 “K”

RESERVED

16.36.150 “L”

“Land Division” means the division of land by either a short subdivisions or subdivisions into lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Levee” means a manmade earthen embankment utilized for the purpose of flood control, water impoundment projects, or settling basins.

“Low Impact Development” means a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water that allows water to soak into the ground closer to its source. The development shall meet one (1) or more of the following objectives:

- Preservation of natural hydrology.
- Reduction of impervious surfaces.
- Treatment of stormwater in numerous small, decentralized structures.
- Use of natural topography for drainage ways and storage areas.
- Preservation of portions of the site in undisturbed, natural conditions.
- Reduction of the use of piped systems. Whenever feasible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips that also help to fulfill vegetation and open space requirements.
- Use of environmentally sensitive site design and green building construction that reduces runoff from structures, such as green roofs.

16.36.160 “M”

“Marina” means a private or public facility with the primary purpose of storing, berthing and securing motorized boats or watercraft, including both long-term and transient moorage. Marinas may include accessory facilities for providing incidental services to users of the marina, such as waste collection, boat sales or rental activities, and retail establishments providing fuel service, repair or service of boats.

“Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial use.

“Moorage Buoy” means a floating object, sometimes carrying a signal or signals, anchored to provide a mooring place away from the shore.

“Moorage Facility” means a pier, dock, marina, buoy or other structure providing docking or moorage space for boats.

“Moorage Pile” means a permanent mooring generally located in open waters in which the vessel is tied up to a vertical column to prevent it from swinging with change of wind.

“Multifamily residence” means a building containing three or more dwelling units providing permanent provisions for cooking, eating, sanitation, sleeping

16.36.170 “N”

“Native vegetation” means the plant species indigenous to the Puget Sound region.

“Nonconforming development” means a shoreline structure or modification which was lawfully constructed prior to the effective date of the current SMP, but no longer conforms to the current SMP’s bulk, dimensional, or performance standards.

“Nonconforming use” means a shoreline use which was lawfully constructed or established prior to the effective date of the SMP, and which no longer conforms to the SMP.

“Nonstructural Shoreline Stabilization Measures” mean shore erosion control practices such as placing the primary structure farther from the shoreline, planting vegetation, and low impact development measures to prevent or lessen erosion caused by natural processes, such as current, flood, wind, or wave action.

“Nonwater-oriented uses” means those uses that are not water-dependent, water-related, or water-enjoyment.

“Nuisance Tree” means a tree that meets either of the following criteria:

- Is causing obvious physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, or roof; or
- Has sustained damage from past maintenance practices.

The problems associated with the tree must be such that they cannot be corrected by reasonable practices including but not limited to: pruning of the crown or roots of the tree, bracing, and/or cabling to reconstruct a healthy crown.

16.36.180 “O”

“Over Water Structure” means structures that are built or extend over the water.

16.36.190 “P”

“Permitted Uses” means uses that are allowed by the SMP consistent with the policies, goals, and regulations found within the SMP and any other applicable regulations of the City or state.

“Pervious” means surfaces that allow water to pass through at rates similar to pre-developed conditions which include, but are not limited to: pervious asphalt, pervious concrete, pervious gravel, grass or pervious pavers

“Pier” means a structure built over the water and supported by piles for water-enjoyment and water-dependent recreation uses.

“Pile” means a fixed pole set in the substrate and extending above the water line.

“Primary Structure” means a structure containing the main or principal use on the lot.

“Public Access” means the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

16.36.200 “Q”

“Qualified Arborist” means an individual with relevant education and training in arboriculture or urban forestry, having two (2) or more of the following credentials:

- International Society of Arboriculture (ISA) Certified Arborist;
- Tree Risk Assessor Certification (TRACE) as established by the Pacific Northwest Chapter of ISA (or equivalent);
- American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
- Society of American Foresters (SAF) Certified Forester for Forest Management Plans;

“Qualified Professional” person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise related to ecological functions. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.

16.36.210 “R”

“Recreational Use” means commercial, public, and semi-public facilities designed and used to provide water oriented and non-water oriented recreational opportunities.

“Residential uses” means single-family residence, accessory dwelling units, duplexes and multifamily residence.

“Revetment” means facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

“Riprap” means a layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

16.36.220 “S”

“Setback” means open space unoccupied and unobstructed from the ground upward measured from an established property line.

“Shoreline Administrator” means the City of Bonney Lake Community Development Director or designee charged with the responsibility of administering the SMP.

“Shoreline Environment Designation” means the categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

“Shoreline frontage” means the width of lot measured at right angles adjacent to the OHWM

“Shoreline functions” means ecological functions as defined in WAC173-26-020

“Shoreline Permit” means a Shoreline Exemption, Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, and/or Shoreline Variance.

“Shoreline Setback” means the distance measured in feet on a horizontal plan that a structure or improvement must be located from the OHWM.

“Sign” means a board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

“Significant tree” means any healthy tree that is at least six (6) inches in diameter measured at 4.5 feet from the ground (diameter at breast height).

“Single family residence” means a dwelling unit that is not attached or physically connected to any other dwelling unit or other use, located on a singular lot, and provides permanent provisions for cooking, eating, sanitation, sleeping.

“Skirting” means vertical boards along the edge of a pier extending downward.

“Soft Structural Shoreline Stabilization Measures” means shore erosion control that contribute to the restoration, protection or enhancement of shoreline ecological functions while preventing or lessening shoreline erosion caused by natural processes, such as current, flood, wind, or wave action. Soft shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a nonlinear, sloping arrangement.

16.36.230 “T”

RESERVED

16.36.240 “U”

“Upland” means the area landward of the OHWM.

“Utility” means services, facilities and infrastructure that produce, transmit, carry, store, process or dispose of electric power, gas, water, sewage, communications, oil, storm water, and similar services and facilities.

“Utility Production and Processing Facilities” means facilities for the making or treatment of a utility, such as power plants and sewage treatment plants or parts of those facilities.

“Utility Transmission Facilities” means infrastructure and facilities for the conveyance of services, such as power lines, cables, pipelines, conduits, cables, meters, vaults, and similar infrastructure.

16.36.250 “V”

“Visual access” means public’s opportunity to enjoy the aesthetic qualities of the shorelines of the state.

16.36.260 “W”

RESERVED

16.36.270 “X”

RESERVED

16.36.280 “Y”

RESERVED

16.36.290 “Z”

“Zoning” means the system of land use and development regulations and related provisions of codified in Title 18 BLMC.

Section 7. Shoreline Environmental Designations. Chapter 16.38 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Environmental Designations” to read as follows:

16.38.010 Shorelines Jurisdiction and Official Shoreline Map

- A. The map filed in the city clerk’s office and marked Attachment “B” to **Ordinance No. XXXX** and **adopted XXXX**, constitutes the Shoreline Environment Designation (SED) Map for the City of Bonney Lake. The map referenced herein supersedes all previously adopted maps.
- B. The adopted SED Map is intended to depict only the approximate location and extent of the shoreline jurisdiction. The actual extent of the shoreline jurisdiction shall be based on the following:
 1. The Lake Tapps Reservoir and Fennel Creek, its underlying land and those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the OHWM.
 2. Where an associated wetland boundary extends beyond the area depicted on the Shoreline Environment Designation Map, the additional wetland area shall be designated the same shoreline environment as the adjoining wetland area located on the shoreline map.
 3. Buffer areas for critical areas located greater than 200 feet from the OHWM shall not be within the shoreline jurisdiction.
- C. Interpretation of Shoreline Environment Designations - The following shall be used to interpret the boundary of a SED:
 1. Where a shoreline environment designation boundary is indicated as approximately following a property line, the property line is the shoreline environment designation boundary.
 2. Where a shoreline environment designation boundary is indicated as following a street, the midpoint of the street right-of-way is the shoreline environment designation boundary.
 3. The Aquatic SED boundary extends into the Lake Tapps Reservoir to the full limit and territorial extent of the police power, jurisdiction and control of the City of Bonney Lake.

4. Where a right-of-way is vacated, the area comprising the vacated right-of-way will acquire the SED of the property to which it reverts.
5. All areas within shoreline jurisdiction that are not mapped or designated are automatically assigned a Natural SED until the shoreline is re-designated through an amendment to the SMP approved by DOE.

16.38.020 Shoreline of Statewide Significance

The Shoreline Management Act (SMA) designated certain shoreline areas as shorelines of state-wide significance. Shorelines thus designated are important to the entire state because these shorelines are major resources from which all people in the state derive benefit. Within the City of Bonney Lake's jurisdiction, Lake Tapps is a shoreline of state-wide significance and as such preference shall be given uses that:

- A. Recognize and protect the statewide interest over local interest.
- B. Preserve the natural character of the shoreline.
- C. Result in long term over short term benefit.
- D. Protect the resources and ecology of the shoreline.
- E. Increase public access to publicly owned areas of the shorelines.
- F. Increase recreational opportunities for the public in the shoreline; and
- G. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

Section 8. Shoreline Residential Designation. Chapter 16.40 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled "Shoreline Residential (SR) Designations" to read as follows:

16.40.010 Purpose

The purpose of the Shoreline Residential SED is to accommodate single-family residential development and appurtenant structures in a manner that protects and restores ecological functions.

16.40.020 Shoreline Residential Designation Criteria

The Shoreline Residential SED shall be assigned to shoreline areas that are zoned and planned for low and medium density residential development, unless these properties meet the designation criteria for the Park or Natural SEDs.

16.40.030 Development Standards

- A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.
- B. The minimum lot size shall be 8,700 square feet.
- C. The minimum shoreline frontage shall be 60 feet.
- D. Shoreline Setbacks
 1. A string-line shoreline setback shall provide for all single family residence, duplexes, and accessory dwelling units as follows:
 - a. A string-line is established by drawing a straight line between the two points where the residential use on each of the adjoining shoreline lots each projects the greatest towards and is the closest to the OHWM.
 - b. The minimum shoreline setback is the distance between the string-line and the OHWM as illustrated on Figure 1.
 - c. If the string-line shoreline setback established by BLMC 16.40.030.D.1.a and 16.40.030.D.1.b is less than 60 feet from the OHWM and 20 feet from the rear property line, the shoreline setback shall be a minimum of 60 feet from the OHWM and 20 feet from the rear property line; provided that the minimum 60 foot shoreline setback may be reduced as provided in BLMC 16.56.040.
 - d. If a string-line cannot be established because one or both of the adjoining shoreline lots does not contain a residential use, the shoreline setback shall be 60 feet from the OHWM and 20 feet from the rear property line; provided that the minimum 60 foot shoreline setback may be reduced as provided in BLMC 16.56.040.

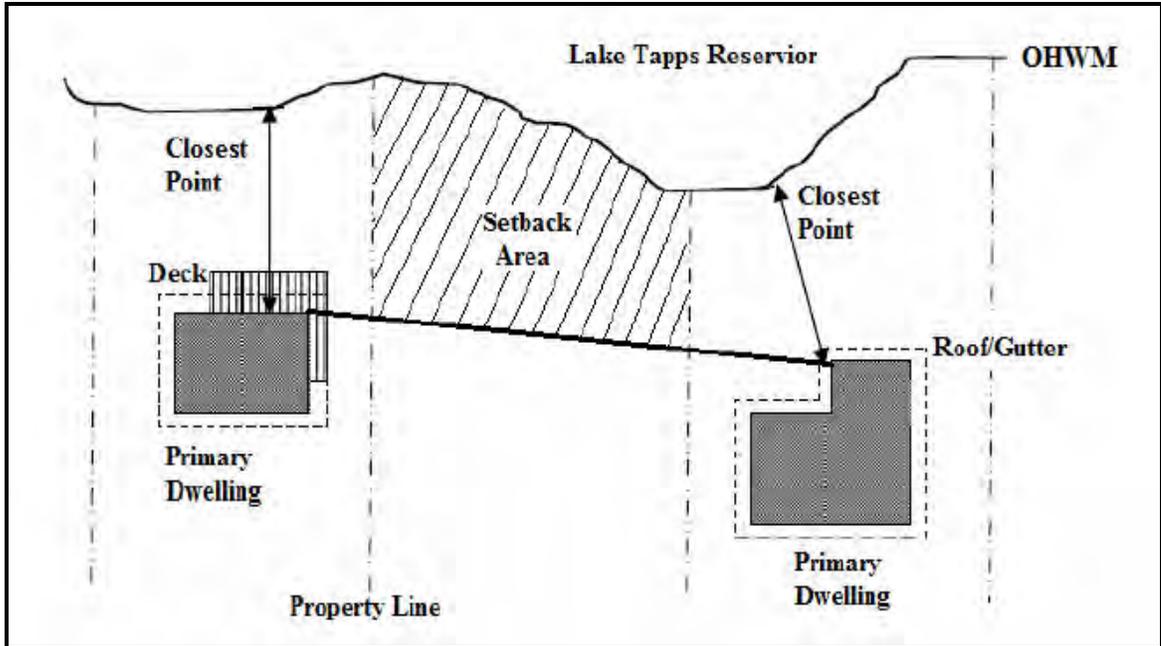


Figure 1: Example of shoreline setbacks for middle home based on average adjacent shoreline setbacks.

2. Non-residential uses shall have be setback a minimum of eighty feet from the OHWM.
3. Garages and pavements for motorized vehicles (driveways and parking areas) shall be set back at least 70 feet from the OHWM.
4. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100.

E. Maximum building height: 35 feet from grade.

F. Maximum impervious surface coverage: 40 percent.

Section 9. Shoreline Multifamily Designations. Chapter 16.42 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Multifamily (SM) Designations” to read as follows:

16.42.010 Purpose

The purpose of the Shoreline Multifamily SED is to accommodate multifamily residential development and accessory structures in a manner that protects and restores ecological functions.

16.42.020 Designation Criteria

The Shoreline Multifamily SED shall be assigned to shoreline areas that are zoned and planned for multi-family residential development, unless these properties meet the designation criteria for the Park or Natural SEDs.

16.42.030 Development Standards

- A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.
- B. The residential density shall be a minimum of 10 and a maximum of 20 units per net acre.
- C. The minimum shoreline frontage shall be 100 feet.
- D. Minimum Shoreline Setback:
 - 1. All structures shall be setback a minimum of 75 feet from the OHWM.
 - 2. Garages and pavements for motorized vehicles (driveways and parking areas) shall be set back at least 100 feet from the OHWM.
 - 3. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100.
- E. Maximum building height: 35 feet from grade.
- F. Maximum impervious surface coverage: 80 percent.

Section 10. Park Designations. Chapter 16.44 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Park (P) Designations” to read as follows:

16.44.010 Purpose

The purpose of the Park SED is to provide areas suitable for water-dependent and other water-enjoyment recreational uses while protecting and, where feasible, restoring ecological functions.

16.44.020 Designation Criteria

The Park SED shall be assigned to areas that are appropriate and planned to be utilized for parks to provide access to the shoreline and suitable for water-oriented recreational uses.

16.44.030 Development Standards

- A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.
- B. The minimum lot size shall be 8,700 square feet.

C. Minimum Shoreline Setbacks:

1. Water-dependent uses shall not be required to be setback from the OHWM.
2. Water-enjoyment uses shall be setback a minimum of twenty (20) feet from the OHWM.
3. Nonwater-oriented uses shall be setback a minimum setback of eighty (80) feet from the OHWM.
4. Accessory use facilities such as restrooms and parking areas shall be located a minimum of sixty (60) feet from the OHWM. These areas shall be linked to the shoreline by walkways.
5. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100

D. Maximum building height: 35 feet from grade.

E. Maximum impervious surface coverage: 35 percent.

Section 11. Natural Designations. Chapter 16.46 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Natural (N) Designations” to read as follows:

16.46.010 Purpose

The purpose of the Natural SED To protect and restore those shoreline areas that are relatively free of human influence or intact or minimally degraded shoreline functions intolerant of human use. The Natural shoreline environment also protects shoreline areas possessing natural characteristics with scientific and educational interest. These systems require restrictions on the intensities and types of land uses permitted in order to maintain the integrity of the ecological functions and ecosystem-wide processes of the shoreline environment.

16.46.020 Designation Criteria

The Natural SED shall be assigned to shoreline areas if any of the following characteristics apply:

- A. The shoreline is ecologically intact and, therefore, currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
- B. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or

- C. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

16.46.030 Development Standards

A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.

B. Maximum lot coverage by impervious surfaces: 15 percent.

C. Minimum Shoreline Setback:

1. All structures and developments shall be setback a minimum of 200 feet from the OHWM.
2. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100

Section 12. Aquatic Designations. Chapter 16.48 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Aquatic (A) Designations” to read as follows:

16.48.010 Purpose

The purpose of the Aquatic SED is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

16.48.020 Designation Criteria

The Aquatic SED shall be assigned to all areas waterward of the OHWM.

16.48.030 Development Standards Applicability

All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.

Section 13. Shoreline Use and Modification Matrix. Chapter 16.50 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Use and Modification Matrix” to read as follows:

16.50.010 Explanation of Uses Table

A. The explanation for the symbology used in the Shoreline Use and Modification matrices in 16.50.020 is provided below:

1. “X” means that the use or development is prohibited in the identified Shoreline Environment. Shoreline uses and developments listed as prohibited shall not be

authorized through a variance, conditional use permit, shoreline substantial development permit or any other permit or approval.

2. "P" means that the use or activity may be permitted by approval of the Shoreline Administrator through a Letter of Shoreline Exemption or through a Shoreline Substantial Development Permit.
 3. "C" means that the use or activity may be permitted by approval of the Hearing Examiner and Department of Ecology through a Shoreline Conditional Use Permit. Uses that are not listed and not specifically prohibited by the SMP may be authorized through a Shoreline Conditional Use Permit.
- B. Shoreline Variances are intended only to grant relief from specific bulk, dimensional or performance standards established by the SMP, and are not be used authorize shoreline uses and activities. They are therefore not included in BLMC 16.50.020.
- C. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required

16.50.020 Shoreline Use and Modification Matrix

The following tables indicate the allowable uses and shoreline modifications, where there is a conflict between the chart and the written provisions the SMP, the written provisions shall govern.

Draft

Shoreline Uses	Residential - Low Density	Residential - High Density	Park	Natural	Aquatic
Resource Land Uses					
Agriculture	X	X	X	X	X
Aquaculture	X	X	X	X	X
Forest Practices	X	X	X	X	X
Mining	X	X	X	X	X
Commercial Uses and Development					
Water oriented uses	X	X	X	X	X
Non-water oriented uses	X	X	X	X	X
Industrial Uses and Development					
Water oriented uses	X	X	X	X	X
Non-water oriented uses	X	X	X	X	X
Recreational Uses and Development:					
Docks and Piers	P	P	P	X	P
Parks or Picnic Areas	P	P	P	X	X
Trails or Walk-ways	P	P	P	C	X
High intensity recreational activities	X	X	P	X	X
Transportation and Parking Facilities					
Causeways	P	X	X	X	X
Roadways	P	P	P	X	X
Railroads	X	X	X	X	X
Parking Facilities – primary	X	X	X	X	X
Parking Facilities – accessory	Same as the primary use it supports				X

Shoreline Uses	Residential - Low Density	Residential - High Density	Park	Natural	Aquatic
Residential Uses and Development					
Single Family Dwelling	P	X	X	X	X
Accessory Dwelling Units	P	X	X	X	X
Duplex	P	P	X	X	X
Multifamily Dwelling	X	P	X	X	X
Subdivisions and Short Plats	P	P	X	X	X
Live-aboard vessels	X	X	X	X	X
Boating Uses and Facilities					
Docks and Piers	P	P	P	X	See adjacent upland SED
Boating Ramps	X	X	P	X	
Covered Moorages	X	X	X	X	
Boat Houses	X	X	X	X	
Temporary Moorage ¹	P	P	P	X	
Marinas	X	X	X	X	
Launching Rails	X	X	X	X	
Utilities					
Water System Treatment Plants	X	X	X	X	X
Sewage Treatment Plants	X	X	X	X	X
Electrical Generation Plants	X	X	X	X	X
Electrical Substations	X	X	X	X	X
Solid Waste Disposal Facilities	X	X	X	X	X
Accessory Utilities	Same as the primary use it supports				
Utility Transmission Facilities	P	P	P	C	X
Personal Wireless Facilities	C	C	C	X	X
Radio towers	X	X	X	X	X

¹ Temporary moorages are only allowed to be used for vessels supporting construction activities

Shoreline Modifications	Residential - Low Density	Residential - High Density	Park	Natural	Aquatic
Structural Shoreline Stabilization	C	C	C	X	See adjacent upland SED
Piers and Docks	P	P	P	X	
In-Stream Structures	X	X	X	X	
Fills	P	P	P	C	C
Clearing and Grading	P	P	P	C	N/A
Dredging	X	X	X	X	C
Dredge Disposal	C	C	C	X	C
Dikes and Levees	X	X	P	P	C
Shoreline Enhancement Projects	P	P	P	P	P

16.50.030 Prohibited Shoreline Uses and Modifications

The following uses and modifications are prohibited in all SEDs:

- A. Agriculture
- B. Aquaculture
- C. Forest Practices
- D. Mining
- E. Commercial Uses
- F. Industrial Uses
- G. Water System Treatment Plants
- H. Sewage Treatment Plants
- I. Electrical Generation Plants
- J. Solid Waste Disposal Facilities
- K. Road Towers
- L. Live-aboard vessels
- M. Boat Houses

- N. Marinas
- O. Launching Rails
- P. In-Stream Structures
- Q. Parking as a principle use

Section 14. Shoreline Uses and Developments. Chapter 16.52 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Uses and Developments” to read as follows:

16.52.010 General

The following general requirements shall apply to all shoreline uses in all SEDs:

- A. In addition to the requirement of this chapter, uses and developments shall also comply with the regulations established Chapter 16.54 BLMC – Shoreline Modifications.
- B. All shoreline uses and developments shall comply with the applicable requirements established by Chapter 16.56 BLMC – Shoreline General Regulations.
- C. All new shoreline uses and developments shall be designed and located to avoid the need for future shoreline stabilization or flood protection.
- D. Uses shall be preferred which are consistent with the control of pollution, prevention of damage to shoreline ecological functions, and are unique to or dependent upon the shorelines. In establishing preferred uses, preference will be given to the following in descending order:
 - 1. Water-dependent Uses
 - 2. Water-related Uses
 - 3. Water-enjoyment Uses.
 - 4. Non-Water Oriented Use.

16.52.020 Residential Development

- A. Single family residences and associated appurtenance are not water-dependent but are a preferred use of the shorelines when such development is planned and carried out in a manner that protects shoreline functions and processes consistent with the no net loss provisions of the Shoreline Code.
- B. Other shoreline uses and modifications which are considered accessory or appurtenances to residential development that are identified as separate a shoreline

use or modifications in the SMP (such as piers and docks; bulkheads; utilities; fill; and clearing and grading) are subject to the regulations established Chapters 16.54 and 16.56 BLMC in addition to any special conditions relating to residential development established in this section.

- C. Residential development is prohibited in the Park, Natural, and Aquatic SEDs.
- D. Multifamily residential development is prohibited in the Shoreline Residential SED.
- E. Residential development is prohibited over water, including floating homes.
- F. Residential development is prohibited within the 100-year flood plain.
- G. Residential development shall retain and protect the natural vegetation of the shoreline area, or restore and enhance natural vegetation according to the vegetation conservation standards in BLMC 16.56.060.
- H. New residential lots may only be permitted in the Shoreline Residential and Shoreline Multifamily SEDs when the following standards are met:
 - 1. The lots created shall not require hard or soft structural shoreline stabilization measures or flood hazard reduction measures in order for reasonable development to occur, as documented in a geotechnical report.
 - 2. The residence shall be built in conformance with all applicable bulk, dimensional, and performance standards established by the Shoreline Code.
 - 3. Adequate water, sewer, road access, and utilities shall be provided.
 - 4. The intensity of development shall be consistent with the City's comprehensive plan.
 - 5. The layout, configuration, and development of the lots shall be done in a manner that assures that no net loss of ecological functions.
- I. Land divisions of five (5) or more waterfront lots and multifamily developments of five (5) or more units shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public as required in BLMC 16.56.120.
- J. Land divisions shall establish a prohibition of single owner piers and docks on the face of the plat. An area for joint use moorage may be approved if it meets all requirements in BLMC 16.54.030.

16.52.030 Recreational Development

- A. Non-water oriented high intensity recreational activities are prohibited in the Shoreline Residential, Shoreline Multifamily, Natural, and Aquatic SEDs.
- B. Water-enjoyment and water-related uses are prohibited in the Aquatic SED.
- C. Recreational uses and development shall protect and/or restore the natural vegetation of the shoreline area in accordance with the vegetation conservation standards in BLMC 16.56.060.
- D. All permanent non-water oriented recreational structures and facilities shall be located outside the one hundred year (100-year) flood plain.
- E. Trail planning, construction, and maintenance shall adhere to the following criteria:
 - 1. Trails and related facilities shall, to the extent feasible, be placed on existing levees, road grades, utility corridors, or any other previously disturbed areas; and
 - 2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags, and important wildlife habitat; and
 - 3. Viewing platforms, interpretive centers, picnic areas, benches, and access to them shall be designed and located to minimize disturbance; and
 - 4. Trails and related facilities shall minimize the use of impervious surface and provide water quality protection measures to assure that runoff from them does not directly discharge to wetlands or streams; and
- F. Public over-water structures that are designated for public access may be expanded in size subject to the following:
 - 1. The existing structure is not large enough to support the water-dependent use.
 - 2. All new dock portions shall be grated.
 - 3. The length of the dock is the minimum necessary to accommodate the intended public usage of the dock.
 - 4. Designed and located so as not to constitute a hazard to navigation or other public uses of the water

16.52.040 Boating Facilities

- A. Boating facilities, boating ramps, piers, and docks are prohibited in the Natural SED.

- B. Boat Ramps are prohibited in the Shoreline Residential and Shoreline Multifamily SEDs.
- C. Piers and docks associated with boating ramps shall comply with the design standards established in BLMC 16.54.030.E and BLMC 16.54.030.G.
- D. Boat ramp facilities shall comply with the following:
 - 1. The length of the ramp shall be the minimum necessary to safely launch vessels; provided that in no case shall the ramp extend beyond a point where the water depth is seven feet below the OHWM.
 - 2. The ramp shall be constructed using segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile.
 - 3. The ramp shall be located a minimum of twenty-five feet from existing designated swimming area.
 - 4. Parking areas for boat trailers serving the boat ramp facility may be maintained but shall not be enlarged to provide additional boat trailer parking.

16.52.050 Parking

- A. Parking as a primary use shall be prohibited within the Shoreline Residential, Shoreline Multifamily, Park, Natural, and Aquatic SEDs.
- B. Parking or storage of recreational vehicles or travel trailers as a primary use shall be prohibited in all shoreline environment jurisdictions

16.52.060 Transportation

- A. Transportation facilities are prohibited in the Natural SED.
- B. All transportation facilities in shoreline areas shall be:
 - 1. Constructed and maintained to cause the least possible adverse impacts on shoreline environment to the extent feasible.
 - 2. Located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization, fill, bulkheads, or substantial site grading.
 - 3. Related to and necessary to support permitted uses.
- C. Transportation facilities shall include provisions for pedestrian and bicycle circulation.

- D. All shoreline areas disturbed by construction and maintenance of transportation facilities shall be replanted and stabilized with native, drought-tolerant, self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained and monitored until established.
- E. Vegetation and street trees shall be selected and located so as to not impair existing visual access to the water.
- F. Clearing of vegetation within transportation corridors shall be the minimum necessary for infrastructure maintenance and public safety. The City shall give preference to mechanical means rather than the use of herbicides for roadside brush control.

16.52.070 Utilities

- A. The following utility uses and developments are prohibited in the Shoreline Residential, Shoreline Multifamily, Park, Natural, and Aquatic SEDs:
 - 1. Non-water oriented utility production and processing facilities which include:
 - a. Water system treatment plants;
 - b. Sewage treatment plants; and
 - c. Electrical energy generating plants and substations.
 - 2. Radio towers.
 - 3. Solid waste disposal sites and facilities.
- B. Personal wireless services facilities are prohibited in the Natural and Aquatic SEDs.
- C. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned shoreline uses.
- D. Utility transmission facilities and lines shall comply with the following standards:
 - 1. Placed underground consistent with the standards of the serving utility.
 - 2. Demonstrate the infeasibility of existing routes or alternative locations outside of the shorelines jurisdiction.
 - 3. Cross areas of shoreline jurisdiction by the shortest most direct route which cause the least harm to the shoreline.

4. Be located and designated so as to avoid or minimize the use of any structural or artificial shoreline stabilization, flood protection works, or filling of aquatic areas. Boring, rather than open trenching is the preferred method of utility water crossing.
 5. Be located in existing rights-of-way and utility easements whenever possible.
- E. Utility developments shall be located and designated so as to avoid the use of any structural or artificial shore modification works whenever feasible.
 - F. Utility facilities requiring withdrawal or discharge to water from streams or lakes shall be designed, operated, and maintained to preserve the shoreline environment and result in a no net loss of ecological functions.
 - G. Utilities that are accessory and incidental to a shoreline use shall be reviewed under the provisions of the use to which they are accessory.
 - H. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way.
 - I. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
 - J. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
 - K. Personal wireless facilities shall use concealment strategies to minimize the appearance of antennas and other equipment from the water, public pedestrian walkways, and public use areas.

Section 15. Shoreline Modifications. Chapter 16.54 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Modifications” to read as follows:

16.54.010 General

The following general requirements shall apply to all shoreline modifications:

- A. In addition to the requirement of this chapter, use(s) within the shoreline shall also comply with the regulations established Chapter 16.52 BLMC – Shoreline Uses.
- B. All shoreline modifications shall comply with the applicable requirements established by Chapter 16.56 BLMC – Shoreline General Regulations.

- C. Shoreline modification activities which do not support a permitted uses are considered “speculative” and are prohibited by this SMP, unless it can be demonstrated that such activities are necessary to protect human health and safety, ecological functions, and the public interest.
- D. Stream realignment shall be prohibited as a means of shoreline stabilization.
- E. Shoreline modification materials shall be only those approved by the City and applicable state agencies. No toxic (e.g. creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.

16.54.020 Shoreline Stabilization

- A. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.
- B. New or enlarged structural shoreline stabilization measures to protect an existing primary structure or in support of either a new water dependent or nonwater dependent development including a single family residence shall not be allowed; except in circumstance when a geotechnical report demonstrates all of the following:
 - 1. That nonstructural shoreline stabilization measures are not sufficient or are not feasible. In determining sufficiency and feasibility, all of the following shall be addressed in the geotechnical report:
 - a. Site conditions, including slope, beach configuration, nearshore depth, potential for flooding, and proximity of primary structure to the OHWM;
 - b. Consideration of wind direction, velocity and frequency, fetch, probable wave height, and frequency;
 - c. The level of risk to the primary structure presented by the rate of erosion over a three year period;
 - d. Whether the cost of avoiding disturbance of shoreline processes and functions is disproportionate as compared to the environmental impact of proposed disturbance, including any continued impacts on functions and values over time.
 - 2. The need to protect the existing or proposed primary structure from damage due to erosion is caused by natural processes, such as currents or waves.
 - 3. That the erosion is not being caused by upland conditions which can be addressed landward of the OHMW through the use of vegetation enhancement and/or low impact development.

4. That the size of the structural shoreline stabilization measures is limited to the minimum necessary to prevent damage to the primary structure or to support either the new water dependent or nonwater dependent development.
 5. Confirmation that there is a significant possibility that the primary structure will be damaged within three years as a result of shoreline erosion in the absence of such structural shoreline stabilization measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.
- C. When structural shoreline stabilization measures are allowed pursuant to BLMC 16.54.020.B, the stabilization measures shall comply with the following:
1. New shoreline stabilization measures shall be located at or behind the OHWM. Where a documented area of special flood hazard exists, stabilization measures shall be located at the upland edge of the area of special flood hazard, except that soft stabilization measures may be located in the area of special flood hazard.
 2. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM; provided, that the intent is not to create dry land.
 3. Hard shoreline stabilization measures may only be used upon demonstration that soft shoreline stabilization measures are not to be sufficient to protect primary structures. The insufficiency and infeasibility of soft shoreline stabilization measures shall be addressed in a geotechnical report utilizing the criteria established in BLMC 16.54.020.B.1.
 4. The construction of a bulkhead or other structural shoreline stabilization measure for the primary purpose of creating dry land is prohibited.
 5. Adequate toe protection and proper footings shall be provided to ensure bulkhead stability without relying on additional riprap.
 6. Bulkheads shall be designed to permit the passage of surface water or groundwater without causing ponding or over-saturation of retained soil/materials of lands above the OHWM.
 7. Fill behind bulkheads shall be limited to the minimum level necessary to fill the terrain behind the bulkhead to match the existing grade. Any filling in excess of this amount shall be considered landfill and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline substantial development permit.

D. The following materials are prohibited for shoreline stabilization structures:

1. Degradable plastics and other nonpermanent synthetic materials.
2. Sheet materials, including metal, plywood, fiberglass, or plastic.
3. Broken concrete, asphalt, or rubble.
4. Car bodies, tires or discarded equipment.
5. Solid waste.
6. Wood, timbers or other materials treated or coated with herbicides, fungicides, paint, pentachlorophenol arsenate compounds or creosote are prohibited.

E. Existing shoreline stabilization structures may be replaced with a similar structure if following are demonstrated:

1. The need to protect the primary structure from damage due to erosion caused by natural processes, such as currents or waves, shall be demonstrated through a geotechnical report. The geotechnical report must demonstrate that erosion rates projected within three years would result in damage to an existing primary structure.
2. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.
3. Replacement walls or bulkheads shall not encroach further waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
4. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size or height of existing shoreline stabilization measures shall be demonstrate compliance with BLMC 16.54.020.B.

16.54.030 Piers and Docks

A. Only one (1) pier or dock for moorage purposes shall be allowed per single family residence consisting of the elements identified in Figure 2 upon demonstrating compliance with the Shoreline Code.

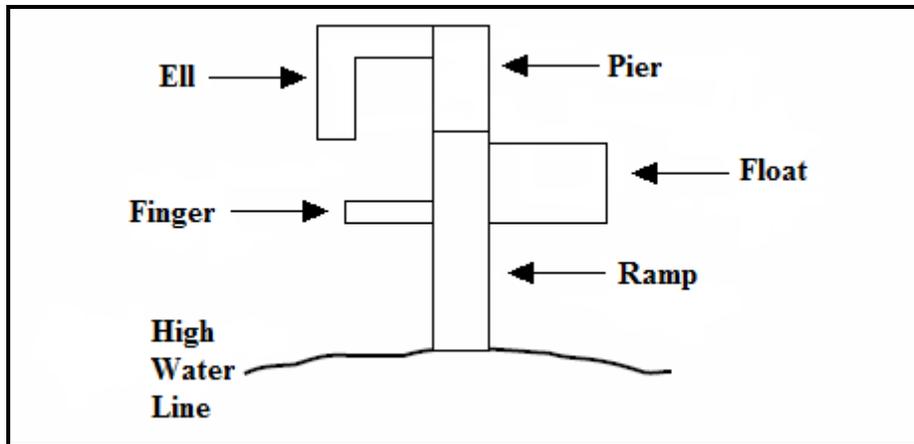


Figure 2: *Diagram of Typical Pier/Dock Elements*

- B. Renting, leasing or selling moorage space associated with a single family, duplex, or multifamily residence dock or pier is prohibited.
- C. In the following circumstances, a joint use pier or dock shall be required:
 1. On lots subdivided to create one (1) or more additional lots with waterfront access rights.
 2. New residential development of two (2) or more dwelling units located on the same lot with waterfront access rights.
 3. The requirement to provide and maintain a joint use dock in perpetuity shall be provided through either an easement recorded with the Pierce County Auditor's Office or on the face of the plat or short plat recorded with the Pierce County Auditor's Office. The legal description of the easement will be provide by the applicant on a form approved by the Shoreline Administrator.
- D. A mooring buoy may be used to provide moorage space in lieu of a pier or dock. No more than one (1) mooring buoy is permitted per single family residential.
- E. Piers and docks shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water.
- F. Piers and docks shall be constructed and maintained in a safe and sound condition. Abandoned, obsolete, or unsafe structures shall be removed or repaired promptly by the owner.

G. Piers or docks shall comply with the following dimensional standards:

Description	Measurement
Area	
Single Property Owner	360 Square Feet
Shared by two property owners	580 Square Feet
Shared by 4 or more property owners or dwelling units	1,000 Square Feet
Maximum Length	
Fingers and Floats	20 Feet
Ells	25 Feet
Maximum Width	
Portion of the walkway within 30 feet of the OHWM	4 Feet
Portion of the walkway greater than 30 feet from the OHWM	6 Feet
Ell and Float	6 Feet
Finger	3 Feet
Ramp connecting a Pier to a Float	3 Feet
Height	
Minimum height above the OHWM measured for the OHWM to the bottom of the stringers on the dock/pier	1 ½ Feet
Maximum height above the OHWM measured from the OHWM to the top of the decking	5 Feet
Location of Specific Structures	
Minimum distance of ells, fingers, floats, buoys, moorage buoys from shore as measure waterward of OHWM	30 Feet
Minimum distance from decks/piers located on adjacent properties	20 Feet
Minimum distance between piers	12 Feet

Draft

- H. The maximum intrusion of the elements of the pier and dock identified in 16.54.030A. shall be only as long as needed to obtain a water depth of nine (9) feet as measured from the elevation of the OHWM; provided that the maximum length of the pier or deck shall not exceed fifty (50) feet or fifteen percent (15%) of the fetch which every is less. The length of the deck shall be measure as illustrated in Figure 3.

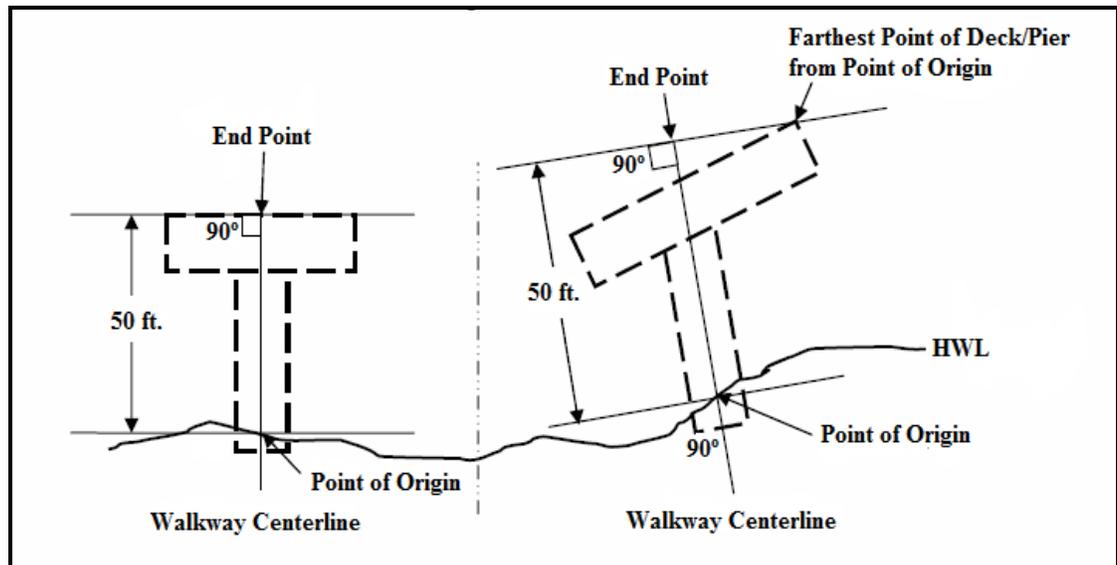


Figure 3: Maximum Length of Overwater Structures

- I. All piers and docks shall comply with the following design standards:
1. All utility and service lines located waterward of the OHWM must be below the pier or dock deck and above the OHWM.
 2. The street address of the subject property must be displayed. The address must be oriented to the lake with letters and numbers at least four (4) inches high.
 3. Piers, docks, floats, and buoys shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions during the day or night. Exterior finish of all structures shall be generally non-reflective.
 4. Docks shall be fully grated within the first thirty (30) feet as measured waterward of the OHWM. Decking shall have a minimum open space of forty percent (40%).
 5. Piles, floats and other overwater structures that are in direct contact with water or over water shall comply with the following standards
 - a. Piles treated or coated with herbicides, fungicides, paint, pentachlorophenol arsenate compounds or creosote are prohibited.
 - b. Piles shall be either steel, PVC, or untreated wood.

J. The following structures and improvements are prohibited:

1. Covered moorage, boathouses, or other walled covered moorage. Covered boat lifts in conformance with other provisions in this section may be allowed. Existing enclosed moorage structures shall be considered nonconforming uses subject to the provisions of BLMC 16.56.150.
2. Skirting on any structure.
3. Over-water residential use, including houseboats, live-aboards, or other single- or multi-family dwelling units.
4. Launching rails.
5. New recreational floats and swimming platforms for private properties.

K. Temporary inflatable recreational equipment (e.g., floating trampolines) may be permitted from May 1 through September 30.

L. Repair and replacement of existing docks and piers that is accessory to a residential use shall comply with the following standards:

1. Proposals involving replacement of the entire private dock or 50 percent or more of the pier-support piles shall conform to the provisions of the SMP; provided that the area of the new dock may be equal to area of the existing dock.
2. Repair proposals which replace less than 50 percent of the existing pier-support piles must comply with the following:
 - a. If the width of the dock is wider than 6 feet in the area where the piles will be replaced, the decking that would be removed in order to replace the piles shall be replaced with grated decking as described in BLMC 16.54.040.I.4.
 - b. Replacement piles must comply with the requirements of BLMC 16.54.030.I.6.
3. Repair proposals which replace 50 percent or more of the decking on any dock element (i.e., walkway, ell, etc.) greater than 6 feet wide must use grated decking for the entire portion of that element that is wider than 6 feet as described in BLMC 16.54.030.I.4.
4. Other repairs to existing legally established docks and piers where the nature of the repair is not described in BLMC 16.54.030.L.1 through 16.54.030.L.3 shall

be considered minor repairs and may be permitted upon demonstrating compliance with all other applicable codes and regulations.

5. If a single-family residence has two or more existing docks and one requires replacement or repair as described in regulations BLMC 16.54.030.L.1 through BLMC 16.54.030.L.3 then one must be removed as a condition of the repair. The remaining dock may be improved to the same dimensions as either existing dock.
6. If the cumulative repair proposed over a three-year period exceeds thresholds established in BLMC 16.54.030.L.1, then deck or pier shall be brought into conformance the SMP; provided that the area of the new deck may be equal to area of the existing dock.

M. New additions to existing docks or piers may be permitted under the following circumstances:

1. When additional length is required to reach 6 feet of water depth as measured at the OHWM; provided the dock area within 30 feet of shore is grated.
2. When a single-use dock is converted to a joint-use pier.
3. New additions to existing docks shall not exceed dimensions allowed for new docks
4. When the addition of an ell or finger will increase safety and usability; provided the new portion of the dock is grated as described in BLMC 16.54.030.G.4.
5. When total area of the dock, piers, and floats waterward of the OWHM is reduced.

N. Boatlifts and boatlift canopies may be permitted as an accessory to a dock or pier associated serving a single family residence or duplex provided that:

1. Residential docks may have two jet ski lifts per single-family lot.
2. Residential docks may have one boatlift per single-family lot.
3. All lifts are placed as far waterward as feasible and safe, within the limits of the dimensional standards for docks in this chapter.
4. The top of the canopy must not extend more than 8 ½ feet above the adjacent pier.
5. Platform lifts shall be fully grated.

- O. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition within one (1) year at no cost to the environment or the public.

16.54.040 Fills

- A. Fills allowed pursuant to the use table in BLMC 16.50.020 shall be necessary to support:
 - 1. Water-dependent use;
 - 2. Public access;
 - 3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan pursuant to Chapter 70.105D RCW – Model Toxics Control Act (MTCA), Chapter 173-340 WAC – MTCA Cleanup Regulation, and/or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund; or
 - 4. Mitigation action, environmental restoration, beach nourishment or enhancement project.
- B. Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes and shall not cause:
 - 1. Significant damage to water quality, fish and aquatic habitat, and/ or wildlife habitat; or
 - 2. Adversely alter natural drainage patterns.
- C. Refuse disposal sites, solid waste disposal sites, or sanitary fills are prohibited.

16.54.050 Clearing and Grading

- A. Clearing and grading activities shall only be allowed in association with a permitted shoreline development.
- B. All clearing and grading activities shall comply with the following:
 - 1. Materials such as dirt and rocks used in construction must be stored a minimum of twenty-five (25) feet landward of the OHWM and shall incorporate best management practice measures;

2. Any large quantities of vegetation removal and excess earthen materials shall be collected and disposed of in a manner to prevent negative impacts to the shoreline environment;
 3. No vegetation or other enhancements installed as part of a restoration plan or mitigation shall be removed, unless approved by the City as part of a modified restoration plan or mitigation.
 4. Surfaces cleared of vegetation shall be limited to the minimum necessary for the intended development.
- C. Clearing and grading is prohibited within the required vegetation conservation area, except for the following:
1. For the purpose of shoreline habitat and natural systems enhancement projects.
 2. Associated with the development of a permitted use located within the required vegetative buffer or waterward of the OHWM as permitted by the SMP.
 3. Clearing invasive non-native shoreline vegetation listed on the Pierce County Noxious Weed List is permitted in shoreline locations, provided hand held equipment is used and native vegetation is reestablished in the disturbed area within six months form the date of the clearing activity.
 4. As performed in the normal course of maintaining existing vegetation on a lot provided such work:
 - a. Does not modify any drainage course.
 - b. Does not involve the importation of fill material, except as needed for mulch or soil amendment.
 - c. Does not result in erosion of the shoreline or undermine stability of neighboring properties.
 - d. Does not involve removal of native vegetation or vegetation installed as part of an approved restoration or enhancement plan.
 - e. Does not result in the compaction of existing soils in a manner that significantly decreases the ability of the soil to absorb rainfall.
 - f. Is the minimum extent necessary to reasonably accomplish the maintenance activity.
 5. Correction of storm drainage improvements when supervised by the Public Works Department.

6. As necessary to maintain or upgrade the structural safety of a legally established structure.
- D. Exploratory excavations under the direction of a professional engineer licensed in the state of Washington may be allowed; provided that, the extent of the excavations does not exceed the minimum necessary to obtain the desired information.

16.54.060 Dredging and Disposal

- A. New development shall be located and designed to avoid the need for new or maintenance dredging.
- B. Dredging shall be permitted only when significant ecological impacts are minimized, when mitigation is provided, and:
1. For the purpose of establishing, expanding, relocating, or reconfiguring navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses; or navigational access and recreational access;
 2. As part of an approved habitat improvement project;
 3. To clean up contaminated sediments regulated under Chapter 70.105D – Model Toxics Control Act, Chapter 173-340 WAC – Model Toxics Control Act Cleanup Regulations, and/or Comprehensive Environmental Response, Compensation and Liability Act.
- C. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
- D. Dredging and dredge disposal shall be carefully scheduled to protect ecological function (e.g., spawning, benthic productivity, etc.) and to minimize interference with fishing activities.
- E. Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.
- F. Dredging for the primary purpose of obtaining material for fill is prohibited.
- G. Depositing clean dredge materials within shoreline jurisdiction shall be allowed only by conditional use permit for one or more of the following reasons:
1. For wildlife habitat improvement or shoreline restoration; or
 2. To correct problems of material distribution adversely affecting fish and wildlife resources.

16.54.070 Dikes and Levees

- A. Public access to shorelines should be an integral component of all levee improvement projects. Public access shall be provided in accordance with public access policies of the SMP and regulations contained in BLMC 16.56.120.
- B. New dikes and levees may be allowed within the shoreline jurisdiction when all of the following are demonstrated by a scientific and engineering analysis that:
 - 1. The dike or levee is limited in size to the minimum height required to protect adjacent lands from the projected flood stage.
 - 2. The dike or levee is located landward of wetlands and designated vegetation conservation areas consistent with BLMC 16.56.060.
 - 3. Nonstructural measures are not feasible.
 - 4. Impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss.
- C. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.

16.54.080 Shoreline Restoration and Ecological Enhancement

- A. Shoreline habitat and natural systems enhancement projects include the following activities when proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines:
 - 1. Establishment or enhancement of native vegetation.
 - 2. Removal plants that are identified on the Washington State Noxious Weed List – Chapter 16-750 WAC.
 - 3. Voluntary conversion of hard structural shoreline stabilization to soft shoreline stabilization, including associated clearing, dredging and filling necessary to implement the conversion.
 - 4. Implementation of any project or activity identified in the City’s Restoration Plan; provided that the project or activity has not been identified as mitigation for a specific development or use of the shoreline.
- B. Relief from the development standards of the Shoreline Code may be granted when a restoration project has resulted in a landward shift of the OHWM subject to the following provisions:

1. The standards established by the Shoreline Code may be modified as part of any shoreline permit without the requirement to obtain a separate Shoreline Variance or meet the criteria for a Shoreline Variance subject when all of the following criteria are met:
 - a. A shoreline restoration project caused OHWM shift landward resulting in:
 - i. Land that had not been regulated under Shoreline Code prior to construction of the restoration project is brought under shoreline jurisdiction; or
 - ii. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the Shoreline Code.
 - b. Application of Shoreline Code would preclude or interfere with use of the property permitted by local development regulations, resulting in a hardship to the property owner.
 - c. The proposed relief is the minimum necessary to relieve the hardship.
 - d. After granting the proposed relief, there is net environmental benefit from the restoration project.
 - e. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and the SMP; and
 - f. The restoration project was not created as mitigation to obtain a development permit.
2. The decision of the Shoreline Administrator to either approve or deny the request to modify the Shoreline Code standards pursuant to 16.54.080.B.1 shall be forward to the Department of Ecology for review and either approval or disapproval.
3. Permits that rely on the provisions of 16.54.080.B.1 shall not be issued unless the Department of Ecology approves the modification to the standards of the Shoreline Code.

Section 16. General Shoreline Regulations. Chapter 16.56 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “General Shoreline Regulations” to read as follows:

16.56.010 Applicability

The requirements of this Chapter shall apply to all uses, activities, and developments within all SEDs.

16.56.020 No Net Loss Standard and Mitigation Sequencing

- A. All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological functions, through the location and design of all allowed development and uses. Impacts to shoreline ecological functions from allowed development and uses shall be mitigated in the following sequence of steps listed in order of priority:
1. Avoid the impact altogether by not taking a certain action or parts of an action;
 2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reduce or eliminating the impact over time by preservation and maintenance operations;
 5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
 6. Monitor the impact and the compensation projects and taking appropriate corrective measures.
- B. In the following circumstances, the applicant shall provide a written analysis prepared by a qualified professional regarding the compliance with measures taken to mitigate environmental impacts established in 16.56.020.A:
1. When either a conditional use or variance application is proposed;
 2. When the standards contained the Shoreline Code require an analysis of the feasibility of the need for an action, or to determine whether the design has been minimized in size; and
- C. Maintenance activities shall be conducted in a manner that minimizes impacts critical areas and utilizes applicable BMPs.
- D. When evaluating the feasibility of a proposed action, the applicant shall provide a report from a qualified professional demonstrating that the cost of avoiding disturbance is substantially disproportionate when compared to the environmental impact of the proposed disturbance, including any continued impacts on functions and values over time.
- E. Failure to demonstrate that the mitigation sequencing standards have been met may result in permit denial.

16.56.030 Archaeological and Historic Resources

- A. Development in areas documented by the Washington State Office of Archaeology and Historic Preservation or identify by affected Tribes to contain archaeological resources shall comply with the following:
1. A site inspection and a draft written report prepared by a qualified professional archaeologist. Copies of the draft report shall be provided by the applicant to the City; upon receipt of the draft report the City shall forward copies to affected tribe(s) and the State Office of Archaeology and Historic Preservation for review and comment.
 2. After consultation with these agencies, the archaeologist shall provide a final report that includes any recommendations from the affected tribe(s) and the State Office of Archaeology and Historic Preservation on avoidance or mitigation of the proposed project's impacts.
 3. The Shoreline Administrator may condition project approval, based on the final report from the archaeologist in consultation with the affected Tribes, to ensure that impacts to the site are avoided or minimized consistent with federal and state law.
- B. All Shoreline permits and letters of exemption shall contain provisions that require developers to immediately stop work and notify the City, the State Office of Archaeology and Historic Preservation, and affect tribes if any potential archaeological resources are uncovered during land surface modification or development activity. Failure to comply with this requirement shall be considered a violation of the shoreline permit.

16.56.040 Shoreline Vegetation Incentives

- A. The following requirements shall apply to all of the incentives in this section:
1. The shoreline vegetation provided for one incentive cannot be applied to another incentive.
 2. Shoreline vegetation that already exist within the Shoreline Vegetation Conservation Area or is required to be planted pursuant to BLMC 16.56.060.B shall not apply towards the incentives established in this section.
 3. The vegetation shall be native vegetation planted adjacent to the shoreline.
 4. The applicant shall submit a Vegetation Planting Plan consistent with the requirements BLMC 16.56.050.
 5. The shoreline vegetation incentive is only available for properties located in the Shoreline Residential Designation.

- B. The required minimum 60 foot shoreline setback may be reduced by 5 feet for every 300 square feet of shoreline vegetation provided along the shoreline. The maximum amount of shoreline setback reduction is 20 feet; provided that the primary structure maintains a 20 foot setback from the rear property line and does not move closer to the water than established by the string-line setback determined by BLMC 16.40.030.D.

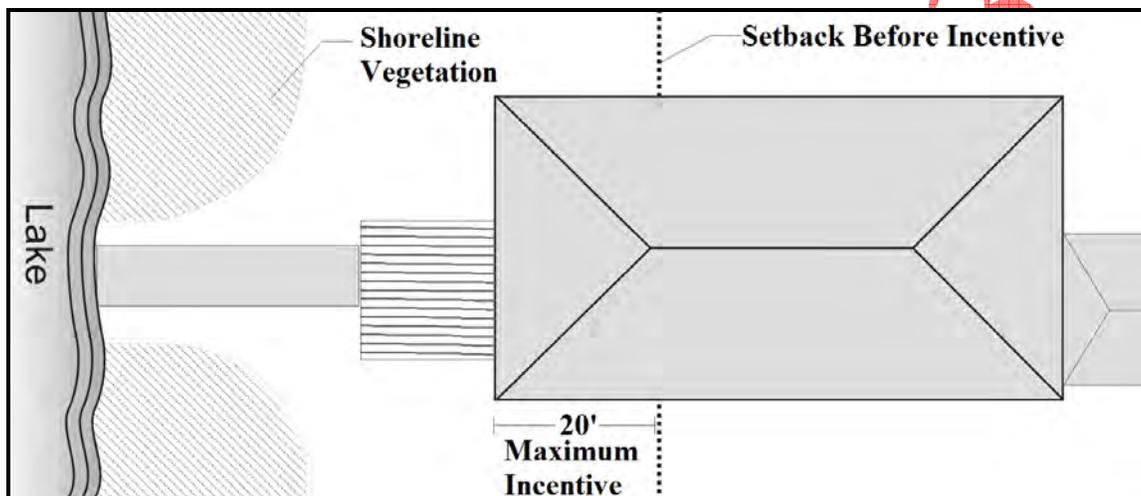


Figure 4: Shoreline Setback bonus for shoreline vegetation.

- C. If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed along the shoreline provided:
1. The width of the waterfront deck or patio as measured parallel to the OHWM shall be equal to or less than 25 percent of the shoreline frontage and native vegetation covers a minimum of 75 percent of the shoreline frontage.
 2. The deck shall be located within the same area allowed for the pathway and view corridor to the water provided in BLMC 16.56.100.B.3.
 3. For every 1 square foot of waterfront deck or patio there shall be 3 square feet of native vegetation provided adjacent to the OHWM.
 4. The total area of the waterfront deck or patio along the shoreline shall not exceed 150 feet square feet.
 5. The deck or patio is set back 5 feet from the OHWM.
 6. The deck or patio is no more than 2 feet above grade and is not covered.
 7. There are no permanent structures above the level of the deck within 20 feet of the rear property line.

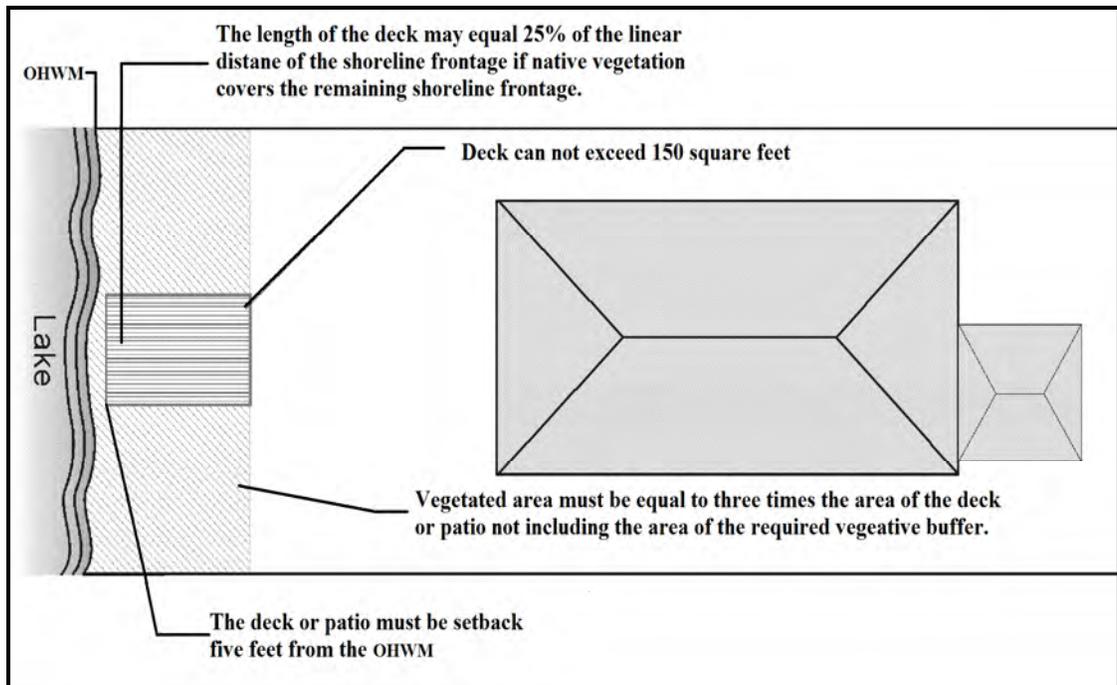


Figure 5: Waterfront deck bonus for lots

- D. The maximum allowed area for docks and piers allowed single property owner and shared by two property owners established by 16.54.030.F may be increased by 30 feet for every 300 square feet of shoreline vegetation provided along the shoreline. The maximum amount of additional area that can be obtain from this incentive is 120 square feet.

16.56.050 Vegetation Planting Plan Requirements

Shoreline vegetation planting plans shall meet the following minimum requirements:

- A. The plan shall be prepared by a Qualified Professional.
- B. The plan shall be recorded with the Pierce County Assessor's Office as a covenant against the property after approval by the Shoreline Administrator. A copy of the recorded covenant shall be provided to the City.
- C. The native vegetation shall consist of a mixture of trees, shrubs and groundcover and designed to improve habitat functions. The following general planting regulations shall apply:
1. Trees. A minimum of one native tree per 300 square feet of required vegetated area shall be provided or preserved. A minimum of thirty percent (30%) of the required trees shall be native coniferous trees.

- a. Deciduous trees shall be a minimum of two-and-one-half-inch caliper as measured per American Standard for Nursery Stock (ANSI Z60.1-2004).
 - b. Coniferous trees shall be at least 6 feet high at the time of planting.
2. Shrubs. A minimum of one shrub per 20 square feet of landscape area shall be provided. The minimum size of the shrub at the time of planting shall be at least 2 feet in height, with the plant covering the dimensions of the container.
 3. Vegetative Groundcover. Living groundcover plants of a minimum one-gallon size shall be planted in the landscaped area sufficient to cover the area within three years of planting.
 4. Vegetation shall be fully established within three years. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are viable.
 5. The plan shall include limitations on the use of fertilizer, herbicides and pesticides as needed to protect water quality.
- D. A four year monitoring and maintenance program prepared by a qualified professional including, but not limited to, the following:
1. An outline of the schedule for site monitoring;
 2. Performance standards, including, but not limited to, 100 percent survival of newly planted vegetation within two years of planting, and 80 percent for years three or more
 3. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring indicates performance standards have not been met;
 4. The period of time necessary to establish performance standards have been met; not to be less than four years; and
- E. The City may require a financial security pursuant as a guarantee that the enhancements, maintenance and monitoring are completed to the satisfaction of the City.

16.56.060 Vegetation Conservation and Maintenance

- A. The area twenty (20) feet landward of the OHWM shall be considered vegetation conservation area. Existing native shoreline vegetation shall be preserved within the vegetation conservation area consistent with safe construction practices, and other provisions of this section. Native trees and shrubs shall be preserved to maintain and provide shoreline ecological functions.

- B. Vegetation conservation areas shall be fully replanted with native vegetation pursuant to an approved Vegetation Planting Plan consistent with the requirements of BLMC 16.56.050 and this section as part of the following development proposal:
1. Construction of a new single family residence, duplex, multi-family building either on a vacant lot or a lot on which single family residence, trailer, manufactured home, duplex, or a multi-family building was previous located.
 2. An increase of at least twenty percent (25%) in gross floor area of any structure located in shorelines jurisdiction.
 3. An alteration of a single family residence, duplex, multi-family building in shorelines jurisdiction, the cost of which exceeds sixty percent (60%) of the assessed value of the residential structures on the subject property as identified on the Pierce County Auditor website.
- C. Twenty-five percent (25%) of the required vegetated conservation may be cleared or thinned for view maintenance and waterfront access as described in BLMC 16.56.100.B.3; provided that seventy-five percent (75%) of the area remains vegetated. Invasive species may be removed, vegetation trimmed, and trees “limbed up” from the ground to provide views.
- D. In the instance where there is an intervening property between the OHWM and an upland property and the portion of the intervening property abutting the upland property has an average depth of less than 20 feet, shoreline vegetation shall be provided within the shoreline setback portion of the upland property pursuant to this section, unless:
1. The required shoreline vegetation already exists on the intervening lot; or
 2. The intervening property owner agrees to allow the upland property owner to install the shoreline vegetation on their property.
- E. Snags and living trees over 4.5 inch DBH shall not be removed within the vegetated portion of the vegetative conservation area except under the following instances:
1. A Hazard or Nuisance Tree may be removed consistent with the following standards
 - a. If the nuisance or hazard condition is not obvious to the City, Qualified Arborist retained by the property owner shall determine if the tree meets the definition of a Hazard or Nuisance Tree provided in BLMC16.36.110 and BLMC 16.36.170
 - b. A “snag” or wildlife tree shall be created from the Hazard Tree. If Qualified Arborist determines that the tree cannot or should not be used

for as “snag” or wildlife tree, the tree may be removed from the vegetation conservation area.

2. The removal is part of an approved development that includes mitigation for impacts to ecological functions
- F. A tree removal request shall be submitted in writing to the City prior to the removal of any tree. The request shall include the location, number, type and size of tree(s) being removed and the proposed replacement tree(s) and planting plan. The City shall inspect the tree replacement once installation is complete.
- G. Nondestructive thinning of lateral branches to enhance views or trimming, shaping, thinning or pruning shall comply with National Arborist Association pruning standards. No more than 25% of the limbs of any single tree may be removed and no more than 20% of the canopy cover in any single stand of trees may be removed for view preservation.
- H. Aquatic weed control shall occur in compliance all other applicable laws and standards in addition to the following:
1. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, is the preferred method.
 2. When large quantities of plant material are generated by control measures, they shall be collected and disposed of in an appropriate, identified upland location.
 3. Use of herbicides to control aquatic weeds shall be prohibited except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations. The Shoreline Administrator must be notified of all herbicide usage in aquatic areas and supplied with proof of required approvals from the Department of Ecology.
 4. All herbicides shall be applied by a licensed professional.

16.56.070 Water Quality and Quantity

- A. All shoreline development shall comply with the applicable requirements of the Pierce County 2008 Stormwater Management and Site Development Manual and all applicable City stormwater regulations established by Chapter 15.14 BLMC – Stormwater Management.
- B. Where feasible, shoreline development must implement low impact development techniques pursuant to the standards contained in the Pierce County 2008 Stormwater Management and Site Development Manual – Volume VI.

C. Residential development shall utilize the BMPs for Single Family Residence in the Pierce County 2008 Stormwater Management and Site Development Manual – Volume IV Chapter 3.

D. The direct runoff of chemical-laden waters into adjacent water bodies is prohibited.

16.56.080 Methodology for Calculating Impervious Area

The percentage of impervious surface shall be calculated according to the following formula:

A. Percentage of impervious surface = (total footprint area of impervious surfaces, including all pavement, compacted gravel areas, and buildings) / (total land area of the property).

B. In calculating impervious surface, pavers on a sand bed may be counted as fifty percent (50%) impervious and wood decks with gaps between deck boards may be counted as permeable if over bare soil or loose gravel (such as pea gravel). Pervious concrete and asphalt may be counted as per manufacturer's specifications. To calculate the net impervious surface of such an area, multiply the area of the pavement by the percentage of imperviousness.

C. The City may determine the percentage of imperviousness for pavements that are not specified here.

D. As an alternate to the above quantitative standards, the applicant may submit a stormwater retention plan, prepared by a licensed civil engineer or hydro-geologist. The plan may incorporate alternate means of addressing stormwater run-off impacts such as Low Impact Development techniques, rain gardens, etc. In order to be approved, the plan must conclusively demonstrate that its implementation will result in a higher level of ecological function than the standards in BLMC 16.58.080.A through 16.58.080.C.

16.56.090 Methodology for Determine Shoreline Frontage

A. Water frontage shall be measured in the following manner:

1. The two property lines intersecting the OHMW shall be continued waterward in a straight line; and
2. A centerline bisecting equal distances between the two property lines shall be established; and
3. A straight line perpendicular to the centerline shall be drawn between the two property lines with at least one end of the straight line affixed to a point where the OHWM intersects one of the property lines.

4. The water frontage shall be measured as the length of the straight line created.

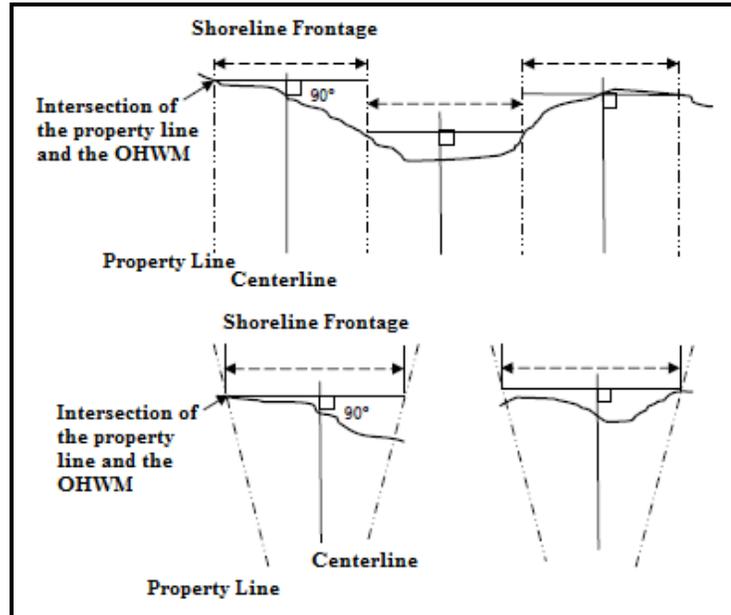


Figure 6: Determining Shoreline Frontage

16.56.100 Permitted Intrusions into Shoreline Setback

A. The following developments and modifications may be located in the portion of the required shoreline setback that is outside of the vegetation conservation area:

1. Underground utilities accessory to an approved shoreline use, provided there is no other feasible route or location.
2. Bioretention swales, rain gardens, or other similar bioretention systems that allow for filtration of water through planted grasses or other native vegetation.
3. Infiltration systems; provided, that installation occurs as far as feasible from the OHWM.
4. Bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into the shoreline setback, subject to the following limitations:
 - a. Eaves on bay windows may extend an additional 18 inches beyond the bay window.
 - b. Chimneys that are designed to cantilever or otherwise overhang are permitted.
 - c. The total horizontal dimension of these elements that extend into the shoreline setback, excluding eaves and cornices, shall not exceed 25

percent of the length of the facade of the primary structure facing the shoreline.

5. Uncovered patios or decks may extend a maximum of 10 feet into the shoreline setback, subject to the following standards
 - a. The improvement shall be constructed of a pervious surface, such as wood with gaps between boards and a pervious surface below, unit pavers, grid systems, pervious concrete, or, alternatively, equivalent material approved by the Shoreline Administrator.
 - b. The improvement shall not be closer than 20 feet to the rear property line.
 - c. The total horizontal dimension of the improvement that extends into the shoreline setback shall not exceed 50 percent of the length of the facade of the primary structure facing the shoreline.
 - d. The improvement shall be located on the ground floor of the building and shall not be elevated more than necessary to allow for grade transition from the structure to the deck or to follow the existing topography.
6. Appurtenances, dry boat storage and other similar accessory structures subject to the following
 - a. Only one structure that is 200 square feet or less is permitted within the shoreline setback.
 - b. The structure shall maintain a minimum twenty (20) foot setback from the rear property line.
 - c. Only water-dependent aspects of dry-boat storage, such as docks, boat hoists and boat lifts may be permitted within vegetation conservation area.
 - d. Boat hoist, boat lifts, and docks associated with dry boat storage shall be consistent with applicable requirements of BLMC 16.54.030.
7. Retaining walls and similar structures that are no more than four (4) feet in height above finished grade; provided the structure is not for retaining new fill to raise the level of an existing grade, but only to retain an existing slope prior to construction and installed at the minimum height necessary.
8. Public trails subject to the requirements BLMC 16.52.030.E and BLMC 16.56.110.

B. The following developments and modifications may be located in all portions of the required shoreline setback including the vegetation conservation area:

1. Shoreline stabilization measures approved under the provisions of BLMC 16.54.020.
2. Fences to delineate property boundaries no more than six (6) feet height which run perpendicular to the shoreline shall be allowed in the Shoreline Residential SED. Fences that run parallel to the shoreline are prohibited in all SEDs.
3. Private walkways within the shoreline setback and shoreline vegetative buffer may be permitted upon demonstrating compliance with the following standards:
 - a. The maximum width of the access corridor shall be no more than 25 percent of the property's shoreline frontage, except in no case shall the corridor area be required to be less than 15 feet in width.
 - b. The walkway in the corridor area shall be no more than eight (8) feet wide.
 - c. The walkway corridor area may contain minor improvements, such as garden sculptures, light fixtures, trellises and similar decorative structures that are associated with the walkway; provided, that these improvements comply with the dimensional limitations required for the walkway corridor area. Light fixtures approved under this subsection shall comply with the provisions contained in BLMC 16.56.120.

Draft

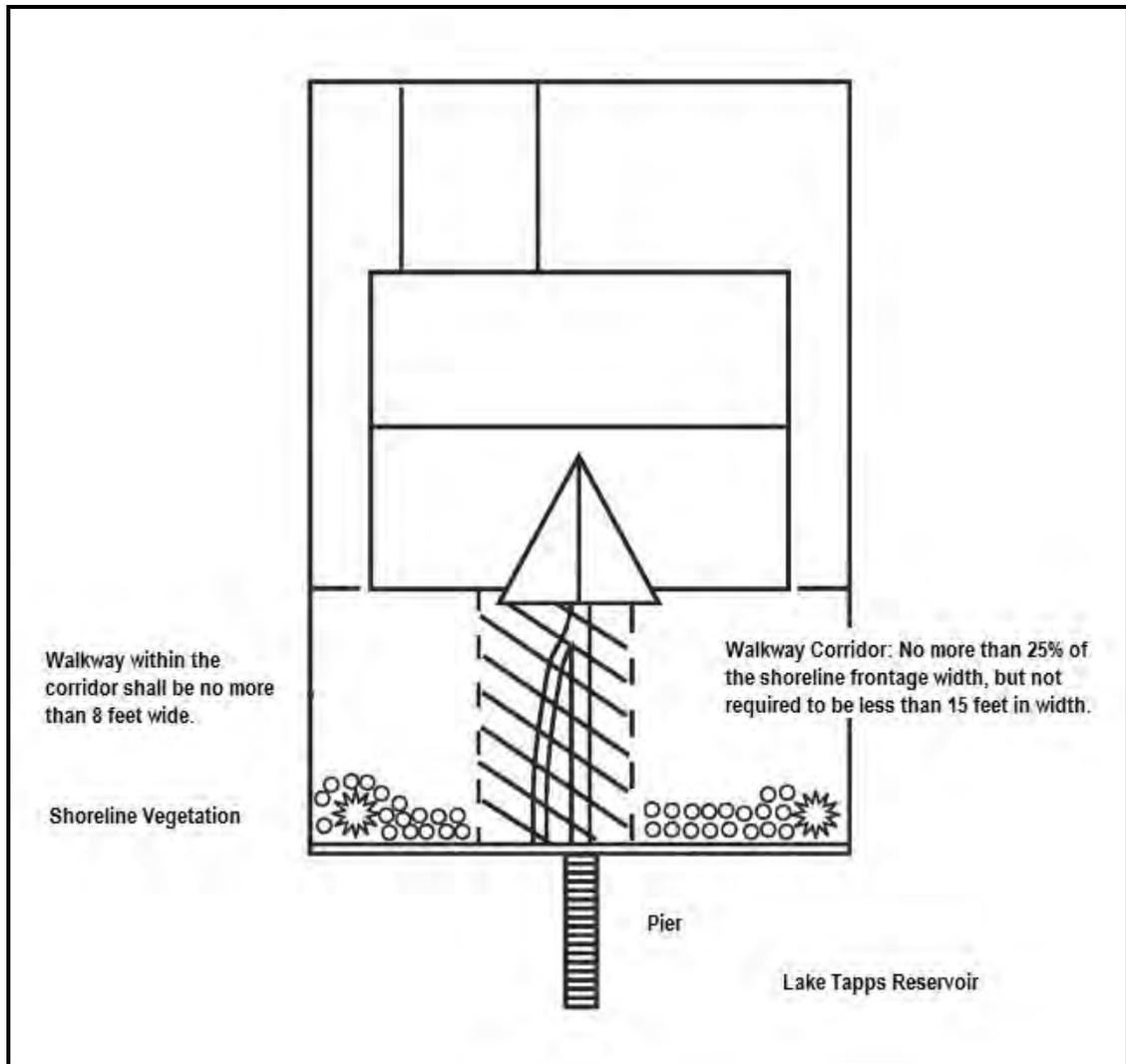


Figure 7: Maximum Walkway Corridor

- C. Accessory structures, appurtenances, and other development not addressed in the in this section shall comply with the most stringent shoreline setback established for the underlying SED.

16.56.110 Critical Areas

- A. Critical areas located in the shoreline shall be regulated under the Shoreline Code.
- B. The City Bonney Lake Critical Areas Code is incorporated into the Shoreline Code, except as noted below:
 - 1. BLMC 16.20.145 – Critical Area Variances. Within Shoreline Jurisdiction, the Shoreline Variance process provided for in BLMC 16.58.050 shall be utilize to determining if relief may be granted from the Critical Areas Code.

2. BLMC 16.20.170 – Nonconforming Uses. Within Shoreline Jurisdiction, nonconforming uses shall be regulated by BLMC 16.56.150
 3. BLMC 16.26.050 – Floodplain Variances. Within Shoreline Jurisdiction, the Shoreline Variance process provided for in BLMC 16.58.050 will be utilize to determining if relief may be granted from the Floodplain Code.
- C. The exemptions provided in BLMC 16.20.070 only pertain to exemptions from specific standards within the Critical Areas Code for specified activities, only shoreline use, developments, and modifications that are identified in BLMC 16.58.020.A shall be exempt from a Shoreline Substantial Development Permit and must comply with the requirements of BLMC 16.58.020.B – BLMC 16.58.020.J.
- D. If provisions of the Critical Areas Code and other parts of the Shoreline Code conflict, the provisions most protective of the ecological resource shall apply, as determined by the City.

16.56.120 Public Access

- A. The dedication and improvement of public access is required for the following development unless the conditions stated in 16.54.120.B, immediately below, apply:
1. Land division into more than four lots
 2. Nonwater-oriented uses
 3. Multi-family Residential development
 4. Water-related and water-enjoyment uses
 5. Development by public entities or on public land, including the City and public utility districts
 6. Development or use that will interfere with an existing public access way. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.
- B. Public access is not required as part of development if any of the following conditions apply:
1. The development is a single family residence not part of a development planned for more than 4 parcels.
 2. Public access is demonstrated to be infeasible or undesirable due to reasons of incompatible uses, safety, security or impact to the shoreline environment. In determining infeasibility or undesirability, the City shall evaluate alternative

means of providing public access such as off-site improvements, separation of uses, and restricting the hours of public access to avoid conflicts.

3. Where the property is not adjacent to the shoreline because it is separated from the shoreline by another property direct physical access to the shoreline is not required.

C. Pedestrian walkways installed to provide public access shall comply with the following standards:

1. The walkways shall be at least six (6) feet wide, but no more than eight (8) feet wide.
2. The walkways shall be distinguishable from traffic lanes by pavement material, texture, or change in elevation.
3. The walkways shall not be included with other impervious surfaces for lot coverage calculations.
4. Permanent barriers that limit future extension of pedestrian access between the subject property and adjacent properties are not permitted.
5. Regulated public access shall be indicated by signs installed at the entrance of the public pedestrian walkway on the abutting right-of-way and along the public pedestrian pathway. The signs shall be located for maximum public visibility.
6. Walkways shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.
7. All public pedestrian walkways shall be provided through either a tract, easement or similar legal agreement, in a form acceptable to the City Attorney, and recorded with the Pierce County Auditor's Office. The legal description of the encumbered area shall be provided by the applicant in a format approved by the Shoreline Administrator.

D. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.

16.56.130 Lighting

A. Development activities shall comply with the following lighting standards:

1. All exterior building-mounted and ground-mounted light fixtures shall be directed downward and have "fully shielded cut off" fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

2. Exterior lighting mounted on piers, docks or other water-dependent uses located at the shoreline edge shall be at ground or dock level, be directed away from adjacent properties and the water, and designed and located to prevent lighting from spilling onto the water.
 3. Exterior lighting installations shall be limited to those areas where it is needed for safety, security, and operational purposes.
 4. Exterior lighting fixtures shall produce a maximum luminance value of 0.75 foot candle measured 10 feet from the source in the Shoreline Residential and Shoreline Multifamily SEDs and 0.1 foot-candles as measured at three feet above grade fifteen feet from the shoreline development or modification in the Natural and Park SEDs.
 5. On the building façade facing the Lake Tapps Reservoir, illumination to enhance architectural features is prohibited.
 6. Where feasible, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.
 7. The maximum mounting height of ground-mounted light fixtures shall be 12 feet. Height of light fixtures shall be measured from ground or the parking surface below the lamp to the bottom of the light bulb.
- B. The following development activities are exempt from the submittal and lighting standards established in this section:
1. Emergency lighting required for public safety;
 2. Lighting for public rights-of-way;
 3. Outdoor lighting for temporary or periodic events (e.g. community events at public parks);
 4. Temporary seasonal decorations and lighting; and

16.56.140 Signs

Signage shall not be permitted to be constructed over water or within the required shoreline setback, except as follows:

- A. Boat traffic signs, directional signs, and signs displaying a public service message.
- B. Interpretative signs in coordination with public access and recreation amenities.

- C. Building addresses mounted flush to the end of a pier, with letters and numbers at least four (4) inches high.

16.56.150 Non-Conforming Uses and Developments

- A. Residential structures and appurtenant structures that were legally established and used for a conforming use but do not meet standards for: shoreline setbacks, height or density shall be considered conforming uses.
- B. Single-family residences that were legally established and are located landward of the OHWM that do not meet the shoreline setback may be enlarged or expanded upon approval of a Shoreline Substantial Development Permit provided that the new construction complies with applicable bulk and dimensional standards of the Title 18, the applicable provisions of the Shoreline Code, and does not expanded further into the shoreline setback except as provided for in BLMC 16.56.040 and BLMC 16.56.100.
- C. Nonresidential uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses and shall not be enlarged or expanded.
- D. A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.
- E. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
- F. A nonconforming structure which is moved any distance must be brought into conformance with the SMP and the SMA.
- G. All nonconforming use discontinued for twelve consecutive months or for twelve months during any two-year period, shall forfeit all nonconforming use rights and any subsequent uses or structures shall be conforming.
- H. Nonconforming uses and structures not addressed in this section shall comply with the requirements of WAC 173-27-080.

16.56.160 Emergency Actions

- A. Emergency actions are those that pose an unanticipated and imminent threat to public health, safety, or the environment and that require immediate action within a time too short to allow full compliance with the provisions of the SMP. Emergency construction does not include development of new permanent protective structures where none previously existed, except where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency

situation. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

B. Emergency actions shall meet the following standards:

1. Use reasonable methods to address the emergency;
2. Be designed to have the least possible impacts on shoreline ecological functions and processes; and
3. Be designed to comply with the provisions of the SMP, to the extent feasible.

C. The party undertaking the emergency action shall notify the Shoreline Administrator as provided below:

1. Within two (2) working days following commencement of the emergency, the property owner shall provide notice of the existence of the emergency.
2. Within seven (7) days, the party shall provide a request for a shoreline exemption which shall include a description of the work, site plan, description of pre-emergency conditions and other information requested by the City to determine whether the action is permitted within the scope of an emergency action.

D. The Shoreline Administrator shall evaluate the action for consistency with the provisions contained in WAC 173-27-040(2) (d) and within ten (10) working days shall determine whether the proposed action, or any part of the proposed action is within the scope of the emergency actions allowed in WAC 173-27-040(2) (d).

E. Upon abatement of the emergency situation the applicant shall obtain any permits which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, Chapter 43.21C RCW, Chapter 173-27 WAC and the SMP. The applicant shall submit all of the required permit applications within 30 days of the abatement of the emergency situation.

Section 17. Shoreline Permits. Chapter 16.58 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled "Shoreline Permits" to read as follows:

16.58.010 General Provisions

The requirements for Shoreline Permits shall be in accordance with chapter 173-27 WAC and as administered by The City of Bonney Lake. Applicants should inquire to the Shoreline Administrator for permit application requirements.

16.58.020 Shoreline Exemptions

- A. Only the developments and activities listed in RCW 90.58.147, RCW 90.58.355, RCW 90.58.515, WAC 173-27-040(2), and WAC 173-27-045 as presently constituted or as may be subsequently amended shall be exempt from the requirement to obtain a Shoreline Substantial Development Permit.
- B. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted an exemption.
- C. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required.
- D. A development activity or use that is listed as a conditional use pursuant BLMC 16.50.020 shall obtain a Conditional Use Permit even if the development is exempt from a Shoreline Substantial Development Permit.
- E. Developments that do not comply with the bulk, dimensional and performance standards of the Shoreline Code must obtain Shoreline Variance, even if the development is exempt from a Shoreline Substantial Development Permit.
- F. If any part of a proposed development is not eligible for exemption, then a permit is required for the entire proposed development project.
- G. Developments cannot be submitted in a piece-meal fashion to avoid the requirement for a substantial development permit.
- H. Applicants shall obtain a written letter of exemption from the Shoreline Administrator prior to commencing with exempted activity. The burden of proof that a development or use is exempt from the permit process is on the applicant.
- I. The Shoreline Administrator shall prepare a statement of exemption which shall include the following:
 - 1. Identification the specific exemption provision(s) that is being granted.
 - 2. A summary of the analysis demonstrating consistency of the project with the SMP and the SMA.
 - 3. Conditions of approval determined to be necessary by the Shoreline Administrator to assure that the project is consistent with the SMP and SMA.
- J. Copies of the statement of exemption shall be provided to the Department of Ecology.

16.58.030 Shoreline Substantial Development Permits

Shoreline substantial development permits may be granted provided the applicant can demonstrate that the proposal complies with the:

- A. Goals, policies and regulations established by the SMP;
- B. Bonney Lake Comprehensive Plan and Municipal Code; and
- C. The policies, guidelines, and regulations of the SMA (RCW 90.58, WAC 173-26 and WAC 173-27).

16.58.040 Shoreline Conditional Use Permit Criteria

- A. Shoreline conditional use permits may be granted provided the applicant can satisfy the following criteria:
 - 1. That the proposed use is consistent with the policies of RCW 90.58.020 and the SMP;
 - 2. That the proposed use will not interfere with the normal public use of public shorelines;
 - 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - 5. That the public interest suffers no substantial detrimental effect.
 - 6. Demonstration that if similar conditional use permits were granted for other developments in the area where similar circumstances exist, the total cumulative impacts of all of the similar conditional uses shall remain consistent with the policies of RCW 90.58.020 and the SMP and shall not produce substantial adverse effects to the shoreline environment.
- B. Shoreline uses which are specifically prohibited by the SMP may not be authorized pursuant to a shoreline conditional use permit.
- C. Shoreline uses and modifications not specifically identify in the SMP, for which policies and specific regulations have not been developed, shall be evaluated on case-by-case basis and shall be required to obtain a Shoreline Conditional Use Permit.

16.58.050 Shoreline Variance

- A. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- B. Variances from the use regulations of this SMP are prohibited.
- C. Shoreline variance permits may be authorized, provided the applicant can satisfy all of the following criteria for granting shoreline variances:
1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 2. That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not for example, from deed restrictions or the applicants own actions;
 3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 5. That the variance requested is the minimum necessary to afford relief; and
 6. That the public interest will suffer no substantial detrimental effect.
 7. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- D. Variance permits for development and/or uses will be located waterward of the ordinary high water mark (OHWM) or within any wetland may be authorized provided the applicant can demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
2. That the proposal is consistent with the criteria established in BLMC 16.56.050.C.1 – 16.56.050.C.7; and
3. That the public rights of navigation and use of the shorelines will not be adversely affected.

16.58.060 Revisions to Permits

- A. When an applicant seeks to revise a Shoreline Permit, the applicant shall provide detailed plans and text describing the proposed changes in the permit.
- B. Revisions to an approved Shoreline Exemption or Shoreline Substantial Development Permit are reviewed by the Shoreline Administrator.
- C. Revisions to an approved Shoreline Conditional Use Permit or Shoreline Variance are reviewed by the Hearing Examiner.
- D. Revisions to an approved Shoreline Permit may be approved, if the revisions are within the scope and intent of the original permit as defined below:
 1. No additional over water construction is involved, except that pier, dock, or float associated with providing public access or a single-family residence may be increased by ten percent from the provisions of the original permit.
 2. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit; subject to the following limitations:
 - a. Revisions involving new structures not shown on the original site plan shall require a new permit.
 - b. The revised permit does not authorize development to exceed the lot coverage and/or height requirements established by the Shoreline Code; except as authorized under a variance granted as the original permit or a part thereof.
 3. The revised permit does not authorize development to exceed any the development standards established by the Shoreline Code except as authorized under a variance granted as the original permit or a part thereof.
 4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program.
 5. The use authorized pursuant to the original permit is not changed.

6. No adverse environmental impact will be caused by the project revision.
 7. The use authorized pursuant to the original permit is not changed.
- E. If the revision, or the sum of the revision and any previously approved revisions, does not comply with the criteria of 16.58.070.B, the applicant shall apply for a new Shoreline Permit, as appropriate, in the manner provided for in the SMP.
- F. If the revision to the original permit involves a Shoreline Conditional Use Permit or Shoreline Variance, the Shoreline Administrator shall submit the revision to the DOE, for DOE's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Local government shall notify parties of record of the department's final decision.
- G. Revisions to a Shoreline Permit are effective as provided below:
1. The Shoreline Administrator's decision to approve or deny a revision to a Shoreline Substantial Development Permit is effective immediately. Appeals Shoreline Administrators decision on the request revision must be filed with the Shoreline Hearings Board within twenty-one (21) days of the effective date of the decision.
 2. The Shoreline Administrator's decision to approve or deny a revision to a Shoreline Conditional Use Permit and/or Shoreline Variance is effective upon DOE's decision to approval or deny the requested revision.
 3. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline.

16.58.070 Permit Decisions

- A. The decision to either or deny or approve a Shoreline Permit or a revision to a Shoreline Permit shall be based on the information provided in the application and entered into the record.
- B. A written decision shall be issued either approving or denying a Shoreline Permit or a revision to a Shoreline Permit containing the following:
1. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations.
 2. An analysis applicable explaining how the proposal is or is not consistent the applicable review criteria.

3. Conditions of approval determined to be necessary to assure that the project is consistent with the SMP and SMA

16.58.080 Notice of Permit Decision

- A. Within eight (8) days of the decision to approve or deny a Shoreline Permit, the Shoreline Administrator shall provide copies of the written decision to applicant, all parties of record, and individuals that requested a copy of the decision.
- B. All Shoreline Permit decisions which contain conditions approval shall be recorded with the Pierce County Auditor as a condition running in perpetuity with the land.

16.58.090 Filing the Permit Decisions with the State

- A. Within eight (8) days of the decision to approve or deny a Shoreline Permit, the Shoreline Administrator shall file the following with the Department of Ecology and the Attorney General:
 1. A copy of the complete application.
 2. The final decision of the Shoreline Administrator or the Hearing Examiner.
 3. The permit transfer form provided in Appendix A to WAC 173-27-990.
 4. Where applicable, local government shall also file the applicable documents required by Chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW; and
 5. Affidavit of public notice.
 6. When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved plan.

16.58.100 Appeals

- A. The decision to approve or deny a Shoreline Permit may be appealed as provided below:
 1. All appeals are governed by the procedures established in RCW 90.58.180.
 2. Appeals of decisions related to the revision of a Shoreline Substantial Development Permit must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of filing.

3. Appeals of decisions related to a Shoreline Conditional Use Permit and/or Shoreline Variance must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of DOE's decision to either approve or deny the Conditional Use Permit and/or Shoreline Variance.
- B. The decision to approve or deny a revision to Shoreline Permit may be appealed as provided below:
1. All appeals are governed by the procedures established in RCW 90.58.180.
 2. Appeals of decisions related to the revision of a Shoreline Substantial Development Permit must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of filing.
 3. Appeals of decisions related to the revision of a Shoreline Conditional Use Permit or Shoreline Variance must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of DOE's decision to either approve or deny the revision.
 4. Appeals shall be based only upon contentions of noncompliance with the provisions of 16.58.070.B.
 5. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

16.58.110 Other Approvals

- A. Work at or waterward of the OHWM may require permits or approvals from one or more of the following state and federal agencies: U.S. Army Corps of Engineers, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, or Washington Department of Ecology. Documentation verifying necessary state and federal agency approvals must be submitted to the City prior to issuance of a building permit.
- B. All developments below the 545 elevation line along Lake Tapps requires the issuance of the license from the Cascade Water Alliance. Documentation verifying that the applicant has obtain the required license must be submitted to the City prior to issuance of a building permit

16.58.120 Application Materials

- A. The owner of the subject property or the authorized agent(s) of the owner is encouraged to have a pre-application meeting with the City to determine if and what type of shoreline permit(s) is required for the proposed development or use.

B. All request for substantial development permits, conditional use permits and variances, shall, at a minimum, contain the following information and diagrams:

1. Completed JARPA form.
2. Written Justification: The applicant shall submit a written justification explaining how the development and/or use complies with the criteria established for the requested permit. In preparing the justification statement, the applicant must restate the criteria and provide the corresponding answer directly below each of the criteria.
3. All shoreline substantial development permits, conditional use permits and variances require a SEPA review in conjunction with the review of the underlying application.
4. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - a. The boundary of the parcel(s) of land upon which the development is proposed.
 - b. The OHWM of all water bodies located adjacent to or within the boundary of the project. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline. For projects adjacent to the Lake Tapps Reservoir the OHWM shall be identified.
 - c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
 - d. The approximate location of trees over 4.5 DBH, their size (DBH) and their species, along with the location of existing structures, driveways, access ways and easements and the proposed improvements.
5. A report from a Qualified Arborist stating the size (DBH), species, and assessment of health of all identified trees located within the vegetative buffer. This requirement may be waived by the Planning Official if it is determined that proposed development activity will not impact Significant Trees within the Vegetation Conservation Area regulated by BLMC 16.56.060.

- C. All request for a shoreline exemption shall be made using a JARPA accompanied by a letter identifying which exemption(s) is request by the applicant and a simple site plan illustrating the location of the existing structure(s) and shoreline modification(s) and the proposed structure(s) and shoreline modification(s).

Section 18. BLMC Section 16.20.030 and Ordinance No. 1325 § 6, 2009 is hereby amended to read as follows:

16.20.030 Definitions.

“100-year flood” means a flood having a one percent chance of being equaled or exceeded in any given year.

“Alter” means to change a critical area or its buffer, including grading, filling, dredging, clearing, construction, compaction, excavation, and pollution.

“Anadromous” refers to fish that spawn and rear in freshwater and mature in saltwater.

“Applicant” means a person who applies for a development permit from the city.

“Aquifer” means a geological formation capable of yielding water to a well or spring.

“Best management practices” means those practices which provide the best available and reasonable physical, structural, managerial, or behavioral activity to reduce or eliminate pollutant loads and/or concentrations leaving the site.

“Buffer” means an area contiguous to and required for protection of a critical area.

“Channel migration zone” means the lateral extent of likely movement of a stream or river during the next 100 years as evidenced by movement over the past 100 years.

“Conservation easement” means a legal agreement that the property owner enters into to restrict uses of the land in a manner that conserves natural functions.

“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, as discussed in WAC 365-190-080(2). Within such areas, pollutants seeping into the ground are likely to contaminate the water supply.

“Critical area” means those areas listed in BLMC 16.20.060.

“Critical areas variance” means the process through which an applicant may gain flexibility in the application of specific regulations of the critical areas code to a specific proposal, when all the criteria for a critical areas variance have been met.

“Development” means any land use or action that alters a critical area or its buffer, including city approvals that establish patterns of use such as subdivisions, short subdivisions, rezones, and conditional use permits.

“Fish habitat” means habitat used by fish at any life stage at any time of the year.

“Functions and values” means the benefits conferred by critical areas, including water quality protection, fish and wildlife habitat, flood storage and conveyance, groundwater recharge, erosion control, and protection from hazards.

“Hazardous substance” means a liquid, solid, or gas that exhibits any of the properties described in WAC 173-303-090 or 173-303-100.

“Historic” means existing before the area was altered by human activity.

“Impact” means to adversely affect a natural system or increase the hazard which a natural system poses to human life and property.

“Impervious” refers to a hard surface area that retards the entry of water into the soil.

“Lowest floor” excludes unfinished enclosures usable only for parking, building access, or storage.

“Minor work” means work that is exempt from review under the State Environmental Policy Act, such as planting wetland-compatible indigenous plants, the removal of invasive or noxious weeds, or pruning trees, all using hand labor or hand-held equipment.

“Mitigation” means a requirement to replace or enhance critical ~~areas~~ functions and values destroyed or impacted by proposed land disturbances.

“Monitoring” means assessing the performance of mitigation measures by collection and analysis of data on changes in natural systems.

“Ordinary high water mark” means that mark on the bed or bank below which inundation is so common in ordinary years that the soil and/or vegetation are distinct from that of the abutting upland.

“Primary association” means a relationship between a species and a habitat area whereby the species regularly uses or otherwise needs the habitat area to thrive.

“Rill” means a small, steep-sided channel caused by erosion.

“Riparian habitat” means stream-side areas that influence the aquatic ecosystem by providing shade, debris, or insects and provide habitat for riparian wildlife.

“Species” means a group of animals commonly classified by the scientific community as a species or subspecies.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the structure’s market value before the improvement, or, if the structure was damaged, before the damage occurred.

“Watercourse” means flowing waters of the state, perennial or intermittent, excluding artificial waterways such as ditches or canals not created by human alteration of a natural watercourse.

"Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands

“Wetland mitigation bank” means a site where wetlands are restored, created, or enhanced to mitigate in advance authorized impacts to similar resources.

Section 19. BLMC Section 16.20.130 and Ordinance No. 1252 § 1, 2007 is hereby amended to read as follows:

16.20.130 Substantive requirements.

A. All treatment of critical areas shall be in accordance with best available science as defined in WAC 365-195-900 through 365-195-925, which is hereby adopted by reference, along with the Washington State Department of Community Development’s “Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas.”

B. Critical areas and their buffers shall be left undisturbed except the following may be permitted if best management practices are used:

1. Authorized functional restoration;
2. In buffers: utility poles and utility lines which do not require excavation;
3. In the outer ~~50~~twenty-five percent (25%) of buffers ~~or and~~ at least 50 feet from the critical area edge: permeable-surfaced walkways, trails, and minimal wildlife viewing structures;

4. Developments authorize by a critical area variance pursuant to BLMC 16.20.145 for which mitigation is ~~allowed-provided~~ per 16.20.130.Esubsection E of this section; and
 5. Other uses specifically authorized by this critical areas code.
- C. No development shall occur which results in a net loss of the functions or values of any critical area ~~except reasonable use variances per BLMC 16.20.140(B)~~. The pre- and postdevelopment functional comparison shall be on a per function basis unless otherwise authorized by this critical areas code.
- D. No development shall occur in critical areas and their buffers which results in an unreasonable hazard to the public health and safety.
- E. These substantive requirements shall be met via one or more of the following methods, listed in preferential sequence (commonly known as “sequencing”). The methods used shall be those which are highest on the list yet consistent with the objectives of the proposed development.
1. Avoid the impact altogether by not taking the proposed action;
 2. Minimize the impact by limiting the action’s magnitude or changing the project design, location, or timing;
 3. Mitigate (compensate for) the impact on natural system functions and values by enhancing or replacing other natural systems and ensuring that the mitigation serves its purpose over time. Mitigation should provide equivalent or greater functions and values than those of the critical area it replaces. The mitigation shall be near the impact site unless it is more cost-effective to mitigate lost functions at a larger scale, such as at a wetland mitigation bank within the impacted wetland’s drainage basin. The city reserves the right to disallow mitigation that would be located outside the UGA.
- F. As a condition of any permit approval, the city may require that:
1. The outer edge of the critical area or buffer be marked, signed, or fenced to protect the resource. Such protection may be temporary, during construction, or permanent such as to protect the resource from livestock or people. The director(s) shall specify the design and sign message, if applicable, of such markers, signs, and fencing;
 2. The applicant file a notice with the county records and elections division stating the presence of the critical area or buffer and the application of this critical areas code to the property, to inform subsequent purchasers of the property;
 3. The critical area and/or buffer be placed in a critical area tract or conservation easement, the purpose of which is to set aside and protect the critical area. The critical area tract or conservation easement shall be:

- a. Held by the city, a homeowner's association, a land trust or similar conservation organization, or by each lot owner within the development in an undivided interest;
 - b. Recorded on all documents of title of record for the affected parcels;
 - c. Noted on the face of any plat or recorded drawing; and
 - d. Delineated on the ground with permanent markers and/or signs in accordance with local survey standards.
- G. The city may allow averaging of standard wetland and stream buffer widths if a qualified professional demonstrates that:
1. Functions and values are not adversely affected;
 2. The total buffer area is not reduced; and
 3. At no location is the buffer width reduced more than 40 percent.
- H. Unless otherwise provided, buildings and other structures shall be set back a distance of 10 feet from the edges of all critical areas and critical area buffers. The same protrusions into this setback area shall be allowed as the zoning code allows into property line setback areas.
- I. Lots created through subdivisions or short plats may contain critical areas and buffers provided they contain adequate buildable area to build upon. Subdivision and short plats shall show, on their face, any applicable critical area limitations.
- J. When any existing regulation, easement, covenant, or deed restriction conflicts with this critical areas code, that which provides more protection to the critical areas shall apply.
- K. When critical areas of two or more types coincide, the more restrictive buffer and requirements shall apply.
- L. The substantive requirements peculiar to the type of critical area shall also be complied with. ~~See following chapters:~~

Section 20. BLMC Section 16.22.010 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

16.22.010 Designation.

Wetlands are those areas, designated in accordance with the ~~“Washington State Wetland Identification and Delineation Manual (1997),”~~ Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region – Version 2.0 prepared by the U.S. Army Corps of Engineers (2010). ~~-that are inundated~~

~~or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions.~~ The Bonney Lake planning and community development department has maps showing the approximate location and extent of wetlands. However, these maps are only a guide, and will be updated as wetlands become better known. The exact location of a wetland's boundary shall be determined in accordance with the above-stated manual as required by RCW 36.70A.175. ~~(Ecology Publication #96-94, 1997).~~

Section 21. BLMC Section 16.22.020 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

16.22.020 Rating.

Wetlands shall be rated Category I, II, III, or IV according to the Department of Ecology's "2004 Washington State Wetland Rating System for Western Washington" (Publication #04-06-014) as presently constituted or as may be subsequently amended. ~~(See WAC 365-190-080(1)(a).)~~ Wetland categories shall apply to the wetland as it exists on the date the city adopts the rating system, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

Section 22. BLMC Section 16.22.040 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

16.22.040 Substantive requirements.

In addition to the substantive requirements of BLMC 16.20.130, the following requirements shall apply to developments (see definitions) in wetlands except as exempted above.

- A. The higher the wetland category (Category I is highest), the greater shall be the emphasis on higher-priority "sequencing" methods per BLMC 16.20.130(E).
- B. The following table establishes the standard buffer width that shall apply to each wetland category, depending on the intensity of the potential land use on the upland side of the buffer ~~as determined by the director(s) and the habitat score of the wetland as determined on the Wetland Rating Form for Western Washington Version 2, as presently constituted or as may be subsequently amended, completed by a qualified professional.~~ Buffers shall be measured from the wetland boundary as surveyed in the field. These buffer widths presume that healthy native plant communities dominate the buffer. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

		Intensity land use on the upland side of the buffer		
<u>Overall Wetland Rating</u>	Habitat Score	High ¹ (including commercial areas, industrial areas, residential areas at more than four units per net acre, and areas of high-intensity agriculture or recreation)	Moderate ² (including residential areas at less than four units per net acre, parks, and trails)	Low ³ (including passive recreation and open space)
Category I	<u>29 – 36 points</u>	<u>300 feet</u>	<u>250-225 feet</u>	<u>200-150 feet</u>
<u>Category I</u>	<u>20 – 28 points</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category I</u>	<u>19 points or less</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
Category II	<u>29 – 36 points</u>	<u>200-300 feet</u>	<u>150-225 feet</u>	<u>100-150 feet</u>
<u>Category II</u>	<u>20 – 28 points</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category II</u>	<u>19 points or less</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
*Category III ⁴	<u>20 points or greater</u>	<u>100-150 feet</u>	<u>75-110 feet</u>	<u>50-75 feet</u>
<u>Category III⁴</u>	<u>19 points or less</u>	<u>80 feet</u>	<u>60 feet</u>	<u>40 feet</u>
*Category IV ⁴	<u>0 points or greater</u>	<u>50 feet</u>	<u>35-40 feet</u>	<u>35-25 feet</u>

¹ High Intensity Land Uses include commercial, industrial, and retail developments; institutional use, residential developments at more than 1 unit per acre; high intensity recreation areas (golf course, ball fields, etc.); and hobby farms.

² Moderate Intensity Land Uses include residential developments at less than 1 unit per acre; moderate intensity open space (parks with biking, jogging, etc.); paved trails and utility corridors with maintenance roads.

³ Low Intensity Land Uses include low intensity open space (hiking, bird-watching, preservation of natural resources, etc.); unpaved trails and utility corridors without maintenance roads.

*⁴ For exemption of wetlands under 1,000 square feet see BLMC 16.20.070(S).

C. Buffers shall be measured from the wetland boundary as surveyed in the field. These buffer widths presume that healthy native plant communities dominate the buffer. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

~~C.D.~~ Buffers shall be measured from the wetland boundary as surveyed in the field. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

~~D.E.~~ The director(s) may increase the required buffer width and/or require buffer enhancement if a wetland professional determines that the wetland provides habitat for wildlife species that require greater protection than the standard buffer, or the buffer lacks healthy native vegetation or is otherwise handicapped in its ability to protect the wetland. Said determination shall take into account the score derived from the Wetland Rating System and such factors as topography, land use, and past disturbance.

~~E.F.~~ The director(s) may reduce the standard buffer width if the function(s) served by the particular wetland need less buffer width, as indicated by a wetland functional analysis.

~~F.G.~~ Except as provided elsewhere in this critical areas code, all existing native vegetation in wetland buffers shall be retained without disturbance, mowing, or hard surfacing, nor shall any action be taken to inhibit volunteer regrowth of native vegetation. Invasive weeds shall be removed for the duration of any mitigation bond. Stormwater management facilities and bioswales are permitted in the outer ~~50~~twenty-five percent (25%) of the buffer of Category III or IV wetlands provided wetland functions and values are not significantly lost through fluctuations in wetland hydrology and construction integrates best management practices.

Section 23. BLMC Section 16.22.050 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

16.22.050 Mitigation.

A. Mitigation for alterations to wetlands may be by restoring former wetlands, creating wetlands, or enhancing degraded wetlands, consistent with the “Department of Ecology Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals, (2004),” as revised.

B. Mitigation shall generally replace wetland functions lost from the altered wetland except that the city may permit out-of-kind replacement when the lost functions are minimal or less important to the drainage basin than the functions that the mitigation action seeks to augment.

C. Mitigation shall be in the same drainage basin as the altered wetland. Wetland mitigation shall be in the same sub-basin unless a higher level of ecological functioning would result from an alternate approach.

D. Mitigation projects shall be completed as quickly as possible consistent with such factors as rainfall and seasonal sensitivity of fish, wildlife, and flora.

- E. Mitigation projects shall be designed utilizing Washington State Department of Ecology Publication #06-06-011a: Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance – Version 1 (2006). ~~–with reference to “Wetland Replacement Ratios: Defining Equivalency,” Washington Department of Ecology, 1992, Publication #92-08; “Freshwater Wetlands in Washington State,” Volume 2, Appendix 8-C; and similar science. Mitigation projects shall score the impact site and the mitigation site using the Wetland Rating Data Form of the “Revised Washington State Wetlands Rating System for Western Washington.” The aggregate total of wetland functions and values after mitigation, altered and mitigation sites combined, shall be at least 50 percent greater than the aggregate total before mitigation; provided, that this replacement ratio (1.5 to 1, nonacreage based) shall be increased as necessary to compensate for mitigation that:~~
- ~~1. Has a greater than usual risk of failure;~~
 - ~~2. Is out of kind;~~
 - ~~3. Is outside the sub-basin;~~
 - ~~4. Is unlikely to produce the intended functions and values within 10 years after the alteration; or~~
 - ~~5. Remedies unauthorized alterations.~~
- F. ~~Because the above Mitigation replacement ratios is shall be based on a before-and-after count of functions and values, not acreage, as determined using the methodology established in Department of Ecology Publication #10-06-01: Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (2012). Mitigation projects shall score the impact site and the mitigation site using the scoring form provided in Publication #10-06-01 – Appendix A. Wetland Rating Data Form of the “Revised Washington State Wetlands Rating System for Western Washington.” The aggregate total of debits for impacts to wetland functions and values and credits for wetland mitigation and preservation shall be zero as determined by the worksheets provided in Publication #10-06-01 – Appendix D. it accounts, without need for further adjustment, for mitigation that would result in a lower category wetland than the wetland being impacted, and mitigation that would enhance as opposed to create or restore a wetland. In the case of enhancement, wetland acreage may decline though wetland functions and values would increase. Enhancement proposals shall be based on a sound understanding of the mitigation site’s pre and post mitigation functions and values.~~
- G. Credits granted from a certified wetland mitigation bank shall be consistent with the bank’s certification and service area.
- H. The applicant shall provide an as-built plan of the mitigation site and monitor the site in accordance with BLMC 16.20.110(G).

Section 24. BLMC Section 16.30.050 and the corresponding portion of Ordinance No. 1252 § 2, 2004 is hereby amended to read as follows:

16.30.050 Substantive requirements.

In addition to the substantive requirements of BLMC 16.20.130, the following shall apply to habitat conservation areas:

- A. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area except with approval of a state or federal agency with expertise.
- B. Preference in mitigation shall be given to contiguous wildlife habitat corridors.
- C. In reviewing development proposals, the city shall seek opportunities to restore degraded riparian fish and wildlife functions such as breeding, rearing, migration, and feeding.
- D. The ~~city~~ City shall require buffers of undisturbed native vegetation adjacent to habitat conservation areas as necessary. Buffer widths shall reflect the sensitivity of the habitat and may reflect the intensity of nearby human activity.
- E. When a species is more sensitive to human activity during a specific season of the year, the city may establish an extra outer buffer from which human activity is excluded during said season.
- F. No development shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association, except in exchange for restoration as approved by the director(s) or as provided in a management plan approved by a state or federal agency with appropriate expertise.
- G. When a development permit is applied for on land containing or adjacent to a bald eagle nest or communal roost, the city shall notify the Washington Department of Fish and Wildlife and otherwise comply with WAC 232-12-292.
- H. No development shall be permitted which degrades the functions or values of anadromous fish habitat, including structures or fills which impact migration or spawning.
- I. Construction and other activities shall be seasonally restricted as necessary to protect the resource. Activities shall be timed to occur during work windows designated by the Washington Department of Fish and Wildlife for applicable fish species.
- J. Shoreline erosion control adjacent to lakes or streams not regulated under the Shoreline Code shall use bioengineering methods or soft armoring in accordance with an approved critical area report.

- K. The following table establishes the standard width of stream buffers (also known as riparian habitat areas) that shall apply to each stream type. The Bonney Lake planning and community development department has maps showing streams of each type. Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.

Stream type	Standard buffer width
Type S (subject to Shorelines Management Act)	200 feet (none identified in Bonney Lake)
Type F (fish-bearing other than S)	150 feet except 200 feet for Fennel Creek and 100 feet for Lake Debra Jane outfall to Fennel Creek
Type Np (nonfish, perennial)	100 feet (only PSE Flume is identified in Bonney Lake)
Type Ns (nonfish, seasonal)	35 feet except 25 feet for Lake Bonney outfall to Lake Debra Jane outfall

- L. The director(s) may increase the standard buffer width as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential.

- M. The director(s) may reduce the standard buffer width in exchange for restoration of degraded areas in accordance with an approved plan, or for buffer averaging in accordance with BLMC 16.20.130(G). The director(s) may also reduce the standard buffer width wherever the proposed adjoining upland land use is of low intensity and low impact, such as passive-use parks.

- N. If the stream enters an underground culvert or pipe, and is unlikely to ever be restored above ground, the director(s) may waive the buffer along the undergrounded stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.

- ~~O. The Shoreline Master Program, not this critical areas code, shall determine allowable uses along and setbacks from lakes; provided, that this critical areas code shall govern wetlands, streams, and other critical areas lying within areas of shoreline management jurisdiction.~~

P.O. To the extent facilities are allowed in habitat conservation areas, the following regulations shall apply:

1. Trails: See BLMC 16.20.130(B)(3).
2. Road bridges and culverts shall be designed according to the Washington Department of Fish and Wildlife "Fish Passage Design at Road Culverts," 1999, and the National Marine Fisheries Service "Guidelines for Salmonid Passage at Stream Crossings," 2000.
3. Utility lines shall be accomplished by boring beneath the scour depth and hyporheic zone (the saturated zone beneath and adjacent to streams that filters nutrients and maintains water quality). Utilities shall avoid paralleling streams or changing the natural rate of shore or channel migration.
4. New and expanded public flood protection measures shall require a biological assessment approved by the agency responsible for protecting federally listed species.
5. Instream structures such as high-flow bypasses, sediment ponds, instream ponds, retention and detention facilities, tide gates, dams, and weirs shall be allowed only as part of an approved restoration project.
6. Stormwater conveyance structures shall incorporate fish habitat features and the sides of open channels and ponds shall be vegetated to retard erosion, filter sediments, and shade the water.
7. Watercourse Alterations. See BLMC 16.26.030(H).

Section 25. The name of Chapter 14.40 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 2 Permits (~~Categorically Exempt Short Plats and Final Plats~~)

Section 26. The name of Chapter 14.50 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 3 Permits (~~Non-SEPA Exempt Building Permits, Short Plats, Sensitive Area Permits, Shoreline Letters of Exemption, and Site Plan Approvals~~)

Section 27. The name of Chapter 14.60 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 4 Permits (~~Variancees and Categorically Exempt Conditional Use Permits~~)

Section 28. The name of Chapter 14.70 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 5 Permits (~~Shoreline Permits and Critical Areas Variances~~)

Section 29. The name of Chapter 14.80 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 6 Permits (~~Preliminary Plats and Site-Specific Rezones~~)

Section 30. BLMC 14.20.010 and Ordinance No 1466 § 1, 2013 is hereby amended to read as follows:

14.20.010 Classification.

Permits shall be classified according to which procedures apply. In the following table an “X” designates the procedure (row) that pertains to that type of permit (column):

	Type					
	1	2	3	4	5	6
Regulatory reform applies; that is, per RCW 36.70B.140, the city must issue a determination of completeness, etc.		X	X	X	X	X
Non-SEPA-exempt (SEPA threshold determination required)			X	X	X	X
Public hearing required				X	X	X
City council decision after recommendation from hearing examiner (preliminary plats, site-specific rezones) or planning commission (code or comprehensive plan amendments)						X

The above table, applied to permits issued pursuant to the Bonney Lake development code, results in the following list of permits by type:

	Type					
	1	2	3	4	5	6
Accessory dwelling units (ADU) permits	X					
Administrative wireless communication facility (WCF) permits	X					
Boundary line adjustments	X					
Building permits, SEPA-exempt	X					
Land clearing permits	X					
Lot combinations	X					
Sensitive area permits, SEPA-exempt	X					
Sign permits	X					
Sign variances	X					
Temporary permits	X					
Short plats, SEPA-exempt		X				
Final plats		X				
Building permits, non-SEPA-exempt			X			
Sensitive area permits, non-SEPA-exempt			X			
Shoreline letters of exemption	<u>X</u>		<u>X</u>			
Short plats, non-SEPA-exempt			X			
Site plan approvals			X			
Conditional use permits, SEPA-exempt				X		
Variances				X		
Critical areas variances					X	
Shoreline substantial development permits and variances			<u>X</u>		<u>X</u>	
<u>Shoreline conditional use permits and variances</u>					<u>X</u>	
Preliminary plats						X
Site-specific zoning reclassification not processed concurrently with a comprehensive plan amendment.						X

Section 31. BLMC 14.20.010 and Ordinance No 1325 § 2, 2009 is hereby amended to read as follows:

14.30.010 Procedure.

A. The director(s) shall approve completed Type 1 permit applications that meet the appropriate permit approval criteria. See the pertinent BLMC section or building code as follows:

1. Building permits, SEPA-exempt	The pertinent building code
2. Temporary permits	Chapter 14.100 BLMC
3. Sign permits	BLMC 15.28.050 – 15.28.060
4. Sign variances	BLMC 15.28.260
5. Land clearing permits	BLMC 16.12.030
6. Sensitive area permits	BLMC 16.20.060
7. Boundary line adjustments	BLMC 17.56.010
8. Lot combinations	BLMC 17.56.020
9. Administrative WCF permits	BLMC 18.50.009(B) & 18.50.013
10. ADU permits	BLMC 18.22.090(B)
<u>11. Shoreline Letters of Exemption</u>	<u>BLMC 16.58.020</u>

B. If the proposal is not exempt from design review (see Chapter 14.95 BLMC), the design commission shall review it and issue a finding of conformance (with or without conditions) or non-conformance with the community character element of the comprehensive plan.

C. The director(s) shall not approve the permit unless (1) the design commission has issued a finding of conformance with the community character element of the comprehensive plan, or (2) the director(s) has issued a finding of conformance contravening the design commission’s finding. If the director(s) contravenes the design commission’s finding, the director(s) shall promptly inform the design commission in writing of the reasons for doing so.

D. For appeals of shoreline permits see RCW 90.58.180 BLMC 16.58.100. For other appeals see BLMC 14.120.020 and 14.120.030.

E. No building permit shall be issued for work requiring a Type 1 permit until the 15-day appeal period has lapsed; provided, that this prohibition shall not apply if:

1. The work requires only a building permit; or
2. The director(s) waives this prohibition based on the applicant signing a statement acknowledging the appeal period and agreeing to remove or modify the permitted work at the applicant's expense should an appeal result in revocation or modification of the appealed permit.

Section 32. BLMC Section 14.70.110 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

14.70.110 Appeal.

For appeals of shoreline permits see ~~RCW 90.58.180~~ BLMC 16.58.100. For other appeals see BLMC 14.120.040.

Section 33. BLMC Section 18.14.06 and the corresponding portion of Ordinance No. 1302 § 2, 2003 is hereby amended to read as follows:

18.14.060 Setback and bulk regulations.

The following bulk regulations shall apply to the uses permitted in this district, subject to the provisions for yard projections included in BLMC 18.22.080:

- A. Required density at the conclusion of any short plat or subdivision: four to five dwelling units per net acre. For example, the subdivision of a parcel of three net acres must result in between 12 and 15 dwelling units.
- B. Minimum lot width: 55 feet. See also subsection H of this section.
- C. Minimum front setback: 20 feet for garages, 10 feet for residences. See also subsection H of this section. In areas where existing right-of-way is insufficient, additional setback shall be required as necessary.
- D. Minimum side yard: five feet (not applicable to property lines where single-family residences are attached).
- E. Minimum rear setback shall be as follows. See also subsection H of this section.
 1. Residence: 20 feet; ~~other than residences on Lake Tapps, which shall have a rear setback of 30 feet.~~
 2. A separate garage or accessory building: within 10 feet.
 3. A boathouse, if approved, may be constructed with no rear yard setback.
- F. Maximum height: 35 feet above grade.

G. Maximum lot coverage by impervious surfaces: 60 percent. See also subsection H of this section.

H. In the case of new subdivisions that cluster residences and preserve open space, concurrent with subdivision approval the city may reduce the requirements in subsections B, C, E and G of this section by up to 50 percent if indicated by application of the conditional use permit criteria (see BLMC 18.52.020(C)). See the list of conditional uses at BLMC 18.14.040.

Section 34. Codification. Sections 5 – 17 of this Ordinance shall be codified as Article III in Title 16 of the Bonney Lake Municipal Code and entitled "Shoreline Code"

Section 35. Repealer. The previously codified provisions of Chapter 16.08 BLMC and section 1 – 5 and 11 of Ordinance No. 404, sections 5, 5A and 12 of Ordinance 404A, sections 7 and 8 of Ordinance 555, section 4 and 5 of Ordinance 639 and the corresponding portion of Section 2 of Ordinance 988 are each repealed.

Section 36. Repealer. BLMC Section 16.20.160 and the corresponding portion of Section 2 of Ordinance No. 1070, 2004 is hereby repealed.

Section 37. This Ordinance shall take effect and be in force fourteen (14) days from and after its passage, approval and publication, as required by law.

PASSED by the City Council and approved by the Mayor this ___ day of _____, 2013.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

**ORDINANCE D13-56
ATTACHMENT "A"**

FINDINGS OF FACT AND CONCLUSIONS

Having considered in detail both the oral and documentary evidence received concerning the update to the City of Bonney Lake's Shoreline Master Program, the Bonney Lake City Council now makes and adopts the following Findings of Fact and Conclusions:

FINDINGS OF FACT

Shoreline Jurisdiction

- 1) The Watershed Company and Makers prepared the document entitled *Shoreline Analysis Report for City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* dated June 24, 2010 (Shoreline Inventory and Characterization Report).
- 2) The Shoreline Analysis Report identified the shorelines of the state which include portion of Fennel Creek and Lake Tapps to include the portion of the Printz Basin Flume within the City of Bonney Lake.
- 3) Upon further review it was determined that the Printz Basin Flume within the City of Bonney Lake is not considered a shoreline of the state regulated under the Shoreline Management Act (Chapter 90.58 RCW) and the City's Shoreline Master Program based on the following:
 - a. The water diversion facilities associated with the White River, Printz Basin, and Lake Tapps are specifically identified in the Department of Ecology's Shoreline Master Plan Handbook (DOE Publication Number 11-06-010) as an example of a water feature that is not a shoreline of the state:

The Lake Tapps Water Diversion was built in 1911 by the company currently doing business as Puget Sound Energy (PSE) to produce hydroelectricity. In 2004, PSE terminated the power generation operation, and in 2009 the Cascade Water Alliance (Cascade) bought the entire diversion system from PSE. Cascade intends to retrofit the diversion system and utilize it as a source of municipal drinking water.

Water is conveyed through several types of structures for more than eight miles, which starts at the diversion dam at White River Mile 24.3, **to its termination at Lake Tapps**. (Emphasis added) To

maintain the flume, regular dredging and vegetation removal is necessary.

The diverted water initially flows through an above grade wooden and cement flume; the water then flows through a constructed, earthen canal at approximately the crossing point of highway 410; the open channel then transitions into a series of underground pipes until it daylights just upstream of Lake Tapps. From the discharge point at the northwest end of Lake Tapps, the water flows through a tailrace back into the White River at River Mile 3.6. This is not a “naturally occurring” stream and the water is discontinuous from the White River. Therefore, the canal is **not a shoreline of the state.** (pg. 12)

- b. DOE wrote a letter to the City of Buckley on May 13, 2010 stating that DOE does not consider the Printz Basin or the associated flume from the initial diversion on the White River to its termination at Lake Tapps as a shoreline of the state:

The White River Flume is a constructed water conveyance originally built in 1911 by the company currently doing business as Puget Sound Energy (PSE) to produce hydroelectricity. In 2004, PSE terminated the power generation operation, and in 2009 the Cascade Water Alliance (Cascade) bought the entire diversion system from PSE. Cascade intend to retrofit the diversion system and utilize it as a source of municipal drinking water.

Water is conveyed through several structures on its eight-mile journey which starts at the initial diversion dam at White River Mile 24.3 within the Town of Buckley’s corporate limits, to its **termination at Lake Tapps** (see image 1). (Emphasis added) The diverted water initially flows through an above grade wooden and cement flume (see image 2); the water then flows through a constructed, earthen canal at approximately the crossing point of highway 410; [sic] The open channel then transitions into a series of underground pipes until it daylights in Printz Basin just upstream of Lake Tapps. From the discharge point at the northwest end of Lake Tapps, the water flow through the Deiringer Tailrace back in the White River at River Mile 3.6.

To maintain the flume, regular dredging and vegetation removal is necessary. Regular maintenance for the flume has lapsed for the past six years, however, due to the change in use of the flume the Cascade Water Alliance expects to reestablish a maintenance schedule upon the establishment of Lake Tapps as a source for drinking water.

We do not consider the flume a shoreline of the state. (Emphasis added) It is not a stream. It is a constructed facility designed and managed to care water for a specific purpose. Also we consider Printz Basin to be part of the flume and, likewise, not a shoreline of the state.

- c. DOE wrote a letter to Pierce County Planning and Natural Resource on November 1, 1993 stating that the flume from the White River to Lake Tapps has not attained a public status and therefore is not considered a shoreline of the state:

Neither Puget Sound Power and Light's diversion channel from the White River to Lake Tapps nor the discharge canal from the power plant back to the White River **meet the "public status" test at this time.** (Emphasis added) The degree of resemblance to a natural water body is minimal. The flow is artificially controlled; the channel is dewatered for as much as 20 days per year; and extensive portion of the flow is through concrete-lined channels and underground pipes. The degree of use of the waterway for navigational or public recreation ends is also minimal. Puget Sound Power and Light owns the channel and the land around it in its entirety. Public use is and historically has been discourage to limit liability and vandalism.

Under the authority of RCW 90.58.030(2)(f), which assigns responsibility for shoreline designation to the department of ecology [sic], **we have determined that these channels are not subject to regulations under the Shoreline Management Act** and the Pierce County Shoreline Master Program provided that their use is not expanded to encompass "public" benefits. (Emphasis added)

While the ownership of the flume has changed, the use of the flume has not been expanded to encompass "public" benefits, the use of the waterway for navigation or public recreation is still minimal, and public use is still discouraged to limit liability and vandalism. Therefore, the flume would still fail to meet the "public status" test as established by DOE

Public Participation

- 4) The City developed a Public Participation Plan to ensure public involvement in the update of the City's Shoreline Master Program as required by WAC 173-26-201(3)(b).
- 5) The City's Public Participation Plan was reviewed and accepted by the Department of Ecology as complaint with the provisions of WAC 173-26-201(3)(b).

- 6) The City formed a Citizen Advisory Committee (CAC) with the objective that the committee would provide in-depth and structured input to the City, assist in the outreach to various constituencies and interest groups, and ensure that a broad spectrum of interests and considerations are incorporated into the update process.
- 7) The City recruited members for the CAC by the following means:
 - a. Sent the announcement to people who have signed up for the Planning Newsletter online. At the time of the recruitment in 2010, 103 people had signed up to receive the online newsletter; and
 - b. Placed a copy of the recruitment notice in the Mayor's newsletter and in the monthly Bonney Lake Reporter that goes in the newspaper; and
 - c. Issued as a Press Release and posted the recruitment notice online and at the City's official posting locations; and
 - d. Placed a copy of the notice on the webpage – home page, planning page, and the SMP page; and
 - e. Mailed out letters to the Homeowner Association Representatives; and
 - f. Mailed out letters to agencies, companies and groups that may have an interest.
- 8) The Citizen Advisory Committee met on July 29, 2010, September 9, 2010, February 2, 2011, and March 10, 2011.
- 9) City held two Open Houses to educate interested parties on the elements of the Shoreline Master Program on October 18, 2010 and June 5, 2013.
- 10) The Bonney Lake Planning Commission held seven public meetings to discuss the SMP on December 5, 2012, January 16, 2013, February 6, 2013, April 10, 2013, May 1, 2013, May 15, 2013 and September 4, 2013.
- 11) The Bonney Lake Planning Commission held a public hearing October 16, 2013 and recommended that the City Council adopted the draft SMP.
- 12) The City mailed notices to all shoreline properties regarding the public hearings for the update to the Shoreline Master Program.

- 13) Notice of the public hearings for this matter has been conducted in accordance with City of Bonney Lake rules and regulations governing such matters for both the Planning Commission and the City Council.

State Environmental Policy Act

- 14) The adoption of the City's Shoreline Master Program is considered a non-project action as defined in WAC 197-11-704(2)(b) under the State Environmental Policy Act (SEPA).
- 15) The adoption of the City's Shoreline Master Program is not categorically exempted from the SEPA pursuant to WAC 197-11-800; therefore, the City was required to prepare a SEPA Checklist.
- 16) Pursuant to WAC 197-11-926, the City of Bonney Lake was designated as the lead agency for the SEPA review of the proposed Shoreline Master Program.
- 17) The City Bonney Lake SEPA Official reviewed the SEPA Checklist and issued a threshold Determination of Non-Significance under WAC 197-11-340 on September 16, 2013.
- 18) A comment period on the Determination of Non-Significance was provided from September 16, 2013 to October 16, 2013.
- 19) There was not an appeal of the Determination of Non-Significance and it stands as issued

Environmental Review

- 20) The City developed a Shoreline Inventory and Characterization document and distributed it for agency and public review and compiled and responded to comments and issued a final document on June 24, 2010.
- 21) The City issued a *Draft Cumulative Impacts Analysis for City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in March 2011 and considered and responded to government agency and public comments and prepared a *Final Cumulative Impacts Analysis for City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in June 2013, which was revised in December 2013 due to the removal of the Printz Basin Flume.
- 22) The Final Cumulative Impact Statement concluded that the, "...implementation of the proposed SMP is anticipated to achieve no net loss of ecological functions in the City of Bonney Lake's shorelines."

- 23) The City issued a *Draft Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in July 2011 and considered and responded to government agency and public comments and prepared a *Final Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in June 2013 which was revised in November 2013 due to the removal of the Printz Basin Flume.

Environmental Documents

- 24) The City's draft SMP regulations are based on "based available science" as document in the Shoreline Inventory and Characterization Report.
- 25) To supplement the Shoreline Inventory and Characterization Report, the City relied on the following existing environmental documents:

- a) *Environmental Analysis of the Fennel Creek Corridor* prepared by Foster Wheeler Environmental Corporation (1997).

This report included an in-depth analysis of the ecological functions of the entire length of Fennel Creek. This report provides greater specificity than what was included in the Shoreline Analysis. The report also includes a delineation of the wetlands, which is slightly different than the wetlands illustrated on Figure 6 of the Shoreline Analysis.

- b) *Fennel Creek Trail DEIS and Fennel Creek Trail FEIS* prepared by Tetra Tech (January 2007 and March 2007)

This analysis includes the portions of the trail at Allen Yorke Park and the area around Victor Falls. This information evaluates the impacts associated with the development of the Fennel Creek Trail within the Shoreline Jurisdiction.

- c) *Lake Tapps Boat Management Plan* prepared by Pierce County (2005)

This report provides information regarding the recreation usage of the reservoir. One of the specific concerns is that the Lake is already exceeding the Recreation Planning Standard of one acre per boat which has specific implication regarding the goal of SMA to increase access to the lake for boating purposes.

- d) *1997 Lake Tapps Survey: The Warmwater Fish Community of a Reservoir Managed for Hydropower* prepared by the Washington Department of Fish and Wildlife (1997)

This report concluded that the annual drawdowns and refills affect both biological and physical characteristics of the reservoir. For example, little, if any submersed aquatic vegetation (an important source of food and shelter for most warmwater fish) was detected in Lake Tapps during the study area. Temperatures did not exceed 13° C throughout the water column (cool temperatures result in slow fish growth) Furthermore, because of the colloidal nature of the water, secchi disc readings did not exceed 0.5 m (negligible light penetration affects primary productivity, aquatic plant growth, as well as foraging efficiency of fish).

- e) *City of Bonney Lake Wellhead Protection and Monitoring Program Phase II* prepared by RH2 (2000)

This report addresses the steps necessary to protect the well head areas which include the well head areas within the jurisdiction of the SMP. The Final Shoreline Analysis also did not include maps illustrating the Well Head Protection Area on the northwest side of the City's portion of the reservoir and the Critical Aquifer Recharge Area that encompasses all of the Fennel Creek.

- f) *Draft EIS and Final EIS: Lake Tapps Reservoir Water Rights and Supply Project* prepared by CWA (January 2010 and June 2010)

- g) *Lake Tapps Integrated Aquatic Vegetation Management Plan* prepared by Tetra Tech for Cascade Water Alliance (August 2010)

The purpose of the Lake Tapps Integrated Aquatic Vegetation Management Plan (IAVMP) is to develop a long-term strategy for eradication of milfoil from Lake Tapps Reservoir in order to improve existing beneficial and recreational uses, and insure water quality to meet future water demands.

- h) *Collaborative Community Plan for Managing Lake Tapps* prepared by EnviroIssues (Spring 2011).

This plan provides Cascade Water Alliance's approach to addressing issues associated with the Lake Tapps Reservoir, including invasive plants/animals, boater safety, public access, recreation usage.

- i) *Bonney Lake Septic System Abatement Master Plan* prepared by RH2 (2012).

This report addresses the abatement of existing septic systems, while none of the areas are within the shoreline jurisdiction; two of the areas are located in close proximity.

- j) *Quality of Water in the White River and Lake Tapps, Pierce County, Washington, May–December 2010* prepared by USGS (March 2012)

This report included an in-depth analysis of the water quality for the Lake Tapps Reservoir. As part report nine specific sites were monitored over the course of the study of which two are located with the aquatic area under the Bonney Lake SMP. One monitoring site was at Allen Yorke Park and the other was on the northeast side of Inlet Island.

State Agency Review

- 26) The goals and policies of the Shoreline Master Program shall be considered an element of a jurisdiction’s comprehensive plan and the regulatory provisions of the Shoreline Master Program shall be considered part of a jurisdiction’s development regulations pursuant to RCW 36.70A.480.
- 27) Development regulations are defined as the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto pursuant to RCW 36.70A.030.
- 28) The notice of the City’s intent to adopt Draft Ordinance was provided to the Department of Commerce on May 13, 2013 for review and comment by the Department and other State agencies required by RCW 36.70A.106.
- 29) The Draft SMP consisting of the proposed Shoreline Element of the *Bonny Lake Comprehensive Plan*, the development regulations (Article III Title 16 BLMC), the Bonney Lake Shoreline Restoration Plan and the Bonney Lake Shoreline Cumulative Impact Analysis were sent to the Department of Ecology for review and approval.

Countywide Planning Policies

- 30) The *Countywide Planning Policies for Pierce County Washington* (CPP) Env – 4.1 requires that each municipality in the County place, “... a primary emphasis on maintaining,

enhancing, conserving, and/or protecting, as appropriate, designated and identified natural resources including lands of local, county, and statewide significance.”

- 31) CPP-Env – 4.4 and 5.4 requires that each municipality in the County, “adopt a ‘no net loss’ approach.”
- 32) CPP-Env – 4.5 and 5.5 requires that each municipality in the County consider, “utilizing positive incentives to ensure conservation over time.”

Comprehensive Plan Policies

- 33) The *Bonney Lake Comprehensive Plan* (BLCP) Policy 3-5a states that the City should, “Encourage public participation in land-use planning, capital facility planning, and in the review of development proposals.”
- 34) BLCP Policy 3-12a states that the City should, “Preserve natural functions of shorelines, including banks, streams, and associated wetlands. Protect fragile ecosystems, including fish habitat in Fennel Creek and its natural tributaries.”
- 35) BLCP Policy 3-12b states that the City should, “Discourage activities that may pollute Lake Tapps, Lake Bonney, or Lake Debra Jane shorelines, including the use or storage of chemicals, pesticides, fertilizers, fuels and lubricants, animal and human wastes, and erosion. Regulate dredging, fill, bulkheads, docks, and other improvements to protect the natural functions and visual character of Lake Tapps, Bonney Lake, and Lake Debra Jane.”
- 36) BLCP Policy 3-12c states that the City should, “Ensure that water-oriented activities and improvements such as piers, floats, and barges do not hinder navigation on Lake Tapps, Lake Bonney, and Lake Debra Jane.”
- 37) BLCP Policy 3-12d states that the City should, “Provide access and views by means of public parks, fishing and boating docks, passive recreation areas, and overlooks and viewpoints. Commensurate with their enjoyment of the public resource, require new private developments to provide such facilities to the tenants and the public at large.
- 38) BLCP Policy 3-15a states that the City should, “Balance the responsibility to protect the community from land development impacts against the responsibility to protect property rights.
- 39) BLCP Policy 3-15b states that the City should, “Build into the regulatory scheme procedures for avoiding takings, such as variances or exemptions.”

- 40) BLCP Policy 3-19a states that the City should, “Protect valuable archeological sites and landmarks.”
- 41) BLCP Policy 3-19c states that the City should, “Notify the Washington State Office of Archeology and Historic Preservation when objects with potential cultural significance are identified.”

CONCLUSIONS

- 1) Much of the shoreline jurisdiction and the uplands adjacent thereto are in private ownership. Unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shoreline jurisdiction while recognizing and protecting private property rights consistent with the public interest.
- 2) There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of Bonney Lake’s shoreline jurisdiction.
- 3) Bonney Lake Shoreline Master Plan is intended to:
 - a. Respond to recent shoreline concerns and knowledge;
 - b. Ensure that habitat issues are addressed by identifying and utilizing the most current, accurate and complete scientific and technical information available for shorelines and critical areas Best Available Science (BAS);
 - c. Identify needed enhancement and restoration opportunities;
 - d. Integrate the SMP with Bonney Lake’s Comprehensive Plan;
 - e. Specifies shoreline regulations as a separate Title in the Bonney Lake Municipal Code;
 - f. Address the most current regulatory solutions; and
 - g. Demonstrate consistency with the 2004 DOE Shoreline Guidelines; and
 - h. Provide management of the shorelines of the City by planning for and fostering all reasonable and appropriate uses; and

- i. Ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest; and
 - j. Protecting against adverse effects to the public health, the land and its vegetation and wildlife and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights.
- 4) Bonney Lakes's shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.
- 5) By State mandate, Bonney Lake's SMP includes a regulatory component. The regulatory component addresses issues of concern regarding specific land uses or activities within the shoreline, and issues related to shoreline modification in order to protect and enhance the unique ecological functions of the shoreline resource.
- 6) A new article will be added to Title 16, Shoreline Code, to establish permitted, conditional, and special use permits for land uses based on environmental and zoning designations.
- 7) Bonney Lake's proposed SMP implementing regulations appropriately limits the use of property through traditional development regulations such as setbacks, building height, public access, permitted uses, design guidelines, protection of critical areas, parking, and signage. Where flexibility is needed to accommodate private property rights, the City's regulations provide for the continuation of legal non-conforming uses and variance provisions.
- 8) Alterations of the natural condition of the shoreline jurisdiction, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, piers, and other improvements facilitating public access to shorelines.
- 9) All development standards within these sections were reviewed and found to be in compliance with the Shoreline Management Act; and
- 10) Projects for which complete building permits have already been submitted to the City are vested to the regulations and development standards prior to the adoption of this Ordinance are not subject to these standards unless substantial modification of the project is proposed which result in new application for development of the project.

Shoreline of Statewide Significance

- 11) The Shoreline Element of the Bonney Lake Comprehensive Plan and implementing development regulations establishes shoreline environmental designations based on the Shoreline Managements Act's preferred uses for Shorelines of Statewide Significance.

Cumulative Impacts

- 12) The most current, accurate and complete scientific and technical information or Best Available Science (BAS) has been used to characterize the shoreline and develop this SMP for the City of Bonney Lake. BAS is based on research and studies conducted by qualified individuals using documented methods that lead to verifiable results and conclusions. Where there were gaps in the data or information, the City relied on existing studies, existing literature, and best professional judgment.
- 13) State guidelines for implementing the Shoreline Management Act require that activities on the shoreline must result in "no net loss" of ecological functions. To achieve "no net loss" from new development, the City has included development sequencing as part of the shoreline critical area regulations which must address "no net loss" of ecological function. A development must first avoid, if at all possible, critical area impacts. If not, then they need to be minimized and mitigated. Finally, to balance the "no net loss" equation, restoration is utilized to maintain a balance or improve ecological functions along the shoreline. This sequencing of steps is used to determine the buildable area of the land and provides property owners with use of their property while protecting the critical area.
- 14) Based on BAS and implementation of stronger development regulations, the cumulative actions taken over time in accordance with the proposed SMP are not likely to result in a net loss of shoreline ecological functions from existing baseline conditions.
- 15) The Cumulative Effects Analysis for the Shoreline Master Program demonstrates that the program will make a positive contribution to maintaining and enhancing the ecological functions of the shoreline in Bonney Lake.

Public Access

- 16) The regulations are intended to improve public access as well as limit the impacts from overwater structures (docks/piers and boat launch floats).

- 17) In the implementation the SMP, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the county, and the people generally. To this end uses are preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline.
- 18) Permitted uses in the shorelines zone have been designed in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline jurisdiction and any interference with the public's use of the water.

**ORDINANCE NO. D13-56
ATTACHMENT "B"**



City of Bonney Lake

Shoreline Master Program

Map Legend

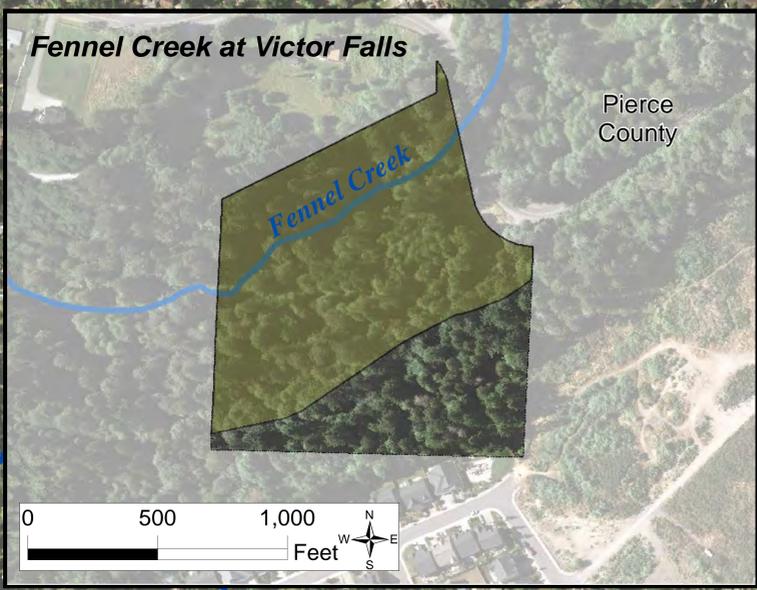
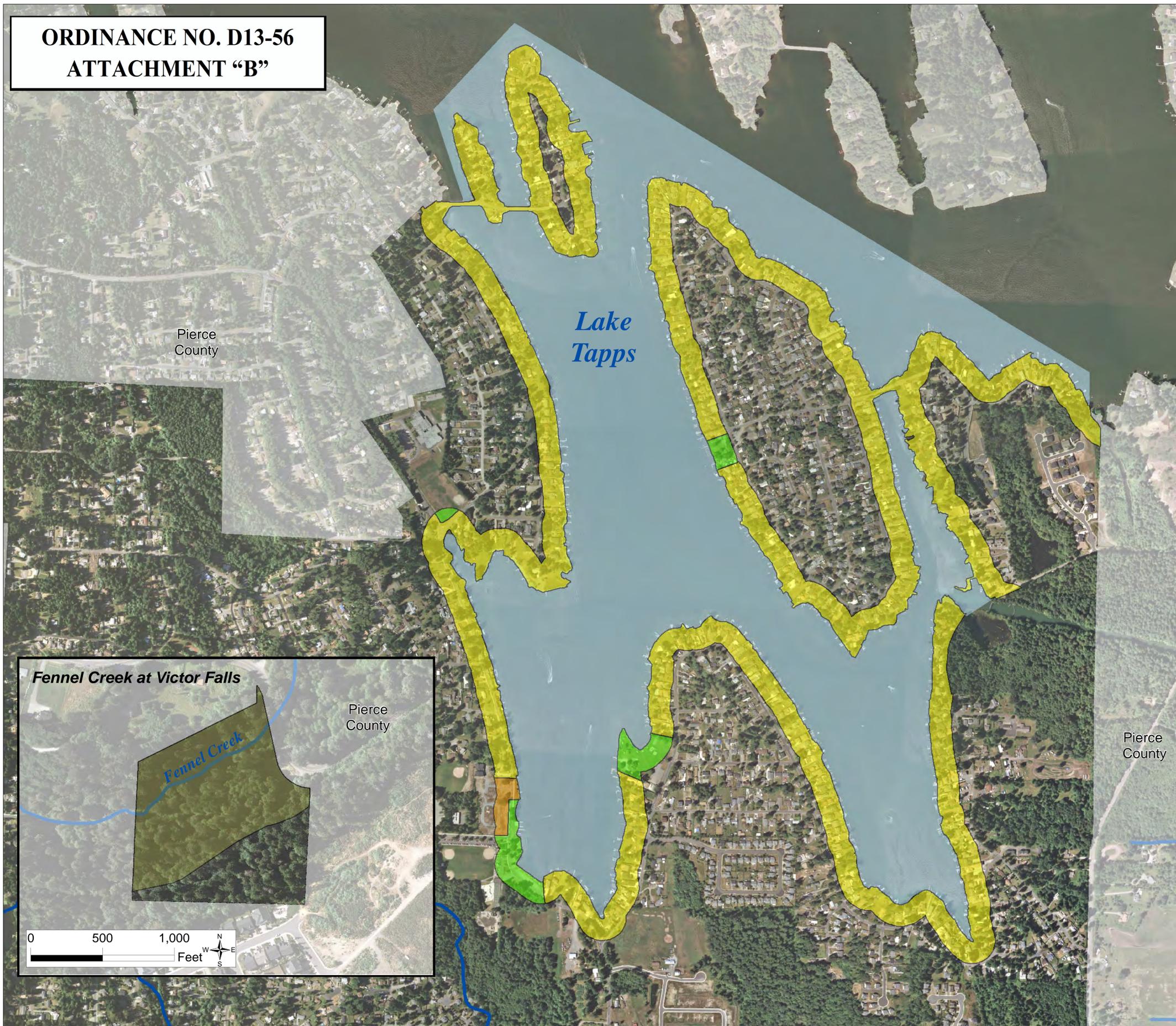
Proposed Environmental Designations

- Park
- Shoreline Residential
- Shoreline Multifamily
- Aquatic Environment
- Fennel Creek Tributaries
- Bonney Lake City Limits

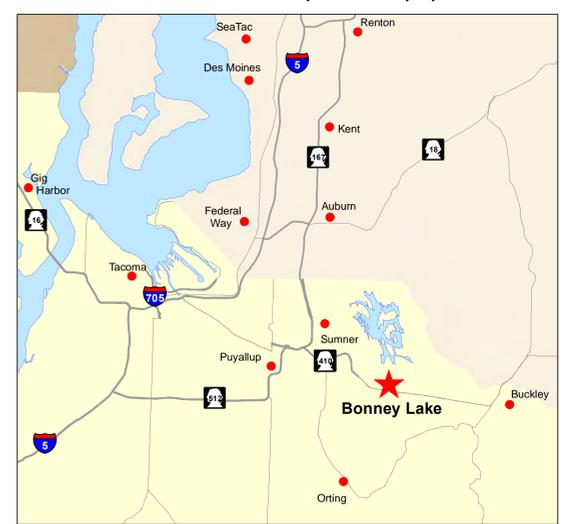
Inset*

Environmental Designations

- Natural
- Fennel Creek
- Bonney Lake City Limits



* Inset is parcel # 0519092017
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. 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.



Community Development Department
November 14, 2013

**ORDINANCE D13-56
ATTACHMENT “C”**

**CHAPTER 13: SHORELINE ELEMENT
Table of Contents**

1. INTRODUCTION ii

 1.1 Statutory Framework 1

 1.2 Vision 1

 1.3 Organization 2

 1.4 Lake Tapps Reservoir 2

 1.5 Fennel Creek 5

2. SHORELINE ENVIRONMENTAL DESIGNATIONS (SED) 6

3. GENERAL SHORELINE POLICIES 8

 3.1 Public Access 8

 3.2 Critical Areas 9

 3.3 Water Quality and Water Quantity 10

 3.4 Shoreline Vegetation Conservation 11

 3.5 Archaeological, Historic and Cultural Resources 13

4. SHORELINE USES AND DEVELOPMENTS 13

 4.1 General 13

 4.2 Residential 14

 4.3 Recreation 15

 4.4 Boating Facilities 17

 4.5 Over Water Structures 18

 4.6 In-Stream Structures 19

 4.7 Transportation Facilities 19

 4.8 Utilities 20

5. SHORELINE MODIFICATIONS 21

 5.1 General 21

 5.2 Shoreline Stabilization 21

 5.3 Filling 22

 5.4 Clearing and Grading 23

 5.5 Dredging 23

 5.6 Shoreline Restoration and Ecological Enhancement 23

6. SHORELINES OF STATEWIDE SIGNIFICANCE 24

DRAFT

This page intentionally left blank

1. INTRODUCTION

The *City of Bonney Lake's Shoreline Master Program (SMP)* consists of shoreline goals and policies contained in this chapter of the *Bonney Lake Comprehensive Plan*, shoreline regulations contained in Shoreline Code (Chapters 16.34 – 16.58 of the Bonney Lake Municipal Code (BLMC)), and the *City of Bonney Lake Shoreline Restoration Plan*. The SMP is adopted pursuant to the authority in Chapter 90.58 RCW and Chapter 173-26 WAC.

1.1 STATUTORY FRAMEWORK

In 1971, the State of Washington legislature enacted the Shoreline Management Act (SMA) in order “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shoreline” which the legislature determined “are among the most valuable and fragile” of the state's resources. To that end, the SMA established board policy goals related to the utilization, protection, restoration, and preservation of the shorelines and gave preference single-family residences and to:

- Uses that protect water quality, vegetation, and wildlife habitat.
- Uses which depend on the proximity to the shoreline.
- Uses which preserve and enhance public access or recreational opportunities for the public.

A citizen’s initiative in 1972 designated that all lands within two hundred (200) feet of the shoreline would be regulated under the SMA.

The goal of the SMA is to create a regulatory framework that balances authority to regulate development on the shoreline between state and local government. Within this framework, the Department of Ecology has the responsibility for issuing guidelines for SMPs, assisting local governments in developing master programs, and determining if local SMP’s meet the policy objectives of the criteria in RCW 90.58.090 and the requirements in Chapter 173-26 WAC. The City of Bonney Lake is responsible for the preparation of a SMP that establishes the policies, goals and regulations related to the future development and use of the shorelines that is tailored to the specific needs of the community and complies with the requirements of the established by the State.

1.2 VISION

The City of Bonney Lake’s first SMP was adopted in 1975 and has not been subsequently updated; other than minor revisions to the administrative provisions. Key considerations within the original SMP included conservation, public access, guidance for water-oriented recreational uses, and allowance for residential development.

To address the changes since 1975, comply with the mandates of the SMA, and enable the City to plan for emerging issues, the City initiated a comprehensive update of its SMP in 2009. The updated SMP responds to current conditions and the community’s vision for the future. In updating the SMP, the City’s primary objectives were to:

- Enable current and future generations to enjoy an attractive, healthy, and safe waterfront.
- Protect the quality of water and associated natural resources of the State’s shorelines.
- Preserve fish and wildlife habitats.
- Protect the investments of property owners along and near the shoreline.
- Have an SMP that is supported by Bonney Lakes elected officials, citizens, property owners, the State of Washington, and other key groups with an interest in the shoreline.
- Efficiently achieve the SMP mandates of the State.
- Plan for and foster all reasonable and appropriate uses.
- Provide opportunities for the general public to have access to and enjoy the shorelines of the state.

The City of Bonney Lake’s SMP represents the City’s participation in a coordinated planning effort to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights. The objective of the SMP is to preserve the public’s opportunity to access the shorelines of the state and to protect the functions of shorelines so that, at a minimum, the City achieves a ‘no net loss’ of ecological functions. The SMP also promotes restoration of impaired ecological functions.

1.3 ORGANIZATION

The goals and policies in this Shoreline Chapter are grouped under five sections:

- Shoreline Designations
- General Shoreline Policies
- Shoreline Uses and Development
- Shoreline Modifications
- Shorelines of Statewide Significance

1.4 LAKE TAPPS RESERVOIR

Lake Tapps is the largest freshwater body in Pierce County with approximately 4.5 square miles of surface area (2,296 square acres) and 45 miles of shoreline. The City of Bonney Lake has jurisdiction over approximately 9.5 miles of the Lake Tapps’ shoreline; the remaining 35.5 miles is under the jurisdiction of the Pierce County SMP.

Lake Tapps is a man-made water body constructed by Pacific Coast Power Company between 1909 and 1911 as part of the White River Power Plant. The project included the construction of a diversion facility near the City of Buckley to divert water from White River and 2.5 miles of dikes and embankments to create a reservoir that artificially raised the level of four natural lakes: Church, Crawford, Kirtley, and Tapps.

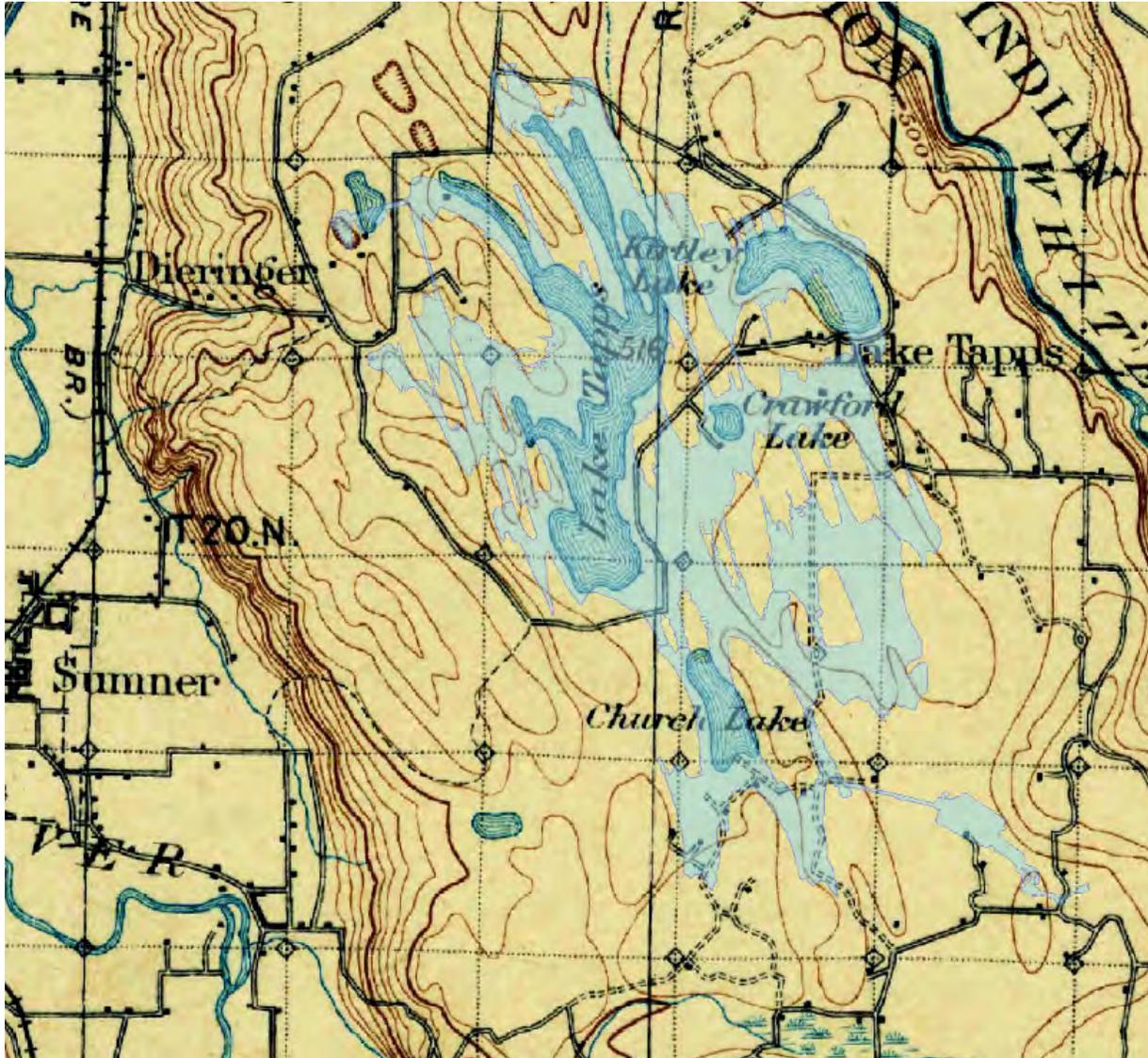


Figure 1: The four original lakes as shown on the 1897 USGS Map overlaid with the Lake Tapps Reservoir

The diverted water stored in the reservoir was originally used to turn turbine generator units in a powerhouse located on the valley floor near Dieringer which supplied electricity to Tacoma and Seattle.¹

¹ Kramer, Arthur. 1986. *Among the Livewires, 100 Years of Puget Power*. Creative Communications; Edmonds, WA.

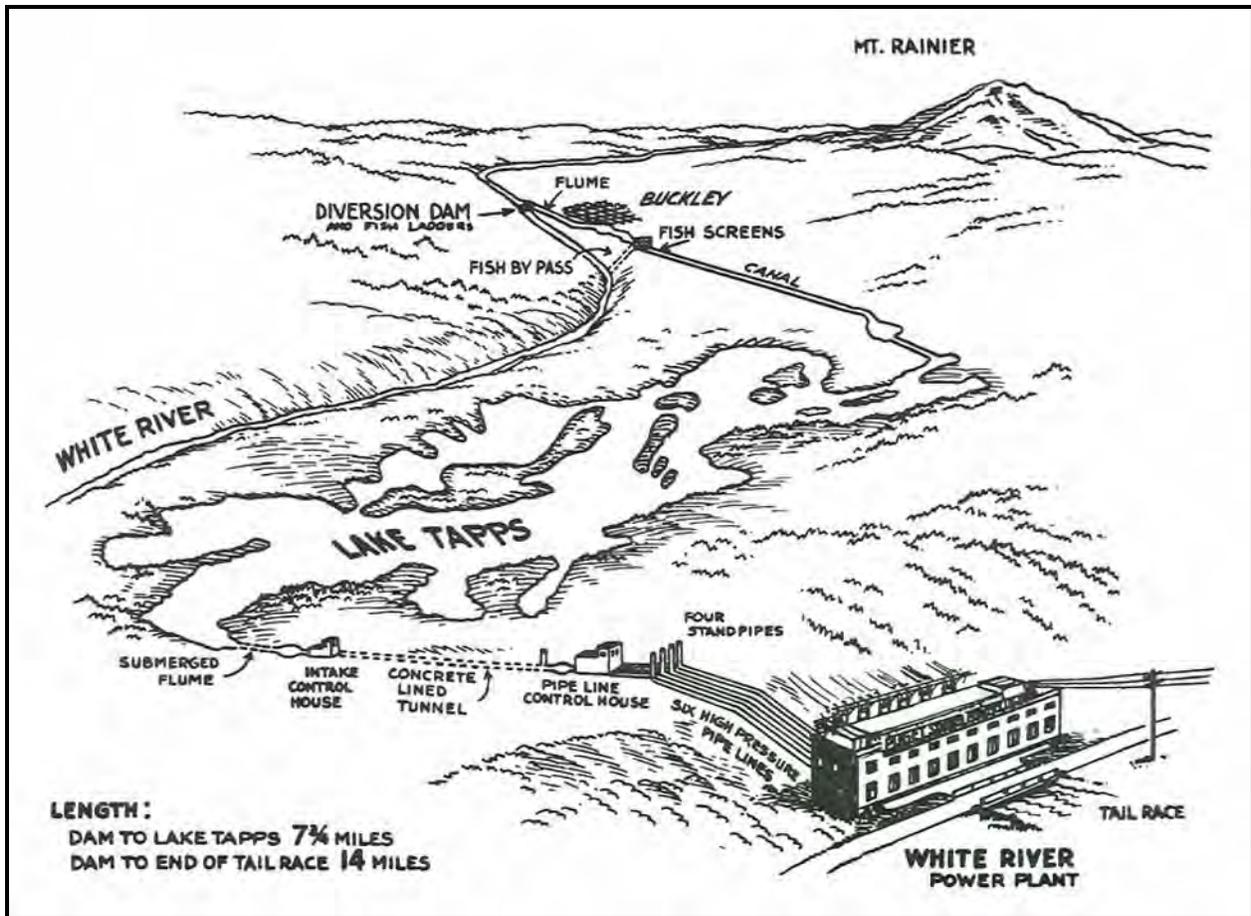


Figure 2: Historic Hydroelectric Facilities²

Lake Tapps was utilized for hydroelectric power generation by Puget Sound Energy (PSE) for nearly a century. PSE voluntarily ceased operations, in 2004, due to revisions to the operating license which included stronger environmental regulations established by the Federal Energy Regulatory Commission (FERC) making operation of the facility more expensive than alternative power sources.³ In 2005 the Cascade Water Alliance⁴ (CWA) and Pierce County entered into a Memorandum of Understanding for the long term management and operation of Lake Tapps as public water supply and public recreational amenity. The CWA subsequently purchased the White River Power Generation Facility from PSE in 2009 assuming the operation and maintenance responsibilities for Lake Tapps.

In 2010, the Department of Ecology granted CWA water rights which allows CWA to divert water from the White River to be stored and withdrawn from Lake Tapps for municipal water supply purposes. The project is planned to take 50 years to construct and once operations commence CWA has authority to take an average of 48 million gallons of water from Lake Tapps each day for public use. As part of the

² Kramer, Arthur. 1986. *Among the Livewires, 100 Years of Puget Power*. Creative Communications; Edmonds, WA.

³ *Collaborative Community Plan for Managing Lake Tapps*, Spring 2011 prepared for Cascade Water Alliance by EnviroIssues.

⁴ The Cascade Water Alliance is a coalition including the Cities of Bellevue, Issaquah, Kirkland, Redmond, and Tukwila, the Sammamish Plateau Water and Sewer District, and Skyway Water and Sewer District.

project CWA has entered into an agreement with the Muckleshoot and Puyallup Tribes to preserve and restore fish habitat in the White River.

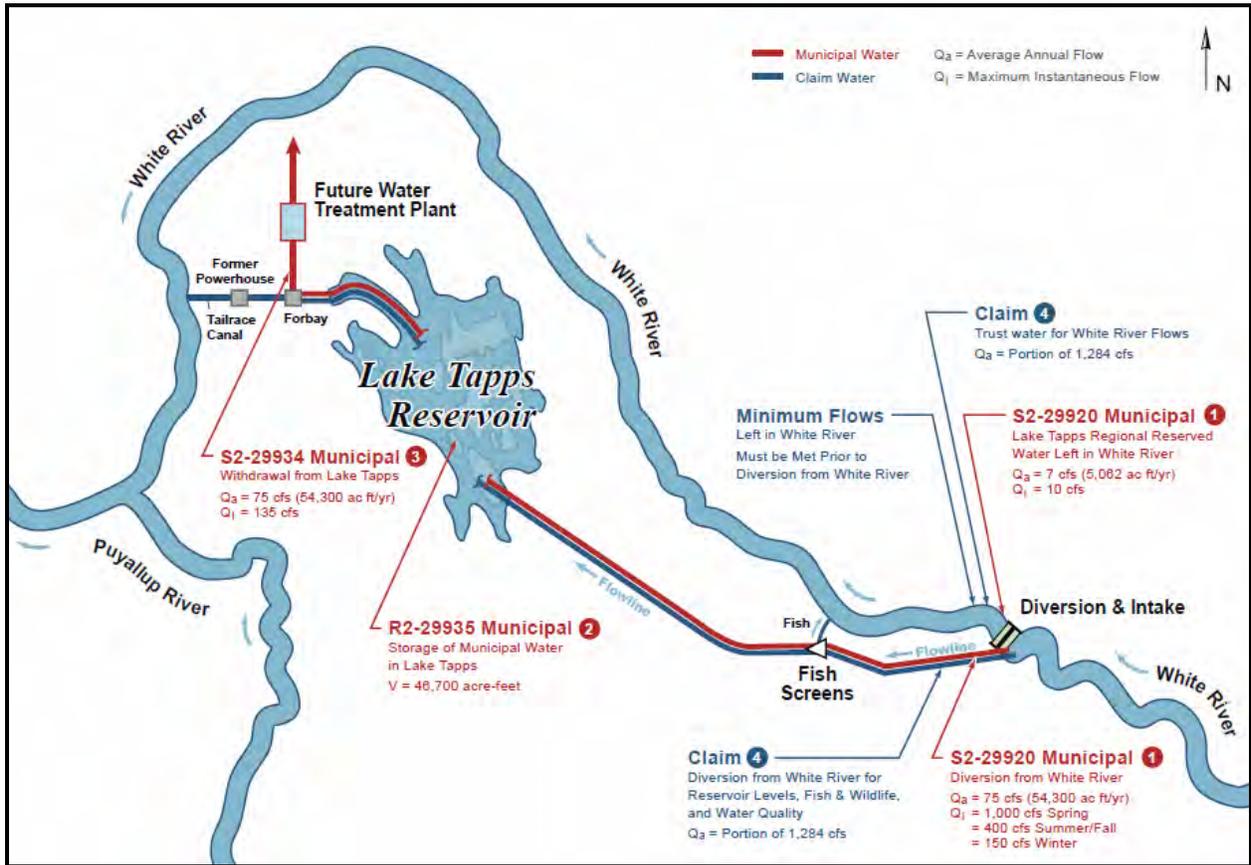


Figure 3: Plan for the CWA Water Supply Project⁵

1.5 FENNEL CREEK

Fennel Creek begins at a spring near the intersection of SR-410 and 234th Ave. E. and collects surface and spring runoff all along the corridor before flowing into the Puyallup River. The only portion of Fennel Creek within the jurisdiction of the SMA and regulated by the City's SMP is located below Victor Falls.

⁵ DRAFT EIS: Lake Tapps Reservoir Water Rights and Supply Project. January 29, 2010. Figure S-1

2. SHORELINE ENVIRONMENTAL DESIGNATIONS (SED)

Goal SL-1: Provide a comprehensive shoreline environmental designation system to systematically guide the use, development, preservation, and restoration of the shorelines of the state within the City of Bonney Lake.

Policy SL-1.1: Shorelines designated Natural (“N”) should be areas that contain high quality habitat relatively free of human influence.

Within these areas, only low intensity uses should be allowed in order to maintain the existing high quality habitat. This type of designation would be appropriate for the undeveloped areas around Fennel Creek at Victor Falls. The City should focus on preserving these areas and prohibiting development that would degrade ecological functions. The following management polices should be implemented though the development regulations adopted by the City for these areas:

- Uses that would substantially degrade the ecological functions or be detrimental to the visual quality of the natural character should be prohibited.
- Access may be permitted for scientific, historical, cultural, educational, and low-intensity water-enjoyment recreational purposes.
- Physical alterations should only be considered when they serve to protect or enhance a significant, unique, or highly valued feature that might otherwise be degraded or for public access where no significant ecological impacts would occur.

Policy SL-1.2: Shorelines designated Park (“P”) should be areas that are planned for recreational uses and school properties.

The purpose of the “Park” designation is to provide areas suitable for water-oriented recreational uses while protecting and, where feasible, restoring ecological functions. This type of designation would be appropriate for areas such as Inlet Island Park, Church Lake Park, Allan Yorke Park, and Emerald Hills Elementary. The following management polices should be implemented though the development regulations adopted by the City for these areas:

- Water-dependent recreational uses should be given highest priority. Water-oriented recreational uses should be given priority over nonwater-oriented uses.
- Water-dependent and water-enjoyment recreation facilities (e.g. boating facilities, angling, wildlife viewing trails, and swimming beaches) are preferred uses.
- During development and redevelopment, all reasonable efforts should be taken to restore ecological functions.
- Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within this designation to ensure that new development does not further degrade the shoreline and is consistent with the overall goal of improving ecological functions and habitat.

Policy SL-1.3: Shorelines designated as Shoreline Residential (“SR”) should be areas that are identified to accommodate existing and planned single family residential uses.

The Shoreline Residential designation is suitable to areas either currently or planned to accommodate residential development and appurtenant structures. The objective of assigning an area to this designation is recognizing that if development is to occur within the shoreline, it should occur in areas that have already been altered instead of shoreline areas that remaining in highly natural state. This type of designation would be appropriate for the residential areas around Lake Tapps as approximately 90% of the shoreline is armored and already developed.⁶ The following management polices should be implemented through the development regulations adopted by the City for these areas:

- Existing ecological functions should be protected and, where feasible, previously degraded ecological functions should be restored.
- During development and redevelopment, all reasonable efforts, should be taken to restore ecological functions.
- Standards should be established for buffers, shoreline stabilization measures, vegetation conservation, critical area protection, water quality, and shoreline modifications to ensure that development does not further degrade the shoreline and is consistent with the overall goal of improving ecological functions and habitat.
- Public access should be enhanced whenever feasible; provided that significant ecological impacts can be mitigated.
- Residential development should be permitted where there is adequate access to public utility services.
- Land divisions of five or more parcels should provide public access.
- New residential development should be located and designed so that future shoreline stabilization is not needed.

Policy SL-1.4: Shorelines designated as Shoreline Multifamily (“SM”) should be areas that are identified to accommodate high density residential uses.

The Shoreline Multifamily designation is for areas that of January 1, 2013 were designated High-Density Residential by the Future Land Use Map adopted as part of the Comprehensive Plan. These areas are planned for multifamily residential development of up to 20 dwelling units per acre. This designation should not be expanded within the shoreline jurisdiction as high density multifamily is not a preferred use under the SMA.

⁶ Final Shoreline Analysis Report for City of Bonney Lake’s Shorelines: Lake Tapps Lake Tapps Reservoir and Fennel Creek pg 10. (2010)

The objective of assigning an area to this designation is in recognition that the first level of environment designation assignments must be based on planned land use identified in the Comprehensive Plan in order to ensure consistency between the Comprehensive Plan and SMP as required by WAC 173-26-211(3). Additionally, this designation recognizes that not only must the overall uses allowed be consistent between the Comprehensive Plan and the SMP, but also the restrictive provisions of each should not combine in such way that the use is effectively precluded on any parcel. The following management policies should guide development within these areas:

- Existing ecological functions should be protected and, where feasible, previously degraded ecological functions should be restored.
- During development and redevelopment, all reasonable efforts should be taken to restore ecological functions.
- Standards should be established for buffers, shoreline stabilization measures, vegetation conservation, critical area protection, water quality, and shoreline modifications to ensure that development does not further degrade the shoreline and is consistent with the overall goal of improving ecological functions and habitat.
- Residential development should be permitted where there is adequate access to public utility services.
- New multi-family development should provide public access.
- New residential development should be located and designed so that future shoreline stabilization is not needed.

3. GENERAL SHORELINE POLICIES

3.1 PUBLIC ACCESS

Goal SL-2: Preserve and enhance the public's ability to physically and visually enjoy the shoreline environment.

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge; to travel on the waters of the state; and to view the water and the shoreline. Public access is a key component of the SMA and should be encouraged both in private and public developments.

Policy SL-2.1: Views of Lake Tapps from public parks should be preserved and enhanced.

Enhancement of views should not be construed to mean excessive removal of vegetation.

Policy SL-2.2: Public access should be designed to minimize impacts on adjacent uses, provide for public safety, and avoid impacts to critical areas.

Public access should be designed to minimize the impacts on adjoining properties, through measures such as physical separation or by placing an intervening landscape buffer. In addition, public access trails

should be located and designed to assure that users are visible and that pathways are well illuminated, if open in hours of darkness.

Public access through environmentally critical areas should be designed to avoid or minimize impacts wetlands or streams and corresponding protective buffers.

Policy SL-2.3: Cooperate with Pierce County and other local government agencies to complete the Fennel Creek Trail.

While the entire length of the Fennel Creek Trail is not within the shoreline area, the trail will connect Allan Yorke Park to the Foothills Trail and the future Pierce County Flume Trail. This regional trail network will connect multiple shoreline areas including Lake Tapps, Fennel Creek, and the Puyallup and White Rivers.

Policy SL-2.4: Enhance West Tapps Highway and Bonney Lake Boulevard to improve access for recreational activities and local residence.

Traffic at the intersection of West Tapps Highway and Bonney Lake Boulevard has increased over time and is extremely heavy in the summer due to the boat launch facilities at Allen Yorke Park. Improvements should be sought which recognize the recreational and commuting needs of diverse user groups: pedestrians, bicyclists, boaters, and local residents.

Policy SL-2.5: Design transportation improvement projects to increase public access and scenic amenities.

Shoreline roadways, such as West Tapps Highway and Church Lake Road, should be designed to maximize views of the water, provide pedestrian amenities, (e.g. widened sidewalks, benches, view stations, etc.), and include the development of a public sign system that identifies historic or scenic features.

3.2 CRITICAL AREAS

Goal SL-3: Preserve, protect, and restore critical areas within the shoreline environment.

Policy SL-3.1: Protect and preserve shoreline-associated wetlands.

Within the immediate vicinity of Fennel Creek, there are wetlands which perform many ecological functions, including habitat for fish and wildlife, flood control, groundwater recharge, water storage, and sedimentation filtration.

Policy SL-3.2: Manage development to avoid risk and damage to property and loss of life from geological hazards.

Lake Tapps is situated on an upland glacial drift plain bounded by volcanic mudflows and continental deposited ice-sheets.⁷ As a result a small portion of Lake Tapps' shoreline has been classified as a

⁷ Pierce County Shoreline Inventory and Characterization Report (2007) pg. 4-25

Seismic Hazard Area.⁸ Seismic hazard areas are subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting.

Fennel Creek is located in forested ravine that extends from Victor Falls to a point just upstream of McCutcheon Road which is considered a Potential Land Slide Hazard Area.⁹ Landslide hazard areas are subject to landslides based on geology, soils, topography, and hydrology.

Policy SL-3.3: Protect and preserve freshwater habitat conservation areas.

Fish and wildlife habitat conservation areas provide food, protective cover, nesting, breeding, or movement for threatened, endangered, sensitive, monitor, or priority species of plants, fish, or wildlife. Within the City, both Lake Tapps and Fennel Creek fall within this classification.

Lake Tapps has been designed a Priority Habitat Area for both Waterfowl and Small Waterfowl Concentrations providing resting and foraging habitat for hundreds of waterfowl with the greatest concentrations present during the fall migration period.¹⁰

The reach of Fennel Creek around Victor Falls is within the highest class range (Class AA) established for Washington state surface waters and is classified as an Urban Natural Open Space consisting of a high value riparian corridor with multiple vegetation layers and a predominance of native plant species providing high quality habitat for wildlife species including Coho Salmon, cutthroat trout, and winter steelhead. Fennel Creek.¹¹

Policy SL-3.4: Prevent development within the 100-year floodplain to avoid risk and damage to property and loss of life.

Frequently flooded areas help to store and convey storm and flood water, recharge ground water, and provide important riparian habitat for fish and wildlife. Flooding also can cause substantial damage to public and private developments located within these areas resulting in significant costs to the public as well as to private individuals.

3.3 WATER QUALITY AND WATER QUANTITY

Goal SL-4: Manage activities in the larger watershed basin that may adversely impact surface and ground water quality or quantity.

Surface water management at the larger watershed basin is critical since activities through out the watershed contribute to water quality conditions in both Lake Tapps and Fennel Creek.

As part of the *City of Bonney Lake's Stormwater Comprehensive Plan* and implementation of the NPDES Phase II Municipal Stormwater Permit requirements, the City is pursuing activities and programs within

⁸ *Final Shoreline Analysis Report for City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek* (2010) Figure 8

⁹ *Final Shoreline Analysis Report for City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek* (2010) Figure 8

¹⁰ Cascade Water Alliance. *Lake Tapps Reservoir Water Rights and Supply Project Draft Environmental Impact Statement* (2010) pg 8-10

¹¹ Foster Wheeler Environmental Corporation. 1999. *Environmental Analysis of the Fennel Creek Corridor*. Pg. 2-75.

the larger watershed to address flood protection, water quality improvement, and habitat protection and restoration.

Policy SL-4.1: Manage storm water quantity to ensure protection of natural hydrology patterns and avoid or minimize impacts to streams.

Native forest communities with healthy soil structure and organic content control the amount and timing of run-off water that reaches streams by intercepting, storing, and slowly conveying precipitation. As these systems are impacted and forests are replaced by impervious surfaces (e.g. roads, parking areas, and rooftops), larger quantities of water quickly leave the watershed and drastically reduce the amount of water that seeps into the ground to replenish the groundwater.

If there is not enough water in the ground that can be slowly release back into streams in the dry months of summer, water temperatures become too high to support fish and fish can become isolation in small pools. Too much water in the winter causes unnaturally swift currents that can erode stream banks and scour stream channels damaging fragile fish habitat.

Policy SL-4.2 Prevent impacts to water quality associated with septic systems.

Most of the residential buildings directly adjacent to Lake Tapps, within the City, are connect to the sanitary sewer system. However, there are pockets of residential development within the vicinity of Lake Tapps that still utilize septic systems. The City adopted a *Septic System Abatement Master Plan* in May of 2012 in order to move these pockets onto the City's sewer system.

Policy SL-4.3: Support public education efforts to reduce the use of pesticides and fertilizers in order to protect and improve water quality.

The shoreline adjacent to Lake Tapps is dominated by lawns maintained with chemical fertilizers, herbicides, and pesticides which can have a negative impact water quality. Fertilizers and herbicides can affect aquatic vegetation communities stimulating overgrowth of some species and suppress growth of other species. Encouraging natural yard care practices can help to reduce chemical contaminants from entering Lake Tapps which is ultimately discharged back to the White River.

3.4 SHORELINE VEGETATION CONSERVATION

Goal SL-5: Preserve, protect, and restore native shoreline vegetation.

Vegetation within the shoreline environment is essential for fish and wildlife habitat. Vegetation helps to support soil stability, reduce erosion, moderate temperature, produce oxygen, and absorb significant amounts of water, thereby reducing runoff and flooding.

Policy SL-5.1: New developments or substantial redevelopments along Lake Tapps should preserve and restore shoreline vegetation.

Lake Tapps Reservoir has a scarcity of emergent aquatic and shoreline vegetation due to the amount of shoreline armoring and the annual water level drawdowns.¹² Therefore, the City's efforts must primarily focus on restoration.

Policy SL-5.2: Preserve the existing native shoreline vegetation around Fennel Creek.

Fennel Creek is a high value riparian corridor having multiple vegetation layers with a predominance of native plant species providing high quality habitat for wildlife species.¹³

Policy SL-5.3: Minimize tree clearing and thinning activities along the shoreline and require mitigation for trees that are removed.

Tree removal or topping for the purposes of creating views should be prohibited. Limited thinning of trees to enhance views or for maintenance for health and vigor of the tree may be appropriate in certain circumstances, provided that this activity does not adversely impact tree health and/or ecological functions.

Policy SL-5.4: Work with Cascade Water Alliance to provide outreach and education materials to lakeside property owners about the importance and role of shoreline vegetation.

The City should work with CWA to offer shoreline property owners workshops or other materials addressing invasive species, erosion control, and natural yard care practices.

Policy SL-5.5: Work with Cascade Water Alliance regarding the management of noxious aquatic vegetation to ensure the use of a mixture of control methods with emphasis the most environmentally sensitive methods.

Noxious weeds are non-native invasive plants that when established are highly destructive, competitive, and difficult to control. These plants have been introduced intentionally or unintentionally by human actions and typically have no natural enemies. As a result, these plants can often multiply rapidly.

The most common invasive species impacting Lake Tapps is Eurasian Water Milfoil which is an aquatic plant that lowers dissolved oxygen, increases pH, displaces native aquatic plants, and increases water temperature. In order to address the milfoil present in Lake Tapps, CWA developed the *Lake Tapps Integrated Aquatic Vegetation Management Plan* (2010) which calls for a combination of hand-pulling, spot herbicides applications, twice annual monitoring, mapping, and the winter drawdown as part of a long-term strategy for the eradication of milfoil.¹⁴

¹² 1997 Lake Tapps Survey: The Warmwater Fish Community of a Lake Tapps Reservoir Managed for Hydropower. 1997. pg 1

¹³ Foster Wheeler Environmental Corporation. 1999. *Environmental Analysis of the Fennel Creek Corridor*. Pg. 2-75.

¹⁴ *Lake Tapps Lake Tapps Reservoir Integrated Aquatic Vegetation Management Plan*. Tetra Tech. (2010) pg iii

3.5 ARCHAEOLOGICAL, HISTORIC, AND CULTURAL RESOURCES

Goal SL-6: Identify, protect, preserve, and restore important archeological, historical, and cultural sites located in the shoreline area.

The plateau on which Bonney Lake sits has a long history, dating back to trails used by Native Americans traveling between Puget Sound and the Yakima territory east of Mt. Rainer. The plateau also contains many historic resource related to the Naches Trail which brought settlers over the Cascades to western Washington.

Policy SL-6.1: Prevent destruction or damage to historic, cultural, scientific or educational resources located along the shoreline.

Steps should be taken to identify and preserve archaeological, historic and cultural resources that exist along the City's shoreline. The City should work with property owners and federal, state, and tribal governments to preserve historical, cultural, and archaeological values in advance of planned development. Proposed development should be designed and operated to be compatible with continued protection of the historic, cultural or archaeological resource.

4. SHORELINE USES AND DEVELOPMENTS

4.1 GENERAL

Goal SL-7: Maintain and improve ecological functions by locating, designing and managing shoreline uses to prevent significant adverse impacts and, where possible, restore water quality, fish and wildlife habits, and ecological functions.

Policy SL-7.1: The City should periodically review conditions along the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to ensure a no net loss of ecological functions, protect human health and safety, upgrade the visual qualities, and enhance residential and recreational uses on the City's shorelines.

Specific issues to address in such evaluations include, but are not limited to: water quality, conservation of aquatic and shoreline vegetation, control of noxious weeds, the visual character of the shoreline as a result of new residential development, and shoreline stabilization measure.

Policy SL-7.2: The City should establish development regulations that avoid, minimize, and mitigate impacts to the ecological functions association with shoreline uses.

In deciding whether to allow uses and activities in shoreline areas, the potential adverse impacts should be considered and avoided, where possible. This can be done by carefully selecting allowed uses, providing policies and standards to prevent or minimize adverse impacts, and carefully reviewing development proposals to prevent or minimize adverse impacts

Policy SL-7.3: Provide adequate vegetative conservation areas to protect natural features and improve ecological functions.

Shoreline vegetative perform a number of significant functions including reducing water temperature, filtering sediments and other contaminants, reducing nutrient loads to lakes, stabilizing shoreline soils, providing wildlife habitat, maintaining and protecting fish habitats, and forming aquatic food webs.

Policy SL-7.4: Limit parking facilities within the shoreline area.

Facilities providing public or private parking should only be permitted within the shoreline area to support water-oriented uses. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.

Policy SL-7.5: Minimize the aesthetic impacts of parking facilities.

Parking areas should be placed, screened, and landscaped to mitigate the aesthetic impacts.

Policy SL-7.6: Limit outdoor lighting levels in the shoreline to the minimum necessary to support water-oriented uses.

Artificial lighting can be used for many different purposes along the waterfront (e.g. to aid in nighttime activities, security, or simply to make a property more attractive at night). However, the shoreline area is vulnerable to impacts of light and glare by interrupting the opportunity to enjoy the night sky, impacting views and privacy, and affecting the fish and wildlife habitat. To protect the scenic value, views, and fish and wildlife habitat, shoreline development should balance the ability to see at night with the need to preserve the scenic and natural qualities of the shoreline.

Policy SL-7.7: Signs should not block or otherwise interfere with visual access to the water or shorelands.

Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.

4.2 RESIDENTIAL

Goal SL-8: Protected private property rights while ensuring no net loss of existing ecological functions and, where feasible, restoring natural features along the shoreline.

The Legislature recognized that much of the shorelines of the state and the adjacent uplands are in private ownership and that while coordinated planning was necessary to protect the public interest associated with the shorelines; it was just as important to protect private property rights.¹⁵ Therefore, in establishing and implementing the SMP, the City must careful consider public and private interests as well as the long term costs and benefits. The City should ensure that regulatory and administrative actions do not unconstitutionally infringe upon private property rights while ensuring a no-net loss of ecological functions.

¹⁵ RCW 90.58.010

Residential development around Lake Tapps began in the 1950's when the area was sold to the Lake Tapps Development Company. Today, approximately 201 acres or 96% of Lake Tapps' shoreline is privately owned and zoned for either single family or multifamily residential development of which 191 acres is already developed with single family residential homes.

There is no existing or planned residential development within the shoreline area of Fennel Creek.

Policy SL-8.1: Continue to permit single-family residence and normal appurtenance in a manner that will result in a no-net loss of ecological function.

Single-family residences are identified as a preferred use when developed in a manner that controls pollution and prevents damage to the natural environment pursuant to WAC 173-26-241(3) (j), the following management policies should guide residential development within the shoreline area:

- New development should be required to preserve existing shoreline vegetation, control erosion and protect water quality using best management practices.
- The City should provide development incentives, including reduced shoreline setbacks, to encourage the restoration of shoreline vegetation.
- Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.

4.3 RECREATION

Goal SL-9: Water-oriented recreational activities should be provided to the public along the Lake Tapps and Fennel Creek shorelines.

Lake Tapps has been used for recreation since its completion in the earlier part of the twentieth century. Continuing to provide recreational opportunities which includes both passive activities (e.g. walking, viewing and fishing) and active uses (e.g. swimming, boating, and other outdoor recreation uses) is a critical component of this SMP.



Figure 4: Swimming a Lake Tapps circa 1948 – photographer unknown

Policy SL-9.1: Maintain Lake Tapps as a regionally important recreational area.

While Lake Tapps was originally constructed to act as a reservoir for hydro-electric power, the Lake is now a regional significant boating destination with nearly 250,000 people visiting each year.

Policy SL-9.2: Work with all federal, state, local agencies, the tribes, and the community to collaboratively manage and preserve Lake Tapps.

With its multifaceted history and numerous opportunities for the future, Lake Tapps is one of the region's greatest resources. Caring for and managing the Lake takes collaboration between several agencies, communities, and jurisdictions which includes but is not limited to the Army Corps of Engineers, Department of Fish and Wildlife, Department of Ecology, the City of Bonney Lake, Pierce County, CWA, the Lake Tapps Community Council (LTCC), the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians.

Policy SL-9.3: Increase public access and water-oriented recreational opportunities along the shores of Lake Tapps.

The City's efforts to increase public access and recreational opportunities should focus on providing water-enjoyment recreational opportunities along the shores of Lake Tapps, by establishing a continuous pedestrian corridor along the water's edge (Nonmotorized Transportation Plan (NTP) Projects N4 – N5), constructing missing sidewalks between the City's Downtown and Lake Tapps (NTP

Projects N132 – N134), and increasing non-boat trailer parking to facilitate access to the lake’s shores for non-boat users.

Policy SL-9.4: Recreational activities should be designed to avoid, minimize, and mitigate negative impacts on adjoining properties.

The primary source of negative impacts associated with recreational activities on adjacent property owners is related to boating on Lake Tapps. Over the last several years Lake Tapps has experienced an increase in rafting parties and unfortunately the participants are often engaged in illegal (drug use), immoral (live sex acts, nudity, urinating into the lake, etc), noisy (music, bullhorns, etc), and environmentally destructive behavior (throwing objects out of the boats into the lake) and alcohol overconsumption as close as 10 to 15 feet from adjacent homeowners’ docks.¹⁶ In order to address these issues, the City should continue to work with CWA, Pierce County and the LTCC to implement the recommendations of the *Lake Tapps Boat Management Plan (2005)*.

Policy SL-9.5: Ensure that existing and new recreation uses do not adversely impact shoreline ecological functions.

Recreational facilities have the potential to adversely impact shoreline ecological functions; therefore, recreational uses should be appropriately sited and planned to minimize any resultant impacts.

Policy SL-9.6: Recreational plans should promote the conservation of Fennel Creek’s natural character and ecological functions while expanding passive forms of recreation to facilitate the public’s ability to enjoy the shoreline.

The City is fortunate to own the undeveloped area around Fennel Creek at Victor Falls. The Fennel Creek corridor provides excellent habitat for birds, amphibians, mammals, and reptiles. The stream reach below Victor Falls is known to support salmonids. Preserving wildlife habitat, water quality, and forested areas is an important aspect of good park resource management. The existence of this natural area offers a variety of opportunities for aesthetic enjoyment and passive low-impact recreational activities.

4.4 BOATING FACILITIES

Goal SL-10: Manage boat launch facilities to avoid or minimize adverse impacts.

One public boat launch facility (Allan Yorke Park) and two semi-public boat launch facilities (Church Lake and Inlet Island Parks) are located on Lake Tapps within the City.

Policy SL-10.1: Maintain the current capacity of Lake Tapps for boating.

Lake Tapps supports many enjoyable boating activities such as water skiing, sailing, motor boating, and fishing; however, over the years overcrowding of motorized watercraft has become an issue. The Lake

¹⁶ Pierce County. *Lake Tapps Lake Tapps Reservoir Boat Management Plan (2005)* pg 24

typically exceeds the minimum Recreational Boating Standard of one boat per acre of surface water and as a result the development of boat launch facilities should be avoided and capacity on the Lake be controlled by limiting the number of available boat trailer parking stalls at the existing public boat launch facilities.¹⁷

Policy SL-10.2: Promote use of best management practices to control the introduction of invasive animals and vegetation.

Boat launch facilities can be a significant sources for the introduction of exotic animals and plants. Significant steps have been taken at all levels of government and the private sector to reduce the impacts of boating on the aquatic environment. The State Parks and Recreation Commission’s boater education program provides technical assistance, signage, and other materials to boat facilities regarding the transportation of exotic species. The City should work cooperatively with state agencies, private boat launch owners, and boat owners to continue to minimize the impacts of boating on the aquatic environment.

4.5 OVER WATER STRUCTURES

Goal SL-11: Minimize impacts to the natural environment and neighboring uses from new or renovated over water structures.

Over water structures include docks, piers, boat facilities, swimming/diving platforms, inflatable recreational equipment, public access boardwalks, fishing piers, and viewpoints.

Policy SL-11.1: Limit and reduce the number of over water structures.

Shared docks and piers are preferred over single-user structures in order to reduce the number and potential long-term impacts of over water structures. New subdivisions of more than two (2) lots and new multi-family developments of more than two (2) dwelling units should provide shared moorage facilities.

Policy SL-11.2: Design and locate private over water structures so that they do not interfere with shoreline recreational uses, navigation, or the public’s safe use of Lake Tapps.

Over water structures should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights such as, but not limited to, fishing, swimming, and pleasure boating.

Recreational boaters are also largely unaware of the dangers of open-air carbon monoxide (CO) poisoning and the boat manufacturing industry has not introduced emission control devices for recreational boats; like catalytic converts on automobiles that reduce exhaust by greater than ninety

¹⁷ the Lake Tapps Lake Tapps Reservoir Boat Management Plan (2005) and the Lake Tapps Community Plan (2011)

percent (90%).¹⁸ Therefore, these structures should be sufficiently spaced to prevent carbon monoxide CO poisoning due to exhaust from idling boats.

Policy SL-11.3: Design and construct new or renovated over water structures and their accessory components, such as boatlifts and canopies, to minimize impacts on native fish and wildlife and the corresponding habitat.

Over water structures including those accessory to single-family residences should be sited, designed, and constructed to prevent adverse impacts on water quality and aquatic habitat. Impact minimization measures, which have been identified by state and federal agencies, include, but are not limited to: shared use of piers, reducing or eliminating the number of boathouse, minimizing the size and widths of piers and floats, increasing light transmission through any over-water structures, maximizing the height of piers above the water surface, and reducing the overall number and size of pier piles.

Policy SL-11.4: Minimize aesthetic impacts of piers and their accessory components.

To minimize aesthetic impacts, these structures should be made of non-reflective materials and lighting should be limited to the amount necessary to find these structures at night and focused downward and away from the surface of Lake Tapps.

4.6 IN-STREAM STRUCTURES

Goal SL-12: Limit in-stream structures to those needed to protect, preserve and restore ecosystem-wide functions.

Policy SL-12.1: In-stream structures should be allowed only for the purposes of environmental restoration.

4.7 TRANSPORTATION FACILITIES

Goal SL-13: Provide for safe and efficient movement of vehicles within the shoreline area while recognizing the unique, fragile, and scenic character of the shoreline area.

Transportation facilities are those structures and developments that aid in the movement of people, goods, and services: roadways, causeways, bridges, bikeways, trails, sidewalks, and other related facilities.

Policy SL-13.1: Maintain a roadway network which will efficiently and safely provide for vehicular circulation within the shoreline area.

The existing vehicular circulation system within Bonney Lake's shoreline area includes West Tapps Highway, Bonney Lake Boulevard, and Church Lake Road, as well as neighborhood access streets and driveways. The City should undertake improvements, as necessary, to address needed safety, capacity, or efficiency improvements.

¹⁸ Pierce County. 2005 *Lake Tapps Boat Management Plan*. Pg 13-14

Policy SL-13.2: Design transportation improvement projects within the shoreline to avoid, minimize, and mitigate environmental impacts.

Transportation facilities should be designed to have the least possible effect on shoreline features. When planning transportation facilities, the environmental impacts of the facility need to be evaluated, avoid, minimized, and appropriately mitigated.

Goal SL-14: Provide a robust pedestrian and bicycle circulation system with provides opportunities for the public to view and enjoy the amenities of the shoreline area.

Policy SL-14.1: Provide a public access system that enhances and maintains pedestrian and bicycle infrastructure within the shoreline area.

The City should work to improve roadways to meet the needs of a broad variety of users including walkers, joggers, and bicyclist, while maintaining the scenic quality of the roadway network.

Policy SL-14.2: Prioritize the completion of the projects in the City's Non-motorized Transportation Plan which provide multi-modal connections within and to the shoreline area.

Developing public access to the shoreline area has long been a priority of the City. The top priorities in the City's NTP are the construction of the Fennel Creek Trail (Projects N1 – N3) which will ultimately provide a multi-modal trail connecting Allen Yorke Park to Victor Falls; establishment of a continuous pedestrian corridor along the Lake Tapps shoreline (N4 – N5); and construction missing sidewalks providing a pedestrian linkage from the City's Downtown to Lake Tapps (N132 – N134). Since the NTP contemplates the installation of sidewalks on only one-side of the street, the City should plan to install sidewalks on the side of the roadway closest to the water.

4.8 UTILITIES

Goal SL-15: Manage public and private utilities within the shoreline area to ensure that necessary utility services are provided, while protecting and enhancing water quality and the habitat value of the shoreline.

Policy SL-15.1: Locate new utilities outside of the shoreline area unless the location is reasonably necessary for the efficient operation of the utility.

Development of utility facilities for electric power, gas, sewage, water, and communications can create substantial impacts on the landscape and the function of the natural ecosystem. To minimize potential impacts, these facilities should be located outside of the shoreline area, and in particular, outside of the aquatic environment, where feasible.

If utility facilities must be located in the shoreline, careful planning and design is required to address impacts such as soil disturbance and intrusion on the visual setting. Potential adverse impacts should be minimized through the location, design, and construction techniques. Upon completion of utility installation or maintenance projects, the shoreline area should be restored to pre-project configuration, replanted with native species, and provided with maintenance care until the newly planted vegetation is established.

Alternative energy use such as solar and wind-based energy systems should be encouraged within the shoreline environment, provided that any potential adverse impacts are minimized.

Policy SL-15.2: Encourage consolidation of utilities within existing rights-of-way or utility corridors.

In order to minimize the extent of shoreline modifications, utility facilities should utilize existing transportation rights-of-way and utility corridors whenever practicable; rather than creating new corridors in the shoreline environment.

Policy SL-15.3: Locate utility facilities and corridors to protect scenic views and prevent impacts to the aesthetic qualities of the shoreline.

Utility lines and facilities should be located so that they do not obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground or designed to do minimal damage to the aesthetic qualities of the shoreline area.

5. SHORELINE MODIFICATIONS

5.1 GENERAL

Goal SL-16: Manage shoreline modifications to avoid, minimize, or mitigate significant adverse impacts.

Policy SL-16.1: Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions.

Accounting for the existing hydrological, vegetative, and habitat conditions within the shoreline surround Lake Tapps, the overall shoreline ecological function is considered low.¹⁹ The City will utilize this determination as a baseline to ensure that there is “no net loss” of ecological functions.

The City also recognize that the shorelines of the state are among the most valuable of its natural resources and that there is great concern throughout the state relating to the restoration of the shoreline. Through the implementation of the City’s adopted restoration plan, the City will work to improve the over all ecological functions of Lake Tapps.

5.2 SHORELINE STABILIZATION

Goal SL-17: Reduce the use of structural shoreline stabilization measures.

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, or essential structures primarily caused by wave action.

¹⁹ *Final Shoreline Analysis Report for City of Bonney Lake’s Shorelines: Lake Tapps Lake Tapps Reservoir and Fennel Creek* Table 3 pg 22 (2010)

Policy SL-17.1: Structural shoreline stabilization measures should only be used when a need has been demonstrated and that more natural, flexible, non-structural methods have been determined infeasible.

Shoreline stabilization should be based on the following hierarchy of preference:

- Nonstructural methods which include building setbacks, erosion and groundwater management, planning, and regulatory measures to avoid the need for structural stabilization.
- Soft structural shoreline stabilization which includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide stability in a non-linear, sloping arrangement.
- Hard structural shoreline stabilization which includes concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces (e.g. bulkheads, rip-rap, groins, dikes and similar structures).

Policy SL-17.2: Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions.

Where allowed, shoreline stabilization structures should minimize impacts on shoreline hydrology, navigation, habitat, and public access. Shoreline protective structures should be designed for the minimum height and extent necessary to address the identified hazard to an existing structure. As noted above, vegetation and nonstructural solutions should be used rather than structural bank reinforcement; unless these methods are determined to be infeasible, as documented by a geotechnical analysis.

Policy SL-17.3: Locate and design new development to eliminate the need for new shoreline stabilization measures.

New shoreline uses should be located in a manner so that bulkheads and other structural stabilization measures are neither required nor likely to become necessary in the future.

Policy SL-17.4: Regulatory flexibility or incentives should be developed to encourage shoreline property owners to voluntarily remove bulkheads and plant shoreline vegetation.

In recent years, many techniques have been developed to provide alternative shoreline protection methods which may employ the use of gravel substrate material, terraces, large flat rocks, shallow pools, logs, and vegetation to prevent erosion and provide an attractive, usable shoreline area. The aim of these techniques is to reduce bank hardening, restore overhanging vegetation, and replace bulkheads with sand beaches and gentle slopes.

5.3 FILLING

Goal SL-18: Ensure that fills either preserve current ecological functions or restore ecological functions of the shoreline.

Policy SL-18.1: Limit fill to either ecological restoration or to facilitate water-dependent public access.

Fill allows for the creation of dry upland areas by the deposition of sand, silt, gravel or other materials. Fill has traditionally been used in the shoreline area to level or expand residential yards and, in many cases, has been associated with armoring of the shoreline. As a result, this use of fill in this manner should be prohibited.

Alternatively, fill can also be used for ecological restoration, such as beach nourishment, or to facilitate water-dependent uses and public access. This type of activity should be designed and located so there will be no significant ecological impacts and no alteration of local surface water drainage patterns which would result in a hazard to adjacent life, property, and natural resource systems.

5.4 CLEARING AND GRADING

Goal SL-19: Minimize impacts to ecological functions as a result of clearing and grading activities.

Policy SL-19.1: Limit clearing and grading activities in the shoreline area.

Clearing and grading activities are typically associated with upland development. These activities have the potential to cause erosion, siltation, surface water runoff, habitat damage and reduce flood storage capacity. Therefore, clearing and grading activities should be designed with the objective of maintaining natural diversity and ensuring that any potential adverse impacts are avoided or minimized. Impacts from these activities can be avoided through proper site planning, construction timing practices, and use of erosion and drainage control methods

5.5 DREDGING

Goal SL-20: Minimize impacts to ecological functions and aquatic vegetation as a result of dredging activities

Policy SL-20.1: Discourage dredging operations, including disposal of dredge materials.

Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values. When allowed, dredging and dredge material disposal should be done in a manner which avoids or minimizes significant ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological function

5.6 SHORELINE RESTORATION AND ECOLOGICAL ENHANCEMENT

Goal SL-21: Implement the projects, programs, and plans to restore areas that have been degraded or diminished as a result of past activities.

Restoration planning is an important component of the SMA. Continued improvement of shoreline ecological functions requires a comprehensive watershed approach that combines upland and shoreline projects and programs. The City of Bonney Lake has adopted a restoration plan for the City's shorelines that provides the framework for the community's efforts to restore the degraded portions of the City's shorelines.

Policy SL-21.1: Include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline.

Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat in shorelines. Such projects may include shoreline modification actions such as installation of native shoreline vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

Policy SL-21.2: Minimize impacts from publicly initiated aquatic vegetation management efforts.

The CWA has an obligation to monitor and manage milfoil which is a noxious weed and poses environmental challenges to Lake Tapps.²⁰ Aquatic vegetation management efforts can have potential negative impacts relevant to Lake Tapps environment and therefore efforts should be designed to use a mix of various methods with emphasis on the most environmentally sensitive methods.

6. SHORELINES OF STATEWIDE SIGNIFICANCE

The SMA designates certain shoreline areas as shorelines of statewide significance, the shorelines that are so designated includes natural and artificial lakes with a surface acreage of one thousand acres or more. Within the City of Bonney Lake's jurisdiction, Lake Tapps meets this definition and as such is classified as shoreline of state-wide significance.

Shorelines of statewide significance are shorelines that major resource from which all people in the state derive benefit and as such all of the people of the State have an interests in the management of these shorelines. Accordingly, the SMP gives preference to uses and development that meet the principles outlined below, listed in order of preference:

1. Recognize and protect the statewide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Result in long-term over short-term benefits.
4. Protect the resources and ecology of the shoreline.
5. Increase public access to publicly owned areas of the shoreline.
6. Increase recreational opportunities for the public on the shorelines.
7. Provide for any other element as defined in the Shoreline Management Act deemed appropriate or necessary.

²⁰ Lake Tapps Lake Tapps Reservoir Collaborative Plan pg 22

In the implementation of the SMP, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible, consistent with the overall best interest of the state and the people generally. To this end, uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent on use of the state's shorelines. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, parks, boating facilities, and other improvements that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline areas and interference with the public's use of the water.

DRAFT

City of Bonney Lake
Grant No. G1000016

Final

Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek

Prepared for:



City of Bonney Lake
Community Development Department
8720 Main Street East
Bonney Lake, WA 98391

Prepared by:



750 Sixth Street South
Kirkland, WA 98033



architecture • planning • urban design

1904 3rd Ave, Suite 725
Seattle, Washington 98101



This report was funded in part through a grant from the Washington Department of Ecology.

November 2013

TABLE OF CONTENTS

	Page #
Table of Contents	3
List of Tables.....	4
List of Figures	4
1.0 Introduction.....	1
2.0 Shoreline Inventory Summary	3
2.1 Introduction	3
2.2 Shoreline Boundary	3
2.3 Inventory.....	5
3.0 Restoration Goals and Objectives.....	13
3.1 Pierce County Shoreline Restoration Report.....	13
4.0 Ongoing City Plans and Programs.....	14
4.1 Comprehensive Plan.....	14
4.2 City of Bonney Lake NPDES Stormwater Management Program.....	15
4.3 City of Bonney Lake Septic System Abatement Master Plan	15
5.0 Partnerships.....	16
5.1 Washington State Conservation Commission	16
5.2 Washington State Department of Ecology.....	16
5.3 Shared Strategy for Puget Sound	16
5.4 Puget Sound Partnership.....	17
5.5 Pierce County	17
5.6 Pierce Conservation District.....	18
5.7 South Puget Sound Salmon Enhancement Group (SPSSEG)	19
5.8 Puyallup Tribe.....	19
5.9 National Fish and Wildlife Foundation (NFWF) Community Salmon Fund.....	19
5.10 Fennel Creek Preservation Group.....	20
5.11 Cascade Water Alliance.....	20
5.12 Other Environmental Organizations	20
6.0 Potential Projects	21
7.0 Strategies to Achieve Local Restoration Goals.....	22
7.1 Pierce County White River Basin Plan	22
7.2 Capital Improvement Projects and Transportation Improvement Plans	23
7.3 Development Opportunities/Incentives	23
7.5 Tax Relief/Fee System.....	23
7.6 Shoreline Restoration Fund	24
7.8 Resource Directory	24
7.9 Volunteer Coordination	24
7.10 Regional Coordination	24

8.0	Proposed Implementation Targets and Monitoring Methods	25
8.1	Project Evaluation.....	25
8.2	Monitoring and Adaptive Management.....	26
8.3	Reporting	27
9.0	References	30

LIST OF TABLES

Table 1.	Dimensions of Lake Tapps shoreline assessment units.....	6
Table 2.	Summary of Inventory by Assessment Unit.	8
Table 3.	Summary of shoreline inventory ecological function ratings by assessment unit.	12
Table 4.	Implementation Schedule and Funding for Restoration Projects, Programs and Plans.	28

LIST OF FIGURES

Figure 1.	City of Bonney Lake shoreline jurisdiction.	4
Figure 2.	Lake Tapps shoreline assessment units.....	5
Figure 3.	Fennel Creek shoreline assessment unit.....	6

SHORELINE RESTORATION PLAN CITY OF BONNEY LAKE

1.0 INTRODUCTION

The City of Bonney Lake's Shoreline Master Program (SMP) applies to activities in the shoreline jurisdiction zone. Compensatory mitigation is required for activities that have adverse effects on the ecological functions and values of the shoreline. By law, the proponent of any such activity is required to return the subject shoreline to a condition equivalent to the baseline level at the time the activity takes place. It is understood that some uses and developments cannot always be mitigated fully, resulting in incremental and unavoidable degradation of the baseline condition. The subsequent challenge is to improve the shoreline over time in areas where the baseline condition is degraded, severely or marginally.

WAC Section 173-26-201(2)(f) of the Shoreline Master Program Guidelines (Guidelines)¹ says:

... master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

Degraded shorelines are not just a result of pre-SMP activities, but also of unregulated activities and exempt development. The new Guidelines also require that "[l]ocal master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline." While some actions within shoreline jurisdiction are exempt from a permit, the SMP should clearly state that those actions are not exempt from compliance with the Shoreline Management

¹ The Shoreline Master Program Guidelines were prepared by the Washington Department of Ecology and codified as WAC 173-26. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. See <http://www.ecy.wa.gov/programs/sea/sma/guidelines/index.html> for more background.

Act or the local SMP. Because the shoreline environment is also affected by activities taking place outside of a specific local master program's jurisdiction (e.g., outside of city limits, outside of the shoreline area within the city), assembly of out-of-jurisdiction actions, programs and policies can be essential for understanding how the City fits into the larger watershed context. The latter is critical when establishing realistic goals and objectives for dynamic and highly interconnected environments.

Restoration of shoreline areas, in relation to shoreline processes and functions, commonly refers to methods such as re-vegetation, removal of invasive species or toxic materials and removal of bulkhead structures, piers, and docks. Consistent with Ecology's definition, use of the word "restore," or any variations, in this document is not intended to encompass actions that reestablish historic conditions. Instead, it encompasses a suite of strategies that can be approximately delineated into four categories:

- Creation (of a new resource)
- Restoration (of a converted or substantially degraded resource)
- Enhancement (of an existing degraded resource)
- Protection (of an existing high-quality resource)

As directed by the Guidelines, the following discussions provide a summary of baseline shoreline conditions, list restoration goals and objectives, and discuss existing or potential programs and projects that positively impact the shoreline environment. In total, implementation of the SMP (with mitigation of project-related impacts) in combination with this Restoration Plan (for restoration of lost ecological functions that occurred prior to a specific project) should result in a net improvement in the City of Bonney Lake's shoreline environment in the long term.

In addition to meeting the requirements of the Guidelines, this Restoration Plan is also intended to support the City's or other non-governmental organizations' applications for grant funding, and to provide the interested public with contact information for the various entities working within the City to enhance the environment.

2.0 SHORELINE INVENTORY SUMMARY

2.1 Introduction

The City recently completed a comprehensive inventory and analysis of its shorelines (The Watershed Company and Makers 2010) as an element of its SMP update. The purpose of the shoreline inventory and analysis was to gain a greater understanding of the existing condition of Bonney Lake's shoreline environment to ensure the updated SMP policies and regulations are well suited in protecting ecological processes and functions. The inventory describes existing physical and biological conditions in the shoreline zones within City limits and includes recommendations for restoration of ecological functions where they are degraded. The *Shoreline Analysis Report for the City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek* (The Watershed Company and Makers 2010) is summarized below.

2.2 Shoreline Boundary

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. Shorelands are defined as:

... those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter...Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom... Any city or county may also include in its master program land necessary for buffers for critical areas (RCW 90.58.030)

The City's existing SMP is presently is in the process of being updated. The SMP will consist of the goals and policies in the City's comprehensive plan and provisions in the City's municipal code.

The northern portion of the City of Bonney Lake is located along the shoreline of Lake Tapps. Lake Tapps is approximately 4.5 square miles in size, and is therefore included in a classification of unique shorelines known as Shorelines of Statewide Significance.

Following the completion of the Final City of Bonney Lake Shoreline Analysis Report (The Watershed Company and Makers 2010) it was determined mutually by the City and The Washington State Department of Ecology (Ecology) that the portion of the Printz Basin Flume from its terminus to the City's jurisdictional boundary was not regulated under the SMA or the SMP. As a result, this area is no longer included in the City's SMP documents, including this Restoration Plan.

Fennel Creek exceeds the 20 cfs cutoff point after it leaves the main southern boundary of the City. However, the stream then briefly flows through a City owned parcel located on Rhodes Lake Road East (just downstream of Victor Falls). Proposed shoreline jurisdiction is shown below in Figure 1. The entire jurisdiction assessment and determination process can be reviewed in greater detail in Appendix C of the Final City of Bonney Lake Shoreline Analysis Report (The Watershed Company and Makers 2010).

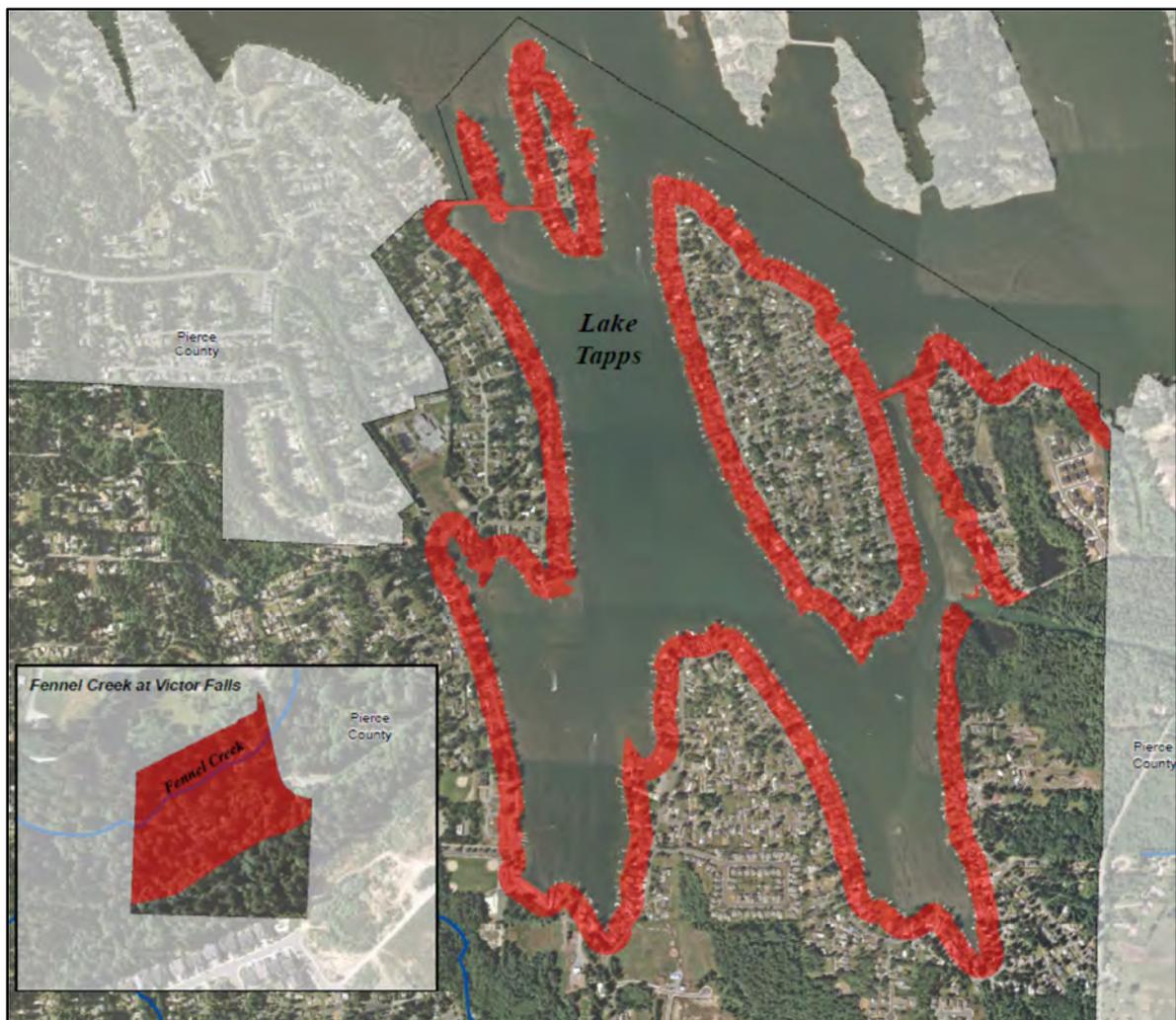


Figure 1. City of Bonney Lake shoreline jurisdiction.

2.3 Inventory

The Final City of Bonney Lake Shoreline Analysis Report included all land within the City's proposed shoreline jurisdiction and the area upland of the Printz Basin Flume determined later not to be within the shoreline jurisdiction. Not including aquatic area or the Printz Basin Flume area, the shoreline jurisdiction totals approximately 217 acres (0.34 square miles) in area and encompasses about 9.7 miles (51,399 linear feet) of shoreline.

In order to break down the shoreline into manageable units and to help evaluate differences between discrete shoreline areas, the shorelines were divided into assessment units based on waterbody, land use and ecological condition. The Lake Tapps and Fennel Creek unit are shown below in Figures 2 and 3, respectively.

Table 1 shows the shoreline frontage and acreage of each assessment unit on Lake Tapps. A summary of inventory and analysis information from the Shoreline Analysis Report (The Watershed Company and Makers 2010) is presented in the following sections.



Figure 2. Lake Tapps shoreline assessment units.



Figure 3. Fennel Creek shoreline assessment unit.

Table 1. Dimensions of Lake Tapps shoreline assessment units.

Assessment Unit		Shoreline frontage (lineal feet)	Land Area ¹ (acres)
Lake Tapps	Residential	48,382.3	201.1
	Park Facilities	1,727.4	9.7
Fennel Creek		1,289.2	6.8
TOTAL		54,761.3	245.3

¹ Assessment unit area is the landward portion of the shoreline management area.

2.3.1 Land Use and Physical Conditions

The City of Bonney Lake is located in Pierce County, Washington, along the southern section of the shoreline of the approximately 4.5-square-mile Lake Tapps. The entire area is within Washington State’s Water Resource Inventory Area (WRIA) 10. The City encompasses approximately 5.5 square miles and is bordered nearly on all sides by unincorporated Pierce County jurisdiction, with a small shared border with Sumner along the northwest portion of the City. The City of Auburn is located generally north of Bonney Lake at the north end of Lake Tapps. Puyallup is located to the west, Buckley to the east, and Orting to the south. Only a portion of Lake Tapps is located in the City’s shoreline jurisdiction, while the remainder is located in unincorporated Pierce County. The upper portion of Fennel Creek passes through a substantial portion of the City, but as mentioned above, Fennel Creek does not meet the 20 cfs flow threshold (i.e., shoreline

designation criteria) until further downstream, south of the main southern boundary of the City. Only briefly does the stream pass through the City-owned parcel located on the south side of Rhodes Lake Road East. The study area for this report includes all land currently within the City's proposed shoreline jurisdiction.

Present land use in shoreline jurisdiction varies in some cases by assessment unit. The Residential assessment unit of the Lake Tapps shoreline is zoned 89 percent residential. Remaining land in the residential unit is zoned medium- and high-density residential and public facilities (1 percent). The Lake Tapps Park Facilities unit is 74 percent public facilities and 26 percent residential zoning. Fennel Creek is zoned entirely as public facilities. Much of the Lake Tapps shoreline is at build-out and contained within the Residential assessment unit. The much smaller Fennel Creek unit is undeveloped and nearly entirely vegetated. The Park Facilities unit is highly developed for recreational uses. At present, two of the three parks that make up the unit are in private ownership. The lot to the north of City-owned Allan Yorke Park is planned for development, with dedication of part of the shoreline to City ownership in the future by an approved permit. City-owned public access is limited to Allan Yorke Park at this time. Wetlands are depicted by a County inventory and the National Wetland Inventory along the majority of Lake Tapps shoreline and along Fennel Creek in the Fennel Creek assessment unit; much of the shoreline, however, is developed with lawns, bulkheads and docks and may no longer be functioning wetland.

The elements of impervious surface, overwater cover, shoreline armoring, vegetated cover, critical/historic areas, water quality, and Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) and listed species occurrence are shown in Table 2.

Table 2. Summary of Inventory by Assessment Unit.

Inventory Element	Shoreline Assessment Unit		
	Lake Tapps		Fennel Creek
	Residential	Park Facilities	
Impervious Surface	40%	29%	1%
Overwater Cover¹	<ul style="list-style-type: none"> • 516 piers, docks, or other structures • 5 lots w/o structures (1%) • ~83 boat canopies (18% of waterfront lots) 	<ul style="list-style-type: none"> • 8 piers, docks, or other structures – includes swim enclosures 	NA
Shoreline Armoring²	<ul style="list-style-type: none"> • Not Armored: ~4,750 ft (10%) • Bulkhead: 90% • Boat Ramps: ~49 ramps (11% of waterfront lots) 	<ul style="list-style-type: none"> • Not Armored: ~1020 ft (59%) • Bulkhead: ~700 ft (41%) • Boat Ramps: 3 	NA
Critical Areas	<ul style="list-style-type: none"> • Wetlands – as percent of area (13%) • Floodplain – 10% • Geologically Hazardous Areas - 29% • Habitat Conservation Areas - 0% 	<ul style="list-style-type: none"> • Wetlands – 18% • Floodplain – 16% • Geologically Hazardous Areas - 0% • Habitat Conservation Areas – 54% 	<ul style="list-style-type: none"> • Wetlands – 49% • Floodplain – 35% • Geologically Hazardous Areas - 85% • Habitat Conservation Areas – 0%
Listed Species	<ul style="list-style-type: none"> • None listed 	<ul style="list-style-type: none"> • None listed 	<ul style="list-style-type: none"> • Chinook salmon • Steelhead
Priority Habitat and Species	<ul style="list-style-type: none"> • Waterfowl concentrations • Priority wetlands • Bald eagle 	<ul style="list-style-type: none"> • Waterfowl concentrations • Priority wetlands • Bald eagle 	<ul style="list-style-type: none"> • Priority wetlands
Impaired Waters (303d/305b)	<ul style="list-style-type: none"> • Invasive exotic species (Category 4C) • Total Phosphorus (Category 1) 	<ul style="list-style-type: none"> • Invasive exotic species (Category 4C) • Total Phosphorus (Category 1) 	N/A

¹ Assessment of overwater cover conducting using 2008 aerial photo. Digitized cover was not available in GIS.

² Assessment of shoreline armoring conducting using 2008 aerial photo. This assessment tallied the number of unarmored waterfront lots. Based on the total shoreline length and the number of waterfront parcels, an average length of 100 feet of water edge was estimated per lot.

2.3.2 Biological Resources and Critical Areas

The City of Bonney Lake’s shorelines are located in the Lake Tapps Sub-basin (of the White River watershed) and the Fennel Creek Sub-basin (of the Puyallup River

watershed). Characteristics for the White River Basin are described in the White River Basin Plan Characterization Report (Pierce County 2007). Additional characteristics for Lake Tapps as a whole are presented in the Draft Pierce County Inventory and Characterization Report (ESA 2007).

Lake Tapps, which was originally four small lakes, is now the largest lake/reservoir in Pierce County, totaling approximately 4.5 square miles in surface area (2,296 acres) and includes approximately 45 miles of shoreline. The City includes 9.5 miles of Lake Tapps shoreline frontage, resulting in 211 acres of shoreline jurisdiction area associated with the lake (includes associated wetland complexes). The entire jurisdiction assessment and determination process can be reviewed in detail in Appendix C of the Shoreline Analysis Report (The Watershed Company and Makers 2010).

Lake Tapps was formed in the early 1900's as a water reservoir for hydroelectric power generation by building nearly 2.5 miles of dikes and embankments around four small lakes. Water is diverted from the White River at a facility in the City of Buckley and then transported through a combination of flumes and open channels to Lake Tapps. Discharge from Lake Tapps enters back into the White River near the City of Sumner. Puget Sound Energy has recently ceased hydroelectric production in Lake Tapps and has sold the lake and the associated water right to the Cascade Water Alliance (CWA). Future lake operation (elevation and corresponding hydrograph) will be determined by CWA but coordinated through the Lake Tapps Community Council. The Washington State Department of Ecology is reviewing current information regarding the use of Lake Tapps as a municipal water supply. Much like operations conducted during Puget Sound Energy's ownership, CWA plans to maintain higher water levels in the spring, summer and fall for recreational purposes. In late fall through winter, the lake levels are lowered to allow homeowners to repair and maintain docks and bulkheads and also to provide for dike maintenance/repair and control of milfoil.

Testing of Lake Tapps water quality by the Department of Ecology has found that the lake can be classified as oligotrophic (i.e., nutrient limited) but has recorded elevated levels of chlorophyll concentrations and hypolimnetic oxygen depletion which would indicate that the lake is more mesotrophic (i.e., moderately productive) (Ecology 2006).

Within the southern portion of the City, shoreline jurisdiction includes a small segment of Fennel Creek, totaling ¼-mile, as it meanders through City owned property. The shoreline area for the stream is 6.8 acres. Fennel Creek is a tributary to the Puyallup River, and drains a total of approximately 11 square miles. Fennel Creek originates near the north side of SR-410 east of its intersection with 233rd Street East. The stream drains

an area of various land uses including, agricultural, rural, and residential. Fennel Creek flows through several steep canyons before emptying into the Puyallup River.

Biological resources of the Bonney Lake shoreline areas perform hydrologic, vegetative, hyperheic and habitat functions, which are used in the Shoreline Analysis Report (The Watershed Company and Makers 2010) to evaluate assessment unit performance. They are summarized in the following paragraphs and Table 3.

The following summarizes the general existing condition along most of the Lake Tapps shoreline in the City of Bonney Lake, noting the overall degradation of shoreline function due to historical development and clearing along the lakeshore. The Lake Tapps Residential assessment unit is entirely residential parcels and primarily single-family. Biological function is low for the unit because of the built conditions: a high degree of shoreline armoring, numerous overwater structures, high potential for pollutants from lawns and developed areas, and a very low degree of remaining natural vegetation. Little potential for large woody debris and organic matter recruitment exists. The lack of both living and dead vegetation greatly limits many biological functions, include wave attenuation, nutrient and sediment removal, bank stabilization, temperature regulation, and food production and delivery.

The Park Facilities unit of the Lake Tapps shoreline consists of three parks. The sole public park, Allan Yorke Park, is located in the southwestern corner of Lake Tapps and includes approximately 700 feet of shoreline. The entirety of the shoreline is hardened with bulkheads. The park is bisected by West Tapps Highway East. Amenities on the eastern (waterward) portion of the park include a boat launch, fishing dock, and swimming areas. Upland amenities include ball fields, playgrounds, a skateboard park, tennis courts, and restrooms. The southernmost portion of the shoreline is owned by CWA, while the northern portion is owned by the City. Church Lake Park is located just to the northeast of Allan Yorke Park. The park is made up of two parcels and includes approximately 800 feet of shoreline frontage. The park is not open to the public, as it is commonly owned by nearby property owners. Park amenities include a basketball court, picnic areas, a boat launch and a dock. The third and final park on Lake Tapps within City jurisdiction is located on the western shoreline of Inlet Island. The park is made up of four separate parcels, and just like Church Lake Park, is not open to the public. The park includes a volleyball court, playground, several buildings, a boat launch, two docks and an enclosed swimming area. The park includes a total of approximately 280 feet of shoreline frontage.

Biological function in the Park Facilities unit is also low, due to high development that includes impervious surface and maintained lawn. Potential for contaminated runoff is high, and little natural vegetation exists to perform water quality, water storage, or habitat functions. A lack of woody debris and organic materials further limits habitat function, as well as the normal functions of vegetation, as described previously in this section for the Residential unit.

The Fennel Creek assessment unit consists of that portion of Fennel Creek that flows through City-owned property just south of Rhodes Lake Road East. The parcel, approximately 9.7 acres in size, is completely surrounded by areas of unincorporated Pierce County, with the nearest areas of City jurisdiction located approximately 500 feet northwest of the parcel. Victor Falls, an 80-foot-high waterfall on Fennel Creek, is located just upstream of the City property. The property through which Fennel Creek passes is the location of the Victor Falls Springs, one of four wells from which the City draws its water. The City has assessed each of the four wells and determined that Victor Falls Springs is the least safe of the four due to its close proximity to nearby septic systems. However, nitrate levels at the well do not exceed the State Board of Health's maximum contaminant level.

Fennel Creek is a perennial stream whose headwaters are located near the north side of SR 410, east of its intersection with 233rd Street East. The entire Fennel Creek Sub-basin drains approximately 11 square miles, of which three square miles are located within Bonney Lake. Victor Falls presents a fish passage barrier to anadromous fish attempting to migrate up Fennel Creek. Below the falls, and therefore on City property, Fennel Creek contains steelhead, coho, Chinook, and possible bull trout. Overall, biological function in the unit is moderate/high. Habitat function is high because of dense native forest in the unit. The stream channel is relatively undisturbed. However, the shoreline soils are susceptible to erosion and development in upper basin has likely altered flow regime. These characteristics temper sediment transport and nutrient/toxin removal function somewhat.

Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) maps indicate the presence of waterfowl concentrations in the entirety of Lake Tapps (see the Shoreline Analysis Report, Appendix D, Figure 9). Coho salmon, resident cutthroat trout, and winter steelhead occurrences are depicted in Fennel Creek within shoreline jurisdiction.

Table 3. Summary of shoreline inventory ecological function ratings by assessment unit.

Shoreline Processes and Functions Occurring within Assessment Unit	Shoreline Assessment Unit		
	Lake Tapps		Fennel Creek
	Residential	Park Facilities	
Hydrologic			
Storage of water and sediment	Low/moderate	Low/moderate	Moderate/high
Transport of water and sediment	N/A	N/A	Moderate
Attenuation of flow energy	Low/moderate	Moderate	Moderate/high
Developing pools, riffles and gravel bars	N/A	N/A	Moderate/high
Removing excess nutrients and toxic compounds	Low	Low	Moderate
Recruitment and transport of LWD and other organic materials	Low	Low	Moderate/high
Vegetation			
Temperature regulation	Low	Low	Moderate/high
Water quality improvement	Low	Low	Moderate/high
Attenuation of flow energy	Low	Low	High
Sediment removal and bank stabilization	Low	Low/moderate	Moderate/high
Recruitment of LWD and organic matter	Low	Low	High
Hyporheic			
Removing excess nutrients and toxic compounds	N/A	N/A	Moderate
Water storage and maintenance of base flows	N/A	N/A	Moderate
Support of vegetation	N/A	N/A	Moderate
Habitat			
Physical space and conditions for life history support	Low	Low/moderate	High
Food production and delivery	Low	Low	Moderate/high
Summary	Low	Low	Moderate/high

3.0 RESTORATION GOALS AND OBJECTIVES

In accordance with statewide provisions (WAC 173-26-201(2)(f)), this restoration plan includes “goals, policies and actions for restoration of impaired shoreline ecological functions...designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program.” The documents summarized in this section target at various levels the general goal of shoreline ecological function improvement.

In support of this general goal, the City’s SMP (Chapter 13, Section 5.6) includes the following goal and policies as part of the Shoreline Restoration and Ecological Enhancement provisions:

Goal SL-21: Implement the projects, programs, and plans to restore areas that have been degraded or diminished as a result of past activities.

Policy SL-21.1: Include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline.

Policy SL-21.2: Minimize impacts from publicly initiated aquatic vegetation management efforts.

3.1 Pierce County Shoreline Restoration Report

The Pierce County SMP update includes five goals in its restoration report component (ESA Adolfson 2009). These goals are intended to fulfill the County-wide restoration vision:

The County will strive to restore, protect and enhance the shoreline resources and ecological processes that contribute to those resources through a combination of public actions and voluntary private actions. Restoration efforts, combined with protection of existing shoreline resources, will be targeted to create a net improvement in the shoreline ecosystem over time so as to benefit native fish and wildlife, and maintain public amenities for the people of Pierce County, Washington.

The Pierce County restoration goals are as follows:

1. To improve shoreline processes, functions, and values over time through regulatory and voluntary and incentive-based public and private programs and actions that are consistent with the SMP and other agency/locally adopted restoration plans.

2. To increase the availability, viability and sustainability of shoreline habitats for salmon, shellfish, forage fish, shorebirds and marine seabirds, and other species; improve habitat quality for sensitive and/or locally important species; and support the biological recovery goals for federally protected species.
3. To integrate restoration efforts with capital projects and other resource management efforts including, but not limited to, shellfish closure response plans and water cleanup plans.
4. To encourage cooperative restoration actions involving local, state, and federal public agencies, tribes, non-government organizations, and private landowners.
5. To participate in the Puget Sound Partnership and commit energy and resources to implementation of the Puget Sound Action Agenda.

4.0 ONGOING CITY PLANS AND PROGRAMS

The City of Bonney Lake implements elements of the Growth Management Act through the adoption of the City's comprehensive plan and the Bonney Lake Municipal Code, which includes critical areas regulations that apply outside of shoreline jurisdiction. The City also has stormwater regulations and a Septic System Abatement Master Plan.

4.1 Comprehensive Plan

The Bonney Lake Comprehensive Plan (City of Bonney Lake 2007) goals and policies pertaining to shoreline area enhancement and restoration are listed below. These policies center on enhancing sensitive and critical areas and habitat, with particular attention to improving water quality within Lake Tapps by reducing septic system use as well as enhancing vegetated buffers along the Fennel Creek corridor.

Policy 2-2d Require new subdivisions and commercial development to connect to public sewers.

Policy 2-2e Encourage homes and businesses with septic systems to connect to public sewers.

Policy 2-3d Encourage vegetative buffers along streams and drainage ways to enhance water quality, protect habitat, and prevent erosion.

Policy 2-7b Help implement the Fennel Creek corridor environmental improvements identified in the 1999 Environmental Analysis of the Fennel Creek Corridor.

4.2 City of Bonney Lake NPDES Stormwater Management Program

The Phase II NPDES Stormwater Management Program includes ordinances and programs in fulfillment of local, state and federal stormwater requirements, as well as identifying water quality and quantity problems that may impact the environment and making recommendations for improvements. Adoption of the 2005 Ecology Stormwater Management Manual for Western Washington is required by the NPDES Phase II permit.

The objectives of the City plan are as follows:

1. Public education and outreach on stormwater impacts.
2. Public involvement/participation.
3. Illicit discharge detection and elimination.
4. Construction site stormwater runoff control.
5. Post-construction stormwater management in new development and redevelopment.
6. Pollution prevention/good housekeeping for municipal operations.

4.3 City of Bonney Lake Septic System Abatement Master Plan

The City has developed a Septic System Abatement Master Plan that identifies areas within the City's Core Sewer Service Area that are currently served by on-site septic systems and drainfields, and establishes a systematic program for connecting these areas to the municipal sewer system. As part of this effort, an abatement criteria matrix was developed to assist in ranking the potential abatement areas. One of the criteria used in developing the matrix was the proximity to high groundwater and surface water areas. The estimated cost to implement the plan at all the abatement areas studied is approximately \$25 million. A project report indicated that creating a local improvement district, obtaining Public Works Trust Funds, and allocating money from the City's General Fund were potential financing strategies and recommended that the City

develop a formal policy document to guide septic system abatement (RH2 Engineering, Inc. 2012).

5.0 PARTNERSHIPS

Federal, state, regional, and local agencies and organizations are actively involved in shoreline restoration, conservation, and protection in and around the City of Bonney Lake. These partners and their local roles in shoreline protection and/or restoration are identified below and generally ordered by the scope of the organization, from the larger state and watershed scales to the City-scale in the Bonney Lake area.

5.1 Washington State Conservation Commission

The completion of the 1999 Salmonid Habitat Limiting Factors Report for the Puyallup River Watershed Area (WRIA 10) identifies areas in the Puyallup watershed, including Lake Tapps, in need of protection, as well as data gaps.

5.2 Washington State Department of Ecology

The Washington State Department of Ecology completed the Puyallup-White Watershed Assessment Summary in 1995. This document describes existing data on water rights, stream flows, precipitation, geology, hydrology, water quality, fisheries resources, and land use patterns.

WRIA 10 is currently not working under the Watershed Planning Act (Ecology is the lead agency for this legislation).

5.3 Shared Strategy for Puget Sound

Shared Strategy for Puget Sound (SSPS) is a collaborative effort supported by state and federal agencies, local governments and non-government organizations, and legislators aimed at encouraging recovery plans to protect and restore salmon runs in Puget Sound. The Puyallup/White River Watershed Profile of the Puget Sound Salmon Recovery Plan (SSPS 2007) identifies as limiting factors in salmon recovery access, sedimentation, lack of nearshore habitat, point and non-point source pollution, degraded and lacking riparian conditions, and lost floodplain processes. The Plan includes a number of recommendations for salmon recovery in the White River Basin. These include but are not limited to restoration of floodplain connectivity in the lower White River and increased protection and restoration of tributaries that presently support high salmon productivity.

5.4 Puget Sound Partnership

The Puget Sound Partnership (Partnership) consists of representatives from a variety of interests from the Puget Sound region including business, agriculture, the shellfish industry, environmental organizations, local governments, tribal governments, and the Washington State Legislature. Some of the Partnership's key tasks are as follows:

- Develop a set of recommendations for the Governor, the Legislature and Congress to preserve the health of Puget Sound by 2020 and ensure that marine and freshwaters support healthy populations of native species as well as water quality and quantity to support both human needs and ecosystem functions.
- Engage citizens, watershed groups, local governments, tribes, state and federal agencies, businesses and the environmental community in the development of recommendations.
- Review current and potential funding sources for protection and restoration of the ecosystem and, where possible, make recommendations for the priority of expenditures to achieve the desired 2020 outcomes.

The Partnership, through the Leadership Council, released an Action Agenda in December 2008. Implementation of this Action Agenda has resulted in state and federal funding of restoration and protection initiatives and projects. This includes integrating the work of the Puget Sound Nearshore Restoration Project to increase focus on completing work necessary to request Puget Sound restoration funds under the Water Resources Development Act slated for 2012.

5.5 Pierce County

5.5.1 *Pierce County Public Works and Utilities: Surface Water Management Division*

The Pierce County Public Works and Utilities Department's Surface Water Management Division completed the White River Basin Plan Characterization Report in 2007. The document includes an analysis of basin conditions, including impervious surface, land use, water quality, habitat, floodplain, and stream characteristics. The County intends to present recommendations for solutions to identified problems regarding water quality, habitat, and floodplains in the next phase of study.

5.5.2 Pierce County Parks and Recreation

The Pierce County Park, Recreation and Open Space Plan was completed in 2008 and updated in 2009 (Pierce County 2009). One of the core values put forth in the plan is the conservation of natural and open spaces, wildlife habitat, shoreline environments, and ecological resources. Goals of the plan include providing parks and open spaces that conserve and enhance environmental features, link open space and significant environmental features, and incorporate natural areas to protect and conserve threatened species, habitat, and migration corridors.

5.5.3 Pierce County Lead Entity

Pierce County serves as the Lead Entity for the Puyallup/White watershed. The Lead Entity is charged with gathering information so that the a Citizen's Advisory Committee (CAC) of stakeholders can rank projects for funding consideration by the Salmon Recovery Funding Board (SRFB). The CAC's mission is "to support the recovery of self-sustaining, harvestable salmon populations in Puget Sound by restoring and protecting the habitat in WRIAs 10 and 12."

The Salmon Habitat Protection and Restoration Strategy for WRIAs 10 and 12 was completed in March 2008 (Pierce County Lead Entity 2008). The goal of the document is "to provide guidance to the CAC and TAG [Technical Advisory Group], the SRF Board, and Project Sponsors to identify and prioritize salmon habitat recovery projects in WRIAs 10 and 12." No projects within Bonney Lake shoreline jurisdiction are identified in the strategy; this does not preclude future project recommendations within the jurisdiction, however.

5.6 Pierce Conservation District

The Conservation District's mission is "To protect the natural resources and sustainable agriculture of Pierce County, by empowering local individuals and communities." To this end, the Conservation District provides guidance to Pierce County landowners on practices that reduce non-point pollution; in some cases, the Conservation District provides funding for landowners to assist them in implementing best management practices. The Conservation District's 5-Year Plan (2010 to 2015) summarizes the agency's priorities: to enhance and protect soil water, biodiversity, salmon, shellfish, and native plant resources; to assist landowners in protecting water quality, improving habitat, and conserving natural resources, while sustaining the agricultural community; and to involve and educate the local community through volunteer projects that improve stream quality in the County for the benefit of fish, wildlife and people.

The Stream Team began as a one-year Conservation District project and continues to work county-wide with volunteers to complete habitat and water quality improvement projects.

5.7 South Puget Sound Salmon Enhancement Group (SPSSEG)

This 501(c)(3) organization's mission is to work in cooperation with other groups to locate funding and plan, implement, and monitor fish and habitat enhancement and restoration projects, focusing on salmon and aquatic habitats. The SPSSEG takes an ecosystem approach and utilizes volunteers and public education in the region, which includes the entirety of WRIA 10.

5.8 Puyallup Tribe

The Tribe's Natural/Environmental Resources Program's mission is:

To protect, enhance, manage and restore the Natural Resources of the Puyallup Tribe of Indians. Key department entities include Water Quality, Air Quality, Wildlife, Fisheries, GIS and Environmental. This department continues to build relationships and establishes cooperation with local, state and federal jurisdictions to protect human health and the environment of Tribal members.

Goals of the Tribe include addressing habitat mitigation associated with PSE/CWA water right issues; continuing water quality sampling, monitoring, and analysis; and continuing watershed analysis for habitat enhancement and restoration opportunities.

5.9 National Fish and Wildlife Foundation (NFWF) Community Salmon Fund

The NFWF and Pierce County formed the Pierce County Community Salmon Fund in 2002 as a funding program for restoration projects that involved landowners and raise local support for salmon recovery. The goals of the Fund are:

- To fund salmon protection and restoration projects that have a substantial benefit to the watershed and that are consistent with Pierce County's Ecosystem and Diagnosis Treatment (EDT).
- To enlist landowners and community groups in project implementation and monitoring.
- To foster creativity and leadership in the community to address conservation needs.

- To focus on community members and groups that can be of particular help in salmon recovery.

5.10 Fennel Creek Preservation Group

This group of Bonney Lake citizens' mission is "the protection, preservation and restoration of the Fennel Creek Watershed and to encourage environmental education about its valuable Pacific Northwest habitats and ecosystems." The organization hosts speakers and forums on restoration and other environmental issues, holds educational events, and conducts volunteer projects in the Fennel Creek watershed.

5.11 Cascade Water Alliance

Cascade Water Alliance (CWA), owner and operator of Lake Tapps for the future purpose of supplying regional potable water, maintains a close association to Bonney Lake and Pierce County, as well as the neighboring cities of Auburn, Buckley and Sumner to help assure a consistent water supply for the next 50 years. CWA is actively working on planning efforts to maintain and improve long-term water quality for Lake Tapps. Current restoration activities include the eradication of Eurasian milfoil. CWA has also noted that future restoration of shoreline vegetation is expected at both Church Lake Park and along their shoreline owned property located south of 61st Street E and east of S. Tapps Drive E.

5.12 Other Environmental Organizations

Several environmental groups maintain offices and/or programs in Pierce County. While these groups have not historically worked in the shoreline jurisdiction of Bonney Lake, this does not preclude involvement in restoration activities in the future. Potentially active groups include:

- Cascade Land Conservancy
- Foothills Trail Coalition
- Forever Green
- Bonney Lake Conservation Group
- The Washington Wildlife and Recreation Coalition
- Trout Unlimited

6.0 POTENTIAL PROJECTS

Although Lake Tapps is geographically located in WRIA 10, it is disconnected from major waterways and salmon-bearing streams via the diversion flume in the City of Buckley (inlet) and the former Puget Sound Energy powerhouse channel (outlet). Otherwise, the lake is generally connected through localized effects of urbanization on watershed-level processes (e.g., generation and discharges of stormwater runoff, reduced groundwater recharge, deforestation, etc). As such, restoration opportunities on Lake Tapps are less about salmon conservation (as is common around the region) and more about water quality and habitat improvements for other terrestrial and aquatic wildlife.

Opportunities include:

- Collaborate on the removal of Eurasian milfoil and other invasive aquatic plants. Cascade Water Alliance is actively planning for the removal and eradication of Eurasian milfoil, having received grants from the Washington Department of Ecology.
- Improve water quality by implementing projects identified in the City's Septic System Abatement Master Plan and encourage the future conversion to connect both existing and future development to the city municipal sewer system.
- Remove non-native invasive terrestrial vegetation.
- Enhance shoreline vegetation by planting native tree and shrub communities. The City is establishing an incentive program for single-family residential development to address shoreline vegetation restoration around the lake. Through the implementation of BLMC 16.56.040, incentives are provided to single-family residential property owners to allow for reduced setbacks in exchange for the installation of shoreline vegetation. This would apply to developed lots, which may redevelop in the future. Implementation of this incentive program will address the overall lack of shoreline vegetation along the lakeshore as identified in the Shoreline Analysis Report and encourage the installation of native shoreline species which will enhance habitat availability and improve lake water quality (The Watershed Company and Makers 2010).
- Working with CWA to restore shoreline vegetation at Church Lake Park and their property located south of 61st Street E and east of S. Tapps Drive E.

- Encourage the joint-use of overwater structures.
- Many residential (and some park) shoreline properties on Lake Tapps have the potential for improvement of ecological functions through: 1) reduction or modification of shoreline armoring, 2) reduction of overwater cover and in-water structures (grated pier decking, pier size reduction, pile size and quantity reduction, moorage cover removal), 3) improvements to nearshore native vegetative cover, and/or 4) reductions in impervious surface coverage.

7.0 STRATEGIES TO ACHIEVE LOCAL RESTORATION GOALS

This section discusses programmatic measures for Bonney Lake designed to foster shoreline restoration and achieve a net improvement in shoreline ecological processes, functions, and habitats. With projected budget and staff limitations, the City of Bonney Lake does not anticipate leading most restoration projects or programs. However, the City's SMP represents an important vehicle for facilitating and encouraging restoration projects and programs that could be led by private and/or non-profit entities. The City's restoration goal focuses on restoring areas that have been degraded or diminished as a result of past activities. The discussion of restoration mechanisms and strategies below highlights programmatic measures that the City may potentially implement as part of the achieving this goal, as well as parallel activities that would be led by other governmental and non-governmental organizations.

7.1 Pierce County White River Basin Plan

The 2007 White River Basin Plan Characterization Report (Pierce County Public Works and Utilities 2007) represents Phase 1 of White River watershed planning. The document includes a comprehensive description of the watershed, including land use, climate, and all natural features and conditions. Phase II is in progress and will consist of project identification, rating and ranking. Protecting habitat and water quality and reducing flooding will be the primary focus of the projects investigated as part of Phase II. While the plan itself will consider only projects in unincorporated Pierce County, the processes by which projects are identified and ranked will provide guidance to the City for characterizing and prioritizing potential restoration projects in Bonney Lake's shoreline jurisdiction.

7.2 Capital Improvement Projects and Transportation Improvement Plans

The City could develop and incorporate a shoreline restoration goal for capital and transportation improvements. Outfalls and discharges to Lake Tapps make potential projects candidates for restoration components.

Currently, approximately \$300K is allocated annually for the conversion of local residential areas from septic to municipal sewer. At a minimum, the continuation of this program will serve to incrementally improve water quality in Lake Tapps. However, as identified in the Septic System Abatement Master Plan recommendations, further funding may be allocated in the future to help accelerate this effort. Funding options include developing a local improvement district, drawing from the City's general fund, obtaining Public Works Trust Funds, as well as seeking other State or Federal grants.

7.3 Development Opportunities/Incentives

The shoreline vegetation incentive program (BLMC 16.56.040) was developed to promote shoreline revegetation along Lake Tapps. By allowing for incremental reductions to the shoreline setback requirement based on revegetation area, existing homeowners who are likely to redevelop will have mechanisms to allow them to balance the use of their residential property with improvement in ecological function.

7.5 Tax Relief/Fee System

A tax relief/fee system to directly fund shoreline restoration measures may be investigated in the future. One possibility is to have the City work with the County to craft a preferential tax incentive through the Open Space-Public Benefit Rating System-Tax Program administered by the County under the Open Space Taxation Act (RCW 84.34) to encourage private landowners to preserve natural shore-zone features for "open space" tax relief. Ecology has published a technical guidance document for local governments who wish to use this tool to improve landowner stewardship of natural resources. More information about this program can be found at <http://www.ecy.wa.gov/biblio/99108.html>. The guidance in this report provides technically based property selection criteria designed to augment existing open space efforts with protection of key natural resource features that directly benefit the watershed. Communities can choose to use any portion, or all, of these criteria when tailoring a Public Benefit Rating System to address the specific watershed issues they are facing.

7.6 Shoreline Restoration Fund

A chief limitation to implementing restoration is local funding, which is often required as a match for state and federal grant sources. To foster ecological restoration of the City's shorelines, the City may establish an account that may serve as a source of local match monies for non-profit organizations implementing restoration of the City's shorelines. This fund may be administered by the City shoreline administrator and be supported by a levy on new shoreline development proportional to the size or cost of the new development project. Monies drawn from the fund would be used as a local match for restoration grant funds, such as the SRFB, Aquatic Lands Enhancement Account (ALEA), or another source.

7.8 Resource Directory

Development of a resource list would be helpful in aiding both property owners and City departments who want to be involved in restoration. For example, landowners and/or the City might be directed toward SRFB. SRFB administers two grant programs for protection and/or restoration of salmon habitat. Eligible applicants can include municipal subdivisions (cities, towns, and counties, or port, conservation districts, utility, park and recreation, and school districts), tribal governments, state agencies, nonprofit organizations, and private landowners.

7.9 Volunteer Coordination

The City will continue to emphasize and accomplish restoration projects by using volunteers from within the community. The City can also coordinate with the groups listed in Section 5.0, many of which already have volunteer programs in place.

7.10 Regional Coordination

The City should look for opportunities to coordinate restoration efforts with Pierce County and the Pierce Conservation District for involvement in regional restoration planning and implementation.

8.0 PROPOSED IMPLEMENTATION TARGETS AND MONITORING METHODS

8.1 Project Evaluation

When a restoration project is proposed for implementation by the City, other agency, or by a private party, the project should be evaluated to ensure that the project's objectives are consistent with those of this Restoration Plan of the SMP and, if applicable, that the project warrants implementation above other candidate projects. (It is recognized that, due to funding sources or other constraints, the range of any individual project may be narrow.) It is also expected that the list of potential projects may change over time, that new projects will be identified and existing opportunities will become less relevant as restoration occurs and as other environmental conditions, or our knowledge of them, change.

When evaluating potential projects, priority should be given to projects most meeting the following criteria:

- Restoration meets the goals and objectives for shoreline restoration.
- Restoration of processes is generally of greater importance than restoration of functions.
- Restoration avoids residual impacts to other functions or processes.
- Projects address a known degraded condition.
- Conditions that are progressively worsening are of greater priority.
- Restoration has a high benefit to cost ratio.
- Restoration has a high probability of success.
- Restoration is feasible, such as being located on and accessed by public property or private property that is cooperatively available for restoration. Restoration should avoid conflicts with adjacent property owners.
- There is public support for the project.
- The project is supported by and consistent with other restoration plans.

The City should consider developing a project “score card” as a tool to evaluate projects consistent with these criteria.

8.2 Monitoring and Adaptive Management

In addition to project monitoring required for individual restoration and mitigation projects, the City should conduct system-wide monitoring of shoreline conditions and development activity, to the degree practical, recognizing that individual project monitoring does not provide an assessment of overall shoreline ecological health. The following three-prong approach is suggested:

1. Track information using the City’s permit system as activities occur (development, conservation, restoration and mitigation), such as those listed below:
 - a. New shoreline development
 - b. Shoreline variances and the nature of the variance
 - c. Compliance issues
 - d. New impervious surface areas
 - e. Number of pilings
 - f. Removal of fill
 - g. Vegetation retention/loss
 - h. Bulkheads/armoring

The City may require project proponents to monitor as part of project mitigation, which may be incorporated into this process. Regardless, as development and restoration activities occur in the shoreline area, the City should seek to monitor shoreline conditions to determine whether both project specific and SMP overall goals are being achieved.

2. Re-review status of environmental processes and functions at the time of periodic SMP updates to, at a minimum, validate the effectiveness of the SMP. Re-review should consider what restoration activities actually occurred compared to stated goals, objectives and priorities, and whether restoration projects resulted in a net improvement of shoreline resources.

Under the Shoreline Management Act, the SMP is required to result in no net loss of shoreline ecological functions. If this standard is found to not be met at the time of review, the City will be required to take corrective actions. The goal for restoration is to achieve a net improvement. The cumulative effect of restoration over time between reviews should be evaluated along with an assessment of impacts of development that is not fully mitigated to determine effectiveness at achieving a net improvement to shoreline ecological functions.

Evaluation of shoreline conditions, permit activity, policy, and regulatory effectiveness should occur at varying levels of detail consistent with the SMA review cycle. A complete reassessment of conditions, policies and regulations must be conducted at least once every eight years, consistent with RWC 90.58.080. To conduct a valid reassessment of the shoreline conditions every eight years, it is necessary to monitor, record and maintain key environmental metrics to allow a comparison with baseline conditions. As monitoring occurs, the City should reassess environmental conditions and restoration objectives. Those ecological processes and functions that are found to be worsening may need to become elevated in priority to prevent loss of critical resources. Alternatively, successful restoration may reduce the importance of some restoration objectives in the future.

8.3 Reporting

The restoration opportunities presented in this document included are based upon a detailed inventory and analysis of shoreline conditions by many sources. Nonetheless, exhaustive scientific information about shoreline conditions and restoration options is cost prohibitive at this stage. Additionally, restoration is at times experimental. Monitoring must be an aspect of all restoration projects. Information from monitoring studies will help demonstrate what restoration is most successful. Generally, conservation of existing natural areas is the least likely to result in failure. Alternatively, enhancement (as opposed to complete restoration of functions), has the highest degree of uncertainty.

This Restoration Plan does not provide a comprehensive scientific index of restoration opportunities that allows the City to objectively compare opportunities against each other. If funding was available, restoration opportunities could be ranked by which opportunities are expected to have the highest rates of success, which address the most pressing needs, and other factors. Funding could also support a long-term monitoring program that evaluates restoration over the life of the SMP (as opposed to independent

monitoring for each project). However, the following table (Table 4) outlines a possible schedule and funding sources for implementation of a variety of efforts that could improve shoreline ecological function, and are described in previous sections of this report.

**Table 4.
Implementation Schedule and Funding for Restoration Projects, Programs and Plans.**

Restoration Project/Program	Schedule	Funding Source or Commitment
Washington State Conservation Commission	Ongoing	The City will refer to the Salmonid Habitat Limiting Factors Report for guidance regarding habitat limiting factors and data gaps as restoration projects are considered.
Washington Department of Ecology	Ongoing	The Puyallup-White Watershed Assessment was completed in 1995. The City is not currently working under the Watershed Planning Act.
Pierce County Lead Entity	Ongoing	The Lead Entity's Salmon Habitat Protection and Restoration Strategy does not include any projects within Bonney Lakes' shoreline jurisdiction. This does not preclude involvement of the City as new projects are proposed and considered.
Pierce Conservation District	Ongoing	The City will pursue partnership opportunities as time and budget permit.
Bonney Lake Comprehensive Plan	Ongoing	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with the recently updated Comprehensive Plan.
Bonney Lake Phase II NPDES Stormwater Management Program	Completed in February 2008	The SWMP commits the City to education and outreach, public involvement, detection and enforcement, stormwater control, and pollution prevention.
Bonney Lake Septic System Abatement Master Plan	Ongoing	Options include forming local improvement district, obtaining Public Works Trust Funds, and allocating money from the City's General Fund.
Bonney Lake Shoreline Vegetation Incentive Program	Following SMP approval	Funding for project implementation would be directly from private shoreline property owners for work on their own shorelines.

City planning staff tracks all land use and development activity, including exemptions, within shoreline jurisdiction, and may incorporate actions and programs of the other departments as well. A report may be assembled that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of

native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, or linear feet of shoreline armoring removed. The report would also outline implementation of various programs and restoration actions (by the City or other groups) that relate to watershed health.

The staff report may be assembled to coincide with the SMP review cycle and may be used, in light of the goals and objectives of the SMP, to determine whether implementation of the SMP is meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the inventory and analysis report. In the long term, the City should be able to demonstrate a net improvement in the City of Bonney Lake's shoreline environment.

9.0 REFERENCES

- City of Bonney Lake. 2007. City of Bonney Lake Comprehensive Plan. February 2007. (Portions updated until December 2009.)
- ESA Adolfson. 2009. Pierce County Shoreline Master Program Project: Shoreline Restoration Report. October 2007. Prepared for Pierce County Planning and Land Services Department. Pierce County, WA.
- Pierce County. 2007. White River Basin Plan Characterization Report. Public Works & Utilities, Water Programs Division document, September 2007.
<http://www.co.pierce.wa.us/pc/services/home/environ/water/ps/watershed/whiterivermain.htm>.
- Shared Strategy for Puget Sound (SSPS). 2007. Puget Sound Salmon Recovery Plan. Submitted by Shared Strategy Development Committee and adopted by National Marine Fisheries Service on January 19, 2007.
- Pierce County. 2008. Salmon Habitat Protection and Restoration Strategy, WRIA 10: Puyallup Watershed, WRIA 12: Chambers/Clover Creek Watershed. Pierce County (Lead Entity) guidance document, March 2008. 52pp.
- Pierce County. 2009. Pierce County Park, Recreation and Open Space Plan. Pierce County Department of Parks and Recreation. Prepared by MIG, Portland, OR.
- RH2 Engineering, Inc. 2012. City of Bonney Lake Septic System Abatement Master Plan Project Report. May 2012. Prepared for the City of Bonney Lake.
- Washington Department of Ecology (Ecology). 2006. Lake Tapps (Pierce County) Monitoring, Final Data Report. January 2006. <http://www.ecy.wa.gov/biblio/0603006.html>.
- Washington State Department of Fish and Wildlife, Puyallup Indian Tribe, and Muckleshoot Indian Tribe. 1996. Recovery Plan for White River spring Chinook salmon. Olympia, WA.
- The Watershed Company and Makers. 2010. Final Shoreline Analysis Report for the City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek. Prepared for the City of Bonney Lake Community Development Department. Bonney Lake, WA.



Memo

Date : October 16, 2013
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Shoreline Master Plan Update**

PURPOSE:

The purpose of this memo is to present the Planning Commission’s recommendation regarding the the update of the City’s Shoreline Master Program (SMP).

BACKGROUND:

The Shoreline Management Act (SMA) was proposed by the Legislature in response to a citizen’s initiative, and ratified by Washington voters in 1972. The SMA was intended to protect and restore the valuable natural resources that the state’s shorelines represent. In addition, the SMA was developed to plan for and foster all “reasonable and appropriate uses” that are dependent upon a waterfront location, or which will offer opportunities for the public to enjoy the state’s shorelines: single family homes were specifically identified as a preferred shoreline use by the Legislature.

Within the City of Bonney Lake, Lake Tapps and Fennel Creek downstream of Victor Falls are classified as shorelines of the state subject to the requirements of the SMA. Lake Tapps has been regulated under the SMA since 1972 and the City’s original SMP adopted in 1975.

In addition, Lake Tapps is designated as “shoreline of statewide significance” since it has surface acreage of one thousand acres or more which triggers higher levels of protection for ecological functions and public access.

In 2003, the Washington State Legislature mandated a comprehensive update to the over 250 SMPs adopted by cities and counties through the State. All most all of these local SMPs had not been updated since their initial adoption in the late 1970’s or early 1980’s. The City was awarded a grant

by DOE, in 2008, to facilitate the required update and subsequently initiated the update of its 1975 SMP in 2009.

Over the last four years, staff has been working with a citizen advisory committee, consultants, the Cascade Water Alliance, the Department of Ecology, and the Planning Commission to develop an updated SMP that balances the environmental protections mandated by the state, private property rights, and recreational usage of the lake and shoreline. Key considerations within the SMP included conservation, public access, guidance for water-oriented recreational uses, and allowances for residential development.

The new SMP will not be a standalone document, but will be integrated into the City's regulatory framework which did not exist in 1975. Under this approach the required shoreline goals and policies will be a new element added to the City's Comprehensive Plan and the shoreline regulations will be added as a new article in Title 16 of the Bonney Lake Municipal Code consisting of 13 chapters entitled "Shoreline Code".

As part of the update to the SMP, the City was also required to review its Critical Areas Code to demonstrate that there is a no-net-loss of ecological function for those critical areas within the shoreline jurisdiction. As a result of this review, the City will have to amend the buffer requirements for wetlands: a discussion regarding this issue is provided on pages 6 through 7 of this memo.

ISSUES:

1. Who is affected by the Shoreline Master Program?

The SMP regulates "development" in the "shoreline jurisdiction." Briefly stated, the "shoreline jurisdiction" is the area extending two hundred (200) feet landward from the edge of Lake Tapps and the regulated portion of Fennel Creek. "Development" is defined broadly and includes not only those activities that most people recognize as "development" (for example, improving a road surface or building a structure), but also those activities that citizens may do around their own home (for example, grading an area of shoreline to enhance their personal view of the water).

While, not all development along the shoreline must have a permit, all development must comply with the policies and regulations established by the state Shoreline Management Act as expressed in the Bonney Lake SMP.

2. Will property owners along the lake that have bulkheads have to remove any of them as a result of this process?

No. Property owners with existing bulkheads will be able to keep them and replace them; provided, that the replacement structure is the same height and length as the existing structure. If the property owner elects to enlarge an existing bulkhead or construct a new bulkhead the new regulations would apply, which are significantly more stringent.

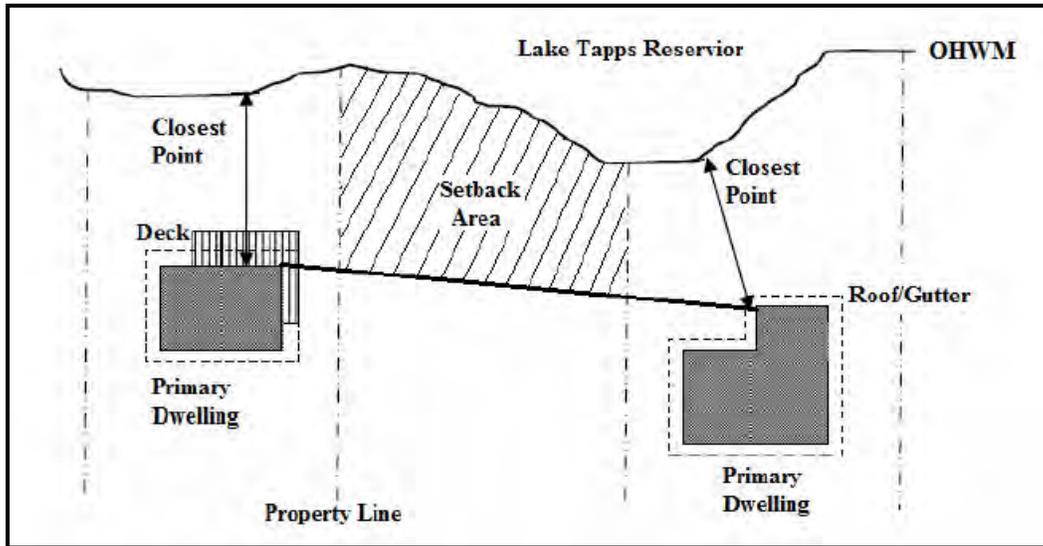
DOE is requiring that new bulkheads or other hard shoreline stabilization measures be used only as a last result. Applicants are required to submit a geotechnical engineering report demonstrating that the bulkhead is the only thing that will protect the property. Applicants must first consider nonstructural measures like placing the development further back from the shoreline and soft shoreline stabilization measures which are stabilization measure that more closely mimic the natural environment.

3. How will the setbacks for residential homes under the new SMP compare to the setbacks under the old SMP?

Under the 1975 SMP, homes were required to be setback 30 feet from the ordinary high water mark or a legal established bulkhead. The 1975 SMP also required that homes have a front yard setback of 35 feet if the lot was adjacent to an arterial and 20 feet on other roads. Homes were also required to be setback 8 feet from both side yards.

Under the Zoning Code, homes in the R-1 Zone typically have a 20 foot setback from the rear property line; however, there is a special provision in the R-1 Zone for homes adjacent to Lake Tapps requiring a setback of 30 feet from the rear property line which is the 545 elevation line. This elevation line typically does not align with the ordinary high water mark or the bulkhead. The effect of these two regulations typically meant that homes were setback 60 feet from the lake as illustrated on the attached map: the current average setback from the lake is 61.8 feet. Additionally, the R-1 Zone only requires a 20 foot front yard setback and 5 foot side yard setbacks which are less than what is required under the SMP.

Under the proposed SMP, the minimum setback from the ordinary high water mark (OHWM) is 60 feet. However, there may be instance were a greater setback is required in order to minimize impacting views from existing homes. If an existing home is located on either both or one side of a proposed home and is setback 60 feet or greater, then the SMP establishes a string line setback as illustrated below:



The proposed shoreline regulation also establish a formula to allow the setback from the OHWM to be reduced by 20 feet, if a homeowner agrees to install native vegetation adjacent to the lake. Under the formula, the setback is reduced 5 feet for every 300 square feet of shoreline vegetation planted by the homeowner; therefore, the homeowner would need to add 1,200 square feet of vegetation to achieve the full 20 foot reduction allowed under the proposed regulations. The home would still be required to be setback twenty feet from the rear property line as required by the amended R-1 zoning requirements and cannot move closer to the water than determined by the string-line setback.

The front and side yard setback requirements are removed from the SMP as these setbacks should be regulated by the Zoning Code and not the SMP since these setbacks are not associated with protecting the ecological functions of the Lake. The Zoning Code will also be amended to decrease the rear yard setback for Lake Tapps, so that all lots in the R-1 will have the same rear yard setback of 20 feet.

4. Will homes that do not meet the new dimensional requirements be considered non-conforming uses?

No. The new SMP specifically states that homes that are were legally established but do not meet the new shoreline requirements are considered conforming uses. Additionally, homes that were legally established and are located landward of the OHWM that not meet the shoreline setback may be enlarged or expanded provided that the new construction complies with applicable bulk and dimensional standards.

5. How will the dock requirements compare under the old and new SMPs?

The table below identifies the dimensional requirements under the old and new SMPs:

Description	Old SMP	New SMP
Area		
Single Property Owner	360 Square Feet	360 Square Feet
Shared by two property owners	N/A	580 Square Feet
Shared by 4 or more property owners	N/A	1,000 Square Feet
Maximum Length		
Farthest extension point of all structures from the OHWM.	30 Feet	50 Feet or 15% of the fetch which every is less
Fingers and Floats	N/A	20 Feet
Ells	30 Feet	25 Feet
Maximum Width		
Portion of the walkway within 30 feet of the OHWM	15 Feet	4 Feet
Portion of the walkway greater than 30 feet from the OHWM	N/A	6 Feet
Ell and Float	15 Feet	6 Feet
Finger	15 Feet	3 Feet
Ramp connecting a Pier to a Float	15 Feet	3 Feet
Height		
Minimum height above the OHWM measured for the OHWM to the bottom of the stringers on the dock/pier	1 Foot	1 ½ Feet
Maximum height above the OHWM measured from the OHWM to the top of the decking	N/A	5 Feet
Safety railing as measured for the top of the decking to the top of the railing	N/A	3 Feet
Location of Specific Structures		
Minimum distance of ells, fingers, floats, buoys, moorage buoys as measured from the OHWM waterward	N/A	30 Feet
Minimum distance from decks/piers located on adjacent properties	16 Feet	20 Feet
Minimum distance between piers	N/A	12 Feet

The proposed shoreline regulation also establish a formula to allow the maximum area of the dock for a single home owner or a dock owned by two home owners to be increased by 120 square feet, if a homeowner(s) agrees to install native vegetation adjacent to the lake. Under the formula, the maximum area allowed for the dock is increased 30 square feet for every 300 square feet of shoreline vegetation planted by the homeowner; therefore, the homeowner would need to add 1,200 square feet of vegetation to achieve the maximum 120 square feet allowed under the proposed regulations.

6. Are there compensation or property tax relief opportunities for properties affected by the Shoreline Master Program?

Property owners whose land is regulated by the Shoreline Master Program may be eligible for a reduction in their property taxes. Several tax relief programs are available through Pierce County, including the Open Space-Public Benefit Rating System (PBRs) program. The program, authorized by RCW 84.34 and adopted by Pierce County, is based on the Current Use Open Space Taxation Act. That Act states that it is in the best interest of the State to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens. Upon removal of classification, an additional tax, interest, and penalty may be due.

7. Does the SMP affect the regulation of critical areas within the City?

Yes. If any portion of a wetland or wetland complex is located within 200 feet of the shoreline then the whole wetland or wetland complex is considered an associated wetland and is regulated under the SMP. In addition to wetlands, all other critical areas (Flood Hazard, Critical Aquifer Recharge Areas, Floodplains, Geologically Hazardous Areas, and Habitat Conservation) that are located within 200 feet of shoreline are regulated by the SMP.

In order to maintain consistency between a city's CAO and the SMP regulations, jurisdictions typically adopted their existing CAO standards by reference as part of the shoreline regulations. Staff has currently proposed to utilize this option; therefore, DOE had to review the CAO regulations as part of the SMP updated. DOE was satisfied that all of the CAO regulations were consistent with DOE requirements and guidance, with the exception of the wetland regulations. One of the primary change is to the regulations of the wetland buffers as shown on the chart below:

		Intensity land use on the upland side of the buffer		
<u>Overall Wetland Rating</u>	Habitat Score	High ¹ (including commercial areas, industrial areas, residential areas at more than four units per net acre, and areas of high-intensity agriculture or recreation)	Moderate ² (including residential areas at less than four units per net acre, parks, and trails)	Low ³ (including passive recreation and open space)
Category I	<u>29 – 36 points</u>	300 feet	250 <u>225</u> feet	200 <u>150</u> feet
<u>Category I</u>	<u>20 – 28 points</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category I</u>	<u>19 points or less</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
Category II	<u>29 – 36 points</u>	200 <u>300</u> feet	150 <u>225</u> feet	100 <u>150</u> feet
<u>Category II</u>	<u>20 – 28 points</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category II</u>	<u>19 points or less</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
* Category III ⁴	<u>20 points or greater</u>	100 <u>150</u> feet	75 <u>110</u> feet	50 <u>75</u> feet
<u>Category III⁴</u>	<u>19 points or less</u>	<u>80 feet</u>	<u>60 feet</u>	<u>40 feet</u>
* Category IV ⁴	<u>0 points or greater</u>	50 feet	35 <u>40</u> feet	35 <u>25</u> feet

¹ High Intensity Land Uses include commercial, industrial, and retail developments; institutional use, residential developments at more than 1 unit per acre; high intensity recreation areas (golf course, ball fields, etc.); and hobby farms.

² Moderate Intensity Land Uses include residential developments at less than 1 unit per acre; moderate intensity open space (parks with biking, jogging, etc.); paved trails and utility corridors with maintenance roads.

³ Low Intensity Land Uses include low intensity open space (hiking, bird-watching, preservation of natural resources, etc.); unpaved trails and utility corridors without maintenance roads.

~~*~~⁴ For exemption of wetlands under 1,000 square feet see BLMC 16.20.070(S).

In order to address the regulation of the wetland buffers, the City had two options: (1) correct the CAO or (2) adopted different wetland regulations for the shoreline area. If the City chose

to adopt all of the CAO regulations with the exception of the wetland regulations, it would need to establish the revised buffers for wetlands regulated under the SMP. Under this approach, there would be one set of regulations for areas outside of the shoreline jurisdiction and one set for those within the shoreline jurisdiction; increasing the complexity of the permit review process for property owners. The second option would also mean that the wetland buffers would not change for the rest of the City in the near term; however, the buffers would need to be modified as part of the Periodic Comprehensive Plan Update in 2015.

The reason that the buffers would need to be changed as part of this Periodic Update is that the submittal checklist Section II question 9 prepared by the Department of Commerce requires that critical area regulations be based “Best Available Science” as required by RCW 36.70A.172(1) and WAC 365-195-915. This section also requires that the regulations protect the functions and values of wetlands as required by RCW 36.70A.060(2) and RCW 36.70A.171(1).

The City’s current buffers were adopted in 2004 prior to the issuance of the Washington Departments of Ecology (DOE) and Fish and Wildlife’s (WDFW) *Wetlands in Washington State, Volume 1: A Synthesis of Science* (March 2005) and *Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands* (April 2005). These documents provide guidance regarding what the state considers necessary to protect functions and values of wetlands, including wetland buffers, based on BAS as required by the Growth Management Act. While DOE and Commerce cannot force the City to adopt the standards in the CAO as part of the Periodic Comprehensive Plan Update, if the standards are inconsistent with BAS and RCW 36.70A.060(2) and RCW 36.70A.171(1) based on the guidance from DOE and WDFW, then Commerce could declare the City’s Comprehensive Plan and development regulations GMA non-complaint. A non-complaint GMA status would prevent the City from securing State grants and loans for infrastructure projects. The Public Works Trust Fund, the Centennial Clean Water Fund, the Drinking Water State Revolving Fund, and the Hazard Mitigation Grant program all require compliance with the GMA for access to their funding programs. The Recreation and Conservation Office grants an additional point in the scoring process for local governments that are in compliance.

Therefore, it is Planning Commission’s recommendation to make the changes now instead of creating two regulatory systems for wetlands which would last a couple of years, before the City is required to institute the revised wetland buffers in order to be GMA compliant. Additionally, the revised buffers also provide greater flexibility for the community and in some cases are smaller than the existing buffers.

RECOMMENDATION:

At the October 16, 2013 meeting, the Planning Commission held public hearing to consider the Shoreline Master Program Update and voted 5-0-0 to recommend that the City Council adopt Resolution 2297 notifying the Department of Ecology of the City of Bonney Lake's intent to adopt Ordinance 13-56 updating the Bonney Lake Shoreline Master Program.



Community Development Department

Planning Commission Minutes

October 16, 2013 Regular Scheduled Meeting
City of Bonney Lake Council Chambers

APPROVED

The meeting was called to order at 5:34 P.M.

Planning Commission Present

Grant Sulham, **Chair**
L. Winona Jacobsen, **Vice-Chair**
Brandon Frederick (Absent)
Richards Rawlings
Brad Doll
Dennis Poulsen
Dave Baus

City Staff Present

Jason Sullivan, Senior Planner
Debbie McDonald, Commission Clerk

A poll determined that a majority of Commissioners would be available for the November 6, 2013 Planning Commission meeting.

I. APPROVAL OF MINUTES:

MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY COMMISSIONER RAWLINGS TO APPROVE THE MINUTES FROM THE SEPTEMBER 18, 2013 MEETING.

MOTION APPROVED 6-0

II. PUBLIC HEARING:

Shoreline Master Program

Chair Sulham open the Public Hearing at 5:41

Mr. Sullivan gave a brief overview of the Shoreline Master Plan (SMP). There are three changes in the document before the Planning Commission. First, the designation around the Printz Basin Flume has been removed. Department of Ecology (DOE) has agreed that the way that the Printz Basin Flume was previously mapped and included into the Shoreline Master Plan was incorrect. DOE and the City, conjunction with Cascade Water Alliance, are working together to get a distinct location of where the flume ends and the lake begins as the flume is not considered a shoreline of the state but the lake is. The second is that string-line setback along Lake Tapps to preserve the views of lake previously establish was modified so that in cases where the vegetation incentives were used to reduce the setback, the new development would still be required to observe the string line setback. Commissioners were provided an update matrix of comments

City of Bonney Lake
253.862.8602 ♦ Fax: 253.862.8538

P.O. Box 7380 ♦ 19306 Main Street East
Bonney Lake, WA 98391-0944

that have come in. Included are two emails that came in today with questions on the draft and not request for changes or modifications.

David Swanson, 6216 207th Ave E: String line setback is a new thing. The setbacks from the high water mark are 10 feet closer but because of the string line setback would make it impossible to build. Makes his lot unbuildable. Not his fault the neighbor decided to build 350 feet back. Keep the setbacks but do away with the string-line setback. Sub-divided parcels must use a shared dock but how many boat and Jet Ski lifts can the shared dock have. Property going to be effected would like to see them looked at before being adopted.

Shawnta Mulligan, 11329 177th Ave E: She does not own property on the water here. Is not understanding why the DOE is paying for the update and are the ones reviewing the Shoreline Master Plan? Who elected the DOE? No one, it is an appointed board. She hopes the City is keeping the DOE in check. They are tightening the regulations on the county. How much longer will it be until the DOE turns on the City? What is the ecological function of a man-made lake that was 4 puddles before it was turned into a power generation body. She believes Lake Tapps should be removed from the Shoreline Master Plan since it is a man-made lake and trucks fish in. Provided a definition of bullying and believes that is what DOE is doing to the City. Why need a string-line setback?

Theresia McClimans, 19025 68th St E: She is concerned, she loves our area but it is going to pot slowly. Our freedoms are being lost, people are not being educated on what the boundaries of that freedom are. It just seems like the DOE is just bullying. Appointed people trying to control by bullying the property owners. It takes local government to be concerned over the quality of our property. People are not going to trash their own property they worked hard for. We are done being bullied.

James K. McClimans, 19025 68th St E: Thanks for being here and for the job you do. There were hundreds of people at the Pierce County meeting and they were angry. When you start putting in a buffer you are taking away their property rights by telling them what they can and can't do. The setback is increasing from 30 feet to 60 feet, but if the property owner is good and plants native plants they can earn some of it back. That is malarkey. You are going to steel 30 ft. of their property from everyone on the Lake because of 25 undeveloped properties. That doesn't pass the giggle test. For the threat of what? The Analysis Report say it is weeds – so you are going to steal 30 feet of people's property because of weeds. Same report says there are no fish endangered. It is up to you if you want to steal, reject this plan and write an exemption for Lake Tapps. The City has two more years before the update to the SMP is required to be adopted.

Mr. Sullivan responded there are currently 2 setbacks 30 feet from the high water mark and 30 feet from the property line which is the 545 elevation line. The 545 elevation line does not always correspond to the ordinary high water mark. People currently have an average setback of 60.8 feet from the ordinary high water mark. The City's goal is to maintain the current conditions so the setback is a minimum of 60 feet from the ordinary high water mark, unless the neighboring homes have a greater setback. Only the setback from the 545 setback is reduced to 20 feet under the proposed SMP. The string-line setback was established to prevent homeowners who have been there for a long time from having their view completely blocked by construction. A home can have a smaller setback by planning native vegetation. In working with DOE, the

M: Everyone/Planning/Planning Commission/Minutes/2013/October 16, 2013

City was able only to use setbacks and was not required to establish buffers. When you sub-divide a property you have to provide one dock to share but is allowed more square footage. The grant provided by DOE, allowed the City to pick the consultant DOE simply paid the bills. Just wanted to clear up that the Shoreline Master Plan was due two years ago in December 2011. If a City does not complete a plan then DOE can write their own Shoreline Master Plan for the City and adopt it. We are working with DOE and trying to preserve what is there. The SMP represents a compromise between environmental protection and preservation of property rights.

Commissioner Poulsen asked to Mr. Sullivan's knowledge would Mr. Swanson's land be unbuildable.

Mr. Sullivan responded no his land would not be unbuildable because there is a variance a homeowner can apply for.

Vice-Chair Jacobsen stated this process started over two and half years ago and all these questions have been brought up before. Thanked Mr. Sullivan for the good job he has done with the draft Shoreline Master Plan.

Commissioner Baus commented that he lives in a house that was built in 1970 and on one side of him is a house built in 1980 and one built in 1990. Has lost his view with the houses being built closer to the lake. People are also leasing dock space. It would be nice to have a little more control to protect existing homeowners.

Commissioner Doll stated that he has never heard of Lake Tapps being able to get an exemption from the Shoreline Master Plan, is this something that can be done?

Mr. Sullivan responded I believe that there might be a process to go through, but it is up to Pierce County to ask for the exemption since most of the shoreline is located in Pierce County. The City still has to regulate the shoreline until then.

Chair Sulham closed the Public Hearing at 6:22.

MOTION WAS MADE BY VICE-CHAIR JACOBSEN AND SECONDED BY COMMISSIONER RAWLINGS TO RECOMMEND THAT THE CITY COUNCIL ADOPT RESOLUTION 2297 NOTIFYING THE DEPARTMENT OF ECOLOGY OF THE CITY OF BONNEY LAKE'S INTENT TO ADOPT ORDINANCE 13-56 UPDATING THE BONNEY LAKE SHORELINE MASTER PLAN.

MOTION APPROVED 5-0

III. PUBLIC COMMENT AND CONCERNS: NONE

IV. NEW BUSINESS: NONE

V. OLD/CONTINUING BUSINESS: NONE

VI. FOR THE GOOD OF THE ORDER:

Correspondence – NONE

Staff Comments – Mr. Sullivan mentioned the Planning Commissioner Work Plan will go to City Council earlier the last year and the Planning Commission will have to figure a zone use for a marijuana retail store.

Commissioner Comments – Vice-Chair Jacobsen reminded Commissioners of the Milotte Film Festival on October 19th, from 11-4.

VI. ADJOURNMENT:

MOTION WAS MADE BY VICE-CHAIR JACOBSEN AND SECONDED BY COMMISSIONER BAUS TO ADJOURN.

MOTION APPROVED 5-0

The meeting ended at 6:34 P.M.

Debbie McDonald, Planning Commission Clerk



Bonney Lake Response to Agency Comments

October 16, 2013

Agency	Comment Number	SMP Page No.	Comment	City Response
Cascade Water Alliance	1	Map	The Environmental Designations Map includes the flume leading to Printz Basin in the "Natural" shoreline environment. This feature does not meet the State's definition of a shoreline. Therefore, the only portion of the flume that should be included in the shoreline jurisdiction is the area located within 200' of the OHWM of Lake Tapps. We disagree with the City's decision to keep this area in its shoreline jurisdiction	The City concurs with Cascade Water Alliance and sent a letter on October 8, 2013 requesting that DOE provide the legal basis and scientific rational for requiring the City to regulate a portion of the flume under the Shoreline Code given DOE's documentation that the flume is not considered a shoreline of the state.
Cascade Water Alliance	2	p.4 Shoreline Element of Comp. Plan	Typo: "PSE voluntaryily ceased operations in 2004..."	Noted. Spelling error corrected.
Cascade Water Alliance	3	p. 52 Draft Ordinance	Typo: Re Vegetation Conservation and Maintenance: Typo in subsection B: "Vegetation conservation areas shall be fully replanted with native vegetation pursuant to an approved Vegetation Planting Plan consistent with the requirements of BLMC 16.56.040 and this section..." The citation should be BLMC 16.56.050, Vegetation Planting Plan Requirements.	Noted. The citation was changed to the correct citation - BLMC 16.56.050.



Bonney Lake Response to Agency Comments

October 16, 2013

Cascade Water Alliance	4	p. 69 Draft Ordinance	Typo : The title: "16.58.90 Filling the Permit Decision with the State" should read "Filing the Permit Decision with the State"	Noted. The spelling has been corrected.
Cascade Water Alliance	5	p. 70 Draft Ordinance	Typo: 16.58.110.B Other Approvals Sentence should read "All developments below the 545 elevation line along Lake Tapps requires the issuance of a license from the Cascade Water Alliance. Documentation verifying necessary that the applicant has obtained the required license must be submitted to the City prior to issuance of a building permit."	Noted. The word necessary has been removed for the sentence.
Confederated Tribes of the Grand Ronde Community of Oregon	1	N/A	The Confederated Tribes of the Grand Ronde Community of Oregon has no treaty or usual and accustomed interests in this area. We will defer to the other Tribes in regards to any comments on your projects.	Noted.
Coeur d'Alene Tribe	1	N/A	This is outside the Coeur d'Alene Tribe traditional territory. This office has no comment.	Noted.
Skokomish Tribe	1	N/A	The Skokomish THPO has no comments on this SMP. Thank you for the opportunity to review and comment.	Noted.



Bonney Lake Response to Agency Comments

October 16, 2013

Lower Elwha Klallam Tribe	1	N/A	The Lower Elwha Klallam Tribe defers its comments to the primary tribe for this location and identified as the Puyallup Tribe	Noted.
Lower Elwha Klallam Tribe	2	N/A	As a point of interest has Bonney Lake conducted a cultural resources survey and assessment for this shoreline management update? Reference is given to historical residences built prior to 1950 but not listed on the state or Federal Register of Historic Places. The Puyallup Tribe would have the best resources for identifying archaeological or Traditional Cultural Properties for this area.	Noted. The City has not complete a cultural assessment as part of the shoreline management update, but did review information available on the Department of Archeology and Historic Preservation's website and the City's Cultural Resource Element. The City also sent notice to the Puyallup Tribe requesting comments on the SMP.
Kelly and Theresia McClimans	1	N/A	Specifically, what was the previous setback? Is there a change to the setback?	<ul style="list-style-type: none"> Single Family Residential: <p>Under the 1975 SMP, single homes were required to be setback 30 feet from the ordinary high water mark (OHWM) or a legal established bulkhead. The 1975 SMP also required that homes have a front yard setback of 35 feet if the lot was adjacent to an arterial and 20 feet on other roads. Homes were also required to be setback 8 feet from both side yards.</p> <p>Under the Zoning Code, homes in the R-1 Zone typically have a 20 foot setback from the rear property line; however, there is a special provision in the R-1 Zone for homes adjacent to Lake Tapps requiring a setback of 30 feet from</p>



Bonney Lake Response to Agency Comments

October 16, 2013

				<p>the rear property line which is the 545 elevation line. This elevation line typically does not align with the ordinary high water mark or the bulkhead. The effect of these two regulations typically meant that homes were setback 60 feet from the lake: the current average setback from the lake is 61.8 feet. Additionally, the R-1 Zone only requires a 20 foot front yard setback and 5 foot side yard setbacks which are less than what is required under the current SMP.</p> <p>Under the proposed SMP, the minimum setback from OHWM is 60 feet. However, there may be instance were a greater setback is required in order to minimize impacting views from existing homes. If an existing home is located on either both or one side of a proposed home and is setback 60 feet or greater, then the SMP establishes a string line setback as illustrated in Ordinance D13-56 Figure 1 on page 21.</p> <p>The proposed shoreline regulation also establish a formula to allow the setback from the OHWM to be reduced by 20 feet, if a homeowner agrees to install native vegetation adjacent to the lake. Under the formula, the setback is reduced 5 feet for every 300 square feet of shoreline vegetation planted by the homeowner; therefore, the homeowner would</p>
--	--	--	--	---



Bonney Lake Response to Agency Comments

October 16, 2013

				<p>need to add 1,200 square feet of vegetation to achieve the full 20 foot reduction allowed under the proposed regulations. The home would still be required to be setback twenty feet from the rear property line as required by the amended R-1 zoning requirements and cannot move closer to the water than determined by the string-line setback.</p> <p>The front and side yard setback requirements are removed from the SMP as these setbacks should be regulated by the Zoning Code and not the SMP since these setbacks are not associated with protecting the ecological functions of the Lake. The Zoning Code will also be amended to decrease the rear yard setback for Lake Tapps, so that all lots in the R-1 will have the same rear yard setback of 20 feet.</p> <ul style="list-style-type: none">• Multifamily Residential: Multifamily residential developments were not listed in the 1975 SMP. The City has added this to the new SMP and established a 75 foot setback for the OHWM• Commercial Developments Under the 1975 SMP, commercial developments were allowed and required to be setback 30 feet from the OHWM; however,
--	--	--	--	---



Bonney Lake Response to Agency Comments

October 16, 2013

				<p>under the new SMP commercial use are prohibited as none of the area around Lake Tapps are zoned for commercial purposes.</p> <ul style="list-style-type: none"> • Park Facilities <p>Other than boat houses and launch facilities, buildings and structures were required to be setback 30 feet from the OHWM under the 1975. The new SMP establishes the following setback requirements:</p> <ul style="list-style-type: none"> ○ Water-dependent uses shall not be required to be setback from the OHWM. ○ Water-enjoyment uses shall be setback a minimum of twenty (20) feet from the OHWM ○ Nonwater-oriented uses shall be setback a minimum setback of eighty (80) feet from the OHWM. ○ Accessory use facilities such as restrooms and parking areas shall be located a minimum of sixty (60) feet from the OHWM. These areas shall be linked to the shoreline by walkways
Kelly and Theresa McClimans	2	N/A	Did the original smp [sic] have a restoration plan?	The original SMP did not have a restoration plan. The restoration plan is a non-regulatory document that documents steps that could be or are being taken to improve the Ecological Functions of Lake



Bonney Lake Response to Agency Comments

October 16, 2013

				Tapps. The restoration plan is mandatory element of the SMP pursuant to WAC 173-26-201(2)(f).
Kelly and Theresia McClimans	3	N/A	How many acres are Lake Bonney and Lake Jane. [sic]	According to the Bonney Lake Preliminary Water Quality Assessment dated February 19, 2007 prepared for the City of Bonney Lake prepared by Parati LLC, Lake Bonney has a surface area that is "... roughly 16.98 acres." (pg.1) According to the County's GIS system Lake Debra Jane has a surface area of approximately 15.88 acres.
Kelly and Theresia McClimans	4	N/A	Is there a specific issue that is perceived to be an ecological threat?	The specific issues of ecological concern for Lake Tapps are provided in the <i>Final Shoreline Analysis Report for City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek</i> dated June 24, 2010 prepared for the City of Bonney Lake by the Watershed Company and Makers Section 4.3. Specifically, Section 4.3.1 and Table 3 which document the ecological concerns for the Residential Assessment Unit (all of the residential areas around Lake Tapps within the City) and Section 4.3.2 and Table 4 which document the ecological concerns for the Park Assessment Unit (all of the three park areas around Lake Tapps within the City).
Shawnta Mulligan	1	N/A	What necessitated the addition of Article III?	I am not 100% sure what you are referring to in this question? If you are referring to Section 34 of Ordinance D13-56, this is simply instruction to the



Bonney Lake Response to Agency Comments

October 16, 2013

				Code Publisher to group proposed Chapter 16.34 – 16.58 BLMC which are provided in Sections 5 – 17 of Ordinance D13-56 under the title “Shoreline Code” when they are published in the Municipal Code. This was done so that residents can easily and quickly identify the regulation that affect development in the shoreline. Section 34 of Ordinance D13-56 itself does not add any regulations, it only adds a heading to the municipal code.
Shawnta Mulligan	2	N/A	How many parcels of property are affected by this update? How many parcels have property on the lake front/creek front?	<p>There are 520 parcels that will be affected by the new SMP.</p> <p>All of the parcels are on Lake Tapps with the exception of one property along Fennel Creek that is owned by the City of Bonney Lake. If the City is required to regulate the Printz Basin Flume under the SMP, then there will be two additional parcels that are owned by Puget Sound Energy according to the Pierce County Tax Assessor records.</p>
Shawnta Mulligan	3	N/A	Of those parcels, how many of the parcels are not developed? What is the breakdown of parcels falling into each category, for example, how many parcels are shoreline residential, multifamily, park, and natural?	<p>Of the parcels around Lake Tapps 6 parcels (the proposed Park Place project) are Vacant in the proposed the Shoreline Multifamily designation. Of the parcels around Lake Tapps 2 parcels are Vacant, 19 parcels are listed as Vacant – Single Unit, and 30 parcels are listed as Under-developed in the proposed Shoreline Residential Designation. The determination of the property as Vacant, Vacant – Single Unit, and Underdeveloped was</p>



Bonney Lake Response to Agency Comments

October 16, 2013

				<p>determined based on the methodology established in the 2007 Buildable Lands Report: A Monitoring and Evaluation Analysis of Urban Growth and Development Capacity for Pierce County and its Cities and Towns date September 1, 2007 Section III – Bonney Lake (Buildable Lands Report).</p> <p>Of the parcels around Lake Tapps, there are 16 parcels (5 owned by the City, 3 owned by Cascade Water Alliance, 1 owned by the Sumner School District, 6 owned by HOAs, and 1 proposed to be dedicated to the City as part of the Park Place Project) in the proposed Park designations. This properties are all current used as parks with the exception of the one owned by the Sumner School District and the one proposed to be dedicated as part of the Park Place project. There are no parcels around Lake Tapps in the natural designation.</p> <p>The City’s property below Victor Falls along Fennel Creek is proposed to be designated Natural Shoreline Designation. If the City is required to regulate the Printz Basin Flume under the SMP, two additional parcels owned by Puget Sound Energy that are vacant would be added to the Natural Shoreline Designation.</p>
Shawnta Mulligan	4	N/A	How many public hearings were held for input during this process? When were they, and how was the public notified?	The City prepared a Public Participation Plan to facilitate public involvement during the SMP update process. In addition to the Public Hearing on October 16, 2013, the City the held two public



Bonney Lake Response to Agency Comments

October 16, 2013

				<p>Open Houses one on October 18, 2010 and one on June 15, 2013 and seven open public meetings with the Planning Commission on December 5, 2012, January 16, 2013, February 6, 2013, April 10, 2013, May 1, 2013, May 15, 2013 and September 4, 2013. The proposed SMP will also be presented to the City Council during a study session and a regular meeting, both meetings are open to the public.</p> <p>Additionally, the City formed an ad hoc Citizen's Advisory Committee (CAC) that met on July 29, 2010, September 9, 2010, February 2, 2011, and March 10, 2011. The City recruited members for the CAC by the following means: sending an announcement to people who have signed up for the Planning Newsletter online (at the time of the recruitment in 2010, 103 people had signed up to receive the online newsletter); placing a copy of the recruitment notice in the Mayor's newsletter and in the monthly Bonney Lake Reporter that goes in the newspaper; issuing as a Press Release and posting the recruitment notice online and at the City's official posting locations; placing a copy of the notice on the webpage – home page, planning page, and the SMP page; mailing out letters to the Homeowner Association Representatives; and mailing out letters to agencies, companies, and groups that may have an interest</p> <p>Following the Department of Ecology's approval of the SMP, there will be another public hearing to</p>
--	--	--	--	--



Bonney Lake Response to Agency Comments

October 16, 2013

				<p>officially adopt the SMP. The date for that hearing has not yet been established by the City.</p> <p>The agendas for the Planning Commission are published on-line and specifically identified the SMP as one of the topics of discussion.</p> <p>Notice for the open house on October 18, 2010 was published/posted in the newspaper, on the City website, the City's Public Works Center, Justice & Municipal Center, Post Office, and Bonney Lake Library.</p> <p>Notice for the Open House on June 15, 2010 was published/posted in the newspaper, on the City website, Bonney Lake Patch, Bonney Lake's Facebook Page, Bonney Lake's Twitter Account, the Public Works Center, the Justice & Municipal Center, the Post Office, and the Bonney Lake Library. A notice of the public open house was also mailed to every property owner affected by the proposed SMP.</p> <p>Notice of the public hearing on October 16, 2013 was published/posted in the newspaper, on the City website, the City's Public Works Center, Justice & Municipal Center, Post Office, and Bonney Lake Library. A notice of the public hearing was also mailed to every property owner affected by the proposed SMP and approximately 100 other</p>
--	--	--	--	--



Bonney Lake Response to Agency Comments

October 16, 2013

				individuals representing difference agencies or groups.
Shawnta Mulligan	5	N/A	The whole comprehensive plan is being update, why are we completing this element now?	<p>The City was required to update it Shoreline Master Program by December 1, 2011 pursuant to RCW 90.58.080(2)(a)(iii). The City is behind this requirement and staff has been working to bring the City into compliance with State Law. As the City is not incompliance with RCW 90.58.080(2)(a)(iii), the City is at risk of the Department of Ecology (DOE) simply establishing an SMP for the City without the City's input pursuant to RCW 90.58.070. The City has been working with DOE, to ensure that this course of action is not take and have promised to have the notice of intent to adopt submitted by the end of the year.</p> <p>As the policies and goals of the SMP are part of the City's Comprehensive Plan, pursuant to RCW 90.58.610 and RCW 36.70A.480(1), the City must amend the Comprehensive Plan to add the SMP goals and polices. The City will not have to update the Shoreline Element has part of the 2015 periodic update, which is reflect in the work plan of the update. Please note that the City is not amending the Comprehensive Plan following tonight's public hearing, as the SMP which includes the Shoreline Element of the Comprehensive Plan cannot be adopted or updated until after it has been</p>



Bonney Lake Response to Agency Comments

October 16, 2013

				reviewed and approved by the Department of Ecology pursuant to RCW 90.58.090.
Shawnta Mulligan	6	N/A	Did you consider the county's SMP when drafting the Bonney Lake SMP?	Yes, the City considered the County's SMP. The proposed regulations as a whole within the County's SMP are significantly more restrictive than the regulations in the City's proposed SMP.
Shawnta Mulligan	7	N/A	How long does it take to have the SMP reviewed by the DOE?	This is an unknown factor, the City is planning on a minimum of 6 months.
Shawnta Mulligan	8	N/A	If this plan is DNS and does not need to review the environmental impacts, why are we updating the code?	<p>The City is required to complete a review under the State Environmental Policy Act to determine if adopting the proposed amendment to the Shoreline Element of the Comprehensive Plan, the restoration plan, and the proposed shoreline regulations (Ordinance D13-56) would result in significant adverse environmental impact as defined in WACs 197-11-740, 197-11-752, and 197-11-794. The issuance of the DNS means the adoption of Ordinance D13-56 will not create any significant adverse environmental impacts.</p> <p>The SEPA review and subsequent DNS did not review the current shoreline regulations, but the proposed regulations. The environmental impacts of the current SMP regulations were evaluated in the Final Shoreline Analysis Report for City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek dated June 24, 2010 prepared for the City of Bonney Lake by the Watershed Company and</p>



Bonney Lake Response to Agency Comments

October 16, 2013

				Makers which concluded that the existing regulations resulted in a loss of ecological functions and as such the City was required to update the SMP.
Shawnta Mulligan	9	pgs. 5 – 8 Draft Ordinance	Why are all of the WAC and RCW definitions in our code?	The City is required to adopted the same definition provided in the WAC and/or RCW for the words/terms listed in proposed BLMC 16.36.030. In order to comply with this requirement the City had two options: (1) copy the definition out of the WAC/RCW and pasted into the City's code and have to go through the length SMP amendment process every time the legislature or DOE amends the definition or (2) adopted the words/terms by reference. The City has proposed to adopt the word/terms by reference to shorten the length of the SMP by reducing redundancy and to ensure that the words/terms always remain consistent with the state even if the legislature or DOE happen to amend the definition without creating more work for the City.
Shawnta Mulligan	10	N/A	Did we use additional consulting firms to make recommendations to the city and the commission?	Yes, Maker's Inc. and The Watershed Company consult with the City on the development of the SMP.
Shawnta Mulligan	11	N/A	What is the "ecological function" of Lake Tapps? Is there a section that describes the specific "ecological function" that Lake Tapps is serving?	The specific ecological functions of Lake Tapps are provided in the <i>Final Shoreline Analysis Report for City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek</i> dated June 24, 2010 prepared for the City of Bonney Lake by the Waterhsed Company



Bonney Lake Response to Agency Comments

October 16, 2013

				and Makers Section 4.3 which has been available on the City's Shoreline Update. Specifically, Section 4.3.1 and Table 3 which document the ecological functions for the Residential Assessment Unit (all of the residential areas around Lake Tapps within the City) and Section 4.3.2 and Table 4 which document the ecological functions for the Park Assessment Unit (all of the three park areas around Lake Tapps within the City).
Shawnta Mulligan	12	N/A	What is the ordinary high water mark for Tapps? Does the calculation include the fact that the lake is drained roughly 6 months of the year?	<p>The ordinary high water mark (OHWM) is determined on a lot by lot basis as the mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department pursuant to 90.58.030(2)(c).</p> <p>In most cases the existing bulk head is considered the OWHM.</p>
Shawnta Mulligan	13	N/A	The "Final Shoreline Analysis Report" by the Watershed company [sic] has many blank pages. Why? Is there information missing?	The three blank pages were inserted so that when the document is printed double sided the page following the blank page is print on the front of a



Bonney Lake Response to Agency Comments

October 16, 2013

				piece of paper instead of the back of the pervious page. No information is missing.
Shawnta Mulligan	14	p. 3 SEPA Checklist	Item 7 on the SEPA checklist: What are the changing circumsnatnces [sic] on Lake Tapps, the new information, and what data was improved? Also, how was the data, which is included, improved?	Question 7 of the SEPA Checklist ask the City to identify future actions that are related to the current proposed non-project action. The current proposed non-project action evaluated in the SEPA checklist is the adoption of the new SMP. In regards to this questions the City's answer in part was that "Under WAC 173-26-090, shoreline master programs are required to be updated periodically to reflect changing local circumstance, new information, or improved data. The response is an acknowledgement that even though the City is updating the SMP now, WAC 173-26-090 requires the City to update the SMP in the future if there is a change local circumstance, new information, or improved data. As this speaks to future information, conditions, and/or data that is unknown at this time, I am unable to identify that information and/or data at this time.
Shawnta Mulligan	15	N/A	Is the "resotration [sic] plan" written into Article III of the additional code? Where is the "restoration plan" included. [sic]	Once again I am not 100% sure what you are referring to in this question in reference to Article III. However, if you are reference Section 34 of Ordinance D13-56 which is discussed in the response to Question 1. The restoration plan is not adopted as of the proposed Article III of Title 16 (proposed Chapters 16.38 BLMC – Chapters 16.58 BLMC). The restoration plan is a standalone a non-regulatory document that is part of the SMP that



Bonney Lake Response to Agency Comments

October 16, 2013

				documents steps that could be or are being taken to improve the ecological functions of Lake Tapps. The restoration plan is mandatory element of the SMP pursuant to WAC 173-26-201(2)(f).
Shawnta Mulligan	16	p. 52 Draft Ordinance	Why is Bonney Lake surrendering it's [sic] interest to the lake in favor for state interest (BLMC 16.38.020)?	Lake Tapps is considered a Shoreline of Statewide Significance pursuant to RCW 90.58.030(2)(f)(iv) and as such the City is required to recognize and protect the statewide interest over local interest in the development of the SMP and the approval of future shoreline permits pursuant to RCW 90.58.020. This requirement was established Shoreline Management Act was adopted in 1971 and is also in the City's current 1975 SMP (pg 9.). Proposed BLMC 16.38.020 is a mandatory section that must be in the City's SMP in order for the SMP to be approved by DOE.
Shawnta Mulligan	17	N/A	How many man hours and how much was spent on this update?	The total man hours for the project were not tracked. However, the money spent on the SMP update by the City were funds that were given by the Department of Ecology to the City specifically for updating the SMP. These funds could only be spent on the SMP update. The amount of the grant from the Department of Ecology was \$65,423.10 of which \$41,170 was used to secure consultant services and \$24,531.10 was kept by the City to offset the City's cost associated with the update.



Memo

Date : October 28, 2013
To : Planning Commission
From : Jason Sullivan, Senior Planner
Re : **Removal of Lake Tapps from Shoreline Jurisdiction**

PURPOSE:

The purpose of this memo is to respond to the statement and request made at the Planning Commission’s public hearing on the draft Shoreline Master Program (SMP) that the City petition the Department of Ecology (DOE) to remove Lake Tapps from the jurisdiction of the state’s Shoreline Management Act (SMA) codified as Chapter 90.58 RCW.

QUESTION:

Is there a Washington State Administrative Code (WAC) provision that would allow the City to petition DOE to remove Lake Tapps from the jurisdiction of the SMA?

SHORT ANSWER:

No, there are no WAC provisions that provide a process by which the City could petition DOE to have Lake Tapps removed from the jurisdiction of the SMA. Lake Tapps is an artificial lake that has a surface acreage greater than 1,000 acres and as such is considered a “shoreline of statewide significance” pursuant to Revised Code of Washington (RCW) section 90.58.030(2)(f)(iii). In order for Lake Tapps to be excluded from the jurisdiction of the SMA, the RCW would have to be amended by the Legislature. Neither DOE, the County, nor the City have the authority to remove Lake Tapps from the jurisdiction of the SMA.

LONG ANSWER:

The SMA was proposed by the Legislature in response to a citizen’s initiative, and ratified by Washington voters in 1972. In adopting the SMA, the Legislature placed the state’s shorelines in two

categories¹: (1) shorelines and (2) shorelines of statewide significance. Under RCW 90.58.030(2)(e) shorelines are defined as:

“...all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; **except (i) shorelines of statewide significance** (*emphasis added*); (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.”

Under RCW 90.58.030(2)(f)(iv) shorelines of statewide significance are defined as, “[T]hose lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark. Lake Tapps has a surface acreage of approximately 2,296 acres and as such is designated as “shoreline of statewide significance” and not a “shoreline”. Lake Tapps designation as “shoreline of statewide significance” triggers higher levels of protection for ecological functions and public access.

In 2003, the Legislature mandated a comprehensive update to the over 250 SMPs adopted by cities and counties through the State. As part of this update process, DOE published the *Shoreline Master Programs Handbook* (SMP Handbook) (Publication Number 11-06-010) as a guide to assist local jurisdiction in the process to update the local SMP. Chapter 5 of that document was developed to help local governments identify water bodies that are regulated as “shorelines of the state” and defines both “shorelines” and “shorelines of statewide significance.”

As part of Chapter 5 of the SMP Handbook, there is a section that discuss the exclusion of some artificial water bodies that, “... despite meeting the **basic dimensional criteria in the SMA** (*emphasis added*) - have characteristics that make it appropriate to exclude them as shorelines of the state because they do not provide opportunity to advance the policy objectives of the statute.²” The section identifies ditches, canals, mine ponds, waste lagoons as artificial water bodies that might meet the basic shoreline standard but that should be not considered “shorelines.”

Lake Tapps is not an artificial water body that meets the **basic dimensional criteria in the SMA**, but meets the classification of a “shoreline of statewide significance” which the Legislature placed in

¹ RCW 90.58.030(2)(g) defines “Shorelines of the state” as “... the total of all ‘shorelines’ and ‘shorelines of statewide significance’ within the state.

² *Shoreline Master Programs Handbook* (Publication Number 11-06-010) – Chapter 5 pg. 7.

higher category than those water bodies considered simply “shorelines³.” Further, Lake Tapps does provide an opportunity to further the policy objectives of the SMA by providing recreational opportunities for people from all over the region, habitat for migratory waterfowl, and the need for coordinated planning in order to protect the public interest (i.e. protection of water quality). As Lake Tapps advances the policy objectives of the SMP, does not meet the basic definition of a “shoreline”, and is not similar to the examples provide by DOE in the SMP Handbook, the section of Chapter 5 related to excluding artificial water bodies does not apply to Lake Tapps.

Additionally, the SMP Handbook is meant to be a guide and provide discussion topics to assist in the development of the SMP. The criteria listed in the SMP Handbook Chapter 5 under the heading “Criteria for excluding artificial water bodies as shorelines of the state” has not been adopted as a law or regulations in the RCW and WAC, and as such is non-regulatory. The list is meant to provide examples of items that local jurisdictions should considered when determining if an artificial water body, which meets the basic definition of a “shoreline” and is not listed in Chapter 173-20 WAC: Shoreline Management Act – Lakes Constituting Shorelines of the State, should be regulated as a “shoreline of the state.”

In order for Lake Tapps not be regulated under the SMA, the Legislature would have to amend the definition of “shoreline of statewide significance” so that Lake Tapps would no longer meet the definition or would have to specifically provide exception criteria for artificial lakes that meet the acreage requirement for “shorelines of statewide significance”. Neither the County, City, nor DOE can exempt Lake Tapps from the SMA as Lake Tapps is specifically include in the definition of a “shoreline of statewide significance.”

³ RCW 90.58.020 clearly demonstrates that the State legislature considered shoreline and shorelines of the state in different categories under the SMA declaring, “... that interest of all of the people shall be paramount in the management of shorelines of statewide significance.” The legislature also specifically exclude shorelines of statewide significance from the definition of the shorelines and provided a definition of shorelines of the state as to include both categories. The legislature clearly intend for shorelines of statewide significance to be treated separately from “basic” shorelines.



Memo

Date : November 13, 2013
To : Mayor Johnson and Councilmembers
From : Jason Sullivan – Senior Planner
Re : **County and City Shoreline Master Plan Updates**

PURPOSE:

The purpose of this memo is to provide a comparison between the requirements of the County’s SMP and the City’s SMP in response to concerns that have been raised by property owners adjacent to Lake Tapps effected by the County’s proposed SMP.

The City Council will review the entirety of the draft SMP at the Council Workshop on December 3, 2013 and the City Council meeting on December 10, 2013. Following this review the Council will be asked to adopt Notice of Intent to Adopt so that the draft SMP can be officially submitted to DOE for review and approval. If DOE approves the draft SMP it will be sent back for local adoption by the City Council.

BACKGROUND:

The Shoreline Management Act (SMA) was proposed by the Legislature in response to a citizen’s initiative, and ratified by Washington voters in 1972. The SMA was intended to protect and restore the valuable natural resources that the state’s shorelines represent. In addition, the SMA was developed to plan for and foster all “reasonable and appropriate uses” that are dependent upon a waterfront location, or which will offer opportunities for the public to enjoy the state’s shorelines: single family homes were specifically identified as a preferred shoreline use by the Legislature.

Lake Tapps is designated as “shoreline of statewide significance” since it has surface acreage of one thousand acres or more which triggers higher levels of protection for ecological functions and public access. Approximately 82% of the Lake Tapps shoreline is regulated under the

County's Shoreline Master Program (SMP) and the remaining 18% of the shoreline is regulated under the City's SMP.

ISSUES:

1. Setback versus Buffer

In order to compare the requirements of the County's SMP and the City's SMP, it is important to understand the approach that each party took in response to the requirement to prevent a "no net loss" of ecological function. The County has proposed to adopt a shoreline buffer; whereas, the City has proposed to adopted a shoreline setback which contains a vegetation conservation area. While the County's and City's approach are both measured from the Ordinary High Water Mark (OHWM) of Lake Tapps that is where the similarities end. A shoreline buffer is a relatively undisturbed native vegetative area that separates development from the shoreline as compared to a shoreline setback which is the distance between a structure and the OHWM and may or may not contain native vegetation. However, in order to meet the requirements of the Shoreline Management Act, jurisdictions that have adopted a shoreline setback are required to establish a vegetation conservation area within the shoreline setback to retain some native vegetation along the shoreline.

2. What is Pierce County's proposal?

The County's current the draft SMP would require a 75 foot shoreline buffer to be measured from the 545 elevation line of Lake Tapps instead of the OHMW.¹ However, the County's Planning Commission recently voted to recommend that the County Council reduce the shoreline buffer to 50 feet, which appears to be acceptable to DOE; provided, that the County remove the provisions that allow the shoreline buffer to be reduced by twenty-five percent.² Pierce County planning staff are also recommending that the County Council amendment the proposed SMP to measure the buffer from the OHMW instead of the 545 elevation Lake Tapps since this elevation line does not continuously coincided with the OHWM resulting in significant larger buffers on some properties when measured from the OHWM.³

This shoreline buffer is required to remain undisturbed except that up to 500 square feet or twenty five percent of the shoreline buffer, whichever is less, may be distributed to

¹ Ordinance No. 2012-XX – Exhibit G. 18S.30.030.E.2 and Table 18.S.30.030-2 (August 2013).

² D. Wilson – Planner 3 – Pierce County Long Range Planning (personal communication, November 12, 2013)

³ D. Wilson – Planner 3 – Pierce County Long Range Planning (personal communication, November 12, 2013)

accommodate shoreline access⁴, landscaping, or minor construction associated with a water dependent use.⁵

Residential structures will likely have to be setback from the shoreline buffer to provide separation between the house and the vegetation within the shoreline buffer and to accommodate a deck/patio or a shed as these types of structures are not considered water dependent uses⁶ and as such are unable to be constructed in the shoreline buffer. City staff anticipates that the practical application of the County's proposal will result in new residential structures being located 60 feet to 70 feet from the OHWM to accommodate the 50 foot buffer, a modest lawn, a shed, and a deck/patio.

3. How does the County's proposal compare to the City's proposal?

The City has proposed a much more flexible approach with the goals of preserving the current development pattern around Lake Tapps, mitigating the impact of new development on the views from existing homes, and achieving the mandates of the Shoreline Management Act as regulated by DOE. To accomplish these goals, staff, in collaboration with DOE staff, developed a setback approach which referred to as a string-line setback.⁷ The string-line setback attempts to maintain the current 61.8 foot average setback in the City from Lake Tapps in order to meet the requirement of a "no net loss" of ecological functions.

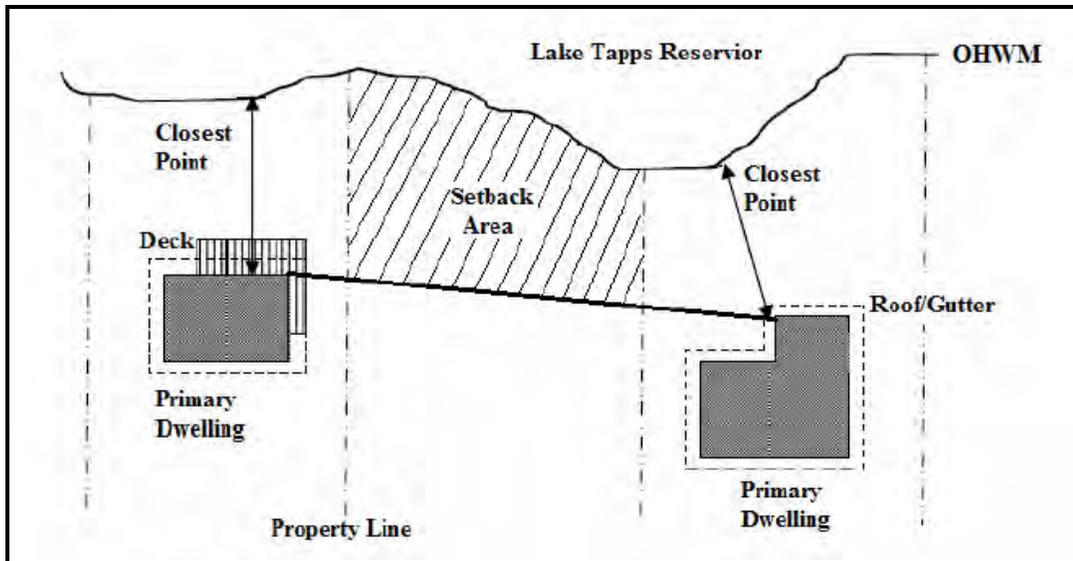
Under this approach, the shoreline setback is driven by the current setback from the OHWM of the existing residential structures located on either side of an undeveloped property. In instances where the existing residential structures located on both sides of an undeveloped lot are sixty feet or greater from the OHWM, the required shoreline setback is established by drawing a string-line between the two existing homes to obtain the average setback as illustrated below:

⁴ Shoreline access is only allowed by a 4 foot wide unpaved path that is a right angle to the lake and no trees can be removed during the construction of the path per Ordinance No. 2012-XX – Exhibit G. 18S.30.030.E.5.b

⁵ Ordinance No. 2012-XX – Exhibit G. 18S.30.030.E.5.c (August 2013).

⁶ A water dependent use is "a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations." Ordinance No. 2012-XX – Exhibit G. Appendix A. (August 2013).

⁷ The City of Bonney Lake is not the pioneer of this approach, but adapted it for use along the Lake Tapps shoreline. A string-line setback was adopted by both the City of Kirkland and the City of Mercer Island to address the updated requirements of the Shoreline Management Act. Both jurisdictions share a similarity with Bonney Lake: adopting new shoreline regulations for a substantially developed shoreline.



If the existing residential structure located on both or one side of an undeveloped lot is less than 60 feet from the OHWM, the owner of the undeveloped property has two options. The first option is to maintain a sixty foot setback from the OHWM. The second is to take advantage of the Shoreline Vegetation Incentive program which establishes a formula to allow the setback from the OHWM to be reduced by up to 20 feet through the installation of additional native vegetation adjacent to the lake.⁸ However, the property owner would still be required to be setback twenty feet from the rear property line⁹ and cannot move closer to the water than determined by applying the string-line setback.

In order to achieve the State's requirement to prevent adverse impacts on shoreline vegetation,¹⁰ the first twenty feet of the shoreline setback as measured from the OHWM for at least 75% of the width of the lot is considered a vegetation conservation area¹¹

⁸ Under the formula, the setback is reduced 5 feet for every 300 square feet of shoreline vegetation planted by the homeowner; therefore, the homeowner would need to add 1,200 square feet of vegetation to achieve the full 20 foot reduction allowed under the proposed regulations. (Proposed BLMC 16.56.040.B – Ordinance D13-56. Pg. 50 October 10, 2013)

⁹ Along Lake Tapps, the rear property line is the elevation line 545 as determined by the bronze plaque embedded in the concrete floor of the gate house at the entrance to the tunnel leading from the westerly shore of the intake pond. The legal description of this line is provided in the deed that separated the Lake Tapps Reservoir from the upland areas in 1954 recorded under Pierce County Recording Number 1686523.

¹⁰ RCW 90.58.020 and WAC 173-26-176(3)(c).

¹¹ Proposed BLMC 16.56.060.A and BLMC 16.56.060.C (Ordinance D13-56. Pgs. 52 – 53. October 10, 2013).

which must remain undisturbed except for the removal of invasive species and nondestructive trimming consistent with National Arborist Association pruning standards.¹² The other 25% of the width of the lot within the first twenty feet is allowed to be cleared to preserve views and to accommodate water dependent uses¹³ and shoreline access.¹⁴

Unlike the County's buffer, the portion of the shoreline setback between the residential structure and the vegetation conservation area can be traditional lawn area that is regularly maintained. Additionally, a number of intrusions into this portion of the shoreline setback are authorized as listed below:

- Underground utilities accessory to an approved shoreline use, provided there is no other feasible route or location.
- Bioretention swales, rain gardens, or other similar bioretention systems that allow for filtration of water through planted grasses or other native vegetation.
- Infiltration systems; provided, that installation occurs as far as feasible from the OHWM
- Bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into the shoreline setback
- Uncovered patios or decks may extend a maximum of 10 feet into the shoreline setback
- Appurtenances, dry boat storage and other similar accessory structures
- Retaining walls and similar structures that are no more than four (4) feet in height above finished grade; provided the structure is not for retaining new fill to raise the level of an existing grade, but only to retain an existing slope prior to construction and installed at the minimum height necessary.

¹² Proposed BLMC 16.56.060.E and BLMC 16.56.060.G (Ordinance D13-56. Pgs. 52 – 53. October 10, 2013)

¹³ For residential uses this mainly refers to boat hoist, boat lifts, and docks associated with dry boat storage which would be allowed within 25% of the vegetation conservation area that can be cleared. (Proposed BLMC 16.56.100.A.6 Ordinance D13-56. Pg. 57 October 10, 2013)

¹⁴ The access corridor can be no more than 8 feet wide and may contain minor improvements, such as garden sculptures, light fixtures, trellises and similar decorative structures that are associated with the walkway. (Proposed BLMC 16.56.100.B.3 Ordinance D13-56. Pg. 58 October 10, 2013).

Fences to delineate property boundaries no more than six feet height which run perpendicular to the shoreline are allowed in the shoreline setback to include the vegetation conservation portion of the shoreline setback.

4. How will the setbacks for residential homes under the new SMP compare to the setbacks under the old SMP?

Under the 1975 SMP, residential structures are required to be setback 30 feet from the ordinary high water mark or a legal established bulkhead.¹⁵ The 1975 SMP also requires that residential structures have a side yard setback of 8 feet on both sides and a front yard setback of 35 feet if the lot was adjacent to an arterial and 20 feet on other roads.¹⁶

Under the BLMC 18.14.060.E, residential structures in the R-1 District are required to have a twenty foot setback from the rear property line; except for residential structures adjacent to Lake Tapps which are required to be setback thirty feet from the rear property line which does not continuously align with the OHWM or the bulkhead which may result in larger setbacks from Lake Tapps. Additionally, the R-1 District only requires a 10 foot front yard setback for residential structures and 5 foot side yard setbacks which are less than what is required under the current SMP.¹⁷

Removing the front and side yard requirements from the SMP increases the developable width of the lot by a total of six feet and increases the developable area on the front of the lot by ten to twenty-five feet. As part of the SMP update, BLMC 18.14.060.E will be amended to decrease the rear yard setback for lots around Lake Tapps to twenty feet, so that all lots in the R-1 District will have the same rear yard setback of 20 feet.

5. Will homes that do not meet the new dimensional requirements be considered non-conforming uses?

No. The new SMP specifically states that homes that were legally established but do not meet standards for setbacks, yards areas, height, or density shall be considered conforming uses. Additionally homes that were legally established and are located landward of the OHWM that not meet these standards may be enlarged or expanded

¹⁵ City of Bonney Lake. (1975) *The City of Bonney Lake Shoreline Master Program* – Residential Development Regulations (Section III A. 3. d.).

¹⁶ City of Bonney Lake. (1975) *The City of Bonney Lake Shoreline Master Program* – Residential Development Regulations (Section III A. 3. b. and Section III A. 3.c.).

¹⁷ BLMC 18.14.060.C allows the residential portion of a home to be within 10 feet of the property line, but requires the garage to be a minimum of 20 feet from the front property line. Additionally, BLMC 18.14.060.D requires 5 foot side yards.

provided that the new construction complies with applicable bulk and dimensional standards.¹⁸

6. Are there compensation or property tax relief opportunities for properties affected by the Shoreline Master Program?

Property owners whose land is regulated by the Shoreline Master Program may be eligible for a reduction in their property taxes. Several tax relief programs are available through Pierce County, including the Open Space-Public Benefit Rating System (PBRs) program. The program, authorized by RCW 84.34 and adopted by Pierce County, is based on the Current Use Open Space Taxation Act. That Act states that it is in the best interest of the State to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens. Upon removal of classification, an additional tax, interest, and penalty may be due.

7. Did the City provide notice of the proposed changes to the effected residences?

Yes. The City mailed letters on May 16, 2013 to all property owners adjacent to Lake Tapps in the City and invited them to an open house to answer questions and hear their concerns regarding the proposed shoreline regulations including the string-line setback. This open house was held on June 5, 2013 which was attended by approximately twelve to fourteen homeowners. The City also mailed out notices on September 18, 2013 to property owners adjacent to Lake Tapps in the City notifying them of the Planning Commission's public hearing on October 16, 2013. At the public hearing, only one person that owned property adjacent to Lake Tapps provided comments on the City's proposed string-line setback. This person was a developer who was unhappy that when he developed his property he would not be able to build further forward than his existing neighbors.

8. What is the ramifications if the City does not comply with DOE's requirements?

While SMPs should be tailored to the conditions within local jurisdictions, this latitude does not allow the local jurisdiction to adopt an SMP that has not first been approved by DOE.¹⁹ Therefore, before the required comprehensive update to the SMP²⁰ can be

¹⁸ Proposed BLMC 16.56.150 Ordinance D13-56. Pg. 63 October 10, 2013

¹⁹ RCW 90.58.090(1) and RCW 90.58.090(7) both require that before a local jurisdictions' SMP can become effective it must first be approved by the Department of Ecology.

adopted by Bonney Lake, DOE must determine that the SMP meets the standards of Chapter 90.58 RCW – Shoreline Management Act, Chapter 173-26 WAC – State Master Program Approval/Amendment Procedures and Master Program Guidelines, and Chapter 173-27 WACC – Shoreline Management Permit and Enforcement Procedures.

If the City’s refuse to adopt an SMP that complies with DOE’s guidelines, DOE is authorized to develop and adopt an alternative SMP for the City that would have to be enforced by the City since Lake Tapps is considered classified as a “shoreline of statewide significance.”²¹

Additionally, as the goals and policies of the SMP are considered an element of the Bonney Lake Comprehensive Plan,²² failure to adopt a SMP that meets the update guidelines would also mean that the City is out of compliance with the Growth Management Act – Chapter 36.70A RCW (GMA). If the City is classified as noncompliant with the GMA, Bonney Lake would not be able to access the Public Works Trust Fund, the Centennial Clean Water Fund, the Drinking Water State Revolving Fund, and the Hazard Mitigation Grant.²³ Jurisdictions that continue to be found noncompliant over the long term can be subject to financial sanctions which include revisions to the City’s allotments of statewide appropriations; withholding the City’s portions of the motor vehicle fuel tax, the transportation improvement account, the rural arterial trust account, the sales and use tax, the liquor profit tax, and the liquor excise tax; or rescinding the City’s ability to collect real estate excise tax (REET).²⁴

²⁰ Local governments in Pierce County are required by December 1, 2011 to develop or amend the jurisdiction’s current SMP to achieve consistent with the guidelines established by DOE in Chapter 173-26 WAC. (RCW 90.58.080(1) and 90.58.080(2))

²¹ RCW 90.58.090(5)

²² RCW 90.58.610 and RCW 36.70A.480

²³ Department of Commerce. (September 11, 2013) *Growth Management Act Compliance*. Retrieved from: <http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Pages/GMACompliance.aspx> on November 13, 2013.

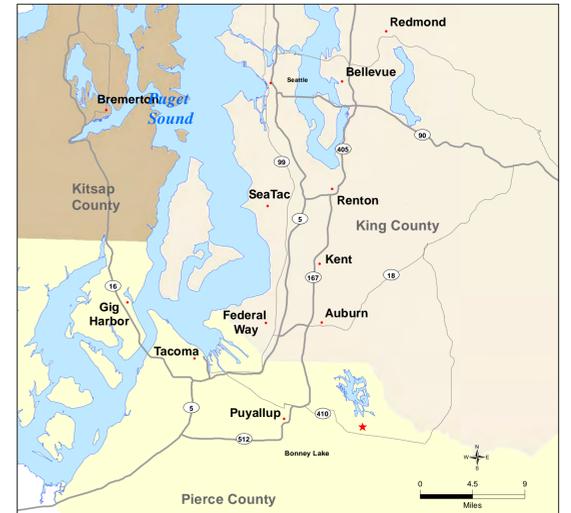
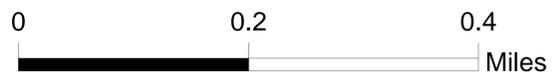
²⁴ RCW 36.70A.340

BONNEY Lake

Shoreline Master Program Proposed Setback

Map Legend

- Building Footprints
- Shoreline Setback Area
- Bonney Lake City Limits
- Ordinary High Water Mark



Community Development Department
April 17, 2013



Memo

Date : November 14, 2013
To : Mayor Johnson and Councilmembers
From : Jason Sullivan – Senior Planner
Re : **Shoreline Master Program Update – Docks and Bulkheads**

PURPOSE:

The purpose of this memo is to provide information regarding the regulation of docks and bulkheads under the draft Shoreline Master Program (SMP).

ISSUES:

1. How will the dock requirements compare under the old and new SMPs?

In order to comply with the new requirements from DOE¹, the draft SMP does modify some of the dock requirements. The two biggest concerns with docks is creating large square platforms that do not allow the sunlight to penetrate the water and scouring of the lake bottom from boat propellers due to insufficient water depth under the dock.² In addressing these concerns, the City was able to maintain the overall square footage allowed for docks under the 1975 SMP, but had to reduce the allowed width of the components of the dock. The table below identifies the dimensional requirements under the old and new SMPs:

¹ WAC 173.26-231(3)(b) requires that piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources, fish habitats and result in a no net loss of ecology functions.

² Department of Ecology. (2011). Shoreline Master Program Updates: Piers, docks and other structures. In *Shoreline Master Program Handbook*. Retrieved November 14, 2013 from <http://www.ecy.wa.gov/PROGRAMS/sea/shorelines/smp/handbook/index.html>.

Description	Old SMP³	New SMP⁴
Area		
Single Property Owner	360 Square Feet	360 Square Feet
Shared by two property owners	N/A	580 Square Feet
Shared by 4 or more property owners	N/A	1,000 Square Feet
Maximum Length		
Farthest extension point of all structures from the OHWM.	30 Feet	50 Feet or 15% of the fetch which every is less
Fingers and Floats	N/A	20 Feet
Ells	30 Feet	25 Feet
Maximum Width		
Portion of the walkway within 30 feet of the OHWM	15 Feet	4 Feet
Portion of the walkway greater than 30 feet from the OHWM	N/A	6 Feet
Ell and Float	15 Feet	6 Feet
Finger	15 Feet	3 Feet
Ramp connecting a Pier to a Float	15 Feet	3 Feet
Height		
Minimum height above the OHWM measured for the OHWM to the bottom of the stringers on the dock/pier	1 Foot	1 ½ Feet
Maximum height above the OHWM measured from the OHWM to the top of the decking	N/A	5 Feet
Safety railing as measured for the top of the decking to the top of the railing	N/A	3 Feet
Location of Specific Structures		
Minimum distance of ells, fingers, floats, buoys, moorage buoys as measured from the OHWM waterward	N/A	30 Feet
Minimum distance from decks/piers located on adjacent properties	16 Feet	20 Feet
Minimum distance between piers	N/A	12 Feet

³ City of Bonney Lake. (1975) Section VI – Piers, Docks and Boats Houses Development Standards. In *The City of Bonney Lake Shoreline Master Program*.

⁴ City of Bonney Lake (October 10, 2013) DRAFT BLMC 16.54.030. In *Ordinance D13-56*. Pgs. 37 – 43.

The draft SMP also establish a formula to allow the maximum area of the dock for a single home owner or a dock owned by two home owners to be increased by 120 square feet, if a homeowner(s) agrees to install native vegetation adjacent to Lake Tapps.⁵

2. How will bulkheads be regulated under the draft SMP?

Currently, bulkheads have not been installed along ten percent of the shoreline within the City of Bonney Lake⁶ and under the draft SMP these property owners will be required to meet a significantly higher standard, as compared the 1975 standards, before the construction a bulkhead can be approved by the City. These more stringent standards for new bulkheads were required by DOE and require, in part, that non-structural measures are utilize first, like placing the structure further back from the water; that a geotechnical report be submitted demonstrating that the rate of erosion will undermine the residential structure within three years; and that soft measures⁷ be utilized before bulkheads.⁸

However, while new bulkheads will need to meet higher standards, properties owners currently with bulkheads will be able to keep their bulkheads and will be able to replace the bulkhead; provided that the property owner demonstrates that the rate of erosion will damage the residential structure within three years and that the replacement bulkhead is the same length and height.⁹

⁵ Under the formula, the maximum area allowed for the dock is increased 30 square feet for every 300 square feet of shoreline vegetation planted by the homeowner; therefore, the homeowner would need to add 1,200 square feet of vegetation to achieve the maximum 120 square feet allowed under the proposed regulations. (City of Bonney Lake. (October 10, 2013). DRAFT BLMC 16.56.040.D. in *Ordinance D13-56*. Pg. 51)

⁶ The Watershed Company and Makers. (June 2011). Table 3: Functional Summary of Lake Tapps – Residential. In *Final Shoreline Analysis Report for the City of Bonney Lake’s Shorelines: Lake Tapps and Fennel Creek*. Pg. 21.

⁷ Soft structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement that include: vegetation enhancement; upland drainage control; biotechnical measures; beach enhancement; anchor trees. (WAC 197-26-231(3)(a)(ii))

⁸ WAC 197-26-231(3)(a)(iii).

⁹ City of Bonney Lake (October 10, 2013) DRAFT BLMC 16.54.020.E. In *Ordinance D13-56*. Pgs. 37.

This Page Intentionally Left Blank

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

Department/Staff Contact: Community Development / Jason Sullivan - Senior Planner	Meeting/Workshop Date: 3 December 2013	Agenda Bill Number: AB13-137
Agenda Item Type: Discussion	Ordinance/Resolution Number: D13-137	Councilmember Sponsor:

Agenda Subject: 2013 Comprehensive Plan Amendment

Full Title/Motion: An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Repealing Ordinance 1295 Changing The Land Use Designation Of Tax Parcel 0520338001 Back To High-Density Residential.

Administrative Recommendation:

Background Summary: Ordinance D13-137 was prepared at the request of City Administration to ensure consistency between the adopted Zoning Classification and Land Use Designation on tax parcel 0520338001. In 2007, the City adopted Ordinance 1248 changing the Land Use Designation and Zoning Classification of the property from Fennel Creek Corridor and Single Family Residential to High-Density Residential and from R-1 and RC-5 to R-3, respectively. However, in 2008, the Council adopted Ordinance 1295 changing the property’s Land Use Designation from High-Density Residential to Public Facility creating an inconsistency between the Zoning Map and the Future Land Use Map. Ordinance D13-137 would repeal Ordinance 1295 thus changing the Land Use Designation back to High Density Residential and ensuring consistency between the Zoning Map and the Future Land Use Map

Attachments: Ordinance D13-137, Notice of DNS Adoption, Planning Commission recommendation memorandum, and DRAFT November 20, 2013 Planning Commission minutes

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a			
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:	Planning Commission		
Hearing Examiner Review:			

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

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

This Page Intentionally Left Blank

ORDINANCE NO. D13-137

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, REPEALING ORDINANCE 1295 CHANGING THE LAND USE DESIGNATION OF TAX PARCEL 0520338001 (HEREINAFTER "THE PROPERTY") BACK TO HIGH-DENSITY RESIDENTIAL.

WHEREAS, the City adopted Ordinance 1248 changing the Land Use Designation and Zoning Classification of the property from Fennel Creek Corridor and Single Family Residential to High-Density Residential and from R-1 and RC-5 to R-3, respectively; and

WHEREAS, the Council adopted Ordinance 1295 changing the property's Land Use Designation from High-Density Residential to Public Facility creating an inconsistency between the Zoning Map and the Future Land Use Map; and

WHEREAS, the City adopted the DNS issued on June 22, 2007 pursuant to WAC 197-11-600(3) in order to comply with the requirements of Chapter 43.21C RCW; and

WHEREAS, a copy of the this Ordinance was provided to the Washington State Department of Commerce as required by RCW 36.70.A.106;

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held by the Planning Commission on November 20, 2013,

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

Section 1. **Repealer.** Ordinance 1295 is repealed

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

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2013.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney



STATE ENVIRONMENTAL POLICY ACT
ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS

Adoption for: [] EIS [X] DNS [] Other:
Description of proposal: Changing the Land Use Designation of Tax Parcel 0520338001 from Public Facility back to High-Density Residential...
Applicant: City of Bonney Lake - Jason Sullivan Senior Planner
Location: Tax Parcel 0520338001
Lead agency: City of Bonney Lake
Title of Document Being Adopted: DNS - 2007 Comprehensive Plan Amendments
Date adopted Document was Prepared: June 22, 2007

The above DNS specifically addressed the 2007 Comprehensive Amendment Number 6 which changed the Land Use Designation on Tax Parcel 0520338001 from Fennel Creek Corridor and Single Family Residential to Multi-Family Residential and changed the Zoning Classification from RC-5 and R-1 to R3.

This document has not been challenged. The City SEPA Responsible Official has identified and adopted this document pursuant to WAC 197-11-600(3) as being appropriate for this proposal after independent review.

Responsible official: John P. Vodopich, AICP
Position/title: Community Development Department Director
Phone: (253) 447-4345
Address: P.O. Box 7380, Bonney Lake, WA 98391-0944

Date: 10/31/13 Signature: [Handwritten Signature]

APPEAL: This decision may be appealed by filing a written appeal with the City of Bonney Lake Community Development Department consistent with the requirements of BLMC 14.120.020. The last day to filing such an appeal will be 5:00PM on November 18, 2013.

Please contact Jason Sullivan, Senior Planner, at (253) 447-4355 or email him at sullivanj@ci.bonney-lake.wa.us to read or ask about the procedures for SEPA appeals.



**DETERMINATION OF NONSIGNIFICANCE (DNS)
and
NOTICE OF HEARINGS**

PROPOSAL

The City of Bonney Lake is considering ten amendments to its Comprehensive Plan. This DNS and notice pertain to items 3 through 6, as follows:

3. Adopting a refined Downtown Plan and related Downtown Design Standards and minor zoning code changes.
4. Adopting by reference new Capital Facility Plans for the Sumner and White River School Districts preparatory to increasing school impact fees.
5. Expanding the Urban Growth Area (UGA) to include the Falling Water and Creekridge Glen residential developments.
6. Re-designating, in the Comprehensive Plan, the City-owned site at the southwest corner of Sumner-Buckley Highway and 192nd Ave. E. (tax parcel #0520338001) from Fennel Creek Corridor and Single-Family Residential to Multi-Family Residential, and rezoning it from RC-5 and R-1 to R-3. Also, re-designating the northwest tip of the parcels immediately to the east of tax parcel #0520338001 (that is, vacant land at the southeast corner of Sumner-Buckley Highway and 192nd Ave. E.) from Single-Family Residential (R-1) to Multi-Family Residential (R-3). Also, re-designations and rezones of small portions of other tax parcels in the immediate vicinity as part of a clean-up of the Comprehensive Plan and Zoning maps to match ownership lines. These parcels are all north and west of the Target store.

DETERMINATION OF NONSIGNIFICANCE (DNS) for ITEMS 4 AND 6 ABOVE

The Responsible Official of the City of Bonney Lake, the lead agency, finds that items 4 and 6 above do not have a probable significant environmental impact. An Environmental Impact Statement is not required. This decision was made after review of the proposed amendments and environmental checklists, available on request. This DNS is issued under WAC 197-11-340(2).

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR ITEM 3 ABOVE

Item 3 above is the subject of a separate SEPA action: a Draft Environmental Impact Statement has been published. Copies are available.

DNS FOR ITEM 5 ABOVE

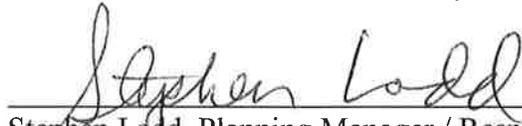
The City issued a DNS for Item 3 above in 2005. This is the same proposal only reduced in area.

COMMENTS and PUBLIC HEARINGS

Comments on these proposals, and on this DNS, and on the Downtown Plan / Design Standards Draft Environmental Impact Statement will be received until and at the time of the relevant public hearing before the Planning Commission, as follows:

- Item 3 above: 6:00 PM, Wednesday, July 11, 2007.
- Item 4 above: 6:30 PM, Wednesday, July 11, 2007.
- Item 5 above: 6:45 PM, Wednesday, July 11, 2007.
- Item 6 above: 6:00 PM, Wednesday, July 18, 2007.

All the hearings will be at City Hall, 19306 Bonney Lake Blvd. The Responsible Official will reconsider the DNS based on timely comments.



Stephen Ladd, Planning Manager / Responsible Official Designee Date
Department of Planning & Community Development
City of Bonney Lake
P.O. Box 7380, Bonney Lake, WA 98390-0944
(253) 447-4350

Publication Date: Friday, June 22, 2007.



Memo

Date : November 20, 2013
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D13-137 – 2013 Comprehensive Plan Amendment**

Ordinance D13-137 was prepared at the request of City Administration to ensure consistency between the adopted Zoning Classification and Land Use Designation on tax parcel 0520338001. In 2007, the City adopted Ordinance 1248 changing the Land Use Designation and Zoning Classification of the property from Fennel Creek Corridor and Single Family Residential to High-Density Residential and from R-1 and RC-5 to R-3, respectively. However, in 2008, the Council adopted Ordinance 1295 changing the property's Land Use Designation from High-Density Residential to Public Facility creating an inconsistency between the Zoning Map and the Future Land Use Map. Ordinance D13-137 would repeal Ordinance 1295 thus changing the Land Use Designation back to High Density Residential and ensuring consistency between the Zoning Map and the Future Land Use Map.

At the November 20, 2013 meeting, the Planning Commission held public hearing to consider the 2013 Comprehensive Plan amendment and voted 6-0-0 to recommend that the City Council adopt Ordinance D13-137 amending repealing Ordinance 1295 changing the Land Use Designation of tax parcel 0520338001 back to high-density residential.



Community Development Department

Planning Commission Minutes

November 20, 2013 Regular Scheduled Meeting
City of Bonney Lake Council Chambers

DRAFTED

The meeting was called to order at 5:30 P.M.

Planning Commission Present

Grant Sulham, **Chair**
L. Winona Jacobsen, **Vice-Chair**
Brandon Frederick
Richards Rawlings
Brad Doll
Dennis Poulsen
Dave Baus

City Staff Present

Jason Sullivan, Senior Planner
Debbie McDonald, Commission Clerk

I. APPROVAL OF MINUTES:

MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY COMMISSIONER RAWLINGS TO APPROVE THE MINUTES FROM THE NOVEMBER 6, 2013 MEETING.

MOTION APPROVED 6-0

II. PUBLIC HEARING:

Ordinance D13-143: RC-5 Technical Amendment

Chair Sulham open the Public Hearing at 5:32

Mr. Sullivan gave a brief overview of the Ordinance D13-143: RC-5 Technical Amendment. There is no major changes just improving the readability of the regulation.

Chair Sulham opened the floor for public comments having, none he closed the Public Hearing at 5:33.

MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY COMMISSIONER RAWLINGS TO RECOMMEND THAT THE CITY COUNCIL ADOPT ORDINANCE D13-143 RESTATING THE CLUSTERING REQUIREMENTS IN THE RC-5 DISTRICT.

MOTION APPROVED 6-0

Ordinance D13-137: 2013 Comprehensive Plan Amendment

Chair Sulham opened the Public Hearing at 5:35

Mr. Sullivan gave a brief overview of Ordinance D13-137. The draft ordinance would repeal Ordinance 1295 changing the Land Use Designation back to High-Density Residential from Public Facility to ensure consistency between the adopted Zoning Classification and the Land Use Designation relating to the City own land located behind Junction 192.

Chair Sulham opened the floor for public comments, having none he closed the Public Hearing at 5:37.

MOTION WAS MADE BY COMMISSIONER RAWLINGS AND SECONDED BY COMMISSIONER BAUS TO RECOMMEND THAT THE CITY COUNCIL ADOPT ORDINANCE D13-137 REPEALLING ORDINANCE 1295 CHANGING THE LAND USE DESIGNATION ON TAX PARCEL 0520338001 BACK TO HIGH-DENSITY RESIDENTIAL FROM PUBLIC FACILITY.

MOTION APPROVED 6-0

Mr. Sullivan will have both recommendations ready for the December 3rd, City Council meeting.

III. PUBLIC COMMENT AND CONCERNS: NONE

IV. NEW BUSINESS:

Planning Commission Meetings for December

Mr. Sullivan stated he would not have any agenda items for December. Planning Commission will ramp back up in January after the joint meeting with City Council in January. It will be up to the Commission when and if they want to meet. At this time the scheduled meetings are for December 4 and 18. If the Commission would like to hold only one meeting they could move the meeting to December 11.

Vice-Chair Jacobsen would like to have a meeting in December to prepare for the joint meeting. Need to discuss what the Planning Commission would like on the joint meeting agenda. Would like to see the Arts and Heritage Commission on the agenda.

Commissioner Baus would also like to have a Planning Commission meeting to prepare for the joint meeting. He would like to add Tehaleh traffic to the joint meeting agenda.

MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY VICE-CHAIR JACOBSEN TO CANCEL THE REGULAR SCHEDULED PLANNING COMMISSION MEETINGS FOR DECEMBER 4TH AND 18TH AND RESCHEDULE FOR DECEMBER 11TH.

MOTION APPROVED 6-0

M: Everyone/Planning/Planning Commission/Minutes/2013/November 20, 2013

Commissioner Fredrick will not be attending the December 11th meeting since it will be only to discuss the joint meeting in January and he has resigned his position as of December 31, 2013.

V. **OLD/CONTINUING BUSINESS:** NONE

VI. **FOR THE GOOD OF THE ORDER:**

Correspondence – NONE

Staff Comments – Mr. Sullivan commented that the Shoreline Master Plan will be going to City Council on Dec. 3rd. Tomorrow will be meeting with the Department of Ecology and Cascade Water Alliance to look at the Flume.

Commissioner Doll commented that the Shoreline Master Plan was looking good, better than Pierce County's plan.

Mr. Sullivan also wanted to thank Commissioner Frederick for all his years of service on the Planning Commission.

Commissioner Comments – NONE

VI. **ADJOURNMENT:**

MOTION WAS MADE BY VICE-CHAIR JACOBSEN AND SECONDED BY COMMISSIONER RAWLINGS TO ADJOURN.

MOTION APPROVED 6-0

The meeting ended at 6:10 P.M.

Debbie McDonald, Planning Commission Clerk

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 3 December 2013	Agenda Bill Number: AB13-140
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D13-140	Councilmember Sponsor:

Agenda Subject: Mid-Biennial Budget Amendment

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Mid-Biennial Budget Amendment For Budget Years 2013 And 2014.

Administrative Recommendation: Approve

Background Summary: In December of last year the City Council approved Ordinance No. 1447 which adopted a biennial budget for fiscal years 2013-2014. RCW 35A.34.130 requires that the adopted biennial budget be subject to a mid-biennial review and modification as needed. This ordinance and attached exhibits constitutes the Mayor's proposed mid-biennial amendments to the adopted budget. A public hearing has been set for November 26, 2013 to consider the proposed mid-biennial modifications to the budget. It is anticipated any budget amendments will be adopted at the December 10th regular meeting.

Attachments: Ordinance D12-140 and Exhibits A-F.

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

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	Chair/Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember NAME	<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): November 5, 2013	Public Hearing Date(s): November 26, 2013
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney: (if applicable):



November 5, 2013

P.O. Box 7380 • Bonney Lake, WA 98391
(253) 862-8602

Dear Council Members:

I am excited about the things we have been able to accomplish this past year, and am looking forward to 2014. The recent ribbon-cutting for the Fennel Creek/Safe Routes trail made us all proud of the completion of that long-awaited project. Likewise, we have received a lot of positive comments about the improvements to the Allen Yorke Park dike expansion. It put a classy face to our principal park. Being able to successfully negotiate the acquisition of the Victor Falls property was a real coup, which will benefit the community for generations to come. In addition, we were able to improve streets, install additional sidewalks, and generally make our community much more livable, as well as improve other aspects of our infrastructure.

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

Accordingly, the proposed amendments to the adopted 2013-2014 biennial budget are those which deal primarily with projected changes to estimated revenues and expenditures, and carry-over of unfinished 2013 projects. A few new capital projects have been proposed, but most are the result of 2013 grant awards or Council actions requiring a budget amendment.

The attached budget ordinance adopts revised revenue estimates and corresponding revisions and reductions to adopted expenditures, including revisions to the various capital budgets.

All departments and divisions have again done well at keeping their expenditures within budget. General Fund expenditure savings from 2013 have been carried forward to the 2014 operating budget. We may need some modest expenditure savings in 2014 to likewise balance the biennial budget. None of the proceeds from the Renwood land sale is proposed to be used to fund 2014 general fund maintenance and operations.

We had anticipated refinancing the 800 MHz and JMC bonds to lessen the impact of the debt service on the general fund budget. However, current interest rates are such that this is not cost-effective at this time. This has put a continuing strain on the City's General Fund. However, the 2013-2014 biennial budget remains balanced without any use of prior fund balance.

Modifications of Operating Budgets

Within the amounts currently appropriated, we have or will make some minor modifications to selected departmental budgets for supplies and services to better reflect actual experience and projected need. There are few substantial amendments to the adopted operating budget, but most are on the capital side, and many of those are simply to carry forward a 2013 unfinished project.

Justice & Municipal Center:

9002 Main Street East
Bonney Lake, WA 98391
Fax (253) 862-8538
Agenda Packet p. 240 of 283

Public Safety Building:

18421 Veterans Memorial Dr E
Bonney Lake, WA 98391
Fax (253) 863-2661

Public Works Center:

19306 Bonney Lake Blvd.
Bonney Lake, WA 98391
Fax (253) 826-1921

Senior Center:

19304 Bonney Lake Blvd.
Bonney Lake, WA 98391
Fax (253) 862-8538

Any changes to the bottom line have been incorporated into Exhibits A and B of the budget ordinance, and include the following:

1. We have added funds to the Community Development salary budget to cover the return of an additional building inspector (approved by Resolution No. 2318);
2. We have increased the Community Development budget by \$40,000 for professional planning services related to the update of the various comprehensive plan elements.
3. During the past few years, we have provided custodial services through a combination of contracting and force account. We have issued an RFP for janitorial services and are proposing to eliminate the City janitorial position and contract-out all janitorial services. This is reflected in the position authorization schedule attached to the budget ordinance. The salary and benefit costs associated with the position have been transferred to professional services (janitorial contract).
4. An additional \$20,000 has been added to the facilities budget for building repairs/improvements (this has been under-budgeted the past few years)
5. An additional \$30,000 has been added to the professional services budget in Water Fund 401 for our contracted water rights attorney (Tom Pors) to help us perfect our water rights. This is something that needs to be done with DOE in order to guarantee our continued use of our water supply rights.
6. An additional \$30,000 (from \$70K to \$100K) has been added to Water Fund 401 for higher than anticipated costs of using TPU water from the So. Prairie intertie.
7. \$5,000 has been added to the stormwater fund 415 for Lake Bonney water quality monitoring.

Modification to the Capital Budgets

In the capital funds, projects are progressing as planned for those projects which have been funded. Many of these are grant or loan funded. Some projects have been complete and closed out, but there are several 2013 projects in progress and are being carried over into 2014.

Normally we do not entertain departmental requests for new capital projects mid-stream. However, there are a few new projects to be initiated in 2014 that were not part of the original biennial budget but have since been proposed to be included in the budget amendment. These are primarily projects resulting from new grant awards or specific Council actions.

Changes to the capital budgets are noted on Exhibits "C" of the budget ordinance, and have been incorporated into the revised budget totals of the respective funds.

As we begin work next year in preparing the 2015-2016 biennial budget, the Administration will be taking into account the many (11) public works trust fund loans outstanding, as well as our water supply debt obligations to Tacoma and the Cascade Waster Alliance. Our outstanding water utility debt from these loans exceed \$12M. Until increased growth in system development charges can replenish our capital accounts, we will likely plan for a reduced level of water capital spending over the next few years unless grants are obtained, or the Council chooses to increase water rates substantially in order to fund an ambitious capital investment program.

Personnel - Salaries and Benefits

The mid-biennial amendment includes a 2.0% Cost-of-Living-Adjustment (COLA) for AFSCME covered employees, and a 2.88% adjustment for the police guild. These are both previously negotiated adjustments contained in the respective collective bargaining agreements. I am proposing a 2.0% COLA for non-represented employees. Both the AFSCME and Police contracts will expire at the end of 2014.

Summary

I am excited about the prospects of being able to design and hopefully secure grant funding for another segment of the Fennel Creek Trail. I have proposed initial funds to make safety and access improvements to our new Victor Falls Park while we work towards developing an overall master plan for the property.

Additional resources have been devoted to comprehensive planning, as the next two years will features state mandated updates to almost all of our comprehensive plan elements.

I hope to further improve the downtown through intersection improvements and the installation of the last major missing link of sidewalk along SR410.

2014 may also come to be known as the year for Easttown, with the long planned completion of key sewer system components for both north and south Easttown.

Thanks to all of you for your support these past four (4) years. I am looking forward to another four, and appreciate our council, staff, boards, commissions, and volunteers who step forward to work together in making Bonney Lake a great place to live, work, and play.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Johnson Jr.", written in a cursive style.

Neil Johnson Jr.
Mayor

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 26 November 2013	Agenda Bill Number: AB13-140
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D13-140	Councilmember Sponsor:

Agenda Subject: Mid-Biennial Budget Amendment

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Mid-Biennial Budget Amendment For Budget Years 2013 And 2014.

Administrative Recommendation: Approve

Background Summary: In December of last year the City Council approved Ordinance No. 1447 which adopted a biennial budget for fiscal years 2013-2014. RCW 35A.34.130 requires that the adopted biennial budget be subject to a mid-biennial review and modification as needed. This ordinance and attached exhibits constitutes the Mayor's proposed mid-biennial amendments to the adopted budget. A public hearing has been set for November 26, 2013 to consider the proposed mid-biennial modifications to the budget. It is anticipated any budget amendments will be adopted at either the December 10th regular meeting or the Dec. 17th Council Workshop.
Attachments: Ordinance D13-140 and Exhibits A-F.

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

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	Chair/Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember NAME	<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): November 5, 2013	Public Hearing Date(s): November 26, 2013
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney: (if applicable):

ORDINANCE NO. D13-140

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING THE MID-BIENNIAL BUDGET AMENDMENT FOR BUDGET YEARS 2013 AND 2014

WHEREAS, the City Council approved Ordinance No. 1447 which adopted a biennial budget for fiscal years 2013-2014; and

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

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

WHEREAS, on November 26, 2013 the City Council held a public hearing upon notice for the purpose of considering mid-biennial modifications and amendments to the adopted 2013-2014 biennial budget;

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

Section 1. The biennial budget for the City of Bonney Lake for the period January 1, 2013 through December 31, 2014 as contained in the adopted 2013-2014 Biennial Budget for total revenues/sources and expenditures/uses as approved by the City Council, is hereby amended by Total Revenues and Expenditures for each fund as shown on the attached Exhibit "A" (City of Bonney Lake Mid-Biennial Budget Amendment).

Section 2. The changes to biennial operating expenditures, capital expenditures, transfers and debt service schedules as shown on the attached Exhibit "B" (B-1 and B-2) are hereby adopted.

Section 3. The changes to the park, street, water, sewer, and stormwater capital budgets as shown on the attached Exhibit "C" are hereby adopted.

Section 4. The changes to the Equipment Replacement Schedule of the Equipment Rental & Replacement Fund, as shown on the attached Exhibit "D," are hereby adopted.

Section 5. The changes to the Position Summary (p3-30 of adopted budget), as shown on the attached Exhibit "E," are hereby adopted.

Section 6. The changes to the pre-approved out-of-state travel list (p 3-34 adopted budget) is hereby replaced with Exhibit "F" and adopted.

Section 7. The City Clerk is directed to transmit a certified copy of the City of Bonney Lake adopted 2013-2014 Mid-Biennial Budget Amendment (Ordinance No. D13-140 and

Exhibits “A”, and “B”) to the Office of the State Auditor and to the Association of Washington Cities.

Section 8. This ordinance concerning matters set out in RCW 35A.11.090, it is not subject to referendum, and shall take effect January 1, 2014 after its passage, approval and publication as required by law.

PASSED by the City Council of the City of Bonney Lake this ____ day of December, 2013.

Neil Johnson, Jr. Mayor

ATTESTED:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

Passed:

Valid:

Published:

Effective Date:

Exhibit A

Ordinance D13-140

2013 - 2014 Mid Biennial Budget Amendment
Prepared October, 2013

Amended Funds Only		2013-2014 Biennial Budget			
Number	Name	Revenue	Revenue	Expenditure	Expenditure
		Adopted Biennial	Revised Biennial	Adopted Biennial	Revised Biennial
001	General	27,743,843	28,399,558	27,611,835	28,399,558
301	Street CIP	1,464,193	6,664,193	3,403,844	10,998,844
302	Parks CIP	1,263,724	1,438,724	1,697,326	2,524,326
401	Water	19,130,187	19,130,187	19,554,688	20,819,688
402	Wastewater (Sewer)	18,738,805	19,178,805	20,291,384	21,081,384
415	Stormwater	3,555,870	3,725,870	3,576,137	4,433,137
501	Equipment Rental & Replacement	2,309,770	2,309,770	2,194,838	2,212,986
	Total	<u>74,206,392</u>	<u>80,847,107</u>	<u>78,330,052</u>	<u>90,469,923</u>

Footnotes:

- 1 General Fund - See "Exhibits B1" and "B2" for details of mid-biennial amendment, both Revenue and Expenditures
- 2 See "Exhibit C" for individual line item amendment detail for fund 301, 302, 401, 402 and 415
- 3 See "Exhibit D" for individual line item amendment detail for the ER&R Fund
- 4 Expenditures in excess of revenues are funded through the use of reserves (fund balance)

2013 - 2014 Mid Biennial Budget Amendment
 General Fund Revenues
 Prepared October, 2013

GENERAL FUND	Adopted	Adopted Budget	Biennial Total	Amendments	Revised
	Budget	2014			Biennial
	2013	2014			
General Revenues					
Property Taxes (311)	2,637,042	2,663,412	5,300,454	93,191	5,393,645
Sales Tax (312 + 313)	3,514,182	4,114,890	7,629,072		7,629,072
Utility Tax (314, 316, -316.20)	2,477,699	2,552,030	5,029,729		5,029,729
Excise Taxes (317.34&.35)	88,590	88,590	177,180		177,180
Other taxes (316.20, 319)(317 -317.34&.35)	170,431	175,544	345,975		345,975
Total Taxes (310)	8,887,944	9,594,466	18,482,410	93,191	18,575,601
Licenses & Permits (320)	694,149	745,762	1,439,911		1,439,911
Intergovernmental (330)	631,973	757,882	1,389,855		1,389,855
Charges for Goods & Service (341 - 348)	585,294	666,769	1,252,063		1,252,063
Administrative Transfers In (349)	1,409,067	1,423,158	2,832,225		2,832,225
Total Chgs for Goods & Services (340)	1,994,361	2,089,927	4,084,288	0	4,084,288
Fines & Forfeits (350)	725,976	755,016	1,480,992	(108,896)	1,372,096
Investment Interest (361)	82,628	25,000	107,628		107,628
Other Revenues (362, -362.50, 366, 367, 369)	180,427	185,000	365,427		365,427
Other Revenues; Fac Rentals (362.50)	261,537	131,795	393,332		393,332
Total Misc. Revenue (360)	524,592	341,795	866,387	0	866,387
Other Fin. Sources (390)	0	0	0	0	0
**Sub-Total General Revenue	13,458,995	14,284,848	27,743,843	(15,705)	27,728,138
Renwood Agreement	0	0	0	671,420	671,420
**Sub-Total Additional Revenue	0	0	0	671,420	671,420
Total Revenues	13,458,995	14,284,848	27,743,843	655,715	28,399,558
Total Expenditures - O & M (From Schedule B)	13,625,257	13,986,578	27,611,835	787,723	28,399,558
Results of Operations (Revenue less Expenditure)	-166,262	298,270	132,008	(132,008)	(0)

Footnotes - Budget Amendment Details

- 1 Revise Prop Tx Projection based on P.C. prelim assess: (2014 orig budget=2,663,412; revised=2,756,603) 93,191
- 2 Revise Fines/Forfeits based on actuals: (original budget=725,976; revised=617,080) (108,896)
- 3 Renwood Agreement: Additional building permits, etc. not originally budgeted 671,420

2013 - 2014 Mid Biennial Budget Amendment
 General Fund Expenditures
 Prepared October, 2013

General Fund		Adopted Budget	Adopted Budget	Biennial	Amendments	Revised Biennial
Department		2013	2014	Total		Total
11	Legislative	109,497	78,316	187,813		187,813
12	Judicial	699,982	712,500	1,412,482		1,412,482
13	Executive	642,846	735,024	1,377,870		1,377,870
14	Financial Services (2013 salary & benefit budget=\$920,125)	1,094,025	1,126,227	2,220,252		2,220,252
15	Legal	395,120	396,223	791,343		791,343
16	Information Technology	520,453	477,291	997,744		997,744
18	Administrative Services	508,970	538,333	1,047,303		1,047,303
21	Law Enforcement (2013 salary & benefit budget=\$4,561,643)	5,728,224	5,966,822	11,695,046		11,695,046
32	Engineering and Public Works Administration	75,621	75,621	151,242		151,242
42	Road & Streets Maint. (2013 salary & benefit budget=\$672,756)	1,032,806	1,055,355	2,088,161		2,088,161
50	Senior Center	329,708	320,322	650,030		650,030
57	Community Forestry	39,345	39,998	79,343		79,343
58	Comm Develop (2013 salary & bene budget=\$1,087,584)	1,207,292	1,253,118	2,460,410	177,241	2,637,651
59	Comm Develop - Bldg. (In 2011 Dept 58 & 59 are combined)	0	0	0		0
60	Facilities	516,549	477,327	993,876	20,000	1,013,876
76	Parks and Recreation	307,752	305,085	612,837		612,837
90	Non-Departmental	417,067	429,016	846,083		846,083
90	Debt Service - Motorola (annual prin + int = \$231,000)		0	0	346,000	346,000
90	Debt Service - J & MC (annual prin + int = \$661,443)	0	0	0	992,443	992,443
**	Anticipated Savings - 2013				(476,884)	(476,884)
***	Anticipated Savings - 2014				(271,077)	(271,077)
				0		0
TOTAL EXPENDITURES		13,625,257	13,986,578	27,611,835	787,723	28,399,558
				27,611,835		28,399,558

Footnotes - Budget Amendment Details

Dept		
58	Professional Planning service -update comp. plan elements	40,000
58	Blding Inspect salary & benefits moved from P.W. to Comm. Develop. (2013=36,173; 2014=101,068)	137,241
60	Building Repairs & Improvements	20,000
90	Motorola Debt Svc. 2013 = 115,000. 2014 = 231,000.	346,000
90	J&MC Debt Svc. 2013 = 331,000. 2014 = 661,443.	992,443
	New budget request	1,535,684
**	Anticipated 2013 Savings: (a) 3.5% of 2013 total expenditures	(476,884)
***	Anticipated 2014 Savings: (a) Total expenditures=202,284; (b) G.F portion of medical savings=68,793	(271,077)
	Total anticipated savings	(747,961)
	Net new budget request	787,723

**Exhibit "C" to Ordinance No. D13-140
City of Bonney Lake
2013-2014 Mid-Biennial Capital Improvement Budget Modifications**

Fund Number	Fund Name	Description of CIP Project Amendment	Amount	Adopted Budget Page Ref.
302	Park CIP	Install a permanent roof over the stage at Allan Yorke Park	\$55,000	5-50
302	Park CIP	Initial safety and access improvement to Victor Falls Park	\$75,000	5-50
302	Park CIP	FC trail design segment (1.5 miles anticipated state design grant – will not be undertake is grant is not awarded).	\$175,000	5-50
302	Park CIP	FC trail ROW acquisition (in anticipation of future trail construction grant)	\$100,000	5-50
302	Park CIP	\$20,000 for misc. improvements to various AYP ball fields.	\$20,000	5-50
302	Park CIP	Ken Love property acquisition for Victor Falls Park	\$382,000	5-50
302	Park CIP	Access Improvements to Lake Tapps Swim Area	\$20,000	5-50
301	Street CIP	Install sidewalks along a segment of Angeline Road (citizen petition)	\$65,000	5-47
301	Street CIP	Acquire ROW on SR410 in Downtown to facilitate the SR410/VMD intersection improvement	\$80,000	5-47
301	Street CIP	Increase the overlay program budget from \$164,000 to \$516,000 for Church Lake Rd overlay project (TIB grant funds \$406,193 of project costs).	\$516,000	5-47
301	Street CIP	Carried forward from 2013 to complete Transportation Plan update.	\$145,000	5-47
301	Street CIP	Install sidewalks on SR410 (missing link over Angeline Rd – (TIB grant funds \$500,000 of project costs).	\$920,000	5-47
301	Street CIP	“Place holder” for improvements to the 186/88/188th street corridor.	\$1,000,000	5-47
301	Street CIP	“Place holder” SR410/Veterans Memorial Drive intersection improvement project (\$4.1M funded by Tehaleh mitigation)	\$5,000,000	5-47
301	Street CIP	Crosswalk(s) for School or Park Zones	\$14,000	5-47

Fund Number	Fund Name	Description of CIP Project Amendment	Amount	Adopted Budget Page Ref.
401	Water Fund	Grainger Springs Building Upgrade (carried forward from 2013)	\$200,000	5-6
401	Water Fund	Lakeridge 810 zone water main upgrade (revised scope carried forward from 2013 - broken into phases)	\$2,030,000	5-6
401	Water Fund	Lakeridge 810 zone booster pump station design	\$700,000	5-6
401	Water Fund	Reed property improvements (carried forward from 2013 - minimal repairs needed to place residence on market, and improvements to revised access; fencing and gate at storage yard)	\$50,000	5-6
401	Water Fund	24th St E water main replacement.	\$60,000	5-6
401	Water Fund	Victor Falls watershed fencing (Includes amount carried forward from 2013)	\$200,000	5-6
401	Water Fund	SCADA telemetry system upgrade – water share (carried forward from 2013 - \$210,000)	\$210,000	5-6
401	Water Fund	Water Share of Land Acquisition for Public Works Center	\$505,000	5-6
415	Storm Water	Regional Storm Pond at Locust & 82nd (carried forward from 2013)	\$75,000	5-22
415	Storm Water	Church Lake Rd replacement culvert. Design contract issued in 2013.	\$250,000	5-22
415	Storm Water	Recently announced DOE grant award to the City. Most of the funds are to be used for capital; some may be used for NPDES maintenance activities.	\$170,000	5-22
415	Storm Water	Placeholder to complete stormwater comp plan, including Eastown storm sewers. Note: This may be accomplished through a temporary force-account project engineer.	\$172,000	5-22
415	Storm Water	Placeholder for potential stormwater SDC study upon completion of comp plan.	\$40,000	5-22
415	Storm Water	Compact street sweeper for pervious surfaces, sidewalks, trails, parking lots and narrow street sections to remove debris from getting into storm drains per NPDES Permit requirements.	\$75,000	5-22

Fund Number	Fund Name	Description of CIP Project Amendment	Amount	Adopted Budget Page Ref.
415	Storm Water	Stormwater Share of Land Acquisition for Public Works Center	\$150,000	5-22
402	Sewer	Eastown Lift Station/Force Main (Carry forward from 2013)	\$712,460	5-16
402	Sewer	Eastown Gravity Sewer Main (Carry forward from 2013)	\$25,000	5-16
402	Sewer	Eastown Lift Station Upgrade/SR410 crossing (Carried forward from 2013)	\$160,000	5-16
402	Sewer	SCADA system telemetry upgrade (sewer share carried forward from 2013)	\$423,000	5-16
402	Sewer	Septic System Reduction Project (carried forward from 2013)	\$300,000	5-16
402	Sewer	Eastown "Southern" sewer ROW acquisition, design, and construction (Kahne et al ULA – City to be reimbursed)	\$440,000	5-16
402	Sewer	Sumner WWTP Upgrade (carried forward from 2013 - PWTFLL)	\$5,000,000	5-16
402	Sewer	Sewer share of Land Acquisition for Public Works Center	\$350,000	5-16

Fund 501: Equipment Rental & Replacement

Equipment Replacement Schedule							
Asset #	Department	Existing Equipment Description	2013		2014		Notes
			Adopted	Revised	Adopted	Revised	
RS133	Community Development	Dodge Stratus 2004	9,500.00	17,936.00			1
RS222	ER&R	Ford F250	30,000.00	-			2
RS135	Admin/Information Services	Dodge Stratus 2004	9,800.00	21,564.00			3
RS221	Facilities	Ford F150	9,000.00	-		30,000.00	4
RS291	Park Facilities	Ford Ranger	-	-			5
RS463	Park Facilities	Paint Stripper	4,000.00	4,320.00			
RS601	Park Facilities	Mower - Grasshopper	14,500.00	15,641.00			
PD202	Police	Ford Crown Victoria 2000	40,706.00	33,285.00			
PD052	Police	Ford Crown Victoria 2004	37,622.00	33,285.00			
PD053	Police	Ford Crown Victoria 2004	37,622.00	42,199.00			
PD057	Police	Mercury Mountaineer 2000	11,000.00	-		27,000.00	6
PD059	Police	Ford Crown Victoria 2005	38,270.00	40,752.00			
PD061	Police	Dodge Charger 2006	40,177.00	42,952.00			
PD023	Police	Ford Crown Victoria 2002			44,616.00	44,616.00	
PD055	Police	Dodge Intrepid 2005			16,261.00	20,500.00	
PD511	Police	Ford Crown Victoria 2005			39,020.00	39,020.00	
PD062	Police	Ford Crown Victoria 2006			39,680.00	39,680.00	
RS297	Street	Chevrolet C2500 1995			19,000.00	27,586.00	
RS225	Street	Ford F250 1995			19,000.00	27,586.00	
RS283	Water	Ford Ranger 1999	4,000.00				bed only
RS284	Water	Chevrolet Silverado	26,000.00				7
Subtotal			\$ 312,197	\$ 251,934	\$ 177,577	\$ 255,988	

- 1 Two surplus dept. vehicles replaced with 1 new one
- 2 Still in good condition; defer until 2015
- 3 Replace with small SUV - Replacement cost underbudgeted
- 4 RS221 Replacement deferred to 2014 - Additional funding from surplus Janitor Van
- 5 Replaced internally with RS284
- 6 Deferred to 2014 and replace with Ford Escape; replacement cost underbudgeted
- 7 Will be transferred to parks to replace RS291

City of Bonney Lake POSITION SUMMARY	Year	2008	2009	2010	2011	2011	2012	2012	2013	2014
		Authorized F.T.E.	Adopted F.T.E.	Adopted F.T.E.	Adopted F.T.E.	Revised F.T.E.	Adopted F.T.E.	Revised F.T.E.	Revised F.T.E.	Revised F.T.E.
CITY COUNCIL										
Councilmember (Part-Time)		7.000	7.000	7.000	7.000	7.000	7.000	7.000	7.000	7.000
TOTAL CITY COUNCIL		7.000	7.000	7.000	7.000	7.000	7.000	7.000	7.000	7.000
EXECUTIVE										
Mayor		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
City Administrator		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Community Services Director		1.000	1.000	1.000	1.000					
Executive Assistant		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Facilities & Special Projects Manager						1.000	1.000	1.000	1.000	1.000
Special Events Coordinator						1.000	1.000	1.000	1.000	1.000
Facilities Maintenance Worker II						1.000	1.000	1.000	1.000	1.000
Custodian						1.000	1.000	1.000	1.000	
TOTAL EXECUTIVE		4.000	4.000	4.000	4.000	7.000	7.000	7.000	7.000	6.000
LEGAL										
City Prosecutor					1.000	1.000	1.000	1.000	1.000	1.000
TOTAL LEGAL					1.000	1.000	1.000	1.000	1.000	1.000
COURT										
Municipal Judge		0.750	0.800	0.850	0.850	0.850	0.850	0.850	0.850	0.850
Court Administrator		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Probation Officer									1.000	1.000
Court Clerk I		3.000	3.000	3.000	3.000	3.000	3.000	3.000	3.000	3.000
Court Clerk II		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
TOTAL COURT		5.750	5.800	5.850	5.850	5.850	5.850	5.850	6.850	6.850
FINANCE										
Chief Financial Officer		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Accounting Manager			1.000	1.000	1.000	1.000	1.000	1.000		
Financial Operations Supervisor			1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Senior Accountant		1.000							1.000	1.000
Accountant		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Utility Billing Supervisor		1.000								
Accounting Specialist I/II		4.000	5.000	5.000	5.000	5.000	5.000	5.000	5.000	5.000
Accounting Specialist III		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Payroll Officer		1.000								
TOTAL FINANCE		10.000	10.000	10.000	10.000	10.000	10.000	10.000	10.000	10.000

**City of Bonney Lake
POSITION SUMMARY**

Year	2008	2009	2010	2011	2011	2012	2012	2013	2014
	Authorized F.T.E.	Adopted F.T.E.	Adopted F.T.E.	Adopted F.T.E.	Revised F.T.E.	Adopted F.T.E.	Revised F.T.E.	Revised F.T.E.	Revised F.T.E.

CITY CLERK & ADMINISTRATIVE SERVICES

Administrative Services Director/City Clerk	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Records/Information Specialist	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Administrative Specialist I/II	2.000	2.000	2.000	2.000	2.000	2.000	2.000	2.000	2.000
Human Resources Manager					1.000		1.000	1.000	1.000
Human Resources Officer	1.000	1.000	1.000	1.000		1.000			
Information Services Manager					1.000		1.000	1.000	1.000
Information Services Coordinator	1.000	1.000	1.000	1.000		1.000			
PC/Network Technician	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Senior Center Manager					1.000		1.000	1.000	1.000
Senior Services Assistant					1.000		1.000	1.000	1.000
Cook					0.800		0.800	0.800	0.800
Kitchen Aide					0.300		0.300	0.300	0.300
Senior Center Aide/Van Driver					1.800		1.800	1.800	1.800
TOTAL CITY CLERK & ADMINISTRATIVE SERVICES	7.000	7.000	7.000	7.000	11.900	7.000	11.900	11.900	11.900

COMMUNITY SERVICES

Community Services Director	1.000	1.000	1.000	1.000		1.000			
Special Events Coordinator	1.000	1.000	1.000	1.000		1.000			
Community Services Specialist	1.000	1.000	1.000	1.000					
Facilities Maintenance Worker II	1.000	1.000	1.000	1.000		1.000			
Custodian	1.000	1.000	1.000	1.000		1.000			
Parks Lead Worker	1.000	1.000	1.000	1.000		1.000			
Maintenance Worker II (Parks/Forestry)	1.000	1.000	1.000	1.000		1.000			
Senior Center Manager	1.000	1.000	1.000	1.000		1.000			
Senior Services Assistant	1.000	1.000	1.000	1.000		1.000			
Cook	0.800	0.800	0.800	0.800		0.800			
Kitchen Aide	0.300	0.300	0.300	0.300		0.300			
Senior Center Aide/Van Driver	1.800	1.800	1.800	1.800		1.800			
TOTAL COMMUNITY SERVICES	11.900	11.900	11.900	10.900		10.900			

POLICE

Police Chief	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Assistant Police Chief	1.000	1.000	1.000	1.000	1.000	1.000	1.000	2.000	2.000
Police Lieutenant	1.000			1.000	1.000	1.000	1.000		
Department Assistant	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Records Clerk	3.000	3.000	3.000	3.000	3.000	3.000	3.000	3.000	3.000
Police Sergeant	4.000	5.000	5.000	4.000	4.000	4.000	4.000	5.000	5.000
Patrol Officers	21.000	22.000	22.000	22.000	22.000	22.000	22.000	21.000	21.000
School Resource Officer	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Community Services Officer	3.200	3.200	3.200	3.600	3.600	3.600	3.600	3.600	3.600
TOTAL POLICE	36.200	37.200	37.200	37.600	37.600	37.600	37.600	37.600	37.600

**City of Bonney Lake
POSITION SUMMARY**

Year	2008	2009	2010	2011	2011	2012	2012	2013	2014
	Authorized	Adopted	Adopted	Adopted	Revised	Adopted	Revised	Revised	Revised
	F.T.E.	F.T.E.	F.T.E.	F.T.E.	F.T.E.	F.T.E.	F.T.E.	F.T.E.	F.T.E.

COMMUNITY DEVELOPMENT

Community Development Director	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
GIS Analyst	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
GIS Assistant					1.000	1.000	1.000	1.000	1.000
Senior Planner	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Associate Planner	1.000	1.000	1.000	1.000	1.000	1.000		1.000	1.000
Assistant Planner	1.000	1.000	1.000	1.000	1.000	1.000	1.000		
Planning Technician	1.000	1.000	1.000						
Code Enforcement Officer	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Development Services Engineer	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Construction Inspector				1.000	1.000	1.000	1.000	1.000	1.000
Administrative Specialist I/II/III	1.000	1.000	1.000	1.000	1.000	1.000	1.000		
Building Official	1.000	1.000	1.000	1.000	1.000	1.000	1.000		
Permit Coordinator	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Permit Technician I/II	2.000	2.000	2.000	1.000	1.000	1.000	1.000	1.000	1.000
Plans Examiner/Sr. Inspector								1.000	1.000
Building Inspector I/II	2.000	2.000	2.000	1.000	1.000	1.000	1.000		1.000
TOTAL COMMUNITY DEVELOPMENT	15.000	15.000	15.000	13.000	14.000	14.000	13.000	12.000	13.000

PUBLIC WORKS (Water, Sewer, Streets, Stormwater, ER&R)

Public Works Director	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Assistant Public Works Director	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Public Works Support Services Coordinator	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Assistant Engineer		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Administrative Specialist IV	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
City Engineer	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Administrative Specialist I/II	1.000	1.000	1.000	3.000	3.000	3.000	3.000	3.000	3.000
Engineering Technician	1.000								
Maintenance Worker I	7.000	7.000	7.000	6.000	6.000	6.000	6.000	6.000	6.000
Maintenance Worker II	18.000	18.000	18.000	17.000	17.000	17.000	17.000	17.000	17.000
Maintenance Electrician	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Mechanic II	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Meter Reader	2.000	2.000	2.000	2.000	2.000	2.000	2.000	2.000	2.000
Project Manager	2.000	2.000	2.000	2.000	2.000	2.000	2.000	2.000	2.000
Lead Maintenance Worker	3.000	3.000	3.000	3.000	3.000	3.000	3.000	3.000	3.000
Utility Supervisor	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Street & Stormwater Supervisor	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Assistant City Engineer - Utilities	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Parks Lead Worker					1.000		1.000	1.000	1.000
Maintenance Worker II (Parks/Forestry)					1.000		1.000	1.000	1.000
TOTAL PUBLIC WORKS	44.000	44.000	44.000	44.000	46.000	44.000	46.000	46.000	46.000

City of Bonney Lake POSITION SUMMARY	Year	2008	2009	2010	2011	2011	2012	2012	2013	2014
		Authorized F.T.E.	Adopted F.T.E.	Adopted F.T.E.	Adopted F.T.E.	Revised F.T.E.	Adopted F.T.E.	Revised F.T.E.	Revised F.T.E.	Revised F.T.E.
TOTAL STAFFING (excludes elected officials)		132.850	133.900	133.950	132.350	132.350	136.350	131.350	131.350	131.350
TOTAL POPULATION		16,725	17,082	17,374	17,500	17,500	17,730	17,730	18,010	18,500
F.T.E. per 1,000 population		7.94	7.84	7.71	7.56	7.56	7.69	7.41	7.29	7.10

Exhibit "F"
2013-2014 Mid-Biennial Budget Amendment
Out of State Travel

Out of State Travel - 2014

Department: Community Development
BARS Account # 001.000.058.558.60.43.xx (Travel Expenses) \$1,000.00
BARS Account # 001.000.058.558.60.49.xx \$500.00
(Miscellaneous/Registration)
Staff Position(s) Permit Coordinator
Destination San Antonio, Texas
Dates April 13 - 16, 2014
Purpose of Travel Tyler Connects 2014 National User Conference (Eden Financial & Permitting Software)
Justification *The City has made a substantial investment in the Eden Software suite, which includes financial, permitting, licensing, utility billing, and customer service modules. The Eden National Conference is a valuable training and network tool that helps staff get more utility out of the software. Two staff members from Finance attended this conference in 2008 and found it extraordinarily valuable. Similar value in attending can be gained by the Permit Coordinator attending the conference.*

Department: Community Development
BARS Account # 001.000.058.558.60.43.xx (Travel Expenses) \$1,000.00
BARS Account # 001.000.058.558.60.49.xx \$650.00
(Miscellaneous/Registration)
Staff Position(s) Community Development Director
Destination Charlotte/Mecklenburg, North Carolina
Dates September 14- 17, 2014
Purpose of Travel International City/County Management Association 2014 Annual Conference
Justification *This conference is approved per Employment Contract and is therefore exempt from Resolution #1787; however, the detail is provided for informational purposes.*

Department: Administrative Services Department (Office of Information Services)
BARS Account # 001.000.016.518.80.43.01 (Transportation) \$600.00
BARS Account # 001.000.016.518.80.43.02 (Logging) \$800.00
Staff Position(s) IS Manager
Destination San Antonio, Texas
Dates April 13 - 16, 2014
Purpose of Travel Tyler Connects 2014 National User Conference (Eden Systems Software, Tyler Payments, Tyler Cashiering, etc.)
Justification *The City has made a substantial investment in the Eden Software suite, which includes financial, permitting, licensing, utility billing, and customer service modules. The*

Eden National Conference is a valuable training and network tool that helps staff get more utility out of the software. The IS Manager attended this conference in 2006 and found it extraordinarily valuable. Similar value in attending can be gained by the IS Manager attending this conference.

Note: Approval of this list does not necessarily imply that travel funds have been specifically allocated.

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

Department/Staff Contact: Community Development / Jason Sullivan - Senior Planner	Meeting/Workshop Date: 3 December 2013	Agenda Bill Number: AB13-143
Agenda Item Type: Discussion	Ordinance/Resolution Number: D13-143	Councilmember Sponsor:

Agenda Subject: RC-5 Technical Amendment

Full Title/Motion: An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 18.20.050 Of The Bonney Lake Municipal Code And The Corresponding Portion Of Ordinance No. 1099, Related To Rc-5 Zoning.

Administrative Recommendation:

Background Summary: Ordinance D13-143 was prepared by the City Attorney to restate the existing clustering provision in the Residential/Conservation District (RC-5) codified in the BLMC 18.20.050.A in order to improve the readability of the regulation. The proposed amendment does not contain any substantive changes in the clustering provision established by BLMC 18.20.050.A

Attachments: Ordinance D13-143, Planning Commission recommendation memorandum, and DRAFT November 20, 2013 Planning Commission minutes

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a			
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:	Planning Commission		
Hearing Examiner Review:			

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

APPROVALS		
Director: JPV	Mayor:	Date Reviewed by City Attorney: (if applicable):

This Page Intentionally Left Blank

ORDINANCE D13-143

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,
WASHINGTON, AMENDING SECTION 18.20.050 OF THE BONNEY LAKE
MUNICIPAL CODE AND THE CORRESPONDING PORTION OF ORDINANCE NO.
1099, RELATED TO RC-5 ZONING**

WHEREAS, the City Council desires to amend a certain section of the municipal code, related to maximum densities in the RC-5 zone, to clarify the meaning of this section.

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

Section 1. Section 18.20.050 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1099 are hereby amended to read as follows:

18.20.050 Setback and bulk regulations.

The following bulk regulations shall apply to the uses permitted in this district subject to the provisions for yard projections included in BLMC 18.22.080:

A. Maximum density: one residential unit per five acres; provided the lots may be clustered to preserve open space. Where lots designated for residential development are clustered and any lot is smaller than five acres, agricultural or open space tract(s) shall be recorded within the subdivision in acreage(s) sufficient to preserve the maximum overall residential density of five units per acre. ~~Where lots smaller than five acres are created, a tract of sufficient size to equal the difference between the acreage of the lot or lots and the minimum density requirements shall be designated and recorded as an agricultural or open space tract.~~

B. Minimum Front Setback.

1. From State Highway 410: 55 feet from the right-of-way line;
2. From other streets: 30 feet from right-of-way.

C. Minimum side yard: a total of 15 feet for both side yards, with a minimum of five feet for one side yard.

D. Minimum rear setback: 20 feet; provided, that a separated garage or accessory building may be built within 10 feet of the rear property line.

E. Maximum height: 35 feet, except where the director of planning and community development waives this limit (see BLMC 14.20.020(~~FH~~)) based on:

1. Need of the specific proposed use;
2. Conformance to the comprehensive plan and the intent of this title.

Section 2. This ordinance shall take effect five (5) days after its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2013.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

Passed:
Valid:
Published:
Effective Date:



Memo

Date : November 20, 2013
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D13-143 – RC-5 Clustering Amendment**

Ordinance D13-143 was prepared by the City Attorney to restate the existing clustering provision in the Residential/Conservation District (RC-5) codified in the BLMC 18.20.050.A in order to improve the readability of the regulation. The proposed amendment does not contain any substantive changes in the clustering provision established by BLMC 18.20.050.A

At the November 20, 2013 meeting, the Planning Commission held public hearing to consider the proposed modification and voted 6-0-0 to recommend that the City Council adopt Ordinance D13-143 amending BLMC 18.20.050 and the corresponding portion of Ordinance No. 1099, related to RC-5 zoning.



Community Development Department

Planning Commission Minutes

November 20, 2013 Regular Scheduled Meeting
City of Bonney Lake Council Chambers

DRAFTED

The meeting was called to order at 5:30 P.M.

Planning Commission Present

Grant Sulham, **Chair**
L. Winona Jacobsen, **Vice-Chair**
Brandon Frederick
Richards Rawlings
Brad Doll
Dennis Poulsen
Dave Baus

City Staff Present

Jason Sullivan, Senior Planner
Debbie McDonald, Commission Clerk

I. APPROVAL OF MINUTES:

MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY COMMISSIONER RAWLINGS TO APPROVE THE MINUTES FROM THE NOVEMBER 6, 2013 MEETING.

MOTION APPROVED 6-0

II. PUBLIC HEARING:

Ordinance D13-143: RC-5 Technical Amendment

Chair Sulham open the Public Hearing at 5:32

Mr. Sullivan gave a brief overview of the Ordinance D13-143: RC-5 Technical Amendment. There is no major changes just improving the readability of the regulation.

Chair Sulham opened the floor for public comments having, none he closed the Public Hearing at 5:33.

MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY COMMISSIONER RAWLINGS TO RECOMMEND THAT THE CITY COUNCIL ADOPT ORDINANCE D13-143 RESTATING THE CLUSTERING REQUIREMENTS IN THE RC-5 DISTRICT.

MOTION APPROVED 6-0

Ordinance D13-137: 2013 Comprehensive Plan Amendment

Chair Sulham opened the Public Hearing at 5:35

Mr. Sullivan gave a brief overview of Ordinance D13-137. The draft ordinance would repeal Ordinance 1295 changing the Land Use Designation back to High-Density Residential from Public Facility to ensure consistency between the adopted Zoning Classification and the Land Use Designation relating to the City own land located behind Junction 192.

Chair Sulham opened the floor for public comments, having none he closed the Public Hearing at 5:37.

MOTION WAS MADE BY COMMISSIONER RAWLINGS AND SECONDED BY COMMISSIONER BAUS TO RECOMMEND THAT THE CITY COUNCIL ADOPT ORDINANCE D13-137 REPEALLING ORDINANCE 1295 CHANGING THE LAND USE DESIGNATION ON TAX PARCEL 0520338001 BACK TO HIGH-DENSITY RESIDENTIAL FROM PUBLIC FACILITY.

MOTION APPROVED 6-0

Mr. Sullivan will have both recommendations ready for the December 3rd, City Council meeting.

III. PUBLIC COMMENT AND CONCERNS: NONE

IV. NEW BUSINESS:

Planning Commission Meetings for December

Mr. Sullivan stated he would not have any agenda items for December. Planning Commission will ramp back up in January after the joint meeting with City Council in January. It will be up to the Commission when and if they want to meet. At this time the scheduled meetings are for December 4 and 18. If the Commission would like to hold only one meeting they could move the meeting to December 11.

Vice-Chair Jacobsen would like to have a meeting in December to prepare for the joint meeting. Need to discuss what the Planning Commission would like on the joint meeting agenda. Would like to see the Arts and Heritage Commission on the agenda.

Commissioner Baus would also like to have a Planning Commission meeting to prepare for the joint meeting. He would like to add Tehaleh traffic to the joint meeting agenda.

MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY VICE-CHAIR JACOBSEN TO CANCEL THE REGULAR SCHEDULED PLANNING COMMISSION MEETINGS FOR DECEMBER 4TH AND 18TH AND RESCHEDULE FOR DECEMBER 11TH.

MOTION APPROVED 6-0

M: Everyone/Planning/Planning Commission/Minutes/2013/November 20, 2013

Commissioner Fredrick will not be attending the December 11th meeting since it will be only to discuss the joint meeting in January and he has resigned his position as of December 31, 2013.

V. **OLD/CONTINUING BUSINESS:** NONE

VI. **FOR THE GOOD OF THE ORDER:**

Correspondence – NONE

Staff Comments – Mr. Sullivan commented that the Shoreline Master Plan will be going to City Council on Dec. 3rd. Tomorrow will be meeting with the Department of Ecology and Cascade Water Alliance to look at the Flume.

Commissioner Doll commented that the Shoreline Master Plan was looking good, better than Pierce County's plan.

Mr. Sullivan also wanted to thank Commissioner Frederick for all his years of service on the Planning Commission.

Commissioner Comments – NONE

VI. **ADJOURNMENT:**

MOTION WAS MADE BY VICE-CHAIR JACOBSEN AND SECONDED BY COMMISSIONER RAWLINGS TO ADJOURN.

MOTION APPROVED 6-0

The meeting ended at 6:10 P.M.

Debbie McDonald, Planning Commission Clerk

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

Department/Staff Contact: Executive / Don Morrison Police/Chief Powers	Meeting/Workshop Date: 3 December 2013	Agenda Bill Number: AB13-147
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2348	Councilmember Sponsor:

Agenda Subject: Renewal of Interlocal Agreement for Autotheft Task Force

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement For Continued Participation In The Autho Theft Task Force.

Administrative Recommendation: Approve

Background Summary: For the past several years the City has been participating with Sumner, Puyallup, Lakewood, Tacoma, and Pierce County to maintain a multi-jurisdictional team to effectively respond to, and prevent, auto theft and related crimes. The program will be funded with an \$871,744 grant, with the City of Lakewood the designated recipient/grant manager. The City of Bonney Lake contributes one full-time officer whose salary, benefits and related task force expenses are paid from the grant proceeds. The grant period is July 1, 2013 through June 30, 2015.
Attachments: ILA

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

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>	Yes	No
Date:	Chair/Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember NAME	<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): 12/3/13	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney: (if applicable):

This Page Intentionally Left Blank

RESOLUTION NO. 2348

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH THE CITIES OF SUMNER, LAKEWOOD, TACOMA, FIFE, PUYALLUP, AND THE PIERCE COUNTY SHERIFF'S OFFICE, THE PIERCE COUNTY PROSECUTING ATTORNEY'S OFFICE, THE WASHINGTON STATE PATROL, PIERCE TRANSIT, AND WASHINGTON AUTO THEFT PREVENTION AUTHORITY FOR THE MULTI-JURISDICTIONAL AUTO CRIME ENFORCEMENT PROGRAM.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the Interlocal Agreement between the City of Bonney Lake and other named agencies for joint auto crime enforcement services, attached hereto and incorporated herein by this reference.

PASSED by the City Council this 10th day of December, 2013.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

INTERLOCAL COOPERATION AGREEMENT FOR
USE IN DISTRIBUTION OF FUNDS AND ALLOCATION OF RESOURCES
PURSUANT TO THE 2013-2015 WASHINGTON AUTO THEFT PREVENTION GRANT
AWARD

I. PARTIES

The parties to this Agreement are the municipalities of Lakewood, Tacoma, Fife, Sumner, Bonney Lake, Puyallup, on behalf of their respective police departments, The Pierce County Sheriff's Department, The Pierce County Prosecuting Attorney's Office, Washington State Patrol, Pierce County Public Transportation Benefit Area Corporation Pierce Transit (Pierce Transit), and the Washington Auto Theft Prevention Authority (WATPA).

II. AUTHORITY

THIS AGREEMENT is entered into pursuant to Chapters 10.93 and 39.34 of the Revised Code of Washington.

III. PURPOSE

The parties desire to establish and maintain a multi-jurisdictional team to effectively respond to, prevent and investigate auto theft and related crimes. This Agreement is not intended to replace any previously executed interlocal agreements by the parties to provide backup law enforcement services.

IV. FORMATION

There is hereby created a multi-jurisdictional task force to be hereafter known as "Auto Crime Enforcement (ACE)", the members of which shall be the municipalities of Lakewood (LPD), Fife (Fife PD), Sumner (Sumner PD), Bonney Lake (Bonney Lake PD), Puyallup (Puyallup PD), Tacoma (Tacoma PD), as well as the Pierce County Sheriff (PCSO), The Pierce County Prosecuting Attorney's Office, the Washington State Patrol (WSP) and Pierce Transit, The Task Force will be managed by a ACE/WATPA Board, hereinafter referred to as "The Board" in a manner that is consistent with the provisions of the Task Force Policy Manual (Appendix B) and organized in a manner consistent with Appendix A. The Board will be comprised of members from each of the partner agencies and WATPA and will meet on a quarterly basis at a minimum

V. STATEMENT OF PROBLEM

Whereas, the named entities recognize a need for proactive regional cooperation to address the problems created by auto theft within the region; and

Whereas the Washington State Legislature has recognized that automobiles are an essential part of our everyday lives and that the family car is typically the second largest investment a person has so that when it is stolen, it causes a significant loss and

inconvenience to people, imposes financial hardship, and negatively impacts their work, school, and personal activities. Appropriate and meaningful penalties that are proportionate to the crime committed must be imposed on those who steal motor vehicles; and

Whereas, law enforcement agencies throughout the County have determined that a concentrated and coordinated effort is critical to an effective statewide response to vehicle theft and have agreed to provide mutual aid and share resources as necessary to further the interests outlined in the application for the 2013-2015 Washington Auto Theft Prevention Grant, NOW THEREFORE, the parties agree as follows:

VI. TEAM OBJECTIVES

Individuals from each of the participating jurisdictions (as well as non-participating jurisdictions) will be consolidated and form ACE. ACE will service jurisdictions within Pierce County with emphasis on the participating jurisdictions. The object shall be to provide a consolidated response from each jurisdiction by utilizing the training of each assigned officer, equipment funded by the WATPA grant, and to prosecute crimes related to auto theft by use of a specifically allocated Pierce County Prosecutor. Each participating agency shall solicit a representative to serve as a member of the Board.

VII. DURATION AND TERMINATION

This agreement shall commence on July 1, 2013 and continue until WATPA Auto theft Prevention Grant funds are no longer available or until June 30, 2015. It is the parties' intent to be bound by the terms of this agreement without need for further extensions upon written notice to each participating jurisdiction that additional funding has been authorized beyond June 30, 2015.

Any party may withdraw from the Agreement upon the giving of thirty (30) days written notice of intent to withdraw to the Board. Withdrawal prior to the grant's expiration means that the withdrawing party is no longer eligible for related grant funds beyond reimbursement for approved grant expenditures that were accrued prior to withdrawal. Termination of this agreement and/or withdrawal of a party shall not terminate paragraph XVII hereof with respect to the withdrawing party as to any incident arising prior to the withdrawal of the party and paragraph XVII shall survive the termination of this Agreement with respect to any cause of action, claim or liability arising on or prior to the date of termination. The parties may terminate this contract by mutual agreement in writing.

VIII. NOTICE

To provide notice for termination or other processes relative to this agreement, notice may be sent to as well as to the City of Lakewood as Lead Administrative Agency.

Washington Auto Theft Prevention Authority c/o
Mr. Michael Painter, Executive Director
3060 Willamette Dr. NE, Suite 101
Lacey, WA 98516

City of Lakewood Police Department
9401 Lakewood Dr. SW
Lakewood, WA 98499
Attn: Faye Landskov

IX. ADMINISTRATION

The City of Lakewood through its Police Department is the recipient of a grant awarded by WATPA with which it contracts directly, and shall serve as the Lead Administrative Agency for purposes of this Agreement. The Lead Administrative Agency shall be responsible for all purchases of equipment, and for establishing proper accounting procedures, audit trail, and the collection and provision of required reports and statistics. In addition, the Lead Administrative Agency shall review all bills that are being submitted by other agencies for reimbursement to ensure that those bills comply with grant policies and regulations prior to submitting them to WATPA for payment. All other participants shall be considered Sub recipients.

X. COMMAND AND CONTROL

In the event of a mobilizing incident, the primarily responsible agency will be the agency in whose jurisdiction the incident has taken place. The primarily responsible agency shall appoint a command level officer to serve as Incident Commander, the officer in charge of the local event. The incident Commander retains full authority and control throughout the incident and shall make any decision as to the resolution of the incident. When the members of ACE who are not grant funded are not specifically investigating or otherwise working on auto theft prevention cases, the members will work on cases assigned by their individual agencies.

XI. PRESS RELEASES

All agencies participating in this agreement will make press releases only through the designee of the agency in whose jurisdiction the incident has taken place, or such press releases may be made through the Board, if agencies have concurrent jurisdiction.

XII. EQUIPMENT, TRAINING AND BUDGET

The City of Lakewood is the recipient of a \$871,744.00 grant for the 2013-2015 WATPA Grant Period July 1, 2013 – June 30, 2015. Grant Funds have been allocated for specific use and in the amounts provided in Attachment "A". In addition, The City of Lakewood will lease one vehicle for the duration of the Grant and the costs to the City that are associated with the leased vehicle will be reimbursable.

Each agency is authorized to use the Automated License Plate Reader (ALPR). (Officers using ALPR must ensure that the use is consistent with his or her agency's use policy.) Scheduling for the use of those items will be accomplished through the Lakewood Police Department's Designee and in a manner consistent with Attachment "B". Each agency agrees that the maintenance, repair or replacement of any equipment shall be the responsibility of the Agency in whose care the equipment was when it required repair or was lost or stolen.

(See Attachment B). Each agency agrees to make repairs or replacements within 30 days unless otherwise agreed.

XIII. OVERTIME

Overtime funds are limited and shall not exceed \$10,000 dollars. Overtime expenditures must be pre-approved and will only be subject to reimbursement if (1) the activity is specifically related to auto theft prevention efforts and (2) funds are available. When funds are expended, no overtime expenditures will be authorized by ACE or WATPA. For this reason, available funds for reimbursement will be distributed according to the applicable provisions of the Task Force Policy Manual until those funds are depleted.

XIV. DISTRIBUTION OF ASSETS UPON TERMINATION

At the termination of this agreement, any assets acquired by the City of Lakewood Police Department with grant funds shall become the property of the City of Lakewood.

XV. REIMBURSEMENT OF FUNDS

All agencies requesting reimbursement for approved expenditures must submit appropriate invoices and itemized receipts no more frequently than once each month for actual expenses. Each reimbursement request must contain a completed reimbursement request expenditure form as provided in Attachment C. Reimbursements will be made for actual expenses based upon the available budgeted amounts provided in Attachment "A". The Sub recipient will be responsible for timely submittal of billing documentation and data reporting to the Lead Administrative Agency. Expenditures made prior to the award date or after the grant expiration date are not authorized and will not be reimbursed. The Sub recipient must assist the Lead Administrative Agency in monitoring the activities attributed to the WATPA grant.

Sub recipients seeking reimbursement must send all documentation to the City of Lakewood at the following address:

City of Lakewood Police Department
9401 Lakewood Dr. SW
Lakewood, WA 98499
Attn: Faye Landskov

WATPA shall reimburse Sub recipient agencies on a timeline to be determined by WATPA. Reimbursements will be made in accordance with the City of Lakewood's reimbursement policies in Attachment "D". Requests for reimbursement for per diem (meal expenditures) must be accompanied by a receipt itemized to show the item purchased. Copies of timesheets are required for overtime reimbursement. Reimbursement will be made only up to the amount of the limit of the award as indicated in Attachment "A". Any cost beyond that will be absorbed by the employee's original agency.

XVI. RECORDS

Each jurisdiction shall maintain records related to ACE for a minimum of seven (7) years. A copy of these records will be forwarded and maintained with the Lead Administrative Agency. All records shall be available for full inspection and copying by each participating jurisdiction. Records related to ACE include but are not limited to Quarterly Progress Reports (Attachment E), Invoices, and Requests for Reimbursement along with supporting documentation. (The Quarterly Program Report and Invoice can be obtained on line at <http://WATPA.WSPC.ORG>.)

XVII. POLITICAL ACTIVITIES PROHIBITED

No award funds may be used in working for or against ballot measures or for or against the candidacy of any person for public office.

XVIII. LIABILITY/ INDEMNIFICATION

Each entity shall be responsible for the wrongful or negligent actions of its employees while assigned to ACE as their respective liability shall appear under the laws of the State of Washington and/or Federal Law and this agreement is not intended to diminish or expand such liability.

- a. To that end, each entity promises to hold harmless and release all other participating Cities, WSP, County, other participating entities and the WATPA from any losses, claim or liability arising from or out of the negligent tortious actions or inactions of its employees, officers and officials. Such liability shall be apportioned among the parties or other at fault persons or entities in accordance with the laws of the State of Washington.
- b. Nothing herein shall be interpreted to:
 1. Waive any defense arising out of RCW Title 51.
 2. Limit the ability of a participant to exercise any right, defense, or remedy which a party may have with respect to third parties or the officer(s) whose action or inaction give rise to loss, claim or liability including but not limited to an assertion that the officer(s) was acting beyond the scope of his or her employment.
 3. Cover or require indemnification or payment of any judgment against any individual or entity for intentionally wrongful conduct outside the scope of employment of any individual or for any judgment for punitive damages against any individual or entity. Payment of punitive damage awards, fines or sanctions shall be the sole responsibility of the individual against whom said judgment is rendered and/or his or her employer, should that employer elect to make said payment voluntarily. This

agreement does not require indemnification of any punitive damage awards or for any order imposing fines or sanctions.

XIX. EXECUTION

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. This Agreement shall become binding when one or more counterparts hereof, individually or taken together, shall bear the signature of all of the parties reflected hereon as the signatories.

XX. FILING

As provided by RCW 39.34.040, this Agreement shall be filed prior to its entry in force with the required City Clerks, the County Auditor or, alternatively, listed by subject on the public agency's website or other electronically retrievable public.

XXI. AMENDMENTS

This Agreement may only be amended by written agreement of all the undersigned cities.

XXII. SEVERABILITY

If any section of this Agreement is adjudicated to be invalid, such action shall not affect the availability of any section not so adjudged.

XXIII. AUTHORIZATIONS

This Agreement shall be executed on behalf of each participating jurisdiction by its duly authorized representative and pursuant to an appropriate resolution or ordinance of the governing body of each participating jurisdiction. This Agreement shall be deemed effective upon the last date of execution by the last so authorized representative. This Agreement may be executed by counterparts and be valid as if each authorized representative had signed the original document.

By signing below, the signor certifies that he or she has the authority to sign this Agreement on behalf of the jurisdiction, and the jurisdiction agrees to the terms of this Agreement.

CITY OF LAKEWOOD

WASHINGTON STATE PATROL

City Manager, Lakewood Date

John R. Batiste, Chief Date

Attest:

Attest:

Alice M. Bush, MMC
Date

City Clerk
Date

Approved as to Form:

Approved as to Form:

Heidi Wachter, City Attorney

Shannon Inglis
Assistant Attorney General

PIERCE COUNTY SHERIFF

PIERCE COUNTY PROSECUTING ATTORNEY

Paul Pastor, Pierce County Sheriff, Date

Pierce County Prosecutor

Attest:

Attest:

City Clerk Date

City Clerk Date

Approved as to Form:

Approved as to Form:

Deputy Prosecuting Attorney

Deputy Prosecuting Attorney

CITY OF SUMNER

CITY OF BONNEY LAKE

Dave Enslow, Mayor Date

Neil Johnson Mayor, Date

Attest:

Attest:

City Clerk

City Clerk

Approved as to Form:

Approved as to Form:

Bret Vinson, City Attorney

City Attorney

This Page Intentionally Left Blank

RESOLUTION NO. 2351

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN INCREASE OF FEES BETWEEN THE CITY OF BONNEY LAKE, WASHINGTON AND THE OKANOGAN COUNTY, WASHINGTON, FOR THE HOUSING OF INMATES IN THE OKANOGAN COUNTY JAIL.

WHEREAS, the daily rate for lodging in the Okanogan County Jail will increase from \$52.00 per inmate per day to \$54.50 per inmate per day to commence January 1, 2014.

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

A fee increase from \$52.00 per inmate per day to \$54.50 per inmate per day beginning January 1, 2014.

PASSED BY THE CITY COUNCIL this _____ day of December 10, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney



OFFICE OF THE OKANOGAN COUNTY SHERIFF

FRANK T. ROGERS, SHERIFF

ADMINISTRATION, INVESTIGATION AND CIVIL
123 - 5TH AVENUE NORTH, ROOM 200
OKANOGAN, WA 98840
509-422-7200 FAX: 509-422-7217

CORRECTIONS AND COMMUNICATIONS
149 - 4TH AVENUE NORTH
OKANOGAN, WA 98840
509-422-7200 FAX: 509-422-7236

November 18, 2012

Dana Powers, Chief of Police
City of Bonney Lake
18421 Veterans Memorial Drive East
Bonney Lake, WA 98391

Dear Chief Powers,

The daily inmate rate for prisoners housed at the Okanogan County Jail will increase to \$54.50 per day as of January 1, 2014. This increase is necessary due to the rising costs of the jail operations. There will be no booking fee added.

Please let me know if you have any questions.

Thank you.

Sincerely,

Noah Stewart

Noah Stewart
Chief Corrections Deputy

By: C. Hughes

ADMINISTRATION
JOSEPH SOMDAY
Undersheriff

INVESTIGATIONS
DAVE RODRIGUEZ
Chief Criminal Deputy

COMMUNICATIONS
SHAWN MESSINGER
Chief Special Operations Deputy

CORRECTIONS
NOAH STEWART
Chief Corrections Deputy

EMERGENCY MANAGEMENT
SCOTT MILLER
Homeland Security Coordinator

CIVIL
BETH BARKER
Chief Civil Deputy

E-MAIL: OCSO@CO.OKANOGAN.WA.US [HTTP://OKANOGANSHERIFF.ORG](http://OKANOGANSHERIFF.ORG)



Agenda Placeholder

For the Council Workshop of December 3, 2013

Item VIII. I. **Discussion:** AB13-152 – Ordinance D13-152 – Update Council Policies & Procedures.

No advance materials provided in the agenda packet for this item.