

CITY COUNCIL WORKSHOP

May 6, 2014
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. **Presentation/Discussion:** WSU Commercial Property, Wally Costello (No advance materials provided)
- B. **Open Discussion.**
- p. 3 C. **Review of Minutes:** April 15, 2014 Workshop and April 22, 2014 Meeting
- p. 13 D. **Discussion:** AB14-57 – Resolution 2379 – Comprehensive Plan Update Consistency Report
- E. **Presentation:** 2013 Mid-Biennial Budget Recap and Updated Budget Forecast (No advance materials provided)

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.

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CITY COUNCIL
WORKSHOP

April 15, 2014
5:30 P.M.

MINUTES



"Where Dreams Can Soar"

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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 5:30 p.m.

II. 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, and Councilmember Katrina Minton-Davis, and Councilmember Tom Watson. Councilmember Jim Rackley was absent.

Deputy Mayor Swatman moved to excuse Councilmember Rackley's absence. Councilmember Lewis seconded the motion.

Moved approved 6 -0.

Staff members in attendance were City Administrator Don Morrison, Assistant Public Works Director Charlie Simpson, Facilities and Special Projects Manager Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Kathleen Haggard, and Administrative Specialist II Renee Cameron.

III. AGENDA ITEMS:

A. Action: AB14-41 – Resolution 2368 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Molly Maids Of Bonney Lake To Provide Custodial Services For City Facilities.

Councilmember Hamilton moved, and Councilmember Lewis seconded the motion to approve Resolution 2368.

City Administrator Morrison summarized the previous recap of the agreement for custodial services for City facilities between the City and Molly Maids of Bonney Lake. Councilmember McKibbin provided a handout regarding the City facilities square footage breakdown. Facilities and Special Projects Manager Gary Leaf

provided an explanation for the breakdown provided by Councilmember McKibbin, specifically regarding the cleaning needs at the Senior Center, as well as the loss of a prevailing wage of a full time employee (FTE) versus contracting the custodial services out. There was discussion regarding the time period in which the custodial contractor provide their services, and whether evening services were available. Mayor Johnson said this contract provides more consistency in the City's custodial services, versus only having only one employee to cover all the City's facilities cleaning needs. Councilmember Hamilton asked about the term of the Personal Services Agreement and thanked Administration for awarding the contract to a local business. Councilmember Lewis spoke regarding the cost of the Personal Agreement versus the cost of a FTE and also supported awarding the contract to a local business. Deputy Mayor Swatman stated he believes these smaller services should and could be maintained by City staff. He said the City should basically be self-sufficient in its everyday service needs, and said what it cost to pay a contract could be a full time employee. He said properly trained City's employees are capable and able to provide excellent service and they believe in the City's core values. Councilmember Minton-Davis said the contract makes sense to her and the City staff employees provide excellent services for the City's professional needs.

**Resolution 2368 approved 5 - 1.
Deputy Mayor Swatman opposed.**

B. Council Open Discussion:

Park Board Meeting. Councilmember Watson said he attended the last Park Board Meeting. He said their Work Plan is quite extensive and there was a question about which Committee reviews the Park Board's recommendations. City Administrator Morrison said the majority of recommendations would go to the Community Development Committee, however, depending on the project it may go to the Finance Committee/Committee of the Whole. Mayor Johnson said either way the recommendations need to come back to the full Council to determine if they are to move forward. Councilmember Watson also reminded everyone that there is still a vacant position on the Park Board to be filled and applications are being received.

Senior Center Volunteer Dinner. Councilmember Watson said he attended the Senior Center Volunteer Dinner and said the event was fabulous and the Senior Center staff did an amazing job showing the volunteers how much they appreciate them and encourage the Council to attend in the future.

Communities for Families – Beyond the Borders – Sumner School District. Councilmember Watson said he attending the Communities for Families at the Sumner School District on April 3rd with speakers from Beyond the Boards discussing how they are trying to create bus routes with the available funds. He would like the City and Council to work with Beyond the Borders to get buses back up on the plateau for those in need.

Project Homeless Connect. Councilmember Watson said Project Homeless Connect is May 7th at the Washington State Fairgrounds. He said it should be a huge event with sponsors to provide medical and dental for those in need.

Prairie Ridge – Breaking Silence Support Group – Councilmember Watson there will be a “share and tell support group” on April 25th to allow people to come out and talk about their challenges and what is happening in their lives.

Book Mobile. Councilmember Watson said the Book Mobile is coming around and they are doing a lot of teaching Tuesdays and Thursday nights throughout April and also on May 8th.

Wild. Councilmember Lewis said he read the new bestseller book Wild, which is based on a true story, and he knows why it is a No. 1 Best Seller. He was very satisfied with the book and the outcome.

1. AWC Annual Conference Registration. City Administrator Morrison reminded Council that the AWC Conference Registration opens tomorrow. Council discussed and will try to coordinate a bus for all to attend and/or carpool. Administrative Services Director Edvalson asked Council if they plan to attend the early morning Wednesday workshops if the Council want to attend those. Council stated yes they plan to attend them. Transportation and reservations will be coordinated.

Arts Advisory Commission. Mayor Johnson said he wants to have staff update social media to re-advertise the Arts Advisory Commission request for membership and is hopeful to get a local student on the Commission. Councilmember McKibbin said he can get Mayor Johnson to address the Key Club.

Culinary Arts Car Show. Councilmember Lewis said the Culinary Arts will be holding a car show fundraiser on May 3, 2014, at the parking lot closest to Mountain View Middle School. Registration starts at 8:00 a.m. and the show is from 10:0 a.m. – 2:00 p.m.

Council Rules. Councilmember Minton-Davis said she wanted to address the Council regarding the “Council rules” and was particularly concerned at last week’s Council meeting when Councilmembers engage in dialogue with those in attendance. Councilmember Minton-Davis said she believes a Point of Order should have been called and wants to reiterate the rules are to be enforced. Councilmember Watson was concerned too. Deputy Mayor Swatman said it’s a good reminder to make those in attendance know that one councilmember does not speak for all Council. Councilmember Hamilton said maybe the Chair can make a point to respond to those in attendance of the rules. Councilmember Lewis said training is always available, should Council need a refresher.

Pistol Annie’s Pawn Shop. Mayor Johnson said he visited Pistol Annie’s and said he suggested that the owner, Melissa, come and speak with the Economic Development Committee about some of her ideas to make the area better. Councilmember Watson said an individual is looking at the vacant property by the sign property

along Veterans Memorial Drive by Pistol Annie’s so it would be nice to see that property developed. Councilmember Hamilton asked about an update from the Chamber of Commerce. Councilmember Minton-Davis said Permit Coordinator Jen Francis attends the monthly Chamber meetings and Jen then provides a monthly update at the Community Development Committee/Economic Development Committee. Mayor Johnson said he met with Christy Fuller of the Chamber of Commerce and said there are many ways for the City to partner with the Chamber to make improvements, including simple improvements like flower baskets, etc. Councilmember McKibbin said its interesting when the Chamber attend a Committee meeting when the Chamber realizes they occurring in the City that they had been unaware of and realize there are events that they could promote or help improve. Councilmember Minton-Davis said she really liked the idea of having a annual presentation from the Chamber to the Council.

Family Career & Community Leaders of America. Councilmember Lewis said five individual from Bonney Lake High School’s culinary team attended the FCCLA and every event they participated in their team earned gold.

C. Review of Council Minutes: April 1, 2014 Workshop and April 8, 2014 Council Meeting.

The April 1, 2014 Workshop and April 8, 2014 Council Meeting. Meeting minutes were reviewed and minor corrections were noted. The corrected minutes were forwarded to the April 8, 2014 Meeting for action.

IV. EXECUTIVE SESSION: None

V. ADJOURNMENT:

At 6:23 p.m., Councilmember Watson moved to adjourn the Council Meeting. Councilmember Lewis seconded the motion.

Motion to adjourn approved 6 - 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the April 15, 2014 Workshop:

- Councilmember Randy McKibbin, *Molly Maids Breakdown from Attachment A*, City of Bonney Lake

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

April 22, 2014
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,
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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 7:00 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, and Councilmember Tom Watson. Councilmember Jim Rackley was absent.

Councilmember Watson moved to excuse Councilmember Rackley’s absence. Councilmember Lewis seconded the motion.

Motion to excuse Councilmember Rackley’s absence approved 6 – 0.

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, and Records & Information Specialist Susan Haigh.

C. Announcements, Appointments and Presentations:

- 1. Announcements: None.
- 2. Appointments: None.
- 3. Presentations:
 - a. **Proclamation:** Arbor Day – April 26, 2014.
 - b. **Proclamation:** Parks Appreciation Day – April 26, 2014.

Mayor Johnson noted these items were not provided for the agenda packet in time but the events are this weekend. He read the proclamations aloud and encouraged residents to participate in the City’s annual event on Saturday, April 26th at Midtown Park (WSU Forest) at 9:00 a.m.

- D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None.

- B. Citizen Comments:

Dan Decker, 20401 70th St E, Bonney Lake, made a public disclosure request to the City Clerk, and spoke about reinstating the Council Ward system and encroachments on easements. He submitted a written copy of his statements to the City Clerk.

Mayor Johnson requested that Mr. Decker follow up with Community Development Director Vodopich so he could learn more and follow-up on the encroachment issue.

Julie Bown, 18403 106th St E, Bonney Lake, said she attended a recent Lake Bonney Conservation Association meeting, and members would like to work with the City on a long-term plan for Ken Simmons Park on Lake Bonney. She suggested the Homeowners Association, Beautify Bonney Lake, and the City could partner to install improved playground equipment at the park.

Councilmember Minton-Davis suggested this be added to the Park Board Work Plan. Mayor Johnson said staff would look into the suggestion for possible future discussion and further direction from the Council.

- C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee/Committee of the Whole: Deputy Mayor Swatman said the Committee of the Whole met at 5:30 p.m. earlier in the evening.

- B. Community Development Committee: Councilmember Lewis said the Committee met on April 15th, and Councilmember McKibbin and Deputy Mayor Swatman attended. The Committee forwarded two items to the current Consent Agenda; the Committee also discussed proposed Resolution 2378 for a temporary easement, which was postponed for additional discussions to ensure homeowner interests are protected.

- C. Economic Development Committee: Councilmember Minton-Davis said the Committee met at 4:00 p.m. earlier in the evening and reviewed a quarterly report, a draft market and demographic profile, and upcoming workshops that members plan to attend. She said the Profile will be forwarded to the Council once it is finalized.

- D. Public Safety Committee: Councilmember Watson said the Committee has not met since the last Council meeting.

E. Other Reports:

Special Events: Mayor Johnson said that he has heard very positive reports of the annual Easter Egg Hunt event on April 19, 2014. He congratulated Special Events Coordinator David Wells and volunteers for providing a great event. Councilmember Watson said the event was the best so far.

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** April 1, 2014 Workshop and April 8, 2014 Meeting Minutes.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #68401-68413 in the amount of \$2,979.94.
Accounts Payable checks/vouchers #68415-68434 in the amount of \$6,868.88.
Accounts Payable checks/vouchers #68414 and 68435-68480 (Including wire transfer #'s 20140402, 20140403, 20140404, and 20140409) in the amount of \$328,767.75.
- C. **AB14-52 – Resolution 2377 –** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The Contract To Parametrix For The Eastown Public Works Center Topographic Survey And Wetland Delineation Update.
- D. **AB14-55 –** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Submission Of Four Federal Highway Grant Applications For The Puget Sound Regional Council 2014-15 Grant Cycle.

Councilmember Watson moved to approve the Consent Agenda. Deputy Mayor Swatman seconded the motion.

Consent Agenda approved 6 – 0.

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

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

VII. **ECONOMIC DEVELOPMENT COMMITTEE ISSUES:** None.

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

IX. **FULL COUNCIL ISSUES:** None.

X. **EXECUTIVE SESSION:** None.

XI. ADJOURNMENT:

**At 7:16 p.m., Councilmember Lewis moved to adjourn the Council Meeting.
Councilmember Watson seconded the motion.**

Motion to adjourn approved 6 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the April 22, 2014 Meeting:

- Dan Decker, Citizen – *Written copy of Citizen Comment statements.*

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

Department/Staff Contact: Community Development / Jason Sullivan - Senior Planner	Meeting/Workshop Date: 6 May 2014	Agenda Bill Number: AB14-57
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2379	Councilmember Sponsor:

Agenda Subject: Comprehensive Plan Periodic Update - Consistency Report

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Adopting The Consistency Report For The Comprehensive Plan Periodic Update.

Administrative Recommendation:

Background Summary: The City of Bonney Lake is required to review and, if needed, update its comprehensive plan and development regulations to ensure compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, by June 30, 2015 pursuant to RCW 36.70A.130.

On October 22, 2013, the City Council passed Resolution 2320 officially initiating the review process for the Comprehensive Plan Periodic Update and directing staff to prepare a report identifying all mandatory changes to the City's comprehensive plan and development regulations that must be made as part of the periodic update. Staff has completed the review directed by the City Council and has prepared the Bonney Lake 2035 - Consistency Report. This report identifies the mandatory amendments to the City's comprehensive plan and development regulations that are required to ensure consistency with the GMA, Vision 2040, and the County-wide Planning Policies.

Attachments:
Resoultion 2379 and Consistency Report

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):

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RESOLUTION NO. 2379

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,
PIERCE COUNTY, WASHINGTON ADOPTING THE CONSISTENCY REPORT FOR
THE COMPREHENSIVE PLAN PERIODIC UPDATE.**

WHEREAS, RCW 36.70A.130(4) requires the City of Bonney Lake to review and revises, if needed, its Comprehensive Plan and development regulations by June 30, 2015 to ensure compliance with the Growth Management Act (GMA) – Chapter 36.70A RCW; and

WHEREAS, local comprehensive plans and development regulations are required to be consistent with the GMA, Puget Sound Regional Council’s Multi-County Planning Policies (*Vision 2040*), and Pierce County’s County-wide Planning Policies; and

WHEREAS, Council passed Resolution 2320 directing staff to prepare a report identifying all mandatory changes to the City’s comprehensive plan and development regulations that must be made as part of the periodic update; and

WHEREAS, the Bonney Lake Planning Commission has reviewed the Consistency Report on February 5, 2014; and

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Bonney Lake adopts the *Bonney Lake 2035 – Consistency Report* (Attachment A) identifying the mandatory amendments to the *Bonney Lake Comprehensive Plan* and the City’s development regulations as part periodic update of the *Bonney Lake Comprehensive Plan* required to be completed no later than June 30, 2015.

BE IT FURTHER RESOLVED, that the City staff is directed to prepare amendments to the *Bonney Lake Comprehensive Plan* as provided in the *Bonney Lake 2035 – Consistency Report*.

PASSED by the City Council and approved by the Mayor this ____ day of _____, 2014.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

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BONNEY LAKE 2035

2015 Comprehensive Plan Periodic Update

CONSISTENCY REPORT

Jason Sullivan
Senior Planner
Community Development Department
April 28, 2014

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CONTENTS

1.0 Introduction	1
2.0 Comprehensive Plan Elements.....	1
2.1 Land Use	1
2.2 Housing.....	5
2.3 Transportation	7
2.4 Public Facilities and Services	9
2.5 Environmental Conservation	14
2.6 Shoreline	18
2.7 Community Health.....	18
2.8 Economic Development	19
2.9 Cultural Resources and Heritage.....	20
3.0 Development Regulations	21
3.1 Critical Area Regulations.....	21
3.2 Shoreline Master Program.....	22
3.3 Zoning Code.....	23
3.4 Subdivision Code	24
3.5 Concurrency, Impact Fees, and Transportation Demand Management (TMD).....	24
3.6 Essential Public Facilities	25
3.7 Project review process.....	26
3.8 General Provisions	27

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1.0 INTRODUCTION

The City of Bonney Lake is required to review and, if needed, update its comprehensive plan and development regulations by June 30, 2015 pursuant to RCW 36.70A.130. This periodic review and update is necessary to ensure compliance with amendments to the Growth Management Act (GMA) since the last update in 2006, other relevant state laws, local needs, new data, and new research.

Additionally, the Puget Sound Regional Council (PSRC) adopted new multi-county planning policies (MPPs) in 2008 as part of *Vision 2040*. These policies apply to King, Kitsap, Pierce, and Snohomish counties and the cities within these counties. Pierce County amended the county-wide planning policies (CPPs) to be consistent with and implement the MPPs. The City of Bonney Lake must now ensure that the Bonney Lake Comprehensive Plan (BLCP) and the City's development regulations codified in the Bonney Lake Municipal Code (BLMC) are consistent with the GMA, MPPs and CPPs.

This document is intended to identify all mandatory changes that the City must make to the BLCP and the BLMC in order to ensure consistency with applicable state laws, MPPs, and CPPs. This report does not address other optional changes that the City may elect to make to the BLCP. These optional changes are expected to be identified and discussed through a public review process throughout 2014 and the first of 2015. Additional information about the update process can be found at the City's project website: www.citybonneylake.org/planning/compplanupdates.

2.0 COMPREHENSIVE PLAN ELEMENTS

2.1 LAND USE

Overview

The primary function of a land use element is to demonstrate that cities have planned for the population growth allocated to a local jurisdiction by the county consistent with the projections supplied by the Office of Financial Management (OFM).¹ The PSRC also assigned employment targets for the Pierce, King, Kitsap, and Snohomish Counties which were sub-regionally allocated to each of the cities by that county. Pierce County adopted Ordinance No. 2011-36s establishing a 2030 Population Target of 21,640, a 2030 Housing Target of 8,498, and a 2030 Employment Target of 5,448 for Bonney Lake.

¹ In *City of Edmonds and City of Lynnwood v. Snohomish County*, the CPSGMHB concluded, "... that the County does have the authority to allocate population and employment to the cities rather than just too urban growth areas. Counties are required to take OFM's county-wide population forecasts and to allocate them among both the incorporated and unincorporated portions of urban growth areas and the non-urban growth areas within the county." Final Order and Decision. CPSGMHB Case No 93-3-0005. (October 4, 1993.)

Under the GMA, the City has an affirmative duty to accommodate the growth that is allocated to City by Pierce County. This duty means that the BLCPP must include a Future Land Use Map (FLUM)² that designates sufficient land use densities and intensities to accommodate the population and employment targets within the current incorporated and unincorporated Bonney Lake Urban Growth Area (BLUGA) over the mandatory 20 year planning horizon.³

The growth targets established by Pierce County are a floor not a ceiling; the City can plan for a higher number of people, jobs, and/or housing units. However, if the City adopts higher growth targets, the higher targets cannot be used to justify an enlargement of the BLUGA as the City is not required to handle that additional population or employment growth.⁴

In establishing how a community will accommodate its mandatory growth targets over the next twenty years, jurisdictions have an obligation to encourage development in urban areas⁵, reduce the conversion of undeveloped lands into low-density sprawling development⁶, and promote a variety of residential densities and housing types.⁷ Commonly people misinterpret these requirements to mean that communities must increase the density throughout an entire community in order to accommodate future growth. However, “[c]ompact urban development’ does not require that the urban environment be exclusively a built environment, nor that the built environment be of a homogenous intensity, form, or character.”⁸ Both the MPPs and CPPs direct local jurisdiction to balance the need to provide density within communities for future population growth with the preservation of existing neighborhoods and community character.⁹ By creating nodes of more intense mixed used development within suburban communities, capacity can be provided for future development at densities that support transit without the need to increase the density in all of a jurisdiction’s residential zones. This approach looks at the collective effect of a jurisdiction’s density standards and allows for consideration

² A FLUM illustrates the physical distribution of various land uses to demonstrate where development is envisioned to occur given community and environmental features; employment and population growth targets; regional and county planning policies; and needed capital facilities. While the FLUM is the community’s visual guide to future planning illustrating what the community wants to have happen, it is not a prediction.

³ *Hensley v. City of Woodinville*. Final Decision and Order. CPSGMHB Case No. 96-3-0031. (Feb. 25, 1997).

⁴ In *Cities of Tacoma, Puyallup, Milton, Sumner v. Pierce County*, the CPSGMHB concluded that, “[A]lthough a county has discretion in determining the physical size of a UGA, it does not have discretion in how much population it should plan for. OFM’s twenty-year population projection is the exclusive number to use when designating UGAs.” Final Decision and Order. CPSGMHB Case No 94-3-0001. (July 5, 1994).

⁵ RCW 36.70A.020(1)

⁶ RCW 36.70A.020(2)

⁷ RCW 36.70A.020(4)

⁸ *Association of Rural Residents v. Kitsap County*. Final Decision and Order. CPSGMHB Case Number 93-3-0010. (June 3, 1994).

⁹ In *City of Snoqualmie v. King County*, the CPSGMHB noted that, “[E]very community has characteristics that are the product of its unique physical setting and human history. The future to which a community aspires could build upon those existing characteristics or consciously impose a thematic affectation. In either case, defining community character and selecting design strategies for enhancing or changing that character are local prerogatives.” Final Decision and Order. CPSGMHB Case No 92-3-0004. (March 1, 1993).

of local circumstances.¹⁰ The question is not how dense should a community make its neighborhoods, but where is it appropriate to provide higher densities to support future population growth?

Planning for nodes of higher activity or central places is critical to obtaining funding for infrastructure, in addition to meeting the City's growth targets. The PSRC has adopted a number of policies that require that the distribution of grant funds be targeted to town centers and activity nodes.¹¹ Competition for these grant funds is very competitive and are typically for the development of roadways or non-motorized facilities.

In addition to illustrating the general distribution of land uses within the BLUGA and planning for future growth, the *Revised Code of Washington* (RCW) 36.70A.160 specifically requires the City to identify open space corridors within the incorporated and unincorporated portions of the BLUGA that are useful for recreation, wildlife habitat, trails, and the connection of critical areas.¹² The Central Puget Sound Growth Management Hearings Board (CPSGMHB) has determined that in order for a jurisdiction to meet the requirements of RCW 36.70A.160, the jurisdiction's comprehensive plan must include a map that clearly and conspicuously identifies open space corridors and cannot rely on areas shown on various maps within a comprehensive plan that could be considered to be open space corridors.¹³ The CPSGMHB has also determined, that while local jurisdictions are required to identify open space corridors, there is not a requirement to prepare development regulations to protect open space corridors identified under RCW 36.70A.160.¹⁴ Regulation of property identified as open space would be based on the adopted land use designation and corresponding zoning regulations.

Required Actions

Based on the applicable state laws¹⁵, MPPs¹⁶, CPPs¹⁷, the Department of Commerce's *Periodic Update Checklist for Cities*¹⁸ (Commerce Checklist) and PSRC's *Plan Review Manual: A Resource to Assist with*

¹⁰ In *Suquamish Tribe, et al v. Kitsap County*, the CPSGMHB stated that in determining, "future development capacity the Guidelines (Chapter 365-196 WAC) advise not looking solely to the minimum density in each zone, but to the 'collective effect of all development regulations.'" Final Decision and Order on Remand. CPSGMHB Case No. 07-3-0019c [2011 Remand]. (August 31, 2011)

¹¹ MPP-DP-7

¹² RCW 36.70A.030 defines Critical areas as (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. The GMA does not include a definition of open space," "recreation," "trails" or "wildlife habitat."

¹³ *Agriculture for Tomorrow v. City of Arlington*. Final Decision and Order. CPSGMHB Case No. 95-3-0056. (Feb. 13, 1996).

¹⁴ *LMI/Chevron v. Town of Woodway*. Final Decision and Order. CPSGMHB Case No. 98-3-0012. (Jan. 8, 1999).

¹⁵ RCW 36.70A.020 RCW 36.70A.070(1), RCW 36.70A.100, RCW 36.70A.110(6), RCW 36.70A.160, RCW 36.70A.210, RCW 36.70A.215, RCW 43.62.035, RCW 47.80.023(3), WAC 365-196-400(2)(d), WAC 365-196-405, WAC 365-196-335, WAC 468-86-150(1)(c).

¹⁶ MPP-DP-2, MPP-DP-3, MPP-DP-4, MPP-G-3, MPP-DP-11, MPP-DP-13, MPP-DP-14, MPP-DP-15, MPP-DP-33, MPP-DP-34, MPP-DP-35, MPP-DP-43, MPP-DP-45, MPP-DP-29, MPP-En-8, and MPP-En-

¹⁷ Pierce County Ordinance 2011-36s, CPP-UGA-2.1.2, CPP-UGA-2.1.3, CPP-AT-2.3, CPP-BL-3, CPP-BL-4, CPP-BL-6, CPP-BL-7, CPP-UGA-2.1.1, CPP-UGA-2.7, CPP-UGA-8, CPP-CU-1, CPP-HW-1.1, CPP-UGA-6, CPP-UGA-7, CPP-UGA-10, CPP-UGA-11, CPP-UGA-12, CPP-Env-9 through CPP-Env-13, and CPP-Env-15

¹⁸ Commerce 1, Commerce 7.a,

*Plan Development and Review including Certification – Part 3 Reporting Tools*¹⁹ (PSRC Report Tool) the City must make the following modifications to the BLCP – Land Use Element:

- *Update the FLUM:* Revise the FLUM to reflect the affiliation of a portion of the Comprehensive Urban Growth Area (CUGA) with the BLUGA.
- *Update Out of Date Growth Targets:* The population, housing, and employment projections provided in the Land Use Element – Figure 3-3 were established in 2002 and need to be updated to be consistent with Pierce County Ordinance No. 2011-36s Table 1 which establishes the current sub-regional 2030 population allocation for the City of Bonney Lake.
- *Correct Inconsistent Population Projections:* Different population projections were identified in the BLCP – Land Use, Parks, Capital Facilities, and Transportation Elements. For instance, the Transportation Element is based on a 2025 population of 30,840 as compared to the more conservative 2020 population of 18,830 established in the Land Use Element – a significant deviation even given the slight difference in planning horizon. The Transportation Element is also based on an employment capacity of 7,530 jobs by 2025, while the Land Use Element documents an employment capacity of 3,147 jobs – this again is a significant deviation.
- *Update Buildable Lands Inventory:* The City’s last buildable lands inventory was completed in 2007 and must be update again as part of the periodic update to determine the availability of vacant and underdeveloped lands within the City. The updated inventory is used to demonstrate that there is sufficient capacity to accommodate the City’s adopted growth targets. The current development capacity numbers were based on the original 2002 *Pierce County Buildable Lands Report*, which is now two editors out of date: the current 2007 *Pierce County Buildable Lands Report* and the 2013 *Pierce County Buildable Lands Report* (currently being prepared).
- *Update Out of Date Employment Targets:* The BLCP – Land Use Element does not include current employment figures and does not address the employment growth targets established for the City by Pierce County Ordinance No. 2011-36s.
- *Establish Implementation Strategies and Performance Measures:* The BLCP – Land Use Element does not provide strategies to implement the current land use polices and performance measures to demonstrate whether or not the City is achieving the adopted land use goals. The City will need to establish specific strategies that:
 - Identify how the City will preserve and enhance existing neighborhoods, protect natural visual resources, create vibrant compacted mixed-use centers that support transit use, and ensure a high degree of connectivity in the street network. The City must also develop a

¹⁹ PSRC Part 1 – Development Patterns, PSRC Part 1 – The Environment (Earth and Habitat, PSRC Part 1 – Transportation – Growth Management Requirements, PSRC Part 2 – Population and Employment Growth, and PSRC Part 2 – Monitoring

set of performance measures to determine if the implementation strategies have been successful.

- Identify how the City will protect and preserve open space.
 - Develop performance measures to determine if the City is achieving the adopted land use goals and policies.
- *Establish Policies Regarding Street Interconnectivity and Transit Use:* The BLCP – Land Use Element lacks policies related to the roll that land use plays in ensuring street connectivity and improving transit ridership. The City will need to add specific polices to guide development in a manner that will facilitate an interconnected street grid and support the expansion of transit.
- *Identify Open Space Corridors:* The City must prepared and adopted a map that clearly and conspicuously identifies opens space corridors within the City. In the past, the City has pointed to its critical areas and parks mapping to comply with this requirement. However, this approach does not fulfill the requirements of RCW 36.70A.160 as determined by the CPSGMHB.
- *Establish Policies to Encourage the Recreational Use of Open Space:* The CPPs require that the City develop policies to allow for the recreational use of open spaces within the City; provided that such uses will not impact the function and values of critical areas.

2.2 HOUSING

Overview

In order to comply with the requirements of RCW 36.70A.070 and RCW 36.70A.215, the City must inventory the current housing stock and identify the remaining housing capacity within the incorporated and unincorporated BLUGA.

The purpose of the inventory and the capacity analysis is to determine if there is sufficient capacity for the development of housing that is accessible to all economic segments of the population and sufficient to accommodate the projected population growth.²⁰ The capacity in the BLCP – Housing Element must be consistent with the capacity provided in the Buildable Lands Report.

The CPSGMHB has concluded that the City is not required use a “grocery store type of inventory of goods in stock” by individually itemizing every residential unit in the City, but is required to determine the nature of housing within a jurisdiction.²¹ The CPSGMHB in *Children's Alliance, et al v. City of Bellevue*, (Children’s) explained the two prongs of this requirement: the first is “densities” which refers to the number of dwelling units or people within a given geographic unit and the second is “housing types” which refers to the physical form of residential structures and also to the specific housing needs in addition to the traditional single family (e.g. government-assisted housing, housing for low income

²⁰ WAC 365-196-410(2)(i)

²¹ *Buckles, et al v. King County, et al.* Final Decision and Order. CPSGMHB Case No. 96-3-0022c. (November 12, 1996).

families, manufactured housing, multifamily housing, and group homes and foster care facilities). The CPSGMHB went on to reason in *Children's* that the GMA contains a number of specific references that address housing and residential land uses, some of them more explicit and directive than others but when read together, there is a legislatively preferred residential landscape that, compared with the past, will be less homogeneous, more diverse, more compact, and better furnished with facilities and services to support the needs of a changing residential population.

The goal of the inventory is to gauge the nature and availability of housing within a community.²² The Department of Commerce has recommended that this inventory identify the amount of various types of housing, median sale/rental prices, and the types of housing (e.g. group homes, nursing homes, assisted living facilities, senior housing, and government-assisted housing).²³

In addition to the inventory and capacity analysis, the City is directed to adopt goals and policies with the objective of ensuring neighborhood vitality and character. The CPSGMHB in *Benaroya, et al v. City of Redmond*, determined that this requirement is neither a mandate, nor an excuse, to freeze neighborhood densities at their pre-GMA levels but to ensure that growth can be accommodated in such a way as to ensure neighborhood vitality and character.²⁴ The primary goal is to ensure that existing residential areas are protected and preserved by adopting policies and strategies to prevent or mitigate adverse impacts associated with incompatible land uses and higher densities.

Required Actions

Based on the applicable state laws²⁵, MPPs²⁶, CPPs²⁷, the Commerce Checklist²⁸ and PSRC Reporting Tool²⁹ the City must make the following modifications to the BLCP – Housing Element:

- *Update Out of Date Inventory:* The current inventory provided in the BLCP – Housing Element Tables 4-1 through Table 4-4 (Pgs. 4-2 – 4-3) includes much of the information recommended by the Department of Commerce; however, the inventory is based on the 2000 census and is significantly out of date. the BLCP – Housing Element Tables 4-1 through Table 4-4 (Pgs. 4-2 – 4-3) will need to be update to reflect changes in the City since 2000 and incorporate updated information available following the 2010 census.

- *Add Housing Capacity Information:* The BLCP – Housing Element does not include housing capacity information. Housing capacity numbers are provided in the BLCP – Land Use Element – Figure 3-2; however, these housing projections are based on the original 2002 *Pierce County Buildable Lands Report*. A table providing the remaining housing capacity will be added to the BLCP – Housing Element consistent with the *2013 Pierce County Buildable Lands Report*. This

²² WAC 365-196-410(2)(b)(i)

²³ WAC 365-196-410(2)(b)(ii) – WAC 365-196-410(2)(b)(iv)

²⁴ *Benaroya, et al v. City of Redmond*. Final Decision and Order. CPSGMHB Case No. 95-3-0072c. (November 12, 1996).

²⁵ RCW 36.70A.070(2), RCW 36.70A.100, RCW 36.70A.210, and WAC 365-196-410.

²⁶ MPP-H-1 through MPP-H-5, MPP-H-7 through MPP-H-9, H-Action-1, and H-Action-2.

²⁷ CWPP-BL-5 CWPP-EC-1.5 CWPP-AH-1, CWPP-AH-3, CWPP-AH-5, CWPP-AH-6, CWPP-AH-7, and CWPP-AH-8.

²⁸ Commerce 2, Commerce 7.a,

²⁹ PSRC Part 1 – Housing, PSRC Part 2 – Population and Employment Growth, and PSRC Part 2 – Monitoring.

table will provide housing capacity for each type of residential units (e.g. single family, duplex, apartments, etc.).

- *Add Policies Regarding the Protection of Existing Neighborhoods:* The BLCP – Housing Element does not contain policies or goals related to the need to protect existing residential neighborhoods from the adverse impacts of adjacent land uses.
- *Establish implementation strategies and performance measures:* The BLCP – Housing Element does not provide strategies to implement the goals of preserving the existing housing stock, protecting existing residential neighborhoods, and providing housing diversity. The Element also does not include performance measures to demonstrate whether or not the City is achieving these goals. The City will need to establish specific strategies and performance measures to determine if the City is achieving its mandates under the GMA.
- *Address Comments from PSRC’s Certification Report:* PSRC’s *Plan Review Report And Certification Recommendation For the City of Bonney Lake 2006 Comprehensive Plan* (October 31, 2013) expressed the following concerns that must be addressed by the City as part of the update:
 - Policy 4-3a in the Housing Element reads: “Continue zoning at least as much land for apartments, manufactured housing, duplexes, small-lot developments, and accessory dwelling units as the City does currently.” Policy 4-3a appears to work against the spirit of the City’s other housing policies as contained in the land use element and housing elements by implying that the current provision of affordable housing and multi-family housing is adequate to meet the population’s needs through the plan horizon, even though the City’s discussion of housing affordability clearly demonstrates a need for additional affordable housing.
 - Secondly, it was unclear if the housing capacity, as referenced in the land use element, is based upon the zoning designations shown in the future land use map, or if zoning has changed substantially since the housing capacity analysis was performed. This raises questions about the plan’s internal consistency. At a minimum, the city should update the estimated housing capacity in the land use element. Likewise, RCW 36.70A.070(2) requires that the housing element “identifies sufficient land for housing... and makes adequate provisions for existing and projected needs.” The City’s housing capacity does not appear to identify sufficient housing to meet the City’s own projected demand. This issue needs further attention when the City next updates its plan.

2.3 TRANSPORTATION

Overview

While the BLCP - Transportation Element, which consist of the *City of Bonney Lake 2006 Transportation Plan* and the *Bonney Lake Non-Motorized Transportation Plan Lake*, was completed prior to the adoption of VISION 2040 (2008) and Transportation 2040 (2014),the plan went a long way

in addressing many of the provision now in place. However, there are some significant issues with the current element which require the City to a completely re-write the element to bring it into full compliance with GMA, the MPPs, and the CPPs.

Required Actions

Based on the applicable state laws³⁰, MPPs³¹, CPPs³², the Commerce Checklist³³ and the PSRC Reporting Tool³⁴ the City must make the following modifications to the BLCP – Transportation Element:

- *Address Inconsistent Land Assumptions:* The GMA requires that comprehensive plans be internally consistent. For transportation planning, it specifically requires that the land use assumptions used in traffic forecasts be consistent with those found in the land use element.

In the 2006 update to the BLCP – Transportation Element, inconsistent land use assumptions were applied in the development of the traffic forecast. The BLCP – Transportation Element uses a 10,419 citywide housing unit assumption in 2025, compared to the 6,351 needed to accommodate a more conservative rate of 18,830 people by 2022 – a significant deviation even given the slight difference in planning horizon. The BLCP – Transportation Element also uses 7,530 jobs by 2025 for the traffic forecast while the land use element documents a total of 3,147 jobs—this again is a significant deviation. It also should be noted that the 7,530 jobs exceed the capacity of 5,478 jobs.

- *Update Out of Date Transportation Facility Inventory:* Both the *City of Bonney Lake 2006 Transportation Plan* and the *Bonney Lake Non-Motorized Transportation Plan* include a thorough inventory of motorized and non-motorized facilities within the City. However, these inventories are out of date as the inventories were completed in 2006 and 2005, respectively.
- *Update Out of Date and Inconsistent Level of Service (LOS) Projections:* The City has adopted LOS standards based on the methodologies established in the Highway Capacity Manual. The LOS standards are based on PM peak hour traffic flow and delay at intersections, which is contingent upon a number of factors, including vehicle volume, number of lanes, turn lanes, and signal timing. The analysis also includes a vehicle to capacity ratio for roadways. The future LOS for required intersections was established in 2005 and was based on the inconsistent land use assumptions which need to be corrected to ensure that the City has sufficient capacity for future development.

³⁰ RCW 35.77.101, RCW 36.70A.070(6), RCW 36.70A.100, RCW 36.70A.210, and WAC 365-196-430.

³¹ MPP-G-1, MPP-G-4, MPP-G-5, MPP-EN-7, MPP-EN-19, MPP-EN-23, MPP-DP-7, MPP-DP-10, MPP-DP-13, MPP-DP-17, MPP-DP-27, MPP-DP-40, MPP-DP-42 through MPP-DP-44, MPP-DP-54 through MPP-DP-56, MPP-H-6, MPP-EC-6 MPP-T-1 through MPP-T-33.

³² CPP-CU-1, CPP-CU-4, CPP-HW-1, CPP-HW-3, CPP-HW-4, CPP-Env-29 through CPP-Env-31 CPP-Tr-1 through CPP-Tr-20, CPP-UGA-5, CPP-UGA-6, and CPP-UGA-12.

³³ Commerce 5, Commerce 7.a,

³⁴ PSRC Part 1 – Development Patterns – Orderly Development (Regional Design), PSRC Part 1 – Transportation – Vision 2040 and Transportation 2040, PSRC Part 2 – Transportation Provisions, and PSRC Part 2 – Monitoring.

- *Establish Multi-Modal LOS Standards:* The City is required to develop LOS standards for pedestrians and bicycles pursuant to RCW 36.70A.070(b), RCW 36.70A.108, MPP-DP-54 through MPP-56, and CPPs-Tr-5. These standards should consider the immediate facility (i.e., sidewalk, bike lane), the right-of-way corridor (i.e., roadway crossings, signals, vehicular traffic characteristics), and adjacent land use (i.e., mix of uses, density, visual characteristics).

2.4 PUBLIC FACILITIES AND SERVICES

In order to streamline the BLCF, the current BLCF – Parks Element, Utilities Element, and Capital Facilities Element will be combined into one element entitled “Public Facilities and Services” given the highly interrelated nature of these three topics. This approach is authorized by WAC 365-196-415(2)(a)(iii).

Overview

Cities are mandated to demonstrate that, over the twenty-year life of the plan, needed capital facilities and public services will be available and provided throughout the jurisdiction’s UGA.³⁵ The first step in ensuring that there is sufficient capital facilities is compiling an inventory of the existing facilities and services: parks and recreation facilities; domestic water supply systems; storm and sanitary sewer systems; and schools.³⁶ This inventory must include all publicly owned capital facilities regardless of whether or not the facilities is owned by the City.³⁷ As part of the inventory, the City is required to identify lands that are useful for public purposes and develop a prioritized list of lands to be acquired with an associated general timetable for acquisition.³⁸ While the GMA requires that those lands useful for public purposes be identified as part of the adopted comprehensive plan, it neither specifies the means of identification (e.g. mapping or a narrative describing identified lands) nor requires the City to show site-specific locations of lands as “useful for public purposes” with precision.³⁹

The adequacy of public facilities and services is determine by the establishment of a level of service (LOS) standard for each type of facility or service. All facilities and services included in the BLCF – Public Facilities and Services Element must have a minimum LOS clearly labeled as such (i.e., not “guidelines” or “criteria”) and must explicitly state which of the listed capital facilities are determined to be “necessary for development” and each of the facilities so designated must have either a “concurrency mechanism” or an “adequacy mechanism” to trigger appropriate reassessment if services fall below the baseline minimum standard.⁴⁰

³⁵ *Hensley v. City of Woodinville*. Final Decision and Order. Case Number CPSGMHB 96-3-0031. (February 25, 1997).

³⁶ *West Seattle Defense Fund and Neighborhood Rights Campaign v. City of Seattle*. Final Decision and Order. Case Number 94-3-0016c. (April 4, 1995).

³⁷ RCW 36.70A.070(3)(a)

³⁸ RCW 36.70A.150

³⁹ *Sky Valley, et al v. Snohomish County, et al*. Final Decision and Order. CPSGMHB Case Number 95-3-0068c. (March 3, 1996).

⁴⁰ *Jody L. McVittie v. Snohomish County*. Final Decision and Order. Case Number CPSGMHB 01-3-0002. (July 25, 2001).

In addition to construction of new capital facilities required to meet the adopted to LOS, maintenance of existing capital facilities is also crucial to meeting the requirement to address “existing needs” established by RCW 36.70A.070(3)(e) as explained by the CPSGMHB:

The Board holds that the phrase "existing needs" refers not only to the construction of new or expanded capital facilities that can be currently identified as needed, but also the maintenance of existing capital facilities. As a matter of sound public policy, a city or county should not plan for additional growth and the associated additional capital facilities that may be necessary to serve that growth, unless it can adequately maintain its existing capital facilities. However, determining the appropriate level of maintenance for capital facilities falls within the local government's discretion. Cities and counties do not have to construct new or expand old capital facilities, or even improve their maintenance efforts. Instead, they can make the policy choice to reduce expectations by adopting lower levels of service.⁴¹

While the primary goal of the Public Facilities and Services Element is to ensure that development is adequately served by public facilities and services,⁴² conservation is key to meeting many of our needs today and is a vital to ensure that resources will be there for future generations.⁴³ Along with conservation, collaborating and coordinating with adjacent jurisdictions and special purpose districts is critical to ensuring the adequacy of public facilities and services.

The City is required to provide a six year financing plan which includes the source of the public funds for those public facilities and services with an adopted LOS.⁴⁴ RCW 36.70A.070(3)(e) requires the reassessment of the land use element, “if probable funding falls short of meeting existing needs to ensure the land use element, capital facilities element, and financing plan within the capital facilities element are coordinated and consistent.”

Additionally, in order to maintain eligible for grants from the Recreation and Conservation Funding Board (RCFB), the BLCP – Public Facilities and Services Element must also meet the requirements for a parks plan. ⁴⁵ The City must provide park objectives that are supported by a demands and needs assessment in order to be certificated by the RCFB. The RCFB defines objectives as performance measures to achieve adopted park and recreation goals.⁴⁶

As part of the BLCP – Public Facilities and Services Element, the City is required to establish a process for identifying and siting essential public facilities (EPF) and provide policies to ensure that the BLCP does not preclude the siting of EPFs. EPFs include those facilities that are typically difficult to site, such as such as airports; state education facilities; state or regional transportation facilities, regional transit authority facilities; state and local correctional facilities; solid waste handling facilities; and

⁴¹ *West Seattle Defense Fund v. City of Seattle*. Final Decision and Order. CPSGMHB Case number 94-3-0016c (April 4, 1995).

⁴² RCW 36.70A.050(12)

⁴³ Puget Sound Regional Council. *Vision 2040*. December 2009. Pg. 89

⁴⁴ RCW 36.70A.070(3)(d).

⁴⁵ Washington State Recreation and Conservation Funding Board. (2011) *Manual 2: Planning Policies and Guidelines*. (pg. 4 and 10)

⁴⁶ Washington State Recreation and Conservation Funding Board. (2011) *Manual 2: Planning Policies and Guidelines*. (pg. 11)

inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities. In establishing the process to site EPFs, local jurisdictions have the ability to establish review criteria to ensure the protection of adjacent properties and require mitigation to prevent adverse impacts. However, local governments cannot include a requirement to revisit or “second-guess” a siting decision that has been made by a regional or state entity by requiring a review of alternative sites and/or demonstration of proportionality.⁴⁷

The CPSGMHB has explained that RCW 36.70A.200’s prohibition against EPF preclusion not only includes a flat-out exclusion, but also a prohibition against the imposition of impracticable permit conditions:

The Board has held that jurisdictions preclude the siting of EPFs when they are rendered impossible or impracticable to site. *Children’s Alliance v. Bellevue*, CPSGMHB Case No. 95-3-0011, FDO, (Jul. 25, 1995), at 12. “Impracticable” is defined as “incapable of being performed or accomplished by the means or at command.” *Port of Seattle v. Des Moines*, CPSGMHB Case No. 97-3-0014, FDO, (Aug. 13, 1997), at 5 (citing Merriam Webster’s Collegiate Dictionary 584 (10th ed. 1996)). Impracticability has taken the form of restrictive zoning (*Children’s Alliance*), comprehensive plan policies directing opposition to a regional decision (*Port of Seattle*), or the imposition of unreasonable requirements (*Hapsmith v. City of Auburn*, CPSGMHB Case No. 95-3-0075c, FDO, May 10, 1996), at 31-2. *In Sound Transit v. City of Tukwila*, the Board found that policies that did not “obligate or authorize the City to deny necessary permits” for an EPF, in that case a light rail system, did not render it impracticable. *Sound Transit v. City of Tukwila*, CPSGMHB Case No. 99-3-0003, (Sep. 15, 1999), at 5.⁴⁸

Finally, successful growth management requires the application of design to public facilities to create livable communities and provide an intentional connection between the built environment and the natural environment.⁴⁹ Design is not simply about aesthetics; achieving economic, ecological, and community-based objectives are intimately related to enhancing the physical and visual environment of a community.⁵⁰ Therefore, *Vision 2040* calls for protecting significant visual and cultural resources to preserve community character and calls for the development of civic and park spaces in order to maintain and enhance the region’s unique identity that significantly contributes to its economic vitality, social cohesiveness, and quality of life – making the design of the built environment a critical component of a jurisdiction’s comprehensive plan.⁵¹ This objective is furthered by CPP-CU-2 which directs cities to design public buildings and public spaces to contribute to the unique sense of the community and a sense of place.

⁴⁷ *King County, et al v. Snohomish County*. Final Decision and Order. CPSGMHB Case Number 3-3-0011. (October 13, 2003).

⁴⁸ *King County, et al v. Snohomish County*. Final Decision and Order. CPSGMHB Case Number 3-3-0011. (October 13, 2003).

⁴⁹ Puget Sound Regional Design Team. (2007) *A Regional Design Strategy in Support of VISION 2040 for the Central Puget Sound Region*. Pg. 3.

⁵⁰ Puget Sound Regional Design Team. (2007) *A Regional Design Strategy in Support of VISION 2040 for the Central Puget Sound Region*. Pg. 5.

⁵¹ Puget Sound Regional Council. (2009) *Vision 2040*. Pg. 57.

Required Actions

Based on the applicable state laws⁵², MPPs⁵³, CPPs⁵⁴, the Commerce Checklist⁵⁵ and the PSRC Reporting Tool⁵⁶ the City must make the following modifications to the BLCF:

- *Identify all Publicly Owned Capital Facilities:* The BLCF- Capital Facilities Element does not include an inventory of capital facilities not-owned by the City (e.g. Tacoma Water and Valley Water facilities located in the City). Therefore, the City will need to prepare maps that identify all of public facilities within the City to comply with RCW 36.70A.070(3)(a).
- *Prepare a Map Identifying all Capitals Facilities:* The BLCF – Capital Facilities Element includes a narrative description of City owned capital facilities, but the element does not illustrate the location of the capital facilities as required by RCW 36.70A.070(3)(a).
- *Update the Out of Date Facility Inventory:* The current inventory provided in the BLCF – Capital Facilities Element (Pgs. 8-4 – 8-8) and the BLCF – Park Element (Figures 6-1, 6-2, and Figure 6-13) include much of the information recommended by the Department of Commerce; however, the inventory was completed in 2010 and 2011 respectively.
- *Correct the Inconsistent Population Projections:* The population projections used in the BLCF – Capital Facilities Element are inconsistent with BLCF – Parks Element which are both inconsistent with the population projection in the current BLCF – Land Use Element. The BLCF – Capital Facilities Element utilized a 2022 population of 24,284 as compared to 18,830 people by 2022 established in the Land Use Element and a 2025 population of 35,120 established the Parks Element.
- *Update Needs Assessment:* The City has already established a LOS standard for all of the City’s public facilities and services and at a minimum must update the needs assessment based on revised population allocation numbers. However, the City may want to consider using “proximity and accessibility” for measuring the LOS standard for parks instead of, or in addition to, the currently adopted “per capita standard” LOS standard. Under this approach the LOS standard would use “X% of populations living within ½ mile of open space or trails” instead of “10 acres of open space per 1,000 population.” The State’s Recreation and Conservation Office accepts park LOS standard based on “proximity and accessibility” standard in addition to the standard per capita LOS standard.

⁵² RCW 36.70A.030(13), RCW 36.70A.070(1), RCW 36.70A.070(3), RCW 36.70A.070(4), RCW 36.70A.100, RCW 36.70A.120, RCW, RCW 36.70A.150, RCW 36.70A.200, RCW 36.70A.210, RCW 47.80.023(3), RCW 82.02.050(4), WAC 365-196-415, WAC 365-196-340, WAC 365-196-420, WAC 365-196-550, WAC 365-196-850, and WAC 468-86-150(1)(c).

⁵³ MPP-G-3, MPP-DP-38 through MPP-DP-41, MPP-PS-1, MPP-PS-2, MPP-PS-4, MPP-PS-7 through MPP-PS-13, and MPP-PS-17 through MPP-PS-20, and PS-Action-4 through PS-Action-6.

⁵⁴ CPP-CU-2, CPP-CU-3, CPP-EPF-1 through CPP-EPF-8, CPP-UGA-2.3.1, CPP-UGA-2.3.2, and CPP-UGA-3.

⁵⁵ Commerce 1.c, Commerce 1.f, Commerce 3, Commerce 4, Commerce 6, Commerce 7.a, and RCO Manual 2 – Section 3

⁵⁶ PSRC Part 1- Regional Design PSRC Part 1 – General Multicounty Planning Policies, PSRC Part 1 – Public Services, PSRC Part 2 – Population and Employment Growth, PSRC Part 2 – The Environment, and PSRC Part 2 – Vision 2040 Actions.

- *Prepare Implementation Strategies and Performance Measures:* The BLCP – Parks, Capital Facilities, and Utility Elements do not provide strategies to implement the goal of each of the element and do not include performance measures to demonstrate whether or not the City is achieving these goals. As part of the Public Facilities and Services Element, the City will need to establish specific strategies that identify how the City will meet the goals for all capital facilities and public services (e.g. parks, water, sewer, police, schools, general governmental services, etc.). The City must also develop a set of performance measures to determine if the implementation strategies have been successful.
- *Add Policies To Ensure Consistency Between the CIP and the Comprehensive Plan:* The City is required to have policies that ensure capital budget decisions are in conformity with the comprehensive plan to ensure compliance with RCW 36.70A.120.
- *Update List of Projects to be funded with Park Impact Fees:* The current BLCP – Parks Element contains a general list of projects that was completed when the Park Element was last updated in 2011. The City will need to review this list and update the list as necessary.
- *Establish Reassessment Strategy:* The BLCP – Capital Facilities Element includes a strategy to monitor the funding for required capital improvements; however, the element lacks a strategy or procedure for the reevaluation of the Land Use Element if funding is not available to provide the required capital improvements. A strategy or procedure for the reevaluation will be added to the new Public Facilities and Services Element. The strategy will be implemented if funding is not available to provide the required capital improvements and to prevent inconsistencies between the adopted LOS standards and the provided LOS standards.
- *Identify a Process for Siting EPFs:* The BLCP – Capital Facilities Element does not identify the process that the City will use to site and review EPFs. The element references that EPFs will be sited in accordance with the BLMC; however, there is not a process in the BLMC for the siting and review EPFs. As part of the BLCP – Public Facilities and Services Element policies will be created to require that all EPFs obtain a special use permit. The BLMC will need to be modified to add a definition of EPF and clearly require that a special use permit is required for all EPFs.
- *Remove Criteria that Requires an Alternative Sites Analysis for EPFs:* The current criteria adopted in the BLCP – Land Use Element requires that EPF proponents demonstrate that the site is better than alternative sites. While an alternative site analysis is allowed for City owned EPFs, this alternative site analysis is not allowed as part of the review of the EPF once the location has been chosen by a state or regional agency. The current criteria adopted in the BLCP – Land Use Element will be amended so that state and regional agencies will not be required to perform an alternative site analysis during the permit review of EPFs. A policy will be added to encourage regional and state agencies to engage in a alternative site analysis as part of the agencies process and encourage those agencies to involve the City in that process. The alternative site analysis is proposed to still be required for City owned EPFs.

2.5 ENVIRONMENTAL CONSERVATION

The current BLCP contains a Natural Element which will be re-named Environmental Conservation to reflect Bonney Lake's desire to preserve and protect the community's cherished natural setting.

Overview

A local jurisdiction comprehensive plan must address the protection of environmental critical areas which includes:

- Maintaining functions and values of hydrological ecosystems and watersheds through the protection, preservation, and restoration of wetlands, lakes, rivers, ponds, streams, and floodplains. As part of preventing pollutants from enter the waters of the state, jurisdictions subject to U.S. Environmental Protection Agency (EPA) National Pollution Discharge Elimination System (NPDES) must also comply with all permit requirements and are encouraged to adopted the Department of Ecology's Stormwater Manual for Western Washington or the equivalent, incorporate relevant land-use recommendations from adopted local watershed plans, and adopt a clearing and grading ordinance.
- Identifying and providing policies to conserve, connect, restore, and prevent impacts to fish and wildlife habitat conservation areas (FWHCA). The CPSGMHB in *Pilchuck, et al v. Snohomish County*⁵⁷ found that RCW 36.70A.170 and RCW 36.70A.060 only require cities to designate FWHCA and not every parcel of land that constitutes fish and wildlife habitat. FWHCA include areas where endangered, threatened, and sensitive species have a primary association; habitats and species of local importance (determined locally); commercial and recreational shellfish areas; kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas; naturally occurring ponds under twenty acres and submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and state natural area preserves, natural resource conservation areas, and state wildlife areas.⁵⁸
- Designating and providing policies to protect the functions and values of geological hazardous areas and prevent impacts associated with development within geological hazardous areas. Geological hazardous areas are areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development. There is no affirmative mandate associated with this definition except to "protect the functions and values." However, if a local jurisdiction, as the City has, requires lower densities in geologically hazardous areas, the geologically hazardous areas must be mapped using "best available science."

⁵⁷ *Pilchuck, et al v. Snohomish County*. Final Decision and Order. Case Number 95-3-0047c. (December 6, 1995).

⁵⁸ WAC365-190-130(2)

- Designating and providing policies to protect the functions and values of Critical Aquifer Recharge Areas (CARAs) and prevent impacts associated with development within CARAs. CARAs are established to protect sources of drinking water that are vulnerable to contamination that would affect the potability of the water or are susceptible to reduced recharging.⁵⁹ Potable water is an essential life sustaining element for people and once contaminated it is difficult, costly, and sometimes impossible to clean up. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people and ecosystems⁶⁰. Therefore, WAC 365-190-100(3) requires cities to classify recharge areas for aquifers according to aquifer vulnerability⁶¹.

- Providing policies and implementation actions to address federal and state clean air laws to reduce pollutants and incorporate the Puget Sound Clean Air Agency’s adopted growth management policies. While air quality is not specifically identified as critical area, protecting air quality is listed as goal of the GMA and both the MPPs and CPPs include specific provisions that require the City to establish policies strategies related air quality. In the Puget Sound Region the primary concern is ground-level ozone, carbon monoxide, and fugitive dust which can damage lung tissue leading to respiratory disease, contribute to cancer and cardiovascular disease, and obscure many of our most scenic vistas, such as views of the Olympic and Cascade mountain ranges, including Mount Rainier.⁶²

Policies and strategies to protect the functions and value of critical areas are mandated to be based “best available science.”⁶³ The CPSGMH in *DOE/CTED v. City of Kent* (Kent) referencing *Honesty in Environmental Analysis and Legislation v. Seattle*, 96 Wn. App. 522, 979 P.2d 864 (1999) stated, “...purpose of the best available science requirement is to ensure that critical areas regulations are not based on speculation and surmise, but on meaningful, reliable, relevant evidence.”⁶⁴ The CPSGMHB also found in Kent that there is no bright-line definition of “best available science” but rather a requirement to consider the following factors as established in *Ferry County v. Concerned Friends of Ferry County, et al.*, 155 Wn.2d 824, 123 P.3d 102 (2005):

- (1) The scientific evidence contained in the record;
- (2) Whether the analysis by the local decision-maker of the scientific evidence and other factors involved a reasoned process;

⁵⁹ WAC 365-090-030(3)

⁶⁰ WAC 365-190-100(1)

⁶¹ Vulnerability is the combined effect of hydrogeological susceptibility to contamination and the contamination loading potential. High vulnerability is indicated by land uses that contribute directly or indirectly to contamination that may degrade groundwater, and hydrogeological conditions that facilitate degradation. Low vulnerability is indicated by land uses that do not contribute contaminants that will degrade groundwater, and by hydrogeological conditions that do not facilitate degradation. Hydrological conditions may include those induced by limited recharge of an aquifer. Reduced aquifer recharge from effective impervious surfaces may result in higher concentrations of contaminants than would otherwise occur. (WAC 365-190-100(3))

⁶² Puget Sound Regional Council. *Vision 2040*. 2008 pg. 39.

⁶³ RCW 36.70A.172(1)

⁶⁴ *Washington State Department of Ecology and Washington State Department of Commerce, Trade, and Economic Development v. City of Kent*. Final Decision and Order. Case Number 05-3-0034. (April 19, 2006).

and (3) Whether the decision made by the local government was within the parameters of the Act as directed by the provisions of RCW 36.70A.172(1).

In other words, a jurisdiction is not required to win the scientific argument, but only demonstrate that the jurisdiction regulations are based on reliable evidences reviewed through a reasoned process.

In addition to the critical areas identified in the GMA, cities in the central Puget Sound Region are required to address climate change and noise. While addressing climate change and noise are neither specifically addressed in the GMA goals established by RCW 36.70A.020 nor the mandatory elements established by RCW 36.70A.070, the City is required to be consistent with adopted MPPs and CPPs pursuant to RCW 36.70A.100 and RCW 36.70A.210. Both the MPPs and CPPs include specific provisions that require the City to establish goals, policies, strategies, and performance measures related to the reduction of greenhouse gas emissions and to address adaptation to the effects of climate change. The CPPs include specific provisions that the local jurisdictions must mitigate noise impacts.

Required Actions

Based on the applicable state laws⁶⁵, MPPs⁶⁶, CPPs⁶⁷, the Commerce Checklist⁶⁸ and the PSRC Reporting Tool⁶⁹ the City must make the following modifications to the BLCP:

- *Update the Out of Date Critical Area Maps:* The critical area maps were prepared in 2004 and have not been update since. As part of the update the City will prepare a Map Folio that includes maps for the floodplains, wetlands, streams, and impaired water bodies. The maps will be based on known conditions and reflect changes in the wetland classification methodology
- *Provide Maps of Geological Hazardous Areas:* Maps will be prepared to identify the geologically hazardous areas within the City based on the criteria established for each of the following types of hazards: erosion hazard (WAC 365-190-120(5)); landslide hazard (WAC 365-190-120(6)); seismic hazard (WAC 365-190-120(7)); and/or areas subject to other geological events such as coal mine hazards and volcanic hazards (WAC 365-190-120(8)).
- *Add Policies Related to Air Quality:* A new section will be added to the BLCP – Environmental Conservation Element to establish goals, policies, strategies, and performance measures related to the reduction of ground-level ozone, carbon monoxide, and fugitive dust and incorporate the policies of the Puget Sound Clean Air Agency.

⁶⁵ RCW 36.70A.020(9), RCW 36.70A.020(10), RCW 36.70A.050, RCW 36.70A.070(1), RCW 36.70A.100, RCW 36.70A.172, RCW 36.70A.210, RCW 70.235.020(1)(a), RCW 90.56.010(26), WAC 365-090-030(3), WAC 365-190-080, WAC 365-190-090, WAC 365-190-110, WAC 365-190-120, WAC 365-190-130, WAC 365-196-405(1)(d), WAC 365-196-485(1)(b), WAC 365-196-485(1)(d) through WAC 365-196-485(1)(f), WAC 365-196-485(2)(a), WAC 365-196-485(2)(d) WAC 365-195-900 through WAC 365-195-925, and WAC 356-196-485.

⁶⁶ MPP-En-13 through MPP-En-25, MPP-DP-45, MPP-T-5 though MPP-T-7, MPP-PS-1, MPP-PS-12, MPP-PS-13.

⁶⁷ CPP-Env-2, CPP-Env-4, CWPP-Env-5, CPP-Env-7, CPP-Env-16, CPP-Env-17, CPP-Env-20, CPP-Env-21, CPP-Env-26, and CPP-Env-28 through CPP-Env-31.

⁶⁸ Commerce 1.j, Commerce1.k, and Commerce 7.a.

⁶⁹ Part 1 – The Environment and PSRC Part 2 – The Environment.

- *Add Policies to Address Climate Change:* The BLCP does not include specific provisions to reduce greenhouse gas emissions and to adapt to the effects of climate change as required by both the MPPs and CPPs. A new section will be added to the BLCP – Environmental Conservation Element to establish goals, policies, related to the reducing greenhouse gas emissions and adapting to the effects of climate change.

- *Development Implementation Strategies and Performance Measures:* The BLCP – Natural Environment Element does not provide strategies or guidance to protect and preserve waters of the state and performance measures to demonstrate whether or not the City is achieving the goal of preserving and protecting waters of the state. As part of the new Environmental Conservation Element, the City will establish specific strategies that identify the how the City will:
 - Ensure the protection of waters of the state;
 - Protect geological hazardous areas,
 - Protect CARAs;
 - Preserve FWHCA and to restore native vegetation to improve FWHCA;
 - Address noise impacts;
 - Reduce greenhouse gas emissions;
 - Adapt to the effects of climate change; and
 - Reduce ground-level ozone, carbon monoxide, and fugitive dust.

The City will also develop a set of performance measures to determine if is achieving the goal of preserving and protecting the waters of the State

- *Establish Policies Related to the Biological Opinion for the Management of Floodplains:* On September 22, 2008, the National Marine Fisheries Service (NMFS) issued a Biological Opinion (BiOP) requiring changes to the implementation of FEMA’s National Flood Insurance Program in order to meet the requirements of the Endangered Species Act (ESA) in the Puget Sound watershed. In order for the City and its residence to continue to be able to receive flood insurance from FEMA, the City is required to comply with federal environmental quality standards for the protection of floodplains as established by the Biological Opinion issued by National Marine Fisheries.

- *Update the Out of Date Wetland Classification:* The wetland classification system referenced in the BLCP – Natural Element is out of date as the section was written 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).

- *Identify Impaired Water Bodies:* The current BLCP – Natural Environmental Element does not contain a map or list identifying the impaired water bodies within the City and the nature of the impairment (e.g. invasive species, invasive plants, water quality, etc.).
- *Establish Restoration Polices or Goals:* *Vision 2040* establishes policies that call for the enhancement of habitat and the restoration of native vegetation⁷⁰; however, the BLCP – Natural Element does not contain similar policies and as such is not consistent with the adopted MPPs.

2.6 SHORELINE

Overview

RCW 36.70A.480(1) incorporated the goals and policies of the Shoreline Management Act (SMA) as set forth in RCW 90.58.020 into the goals of the GMA as set forth in RCW 36.70A.020; therefore, the goals and policies of the City’s new Shoreline Master Program (SMP) are considered an element of the BLCP.

Required Actions

Based on the applicable state laws⁷¹, MPPs⁷², CPPs⁷³, the Commerce Checklist⁷⁴ and the PSRC Reporting Tool⁷⁵ the City must make the following modifications to the Bonney Lake Comprehensive Plan:

- *Add a Shoreline Element:* The current goals and policies in the BLCP related to the shoreline were not adopted as part of the Bonney Lake Shoreline Management Master Program (SMMP) in 1975, but were inserted during the last periodic update of the BLCP. RCW 36.70A.480 requires that the goals and policies of a jurisdiction’s SMP be included as an element of the comprehensive plan. As part of the required update of the City’s 1975 SMMP, the City prepared a new Shoreline Element that once adopted will contain the goals and policies of the new SMP in order to comply with the requirement of RCW 36.70A.480.

2.7 COMMUNITY HEALTH

Overview

In 2005, the State Legislature amended RCW 36.70A.070(1) requiring local jurisdictions to consider urban planning approaches that promote physical activity. The addition of this requirement is based research studies that have linked land use patterns and travel behavior to a decrease in physical activity which has become a growing health problem contributing to obesity, osteoporosis, depression, and

⁷⁰ MPP-En-9 and MPP-En-12

⁷¹ RCW 36.70A.100, RCW 36.70A.2010, RCW 36.70A.480 and WAC 365-196-580.

⁷² MPP-En-14.

⁷³ CPP-Env-16.4 through CPP-Env-16.7.

⁷⁴ Commerce 7.a and Commerce 8.

⁷⁵ PSRC Part 1 – The Environment (Water Quality).

premature death.⁷⁶ The existing BLCP contains numerous policies focused on improving the environment for walking and bicycling in the City for transportation and recreation. The Parks Elements calls for continued development of parks and open space areas with opportunities for passive and active recreation, connected by a safe and accessible network of trails, sidewalks, and bicycle facilities. Policies and provisions in the Transportation Element call for investments in transportation facilities and programs to reduce adverse health impacts and promote active transportation options. The Community Character Element contain policies supporting the needs of pedestrian and bicyclist. The City also prepared the *Bonney Lake Non-Motorized Transportation Plan* in 2007 with the intent of making Bonney Lake a more walkable community in part to encourage residents to become more active. This provisions meet the requirements established by RCW 36.70A.070(1).

However, the City must also demonstrate that the City’s comprehensive plan is consistent with adopted MPPs and CPPs,⁷⁷ pursuant to RCW 36.70A.020(13), both of which contain policies relate to improving the overall health of a community, in addition to the state requirement to encouraging physical activity.

Required Actions

Based on the applicable state laws⁷⁸, MPPs⁷⁹, CPPs⁸⁰, the Commerce Checklist⁸¹ and the PSRC Reporting Tool,⁸² the City must make the following modifications to the BLCP:

- *Develop Policies related to Community Health.* While the City is not required to have a separate element specifically for community health, the City is required to demonstrate how the City will incorporate health and well-being in to the local planning and decision making process. Aside from active transportation, the CPPs and MPPs embrace a broader concept of “health and well-being” that include access to healthy foods; safety and injury prevention; and the collocating health and human services near transit.

2.8 ECONOMIC DEVELOPMENT

Overview

An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality was not one of the original mandatory elements when the State legislature adopted the GMA, but was added in March of 2002 as part of Second Substitute House Bill (SSHB) 2697. As part of SSBH 2697, the State also adopted RCW 36.70A.070(9) which provided that any requirement to add a new mandatory element to a local comprehensive is “...null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW

⁷⁶ Puget Sound Regional Council. *Vision 2040*. 2008 pg. 58

⁷⁷ RCW 36.70A.100, RCW 36.70A.210(1), and RCW 36.70A.210(7)

⁷⁸ RCW 36.70A.020, RCW 36.70A.100, RCW 36.70A.210, and WAC 365-196-450.

⁷⁹ MPP-G-1, MPP-DP-34, and MPP-DP-37.

⁸⁰ CPP-HAC-1, CPP-HAC-2, CPP-HAC-3, and CPP-HAC-4.

⁸¹ Commerce 7.a.

⁸² PSRC Part 1 – Regional Design.

36.70A.130.” Since the State has not appropriated funds for the development of an economic development element, there is not a state mandated to have this element at this time. However, while the GMA does not mandate the incorporation of an economic development element, the City must demonstrate that the BLCP is consistent with adopted MPPs and CPPs, which both contain policies relate economic development. The simplest way to demonstrate this compliance is with the inclusion of an economic development element that meets the MPPs and CPPs, but is not required to include the items identified in RCW 36.70A.070(7).

Required Actions

No Action is required based on the applicable state laws⁸³, MPPs⁸⁴, CPPs⁸⁵, the Commerce Checklist⁸⁶ and the PSRC Reporting Tool.⁸⁷

2.9 CULTURAL RESOURCES AND HERTIAGE

Overview

While the City is not required to have an element specifically for culture and historic preservation, local jurisdictions must be guided by RCW 36.70A.020(13) which calls on cities to identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.⁸⁸ In addition to the requirements of RCW 36.70A.020(13), the City must also demonstrate that the BLCP is consistent with adopted MPPs and CPPs,⁸⁹ which both contain policies relate to the protection and preservation of cultural and historic resources.

Required Actions

No Action is required based on the applicable state laws⁹⁰, MPPs⁹¹, CPPs⁹², the Commerce *Checklist*,⁹³ and the PSRC *Reporting Tool*.⁹⁴

⁸³ RCW36.70A.070(7), RCW 36.70A.070(9), RCW 36.70A.100, RCW 36.70A.210.

⁸⁴ MPP-Ec-1through MPP-Ec-20.

⁸⁵ CPP-Ec-1 through CPP-Ec-7.

⁸⁶ Commerce 7.a.

⁸⁷ PSRC Part 1 – Development Patterns – Orderly Development: Economic Development.

⁸⁸ WAC 365-196-450(1)

⁸⁹ RCW 36.70A.100, RCW 36.70A.210(1), and RCW 36.70A.210(7)

⁹⁰ RCW36.70A.070(1), RCW 36.70A.100, RCW 36.70A.210, and WAC 365-196-405(2)(j).

⁹¹ MPP-DP-43 through MPP-DP-47, and MPP-T-15.

⁹² CPP-HW-1.

⁹³ Commerce 1.b and Commerce 7.a.

⁹⁴ PSRC Part 1 – Health and Activity Living.

3.0 DEVELOPMENT REGULATIONS

3.1 CRITICAL AREA REGULATIONS

Overview

Two of the established goals of the GMA relate directly to the natural environment. One goal is to, “[e]ncourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.”⁹⁵ The other goal is to, “[p]rotect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.”⁹⁶ GMA defines critical areas as CARAs, FWHCAs, frequently flooded areas, geologically hazardous areas, and wetlands.⁹⁷ The GMA also specifically requires that jurisdictions adopt development regulations to protect the functions and values of all critical areas⁹⁸ based on “best available science.”⁹⁹

As part of the adoption of the new SMP, the City was required to complete a review of the City’s existing development regulations for critical areas to determine if the regulations were consistent with applicable state requirements.¹⁰⁰ The City determined that the regulations for CARAs, Floodplains, Geologically Hazardous Areas, and FWHCA were consistent with the state requirements. However, the City’s wetland regulations were not consistent with current state requirements. In order to correct this deficiency, as part of the SMP update, the City is updating the CAO regulations to bring the City’s wetland regulations into compliance with state law, 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).

Required Actions

Based on the applicable state laws, MPPs¹⁰¹, CPPs¹⁰², and the Commerce Checklist¹⁰³ the City will have to make the following changes to the City’s critical area regulations:

- *Update Floodplain Regulations:* In 2013, the Department of Ecology conducted a Community Assistance Visit (CAV) in order to review how the City was addressing the regulation of

⁹⁵ RCW 36.70A.020(9)

⁹⁶ RCW 36.70A.020(10)

⁹⁷ RCW 36.70A.030(5)

⁹⁸ RCW 36.70A.060

⁹⁹ RCW 36.70A.172

¹⁰⁰ RCW 36.70A.030(5), RCW 36.70A.030(9), RCW 36.70A.170, RCW 36.70A.060(2), and RCW 36.70A.172(1), RCW 36.70A.370, RCW 36.70A.570, RCW 76.09.240, WAC 173-22-035, WAC 175-158-040, WAC 365-190-110 through WAC 365-190-130, WAC 365-196-830(2), Chapter WAC 365-195

¹⁰¹ MPP-En-13 through MPP-En-25, MPP-DP-45, MPP-T-5 through MPP-T-7, MPP-PS-1, MPP-PS-12, MPP-PS-13.

¹⁰² CPP-Env-2, CPP-Env-4, CWPP-Env-5, CPP-Env-7, CPP-Env-16, CPP-Env-17, CPP-Env-20, CPP-Env-21, CPP-Env-26, and CPP-Env-28 through CPP-Env-31.

¹⁰³ Commerce 10

floodplains, both under the requirements of State and the NMFS BiOP. The CAV report found that the following modifications were required to the City's floodplain regulations:

- BLMC 16.26.030.B must reference the date of the Flood Insurance Map (FIRM) and does not provide the physical address where the City maintains the paper copies of the FIRM.
- BLMC 16.26.060.E must include language that advises property owners that failure to elevate the home a minimum of two feet above the base flood elevation will result in higher insurance rates.
- BLMC 16.26.080 must include language to require that ductwork in crawl space be either above the base flood elevation or sealed to prevent floodwaters from entering the duct work and that buildings with a crawl spaces will have higher flood insurance rates.
- Language must also be added that states flood insurance rates for flood-proofed non-residential buildings will be based on the elevation one foot below the flood-proofed elevation.
- Language must also be added to require a habitat assessment any time that development is authorized in the floodplain.

3.2 SHORELINE MASTER PROGRAM

Overview

In 2003, the state legislature amended to the GMA to add the goals and policies of the SMA as set forth in RCW 90.58.020 as the fourteen goal of the GMA. The legislature also required that once a local jurisdiction completes the required update of its SMP, critical areas located within the jurisdiction of SMA must be regulated under the SMP and not the critical areas regulations adopted under the GMA.

Over the last five 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 SMP that balances the environmental protections mandated by the state, private property rights, and recreational usage of the shoreline. As part of the updated SMP, the City adopted its CAO requirements by reference to comply with the requirements of RCW 36.70A.480(4) and WAC 365-196-580. This approach has been utilized by a number of jurisdictions and is acceptable to the state.

Required Actions

No further action related to shoreline development regulations is required as part of the 2015 Comprehensive Plan Update, based on the applicable state laws,¹⁰⁴ and the Commerce Checklist.¹⁰⁵

¹⁰⁴ RCW 36.70A.070, RCW36.70A.480, RCW 90.58.090(4), and WAC 365-190-580

¹⁰⁵ Commerce 11

3.3 ZONING CODE

Overview

As part of the 2015 Comprehensive Plan Update, the City of Bonney Lake must demonstrate that the City's Zoning Code:

- Allows family daycare providers in all residential structures in both residential and commercial zones;
- Regulates manufactured housing the same as site-built housing;
- Regulates residential structures that are occupied by persons with handicaps, as defined under the Federal Fair Housing Amendments Act of 1988,¹⁰⁶ the same as similar residential structures occupied by a family or other unrelated individuals; and
- Allows electrical vehicle battery charging stations in all commercial zones of the City.

The City is in compliance with most of these requirements. The City has adopted Chapter 15.08 BLMC – Manufactured Homes which specifically allows manufactured homes in all residential zones subject to limitations that are consistent with RCW 35A.21.312. The City's Zoning Code does not contain any special provisions related to residential structures occupied handicapped individuals. However, the City has not developed regulations allowing for electrical vehicle battery charging stations and does not allow family day cares in the C-2 and Easttown zones which allow residential structures.

Required Actions

Based on the applicable state laws,¹⁰⁷ and the Commerce Checklist,¹⁰⁸ the City as part of the 2015 update process will have to make the following changes to the City's Zoning Code:

- *Added Family Day Care Centers to the List of Permitted Use in the C-2 and Easttown Zones:* Both of these zones allow residential uses; however, family day cares are not listed as a permitted use in these zones. Pursuant to RCW 36.70A.450, the City cannot enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.
- *Develop an Electrical Vehicle Regulations.* By July 1, 2011, the City was required to develop regulations allowing battery charging stations in all commercially zoned areas.¹⁰⁹

¹⁰⁶ 42 U.S.C Sec. 3602

¹⁰⁷ RCW 36.70A.450, RCW 36.70A.695, and WAC 365-196-850

¹⁰⁸ Commerce 12

¹⁰⁹ RCW 36.70A.695(3)

3.4 SUBDIVISION CODE

Overview

The City's Subdivision Code (Title 17 BLMC) was developed to regulate the division of land, promote the public health, safety, and general welfare in accordance with adopted standards, and implement the BLCF. The City's Subdivision Code requires the adoption of written findings that a proposed subdivision or short subdivision provides appropriate provisions for streets or roads, sidewalks, alleys, other public ways, transit stops, and other features that assure safe walking conditions for students; potable water supplies, sanitary wastes, and drainage ways (stormwater retention and detention); open spaces, parks and recreation, and playgrounds; and schools and school grounds.

Required Changes

No changes to the City's Subdivision Code are required as part of the 2015 Comprehensive Plan Update, based on a review of the applicable state laws,¹¹⁰ and the Commerce Checklist.¹¹¹

3.5 CONCURRENCY, IMPACT FEES, AND TRANSPORTATION DEMAND MANAGEMENT (TMD)

Overview

Pursuant to RCW 36.70A.070(6)(b), all local jurisdictions in the Central Puget Sound Region must have a concurrency regulations that prohibit development if the development causes the LOS standard on a locally owned transportation facility to decline below the LOS standards adopted in the transportation element, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.¹¹² In order to comply with this requirement the City has adopted Chapter 19.02 BLMC – Concurrency Management. As part of the rewrite of the City's transportation plan, the City has hired a consultant to review the City's traffic concurrency program to ensure that the City's regulations are in compliance with state law. Upon completion of this review, changes may be required to bring the City into compliance with state law.

Additionally, the City must review the City's impact fee programs (parks, traffic, and school) to ensure that the provisions are consistent with the requirements of RCW 82.02.050 through RCW 82.02.100. Jurisdictions are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing is for system improvements to serve new development and must provide for a balance between impact fees and other sources of public funds. Impact fees may only be collected and spent on public facilities in a capital facilities plan adopted pursuant to the provisions of RCW 36.70A.070. The City's impact fee program is consistent with the mandatory requirements of RCW 82.02.050 through RCW 82.02.100; except for the City's park and school impact

¹¹⁰ RCW 36.70A.030(7), RCW 36.70A.040(4)(d), RCW 36.70A.070(6)(a)(vi), Chapter 58.17 RCW, and WAC 365-196-820

¹¹¹ Commerce 13

¹¹² *Hensley/McVittie v. Snohomish County*. CPSGMHB Case No. 01-3-0004c. Order Finding Compliance and Final Decision and Order. (June 17 2002).

fees regulations, which requires the funds to be spent within 6 years of receipt of the funds instead of the 10 years now allowed under RCW 82.02.070(3)(a).

Require Actions

Based on the applicable state laws,¹¹³ and the Commerce Checklist,¹¹⁴ the City as part of the 2015 update process will have to, at a minimum, make the following changes:

- *Extend the Timeframe to Spent School and Park Impact Fees:* Currently the City's park and school impact fee programs require the funds to be spent within 6 years of receipt or refunded to the applicant that paid the impact fees. In 2011, the state legislature amended RCW 82.02.070(3)(a) extending the timeframe to spent collected impact fees to 10 years. The City adopted the longer timeframe for the transportation impact fees, but did not amend the park and school impact fee regulations to provide for the longer timeframe.

3.6 ESSENTIAL PUBLIC FACILITIES

Overview

The City is required to provide a process for identifying and siting EPFs and cannot adopted development regulations that preclude the siting of EPFs.¹¹⁵ Additionally, the City cannot establish a process that would allow the City to deny a permit for the siting of an EPF.¹¹⁶ As part of the process to review and site EPFs state law¹¹⁷ allows the City to:

- Impose reasonable conditions on EPFs necessary to mitigate the impacts. The combination of any existing development regulations and any conditions may not render impossible or impracticable the siting, development, or operation of the EPF;
- Provide notice and an opportunity to comment to other interested counties and cities and the public.
- Require a use permit, but the process used must ensure a decision on the EPF is completed without unreasonable delay.
- Impose design conditions to make an EPF compatible with its surroundings. Cities may also consider provisions for amenities or incentives for neighborhoods in which the EPF is sited. Any conditions imposed must be necessary to mitigate an identified impact of the EPF.

¹¹³ 82.02.080(1)

¹¹⁴ Commerce 14

¹¹⁵ RCW 36A.70A.200(5)

¹¹⁶ WAC 365-196-550(6)(a)

¹¹⁷ WAC 365-196-500(5) and WAC 365-196-550(6)

The City's zoning code does not currently contain a process to review or permit EPFs within the City. Additionally, the City's Land Use Matrix excludes EPF from most zoning districts within the City which is a violation RCW 36.70A.200(5).

Required Actions

Based on the applicable state laws,¹¹⁸ and the Department of Commerce Checklist,¹¹⁹ the City as part of the 2015 update process will have to make the following changes to the Zoning Code:

- *Amend the Land Use Matrix to Allow EPFs:* The City will need to amend the land use matrix codified in BLCM 18.08.020 to allow EPFs in all zoning districts. In order to ensure that all impacts associated with EPFs are sufficiently mitigated the City will require that all EPFs obtain a special use permit.
- *Establish a Use Permit for EPF:* The City will need to develop a permit type for EPF and establish the criteria for the review of the permit consistent with the requirements of WAC 365-196-550.

3.7 PROJECT REVIEW PROCESS

Overview

In 1995, the state legislature adopted the Regulatory Reform Act (Engrossed Senate House Bill 1724) codified as Chapter 36.70B RCW finding that:¹²⁰

- The number of environmental laws and development regulations have increased for land uses and development, so have the number of required local land use permits, each with its own separate approval process.
- The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.
- This regulatory burden has significantly added to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

The Regulatory Reform Act required that the project review processes integrate permit and environmental review; provide for a notice of application, a notice of complete application, notice of decision, one open-record public hearing, and one closed-record appeal; and allow applicants to combine public hearings and decisions for multiple permits.

¹¹⁸ RCW 36.70A.200(5) and WAC 365-196-550

¹¹⁹ Commerce 15

¹²⁰ RCW 36.70B.010

In order to comply the requirements of the Chapter 36.70B RCW, the City adopted Title 14 BLMC – Development Code Administration. The provision found in Title 14 are in substantial compliance with the mandatory requirements of Chapter 36.70B RCW; however, there are some provisions that are not in full compliance with the requirements.

Required Actions

Based on the applicable state laws,¹²¹ and the Commerce Checklist,¹²² the City as part of the 2015 update process the City will have to make the following changes to Title 14:

- *Modify Regulations Related to Public Notice of Permit Applications:* The City’s current regulations related to the public notice of application for projects that are not exempt from the State Environmental Policy Act (SEPA) provide that the public notice of application should be issued at the same time that the City issues a threshold determination under SEPA. This provision must be amended to ensure that any required public notice of application is issued within 14 days of the notice of complete application. The City may combine notices issued under SEPA with the notice of application, but cannot hold back the notice of application until a SEPA threshold determination has been reached by the City.

3.8 GENERAL PROVISIONS

In general, a local jurisdiction’s development regulations are required to be consistent with the jurisdiction’s comprehensive plan and implement the policies contained within the comprehensive plan.¹²³ Additionally, the City’s development regulations must provide sufficient capacity of land suitable for development within their jurisdictions to accommodate allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, consistent with the applicable CPPs, MPPs, and the twenty-year population forecast from OFM as allocated by Pierce County.¹²⁴ The City’s current development regulations comply with these general requirements.

Additionally, in the drafting of development regulations, cities must use the *Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property* (December 2006) issued by the Washington State Attorney General pursuant to RCW 36.70A.370, to assure that governmental actions do not result in an unconstitutional taking of private property. Procedures for avoiding takings, such as variances or exemptions, should be built into the overall regulatory process.¹²⁵ The Advisory Memorandum was developed to provide state agencies and local governments with a tool to assist in the process of evaluating whether proposed regulatory or administrative actions may result in an unconstitutional taking of private property or raise substantive due process concerns.¹²⁶ The City’s development

¹²¹ RCW 36.70A.470, Chapter 36.70B, Chapter 43.21C RCW, and WAC 365-196-845

¹²² Commerce 16

¹²³ RCW 36.70A.040(3)

¹²⁴ RCW 36.70A.115

¹²⁵ WAC 365-196-855

¹²⁶ State Of Washington Office of the Attorney General. (December 2006) *Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property*. Pg. 1

regulations are consistent with the guidelines established in the Advisory Memorandum. The City's development regulations also include variance procedures as recommended by WAC 365-196-855.

Required Actions

No Action is required based on the applicable state laws¹²⁷, the AG's Advisory Memorandum, and the Department of Commerce's *Periodic Update Checklist for Cities*.¹²⁸

¹²⁷ RCW 36.70A.020(11), RCW 36.70A.035, RCW 36.70A.130, RCW 36.70A.170, RCW 36.70A.370, and WAC 365-193-855.

¹²⁸ Commerce 17