

CITY COUNCIL WORKSHOP

**February 3, 2015
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.
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The City Council may act on items listed on this agenda, or by consensus give direction for future action. The Council may also add and take action on other items not listed on this agenda.

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:

p. 3 A. **Proclamation:** Career and Technical Education Month

B. **Council Open Discussion**

p. 5 C. **Review of Draft Minutes:** January 20, 2015 Joint City Council - Planning Commission Meeting/Council Workshop and January 27, 2015 Council Meeting.

p. 13 D. **Discussion:** AB15-01 – Ordinance D15-01 – Development Code Administration (Previously AB14-60)

p. 55 E. **Discussion:** AB15-07 – Ordinance D15-07 – Ordinance Related to Parking at the Justice & Municipal Center and Library

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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PROCLAMATION

WHEREAS: February 1-28, 2015, has been designated Career and Technical Education Month by the Association for Career and Technical Education; and

WHEREAS: Career and technical education offers students the opportunity to gain the academic, technical and employability skills necessary for true career readiness

WHEREAS: Students in career and technical education programs participate in authentic, meaningful experiences that improve the quality of their education and increase student engagement and achievement; and

WHEREAS: Career and technical education provides students with career exploration opportunities earlier in their educational experience, which enables them to make informed and beneficial decisions about their academic coursework as well as pursuit of established programs of study and career pathways; and

WHEREAS: Leaders from business and industry nationwide report increasing challenges related to the skills gap and connecting qualified professionals with available careers in critical and growing CTE-related fields, including healthcare, energy, advanced manufacturing and information technology; and

WHEREAS: Career and technical education prepares students for these and other fulfilling careers by offering integrated programs of study that link secondary and postsecondary education and lead to the attainment of industry-recognized credentials; and

WHEREAS: Ensuring that employers have access to a qualified workforce is a crucial step in ensuring productivity among the business and industry communities as well as continued American economic growth and global competitiveness;

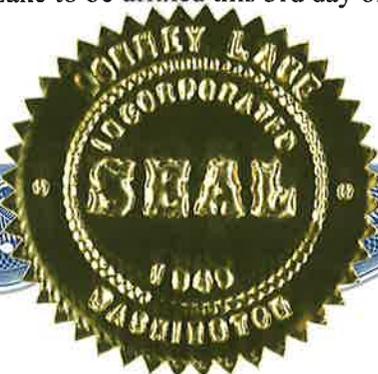
NOW THEREFORE, I, Neil Johnson, Mayor of Bonney Lake do hereby proclaim
February 1-28, 2015, as

CAREER AND TECHNICAL EDUCATION MONTH

in Bonney Lake and urge all citizens to become familiar with the services and benefits offered by the career and technical education programs in this community and to support and participate in these programs to enhance their individual skills and productivity.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Bonney Lake to be affixed this 3rd day of February, 2015.

Neil Johnson, Jr., Mayor



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**SPECIAL JOINT CITY
COUNCIL / PLANNING
COMMISSION MEETING &
CITY COUNCIL WORKSHOP**

**January 20, 2015
5:30 P.M.**



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.

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DRAFT MINUTES

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. Elected officials attending were 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.

Planning Commissioners in attendance were Chair Grant Sulham, Commissioner Davis Baus, Commissioner Brad Doll, and Commissioner Craig Sarver. Commissioners Dennis Poulsen, Debbie Strous-Boyd, and Winona Jacobsen were absent.

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

III. AGENDA ITEMS:

- A. Discussion:** AB15-02 – Resolution 2424 – Planning Commissions 2015-2016 Work Plan.

Senior Planner Jason Sullivan reviewed the proposed Work Plan. He said it has worked well in the past to have the Council and Commission together to review and move the Work Plan forward for Council approval.

Planning Commission Chair Sulham said several of the proposed changes will bring the Municipal Code into compliance with the Revised Code of Washington. Community Development Director Vodopich said other changes were recommended by a recent WCIA risk audit.

Councilmember Hamilton asked for clarification on the rules for allowing recreational vehicles as residences in mobile home parks. Councilmember McKibbin asked about the proposed changes to setbacks. Deputy Mayor Swatman said he had brought up this issue, as homes clustered around a cul-de-sac in RC-5 zones could be very close together. Councilmember McKibbin noted that not very many properties are located in RC-5 zoning and most are on steep slopes and not buildable.

Councilmember Hamilton asked about when property owners are forced to move from septic to sewer service. He also asked about electric vehicle fueling station requirements. Senior Planner Sullivan explained the State requires cities to provide standards for these stations, but

a city the size of Bonney Lake is not required to mandate installation of fueling stations. Councilmembers and Commissioners discussed requirements, benefits, and locations of nearby electric vehicle fueling stations in the Pierce County area.

Councilmember Lewis said he appreciates this well-developed and feasible work plan. Noting that Planning Commissioners had no other issues they wished to discuss, Mayor Johnson thanked the Commissioners for attending and proposed to move forward with the regular Council Workshop.

Mayor Johnson adjourned the Special Joint Planning Commission/City Council Meeting at 5:47 p.m. and called the regular City Council Workshop to order at 5:48 p.m.

B. Council Open Discussion.

Council Retreat: Councilmember Lewis asked for an update on the Council Retreat. City Administrator Morrison said the Retreat is scheduled for February 21, 2015 at C. I. Shenanigan's in Tacoma from 8:00 a.m. to 5:00 p.m. He said they reviewed a couple of locations in the area before selecting the Tacoma site. He said he has requested ideas from Councilmembers on updating the City's vision statement, and will develop the Retreat agenda based on past discussion items and Council input.

Viking Dog Park: Councilmember Watson said he cleaned, refinished, and reinstalled the Viking Dog Park sign through volunteer time and supplies.

Community Events: Councilmember Watson said he attended the Communities for Families meeting on January 8, 2015 and heard presentations and an update that Beyond the Borders is providing trips between Bonney Lake and Buckley starting January 12th and has grant funding to offer this service through 2015 and possibly part of 2016.

Councilmember Watson said the Bonney Lake High School free Community Dinner was a success, with over 200 student volunteers serving holiday meals to about 700 people.

Councilmember Watson said the annual Community Summit is scheduled on March 19, 2015. He noted the number of homeless people has risen since last year, up to 270.

Parks Ad-Hoc Committee: Councilmember Minton-Davis asked for an update on the Ad-Hoc Committee on City parks. Mayor Johnson said the Committee has not yet met as staff are putting together preliminary information. He said the Committee should have its first meeting soon and then meet weekly for about 5 or 6 weeks until their work is completed.

Mayor's Food Drive: Councilmember Lewis asked for an update on the first annual Mayor's Food Drive event in conjunction with DM Disposal. Mayor Johnson said over 500 homes participated and they hope to increase participation to 1,000 homes in the future. He said there were some issues with missed homes, and said he wants to increase outreach and communication and get more volunteers to help with future events. Councilmember Lewis noted there are several food drives around the same time of year and suggested the event be coordinated with the Police Department's toy and food drives and other events. Councilmember Minton-Davis suggested more visible advertising such as brightly colored bags for donations to be placed at the curb.

Human Trafficking Meeting: Deputy Mayor Swatman reminded the Council of the public

meeting scheduled for January 21, 2015 from 7:00-9:00 p.m. at the Bonney Lake Public Safety Building on the topic of human trafficking. Mayor Johnson said the group, which includes Pierce County Councilmember Dan Roach, is trying to get the word out to the community on this important issue.

NFL Friendly Competition: Mayor Johnson said he set up a friendly wager with the Mayor of Wisconsin Rapids for the NFC Championship game between Seattle and Green Bay, and as the Seahawks won he will receive a gift basket from the Wisconsin Rapids mayor.

C. Review of Draft Minutes: December 8, 2014 Special Meeting, January 6, 2015 Workshop, and January 13, 2015 Meeting.

The minutes were forwarded to the January 27, 2015 Council Meeting for action with minor corrections.

D. Discussion: AB15-03 – Resolution 2427 – Initiate Negotiations with Pierce County for an Annexation Interlocal Agreement.

Senior Planner Jason Sullivan described two small ‘island’ areas that can be annexed by an interlocal agreement rather than petition or election. He explained the process required, including a Council resolution directing staff to draft the interlocal agreement, approval by Pierce County and the City, then passage of a City ordinance to formally annex the areas. He said this is a streamlined state process and Pierce County staff are aware and on board with moving through the process. He confirmed that proposed Resolution 2427 gives staff authority to begin working toward the agreement, but no actual annexation action will occur at this time.

Councilmembers discussed the areas for proposed annexation and the process. Senior Planner Sullivan explained that this type of annexation action does not require a citizen petition or vote, and citizens will have the right to referendum if the Council passes an annexation ordinance. He said residents will be notified and there will be public hearings during the process.

Councilmember Hamilton asked about forcing annexation for this small number of properties. Senior Planner Sullivan confirmed the process is in line with regional and County planning policies. Mayor Johnson noted if either the County or City votes against annexation, it does not move forward.

Deputy Mayor Swatman asked about a similar area near Bonney Lake High School which is surrounded by the city limits. Senior Planner Sullivan explained the area is not formally part of the City’s Urban Growth Area (UGA), so it is not eligible for the streamlined annexation process. This area was in the 2013 proposed UGA but has been held up by the County due to unrelated road issues. If the proposed UGA is approved by the County, he said, the same streamlined annexation process could move forward.

Proposed Resolution 2427 was forwarded to the January 27, 2015 Meeting for action as a Consent Agenda issue.

E. Discussion: AB15-06 – Resolution 2429 – Notice of Intent to Adopt the Environmental Stewardship ~~Conservation~~ Element of the Comprehensive Plan.

Senior Planner Sullivan noted a correction to the title of this element from when it was

discussed by the Planning Commission (changed from ‘Conservation’ to ‘Stewardship’). He said the element updates maps, goals, and other items in the Comprehensive Plan.

Proposed Resolution 2429 was forwarded to the January 27, 2015 Meeting for action as a Consent Agenda issue.

IV. EXECUTIVE SESSION: None.

Mayor Johnson noted that he anticipates a Closed Session will be held on January 27th either during the Finance Committee/Committee of the Whole or the regular Council Meeting.

V. ADJOURNMENT:

At 6:13 p.m., the Council Workshop was adjourned by common consent of the Council.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council for the January 20, 2015 Special Joint Meeting/Workshop: *None.*

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

January 27, 2015
7:00 P.M.

DRAFT MINUTES



“Where Dreams Can Soar”

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

I. CALL TO ORDER – Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

- A. Flag Salute: Austin Hellickson from Boy Scout Troop #523 led the audience in the Pledge of Allegiance.

Mayor Johnson thanked the Council and staff for wearing their Seattle Seahawks gear to the meeting. Attendees participated in a group photo. Mayor Johnson said he received a gift package from Wisconsin Rapids Mayor Zach Vruwink, which was part of a friendly challenge he made with the Wisconsin mayor for the NFC Championship game.

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

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Cherie Gibson, Assistant Police Chief James Keller, Administrative Services Director/City Clerk Harwood Edvalson, Human Resources Manager Jenna Richardson, City Attorney Kathleen Haggard, and Records & Information Specialist Susan Haigh.

- C. Announcements, Appointments and Presentations:

1. Announcements: None.
2. Appointments: None.
3. Presentations: None.

- D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None.
- B. Citizen Comments: None.
- C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the Committee met at 5:30 p.m. earlier in the evening and discussed a proposed employee recognition program ordinance, a digital orthophotography contract with Pierce County (proposed Resolution 2434), and

the availability of 2016 grant funds for LED street light conversions.

- B. Community Development Committee: Councilmember Lewis said the committee met on January 20, 2015 and received project updates from staff on the 186th Ave Corridor improvements project, unaccounted for water amounts, the Renwood Apartment project, the Sumner Waste Water Treatment Facility (WWTF) project, and the proposed Eastown Public Works Center project. He said staff will provide quarterly reports to the Committee, which will be shared with the Council. The Committee forwarded three items to the current Consent Agenda for action: Ordinance 15-05, Ordinance D15-13, and Resolution 2431.
- C. Economic Development Committee: Councilmember Minton-Davis said the Committee met earlier in the afternoon. No items were forwarded for action.
- D. Public Safety Committee: Councilmember Watson said the committee has not met since the last Council meeting.
- E. Other Reports:
Pierce County Regional Council: Councilmember Hamilton said he attended the Pierce County Regional Council (PCRC) meeting on January 22, 2015. He said the group elected Tacoma Councilmember Lauren Walker as Chair and Dupont Mayor Mike Graham as Vice Chair, and passed their budget. He informed the Council that the PCRC General Assembly is scheduled for February 19, 2015 from 6:00-9:00 p.m. in Puyallup, with a workshop on housing and jobs in the region to be held earlier in the day. He encouraged Councilmembers to attend and participate.

IV. CONSENT AGENDA:

- A. **Approval of Minutes**: December 8, 2014 Special Meeting, January 6, 2015 Workshop, and January 13, 2015 Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers**: Accounts Payable checks/vouchers #70287-70362 (including wire transfer #'s 20150101, 20150102, 20150103, 20150104, 20150105, and 2015010501) in the amount of \$875,094.82. Accounts Payable checks/vouchers #70363-70387 in the amount of \$129,173.77.
- C. **Approval of Payroll**: Payroll for January 1st-15th, 2015 for checks 32178-32195 including Direct Deposits and Electronic Transfers is \$ 463,768.54. Payroll (Special) January 22nd, 2015 for checks #32196 – 32231 is \$24,335.88.
- D. **AB15-05 – Ordinance D15-05** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 17.20.090 Of The Bonney Lake Municipal Code, Relating To The Design Standards For Flag Lots Or Pipe Stem Lots.
- E. **AB15-13 – Ordinance D15-13** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Revision Of The Corporate Boundary Of The City Of Bonney Lake, Where It Coincides With Certain Portions Of The Right-Of-Way For 234th Avenue Court East, In Order To Fully Exclude Said Areas From The Corporate Limits Of The City.
- F. **AB15-02 – Resolution 2424** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Adopting The Planning Commission Work Plan For The 2015-2016 Biennium.

- G. **AB15-03 – Resolution 2427** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Expressing The Intent To Annex Portions Of The Bonney Lake Urban Growth Area By Interlocal Agreement.
- H. **AB15-06 – Resolution 2429** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Expressing The Intent To Adopt An Environmental Stewardship Element To The Comprehensive Plan.
- I. **AB15-11 – Resolution 2431** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Local Agency A&E Professional Services Cost Plus Fixed Fee Consultant Agreement With Parametrix For Fennel Creek Trail Segment 2 Design.

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

Consent Agenda approved 7 – 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. **CLOSED SESSION:**

Pursuant to RCW 42.30.140(4)(b), the Council adjourned to a Closed Session at 7:15 p.m. for 30 minutes with the Human Resources Manager to discuss labor negotiations. The Council returned to Chambers at 7:48 p.m. No action was taken.

XI. ADJOURNMENT:

At 7:48 p.m., Councilmember Watson moved to adjourn the Council Meeting. Councilmember Rackley seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the January 27, 2015 Meeting: None.

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

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

Department/Staff Contact: Community Development/ Jason Sullivan – Senior Planner	Meeting/Workshop Date: February 3, 2015	Agenda Bill Number: AB15-01
Agenda Item Type: Discussion	Ordinance/Resolution Number: D15-01	Councilmember Sponsor: Donn Lewis

Agenda Subject: Development Review Procedures

Full Title/Motion: An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, repealing, re-adopting, and amending multiple sections of the Bonney Lake Municipal Code relating to development review procedures.

Administrative Recommendation: Approve

Background Summary: The Local Project Review Act signed in to law in 1995 (ESHB 1724 codified as Chapter 36.70B of the Revised Code of Washington (RCW)) required the City to adopt development review procedures that met the minimum standards set forth in the Act. One of the primary objectives of the Act was to require that the review of land use permits and environmental permits was combined in order to streamline the development review process.

In response to this requirement, the City adopted Title 14 BLMC – Development Code Administration in 1997, which has been amended and updated over the years with the goal of continuing to further streamline the permitting process.

On April 9, 2014, the Department of Ecology adopted amendments to the State Environmental Policy Act (SEPA) Rules – Chapter 197-11 WAC, which went into effect on May 10, 2014. The new rules require the City to make some modifications to Title 14 BLMC – Development Code Administration since the current procedures assume that certain types of permits would never be categorically exempt from SEPA. Under the new rules all land use decision are exempt from SEPA if the underlying action is exempt from SEPA. Some text code amendments and rezones are also exempt. The City does not need to amend the City’s SEPA rules at this time as the City adopts the SEPA rules by reference.

The *Bonney Lake 2035 – Consistency Report* (Pg. 27) identified the need for the City to modify the City’s regulations related to the public notice of permit applications. The City’s current regulations for projects that are not exempt from SEPA require the public notice of application to be issued at the same time that the City issues a threshold determination under SEPA. This provision is inconsistent with RCW 36.70B.110(2) which requires that the public notice of application to be issued within 14 days of the notice of complete application. The City may combine this notice with any notices issued under SEPA, but cannot hold back the notice of application until a SEPA threshold determination has been reached by the City.

In addition to addressing the mandatory changes, staff also made changes to the procedures to increase readability and usability while reducing duplication and redundancy. As a result of all of the changes, staff determined that it was simpler to repeal the existing procedures and establish new chapters containing the new procedures.

Attachments: Ordinance D15-01 and Planning Commission Recommendation Memo

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

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	Chair/Councilmember	Donn Lewis	<input type="checkbox"/> <input type="checkbox"/>
	Councilmember	Randy McKibbin	<input type="checkbox"/> <input type="checkbox"/>
	Councilmember	James Rackley	<input type="checkbox"/> <input type="checkbox"/>
Forward to:	Consent Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Commission/Board Review:	Planning Commission – May 21, 2014		
Hearing Examiner Review:			

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

APPROVALS		
Director: <i>John P. Vodopich, AICP</i>	Mayor:	Date Reviewed by City Attorney: June 12, 2014

ORDINANCE D15-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, REPEALING, RE-ADOPTING, AND AMENDING MULTIPLE SECTIONS OF THE BONNEY LAKE MUNICIPAL CODE RELATING TO DEVELOPMENT REVIEW PROCEDURES.

WHEREAS, the Department of Ecology has amended the State Environmental Policy Act (SEPA) Rules, Chapter 197-11 WAC modifying the categorical exemptions that apply to land use decisions;

WHEREAS, the City's current development review procedures adopted in Chapters 14.10 through 14.90 of the Bonney Lake Municipal Code are not fully consistent with the amended SEPA rules; and

WHEREAS, as part of the process to update the Bonney Lake Comprehensive Plan, the City prepared the *Bonney Lake 2035 Consistency Report*, which identified mandatory changes to the City's development review procedures to bring the City into compliance with Chapter 36.70B RCW – the Local Project Review Act; and

WHEREAS, the City Council desires to improve and streamline the City's development review procedures; and

WHEREAS, the Community Development Director acting as the SEPA Responsible Official determined that the proposed amendments were categorically exempt from SEPA pursuant to WAC197-11-800(19)(a); and

WHEREAS, pursuant to the Growth Management Act - Chapter 36.70A RCW this Ordinance was provided to the Department of Commerce for review and comment by the Department and other State agencies; and

WHEREAS, expedited review was requested and granted by the Department of Commerce and the review period concluded on May 27, 2014; and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held by the Planning Commission on May 21, 2014;

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

Section 1. General Provisions. Chapter 14.10 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 988 § 2, Ordinance No. 1025 § 1, Ordinance No. 1081, Ordinance No. 1230 § 3, and Ordinance No. 1389 § 1 and 2 are each repealed and replaced with the following new Chapter, entitled “General Provisions” to read as follows:

14.10.010 Title.

Title 14 of the Bonney Lake Municipal Code shall be entitled Development Code Administration. The development code shall consist of Title 14 BLMC – Development Code Administration, Title 15 BLMC – Buildings and Construction, Title 16 BLMC- Environmental Protection, Title 17 BLMC – Subdivisions, Title 18 BLMC – Zoning, and Title 19 BLMC – Concurrency Management.

14.10.020 Purpose and intent.

- A. The purpose of this title is guiding review of development in the city consistent with the City of Bonney Lake Comprehensive Plan, the Growth Management Act (Chapter 36.70A RCW), the Local Project Review Act (Chapter 36.70B RCW), the Land Use Petition Act (Chapter 36.70C RCW), the State Environmental Policy Act (Chapter 43.21C RCW), Plats -- Subdivisions – Dedications (Chapter 58.17 RCW), the Shoreline Management Act (Chapter 90.58 RCW), and all regulations established in the associated Washington Administrative Code (WAC).
- B. The intent of this title is to:
 - 1. Combine, consolidate and streamline the application, review, approval and appeal processes for land development occurring in the City.
 - 2. Describe the City’s land development procedures in clear, concise, and understandable terms.
 - 3. Comply with state guidelines for combining and expediting development review.
 - 4. Integrate environmental review with development review.
 - 5. Provide applicants, staff, the public and decision-makers with necessary and sufficient information to enable more thorough review of activities and their impacts and to allow considered and comprehensive decisions.
 - 6. Enable the director to take appropriate, timely enforcement actions

7. Provide clear enforcement procedures to assure compliance with the development code
8. Enhance public notice and encourage more opportunities to comment during development review.

14.10.030 Definitions.

In the event of conflict between the following definitions and other definitions given in this development code, the following shall prevail:

- A. “Area-wide” describes a land area containing four or more parcels, contiguous or noncontiguous, or comprising 40 or more acres, which area as an integral proposal is considered for a change in zoning or comprehensive plan designation; provided, that the director(s) may deem any proposal to be site-specific if the public interest will be better served by a quasi-judicial process than a legislative process.
- B. “BLMC” means the Bonney Lake Municipal Code.
- C. “BMP” means best management practice.
- D. “Building code” means the codes adopted in Chapter 15.04 BLMC, and any amendments thereto.
- E. “Building permit” means any permit issued by the building official, including building, plumbing, demolition, mechanical, and grading permits.
- F. “Building official” means the City of Bonney Lake building official or designee.
- G. “City” means the City of Bonney Lake, Washington.
- H. “City Council” means the City Council of the City of Bonney Lake.
- I. “Comprehensive plan” means the City of Bonney Lake comprehensive plan.
- J. “Design Commission” means the City of Bonney Lake Design Commission established pursuant to Chapter 2.60 BLMC.
- K. “Development code” means BLMC Titles 14 through 19, including any maps adopted as part thereof.

- L. “Development regulation” means a control placed on development or land use activities, as defined in RCW 36.70A.030.
- M. “Director” means the Community Development Director unless otherwise designated.
- N. “Legislative actions” means amendments to the City’s comprehensive plan or development code, including area-wide amendments to any associated maps, but excluding adoption of state-adopted building codes.
- O. “Planning Commission” means the City of Bonney Lake Planning Commission established pursuant to Chapter 2.26 BLMC.
- P. “Premises” means any real property or structure.
- Q. “SEPA” means State Environmental Policy Act.
- R. “Site-specific” means other than “area-wide” as defined BLMC 14.10.030.A.

14.10.040 Applicability of Definitions.

The definitions in BLMC 14.10.030 shall apply equally to the entire development code, BLMC Titles 14 through 19.

14.10.050 Time deadlines falling on nonbusiness days.

Any time deadline established by this development code that falls on a Saturday, Sunday, and holidays established by BLMC 2.32.010.A through BLMC 2.32.010.C shall extend to the next business day.

14.10.060 Stay of further permits in the event of appeal.

When any city action taken pursuant to the development code is administratively or judicially appealed, the director may stay further permit issuances for the use or improvement to which the appeal relates until the appeal has been settled.

14.10.070 120-day time limit – Exceptions.

The following time periods shall not count toward the maximum of 120 days which can expire between the determination of completeness and the notice of decision:

- A. Any period commencing with a request by the City that the applicant provide any further information or an environmental impact statement until the applicant provides said information.
- B. Any period during which the applicant is not current in payment of city permit review fees or utility bills.
- C. Any period during which a comprehensive plan or development regulation amendment is being processed preliminary to deciding upon a permit application.
- D. Any period between the initial determination of completeness and any subsequent determination of completeness should the applicant substantially revise the proposal.
- E. Any period during which any decision related to the permit application is being appealed.
- F. Any period mutually agreed upon by the applicant and the City.
- G. Saturdays, Sundays, holidays established by BLMC 2.32.010.A through BLMC 2.32.010.C, and the days between December 25 and January 1.

14.10.080 Permit conditions.

- A. In granting a permit and/or issuing a land use decision, the City may attach thereto such conditions as necessary to make the permit and/or land use decision compatible with the criteria applicable to that permit and/or land use decision and/or to mitigate the impacts associated with granting a permit.
- B. The City may require, as a condition of any permit approval, the posting of a cash performance bond or other security sufficient to fulfill the requirements of this development code and any conditions upon which the permit is granted.

14.10.090 Assignability of permits.

Development permits shall run with the land and be freely assignable.

14.10.100 Permit expiration and extensions.

- A. Unless a more specific provision applies to the type of permit, approved permits shall expire two years after the date of issuance if substantial progress has not been made toward realizing the permitted use or project, or within five years if construction has not been completed; except as provided in BLMC 14.10.100.B.

- B. Expiration and extension of the following land use permits shall not be governed by this section:
1. Building permits
 2. Shoreline permits
 3. Preliminary Plats
 4. Land use permits governed by a development agreement shall be pursuant to the development agreement.
 5. Any permits for which this development code establishes a specific permit expiration.
- C. Permit applications not excepted above shall expire one year after any application dormancy or hold status, whether initiated by the applicant or during which the City waits for information it has requested of the applicant which is needed in order to process the application.
- D. The Director may extend the date of permit expiration for one year upon request by the applicant prior to said permit's expiration.
- E. Any extensions of time shall be based upon a finding of justifiable cause and that the land use permit is compliant with all applicable codes at the time of the extension request. The Director shall not grant more than one permit extension

14.10.110 Applications are binding.

All aspects of the application shall be binding for the life of the project/building, including graphic representations such as site plans, building elevations, and related required materials.

14.10.120 Minor changes.

The Director may approve minor changes to the permitted proposal that do not create any additional lots or impacts, provided those changes are so insignificant that, in the Director's judgment, the changes would not have affected the decision of the original decision maker, and; provided, that the proposal still complies with this development code. More substantial changes shall require a new permit.

14.10.130 Resubmission of application.

Any permit application that is denied shall not be resubmitted or accepted by the City for reconsideration for a period of six (6) months from the date of the last action by the City on the application or request.

14.10.140 Code interpretations.

- A. Upon request, the director(s) may interpret the provisions of development regulations subject to this chapter. Requests for interpretation shall be in writing and shall be specific as to the issue of interpretation. The director may decline to issue code interpretations when the code provision at issue is clear on its face or the request is not made in good faith. The director's decision not to issue a code interpretation shall not be appealable.
- B. Any final decision on a request for code interpretation shall be in writing and shall include:
 - 1. Findings that relate to applicable development regulations, definitions, Comprehensive Plan policies or regional plans
 - 2. BLMC citation
 - 3. The context
 - 4. The interpretation, and
 - 5. The reasoning for the interpretation.
- C. The Director shall apply said interpretations to future instances of like circumstances
- D. Code interpretations made by the Director are appealable to the hearing examiner. Any code interpretation pursuant to this section resulting in, or directly associated with a permit decision, may be considered by the review authority during appeal proceedings for the underlying permit, unless said interpretation was specifically appealed according to the procedures contained herein prior to the permit decision.

Section 2. Jurisdiction and Scope of Authority. Chapter 14.20 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 988 § 2, Ordinance No. 1099 § 1, Ordinance No. 1244 § 1, Ordinance No. 1325 § 2, Ordinance No. 1466 § 1 and 2, and Ordinance No. 1492 § 6 are each repealed and replaced with the following new Chapter, entitled “Jurisdiction and Scope of Authority” to read as follows:

14.20.010 Directors’ Duty

- A. Unless otherwise specified, the Director, Public Works Director, and Building Official shall be responsible for the administration and enforcement of Titles 14, 15, 16, 17, 18, and 19 BLMC as established by the Mayor or designee.
- B. The Director shall be the designated permit coordinator for all permits subject to this development code and shall issue decisions for Type 1 and Type 2 permits.
- C. The Director, Public Works Director, and Building Official may delegate administrative authority to their designees.

14.20.020 Planning commission.

- A. The Planning Commission shall review and make recommendations to the City council on the following applications and subjects:
 - 1. Amendments to the comprehensive plan, subarea plans, and development regulations;
 - 2. Special planning studies assigned to the Planning Commission;
 - 3. Planning fees, policies, and procedures; and
 - 4. Area-wide zoning changes, including zoning related to annexations.
- B. The Planning Commission may propose to the City council that action be initiated on the matters set forth above.
- C. In exercising the foregoing responsibilities, the Planning Commission shall consider as appropriate any associated environmental or other administrative determination.

14.20.030 Design Commission.

The Design Commission shall review all permits that are not exempt from design review and shall make a recommendation to the Director on the proposal's conformance with adopted applicable sub-area plans and any adopted applicable design guidelines.

14.20.040 Hearing Examiner.

- A. The examiner shall review, hear and make final decisions and/or issue orders:
 - 1. All Type 3 Permits;
 - 2. Appeals of interpretations and decisions of the Director; and
 - 3. Other quasi-judicial matters as may be assigned or delegated to the examiner by the City council or the municipal code.
- B. The hearing examiner shall receive and examine available information, schedule and conduct hearings and related matters, and issue recommendations and decisions on the foregoing in accordance with the development code and Chapter 2.18 BLMC.
- C. As to any matter before hearing examiner, the examiner may grant, deny, modify, and/or grant with conditions, modifications, and/or restrictions, all as the examiner finds necessary to render the application, permit, appeal, or action consistent with the evidence and compatible with the BLMC and Bonney Lake Comprehensive Plan; and other applicable regulations, laws, policies, goals and objectives of the City; and applicable state laws and regulations.
- D. The examiner shall have no role in legislative actions, including comprehensive plan amendments, municipal code amendments, and associated SEPA determinations, unless specifically delegated such authority by the City Council.

14.20.050 City Council.

- A. The City Council shall review and act on the following matters:
 - 1. All legislative actions relating to the City's comprehensive plan, subarea plans, zone districts and zoning, development regulations, policies, ordinance, and regulations;
 - 2. Development agreements under Chapter 36.70B RCW;

- 3. Final plats; and
- 4. Zoning reclassifications.

B. In exercising the foregoing responsibilities, the City council shall consider as appropriate any associated environmental or other administrative determinations.

Section 3. Permit Types. Chapter 14.30 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 988 § 2, Ordinance No. 1025 § 2, Ordinance No. 1477 § 6, and Ordinance No. 1492 § 7 are each repealed and replaced with the following new Chapter, entitled “Permit Types” to read as follows:

14.30.010 Permits by Type

Type 1	Type 2	Type 3	Type 4
Building Permits	Sign Variances	Variances	Zoning Reclassifications
Temporary Permits	Short Plats	Conditional Use Permits	Plat Alterations
Sign Permits	SEPA Review	Preliminary Plats	Plat Vacations
Land Clearing Permits	Commercial Site Plan	Shoreline Conditional Use Permit	
Accessory Dwelling Unit Permits	Shoreline Substantial Development Permits	Shoreline Variances	
Boundary Line Adjustments	Environmental Critical Area Permits		
Wireless Communication Facility Co-Location Permits	Design Review		
Shoreline Letters of Exemption			

14.30.020 Permit Procedures by Type

	Type 1	Type 2	Type 3	Type 4
Pre-Application	Optional	Optional	Optional	Optional
Notice of Complete Application	Required	Required	Required	Required
Public Notice of Application	No	Required	Required	Required
Public Hearing	No	No	Required	Required
Staff Report	No	Required	Required	Required
Written Decision	No	Required	Required	Required
Notice of Decision	No	Required	Required	Required
Recommendation	Design Commission ¹	Design Commission ¹	Director	Hearing Examiner ²
Decision Maker	Director	Director	Hearing Examiner	City Council
Administrative Appeal	Yes	Yes	No	No
Judicial Appeal	Yes	Yes	Yes	Yes
<p>1. The Design Commission only provides recommendations on projects that are not exempt from design review. 2. The hearing examiner conducts the required public hearing and makes a recommendation to the City Council which issues the final decision on the underlying permit.</p>				

14.30.030 Consolidation of permits.

If a proposal requires more than one permit, permits shall be consolidated to the extent feasible and desired by the applicant, as follows:

- A. Such information as name, address, and legal description need only be entered once, by such means as a master permit application form or master cover sheet.
- B. The Director shall utilize the process of that permit type which includes all reviews required for the various permits.

- C. If one permit cannot be reasonably processed until another is issued, such as a building permit that cannot be processed until a variance is issued, the 120 days within which a notice of decision must be issued for the contingent permit (in this example, the building permit) shall not begin until the other permit has been issued.
- D. Appeals of one or more Type 1 or Type 2 permits shall be combined with any required open public hearing.
- E. Appeals of more than one of the permits required for a project shall be consolidated in a single appeal, to the extent that the appeals bodies are identical.

14.30.040 Exemptions.

The following actions (with BLMC citations where applicable) are not permits for the purpose of this development code, do not appear in the table in BLMC 14.30.020 and are exempt from Chapters 14.40 through 14.60 BLMC:

- A. Business licenses/home occupation reviews (Chapter 5.08 BLMC);
- B. Right-of-way permits and variances (Chapter 12.08 BLMC);
- C. Final Plats (Chapter 17.16 BLMC)
- D. Code interpretations (BLMC 14.10.140);
- E. Approvals of minor changes to permits (BLMC 14.10.120);
- F. Appeals (Chapter 14.120 BLMC);
- G. Amendments to the comprehensive plan or development code, including area-wide zoning reclassifications (Chapter 14.140 BLMC);
- H. Site-specific zoning reclassifications processed concurrently with amendments to the comprehensive plan (Chapter 14.140 BLMC);
- I. Administrative variations and waivers (BLMC 15.20.060, 18.20.050(E));
- J. Street vacations (Chapter 12.40 BLMC);
- K. Development Agreements
- L. Permission to connect to city sanitary sewer, storm sewer, or water;

M. Minor approvals for use of public properties

Section 4. Permit Procedures. Chapter 14.40 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 988 § 2 and Ordinance No. 1492 § 1 are repealed and replaced with the following new Chapter, entitled “Permit Procedures” to read as follows:

14.40.010 Pre-Application Conference

The Director shall conduct a pre-application conference if requested by the applicant.

14.40.020 Application Forms

- A. All applications for permits, land use decisions, and other City approvals specified in the development code shall be submitted on application forms prepared by the Director.
- B. All applications shall be signed by the property owner or an authorized representative.

14.40.030 Notice of Complete Application

- A. An application is complete for purposes of this section when it contains all of the following:
 - 1. A completed application form.
 - 2. All applicable fees.
 - 3. Written authorization of the property owner.
 - 4. A completed environmental checklist for projects subject to review under the SEPA.
 - 5. All accompanying information required for the type of permit.
- B. Within 28 days after receiving a project permit application, the Director shall mail or personally deliver to the applicant a notice that advise the applicant of other agencies that may have jurisdiction over the proposal, if known at that time, and states either:
 - 1. That the application is complete; or

2. That the application is incomplete and what is necessary to make the application complete.
- C. Failure of the Director to respond to the applicant, in writing, within the 28-day time frame, shall be deemed as the City's acceptance of the application for processing.
 - D. Within 14 days after an applicant has submitted to the City the additional information identified as being necessary for a complete application, the Director shall make a determination of completeness and notify the applicant in the manner provided in BLMC 14.10.030.B.
 - E. The Director's issuance of a determination of completeness shall not preclude the City from requesting additional information or studies, either at the time of the determination of completeness or at some later time, if additional information is required or where substantial changes in the proposed action occur.
 - F. For the purposes of this section, applications are deemed "received" until a notice of complete application is issued by the Director or the mandatory period to deem an application complete has passed.

14.40.040 SEPA Review

- A. All developments and permits subject to the provisions of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with Chapter 16.04 BLMC.
- B. SEPA review shall be conducted concurrently with development project review. Threshold determinations shall be issued within ninety (90) days of the date of the notice of complete application issued by the City.
- C. The following actions are exempt from concurrent review under SEPA:
 1. Project permits categorically exempt from SEPA.
 2. Project permits that are part of actions previously reviewed under SEPA.
 3. Project permits subject to planned actions, so long as the proposed component of the planned action is consistent with the environmental impact statement (EIS) issued for the planned action.

14.40.050 Design Review

If the proposal is not exempt from design review pursuant to Chapter 14.95 BLMC, the design commission shall review it and issue a recommendation of conformance (with or without conditions) or non-conformance with the applicable subarea plans and design guidelines.

14.40.060 Concurrency

Permit applications shall contain the information necessary to determine whether a concurrency determination is required under BLMC 19.02.070(B)(1). The Director may delay issuance of a determination of completeness until the Director has received any traffic study or other information necessary to issue a concurrency determination in accordance with BLMC 19.02.070. The Director shall issue the concurrency determination, if applicable, at any appropriate point in the permit process prior to or concurrent with the decision on the permit application.

14.40.080 Staff report

- A. For permits requiring a staff report, upon conclusion of the review of the permit application, the director shall prepare a staff report identifying the proposed development; evaluating and analyzing the consistency of the development with applicable plans, codes, criteria and regulations; consolidating the comments of all city departments and outside agencies on the development proposal; proposing findings, conclusions and appropriate conditions of development; and, if applicable, making a recommendation for action on the proposal to the decision making body.
- B. The staff report shall be distributed to the applicant; to city departments; affected outside agencies; and, if applicable, to the decisional body for consideration in advance of the formal public meeting, hearing, or action on the proposed development. Staff reports will be available to the public prior to the formal public meeting, hearing, or action on the proposed development

14.40.090 Decision

The decision maker shall determine if the application is consistent with the development code and the policies of the Comprehensive Plan and notify the applicant within 120 days of the determination of completeness, as calculated pursuant to BLMC 14.10.070 subject to the following:

- A. The decision maker may include in a decision any conditions of approval that are necessary to ensure that the proposal complies with all applicable development code and comprehensive plan policies.
- B. If the proposal is not exempt from design review, the decision maker shall not issue a final decision until the design commission has reviewed the applications and make recommendations to the director; unless the design commission delegate its design review on a specific application to the director pursuant to BLMC 14.95.030.
- C. No building permit shall be issued until all related, necessary permits are final, including appeals to the hearing examiner, unless The director(s) waives this prohibition based on the applicant signing a statement acknowledging the appeal period and agreeing to remove or modify the permitted work at the applicant's expense should an appeal result in revocation or modification of the appealed permit.
- D. Short plats shall not be recorded until after the appeal period has lapsed.

14.40.100 Written Decision – Content

- A. If a written decision is required, the decision maker for the underlying permit, as established by BLMC 14.30.020, shall issue a written decision that shall include at least the following content:
 - 1. A description of the proposed use or action;
 - 2. The location of the property;
 - 3. A statement regarding the status of SEPA review of the proposed actions if applicable;
 - 4. The date of the public hearing; if applicable
 - 5. A statement identifying the ordinance or criteria governing the application;
 - 6. Findings of fact and conclusions supporting the decision; and
 - 7. The decision denying or approving the application and any conditions, if applicable.
 - 8. The procedures for administrative appeal, if any;

9. The duration of permit approval and a statement summarizing the applicable permit expiration and extension procedures.
- B. A copy of the staff report prepared consistent with BLMC 14.40.080 may serve as the final written decision; provided, that contains the information required pursuant to BLMC 14.40.100.A is included with the copy of the staff report.

Section 5. Public Notice. Chapter 14.50 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 988 § 2, Ordinance No. 1025 § 3 and 4, Ordinance No. 1244 § 2, Ordinance No. 1322 § 1, Ordinance No. 1477 § 7, and Ordinance No. 1492 § 2 are each repealed and replaced with the following new Chapter, entitled “Public Notice” to read as follows:

14.50.010 Notice of Application.

If a public notice of application is require, the director shall issue a notice of development application, within 14 days of issuing a determination of completeness under BLMC 14.40.030, containing the following information:

- A. Name of the applicant(s).
- B. Date of application.
- C. Date of issue for the determination of completeness.
- D. Location of the project.
- E. Project description (summary).
- F. Requested and necessary approvals, actions, and/or studies (summary).
- G. Duration of the public comment period.
- H. Identification of existing applicable environmental documents, if any.
- I. A determination of specific critical areas that are or are not affected by the proposed development
- J. City staff contact information.

- K. Date, time, and place of the public hearing for the permit if a public hearing is required and the date of the hearing has been set at the time of the Notice of Application.
- L. A statement that, barring excluded periods, the decision on the application is anticipated within 120 days of the determination of completeness.
- M. Other information as the Director deems necessary.

14.50.020 Notice of Public Hearing.

Notice of any required public hearing shall be issued a minimum of 15 days, but no more than 30 days prior to the public hearing. The notice of the public hearing shall include the following information:

- A. Name of applicant(s)
- B. A general description of the proposed project;
- C. The development approvals required for the project;
- D. The actions or decisions recommended, if known;
- E. A description of the property, including the address of the property if one is available;
- F. A vicinity map or sketch if determined useful by the director;
- G. The time, date and place of the public hearing;
- H. A statement that anyone wishing to appear and testify at the public hearing may do so;
- I. A statement that if, for any reason, the hearing cannot be commenced or completed on the date specified, the hearing may be continued to a date, place and time certain without further notice under this section; and
- J. The contact person or place where further information may be obtained.

14.50.030 Method of Publication.

All required notices, except Notices of Decision which are governed by BLMC 14.50.050, shall be:

- A. Mailed to all owners of property within 300 feet of any portion of the proposed action according to the current county assessor's records; exclusive of public rights-of-way, of the property that is the subject of the application, including any property that is contiguous and under the same or common ownership and control.
- B. Mailed or emailed to any person who has made a written request to receive such notice
- C. Mailed or emailed to the jurisdiction or government agency that might have an interest in or be affected by a proposed action, as determined by the director.
- D. Posted at the Justice and Municipal Center, Post Office, Bonney Lake Library, and Bonney Lake Website.
- E. Posted on the subject property with a sign(s) consistent with the following requirements:
 - 1. One public notice sign shall be required per street frontage. In case of large parcels or street frontages exceeding 500 feet, the Community Development Director may require the posting of additional signs.
 - 2. Signs shall be located on the site of the proposed action, set back at least 10 feet from a public right-of-way or private road or easement as applicable, and shall be situated to maximize readability by the public from public rights-of-way. A sign may be located within the 10-foot setback, if determined necessary by the Community Development Director to provide adequate visibility.
 - 3. Signage shall remain in place until the final decision on the underlying governmental action. Any required signage installed shall not be removed until the City has taken action on the application and the time for filing an appeal of that action has expired.
 - 4. Signage shall contain the heading "NOTICE OF LAND USE ACTION".
 - 5. Signage shall be a minimum of 2 ½ feet by 1 ½ feet.
- F. The director(s) may publicize a given permit proposal more broadly or by additional means than stated herein if a greater level of public awareness is deemed necessary.

14.50.040 Comment Period.

If a public comment period is required, the comment period shall be at least 15 calendar days except in the following cases when a longer comment period is required:

- A. For applications or proposals subject to the Shoreline Master Program, a 30 day public comment period shall be provided prior to any public hearing or taking any final action on the application or proposal.
- B. Notices of scoping associated with a determination of significance under the State Environmental Policy Act shall be followed by a minimum of a 21 day comment period; provided that the longer comment period shall not apply if the scoping notice is included with the notice of application issued pursuant to BLMC 14.50.010.
- C. Notice of availability of a Draft Environmental Impact Statement shall be followed by a 30 day comment period; provided that the Director can extend the comment period for an additional 15 days if a request for an extension has been submitted to the City prior to the end of the initial 30 day comment period.

14.50.050 Notice of Decision

- A. If a written notice of decision is require, the City shall provide a written notice of decision within 120 days as calculated pursuant to BLMC 14.10.070 that shall include:
 - 1. A list of all project permits included in the decision, including all permits being reviewed through the consolidated permit review process;
 - 2. The date of the public hearing, if applicable;
 - 3. The date and description of the decision;
 - 4. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW), if applicable;
 - 5. The procedures for administrative appeal, if any;
 - 6. A statement that the affected property owners may request a change in property tax valuation notwithstanding any program of revaluation by contacting the Pierce County assessor-treasurer;

7. The duration of permit approval and a statement summarizing the permit expiration and extension procedures provided in BLMC 14.10.100;
8. A statement that the complete project permit file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place the file is available and the name and telephone number of the City representative to contact about reviewing the file;

B. Required written notices of decision shall be:

1. Mailed to the applicant, the county assessor, and anyone who, prior to the decision, requested notice of the decision or submitted substantive comments on the application or was otherwise a party of record;
2. Posted on the development site on the same sign(s) on which was posted the previous notice(s); and
3. Posted at City Hall, the public library, post office, and on the City's website.

Section 6. Public Hearings. Chapter 14.60 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 988 § 2, Ordinance No. 1025 § 5 and 6, Ordinance No. 1099 § 3, and Ordinance No. 1492 § 3 are each repealed and replaced with the following new Chapter, entitled "Public Hearings" to read as follows:

14.60.010 General

- A. Public hearings on all Type III and IV permit applications shall be conducted in accordance with this chapter.
- B. Public hearings conducted by the hearing examiner shall also be subject to the hearing examiner's rules

14.60.020 Responsibility of the Director.

The Director shall:

- A. Schedule project applications for review and public hearing;
- B. Provide the required notice;
- C. Prepare the staff report on the application, which shall be a single report which sets forth all of the decisions made on the proposal as of the date of the report, including

recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall also describe any mitigation required or proposed under the City's development regulations or SEPA authority. If the threshold determination, other than a determination of significance, has not been issued previously by the City the report shall include or append this determination;

- D. Prepare the notice of decision and mail a copy of the notice of decision to those entitled by this title to receive the decision.

14.60.030 Presentation of evidence.

- A. Except for hearings on appeals of administrative decisions, any person may testify. In hearings on appeals from director decisions, testimony shall be limited to witnesses designated by the director, witnesses designated by the appellant, and witnesses designated by any person granted the right of intervention by the hearing examiner.
- B. All reasonably probative (material and relevant) evidence will be permitted. The judicial rules of evidence shall not be strictly applied. The hearing examiner may accord such weight to the evidence as is deemed appropriate.
- C. The hearing examiner may take official notice of commonly known and accepted information, such as:
 - 1. Ordinances, resolutions, rules, officially adopted development standards, and state law;
 - 2. Public records and facts judicially noticeable by law.
- D. The hearing examiner has the authority to call witnesses and request written evidence in order to obtain the information necessary to make a decision. The Hearing Examiner may request written comment from and the appearance of the designated representative of any City department that has an interest in or may affect an application for a proposed use.
- E. The hearing examiner may require that testimony be given under oath or affirmation.
- F. The hearing examiner may allow the cross-examination of witnesses.

- G. The hearing examiner may impose reasonable limitations on the number of witnesses to be heard and the nature and length of their testimony to avoid repetitious or irrelevant testimony, expedite the hearing, or avoid continuation of the hearing.
- H. No testimony or oral statement regarding the substance or merits of an application is allowable after the close of the public hearing. No documentary material submitted after the close of the hearing will be considered by the hearing examiner unless additional time to submit such material has been granted and all parties are given an opportunity to review the material and file rebuttal material or argument.

14.60.070 Record of hearing – Content.

- A. The hearing examiner shall establish and maintain a record of all proceedings and hearings conducted including a sound recording which shall be transcribed as necessary.
- B. The record of a hearing conducted by the hearing examiner shall include, but is not limited to, the following contents:
 - 1. The written application or appeal;
 - 2. The names and addresses of all participants;
 - 3. The director’s written report;
 - 4. All evidence received or considered by the hearing examiner;
 - 5. The decision or recommendation of the hearing examiner;
 - 6. Tape recordings of all proceedings; and
 - 7. Records of notice given of the hearing.

Section 7. BLMC Section 2.18.090 and the corresponding portion of Ordinance No. 988 § 5, 2003 are hereby amended to read as follows:

2.18.090 Powers of the examiner.

- A. The examiner shall receive and examine all available information, conduct public hearings, prepare a record thereof, consider the applicable permit criteria, and enter decisions or recommendations for the following matters in accordance with the procedural chapters here cited:

1. Issue final decision on all Type 3 Permits; ~~Type 4 and Type 5 permits in accordance with Chapters 14.60 and 14.70 BLMC respectively;~~
 2. Conduct the public hearing for all Type 4 Permits and provide a recommendation to the City Council ~~city council~~, who then makes the final decision; ~~Type 6 permits in accordance with Chapter 14.80 BLMC (city council makes final decision);~~
 3. Hear appeals of actions of the director(s) in accordance with Chapter 14.120 BLMC; and
 4. Hear appeals of notices of civil violation in accordance with Chapter 14.130 BLMC.
- B. The examiner's decision on permit applications may be to grant or deny the application, or the examiner may require of the applicant such conditions, modifications and restrictions as the examiner finds necessary to make the application compatible with its environment and carry out the objectives and goals of the comprehensive plan, the development code, and other codes and ordinances of the City of Bonney Lake and applicable state and federal laws.

Section 8. BLMC Section 2.18.180 and the corresponding portion of Ordinance No. 988 § 5, 2003 are hereby amended to read as follows:

2.18.180 Appeal from examiner's decision.

The decision of the examiner on a Type 3 4 and 5 permit applications shall be final ~~and conclusive~~. Appeal of a hearing examiner's decision shall be through the Land Use Petition Act (LUPA) Chapter 36.70C RCW, ~~to the city council, consistent with BLMC 14.120.040.~~

Section 9. BLMC Section 14.105.020 and the corresponding portion of Ordinance No. 1244 §3, 2007 are hereby amended to read as follows:

14.105.020 Procedure.

- A. ~~Site plan approvals shall be Type 3 permits (see Chapter 14.50 BLMC), meaning that they shall apply only when SEPA applies. Site plan approvals shall be optional on the part of the director(s). If the applicant chooses not to pursue site plan approval, there is no separate site plan approval process, the same checks shall be performed within~~

the building permit either during the design review process or the building permit process if the project is exempt from design review.

- B. The application form shall establish the submittal requirements.
- C. The issuance criteria shall be conformance with the Bonney Lake Municipal Code and any other applicable law.
- ~~D. The director(s) shall determine whether design review is performed at the site plan approval stage, the building permit stage, or both.~~

Section 10. BLMC Section 14.110.010 and Ordinance No. 1325 § 4 are each hereby amended to read as follows:

14.110.010 Procedure.

- A. Unless otherwise specified in this code, a variance is a Type ~~3~~ 4 permit. The purpose of variances is, under certain circumstances as set forth in the variance criteria, to grant flexibility in the administration of any the provisions of this development code, BLMC Titles 16 through 19; provided, that a variance cannot be granted from:
 - 1. Administrative provisions including procedures and fees;
 - 2. The lists of permitted or conditional uses pertaining to zoning districts;
 - 3. The maximum residential density pertaining to zoning districts;
 - 4. The provisions of Chapter 16.04 BLMC, SEPA.
- B. See the following for exceptions or additions to the approval criteria contained in this section:
 - ~~1. BLMC 16.08.060 (shoreline variances);~~
 - 1. BLMC 16.20.145 (critical areas code);
 - 2. BLMC 16.58.050 (shoreline variances)
 - 3. BLMC 17.20.040(F) (extension of cul-de-sacs);
 - 4. BLMC 17.24.100 (plat standards);

5. BLMC 18.32.050 (adult entertainment separation requirements);
 6. BLMC 18.34.050(F) (height of water tanks in the PF zone).
- C. Unless another section of the BLMC provides additional or separate criteria, a variance shall not be granted unless all the following criteria are met:
1. The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan;
 2. The variance does not constitute a grant of special privilege which would be inconsistent with the permitted uses, or other properties in the vicinity and zone in which the subject property is located;
 3. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, and such variance will provide use rights and privileges permitted to other properties in the vicinity, located in the same zone as the subject property and developed under the same land use regulations as the subject property requesting the variance;
 4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
 5. Alternative development concepts in compliance with the existing code have been evaluated and undue hardship would result if such adherence to code provision is required;
 6. The variance granted is the minimum necessary to accommodate the permitted uses proposed by the application; and
 7. The basis for the variance request is not the result of deliberate actions of the applicant or property owner.

Section 11. BLMC Section 14.120.020 and Ordinance No. 1322 § 8 are each hereby amended to read as follows:

14.120.020 Appeal of actions of the director(s) to the hearing examiner.

- A. All final actions of the director(s), including ~~Type 1, 2, or 3~~ Type 1 or Type 2 permit decisions, SEPA threshold determinations, code interpretations (see BLMC 14.10.140 ~~14.10.070(C)~~), notices of civil violation, and approvals of minor changes

to permits (see BLMC ~~14.10.120~~ ~~14.90.110~~) shall be final and conclusive unless the applicant, a department of the City ~~city~~ or county, or other party of record or agency with jurisdiction files a written appeal with the planning and community development department within 15 days following:

1. The decision if the decision process does not provide for a comment period or notice of decision; or
 2. The notice of decision if the permit process provides for such notice; or
 3. The end of the comment period in the case of SEPA threshold determinations.
 4. BLMC 14.120.030 shall govern appeals of actions authorized by the building codes, as adopted by Chapter 15.04 BLMC.
 5. Appeals shall contain all grounds on which error is assigned to the decision, and shall be accompanied by the appropriate fee in accordance with Chapter 3.68 BLMC; provided, that such appeal fee shall not be charged to a department of the City ~~city~~ or to other than the first appellant.
- B. The timely filing of an appeal shall delay the effective date of the administrative staff decision until such time as the appeal is decided by the hearing examiner or is withdrawn.
- C. Following the timely filing of an appeal, notice of the date, time and place for the hearing examiner's consideration shall be mailed to the applicant and to all other parties of record. Such notice shall additionally indicate the deadline for submittal of written comments.
- D. Testimony before the hearing examiner shall be under oath and the City ~~city~~ shall keep a taped or written transcript of the hearing.
- E. The hearing examiner's decision on the appeals shall be final unless appealed to court in accordance with state law.

Section 12. BLMC Section 14.120.030 and the corresponding portion of Ordinance No. 988 § 2 are each hereby amended to read as follows:

14.120.030 Appeals to the construction board of appeals.

- A. The construction board of appeals as established in Section 105 of the 1997 Uniform Building Code (UBC), Chapter 51-40 WAC, and as adopted by Chapter 15.04 BLMC,

shall hear appeals of, and make final interpretations regarding, Chapters 15.04, 15.08 and 15.16 BLMC and other appropriate building codes.

- B. The construction board of appeals may hold a hearing. It may mail notices to the applicant and to all other parties of record or publicize a hearing in accordance with BLMC 14.50.020 and 14.50.030 ~~14.90.040~~.
- C. In the event the construction board of appeals shall, in its own discretion, determine that certain tests or research would be helpful to the board in deciding the appeal and the issues raised thereby, the appellant will bear the expense and time constraints as established by the board as established in Section 105 of the 1997 Uniform Building Code (UBC), Chapter 51-40 WAC. (Ord. 988 § 2, 2003).

Section 13. BLMC Section 14.120.040 and the corresponding portion of Ordinance No. 988 § 2 are each hereby amended to read as follows:

14.120.040 Appeal of a hearing examiner decision (Type 3 permit ~~4 or 5 permit~~).

Type 3 permit decisions may not be administratively appealed. Judicial review is available pursuant to RCW 36.70C.040.

- ~~A. Filing. Every appeal to the city council shall be filed with the planning and community development department within 15 calendar days of the date the recommendation or decision of the matter being appealed.~~
- ~~B. Contents. The notice of appeal shall contain a concise statement identifying:
 - ~~1. The decision being appealed.~~
 - ~~2. The name and address of the appellant and his/her interest(s) in the matter.~~
 - ~~3. The specific reasons why the appellant believes the decision to be wrong and all grounds on which error is assigned to the examiner's decision. The appellant shall bear the burden of proving the decision was wrong.~~
 - ~~4. The desired outcome or changes to the decision. The appeal fee shall be paid prior to appeal filing.~~~~
- ~~C. Record. The city council shall consider the matter based upon the written record before the examiner, the examiner's decision, the written appeal, minutes of the hearing and any written comments received by the city before closure of city offices on a date three days prior to the date set for consideration by the city council. The city~~

council will hear the appeal in a closed record meeting as required by RCW 36.70B.120.

~~D. Action. The city council may accept, modify or reject the examiner's decision, or any findings or conclusions therein, or may remand the decision to the examiner for further hearing. A decision by the city council to modify, reject or remand shall be supported by findings and conclusion. The action of the city council in approving or rejecting a decision of the hearing examiner shall be final and conclusive unless within 21 calendar days from the date of such action an aggrieved party serves a land use petition in Pierce County superior court pursuant to RCW 36.70C.040.~~

~~E. Stay of Effective Date. The timely filing of an appeal shall stay the effective date of the examiner's decision until such time as the appeal is adjudicated by the city council or is withdrawn.~~

~~F. Determinations of civil violation may be appealed only to superior court. See BLMC 14.130.080(E). (Ord. 988 § 2, 2003).~~

Section 14. BLMC Section 14.120.050 and the corresponding portion of Ordinance No. 988 § 2 are each hereby amended to read as follows:

14.120.050 Appeal of city council decisions (Type 4 permit 6 permits).

~~Type 6~~ Type 4 permit decisions may not be administratively appealed. Judicial review is available pursuant to RCW 36.70C.040.

Section 15. BLMC Section 16.13.070 and the corresponding portion of Ordinance No. 1171 § 1 are each hereby amended to read as follows:

16.13.110 Timing of clearing permits.

A. On sites where development is proposed or anticipated, clearing permits shall not be issued until the corresponding land use, grading, or building permit is approved or until that stage in the permitting process when all major site planning issues have been decided and the proponent is committed to prompt building construction.

B. In addition to the expiration provisions of BLMC ~~14.10.100~~ 14.90.090, unconsummated clearing permits shall expire with the expiration or revocation of their corresponding land use, grading, or building permit.

Section 16. BLMC Section 16.20.145 and Ordinance No. 1325 § 10 are each hereby amended to read as follows:

16.20.145 Critical areas variances.

- A. An applicant for a development approval may submit a request for a critical areas variance ~~in accordance with Chapter 14.60 BLMC~~ to the hearing examiner. A critical areas variance is a ~~type 5~~ Type 3 permit. Development may be allowed which is consistent with the purpose of this title; provided, the hearing examiner, after public hearing, enters the following written findings, upon which the applicant shall have the burden of proof:
1. The provisions of this title would deny all reasonable use of the property;
 2. There is no other reasonable use with less impact on the critical area or its buffer than the use proposed by the applicant;
 3. The variance is the minimum necessary to allow a reasonable use of the property;
 4. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the property;
 5. The proposal conforms with all other applicable regulations and code provisions;
 6. The applicant has proposed all reasonably possible mitigation pursuant to BLMC 16.20.130(E)(3), or has shown that no mitigation is reasonably possible;
 7. The need for the variance is not the result of the applicant's deliberate actions;
 8. The variance would not impact anadromous fish habitat; and
 9. The application is sufficiently documented (for example, critical area report, mitigation plan, permit applications, and environmental documents) for the director or designee to make a determination regarding these criteria.
- B. If the ~~community development director or designee~~ Director finds that impact to a critical area or its buffer would be reduced by encroaching into a zoning setback, the zoning setback up to half the minimum required may be reduced through the critical area variance process.
- C. The hearing examiner shall impose all conditions necessary to minimize the impact on the critical area and its buffer and further the purpose and goals of this title. Full

mitigation shall be required under the City's ~~city's~~ environmental protection regulations adopted pursuant to SEPA.

Section 17. BLMC Section 17.12.020 and Ordinance No. 1230 § 4 are each hereby amended to read as follows:

17.12.020 Procedure.

Preliminary plats shall be Type 3 permits. ~~Type 6 permits—see Chapter 14.80 BLMC.~~
The City ~~city~~ engineer and fire marshal shall participate in the review process.

Section 18. BLMC Section 17.16.030 and the corresponding section of Ordinance No. 988 § 2 are each hereby amended to read as follows:

17.16.030 Review – Criteria.

~~Final plats shall be Type 2 permits—see Chapter 14.40 BLMC.~~ The Director shall review the final plat for conformance with the preliminary plat, any conditions attached thereto, and this title, and shall submit the final plat together with a written staff report including findings referencing these approval criteria to the City Council ~~city council~~ for its approval on the face of the plat.

Section 19. BLMC Section 17.44.010 and Ordinance No. 1189 § 6 are each hereby amended to read as follows:

17.44.010 Application.

Short plats shall be a Type 2 permit ~~Type 2 or 3 permits—see Chapter 14.40 or 14.50 BLMC.~~ The application form shall provide space for owner information, name and number of short subdivision, legal description of area to be subdivided, owner's signature and date filed. Eight prints of the proposed short plat shall be filed. The short plat map shall be drawn in ink to scale not smaller than one inch equals 100 feet on stable base mylar polyester film or equivalent approved material, a sheet size of 18 inches by 24 inches. The map shall include:

- A. The boundary and dimensions of the original tract including its assessor's parcel number, section, township and range, and all adjoining public or private roads and identifying names of such;

- B. A vicinity map drawn to a scale of approximately four inches equals one mile of sufficient detail to orient the location of the original tract, showing surrounding streets, streams and major electrical transmission line easements;
- C. The name and address of the owner of record of the original tract, scale of drawing and north directional arrow;
- D. All proposed lots, identified by numerical designation, with dimensions and bearings;
- E. The width and location of access to all lots;
- F. The location and use of all buildings on the original tract;
- G. The building setback lines for each lot;
- H. The location of any wetlands and buffers, critical areas or water bodies, flood-prone areas, unstable soils or slopes exceeding 30 percent;
- I. Space on the original or a second 18-inch-by-24-inch mylar sheet for conditions and signatures by appropriate city officials;
- J. A survey as required by the Survey Record Act, Chapter 50 Washington Laws of 1973 or as amended.

Section 20. BLMC Section 17.56.020 and the corresponding section of Ordinance No. 988 § 2 are each hereby amended to read as follows:

17.56.020 Lot combinations.

Lot combinations are Type 1 permits (~~see Chapter 14.30 BLMC~~). Generally, their purpose is to erase an internal lot line within a contiguous ownership in order to build a structure over said lot line or closer to said lot line than code allows. The application form shall specify the submittal requirements. The approval criterion shall be in conformance with the zoning code. Lot combinations shall be effective upon filing for record.

Section 21. BLMC Section 18.20.050 and Ordinance No. 1473 § 1 are each hereby amended to read as follows:

18.20.050 Setback and bulk regulations.

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

- A. Maximum density: one residential unit per five acres; provided the lots may be clustered to preserve open space. Where lots designated for residential development are clustered and any lot is smaller than five acres, agricultural or open space tract(s) shall be recorded within the subdivision in acreage(s) sufficient to preserve the maximum overall residential density of five units per acre.
- B. Minimum Front Setback.
 - 1. From State Highway 410: 55 feet from the right-of-way line;
 - 2. From other streets: 30 feet from right-of-way.
- C. Minimum side yard: a total of 15 feet for both side yards, with a minimum of five feet for one side yard.
- D. Minimum rear setback: 20 feet; provided, that a separated garage or accessory building may be built within 10 feet of the rear property line.
- E. Maximum height: 35 feet, except where the Director waives this limit (see BLMC 14.30.040.I ~~14.20.020(H)~~) based on:
 - 1. Need of the specific proposed use;
 - 2. Conformance to the comprehensive plan and the intent of this title.

Section 22. BLMC Section 18.22.090 and Ordinance No. 1221 § 5 are each hereby amended to read as follows:

18.22.090 Accessory dwelling units.

- A. Intent. Accessory dwelling units (hereinafter referred to as “ADUs”) are intended to:
 - 1. Provide homeowners with a means of providing companionship and security.
 - 2. Add affordable units to the existing house supply.
 - 3. Make housing units within the City ~~city~~ available to moderate-income people.
 - 4. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), and modern development technology.

5. Protect neighborhood stability, property values, and the single-family residential appearance by ensuring the ADUs are installed in a compatible manner under the conditions of this section.
 6. Increase density in order to better utilize existing infrastructure and community resources, support public transit, neighborhood retail and commercial services.
- B. Procedures. Any property owner seeking to establish an ADU in the City ~~city~~ of Bonney Lake shall apply for an ADU permit (~~Type 1 permit—see Chapter 14.30 BLMC~~).
1. Application. A complete application shall include a properly completed application form, floor and structural plans for modification, and fees as prescribed in 18.22.090.B.2. ~~subsection (B)(2) of this section.~~
 2. Fees. An applicant shall pay an application fee of \$500.00. Such fee is related to the processing, inspection, notification, recording and enforcement and is in addition to any other required building permit review fees. Upon sale of the property, a new owner shall be required to register the ADU, paying a re-authorization fee of \$100.00.
 3. Criterion. The criterion for issuance of an ADU permit shall be in compliance with this section.
 4. Memorandum of Deed Restriction (MDR). Upon issuance of the ADU permit, the property owner shall record with the Pierce County auditor a notarized MDR. Such MDR shall be in a form as specified by the director(s), and shall include as a minimum: (a) the legal description of the property which has been permitted for the ADU; (b) the registration-upon-purchase requirement contained in subsection (B)(2) of this section; (c) the requirements contained in subsection (C) of this section; (d) the requirements of BLMC 13.04.070 and 13.12.100 regarding connection charges applicable in the event the property upon which the ADU is located is sold, platted or otherwise segregated from the property upon which the primary residence is located; and (e) any restrictions imposed by the director(s) to ensure compliance with this section. The property owner shall submit proof that the MDR has been recorded prior to inspection and issuance of a certificate of occupancy by the building inspector. The MDR shall run with the land as long as the ADU is maintained on the property.
 5. Inspection. After the City ~~city~~ has (a) received a completed application and application fees, (b) approved an ADU permit, and (c) received a recorded MDR,

the City shall inspect the property to confirm that the minimum and maximum size limits, required parking and design standards, and all applicable building, health, safety, energy and electrical codes are met. Satisfactory inspection of the property shall result in the issuance of a certificate of occupancy.

6. Notification. Upon a complete application being submitted, the City will post the property with a standard notice of land use application enclosing requirements for the ADU and a copy of the MDR signed by the applicant.
- C. Requirements. The creation of an accessory dwelling unit shall be subject to the following requirements, which shall not be subject to waiver or variance:
1. Number. One accessory unit shall be allowed per legal building lot as a subordinate use in conjunction with any single-family residence; no ADU will be permitted in conjunction with any duplex or multiple-family dwelling units. Either the principal residence or the unit designed to become the ADU may be constructed first. If the unit designed to be the ADU is built first, it shall be considered the primary residence until a second unit is built and shall be subject to the utility connection fees provided for in BLMC 13.04.070 and 13.12.100. The second unit built shall be considered an ADU for purposes of the utility connection fee exemptions provided for in BLMC 13.04.070(C)(2)(c) and 13.12.100(C).
 2. Size. The accessory unit shall not contain less than 300 square feet as part of a main residential unit, and no less than 450 square feet as part of a detached unit, and not more than 1,200 square feet, excluding any related garage and stair areas.
 3. Percentage of Total Square Footage. In addition to the above size limit, the square footage of any accessory dwelling unit, attached or detached, shall not exceed 45 percent of the total square footage of the primary and accessory residences, excluding any related garage and stair areas.
 4. Off-Street Parking Requirements. There shall be one on-site parking space in a carport, garage or designated improved space provided for the accessory dwelling unit in addition to that which is required for the primary residence.
 5. Design. Accessory dwelling units shall be designed to maintain the appearance of the existing single-family residence. If the accessory unit extends beyond the current footprint of the principal residence, such an addition shall be compatible with the existing color, roof pitch, siding and windows. If an accessory unit is detached from the main building, it must be compatible with the existing color,

roof pitch, siding and windows of the principal residence. If the ADU is attached, only one entrance to the main building will be permitted in the front of the principal residence, and a separate entrance for the accessory unit shall be located on the side or rear of the building not visible from the street.

6. Applicable Related Codes. The accessory dwelling unit shall meet all technical code standards including building, electrical, fire, plumbing and other applicable code requirements.
7. MDR. Upon issuance of an ADU permit by the City city, the property owner must record with the Pierce County auditor an MDR. Specific procedures are identified in BLMC 18.22.090.B.4. ~~subsection (B)(4) of this section.~~
8. Legalization of Nonconforming ADUs. All owners of illegal ADUs shall be required to either legalize the unit or remove it.

Section 23. BLMC Section 18.52.020 and the corresponding portion of Ordinance No. 988 § 2 are each hereby amended to read as follows:

18.52.020 Conditional use permits.

- A. A conditional use permit is required for certain uses in certain zones because of those uses' unusual size, infrequent occurrence, special requirements, possible safety hazards or detrimental effects on surrounding properties, or similar reasons.
- B. Conditional use permits shall be Type 3 permits. ~~Type 4 or 5 permits depending on whether SEPA review is required (see Chapters 14.60 or 14.70 BLMC).~~
- C. In determining whether a conditional use permit should be granted, the hearing examiner shall consider the following factors:
 1. Whether the proposed use is injurious to the public welfare and convenience;
 2. The impact of the proposed use on the subject property and/or other properties in the surrounding area;
 3. The character of the area in which the use is proposed;
 4. The intent of the zoning code and comprehensive plan of the City city; and
 5. The availability of municipal services such as water, sewer, roads, fire and police protection which might be required by reason of the proposed use.

Section 24. BLMC Section 18.52.030 and Ordinance No. 1466 § 5 are each hereby amended to read as follows:

18.52.030 Zoning reclassifications.

- A. The purpose of a zoning reclassification is to amend the zoning map to better implement the comprehensive plan.
- B. Site-specific zoning reclassifications not processed concurrently with a comprehensive plan amendment shall be Type 4 permits. ~~Type 6 permits (see BLMC 14.140.010 and Chapter 14.80 BLMC).~~
- C. Area-wide zoning reclassifications and site-specific zoning reclassifications processed concurrently with a comprehensive plan amendment are legislative actions, to be processed in accordance with Chapter 14.140 BLMC.
- D. Zoning reclassifications may be initiated by the Planning Commission ~~planning commission~~, the City Council ~~city council~~, or anyone with ownership interest in the land.
- E. The criterion for granting zoning reclassifications shall be conformance to the comprehensive plan.

Section 25. BLMC Section 19.02.080 and the corresponding portion of Ordinance No. 791 § 1 are each hereby amended to read as follows:

19.02.080 Concurrency management appeals.

Any decision to approve, condition or deny a development proposal based on the requirements of this chapter may be appealed according to the appeal procedure ~~for~~ set forth for the underlying the permit (Type 1 through Type 4) or approval involved in accordance with Chapter 14.50 BLMC and other regulations which may apply. The City ~~city~~ shall reserve any available capacity required by a development during an appeal.

Section 26. Repealer. The previously codified provisions BLMC Section 2.18.270 and 2.18.360 and the corresponding portion of Ordinance No. 792 § 1 and Ordinance 707 § 24 and 33 are each repealed.

Section 27. Repealer. The previously codified provisions of Chapters 14.70 through 14.90 BLMC and the corresponding portion of Ordinance No. 988 § 2; Ordinance No. 1025 § 7

through 9; Ordinance No. 1027; Ordinance No. 1099 § 2; Ordinance 1245; Ordinance 1322 § 3 and 5, Ordinance 1325 § 3; and Ordinance No. 1492 § 4, 5, and 8 are each repealed.

Section 28. Repealer. Ordinance No. 745, Ordinance No. 851§ 13 through 15, Ordinance No. 875 § 6 through 8, and Ordinance 932 § 1 and 2 are each repealed

Section 29. This ordinance shall take effect five (5) days after its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2015.

Neil Johnson, Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, MCC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney



Memo

Date : May 21, 2014
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D15-01 – Development Review Procedures**

The Planning Commission has reviewed the proposed changes and finds that Ordinance D15-01 will ensure consistency between Chapter 36.70B RCW, Chapter 197-11 WAC, and the City’s development review procedures. The Planning Commission also finds that the proposed changes will increase readability and usability while reducing duplication and redundancy in the development review procedures.

On May 21, 2014, the Planning Commission held a public hearing on Ordinance D15-01 (formerly D14-60) which repeals the current version of Chapters 14.10 through 14.90 BLMC and establishes new development review procedures for the City of Bonney Lake and voted 6-0-0 to recommend that the City Council approve Ordinance D15-01.

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 3 February 2015	Agenda Bill Number: AB15-07
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D15-07	Councilmember Sponsor:

Agenda Subject: Restricting Parking at the Justice and Municipal Center and Library Park Lot

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adding A New Section 10.36.025 To The Bonney Lake Municipal Code Relating To Restricted Parking.

Administrative Recommendation: Approve

Background Summary: There was a recent instance where a private vehicle was left in Justice & Municipal Center (J&MC) parking lot for most of a week. Under current code, we have no prohibition against private parties using the J&MC parking lot for private parking. Given that all the parking stalls at the J&MC/Library are needed for city customers, court attendees, library patrons, and City employees, it is recommended that the lot be designated for official City/Library use only, so that unauthorized vehicles can be removed as needed.
Attachments: Ordinance D15-07

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

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Other Date: 2015	Approvals: Chair/Councilmember Councilmember Councilmember	Yes No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Forward to:	Consent Agenda:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s): February 3, 2015	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney: (if applicable):

ORDINANCE NO. D15-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADDING A NEW SECTION 10.36.025 TO THE BONNEY LAKE MUNICIPAL CODE RELATING TO RESTRICTED PARKING.

WHEREAS, the City Council wishes to reserve parking in the parking lot serving the Justice and Municipal Center and Bonney Lake Library for employees and visitors.

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

Section 1. A new Section 10.36.025 is hereby added to the Bonney Lake Municipal Code to read as follows:

BLMC §10.36.025 – Restricted Parking in Justice and Municipal Center Parking Lot. Parking in the parking lot jointly serving the Justice and Municipal Center (JMC) and Bonney Lake Library shall be reserved for use by employees and visitors of the JMC and library during business hours of each facility. Except for City-owned vehicles, overnight parking shall be prohibited.

Section 2. The City Administrator or designee shall arrange for signs advising of the restriction to be posted at visible locations in the JMC/Library parking lot.

Section 3. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication, as required by law, provided that parking restrictions shall not be enforced until after the postage of signs in accordance with Section 2 of this Ordinance.

PASSED by the City Council and approved by the Mayor this ____ day of _____, 2015.

Neil Johnson, Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney