

CITY COUNCIL WORKSHOP

May 5, 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, Jr.

II. Roll Call:

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

III. Agenda Items:

A. Council Open Discussion

p. 3 **B. Review of Draft Minutes:** April 21, 2015 Workshop, and April 28, 2015 Meeting

p. 17 **C. Discussion:** AB15-15 – Ordinance D15-15 – Land Use Matrix Amendments

p. 39 **D. Discussion:** AB15-64 – Realignment of Fennel Creek Trail

E. Discussion: Chamber of Commerce (No advance materials)

F. Discussion: City Web site update (No advance materials)

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

V. Adjournment

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

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**CITY COUNCIL
WORKSHOP**

**April 21, 2015
5:20 P.M.**



“Where Dreams Can Soar”

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DRAFT MINUTES

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

- I. CALL TO ORDER** – Deputy Mayor Dan Swatman called the meeting to order at 5:30 p.m.
- II. ROLL CALL:** Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, 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, Senior Planner Jason Sullivan, Chief Financial Officer Cherie Gibson, Assistant Police Chief Kurt Alfano, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jay Schulkin, and Administrative Specialist II Renee Cameron.

III. Agenda Items:

A. Presentation: East Pierce Fire & Rescue Chief Jerry Thorson – Inlet Island Fire Station

East Pierce Fire & Rescue (EPFR) Chief Jerry Thorson presented EPFR’s update regarding the Inlet Island Fire Station and the agreement between the City and EPFR regarding its use. EPFR said they are considering two options for the Inlet Island Fire Station, depending on the City’s wishes. The first option is to not utilize the station as an operational fire response station, however, utilize it for housing equipment and logistics. He said the second option would be to turn the station back over to the City for the City to utilize it as it pleases. He asked Council about any concerns they have about the station. Councilmember Watson asked about the delay in response time from the other operating stations, should they choose to no longer utilize it as an operational station. Mayor Johnson asked what EPFR’s desires for the station are. Chief Thorson said he thinks the EPFR Board would accept the City’s recommendation to close the station, as it is about operational needs, and that station does not provide a lot of benefit, especially as it lacks volunteers in the area to man it. He advised that if the station is closed for operational use, then the engine housed at this location would be relocated to another station, and an older engine would likely be surplus. He said his preference would be to convert it to logistics for supplies and equipment. Council consensus was to continue to allow EPFR to use the Inlet Island Fire Station for housing equipment and logistics.

B. Council Open Discussion:

Email regarding door to door sales. Councilmember Rackley said he received an e-mail regarding door to door sales. Mayor Johnson advised that he and Director Vodopich have already responded and they have not heard any response back.

Youth Commission. Councilmember Minton-Davis said she attended a meeting last week in

Federal Way for a Relay for Life and she said that part of the meeting was discussion about forming a Youth Commission. She would like the City to consider a youth program like this to connect with the youth in the community. Mayor Johnson he has considered and looked into forming such a program, however, there is an issue/concern with youth/students who are not over 18 years old if the school district is involved, and staff availability. The age concern would require the meetings to be limited and chaperoned. Councilmember Minton-Davis said it was exciting to see the interest in the youth, and getting a better understanding of what they would focus on and how the commission would conduct itself. Mayor Johnson said he thinks such a commission would be great though to have in the community. Councilmember McKibbin said many local youth and students are looking at groups like this to participate in for their college and scholarship applications.

Safety Presentation. Councilmember Watson said he would volunteer to present a safety presentation on how to handle tools safely.

Daffodil Queen Recognition. Councilmember Hamilton said he would like to see the City recognize the City's first crowned Daffodil Queen, Ashley Becker, during a Council meeting. He wants to see her recognized and celebrated.

Parks Appreciation Day. Councilmember Hamilton reminded everyone that this Saturday is Parks Appreciation Day at Midtown Park from 9 a.m. – Noon. Mayor Johnson said he will be attending. Councilmember Hamilton also said that the Shred-a-thon event will also be happening.

Master Builders Association Meeting. Deputy Mayor Swatman spoke regarding Councilmember McKibbin's attendance at a recent presentation where Master Builders Association consultant stated that Bonney Lake is not the place to build houses, even though the City has a significant amount of available lots. He believes the consultant needs to have the facts before he continues with his numerous presentations, instead of using arbitrary fees. City Administrator Morrison said he believes the argument that he was trying to make was that the average household cannot afford to build a house in Bonney Lake. Councilmember McKibbin said he would like staff to send to him the actual costs to build a home within City limits. Councilmember Hamilton also said he attended a Pierce County Regional Council (PCRC) meeting last Thursday, where PCRC gave the City the go ahead on an amendment to include Tehaleh in the City's urban growth area (UGA). He said it would still be a long time before the City would have Tehaleh under the City's jurisdiction. He said the County Planning Commission opposed the amendment, but Dan Roach supported the amendment. He also advised that the City's other amendments did not pass out of the PCRC.

Planning Commission Agenda Items. Deputy Mayor Swatman spoke regarding items that Council sends to the Planning Commission and would like to see some items streamlined, versus what actually requires the Planning Commission's review. Director Vodopich clarified the RCWs as to which development regulations require Planning Commission review and recommendations. He said any changes to the municipal code regarding the Planning Commission's role would come to the Council for consideration.

Construction Accident Update. Deputy Mayor Swatman asked for an update on the SR 410/Angeline Road construction accident that occurred on April 13th. Assistant Chief of Police Alfano said the incident is still being investigated. Mayor Johnson advised that the construction project has currently been suspended.

C. **Review of Draft Minutes:** April 7, 2015 Workshop.

The April 7, 2015 Workshop minutes were forwarded to the April 28, 2015 Meeting for action, with minor corrections.

D. **Discussion:** AB15-17 – Resolution 2432 – Comprehensive Plan Update – Economic Vitality Element.

Senior Planner Sullivan summarized the agenda bill. He said this resolution is the next step in the process. He said this update incorporates a lot of the recommendations from the Berk Study and how the items are interrelated. He said the next three Comprehensive Plan elements will come to Council in May, and the overall amendment needs to be completed by June 30th. He said it is a tight schedule, but he anticipates making the June 30th deadline. Council had various questions regarding the Berk Study, zoning code, and the land use matrix, which Mr. Sullivan responded to. Deputy Mayor Swatman inquired about items reviewed by the Planning Commission. Mr. Sullivan stated he agrees that there is a significant missing component, and this update will create an implementation chapter to assist with following the work plan. He said the language added will help in the future with grants. Councilmember Hamilton asked if new businesses in Tehaleh would affect City businesses. Mr. Sullivan discussed types of businesses that will bring development on the plateau, and the Berk Study has also assisted with that. He compared potential Tehaleh businesses to those of Lakeland. This item was forwarded to the April 28th Council meeting for action on the Consent Agenda.

E. **Discussion:** AB15-43 – Resolution 2447 – Notice of Intent to Adopt an Amendment to the Shoreline Master Plan Regarding Critical Areas.

Planning Commissioner Chair Grant Sulham introduced the Planning Commission's new Vice Chair, David Baus. He summarized the agenda bill, and said the amendments are housekeeping because of the new rating system for wetlands, amendments to the flood plan management regulations, designation of fish and wildlife conservation, and an amendment to the shoreline code to incorporate the amendments. He said the Council needs to consider the notice and intent to adopt these amendments. Mr. Sullivan clarified the reason this was a resolution, instead of an ordinance. This item was forwarded to the April 28th Council meeting for action on the Consent Agenda.

F. **Discussion:** Setting public hearings.

City Administrator Morrison discussed the process for setting public hearings by cities. He said occasionally due to timelines or cancelled meetings, there are issues on noticing and scheduling public hearings. He said at other cities the city clerks would just schedule the public hearings, as a routine process. He said the Council Rules hearing process, Rule 2.0.710, states that the Council will set the public hearing. He believes though that for efficiency's sake he would like the Council to consider amending that rule to allow the City Clerk to publish the public hearing date and time, which could save two weeks in the process of not having the Council having to set the public hearing. Council consensus was to amend Council Rules and allow the City Clerk to set public hearings.

- G. **Motion:** Motion to waive Council rules to take action on the following agenda items brought forward from the cancelled April 14, 2015 regular Council meeting.

Councilmember Watson moved, Councilmember Rackley seconded.

Motion approved 7 - 0

H. **Citizen Comments:**

George Brown, 8410 Locust Ave E, Bonney Lake, said he was concerned about building permits for homes. He stated his concern about impact fees on developers. He said he thinks it is too expensive to build and develop in Bonney Lake. He also spoke about the City's proposed downtown development, and said he believes that until the current property owners in downtown want to participate with the City, but it is going to be difficult to get cooperation on downtown development.

I. **Correspondence.**

Administrative Services Director Edvalson said he believes all Council received correspondence from Quinn Dahlstrom, and she would like to have her correspondence noted in the minutes. Mayor Johnson said he doesn't believe a citizen should be allowed to include correspondence into the minutes, as he believes that a Council member needs to submit it to be included in the minutes. City Attorney Schulkin advised that the City's process is appropriate. Councilmember Lewis said that as a matter of public record, Council notes that they received this correspondence.

- J. **PROPOSED ACTION ITEMS:** The following items are were forwarded as action items at the April 21st Workshop due to Cancellation of the April 14, 2015 Council Meeting.

APPOINTMENTS:

1. **AB15-58** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Nominate Terry Reid As Bonney Lake's Representative To the Pierce County Conservation Futures Citizens' Advisory Board.

Councilmember Watson moved to approve Motion AB15-58, Councilmember Lewis seconded the motion.

Motion approved 7 - 0.

CONSENT AGENDA:

2. **Approval of Minutes:** March 17, 2015 Workshop and March 24, 2015 Meeting.
3. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #70722-70793 (including wire transfer # 20150306) in the amount of \$515,098.46.
Accounts Payable wire transfer #2015031701 for p-card purchases in the amount of \$33,558.28.
Accounts Payable checks/vouchers #70794-70834 (including wire transfer # 15150064) in the amount of \$327,943.04.

Accounts Payable checks/vouchers #70835-70868 in the amount of \$274,739.94.

Voids: 70855 – Multiple page remittance to Pierce County for Property Tax Payment, 70856 – Multiple page remittance to Pierce County for Property Tax Payment, 70857 – Multiple page remittance to Pierce County for Property Tax Payment, 70859 – Multiple page remittance to Pierce County for Property Tax Payment.

4. **Approval of Payroll:** Payroll for March 1st – 15th, 2015 for checks #32303-32320 including Direct Deposits and Electronic Transfers is \$ 456,981.24.
Payroll for March 16th – 31st, 2015 for checks #32321-32347 including Direct Deposits and Electronic Transfers is \$ 74,573.64.
5. **AB15-36 – Ordinance 1514 [D15-36]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 5.08 Of The Bonney Lake Municipal Code And The Corresponding Portions Of Ordinance Nos. 1236 And 1256, Related To Business Licenses.
6. **AB15-42 – Ordinance 1515 [D15-42]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Portions Of Section 3.68.010 Of The Bonney Lake Municipal Code Related To Planning Department Services And Fees.
7. **AB15-54 – Ordinance 1517 [D15-54]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County Washington, Amending Sections 13.04.070 And 13.12.100, Bonney Lake Municipal Code, Related To Applications For Water And Sewer Service.
8. **AB15-56 – Ordinance 1518 [D15-56]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County Washington, Amending Section 15.14.035, Bonney Lake Municipal Code, Related To Applications For Storm Water Service.
9. **AB15-28 – Resolution 2443** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Amended Scope Of Work Attached To An Interagency Agreement With The Department Of Enterprise Services For Conservation Services.
10. **AB15-57 – Resolution 2454** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign Amendment 2 To The Stormwater Mitigation Agreement For Eastown Properties With WSDOT.
11. **AB15-46** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County Washington, To Accept As Complete The Eastown Sanitary Sewer Mains – Phase 2 (Lift Station) Project With RCNW, Inc

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

Consent Agenda approved 7 - 0.

FINANCE COMMITTEE ISSUES:

- 12. AB15-52 – Resolution 2452** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With The Law Office Of Donna L. Johnston To Provide Public Defender Services For The City Of Bonney Lake.

Councilmember Watson moved to approve Resolution 2452. Councilmember Lewis seconded the motion.

City Administrator Morrison said it has been a long process. He said the Law Office of Donna Johnston was the low bidder and she is respected. He said this is a 2-year contract. Councilmember Hamilton asked, as the Chair of the Public Safety Committee, whether the City can look outside to other jurisdictions, and would like to see these services shared with surrounding jurisdictions. Deputy Mayor Swatman agreed. City Administrator said the budget amendment for the increased contract will be reviewed at the end of 2015. Councilmember Minton-Davis asked for clarification of the Eatonville Municipal Court contract, and recouping the increased costs. City Administrator Morrison said negotiations with Eatonville will be addressed.

Resolution 2452 approved 7 - 0.

- 13. AB15-55 – Resolution 2453** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting Lodging And Meal Rates For City Employees And Officials While On City Business, And Replacing Resolutions 1787 And 1902

Councilmember Rackley moved to approve Resolution 2453. Councilmember Watson seconded the motion.

Deputy Mayor Swatman moved to amend the breakfast rate from \$12.00 to \$15.00 to match appropriately with the State. Councilmember Lewis seconded the motion.

Councilmember Lewis clarified the Agenda Bill and said Councilmember McKibbin approved this item, on behalf of Councilmember Minton-Davis, out of the Finance Committee.

Motion to amend Resolution 2453 approved 7 – 0

Resolution 2453 approved 7 – 0.

FULL COUNCIL ISSUES:

- 14. AB15-53 – Ordinance 1516 [D15-53]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Acquisition Of Property By Purchase Or Condemnation (21704 SR 410 E).

Councilmember Watson moved to approve Ordinance 1516. Councilmember Lewis seconded the motion.

Councilmember Hamilton asked what the status is now to move forward. Director Grigsby advised that this ordinance authorizes the City Attorney to initiate legal proceedings and ideally the City would settle with a dollar amount. If an agreement cannot be reached with the property owners, then the condemnation process would occur, which could take some time. The City could move forward with the project, as soon as the property owners agree to possession and use. He said the City's agent has made an offer at least three times, and the property owners have not responded to those offers. City Attorney Schulkin advised that with a condemnation process the City would not be required to receive consent. Councilmember Minton-Davis asked if there is any concern about this property being in foreclosure. Director Grigsby advised that they have until November to pay their past due taxes, which they have done in past years. Deputy Mayor Swatman asked if this is the last piece of right of way acquisition for the City's sewer project. Director Grigsby advised that this action is for a utility easement only, which will allow the City to advertise the contract to build the sewer project.

Ordinance No. 1516 approved 7 - 0.

- 15. AB15-59** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing At 7:00 P.M., Or As Soon Thereafter As Possible, During The Regular Council Meeting Of April 28, 2015, To Consider The Proposed Surplus of Utility Property (Proposed Resolution 2455).

Councilmember Rackley moved to approve motion AB15-59. Councilmember McKibbin seconded the motion.

Motion AB15-59 approved 7 - 0.

IV. EXECUTIVE\CLOSED SESSION:

Pursuant to RCW 42.30.110(1)(i), the Council adjourned to an Executive Session with the City Attorney at 6:48 p.m. for 45 minutes to discuss potential litigation. At 7:42 the Executive Session was extended for 10 additional minutes. At 7:50, pursuant to RCW 42.30.140(b), the Council adjourned to a Closed Session for 20 minutes to discuss labor negotiations. The Council returned to Chambers at 8:10 p.m. No action was taken.

V. ADJOURNMENT:

At 8:10 p.m., Councilmember Hamilton moved to adjourn the Council Meeting. Councilmember Watson seconded the motion.

Motion to adjourn approved 7 - 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the April 21, 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 COUNCIL MEETING

April 28, 2015
7:00 P.M.



“Where Dreams Can Soar”

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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 meeting to order at 7:00 p.m.

- A. Flag Salute: Mayor Johnson led the audience in the Pledge of Allegiance.
- B. Roll Call: Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, 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, Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Kathleen Haggard, and Records & Information Specialist Susan Haigh.

C. Announcements, Appointments and Presentations:

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

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

- 1. **AB15-59** – A Public Hearing Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Receive Citizen Comments On Proposed Resolution 2455, Declaring Surplus Property And Authorizing The Mayor To Sell Said Property Pursuant To BLMC 2.70.100(D). (Utility Vehicle)

Mayor Johnson opened the public hearing at 7:01 p.m.

City Administrator Morrison briefly explained the history of the city-owned utility truck; the registration was transferred to the City of Sumner for use at the Wastewater Treatment Facility, but Bonney Lake remained the legal owner. Sumner has a buyer for the truck but it must first be surplussed by Bonney Lake. He said staff recommends the vehicle be surplussed and sold due to the high cost of repairs.

Seeing no one coming forward to speak, the public hearing was closed at 7:01 p.m.

B. Citizen Comments:

Fred Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said he is a member of the Greater Bonney Lake Historical Society (GBLHS) and thanked the City for providing them with the continued use of the Public Works Center. He noted several upcoming events that the GBLHS will be involved in, including a meeting of the South Sound Heritage Association on May 13, 2015 from 10 a.m. to Noon; the first-ever Trivia Contest at Midtown Grill on May 13, 2015 at 7:00 p.m., and participation at events including Bonney Lake Days, Tunes at Tapps, and Beautify Bonney Lake. He said the annual Milotte Film Festival is scheduled October 17, 2015 and this year's feature film is 'Bears'. He said a member of GBLHS has purchased a scenic painting of the Bonney Lake area, and it may be provided on loan for display in the Justice & Municipal Center.

Mr. Jacobsen said the Society regularly receives donations and is in need of a dedicated home for a museum and work space for volunteers to work outside City office hours. He asked the Council to continue considering this for the future. He handed out materials for the Fred Meyer donation program to benefit GBLHS, a copy of the presentation they will give to the South Sound Heritage Association, and information on the upcoming Trivia Night and Milotte Film Festival events.

Joy Hill, 18323 77th St E, Bonney Lake, spoke in support of Bonney Lake joining the Pierce County Conservation District. She said she is a volunteer of the District in water quality and stream education programs and she lives on Lake Bonney. She noted all the surrounding cities in the area are members of the District.

Ms. Hill presented a letter from the Lake Bonney Conservation Association members encouraging the City to join the Pierce County Conservation District. She noted that another member emailed the Council directly, and she expressed appreciation to the Council for their response. Mayor Johnson said he expects the Council to consider and take action on this item in May 2015.

Chris Lund, 18503 74th St E, Bonney Lake, spoke in support of the City's membership in the Pierce County Conservation District. He described his family's history in the City and stressed the need for environmental awareness of land and water resources.

Wendy Woodyard, 9606 192nd Ave E, Bonney Lake, said she is the new Executive Director for the Bonney Lake Chamber of Commerce. She said she plans to attend Council meetings and be more active in the City.

C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee: Deputy Mayor Swatman said the Committee has not met since the last Council meeting.

B. Community Development Committee: Councilmember Lewis said the committee met on April 21, 2015 and forwarded Resolution 2456 to the current Consent Agenda.

- C. Economic Development Committee: Councilmember Minton-Davis said the committee met earlier in the evening, and forwarded topics for discussion at the next Council workshop including partnership with the Chamber of Commerce and updates to the website.
- D. Public Safety Committee: Councilmember Watson said the Committee has not met since the last Council meeting.
- E. Other Reports: None.

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** April 7, 2015 Workshop.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:**
Accounts Payable checks/vouchers #70869-70919 (including wire transfer # 20150401, 20150402, and 20150403) in the amount of \$71,341.24.
Accounts Payable checks/vouchers #70920-70999 (including wire transfer # 20150404, 20150405, and 2015041301) in the amount of \$471,219.25.
VOIDS: 70976 – Utility Reimbursement check [Company that sent the payment creating the credit put a “stop payment” on the check].
- C. **Approval of Payroll:** Payroll for April 1st – 15th, 2015 for checks #32348-32368 including Direct Deposits and Electronic Transfers is \$ 458,038.57.
- D. **AB15-17 – Resolution 2432** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Expressing The Intent To Adopt The Economic Vitality Element Of The Comprehensive Plan.
- E. **AB15-43 – Resolution 2447** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Expressing The Intent To Adopt Ordinance D15-44 Amending The City’s Critical Area Code – Title 16 Division II BLMC And Shoreline Code – Title 16 Division III, And Authorizing The Submittal Of The Proposed Amendments To The Washington State Department Of Ecology.
- F. **AB15-60 – Resolution 2456** – A Resolution Of The City Council Of The City Of Bonney Lake, Washington, Authorizing An Amendment To The Contract With Parametrix Engineering For The Lake Tapps Flume Trestle Rehabilitation Design.

Councilmember Rackley moved to approve the Consent Agenda. Councilmember Watson 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:

- A. **AB15-62 – Ordinance 1519 [D15-62]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance No. 1512 And Section 12.12.051 Of The Bonney Lake Municipal Code Relating To Boat Trailer Parking Fees.

Councilmember Watson moved to approve Ordinance 1519. Deputy Mayor Swatman seconded the motion.

Mayor Johnson said this is a housecleaning ordinance to prepare for the revised boat launch procedure. He noted due to low lake levels there may not be much demand. Councilmember Rackley said he supports the proposed ordinance and appreciates that the City has shifted from the costly bollard system. Councilmember Lewis noted that the Courier Herald newspaper has a good article on the subject. Deputy Mayor Swatman said this item was not brought to a workshop due to the time constraints. He confirmed that the new policy is for passes to those living inside the City limits only, but a copy of a boat or trailer title is no longer required to get a pass. He warned this could be abused by citizens who do not own a watercraft and give them to non-residents. Mayor Johnson said the purpose is to allow all citizens to get a pass; he said not all people have boat trailers for their watercraft, and staff had to spend extra time confirming paperwork in the past. He said the City can review the program to see how it is working.

Ordinance 1519 approved 7 – 0.

- B. **AB15-59 – Resolution 2455** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Declaring Surplus Property And Authorizing The Mayor To Sell Said Property Pursuant To Bonney Lake Municipal Code Chapter 2.70.100(D). (Utility Vehicle) [Pursuant to Public Hearing]

Councilmember Rackley moved to approve Resolution 2455. Councilmember Watson seconded the motion.

Mayor Johnson noted that no one spoke at the Public Hearing held earlier in the meeting.

Resolution 2455 approved 7 – 0.

- C. **AB15-61 – Resolution 2457** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Labor Agreement With AFSCME Local 120 Representing The Public Works & General Government Employees, From January 1, 2015 Through December 31, 2017.

Councilmember Rackley moved to approve Resolution 2457. Councilmember Watson seconded the motion.

Councilmember Lewis recommended that Deputy Mayor Swatman be noted as the sponsor on the Agenda Bill for this item. Councilmember Rackley thanked staff and employees for doing a great job and working closely together. Mayor Johnson said the agreement covers a lot of important issues, and he thanked staff, particularly Jenna Richardson, Woody Edvalson, Don Morrison, and members of the Union for their hard work and a smooth negotiation process.

Resolution 2457 approved 7 – 0.

X. EXECUTIVE SESSION: None.

XI. ADJOURNMENT:

At 7:26 p.m., Councilmember Watson moved to adjourn the Council Meeting. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the April 28, 2015 Meeting:

- Joy J. Hill – *Letter re: Support of City joining Pierce Conservation District*
- Lake Bonney Conservation Association – *Letter re: Support of City joining Pierce Conservation District.*
- Fred Jacobsen, Greater Bonney Lake Historical Society – *Fred Meyer Donation information, Presentation, and event flyers.*

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

Department/Staff Contact: Community Development/ Jason Sullivan – Senior Planner	Meeting/Workshop Date: May 5, 2015	Agenda Bill Number: AB15-15
Agenda Item Type: Discussion	Ordinance/Resolution Number: D15-15	Councilmember Sponsor: Donn Lewis

Agenda Subject: Amendments to the City’s Land Use Matrix

Full Title/Motion: A Resolution of the City Council of the City Of Bonney Lake, Pierce County, Washington, Amending the land use matrix codified in Section 18.08.020 of the Bonney Lake Municipal Code related to single family homes in the R-2 zone, essential public facilities, electrical vehicle infrastructure, and family day cares in zones that allow residential development.

Administrative Recommendation:

Background Summary: The proposed amendments to the land use matrix are related to single family homes in the R-2 zone, essential public facilities, electronic vehicle infrastructure, and family day cares in zones that allow residential development. These proposed amendments are required to bring the City into compliance with state law and to address internal inconsistency within the Municipal Code. A complete discussion of each amendment is provided in the attached Planning Commission recommendation memo.

All of the proposed amendments were identified in the *2015 – 2016 Planning Commission Work Plan* adopted pursuant to Resolution 2423.

The amendments related to essential public facilities, electronic vehicle infrastructure, and family day cares in zones were identified as mandatory change in the *Bonney Lake 2035: 2015 Comprehensive Plan Periodic Update – Consistency Report* which was adopted by the City Council pursuant to Resolution 2379.

Addressing the prohibitions against family daycare in zones that allow residential developments was also identified as a mandatory change in the City’s recent Land Use Liability audit completed by the Washington Cities Insurance Authority (WCIA). Progress toward addressing this mandatory change will be monitored and failure to comply with the mandatory requirements may result in a financial penalty pursuant to the WCIA Membership Compact.

Attachments: Ordinance D15-15 and Planning Commission Recommendation Memo

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

COMMITTEE, BOARD & COMMISSION REVIEW									
Council Committee Review: Date: _____ Forward to: _____	Approvals: Chair/Councilmember _____ Councilmember _____ Councilmember _____	Yes No <table border="1" style="width: 100%; height: 30px;"> <tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table>							Consent Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No
Commission/Board Review: Planning Commission – March 4, 2015 and April 15, 2015									
Hearing Examiner Review:									

COUNCIL ACTION

Workshop Date(s): May 5, 2015

Public Hearing Date(s):

Meeting Date(s):

Tabled to Date:

APPROVALS

Director:

John P. Vodopich, AICP

Mayor:

Date Reviewed

by City Attorney:
(if applicable):

ORDINANCE NO. D15-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE LAND USE MATRIX CODIFIED IN SECTION 18.08.020 OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO SINGLE FAMILY HOMES IN THE R-2 ZONE, ESSENTIAL PUBLIC FACILITIES, ELECTRICAL VEHICLE INFRASTRUCTURE, AND FAMILY DAY CARES IN ZONES THAT ALLOW RESIDENTIAL DEVELOPMENT.

WHEREAS, during the 2009 session the Washington State Legislature passed House Bill 1481 an act relating to electric vehicles; and

WHEREAS, Section 12 of HB 1481 codified as RCW 36.70A.695 requires all municipalities required to plan under the Growth Management Act with a population under 20,000 to adopt regulations that allow battery charging stations by July 1, 2011; and

WHEREAS, the City of Bonney Lake is a municipality required to plan under the Growth Management Act with a population under 20,000; and

WHEREAS, the City's development regulations cannot preclude the siting of essential public facilities pursuant to RCW 36.70A.200(5); and

WHEREAS, the City is require allow family day cares in all zoning classification that allow residential developments pursuant to RCW 36.70A.450; and

WHEREAS, the C-2, Eastown and Midtown Core zoning classifications allow residential uses but do not list family day cares as a permitted use; and

WHEREAS, the amendments related to electrical vehicle charging stations, essential public facilities, and family day cares were identified as mandatory change in the *Bonney Lake 2035: 2015 Comprehensive Plan Periodic Update – Consistency Report* adopted by the City Council pursuant to Resolution 2379; and

WHEREAS, bringing the City's regulation of family day cares into compliance with RCW 36.70A.450 was identified as a mandatory action in the City's 2014 Land Use Audit conducted by the Washington Cities Insurance Association; and

WHEREAS, the R-2 is intended to be a higher density residential zone and has been applied to the Comprehensive Urban Growth Area (CUGA) proposed to be annexed into the City; and

WHEREAS, the amendments to allow single family residential in the R-2 is required to ensure that upon annexation the entire area would be non-conforming; and

WHEREAS, all of the amendments were identified in the *2015 – 2016 Planning Commission Work Plan* adopted by the City Council pursuant to Resolution 2423

WHEREAS, the Community Development Director acting as the SEPA Responsible Official issued a Determination of Non-Significance on March 16, 2015 pursuant to WAC 197-11-340 in order to comply with the requirements of Chapter 43.21C RCW; and

WHEREAS, pursuant to the Growth Management Act - Chapter 36.70A RCW this Ordinance was provided to the Department of Commerce for 60-day 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 March 24, 2015; 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 April 15, 2015;

WHEREAS, the amendments are consistent with the comprehensive plan and the laws of the state of Washington as required by BLMC 14.140.090.B, and

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

Section 1. Chapter 18.40 of the Bonney Lake Municipal Code is reenacted and shall be entitled “Electric Vehicle Infrastructure” read as follows:

18.40.010 Purpose

The purpose of this chapter is to:

- (A) Provide adequate and convenient electric vehicle charging stations to serve the needs of the traveling public;
- (B) Provide opportunities for Bonney Lake residents to have safe and efficient personal electric charging stations located at their place of residence;
- (C) Provide the opportunity for commercial and industrial businesses to supply electrical vehicle charging station services to their customers and employees; and
- (D) Create standard criteria to encourage and promote safe, efficient, and cost effective electric vehicle charging opportunities in a full range of zones and settings for convenient service to those that use electric vehicles

18.40.020 Designation.

An electronic vehicle station is a public or private parking space(s) that are served by battery charging equipment for the purpose of transferring electric energy to a battery or

other energy storage device in an electrical vehicle and is classified based on the following levels:

- (A) Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.
- (B) Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.
- (C) Level 3 is considered fast or rapid charging and operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as Rapid Charging Stations that are typically characterized by industrial grade electrical outlets that allows for faster recharging of electrical vehicles.

18.40.030 Electric Vehicle Charging Stations.

Electric vehicle charging stations utilizing parking stalls located in a parking lots or parking garages or on-street parking spaces shall comply with the following standards:

- A. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Directional signage may be provided to guide motorist to charging stations space(s) provided that directional signs shall be consistent with MUTCD D9-11b and D9-11bP.
- B. Accessibility. The design and location of the charging stations shall comply with the following barrier free accessibility requirements:
 - 1. Accessible charging stations shall be provided based on the following table:
 - 2. Accessible charging stations shall be located in close proximity to the buildings or facility entrance and shall be connected to a barrier-free accessible route of travel.
 - 3. Accessible charging stations shall comply with the requirements of WAC 51-50-005.
- C. Charging Station Equipment. Charging station equipment shall comply with the following standards
 - 1. Equipment mounted on pedestals, lighting post, bollards, or other devices for on-street charging stations shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.
 - 2. Charging station outlets and connector shall be no less than 36 inches or no higher than 48 inches from the top of the surface where mounted and shall

contain a retraction device or a place to hang cords and connectors above the ground surface.

3. Equipment shall be protected by wheel stops or concrete-filled bollards.

D. Notification. At all charging stations the following information shall be posted:

1. Voltage and amperage levels

2. Hours of Operations if time limits or tow away provisions are to be enforced by the property owner.

3. Usage Fees

4. Safety Information

5. Contact Information for reporting when the equipment is not operating or other problems.

E. Minimum Parking Requirements. Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces.

Section 2. Section 18.04.050, “E” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance Nos. 746 § 19 are hereby amended to read as follows:

18.04.050 “E”.

“EIA” means the Electronics Industry Association.

“Essential public facilities” means those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

“Enlargement or extension” is:

A. An addition to the floor area of an existing building, or an increase in the size of any other structure.

B. An increase in that portion of a tract of land occupied by an existing use.

C. To “enlarge” is to make an enlargement.

D. An “extension” is an increase in the amount of existing area used for an existing use.

E. To “extend” is to make an extension.

“Equipment shelter or enclosure” means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning, backup power supplies and emergency generators.

“Expressive dance” means any dance which, when considered in the context of the entire performance, constitutes an expression of art, theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depicts sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

Section 3. Section 18.18.020, “Land Use Matrix” of the Bonney Lake Municipal Code and Ordinance Nos. 1483 § 1 are hereby amended to read as follows:

Zone Use	RC-5	R-1	R-2	R-3	C-1	C-2	E	MC	DC	DM	PF
Residential Uses											
Accessory dwelling unit			P ¹	P ¹							
Adult family home	P	P	P	P	P						
Apartments/condominiums				P		P ²	P ²		P ³	P	
Boarding homes			P	P							P
Duplexes (two-family residences)			P	P							
Family day cares	A	A	A	A	A	<u>A</u>	<u>A</u>	<u>A</u>	A	A	
Group homes				C							C
Home occupations; provided the criteria in BLMC 18.22.010 are met	A	A	A	A	A				A	A	
Mobile/manufactured homes subject to Chapter 15.08 BLMC	P	P	P								
Mobile/manufactured home parks in existence as of annexation into the city							P				
Nursing homes and Continuing care communities (NAICS 623110 and NAICS 623311)							P	C			C

Senior assisted living facilities (NAICS 623312)			P	P		C	P	C	P ³	P	
Private docks, mooring facilities and boathouses; provided the project complies with shoreline management regulations and the provisions of <u>BLMC 18.22.070 Title 16 – Division III BLMC – Shoreline Code</u>	A	A	A	A							P
Residences in connection with a business establishment					P	C	A	C	P ³	P	
Residential care facilities				P							
Single-family residences, detached	P	P	<u>P</u>		P						
Townhouses			P	P	C	C	P	C			
Educational Uses											
Colleges and universities or extension classrooms						P	P	P	P ³	P	P
Dancing, music, art, drama and instructional/vocational schools					P	P	P	P	P ³	P	P
Elementary school		C	P	P	P	C		C			P
Junior high, high schools and junior colleges, public or private		C	C	C	C	C		C			P
Preschool		C	P	P	P	P		P			
Cultural, Religious, Recreational, and Entertainment Uses											
Adult entertainment facilities subject to the provisions of Chapter 18.32 BLMC							P				
Amphitheater						P	P	P			
Campgrounds							P	C			C
Essential public facilities	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u> <u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Galleries					P	P		P	P	P	
Golf courses	C										C
Golf driving range							P				C
Government buildings and facilities		C	C	C	P	P	P	P	P	P	P

Gymnasiums and fitness centers, public or commercial						P	P	P			P
Libraries				P	P	P	P	P	P	P	P
Museums	C	C			P	P	P	P	P	P	P
Parks, open space and trails	P	P	P	P	P	P	P	P	P	P	P
Pocket park	P	P	P	P	P	P	P	P	P	P	P
Private meeting halls	A	A	C	P	P	P	P	P			P
Public meeting halls			C	P	P	P	P	P			P
Recreation facilities, outdoor	C						P				P
Recreational vehicle parks							P				
Religious institutions	P ⁴	P ⁴	P ⁴	P ⁴	P	P		P	P ³	P	C
Swimming pools, public or private	A	A	A	A	A	P	P	P			P
Theaters						P	P	P	P	P	
Industrial Uses											
Assembly or processing of previously prepared materials in a fully enclosed building							C ¹				
Junk, salvage or wrecking yard; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the open storage use.							C				
On-site treatment and storage facility as an accessory use to a permitted use which generates a hazardous waste subject to compliance with the state siting criteria adopted pursuant to the requirements of Chapter 17.105 RCW and issuance of state hazardous waste management facility permit						A	A				

Storage or distribution of sand, gravel, top soil, or bark; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the storage area								P				
Storage or processing of any hazardous waste as defined in Chapter 70.105 RCW is not permitted as a principal use								C				
Trailer-mix concrete plant; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the concrete plant and storage yard								C				
Retail and wholesale warehousing and distribution of goods within a fully enclosed building						P	P	P				
Resource Management Uses												
Agriculture and orchards	P											
Forestry and tree farms	P											
Raising of livestock, small animals and fowl; provided the requirements of BLMC 18.22.060 are met	P											
Transportation, Communication, Utilities												
<u>Electric Vehicle Charging Stations – Level 1 and 2</u>	<u>P⁵</u>											
<u>Electric Vehicle Charging Stations – Level 3</u>	<u>C²</u>	<u>C²</u>	<u>C²</u>	<u>C²</u>	<u>P⁵</u>							
Parking garages						C	P	C	C			
Public utility facility; provided the requirements of BLMC 18.22.050 are met	P		P	P	P	P	P	P				

Commercial Uses											
Ambulance service						C	P	C			
Antique shops					C	P	P	P	P	P	
Arcade							P	P			
Automatic teller machines (ATMs)						P	P	P		P	
Automatic teller machines (ATMs) with no drive-through					P	P	P	P	P	P	
Automobile fuel and recharging stations and car washes						P	P	P			
Automobile, boat and trailer sales							P	C			
Automobile, boat and trailer repair						P	P	P			
Bakery, retail					P	P	P	P	P	P	
Bakery, wholesale							P				
Banks, savings and loan associations						P	P	P			
Banks, savings and loan associations with no drive-through					P	P	P	P	P	P	
Barber shops and beauty shops					P	P	P	P	P	P	
Bars					C	P	P	P	P	P	
Bed and breakfast houses; provided the criteria in BLMC 18.22.030 are met	A	C	C	C	P						
Beer and wine specialty shops					P	P	P	P	P	P	
Bookstores				A	P	P	P	P	P	P	
Bowling alley											
Brewpubs and microbreweries					C	P	P	P	P	P	
Cabinet and carpenter shop						C	P	C			
Candy shop					P	P	P	P			
Cart vendors					P	P	P	P			
Cinema						P	P	P			

Coffee shops, cafes, no drive-through					P	P	P	P	P	P	A
Coffee stand, drive-through						P	P	P			
Commercial, professional and service uses associated with a residential complex, including banks, savings and loan associations, barber and beauty shops, business and professional offices, medical and dental clinics and neighborhood grocery, coffee shops, or restaurants, provided such uses occupy no more than 10 percent of the land area of the parcel or parcels within the residential complex and no individual commercial, professional or service use exceeds 5,000 square feet of floor area				A			P				
Commercial uses associated with a permitted use, such as a snack bar or gift shop, provided the commercial activity is open for business no more than 150 days per year or is within the same building as the permitted use							P				A
Contractor yards, provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the open storage use							P				
Day care centers				C	P	P	P	P			P
Department store						P	P	P			
Dry cleaning						P	P	P	P	P	
Food markets, delicatessen and meat markets (beer and wine may be sold)					P	P	P	P	P	P	

Furniture and small household appliance repair shops					C	P	P	C			
Furniture building, repair and upholstering							P				
Hardware stores						P	P	P	P	P	
Horticultural nursery and garden supply, indoor or outdoor						P	P	P	P	P	
Hospitals		C	C	C		P	P	P			C
Hotels, motels						C	P	C	P	P	
Kennels	C		C	C	A	A	P	A			
Laundromats					P	P	P	P			
Liquor stores					C	P	P	P			
Locksmiths and security alarm shops					P	P	P	P			
Machine shops						C	P	C			
Massage therapy/spas					P	P	P	P	P	P	
Medical-dental clinics						P	P	P	P ³	P	
Medical offices					P	P	P	P	P ³	P	
Mini day care center				C	P	A	P	A	P	P	
Mini-storage facilities						C	C	C			
Nail salons					P	P	P	P	P	P	
Nightclub							P				
Open storage yards, including storage and sale of building materials and heavy equipment, provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the open storage use							P				
Outdoor storage and sale of building materials and nursery stock, provided such use is accessory to a permitted use and enclosed within a sight-obscuring fence						A	A	A			
Pet shop, grooming and supplies					P	P	P	P	P	P	

Pharmacies						P	P	P	P	P	
Photographic processing and supply						P	P	P	P	P	
Photography studios					P	P	P	P	P	P	
Plumbing shops, electricians, heating, air conditioning sales or repair						C	P	C			
Pool hall						P	P	P			
Printing, copying and mailing services					P	P	P	P	P	P	
Professional offices					P	P	P	P	P ³	P	
Restaurants, including drive-in restaurants					C	P	P	P			
Restaurants, no drive-through					C	P	P	P	P	P	
Retail shops					C	P	P	P	P	P	
Roadside produce stands	P				P	P	P	P			P
Shoe repair					P	P	P	P	P	P	
Shopping center						P	P	P			
Skating rink						P	P	P			
Stables and riding schools	P										P
Tailor shops					P	P	P	P	P	P	
Tanning salon					P	P	P	P	P	P	
Tavern					C	P	P	P	P	P	
Veterinary clinics, animal hospitals						P	P	P			
Veterinary clinics with no outdoor kennel space or dog runs						P	P	P	P ³	P	
Wireless communications facilities are permitted as principal or accessory uses provided the requirements of Chapter 18.50 BLMC are met	P		P	P	A	A	P	A			

P = Permitted

C = Conditional use

A = Accessory use

P¹ = No accessory dwelling units are allowed in conjunction with a duplex

P² = Subject to the commercial design standards of Chapter 18.31 BLMC

P³ = Allowed outright on second floor, requires a CUP if on the first floor

P⁴ = Subject to the provisions of BLMC 18.22.040

P⁵ = Subject to the limitations and provisions of Chapter 18.40 BLMC

C¹ = Exclusions are listed in BLMC 18.29.040

C² = Subject to the limitations and provisions of Chapter 18.40 BLMC

Section 4. Section 18.52.020, “Conditional Use Permits” of the Bonney Lake Municipal Code and Ordinance Nos. 1505 § 23 are hereby amended to read as follows:

- 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.
- 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; 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.
- D. In addition to the requirements of 18.52.020.A through 18.52.02.C conditional use permits for essential public facilities (EPF) shall be subject to the requirements of this section.
 1. In addition to the application materials required for any permit required to construct or modify the EPF, the applicant shall submit the following material:
 - a. Information demonstrating compliance with any existing multi-jurisdictional siting criteria in selecting the proposed location for the EPF; and
 - b. Information regarding all alternative sites considered for the proposed EPF, including information about why such alternative sites were not selected.

2. In addition to the decision criteria applicable to any permit required to construct or modify the EPF, the City may approve, or approve with modifications, a proposal to construct or modify an EPF if:
 - a. The location and design are consistent with any planning document under which the proposing agency, special district or organization operates, as determined by the person or body having authority to interpret such document;
 - b. The location, design, use and operation of the EPF complies with any applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority;

A building which houses all or a majority of an EPF must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to an EPF where significant elements of the facility are not housed in a building or to isolated minor elements such as utility meters;
 - c. An EPF may be permitted in in the R-1, R-2, R-3, RC-5, DM or DC zoning classification, only if there is an operational or other need that requires locating in that district to achieve the purpose or function of the EPF;
 - d. If the City determines that the EPF is potentially dangerous to human life, appropriate protective measures may be required.
3. The Hearing Examiner may impose conditions on the location, design, use or operation of the EPF within the scope of the City's authority in order to mitigate identified environmental, public safety or other impacts of the EPF.

Section 5. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force effect.

Section 6. Effective Date. This ordinance shall take effect five (5) days after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2015.

Neil Johnson, Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

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Memo

Date : April 15, 2015
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D15-15**

A. Family Day Cares

The proposed amendment would add family day cares to the list of permitted use in the C-2, Eastown, and Midtown Core zoning classifications. All of these zones allow residential uses; however, family day cares are not listed as a permitted use in these zones. Pursuant to RCW 36.70A.450, the City cannot enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial, as a family daycare facility.

B. Essential Public Facilities

The City is required to provide a process for permitting Essential Public Facilities (EPFs) and cannot adopted development regulations that preclude the siting of EPFs pursuant to RCW 36.70A.200(5).

EPFs as defined in RCW 36.70A.200(1) include:

“... those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.”

Development regulations as defined in 36.70A.030(7) include:

“... the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline

master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.”

Additionally, the City’s process cannot allow the City to deny a permit for an EPF as provided in WAC 365-196-550(6)(a):

“The siting process may not be used to deny the approval of the essential public facility. The purpose of the essential public facility siting process is to allow a county or city to impose reasonable conditions on an essential public facility necessary to mitigate the impacts of the project while ensuring that its development regulations do not preclude the siting of an essential public facility.”

The Central Puget Sound Growth Management Hearings Board in *King County v. Snohomish County* (Case Number 03-3-011) found that:

“... [N]o local government plan or regulation, including permit processes, and conditions, may preclude the siting, expansion or operation of an essential public facility. Local plans and regulations may not render EPFs impossible or impracticable to site, expand, or operate, either by the outright exclusion of such uses, or by imposition of process requirements or substantive conditions that render EPF impracticable. While there is no absolute time limit for how long an EFP Permit may take, and EFP permit process lacking provisions that assure an ultimate decisions may bound to be so unfair, untimely, and unpredictable as to substantively violate RCW 36.70A.020(7).”

The City is currently in violation of RCW 36.70A.200(5) as the land use matrix adopted in BLMC 18.08.020 outright excludes EPFs in all of the City’s zoning classification; except for C-2 and the Public Facilities Zone.

As part of the process to review and site EFPs, WAC 365-196-500(5) and WAC 365-196-550(6) allows the City to:

- Impose reasonable conditions on EPFs necessary to mitigate the impacts. The combination of any existing development regulations and any conditions may not render impossible or impracticable the siting, development, or operation of the EPF;
- Provide notice and an opportunity to comment to other interested counties and cities and the public.
- Require a use permit, but the process used must ensure a decision on the EPF is completed without unreasonable delay.

- Impose design conditions to make an EPF compatible with its surroundings. Cities may also consider provisions for amenities or incentives for neighborhoods in which the EPF is sited. Any conditions imposed must be necessary to mitigate an identified impact of the EPF.

In order to ensure that all impacts associated with EPFs are sufficiently mitigated, all EPFs are required to obtain a conditional use permit. Additional criteria was added to the City's current conditional use permit requirements to address the special nature of EPFs.

C. Single Family Residents in R-2 Zone

This amendment to the land use matrix would allow single family homes in the R-2 zone. The R-2 is intended to be a higher density residential zone and has been applied to the Comprehensive Urban Growth Area (CUGA) proposed to be annexed into the City. However, the R-2 does not allow single family residential, which means upon annexation the entire area would be non-conforming. Additionally, there are a number of areas around Lake Tapps that have been zoned R-2 and are developed with single family homes.

The current land use matrix would also indicate that allowing single families homes in the R-2 was inadvertently left off of the land use matrix when it was adopted in 2011. Currently, accessory dwelling units are only allowed in the R-2 and R-3 zoning classifications, but only in conjunction with any single-family residence and not permitted in conjunction with any duplex or multiple-family dwelling units pursuant to BLMC 18.22.090.C.1. The regulations related to accessory dwelling units were adopted in 1997 and last amendment in 2007; whereas, the land use matrix was adopted four years later in 2011. Finally, prior to the adoption of the land use matrix, single family homes were specifically permitted in the R-2 zone. The proposed amendment would ensure consistency in the Municipal Code and ensure that areas proposed to be annexed into the City are not made non-conforming upon annexation.

D. Shoreline Code

Since the City's Shoreline Code adopts the City's Critical Areas Code by reference as required by the Shoreline Management Act, the City must also amend the adoption reference in BLMC 16.36.060 to reflect the amendments to the Critical Areas Code.

The Planning Commission finds that the proposed amendment in Ordinance D15-15 will ensure consistency between the state law and the Bonney Lake Municipal Code. On April 15, 2015, the Planning Commission held a public hearing on Ordinance D15-15 which amends the City's Land Use Matrix and voted 7-0-0 to recommend that the City Council approve Ordinance D15-15. Comments from the public were neither made at the public hearing nor submitted in writing to the City.

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

Department/Staff Contact: Executive / Gary Leaf	Meeting/Workshop Date: 5 May 2015	Agenda Bill Number: AB15-64
Agenda Item Type: Discussion	Ordinance/Resolution Number:	Councilmember Sponsor:

Agenda Subject: Fennel Creek Trail design - Segment 2

Full Title/Motion: n/a .

Administrative Recommendation: Request Council guidance

Background Summary: The City's consultant team has been reviewing trail alignment options for Fennel Creek Trail Segment 2. We are at the point where we need guidance from the Council on the City's willingness to use eminent domain to acquire needed right-of-way acquisitions. Most potential trail alignments may need to use eminent domain one or more parcels, but some alignments will require a much greater reliance on eminent domain. The attached memo explains the trade-offs between construction costs (mainly bridges) and use of eminent domain. The consultant team will be on hand for this discussion and will go over the maps. We will have large maps provided by GIS staff, and the consultant will be able to depict the maps on the screen. There have been three public meetings on this topic including an open house last night.

Attachments: Memo and copies of maps

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
N/A			
Budget Explanation: N/A			

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

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

APPROVALS		
Director: <i>Don Morrison</i>	Mayor:	Date Reviewed by City Attorney: N/A (if applicable):

Memo

Date : 4/30/2015
To : Mayor & Council
From : Gary Leaf
CC : Don Morrison
Re : Fennel Creek Trail Alignment

Consultants Bruce Dees and Parametrix have been working on the pre-design portion of the Fennel Creek Trail Segment 2 design project since February. There have been two public (Parks Commission) meetings where we have heard from property owners who live along the proposed segment of trail as well as trail users. Not unexpectedly, most affected property are concerned to varying degrees of the effect of the trail on their privacy. In addition, one individual has expressed concern privately to staff over the environmental impacts of the trail. There are five main options the consultant team has assembled. Each has “pros” and “cons.” The consultant team needs direction from Council on how committed the City is to undertaking eminent domain actions to acquire the needed right-of-way for the trail. In general trail construction costs will be lower if the trail stays on the west side of Fennel Creek (due to not needing bridges), but property owner privacy concerns are (with one exception) far greater on the west side of the creek. Following is a summary of the trail alignment options developed by our consultant team:

AB-1, AB-2, AB-3 (shared attributes of these three options)

These three options have the same alignment for the segment spanning between the completed phase of the Fennel Creek Trail to the south and the southern boundary of the Johnson property to the north. This section would stay on the west side of Fennel Creek, utilizing existing city owned property and easements until crossing over the creek on city property at Garden Meadows. These three options differ upon reaching the southern boundary of the Johnson northward. In all options, the trail crosses through the Johnsons property. Their property would essentially be cut in half by the trail (this impact on the Johnsons occurs with all options).

1) AB-1

This option would enter the southern boundary of the Johnson property on the east side of the creek, where it spans the entire Johnson property until reaching the City-owned parcel to the north of the Johnsons. WSDOT has already determined that this City-owned parcel cannot be used for the trail without re-acquiring it. We are asking WSDOT if a gap can be left on this “banned” parcel (City would need to fill in the gap with its own funds later on) but don’t know yet how they will respond. Therefore, we do not know at this time if this is a viable option. The trail would resume on the north side of the City parcel and proceed to Angeline Road.

2) AB-3

This option is similar to AB-1, except that the trail proceeds along 95th Street East to Angeline Road rather than to the north of the cul-de-sac development. This option would substantially affect property owners along 95th Street East with the trail going through their front yards. As with AB-1 we don't yet know if this is a viable option. One of the homeowners at the end of 95th Street East objected very strongly to the option depicting the trail being directly behind his home.

3) AB-2

This option enters the southern boundary of the Johnson property on the east side of the creek. The trail would remain on the east side of the creek for a substantial distance on the Johnson property, before crossing the creek at a bridge to the west side of the creek. This option entirely avoids the "banned" City parcel by routing the trail through corridor along the north property line of the Johnson property, proceeding to Angeline Rd. The Johnsons would also lose privacy if the trail passes around their home on the way to Angeline Road. An effort has been made to reduce the privacy impacts to the Johnsons by staying on the northern-most portion of their property. Of course, there is a resultant privacy impact to the Johnsons' neighbors to the north (the homes along 95th Street East).

4) AB-4

This option stays entirely on the west side of Fennel Creek, incurring the wrath of property owners along this route. It has substantial privacy impacts on the west-side property owners but avoids the cost of at least two bridges and creates easy access to future developments along Angeline Road. This option entirely avoids the "banned" City parcel by routing the trail through corridor along the north property line of the Johnson property, connecting to Angeline Road. The Johnsons would also lose significant privacy if the trail passes around their home on the way to Angeline Road. The Johnsons would be most adversely affected by this option; their property would essentially be reduced by nearly two-thirds and result in significant privacy loss on the east side of their residence. Similar to option AB-2, there is a resultant privacy impact to the Johnsons' neighbors to the north (the homes along 95th Street East).

5) BC-1

This option is the least contested. This option contains the segment between the HWY 410 overpass and the Sumner-Buckley Highway. This option enters the city owned property near the lift station and continues northeast where it spans naturalized areas of the property, ultimately reaching the creek. A bridge would be required to cross the creek onto the City-owned property east of the creek. Once on the east side of the creek, the main trail follows the edge of the City-owned property east of the creek north to Sumner-Buckley Highway. Another spur could proceed across the City property to the east where it connects a staircase up to 192nd Ave E and ultimately to the adjacent retail area.

Analysis. Ideally, the trail would be located on the west side of Fennel Creek to avoid the cost of bridges and maintain easy trail access to future residential developments along Angeline Road. However, there are substantial privacy impacts to west-side property owners that will almost certainly require involuntary (eminent domain) acquisitions for most right-of-way parcels needed. Making a jog to the east at Garden Meadows could avoid most of these privacy issues and allow the possibility of voluntary acquisitions for trail right-of-way. Going to the east for a portion of the trail is not without drawbacks – mainly cost since at least two bridges will be needed to construct the trail. In addition, as parcels develop along Angeline Road those new developments will need access to the trail, either through access points that will require additional bridges, or a duplicate future trail that will need to be constructed on the west side of the creek after development takes place. Essentially, this is a trade-off between construction costs and ease of right-of-way acquisition.

All of these options essentially cut the Johnson parcel in half or more, and how to deal with this will need to be evaluated in the right-of-way acquisition phase. The City will need to decide if it wants to compensate the Johnsons for their loss of use of or access to the back portion of their property or acquire it outright and add it to the City's parks inventory. Also required will be acquisition of a parcel from Crystal Meadows HOA, realignment of an easement through Copperfield HOA property, either a realignment of the easement through the Bernecker parcel or acquisition of that wetland parcel (Mr. Bernecker has indicated he is a willing seller provided the City buys his wetland parcel), and possibly acquisition of a small sliver of a parcel next to the City's storm pond in Garden Meadows. The two options leaving a gap at the "banned" City parcel need a positive response from WSDOT to be realistically considered.

Request. Staff and the consulting team request direction from Council before finalizing the desired trail alignment and proceeding to the next phase of trail design.







