PLANNING COMMISSION MEETING

April 15, 2015
6:30 p.m.

AGENDA

City of

BONNEY Lake

"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.

www.ci.bonney-lake.wa.us

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

Planning Commission Members:
Grant Sulham – Chair
David Baus – Vice Chair
L. Winona Jacobsen
Brad Doll
Dennis Poulsen
Craig Sarver
Debbie Strous-Boyd

City Staff:
Jason Sullivan, Senior Planner
Debbie McDonald, Planning Commission Clerk

I. Call to Order

II. Roll Call & Next Meeting Poll *(May 6, 2015)*

III. Approval of Minutes

IV. Public Comments and Concerns

V. Public Hearing

A. Land Use Matrix Amendments (Ordinance D15-15)

VI. New Business

VII. Old / Continuing Business

A. Bonney Lake 2035 – Comprehensive Plan Update
(NO ADVANCE MATERIALS)

VIII. For the Good of the Order

A. Correspondence

B. Staff Comments

C. Commissioner Comments

IX. Adjournment

Next Meeting: May 6, 2015

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PLANNING COMMISSION MEETING

APRIL 8, 2015
6:30 p.m.

DRAFTED MINUTES

City of

BONNEY Lake

"Where Dreams Can Soar"

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

I. Call to Order: The meeting was called to order at 6:28 P.M.

II. Roll Call: Planning Commissioners in attendance were Grant Sulham – Chair, David Baus – Vice-Chair, Dennis Poulsen, Brad Doll, Winona Jacobsen, Debbie Strous-Boyd and Craig Sarver

Staff members in attendance were Senior Planner Jason Sullivan and Planning Commission Clerk Debbie McDonald

III. Approval of Minutes:

Motion was made by Vice-Chair Baus and seconded by Commissioner Sarver to approve the minutes from the March 18, 2015 with minor corrections.

Motion approved 7-0

IV. Public Hearing:

1. Bonney Lake 2035 – Economic Vitality Element (Resolution 2432)

Chair Sulham open the hearing at 6:31.

Senior Planner Sullivan presented the updated Economic Vitality Element.

Chair Sulham closed the hearing at 6:32 with no public comments.

Motion was made by Commissioner Doll and seconded by Commissioner Sarver to recommend that the City Council adopt Resolution 2432 stating the City Council's intent to adopt the Economic Vitality Element as part of the Comprehensive Plan update.

Chair Sulham open the floor for discussion.

Commissioner Jacobson asked for, "Art, Cultural and Heritage" be added to the Policy ED-2-2.

Commissioners were in agreement to add the wording to Policy ED 2-2.

Motion approved 7-0

2. Park Impact Fees Amendments – Expenditure Timeframes (Ordinance D15-38)

Chair Sulham open the hearing at 6:35.

Senior Planner Sullivan presented the updated Expenditure Timeframe Ordinance D15-38. The amendment extends the when park impact fees must be used from six years to ten years keeping with the state law.

Chair Sulham closed the hearing at 6:37 with no public comments.

Motion was made by Commissioner Doll and seconded by Commissioner Sarver to recommend that the City Council adopt Ordinance D15-38 amending BLMC 19.06.080 to extend the period that the City has to expend park impact fees collected by the City.

Motion approved 7-0

3. Critical Area Code and Shoreline Code Amendments (Ordinance D15 – 44)

Chair Sulham open the hearing at 6:38.

Senior Planner Sullivan presented the minor corrections to the Critical Area Code and Shoreline Code Amendments.

Chair Sulham closed the hearing at 6:40 with no public comments.

Motion was made by Vice-Chair Baus and seconded by Commissioner Doll to recommend that the City Council adopt Ordinance D15-44 amending the City's Critical Areas Code and Shoreline Code.

Motion approved 7-0

V. Public Comments and Concerns: NONE

VI. New Business:

1. Bonney Lake 2035 – Community Services and Facilities Element

Senior Planner Sullivan commented he is still working on the element but will have it out for Commissioners to review before the May 6th meeting.

V. Old/Continuing Business:

1. Planning Commission Futures

Senior Planner Sullivan commented on the upcoming Planning Commission meetings. Will be public hearing on the changes to the Land Use Matrix at the April 5th meeting. There will be a Public Open House on April 29th at 7 PM. Commissioners are encouraged to attend but are reminded it is not a paid meeting.

VI. For the Good of the Order:

a. **Correspondence:** NONE

b. **Staff Comments:**

Senior Planner Sullivan comment on how pleased Department of Commerce is with the draft Comp Plan Elements they have reviewed from the City.

c. **Commissioner Comments:**

Adjournment

Motion was made by Commissioner Doll and seconded by Commissioner Jacobsen to adjourn.

Motion approved 7-0

Meeting adjourned at 6:48

_____

Debbie McDonald Planning Commission Clerk

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Community Development Department Briefing Memorandum

Date: April 10, 2015

To: Planning Commission

From: Jason Sullivan – Senior Planner

Re: **Ordinance D15-15– Land Use Matrix Amendments**

PURPOSE:

The purpose of the memorandum is to facilitate the Planning Commission's discussion of Ordinance D15-15 which will amend the City's land use matrix. The 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. This item is schedule for the May 5, 2015 City Council Workshop and possibly the May 12, 2015 City Council Meeting under AB15-15.

> **SUGGESTED MOTION:** *"I move to recommend that the City Council adopt Ordinance D15-15 amending the City's Land Use Matrix.*

ATTACHMENTS:

1. Ordinance D15-15
2. Planning Commission Recommendation Memo

BACKGROUND:

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.

This amendment was 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. This item was also identified in the 2015 – 2016 Planning Commission Work Plan adopted by the City Council pursuant to Resolution 2423

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.

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.

Amending the land use matrix codified in BLCM 18.08.020 to allow EPFs in all zoning districts was 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. This item was also identified in the 2015 – 2016 Planning Commission Work Plan adopted pursuant to Resolution 2423.

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.

This item was identified in the 2015 – 2016 Planning Commission Work Plan adopted pursuant to Resolution 2423.

D. Electric Vehicle Infrastructure

In 2009 the Washington State Legislature passed House Bill 1481, codified as RCW 36.70A.695, which required all municipalities required to plan under the Growth Management Act with a population under 20,000 to adopt regulations that allow battery charging stations in residential zones by July 1, 2011.

The proposed amendments would established three levels of battery charging stations and what level is allowed in each of the zoning classifications of the City. The amendments would also establish some minor regulatory requirements related to parking, landscaping, and signs to ensure that the battery charging stations would not have an impact on the community. These amendments are required to bring the City into compliance with RCW 36.70A.695.

The amendment related to allowing electric vehicle infrastructure was 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. This item was also identified in the 2015 – 2016 Planning Commission Work Plan adopted pursuant to Resolution 2423.

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 does 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, amending the C-2, Eastown and Midtown Core zoning classifications to allow family day cares was identified as a mandatory change in the City's recent Land Use Liability audit completed by the Washington Cities Insurance Authority (WCIA); 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 determined that the proposed amendment _____ 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 _____ by the Department of Commerce and the review period concluded on _____; 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 _____;

WHEREAS, the amendment to the is consistency 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	A	A	A	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 ~~BLMC 18.22.070~~ Title 16 – Division III BLMC – Shoreline Code	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	P		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	C	C	C	C	C	C	~~P~~ C	C	C	C	C
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											
Electric Vehicle Charging Stations – Level 1 and 2	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]
Electric Vehicle Charging Stations – Level 3	C[2]	C[2]	C[2]	C[2]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]
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

P[1] = No accessory dwelling units are allowed in conjunction with a duplex

P[2] = Subject to the commercial design standards of Chapter 18.31 BLMC

P[3] = Allowed outright on second floor, requires a CUP if on the first floor

P^4 = Subject to the provisions of BLMC 18.22.040
P^5 = Subject to the limitations and provisions of Chapter 18.40 BLMC
C^1 = Exclusions are listed in BLMC 18.29.040
C^2 = 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. <u>In addition to the requirements of 18.52.020.A through 18.52.02.C conditional use permits for essential public facilities shall be subject to the requirements of this section.</u>

1. <u>In addition to the application materials required for any permit required to construct or modify the EPF, the applicant shall submit the following material:</u>

a. <u>Information demonstrating compliance with any existing multi-jurisdictional siting criteria in selecting the proposed location for the EPF; and</u>

b. <u>Information regarding all alternative sites considered for the proposed EPF, including information about why such alternative sites were not selected.</u>

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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Planning Commission

Memo

Date : April 15, 2015

To : Mayor and City Council

From : Grant Sulham, Planning Commission Chair

Re : **Ordinance D15-15**

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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.

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- 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 amendments the City's Land Use Matrix and voted X-X-X to recommend that the City Council _____ Ordinance D15-15.

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