



**Planning Commission Minutes**  
October 18, 2006 Regular Scheduled Meeting

**APPROVED**

City Hall Council Chambers

**The meeting was called to order at 5:35 P.M.**

**Planning Commission Present**

Randy McKibbin, **Chair**  
Grant Sulham, **Vice-Chair**  
Quinn Dahlstrom  
Dennis Poulsen  
David Eck  
Katrina Minton-Davis  
L. Winona Jacobsen

**City Staff Present**

Steve Ladd, Planning Manager  
Christy McQuillen, Planning Commission Clerk

A poll determined that a majority of Commission members would be available for the next meeting scheduled for November 1, 2006 to be held at City Hall Council Chambers.

**I. APPROVAL OF MINUTES:**

Minutes requiring review and approval were those of October 4, 2006.

**MOTION WAS MADE BY COMMISSIONER DAHLSTROM, SECONDED BY VICE-CHAIR SULHAM TO APPROVE THE MINUTES OF OCTOBER 4, 2006 AS PRESENTED. APPROVAL WAS UNANIMOUS.**

**II. PUBLIC COMMENTS/CONCERNS:**

**Mary Urback, Attorney for the Sumner School District, 12417 12th Street East, Edgewood, WA 98372-** Ms. Urback stated that she was simply making herself available to answer any questions the Commissioners may have surrounding School Impact Fees.

Vice-Chair Sulham said that a few months ago, he had asked about the status of the School Impact Fee Ordinance and was told by city staff at that time, that this work item would be rolled into the 2007 Comprehensive Plan Amendments. Yet, in the spring of 2006, several commissioners were under the impression that School Impact Fees was part of the 2006 Comprehensive Plan Amendment schedule and it dropped off the schedule at some point.

Mr. Ladd pointed out that for the 2006 Comprehensive Plan Amendment cycle, 2 groups moved through the process separately. By the time the School Impact Fees came up, the Public Hearings had already been held on the other Amendments and City Council, when presented with the 1 exemption per year option, chose not to use the exemption and moved forward with approving the Transportation Plan and the impact fees associated with that Plan.

After a lengthy discussion, Ms. Urback requested that the City of Bonney Lake move forward with review of the Capital Facilities Plan as part of the 2007 Comprehensive Plan Amendments. With some combined effort by school districts, city staff, attorneys, Planning Commission and the City Council, Ms. Urback would like to see in the future that the School Impact Fee Ordinance is placed on an annual review cycle.

### **III. OLD/CONTINUING BUSINESS:**

**Miscellaneous Fixes Ordinance-** As outlined in the Staff Report dated August 28, 2006, for years the planning staff has catalogued sections of our development regulations which are difficult to interpret due to ambiguous or contradictory language. In some cases staff has been operating under written Administrative Determinations (interpretations signed by the Director) so as to provide consistent interpretation.

The proposed DRAFT Ordinance and Staff Report dated October 16, 2006 have been revised according to Planning Commission decisions from meetings held September 6, September 20 and October 4, 2006. As a group, the Commission reviewed entire table (as listed below) and made comments on the following:

<b>Item #</b>	<b>PURPOSE OF THE REGULATION</b>	<b>PROBLEM WITH THE REGULATION</b>	<b>SUGGESTED FIX</b>	<b>PLANNING COMMISSION COMMENTS</b>
1	To prevent fences at intersections so drivers can see around corners	Does not clarify the physical point on the street at which the 25 feet is calculated from within which fences are prohibited	Refer to regulation regarding "vision clearance triangle," elsewhere in the code. This also eliminates a redundancy	Ok by majority. No Concerns Move to Public Hearing
2	To establish minimum building setbacks / buffer where the C2/C3 Zone abuts a residential zone	Duplicates and contradicts itself	Clarify side and rear setbacks so they are consistent with the landscaping requirements of BLMC 16.12. Remove BLMC 18.29.050 (A.(4))	Ok by majority. No Concerns Move to Public Hearing
3	To have the Planning Commission review and recommend on annexations and street vacations	By state law and BLMC, the City Council holds hearings on annexations and street vacations (but the Planning Commission must review and recommend regarding the zoning of annexations if site-specific). Duplicative hearings are a waste	Eliminate annexations (except the zoning aspect) and street vacations as Planning Commission functions. Note: this would result in a change of current practice with respect to site-specific annexations. But the City hasn't done any site-specific annexations lately and doesn't any planned	Ok by majority. No Concerns Move to Public Hearing

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4	To designate the permit process pertaining to preliminary plats	Inconsistent with Title 14. Says Type 5, should be Type 6	Change "5" to "6"	Ok by majority. No Concerns Move to Public Hearing
5 thru 10	To designate the entity responsible for interpreting lists of permitted and conditional uses in the commercial zones	In some commercial zones the Director determines if a proposed use, though not on the list of permitted or conditional uses, is "similar" or "compatible," therefore also allowed. In other zones the Planning Commission is given this responsibility	Eliminate all such references. Insert in Chapter 18.31, Commercial Development Standards, a new section saying that the Director shall determine when similar uses may be permitted. Note: this would result in a change of current practice	Ok by majority to utilize Mr. Leedy's suggestion and to have an annual review process. Change language in Ordinance Move to Public Hearing
11	To establish minimum and maximum density in the R-1 zone whenever land is being subdivided	Problem #1: The code incorrectly says to "round down." Density means number of units divided by net acres. This number, usually not a whole number, simply must be between 4 and 5. It is unnecessary to round up or down.  Problem #2: The code fails to note that the minimum density does not apply whenever precluded by covenants.	Problem #1: Remove "rounded down."  Problem #2: Note the possible role played by residential covenants.	Ok by majority. No Concerns Move to Public Hearing  Ok by majority. No Concerns Move to Public Hearing
12	To define "side setbacks" such that the regulations pertaining to them make sense	Problem #1: The setbacks pertaining to a corner lot abutting streets on two sides differ from those abutting streets on three sides, yet the definition lumps them together.  Problem #2: Regarding "a minimum of 10 feet on one side," the definition is written correctly with respect to the R-2 zone but not to the R-1 zone.	Problem #1: Add clarifying words to definition.  Problem #2: Eliminate the "10-foot side setback requirement" from the definition. Let the "10-foot side setback requirement" in the R-2 zone chapter speak for itself. (Eliminate duplication).	Ok by majority. No Concerns Move to Public Hearing  Ok by majority. No Concerns Move to Public Hearing
13	To require minimum tree canopy in parking lots	Current language can be misinterpreted as counting loading and refuse areas in the definition of "maneuvering areas," which would make the requirement too difficult to satisfy.	Specify that "maneuvering areas" excludes loading and refuse areas.	Ok by majority. No Concerns Move to Public Hearing

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14	To exempt minor tree removals from the from the permit requirement.	The exemptions could be misinterpreted as prevailing even in critical areas such as wetlands and wildlife habitats. That was not the intent. Such areas need the protection afforded by permit review.	Specify that such actions are not exempt in areas protected by the critical areas code.	Ok by majority. Currently opposed by Commissioner Poulsen Move to Public Hearing
15	To establish a height limit below which new antennas attached to existing poles could be approved administratively, without a conditional use permit	Cell tower antennas are usually 6-12 feet tall. They are mounted on the sides of poles near the top. Existing language could be interpreted as defining antenna height to include the entire antenna, making the easier administrative permit process impossible. Height above the top of the pole seems more relevant, and was probably the intent all along.	Specify that the height referred to is that of the antenna above the top of the pole.	Ok by majority. No Concerns Move to Public Hearing
16	To exempt incidental signs from having to get a permit.	<p>Problem #1: The code does not exempt sandwich board signs from the permit requirement, whereas by administrative interpretation they are exempt if under a certain total sign area and if other rules are followed.</p> <p>Problem #2: The code requires that incidental signs be removed by 48 hours after the event, but incidental signs and sandwich board signs generally have nothing to do with events.</p> <p>Problem #3: The code lacks clear specifications regarding signs advertising homes in new subdivisions.</p>	<p>Problem #1: Exempt sandwich board signs under a certain size and if placed properly.</p> <p>Problem #2: Remove the “48 hours” clause.</p> <p>Problem #3: Include language controlling subdivision signs, in conformance with an existing Administrative Interpretation.</p>	*See paragraph below. As a group, Commissioners have several concerns and may opt to take on the challenge of opening up the entire Sign Code for review. Postponed decision to move to Public hearing at this time.
17	To establish rules regarding special event signs.	The clause referred to in Problem #2 above belongs here. It was needed but out of place.	Require that special event signs be removed within 48 hours of the event.	Commission remains undecided on this proposed change. Move to Public Hearing and discuss further at later workshop.

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18	To establish bulk restrictions in the C2/C3 zone	The C2/C3 zone has no maximum residential density	Establish the same maximum residential density as pertains to the R-3 zone: twenty units per acre. (This is how the code is currently interpreted.)	Ok by majority. However, check with Council on whether commercial density should be more extensively reviewed and modified. Move to Public Hearing
19	To establish the maximum residential density in the R3 zone.	The residential density requirement in the R3 zone was clearly meant as a maximum, but as worded it could also be interpreted as being a minimum.	Specify that 20 units per acre is the maximum residential density.	Ok by majority. No Concerns Move to Public Hearing
20	To establish the relationship between building permit issuance and payment of water connection charges.	The code fails to establish rules regarding the refunding of water connection charges and the amount to be paid if the applicant reapplies.	Specify that the payment will be refunded but that upon reapplication the current (newer) water connection charges will apply.	Ok by majority. No Concerns Move to Public Hearing
21	Same as for Section 20 but for Sewer	Same as for Section 20 but for Sewer.	Same as for Section 20 but for Sewer.	Ok by majority. No Concerns Move to Public Hearing
22	To establish rules regarding building permit fees upon reapplication when a permit has expired.	The code is vague regarding the required payment upon reapplication after suspension or abandonment.	Clearly specify the fee that will be charged in each scenario.	Clarification was made by staff that City Attorneys requested this language change. Ok by majority. No Concerns Move to Public Hearing
23	To establish the relationship between building permit issuance and payment of traffic impact fee.	The code fails to state establish rules regarding refunding of traffic impact fee upon permit expiration, and the amount to be paid if the applicant reapplies. Are transportation impact fees "vested."	Specify that the payment will be refunded but that upon reapplication the current (newer) impact fees will apply. No "vesting."	Ok by majority. No Concerns Move to Public Hearing

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25	Identify that transportation improvement plan which the traffic impact fee will help finance	Since adoption of the Transportation Element of the Comprehensive Plan, this section should no longer refer to the six-year transportation improvement plan.	Delete reference to the six-year transportation improvement plan.	Ok by majority. No Concerns Move to Public Hearing
26	To establish rules regarding assessment of traffic impact fees	Problem # 1: The code does not say whether impact fees should be assessed when an existing or prior land use is replaced with a comparable land use, for example when a mobile home is replaced with a conventional single-family residence.  Problem # 2: Same problem as in Section 25 regarding the six-year transportation plan.	Problem # 1: Not charge impact fees for replacement development.  Problem # 2: Delete reference to the six-year transportation improvement plan.	Ok by majority. No Concerns Move to Public Hearing  Ok by majority. No Concerns Move to Public Hearing
27	Same as Section 26 but for park impact fees.	Same as Section 26, Problem #1, but for park impact fees.	Not charge impact fees for replacement development.	Ok by majority. No Concerns Move to Public Hearing
28	Same as Section 26 but for school impact fees.	Same as Section 26, Problem #1, but for school impact fees.	Not charge impact fees for replacement development.	Ok by majority. No Concerns Move to Public Hearing
29	To require developers of plats to install street lighting.	This requirement was placed in the procedure chapter instead of the design standards chapter where it belongs.	The section is moved. It has not been revised.	Ok by majority. No Concerns Move to Public Hearing
30	To exempt legal lots of record with at least 7,200 square feet from the minimum lot size requirement. Presumably, this was meant to allow one single-family home on such lots.	By failing to limit the remedy to one residence per lot, BLMC 18.02.100 has been interpreted by the City Attorney to allow duplexes on R-2 lots between 7,200 and 9,999 square feet in size, even though the R-2 zone requires 10,000 square feet for a duplex. At least one builder has exploited this loophole. The "legal lots of record exemption" is also misplaced since "nonconforming uses" are generally handled in BLMC Chapter 18.38.	The proposed fix clarifies that the "legal non-conforming lot" language only ensures that one single-family home can be built on the undersized lot.	Commission split on this. Concern is if Planning Commission is on same page with Council for minimum lot size and density.  Postponed decision to move to Public hearing at this time.

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31	See above.	See above.	The section is also moved to a better location in the BLMC.	Commission split on this. Concern is if Planning Commission is on same page with Council for minimum lot size and density.  Postponed decision to move to Public hearing at this time

There was a lengthy discussion for Item #16, Sign Code. Main concerns include: 1) There are too many signs throughout the City already in relation to the sea of political and real estate signs and it's not fair that commercial businesses cannot advertise as subdivisions do (off premises). 2) Small directional signs being eliminated completely 3) Staffs proposal may not fix the current problems.

Majority of the Commissioners agreed that the Sign Code, as a whole, should be reviewed as part of an annual review. Title 15.28 was thoroughly reviewed under Ordinance 880 in 2001 and limited portions under Ordinance 988 in 2003.

As for the balance of the Miscellaneous Fixes Ordinance items, the Commission chose to move forward with SEPA notice and with a Public Hearing, to be held on Wednesday, November 15, 2006 at 6:00PM in City Hall Council Chambers.

This topic is to remain on the Agenda under Old/Continuing Business.

**Non Motorized Transportation Plan-** At this time, Commissioners are simply absorbing the DRAFT Plan dated September 2006. Mr. Ladd said that this is simply for the Commission to continue to review and make any necessary notes. In terms of Adoption, this will be moved into the 2007 Comprehensive Plan Update.

Commissioner Jacobsen suggested that one aspect of the plan, storm water, be explored more by the City of Bonney Lake. The City should look at a natural pilot program and asked that a presentation be available to Planning Commission and City Council on this subject (similar to the presentation held at the APA Brown Bag series).

This topic is to remain on the Agenda under Old/Continuing Business.

**Recommendation of zoning for Annexation Area 3-** The City Council and Planning Commission held a joint public hearing on October 10, 2006 to receive testimony about the annexation and related zoning. The

Planning Commission is being asked to discuss testimony and make a motion to recommend to City Council the annexation of Area 3 and the application of R-1 zoning to the area.

**MOTION WAS MADE BY COMMISSIONER ECK, SECONDED BY COMMISSIONER JACOBSEN, TO RECOMMEND THAT CITY COUNCIL APPROVE ANNEXATION AREA 3 AND THE APPLICATION OF R-1 ZONING FOR THE AREA. APPROVAL WAS UNANIMOUS.**

IV. **PUBLIC HEARING-** None

V. **NEW BUSINESS-** None

VI. **FOR THE GOOD OF THE ORDER:**

**Correspondence-** Email dated October 18, 2006 from Shannon Mayfield-Porter regarding the scheduling of a Joint Public Hearing with City Council and Planning Commission for Annexation Area 1-B.

**Staff Concerns-** Mr. Ladd said he was pleased to see 4 Planning Commissioners at the Downtown meeting.

Mr. Ladd updated the Commission on the Fennel Creek Trail Plan. The Environmental Impact Statement is just about complete. Once the EIS is complete, staff will have a chance to review and make comments.

The City of Bonney Lake Planning Department will be issuing a Tree Removal Permit for the WSU Demonstration Forest. The permit will include several conditions such as replanting, hours of operation and equipment requirements. Staff is under the impression that work will start within a few week.

**Commissioner Concerns** – Commissioner Poulsen voiced strong opposition that the City of Bonney Lake should, at this time, move forward to increase School Impact Fees considering that the Sumner School District just received funds from an approved bond measure. Vice-Chair Sulham clarified for the record that bond dollars cover the operating costs of a school and not facilities. Commissioner Minton-Davis feels the request stems from the Sumner School Districts Capital Facilities Plan which is largely based on the forthcoming schools that need to be built in the Cascadia Development (within the boundaries of the Sumner School District). Vice-Chair Sulham pointed out that Bonney Lake High School is too small right now to support more capacity. Therefore, impact fees should be raised.

An audience member in attendance asked to come forward and speak on the subject of Impact Fees.

**John Alexander, Government Affairs Associate, Master Builders Association, 1120 Pacific Avenue, Suite 301, Tacoma, WA 98402-** In response to School Impact Fees and other related Impact Fees county wide. As reported by the MBA members, Bonney Lake is the highest in permit cost & impact fees. There is a lot of momentum building up on a county and local city level in response to impact fees. School funding should first come from the State, bond measures as an option to supplement unfunded needs. The burden should not fall on the developers/builders.

Commissioner Minton-Davis announced to the Commission the Chamber of Commerce meeting scheduled for Thursday, October 19, 2006.

Chair McKibbin recommended that Ms. Shannon Mayfield-Porter forward the recommendation onto City Council in regards to zoning for Annexation Area 3.

Commissioner Jacobsen announced to the Commission the Bonney Lake Livable Community Group meeting scheduled for November 2, 2006 at 6:00PM. Topic of discussion will be Downtown Bonney Lake.

**VI. ADJOURNMENT:**

**MOTION WAS MADE BY COMMISSIONER DAHLSTROM, SECONDED BY COMMISSIONER JACOBSEN TO ADJOURN. APPROVAL WAS UNANIMOUS.**

The meeting ended at 8:12 P.M.

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Christy McQuillen, Planning Commission Clerk  
Approved on November 1, 2006