

**PLANNING COMMISSION  
MEETING**

**November 5, 2014  
6:30 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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**Location:** Justice & Municipal Center, 9002 Main Street East, Bonney Lake.

**Planning Commission Members:**

Grant Sulham – Chair  
L. Winona Jacobsen – Vice Chair  
David Baus  
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** *(November 19, 2014)*
- III. Approval of Minutes**
- IV. Public Comments and Concerns**
- V. Public Hearing**
  - 1. Resolution 2421: Bonney Lake Comprehensive Plan Update – Cultural Arts and Heritage Element
  - 2. Ordinance D14-129A/B: Regulation of State Licensed Marijuana Businesses
  - 3. Ordinance D14-134: 2014 Comprehensive Plan Amendment – Old City Hall Site Land Use Designation and Zoning Classification Amendment.
- VI. New Business**
  - 1. Planning Commission Futures.
- VII. Old / Continuing Business**
- VIII. For the Good of the Order**
  - A. Correspondence
  - B. Staff Comments
  - C. Commissioner Comments
- IX. Adjournment**

**Next Meeting:** November 19, 2014

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**PLANNING  
COMMISSION MEETING**

**OCTOBER 15, 2014  
6:30 p.m.**

**APPROVED MINUTES**



*“Where Dreams Can Soar”*

*The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.*

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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 6:30 P.M.

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

**Absent:** Dennis Poulsen

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

**Motion was made by Commissioner Sarver and seconded by Commissioner Doll to excuse Commissioner Poulsen from the Planning Commission meeting.**

**Motion approved 6-0**

**III. Approval of Minutes:**

**Motion was made by Vice-Chair Jacobsen and seconded by Commissioner Doll to approve the minutes from the October 1, 2014 meeting as written.**

**Motion approved 6-0**

**IV. Public Hearing:**

**A. Continue Public Hearing: Resolution 2421 Bonney Lake Comprehensive Plan Update – Cultural Arts and Heritage Element**

Chair Sulham opened the Public Hearing at 6:33 P.M.

Senior Planner Sullivan discussed the updates to the Cultural Arts and Heritage Element. There is still some minor grammar corrections. Received one email with comments. Will present to the Arts Commission at their October 22<sup>nd</sup>, meeting. Suggested leaving the Public Hearing open till the November 5<sup>th</sup> Planning Commission meeting.

Chair Sulham opened the floor for Public Comments:

Ron Angeline, 11115 Angeline Rd E: Is interested in what the City is doing. His family has a long history of living in the City. He asked if they are changing the land use designation. He has a plot pending in the City and won't comment any further.

**Motion was made by Commissioner Doll and seconded by Commissioner Baus to leave the Public Hearing on Resolution 2421 Bonney Lake Comprehensive Plan Update – Cultural Arts and Heritage Element open until the November 5<sup>th</sup>, Planning Commission meeting.**

**Motion approved 6-0**

**V. Public Comments and Concerns: NONE**

**VI. New Business:**

**A. Ordinance D14-134: 2014 Comprehensive Plan Amendment – Old City Hall Site Land Use Designation and Zoning Classification Amendment:**

Senior Planner Sullivan explained the designation change and will hold a Public Hearing at the November 5<sup>th</sup>, Planning Commission meeting.

Vice-Chair Jacobsen had a few minor corrections to the draft.

**B. Ordinance D14-129 A/B: Regulation of State Licensed Marijuana Businesses:**

Senior Planner Sullivan discussed what evolved from City Council. They asked to have two choices with one being a complete ban and the other allowing only retail. Marijuana producers and processors are banned in both ordinances. A Public Hearing will be scheduled for the November 5<sup>th</sup>, Planning Commission meeting.

**VII. Old/Continuing Business: NONE**

**VIII. For the Good of the Order:**

**A. Correspondence: NONE**

**B. Staff Comments:**

Senior Planner Sullivan announced the Shoreline Master Plan will be in effect tomorrow. Thanks to the Planning Commissioners for all their hard work.

**C. Commissioner Comments:**

Vice-Chair Jacobsen reminded Commissioners of the Milotte Wildlife Film Festival this Saturday.

**IX. Adjournment**

**Motion was made by Vice-Chair Jacobsen and seconded by Commissioner Sarver to adjourn.**

**Motion approved 6-0**

**Meeting adjourned at 7:12**

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Debbie McDonald Planning Commission Clerk



# Community Development Department Briefing Memorandum

**Date:** October 27, 2014  
**To:** Planning Commission  
**From:** Jason Sullivan – Senior Planner  
**Re:** **Bonney Lake Comprehensive Plan Update – Cultural Arts and Heritage Element**

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## **PURPOSE:**

The purpose of the memorandum is to facilitate the Planning Commission’s continued Public Hearing on the redrafted Cultural Arts and Heritage Element as part of the Comprehensive Plan Update required to be completed by June 31, 2014. This item is schedule for the November 11, 2014 City Council Workshop under AB14-133.

**SUGGESTED MOTION:** *“I move to recommend that the City Council adopt Resolution 2421 stating the City Council’s intent to adopt the Cultural Arts and Heritage Element as part of the Comprehensive Plan update.”*

## **ATTACHMENTS:**

1. Resolution 2421
2. Cultural Arts and Heritage Element
3. Planning Commission Recommendation Memo

## **BACKGROUND:**

The City of Bonney Lake is currently updating its comprehensive plan and development regulations as required by RCW 36.70A.130. As part of this periodic review and update, the City has identified a number of changes that are required ensure compliance with the Growth Management Act (GMA). In addition to the required changes, a number of optional changes have been proposed to be made as part of the update process. There are no required changes to the Culture and Heritage; however, a number of optional changes are the result of the following:

- *2015 Comprehensive Plan Update – Scope of Work and Public Participation Plan* (Scope of Work and PPP) adopted on October 22, 2013 pursuant to Resolution 2320. The Scope of Work and PPP established the framework and initial breath of the update of the City’s comprehensive plan.
- *2014 – 2015 Planning Commission Work Plan* adopted on January 14, 2014 pursuant to Resolution 2347 and amended on May 27, 2014 pursuant to Resolution 2385.
- The Bonney Lake Planning Commission reviewed the Element at the July 16, 2014 and September 17, 2014 Planning Commission Meetings and made minor changes to the Element to include renaming the element as the Cultural Arts and Heritage Element.

**DISCUSSION:**

The structure and look of the element was updated to be consistent with the new template for all Comprehensive Plan elements as discussed in the Scope of Work and PPP. In addition to the reformatting and reorganization of the element, a list of the changes that were made to the document is provided below:

- The name of the element was changed from Culture and Heritage to Cultural Arts and Heritage.
- The two vision statements in the original element were combined into one statement to improve readability, but the text contains nearly identical language as the original vision statements.
- The goals and policies statements were move from a standalone section and integrated to the sections that the goals and polices addressed consistent with the new template for all Comprehensive Plan elements.
- A section on Public Art was added along with associated goals and policies.
- The history of the City contained in the original Community Character Element was moved to the Heritage section given the development of the Community Development Element.
- Additional historical photos were added to the Element.

At the Planning Commission meeting on October 15, 2014, the Planning Commission continued the public hearing to November 5, 2014 to allow staff to present the Cultural Arts and Heritage Element to the Bonney Lake Arts Commission. Staff presented the Element to the Arts Commission on October 22, 2014. The Arts Commission did not suggest or recommended any changes to the Cultural Arts and Heritage Element.

**RESOLUTION NO. 2421**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON EXPRESSING THE INTENT TO ADOPT A CULTURAL ARTS AND HERITAGE ELEMENT.**

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

**WHEREAS**, Council passed Resolution 2379 directing staff to prepare amendments to the Comprehensive Plan consist with the *Bonney Lake 2035 – Consistency Report*; and

**WHEREAS**, the Bonney Lake Planning Commission has reviewed the proposed amendments to the Comprehensive Plan related to Cultural Arts and Heritage on October 15, 2014; and

**WHEREAS**, the Bonney Lake Planning Commission conducted a public hearing on the proposed amendments to the Comprehensive Plan related to Cultural Arts and Heritage on July 16, 2014 and September 17, 2014; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DOES HEREBY RESOLVE AS FOLLOWS:**

The City Council of the City of Bonney Lake provides notice of its intent to adopt the Cultural Arts and Heritage Element of the Comprehensive Plan, attached as Exhibit A.

**BE IT FURTHER RESOLVED**, that the City staff is directed to prepare the final version of the Cultural Arts and Heritage Element of the Comprehensive Plan which will be brought back to the City Council for final consideration prior to June 30, 2015.

**PASSED** by the City Council and approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2014.

**PASSED** by the City Council this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Neil Johnson, Jr., Mayor

AUTHENTICATED:

\_\_\_\_\_  
Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

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Kathleen Haggard, City Attorney

# Chapter 4

## Cultural Arts and Heritage

### Table of Contents

<b>1. INTRODUCTION .....</b>	<b>1</b>
<b>2. VISION .....</b>	<b>3</b>
<b>3. CULTURAL ARTS .....</b>	<b>3</b>
3.1 Planning For the Arts .....	3
3.2 Partnerships.....	5
3.3 Cultrual Arts Venues.....	6
3.4 Cultrual Arts Marketing .....	7
3.4 Public Art .....	8
3.5 Cultural Arts Activities .....	9
<b>4. HERITAGE .....</b>	<b>10</b>
4.1 History .....	10
4.2 Heritage and Preservation Planning.....	13
4.3 Historic Preservation in Washington State.....	15
4.4 What Makes Something Historic? .....	16
4.5 Protection of Heritage Resources.....	17
4.6 State and Federal Preservation Regulations .....	22
4.7 Preservation Tools and Resources.....	23
4.8 State and Local Heritage Organizations .....	24

### LIST OF FIGURES

<i>Figure 4-1: Christmas Tree Lighting Concert.....</i>	<i>1</i>
<i>Figure 4-2: Kids Club.....</i>	<i>2</i>
<i>Figure 4-3: 2007 Missoula Children’s Theater Production .....</i>	<i>4</i>
<i>Figure 4-4: Bonney Lake Days .....</i>	<i>5</i>
<i>Figure 4-5: Tunes at Tapps.....</i>	<i>9</i>

*Figure 4-6: Kids Club*..... 9

*Figure 4-7: Easter Egg Hunt* ..... 9

*Figure 4-8: Kelley Lake Farm* ..... 13

*Figure 4-9: Connell’s Prairie Monument* ..... 14

*Figure 4-10: Kelly Lake School circa 1928* ..... 16

*Figure 4-11: Skystone*..... 17

*Figure 4-12: Naches Trail circa 1853*..... 17

*Figure 4-13: Heritage Tree Plaque* ..... 18

*Figure 4-14: Allen Yorke Park circa 1970*..... 19

*Figure 4-15: Bonney Lake Historic Monument Locations*..... 21

*Figure 4-16: Dedication Notice*..... 23

**LIST OF TABLES**

*Table 4-1: Bonney Lake’s Oldest Residences*..... 19

# 1. INTRODUCTION

Cultural arts and historic resources are essential to the quality of life, spirit, vitality, health, and well-being of a city. Commitment to the promotion of cultural arts and preservation of historic resources is essential in this era of competition for resources, residents, businesses, and tourists, it provides the defining competitive edge that attracts the 'creative class.' It enriches the daily lives of all the City's residents by



Figure 4-1: Christmas Tree Lighting Concert

providing a deeper understanding, tolerance, and respect for diverse communities. As Bonney Lake and the Puget Sound region grow and change, it is vital to preserve Bonney Lake's beautiful natural surroundings, promote the arts, and protect historic resources in order to maintain and enhance the quality of life the residents of Bonney Lake have grown to expect. There are a variety of aspects to cultural arts, such as:

- performing arts (music, theatre, dance, circus)
- visual arts (paintings, sculpture, art objects, digital art forms, crafts)
- film and new media (movies, television, electronic games)
- literature (books and magazines)
- cultural heritage (museums, historical sites, associated collections, ethnic and/or racial traditions or holidays, religious traditions)
- culinary arts

The City can't create a culturally vibrant community on its own – it takes everyone, whether creating art, creating community, or enjoying the creations of others.

Heritage resources include collections of historic materials, historic structures, celebrations of historic events, oral histories, genealogy, pre-contact archeological resources, etc. Heritage resources help provide a better sense of time and place which in turn provides identity and an authentic sense of place for the community and its residents.

The City of Bonney Lake began to demonstrate its commitment to promoting a more vibrant cultural life for its residents and visitors in 2006 by expanding its special events, hiring a Special Events Coordinator,



Figure 4-2: Kids Club

and assigning staff to work more closely with such organizations as the Greater Bonney Lake Historical Society and supporting the newly established Veterans Memorial Committee.

In 2014, this commitment was furthered by the establishment of the Bonney Lake Art's Commission.

The Community Cultural and Heritage Element of the Comprehensive Plan is optional under the Growth Management

Act (GMA), but the City is choosing to incorporate this element into the Plan because it is a vital part of the community's interests. The GMA goals that pertain most directly to community cultural and heritage resources are:

- **Urban Growth:** Encourage development in urban areas where adequate public facilities/services exist or can be provided. Note: Such facilities might include meeting or recreational facilities, community centers, senior centers, galleries, museums, etc.
- **Economic Development:** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities. Note: The social well being of our community is influenced by the economic well being of our citizenry.
- **Citizen Participation and Coordination:** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts. Note: Involvement of our citizens could be expanded to include involvement in community projects, activities, programs, etc.
- **Historic Preservation:** Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance. Note: The City as has taken the first steps in identifying our historic resources. Preservation is a more challenging matter.

## 2. VISION

The City envisions a Bonney Lake in which art is displayed in private and public facilities and residents can access cultural programs, participate in cultural activities, mingle with artists or performers, and learn to appreciate the heritage of the greater Bonney Lake area by engaging in activities that include historic preservation, historic presentations, collections of historic materials and/or structures, celebrations of historic events, oral histories, and genealogy and strive to maintain, preserve, and enhance the City's historic, cultural and archaeological resources to provide a sense of local identity and history to the visitors and residents of the community. Bonney Lake will become known for innovative, engaging and authentic experiences, people and places that celebrate our past, present and future.

To this end, we envision a Bonney Lake where:

- enthusiastic citizens participate in, volunteer for, support and appreciate cultural arts;
- performers and artisans seek to display their talent to an eager public;
- quality cultural arts activities energize, entertain, refine, and inspire us;
- cultural arts activities are accessible to all and are well-publicized;
- families participate in rich and varied cultural activities;
- Bonney Lake's heritage, history, and diversity are preserved and promoted;
- the arts are adequately funded and appropriate facilities are available;
- private support of the arts is encouraged; and,
- arts education is fostered.

## 3. CULTURAL ARTS

### 3.1 PLANNING FOR THE ARTS

Vibrant cultural arts opportunities provide numerous benefits to the local community:

- These activities help create a sense of community by providing a means for citizens to mingle and develop interpersonal relationships;
- Studies show that cultural arts events promote economic activity and thereby create local jobs and sources of income;
- Cultural arts activities provide an opportunity for a community to create a distinct identity;

- Cultural opportunities are often cited as an important indicator of a community’s quality of life and thereby impact relocation decisions by individuals and businesses; and
- Access to grant funding typically requires development of a plan that identifies existing resources and future needs.

Cultural activities, events, and festivals provide opportunities for local citizens to gather and share common interests. Not only do such activities create opportunities for citizens to meet each other and develop relationships, they also serve to bond participants to their community and create a sense of community pride and caring.

Community cultural activities can play an important role in economic development. A 2007 study undertaken by Americans for the Arts estimates that a typical attendee of a performing arts event spends \$27.79 per person, per event, not counting the cost of admission. This study also concludes that non-profit organizations alone create approximately 5.7 million full-time-equivalent jobs across the U.S. Arts organizations, whether non-profit or for-profit, are typically labor-intensive and therefore create local jobs.



Figure 4-3: 2007 Missoula Children’s Theater Production

Communities can create their own cultural identities and “branding” which can have both economic and psychic benefits. Some obvious examples are Port Townsend (Victorian seaport theme), Leavenworth (Bavarian theme), and Ashland (Shakespeare). Tourism itself can actually become a community’s primary economic driver as it has for these three cities. Another example is downtown Tacoma whose revitalization was driven by location of several museums.

*Area Development* magazine, a publication covering corporate site selection and relocation issues with 45,000 executive subscribers, has conducted surveys that indicate that “quality of life” is an important factor when it comes to site selection by businesses and individuals. Cultural attractions are typically one of the “quality of life” indicators.

Occasionally governmental and private organizations offer grants that could provide funding for a portion of cultural arts activities and facilities. Generally such grant opportunities are modest in scope and focus on specific needs. Development of a cultural arts plan that identifies existing resources and assesses community needs is an important first step. Some grant programs require adoption of a formal plan to access funding. This plan is intended to fulfill such a requirement if needed.

Utilizing community cultural activities to assist with developing a community is not an overnight achievement and is not free of cost or commitment. It takes many years of planning, hard work, and financial commitments to achieve substantial long-term results.

**Goal CCH-1: Enhance and enrich Bonney Lake’s community culture by promoting various forms and expressions of cultural arts.**

*Policy CCH-1.1: Educate residents about different ethnic arts and cultural traditions, and for building multicultural understanding.*

*Policy CCH-1.2: Within the limits of available resources, support, enhance and/or maintain community events through the inclusion of arts related activities.*

*Policy CCH-1.3: Periodically review and update the Community Culture and Heritage Element.*

*Policy CCH-1.4: Pursue, where appropriate, county, state, and federal funding opportunities for cultural arts.*

*Policy CCH-1.5: Incorporate cultural arts as part of its overall economic development program, especially those that attract out-of-town visitors.*

## 3.2 PARTNERSHIPS



Figure 4-4: Bonney Lake Days

One major goal of this plan is to raise awareness of and facilitate access to information about artists, events, sponsors, venues, and other related information. To that end an arts and cultural asset map of the Bonney Lake and surrounding area has been developed. The asset map is designed to help tell the story of the community’s arts and cultural landscape by providing a snapshot of the cultural sector. The cultural asset map follows the same format as that

developed by Pierce County and included in the Pierce County Arts and Cultural Plan, dated April 2010. The City of Bonney Lake and several local cultural arts organizations and individuals participated in the development of Pierce County’s cultural asset map. By following the same format, the City recognizes that it is part of the larger Pierce County community and wishes to plan and operate within that context. In addition to online sources, lists of arts organizations were derived from the White River Families First Coalition’s Plateau Community Resource Guide and the Bonney Lake Chamber of Commerce’s Business and Community Guide. The City’s approach is to collaborate with – not duplicate or supplant – existing

organizations, events, and processes. Beyond existing recreation and special events programming, the City envisions its primary role as facilitator and information clearinghouse.

The purpose of this map is to list in one location local governmental, nonprofit and for-profit organizations in the following categories:

- Heritage, historical, cultural initiatives and organizations
- Learning programs and arts education
- Venues (facilities)
- Community leadership organizations and partnerships (governmental and nonprofit)
- Artist initiatives and groups
- Festivals and events
- Media and communications
- Visual, performing, and literary arts organizations
- Arts and cultural private businesses

**Goal CCH-2: Facilitate partnerships and collaborations with other public agencies, community based groups, and the private sector to expand opportunities for cultural arts. This includes strengthening relationships the Derringer, White River and Sumner School Districts, neighboring cities, Pierce County Library System, local artists, businesses, and arts related community based groups**

*Policy CCH-2.1: Collaborate with the White River and Sumner School District, other jurisdictions, and the Bonney Lake Library to present quality arts programs and performances to the community.*

*Policy CCH-2.2: Encourage the Sumer School District to construct a performing arts facility of the grounds that have been set aside for that purpose, and to make the facility available for community use.*

*Policy CCH-2.3: Promote partnerships among arts organizations, education institutions, and charitable foundations to enhance programming, funding, and facility development for community cultural activities.*

*Policy CHH-2.4: Encourage partnerships with the private sector and organizations to encourage monetary and non-monetary support for community cultural activities.*

### 3.3 CULTURAL ARTS VENUES

Bonney Lake currently lacks museums, art galleries, theaters, and other performance art venues. In response to its growing population, the City must continue to evaluate and work to expand its cultural venues to cater to the increasing entertainment needs of its residents.

During the summer of 2010, the Park Board and city staff undertook an extensive community survey of more than 450 individuals. While the survey was not restricted to city residents only, surveys were focused primarily on participants of city-sponsored special events. Within the cultural arts facilities category, “performing arts center” rated highest; “amphitheater” second; “veterans’ memorial” third; and “museum” lowest.

**Goal CCH-3: Develop facilities and programs for public art and cultural opportunities that create and enrich a strong sense of community identity and promote a high quality of life.**

*Policy CCH-3.1: The City will advocate for visual and performing arts facilities to serve the needs of the community.*

*Policy CCH-3.3: The City will advocate for the development of a community center as central location for community cultural and leisure activities.*

*Policy CCH-3.4: The City will establish development incentives to facilitate the construction of visual and performing arts facilities.*

*Policy CCH-3.5: Encourage performance and events in non-traditional venues.*

## 3.4 CULTURAL ARTS MARKETING

Arts, cultural and heritage organizations often assert that their most critical need is audience development, community awareness, and marketing. In addition, in an era of a faltering economy and declined arts attendance the need for effective marketing and audience development becomes even more critical.

The City of Bonney Lake currently has two local, two regional and two national print papers serving the community. One of the local papers, the Courier Herald, is the current chosen paper for City of Bonney Lake announcements. This paper is distributed weekly to every household in the Bonney Lake, Sumner and Buckley areas.

Other digital marketing opportunities include but are certainly not limited to the Mayor’s weekly newsletter and the monthly edition of the Bonney Lake Reporter.

Regional resources can use their websites to market the plan as well, such as:

- Pierce County Arts Commission
- Pierce County Library

Social Media marketing is a very fast paced way to market the plan as well. These include but are certainly not limited to:

- Facebook

- Twitter
- Bonney Lake Blog

Banners and yard signs can also be a beneficial marketing plan for larger events throughout our city. There are a number of strategies the City can employ to assist in addressing this problem. The City special events staff could convene local cultural related organizations to explore collective and cooperative marketing. The City could use its existing outlets, such as the Bonney Lake Reporter, City website, and Facebook page to profile local arts and heritage groups. The City could continue to use other advertising media to promote the arts and other special events.

**Goal CCH-4: Increase public awareness of arts, cultural, and heritage organizations to facilitate audience development, community awareness, and public attendance.**

*Policy CH-4.1: Use traditional and social media, new technology, City publications, community partnerships to increase awareness and participation in community cultural activities that distinguish Bonney Lake from other regional cities.*

## 3.4 PUBLIC ART

Public art programs contribute directly to economic vitality through the enhancement of the physical environment, increased property values and cultural tourism as well as through more indirect methods such as an enhanced sense of ownership of public facilities and an accompanying decrease in vandalism. These programs involve artists not only in the creation of unique works of art for a community, but in the design of the built environment and in the delivery of public services.

Public art enhances public facilities and spaces by engaging artists in civic development. Artists can create signature works that serve as public landmarks and they can create place-making artworks that range from decorative to functional, such as benches, light fixtures, tree guards, bus shelters or decorative flooring. Every new bridge or overpass, every new park, building or sidewalk presents an opportunity to make the region more appealing. Millions of dollars are spent every year constructing roads, building public facilities and otherwise extending, improving and maintaining infrastructure. Public art programs leverage those funds by enabling the expansion of the region’s cultural infrastructure at the same time.

**Goal CCH-5: Incorporate public art into infrastructure projects, parks, and gathering spaces to develop a strong community identity and provide places with elements that facilitate the creation a strong sense space.**

*Policy CCH-5.1: The City will encourage participation from the private and business sectors to provide art for display in public places. This includes encouraging citizens and businesses to underwrite through individual donations, the creation of artist-made streetscape furnishings such as benches or flower basket poles.*

*Policy CCH-5.2: The City will incorporate the arts into its downtown plan to enhance pedestrian connections and highlight cultural assets including public art and community history.*

*Policy CCH-5.3: The City will incorporate public art into its parks and public spaces.*

*Policy CCH-5.4: Install public art in City-owned facilities, parks, and greenways and incorporate public art into the planning stages of publicly funded projects and projects on City-owned land.*

*Policy CHH-5.5: Support the temporary re-use of vacant and/or underutilized building facades for art exhibitions and murals.*

### 3.5 CULTURAL ARTS ACTIVITIES



Figure 4-5: Tunes at Tapps

The ultimate reward for Bonney Lake in promoting arts and culture is to enhance its positive reputation for events and festivals. Annual art shows, film festivals, and concert events held around the same time every year can become a tourism generator. Current City-sponsored cultural events include Bonney Lake Days, Tunes at Tapps, Kids Club, Movie Night in the Park, Annual Easter Egg Hunt, Christmas Tree Lighting, Parks Appreciation Day, and the Family Fitness Fest/Car Show. In addition to the City-sponsored

events, there are other culture activities which include the Milotte Wildlife Film Festival, Renaissance Fair and Labor of Love Triathlon.



Figure 4-6: Kids Club



Figure 4-7: Easter Egg Hunt

**Goal CCH-6: Maintain the Bonney Lake’s community cultural activities to promoting the arts and enhance the City’s reputation for events and festivals.**

*Policy CCH-6.1: Promote and market events that support and encourage cultural tourism.*

*Policy CHH-6.2: Engage the arts community in the planning of City festivals and other cultural activities.*

## 4. HERITAGE

### 4.1 HISTORY

#### ***Native Americans***

The Native Americans that traversed Bonney Lake's Plateau were primarily those of Puget Sound who spoke the Lushootseed dialect of the Salish group of languages. Their presence in the area is estimated to have been from 10,000 to 12,000 inhabitants before the coming of the white man. No known permanent settlement of people resided on the plateau, but it was traversed frequently between the western shores and the inland plateau located east of the Cascades. The trail was used while hunting game and gathering of native berries, nuts and camas roots. Some of the nearby native groups were later known as the Puyallup, Nisqually, and Muckleshoot tribes. Their domain extended from the shores of Puget Sound to the Cascade Mountains. Bonney Lake's Plateau was an area that was vital to their cultural existence and provided a link to their cousins east of the mountains.

#### ***Early expeditions***

Although the earliest known non-native people to arrive in Puget Sound was the Captain George Vancouver expedition in 1792, no known written record of Bonney Lake's plateau was made until 1841, when Lt. Robert Johnson, with Charles Wilkes' United States Exploring Expedition, travelled from the British held Hudson Bay Company, Fort Nisqually, to another Hudson Bay Company at Fort Colville. Johnson travelled the Indian path later known as the Naches Trail. As early as 1833, The Hudson Bay Company had established themselves at Fort Nisqually, and it has been stated that a small cabin was built by fur traders on the plateau along the Naches Trail. In 1853 Theodore Winthrop crossed the Naches Trail and later wrote about the experience in a book, *Canoe and Saddle*.

#### ***Naches Trail***

The Naches Trail began as hardly more than a path from Puget Sound across Bonney Lake's Plateau, the White River, the Cascade mountains, to the inland areas of the Yakima Nation. It was the "freeway" of the past, used as a trade route between tribes. Sometimes along the trail within the Bonney Lake area, tribes would gather to visit, exchange news and goods, and renew familial ties. The first wagon train to cross the Cascades north of the Columbia River was the Longmire train in 1853, fording the White River west of Porter's Prairie, stopping at Connell's Prairie, crossing Fennel Creek where Kelley Farm is located. It travelled on through Grainger Springs and down to the Puyallup River where Van Ogle later owned a thriving hop farm near the Alderton bridge. Following that first crossing, the trail across the plateau was changed to run roughly along the same route as the Old Sumner Buckley Highway, making the first crossing of the White River near Boise.

In 1853 Captain George B. McClellan was assigned the task of surveying the Naches Trail as a possible route for the Northern Pacific Railroad and to explore the Cascades. An improved road was urgently needed to help emigrants over the much shorter, but incomplete route. His priority task was supposed

to make sure any wagon train was met at Walla Walla and guided across the mountains into Puget Sound. He failed in spite of the forty men and all the supplies at his disposal. He did not cross the Naches pass, because the Yakima Indians had told him that the snow was too deep. His opinion was that the route should be along the Columbia River.

## ***Indian War***

Washington Territorial Governor Isaac I. Stevens was determined to make it easy for the immigrants from the United States to settle and populate the territory north of the Columbia River. With an increasing number of people arriving to file Donation Land Claims, the Native Americans were becoming restive. When Stevens brokered the Medicine Creek Treaty in December 1854, there was anger and disagreement when the tribes realized they were signing over their right to use the land they had inhabited for centuries. Conflict in the Puget Sound region erupted when resident Michael Connell and Lt. James McAllister of the Washington Territorial Volunteers were the first settlers killed by the Indians on Connell's Donation Land Claim, October 27, 1855. The following day, they crossed the White River and killed nine men, women, and children, before returning to Connell's Prairie. Within the week another ambush took place between Connell's Prairie and Finnell's Prairie, killing Washington Volunteers Joseph Miles and A. Benton Moses.

With the constant Indian movement across the White River and the Naches Pass, the U.S. Military and the Washington Territorial Volunteers built two block houses in 1856 at Connell's Prairie, naming it Fort Hays. It was a strategic point along the Naches Trail to carry on the attack against the local tribes and to intercept any Indian reinforcements travelling from eastern Washington. Numerous skirmishes occurred on the plateau, but the definitive battle marking an end to the Puget Sound conflict took place on March 19, 1856, on Connell's Prairie, where the bloody hostilities first began. A marker was erected in 1924 at Connell's Prairie Road and Barkubein Road by the Washington State Historical Society to commemorate the site.

The Nisqually Chief Leschi was taken into custody in November 1856 for murder of Moses and Miles on Connell's Prairie, and his brother Quiemuth turned himself in shortly thereafter. Quiemuth was murdered on November 18, 1856, in Governor Stevens's office in Olympia, where he was being held for the night. No one was ever charged in the crime. Leschi was tried, but the first trial resulted in a hung jury. A second trial was held, and he was convicted, but evidence that may have exonerated him was not allowed by the judge. Leschi had numerous supporters, including James Longmire and Ezra Meeker. The Pierce County sheriff refused to carry out the sentence and was arrested. On February 19, 1858, Leschi was hanged, but even his executioner believed he was innocent. In March 2004, both houses of the Washington state legislature passed resolutions stating that Leschi was wrongly convicted and executed and asked the state supreme court to vacate Leschi's conviction. The court's chief justice, however, said that this was unlikely to happen, since it was not at all clear that the state court had jurisdiction in a matter decided 146 years earlier in a territorial court. On December 10, 2004, Chief Leschi was exonerated by a unanimous vote by a Historical Court of Inquiry following a definitive trial in absentia.

## ***Early Settlers***

During the Indian War, the first settlers filed three Donation Land Claims on the plateau; Connell, Williamson, and Finnell. Each had their cabins and barns burned and crops and livestock stolen or destroyed. Although the conflict lasted only about a year, the return of any settlers to the plateau was very slow. Interest in settling some of the more remote areas like the Bonney Lake plateau received an impetus when the Homestead Act of 1862 was passed. Settlers could pay a modest fee and claim 160 acres, or 320 acres if married. William B. Kelley, his father Nathan, and most of the family arrived in 1864 from their home in Illinois. Both William and his father claimed land on the banks of Finnell's Creek, encompassing the prairie that had originally been settled by Reuben Finnell. Both William and Nathan went on to serve in the Washington Territorial Legislature, and William served as Pierce County Auditor during the 1880's. Kelley also donated land for a one-room school house. Nineteen year old Kelly Lake school teacher Amy Johns Ryan wrote of her keeping a hatchet on her school desk for protection against Native Americans, cougars, and other wildlife when she taught in 1897. Kelley Lake School finally closed its doors in 1963, when it merged with the larger neighboring school districts.

The area around Bonney Lake saw various ethnic groups gather in communities, including the Finns, who engaged in farming, since it offered a far better life than the dangers of working in the coal mines in the foothills. Another group was comprised of families from Switzerland. They spread out from their initial settlements in the valley and founded dairy farms on the plateau. William and Levina Vandermark had settled at Lake Tapps following their move from Ohio. William died in 1891, but Levina continued to reside at the lake until she was displaced by the impending White River Project to create a power generating reservoir by forming one large Lake Tapps from four smaller water bodies. The Vandermark home was moved to 214<sup>th</sup> Avenue East, and was eventually taken over by their son James Vandermark and his wife Amanda Lyotte. Some others who settled in the area were the Moriarty, Orcutt, Wahl, Haase, and Angeline families among many others.

## ***Bonney Lake Incorporation***

In 1910 the "White River Power Project" was launched by the Pacific Coast Power Company. It created a large reservoir by flooding four of the existing lakes; Kirtley, Crawford, Church, and Tapps, to create a much larger Lake Tapps. People living on the plateau were engaged primarily in farming and logging occupations. The years of the Great Depression saw an increase of population on the plateau. Many people arrived from the ravaged "dust bowl" regions of the Midwest to begin life anew in Washington. The prime growing ground of the Puyallup Valley in Pierce County had already been settled, but the sparsely populated plateau where Bonney Lake sat offered inexpensive, although not easily accessible land. When Ken Simmons, a former legislator and mayor of the town of Milton, visited the area in 1945, he and his wife saw the potential of developing the area as a recreational paradise. They bought a reported 1000 acres from George Logan, a popular rodeo announcer, and divided the property into lots for sale. With very little infrastructure of roads, electricity, or most importantly, a water source, Simmons realized he must incorporate the area into a town in order to float a bond to build a water system. On February 28, 1949, he achieved the first goal by incorporating the Town of Bonney Lake. Within a year, he managed to build the much needed water system, carve roads out of the forests, and bring electricity and

telephone service to the town. By 1957, there were at least twelve businesses in the downtown district. Urban development continues to change the community and heighten demand on its facilities and services. In 1995 the City adopted its first GMA Comprehensive Plan. It called for compact, pedestrian-oriented development, and innovative design. That planning emphasis remains today.

## 4.2 HERITAGE AND PRESERVATION PLANNING



Figure 4-8: Kelley Lake Farm

Along with the Community Cultural, preservation and recognition of historical resources will also help give residents a stronger “sense of place”. Protection, recognition of sites, and educational programs will be the focus of preservation efforts in the City over the next 20 years, since many of its remaining historical resources are under development pressures. In order to achieve these ideas, the City will need to do the following:

- Continue to identify archaeological and historic resources within Bonney Lake and develop appropriate protection measures.
- Provide incentives to private owners for preservation, restoration and use of historic sites.
- Seek both public and private funding for restoration and enhancement of historical resources.
- Recognize significant historical sites.

The starting point for any discussion of heritage is an understanding of what a community values. Bonney Lake is made up of many things – buildings, landscapes, social customs and routines, natural features, memories – that together help define that community’s character. What “heritage” means in this context is the essence of the place: what makes Bonney Lake distinct from anywhere else?

“Heritage” as applied to places used to be defined almost exclusively in terms of architectural history, with heritage significance being the extent to which the buildings (usually in isolation from their context) were of note for their style, design, construction, architecture, or detailing. These narrow definitions of heritage are not very applicable to a relatively “new” City like Bonney Lake, and thus the emphasis in this plan is the broader context of heritage.

Heritage planning helps provide a better sense of time and place, which in turn provides identity to the community and its residents. Heritage Planning is a means of coordinating change to ensure the conservation of the City's cultural heritage resources.

A community's identity and civic pride is rooted in the physical and cultural links to its past. In order to understand and appreciate Bonney Lake's history, the City is committed to recognizing, conserving and enhancing heritage resources.



Figure 4-9: Connell's Prairie Monument

This City's culture and heritage plan sets the goals and policies for heritage planning, which are to identify, recognize, protect, enhance and properly manage the City's heritage resources. Because of the relative newness of the City and its buildings, most of the heritage of Bonney Lake relates to sites, landscapes and historical events, rather than buildings and structures. Accordingly, the emphasis of this plan is to celebrate and promote a sense of time and place, and develop a genuine appreciation of the history of the area.

The Washington Growth Management Act does not require a Historic Preservation Element, but the Act does include a goal which calls for jurisdictions to "identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance".

Heritage includes activities that embody historic preservation, historic presentations, collections of historic materials and/or structures, celebrations of historic events, oral histories, genealogy, etc.

Historic sites and areas are the physical evidence of our connective past. The greater Bonney Lake community should recognize the importance of its historic resources. There should be a commitment to the identification and recognition of our historic resources. Bonney Lake should celebrate its history through historic tours, festivals, and special events.

**Goal CH-4: It is the goal of the City of Bonney Lake to give its residents a better understanding and awareness of the historic sites within the community. This includes enhancing information about, and access to, various Bonney Lake area historic sites, and helping residents and visitors understand and appreciate local heritage.**

*Policy CH-4.1: The City recognizes that Bonney Lake's history began before the arrival of settlers to the area and will recognize the significance of Native American sites and artifacts as well as those of the more recent past.*

*Policy CH-4.2: The City will encourage local activities which promote the community's history.*

*Policy CH-4.3: The City will work with the Greater Bonney Lake Historical Society and others to provide access to historic documentation to land owners, citizens, and interested parties.*

*Policy CH-4.4: The City will work with organizations and business interests to promote Heritage Tourism opportunities as part of the City's economic development strategy.*

*Policy CH-4.5: The City will work with the community to provide information to interpret the history of Bonney Lake, including historical displays, programs, and interpretative signage.*

*Policy CH-4.6: The City's historical resources inventory will be maintained and updated as needed.*

*Policy CH-4.7: The City will collaborate with local school districts within the City on local history education.*

*Policy CH-4.8: The City will participate with other local, county, state and national historical organizations to educate the community about the value of local cultural and historical resources.*

*Policy CH-4.9: The City will work closely with the Greater Bonney Lake Historical Society, the Pierce County Heritage League, and other heritage organizations in Pierce County to foster knowledge and appreciation of our historic resources.*

*Policy CH-4.10: The City will encourage the Greater Bonney Lake Historical Society to establish a volunteer program similar to Beautify Bonney Lake for volunteers to work on historically significant projects.*

## 4.3 HISTORIC PRESERVATION IN WASHINGTON STATE

The following is a description of various historic preservation regulations and guidelines, both nationwide and in Washington State.

### ***Native American Cultural Resources***

Native Americans have deep-rooted pride in their heritage, and constitute an important segment of the state's heritage constituency. Tribal governments have a keen interest in the treatment of properties and sites that represent their heritage. Tribal members also represent another body of expertise, particularly in regard to archaeological sites and traditional cultural places. Area tribal governments or their designated representatives may be consulted in regards to historic preservation questions.

### ***National Historic Preservation Act***

Passed by Congress in 1966, the National Historic Preservation Act (NHPA) defined and shaped national historic preservation policies and the federal government's response. Generally, the act defines historic preservation as: the active process of protecting and preserving our built environment for study, use, and enjoyment by present and future generations. Historic preservation efforts are applied to buildings, structures, districts, sites, or objects. The terms "historic preservation," "historic resources," and "historic properties," when used in the context of the act, apply to historic buildings, structures, and archaeological sites.

## ***National Register of Historic Places***

Properties that have historic, architectural, archaeological, engineering, or cultural significance may be nomination for inclusion on the National Register of Historic Places. A property nominated to the National Register can attain significance at a national, state, or local level, but must meet defined criteria to be listed in the National Register.

## ***Washington State Governor’s Advisory Council on Historic Preservation***

The Advisory Council on Historic Preservation (ACHP) is a seven-member panel of citizens with expertise and/or training in historic preservation and related fields. Members are appointed by the Governor in order to advise on state government policy matters affecting preservation of cultural resources. The ACHP devotes much of its time to reviewing documents nominating Washington state properties for listing in the National Register of Historic Places.

State Historic Preservation Plan. In fulfillment of its responsibilities under the NHPA to develop and implement a state historic preservation plan, in 2004 DAHP completed updating and revising its first plan with a new document entitled Strengthening Communities Through Historic Preservation: The Washington State Historic Preservation Plan. This document addresses issues regarding preservation in Washington and provides goals, objectives, and specific tasks for strengthening communities by capitalizing on their cultural resources.

## **4.4 WHAT MAKES SOMETHING HISTORIC?**

According to the National Register of Historic Places (NRHP) guidelines, sites worthy of inclusion on the NRHP are those which:

- Are associated with events that have made a significant contribution to the broad patterns of our nation’s history;
- Are associated with the lives of persons significant in our past;
- Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- Have yielded, or may be likely to yield, information important in prehistory or history.



Figure 4-10: Kelly Lake School circa 1928

Due to the nature of the development of the Bonney Lake community, there are likely no current structures in Bonney Lake that would likely qualify to be included on the National Register of Historic Places. However, the NRHP guidelines can nonetheless be used to determine the relative value of a

historic site to the local community. In order to be considered historically significant, a landmark or site should meet the following criteria:

- Its value as a significant reminder of the cultural or archaeological heritage of the city, state, or nation.
- Its location as a site of a significant local or regional event.
- Its identification with a person or persons who significantly contributed to the development of the city, state, or nation.
- Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the City.

## 4.5 PROTECTION OF HERITAGE RESOURCES



Figure 4-11: Skystone

The Bonney Lake area has a long history of human settlement. Under RCW 42.56.300 (1) and (2), specific locations of archaeological sites, historic sites, artifacts, or the sites of traditional religious, ceremonial, or social uses and activities of affected Indian tribes are exempt from disclosure under the above-mentioned chapter to prevent the looting or depredation of such sites.

However, it is generally accepted that Native Americans and settlers of European descent often settled along shorelines and waterways. Both Native Americans and Euro-Americans relied on waterways for subsistence, raw materials, and travel. Campbell's (2004) predictive model suggests three variables are most significant for predicting site location: distance from tidelands, distance from salmon bearing streams, and elevation. That is, lower elevations near waterways or tidelands are more likely to contain cultural material than areas higher in elevation or further from water.

Parts of the Naches Trail, which Sumner-Buckley Highway East roughly follows, and Connell's Prairie are known areas of early Native American activity.

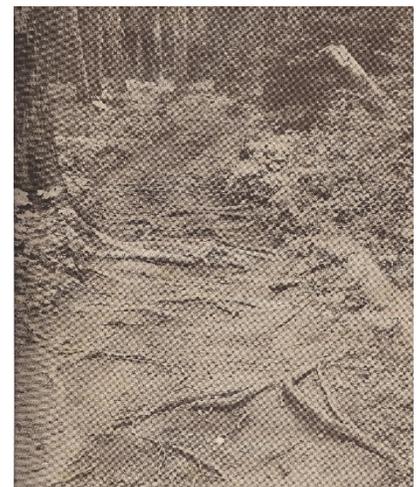


Figure 4-12: Naches Trail circa 1853

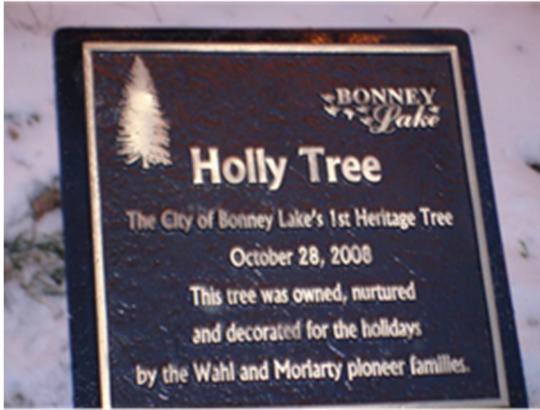


Figure 4-13: Heritage Tree Plaque

In 2005 the City established a Heritage Tree program. A heritage tree is any tree that because of its age, size, unique type, or historical association is of special importance to the city and has been designated as a heritage tree by the city council.

In order for a tree to be designated as a heritage tree, a person must submit a written request to the City. The application form includes a signed declaration by the land owner (or approval of the Mayor if the tree is owned by the City) approving of the application; a site map showing the lot, any structures on site, and the current use of the

site; the species and size of tree; a narrative explaining why the applicant wishes to designate that tree as a heritage tree.

In order for a tree to be designated as a Heritage Tree, the tree must meet the three (3) following criteria:

1. The tree is historically significant by virtue of its association with or contribution to a historic structure or district, or its association with a noted person or historic event.
2. The tree has exceptional significance because of its age, size, form, or rarity.
3. The tree is a recognized Landmark of the City.

When a tree is designated as a heritage tree, a plaque so signifying is placed near the tree. The City maintains all heritage trees that are located on city property or on public rights-of-way within the city. It is the duty of every owner of property upon which a heritage tree is standing to maintain that tree to the best of their ability. The city may give advice and assistance to property owners regarding proper maintenance of heritage trees.

In 2009 the City of Bonney Lake, Pierce County, and the Greater Bonney Lake Historical Society collaborated on a project identifying the top ten locations for historical attractions within the Bonney Lake area. The ten locations were agreed upon following multiple meetings between City staff and the Historical Society. Cash expenses for the project were split between the City of Bonney Lake and Pierce County, and the City covered the cost of staff time, including the actual installation of the markers. The markers are composed of a sandstone base and a stainless steel plaque.

The plaque inscriptions for the top ten locations listed below are identified in Appendix “?”:

1. Kelley Farm
2. First City Hall
3. Ken Simmons Resort
4. Perfield Hop Farm
5. Church of the Nazarene
6. Native Gathering Place
7. Naches Trail
8. Lake Tapps
9. Sky Stone
10. Swiss Park



Figure 4-14: Allen Yorke Park circa 1970

Bonney Lake is a relatively new City, although the area had been previously occupied by scattered settlers and Native Americans. At the time of the City of Bonney Lake’s incorporation in 1949 there were less than 100 homes in town. There are very few residences that predate the 1930s. The following is a list of the oldest residences in Bonney Lake:

ADDRESS	YEAR BUILT	PARCEL ID
20321 Church Lake Road E	1900	0520273039
7714 214th Avenue E	1900	0520274018
7721 West Tapps Highway E	1915	0520273003
18411 89th Street E	1919	5640001575
19219 Church lake Road E	1924	0520331010
7722 Myers Road E	1927	0520298069
18420 89th Street E	1927	5640001470
11007 Angeline Road E	1928	0519047006
7402 Myers Road E	1928	0520294095
7514 192nd Ave E	1929	7110000560
6408 South Vista Drive E	1930	4720001530
8709 188th Avenue E	1930	5640001280

Table 4-1: Bonney Lake’s Oldest Residences

Source: Greater Bonney Lake Historical Society and Pierce County Assessor Records

Given the relative lack of officially designated historic structures in Bonney Lake, the emphasis of the Heritage section is to focus on promoting and preserving the heritage of Bonney Lake.

**Goal CH-5: It is the goal of the City to identify, preserve and protect facilities, sites, buildings, structures, trees and artifacts that are deemed by the City or other governmental agency to be historically and culturally significant.**

*Policy CH-5.1: The City will continue efforts to inventory historic structures, archeological sties, and other potential historic sites to add to the Inventory of Key Bonney Lake Historic Sites listed in this plan.*

*Policy CH-5.2: The City will coordinate with community organizations, property owners and local citizens to protect and/or restore key historic sites.*

*Policy CH-5.3: The City will encourage property owners and tenants to maintain the integrity and character of historic resources, and to restore and reuse historic resources in a manner compatible with their historic character.*

*Policy CH-5.4: The City will strive to recognize and preserve architecturally or historically significant structures built during the 19th Century. Specifically, the City will promote the preservation of the Kelly Farm house as a key Bonney Lake area historic structure.*

*Policy CH-5.5: The City will consider the impacts of new development on historical resources as a part of its environmental review process and require appropriate mitigating measures. The City's use of State Environmental Policy Act (SEPA) requirements to evaluate the impacts of proposals on historical resources will include review of transportation projects and plans, utility projects, and other capital improvement projects to determine their impact to significant cultural and historical resources of the City.*

*Policy CH-5.6: The City will coordinate with local tribes and the State Office of Archaeology and Historic Preservation on development issues related to potential archaeological sites.*

*Policy CH-5.7: The City will seek both state/federal and private funding for restoration and enhancement of historical resources.*

*Policy CH-5.8: The City will assist in the identification of available spaces for the proper storage, preservation and display of significant cultural and historical artifacts.*

*Policy CH-5.9: The City will provide appropriate means to recognize property owners who rehabilitate, restore, retain or reproduce historical elements of their properties.*

*Policy CH-5.10: While promoting historic preservation, the City will adopt no policy or regulation which shall limit a site or structure from being used in an economically viable manner.*

*Policy CH-5.11: Efforts to preserve historical sites or structures should include incentives such as utilization of the state special property tax valuation, partial income tax write-off for restoration and relaxation of Zoning Code standards to encourage property owners to rehabilitate, restore, retain or reproduce historical elements of their properties.*

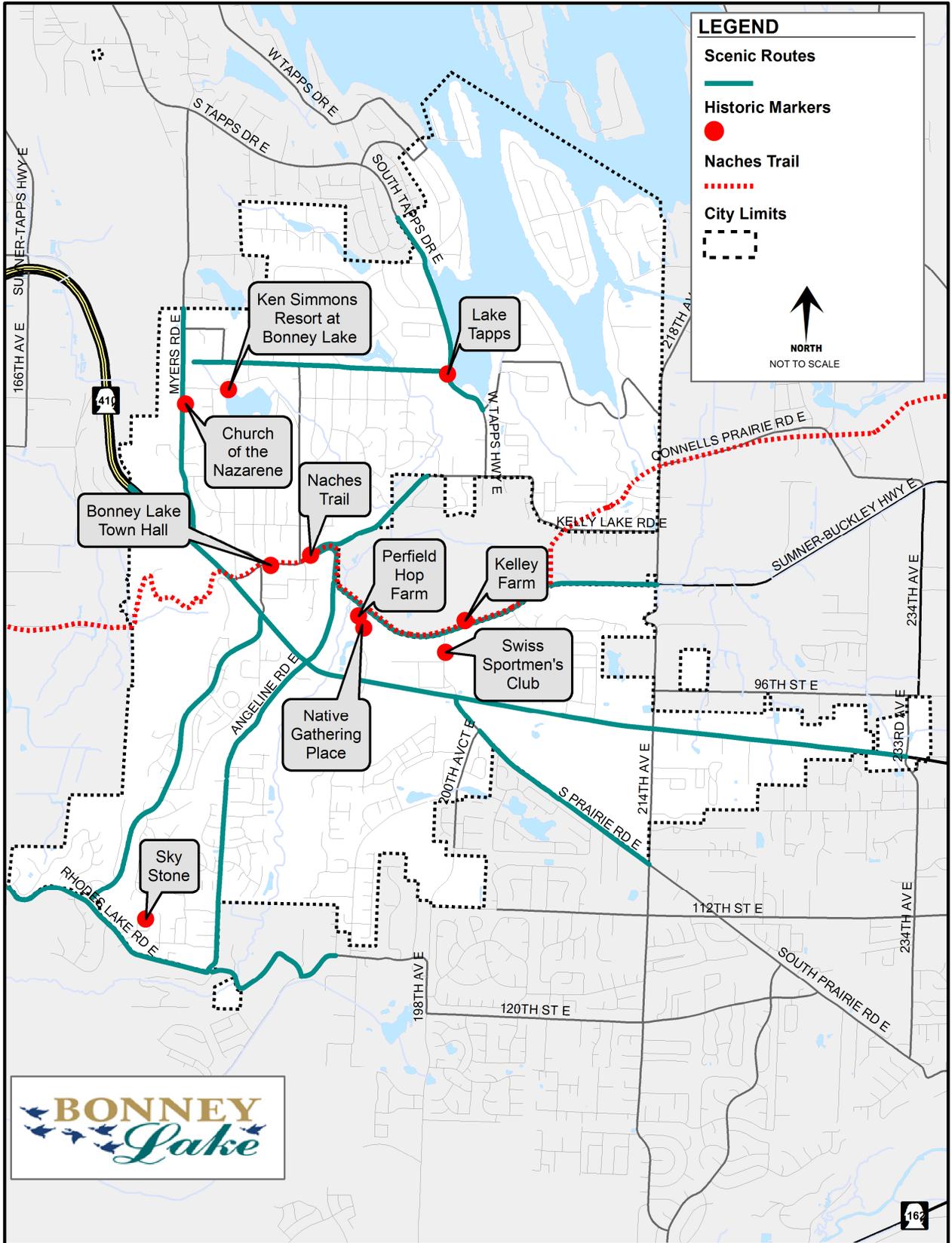


Figure 4-15: Bonney Lake Historic Monument Locations

## 4.6 STATE AND FEDERAL PRESERVATION REGULATIONS

The following is a list of the key heritage related Federal and State Archaeology and Historic Preservation Requirements and Guidelines that are used to promote historic preservation:

### ***Section 106 of the National Historic Preservation Act of 1966***

The Act requires all federal agencies consider cultural resources as part of all licensing, permitting, and funding decisions. As part of that process, each agency must consult with DAHP to assure that cultural resources are identified, and to obtain the formal opinion of the Office on each site's significance and the impact of its action upon the site.

### ***State Environmental Policy Act (SEPA)***

SEPA requires that impacts to cultural resources be considered during the public environmental review process. Under SEPA, DAHP is the sole agency with technical expertise in regard to cultural resources and provides formal opinions to local governments and other state agencies on a site's significance and the impact of proposed projects upon such sites.

### ***Section 4(f) regulations of the Department of Transportation Act***

This act stipulates that the Federal Highway Administration (FHWA) and other DOT agencies cannot approve the use of land from a significant publicly owned public park, recreation area, wildlife or waterfowl refuge, or any significant historic site unless the following conditions apply: 1) There is no feasible and prudent alternative to the use of land, or 2) The action includes all possible planning to minimize harm to the property resulting from use.

### ***Washington State Forest Practices Act***

This act has provisions which allow for the protection of archaeological sites while harvesting timber on public and private lands.

### ***Shoreline Management Act***

The SMA requires that development permits issued by local governments in areas with archaeological sites require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian Tribes prior to issuing development permits.

## 4.7 PRESERVATION TOOLS AND RESOURCES

The following is a list and brief description of some of the tools, resources and activities commonly used in historic preservation. In addition, the Washington State Department of Historic Preservation has a state-wide on-line searchable database for all cultural resources in the state. The link to this database is: <http://www.dahp.wa.gov/pages/wisaardIntro.htm>

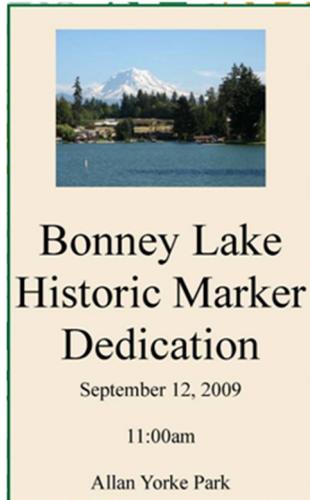


Figure 4-16: Dedication Notice

### ***Preservation Period***

Pick a time during each year to undertake a “Preservation Week”, which may include the identification of significant historic places, recognition of individuals who have contributed to the preservation of our Bonney Lake heritage, education of residents about the benefits of the preservation and protection of cultural, historic, architectural, and archaeological resources.

### ***Workshops***

Periodically co-sponsor and coordinate workshops with local and regional historic preservation groups and historical societies that advocate and educate participants about appropriate preservation technology and techniques.

### ***Tours***

Sponsor, coordinate, and/or promote tours of the community that identify and interpret the City’s cultural, historic, architectural, and archaeological resources for residents and visitors.

### ***Plaques***

Present plaques to owners of the City’s cultural, historic, architectural, and archaeological resources, for public display, that recognize the significance of the resource(s).

### ***Maps***

Print and distribute the City brochure that identify the City’s key historical sites and markers.

### ***Educational Materials***

Utilize and support educational materials to publicize the City’s historic resources and local efforts to protect, preserve, and enhance Bonney Lake’s heritage. Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops or similar activities.

### ***Construction Sales Tax Rebates.***

Provide tax rebates for material purchased for historic preservation work.

### ***Property Tax Rebates***

Develop program to reduce property tax resulting from increases to assessed values due to improvements made to restore a locally designated historic property.

### ***Reduction of Building Permit Fees***

Reduce fees for construction related activities to restore or preserve a state or locally designated historic property.

### ***Recognition***

Officially recognize excellence in such areas as the rehabilitation of historic objects, buildings, structures, or sites, and encourage appropriate measures for such recognition.

## **4.8 STATE AND LOCAL HERITAGE ORGANIZATIONS**

### ***Greater Bonney Lake Historical Society***

The Greater Bonney Lake Historical Society is a collection of Bonney Lake residents that gather at least once a month to share their interest in the history of the community. The Society produces a calendar every year. Annual dues are \$30.

### ***Sumner Historical Society***

The Sumner Historical Society operates the Ryan House Museum in Sumner which includes the original cedar cabin built in the 1860s as well as the Ryan Farm house. The Society developed and maintains the Sumner Walking Tour. Copies of the historical tour are available online or at Sumner City Hall. There are also ten brown historical street signs that the society has placed throughout Sumner to remind the community of its rich heritage.

### ***Foothills Historical Society & Museum***

The Foothills Historical Society and Museum is located at 128 River Ave., Buckley, WA 98321.

### ***Ezra Meeker Historical Society***

The Ezra Meeker Historical Society is a nonprofit charitable organization which owns, maintains and operates the Meeker Mansion as a small house museum, and serves as the historical society for the Puyallup area.

### ***The South Hill Historical Society***

In 2001 the South Hill Historical Society was organized to trace the history of South Hill. They meet regularly on the 3rd Tuesday of the month at 11:15 AM (*No meetings July and August*) at the Highlands Community Center.

### ***Wilkeson Historical Society***

The Wilkeson Historical Society maintains the history of Wilkeson and the Carbon River Valley area via photos, documents, and memorabilia. Contact P.O. Box 300, Wilkeson, WA 98396.

### ***Orting Historical Society***

The Orting Historical Society maintains the history of Orting via photos, documents, and memorabilia. Contact P.O. Box 24, Orting, WA 98360-0024.

### ***Washington State Historical Society***

The Washington State Historical Society is a non-profit 501(c)3 membership organization, open to any and all individuals, families, or firms. The Society is also recognized in statute (RCW 27.34) as a trustee agency of the state of Washington with enumerated powers. The Society is comprised of a family of museums and research centers, offering a variety of services to researchers, historians, scholars, and the lifelong learner.

### ***Washington Trust for Historic Preservation***

The Washington Trust for Historic Preservation is a statewide, non profit organization founded in 1976 to safeguard Washington's historic places through advocacy, education, stewardship and collaboration.

### ***Architectural Heritage Center***

The Architectural Heritage Center, operated by the Bosco-Milligan Foundation, presents a variety of tours, hands-on training workshops, and innovative exhibits on building heritage.

### ***Society of Architectural Historians - Marion Dean Ross Chapter***

The Marion Dean Ross/Pacific Northwest Chapter is an affiliated regional chapter of the international Society of Architectural Historians, whose home office is in Chicago, Illinois, USA.

### ***History Link***

HistoryLink.org is an evolving online encyclopedia of state and local history in Washington state. The organization provides a free, authoritative, and easily accessible history reference for the benefit of students, teachers, journalists, scholars, researchers, and the general public. The encyclopedia contains more than 4,000 essays as of 2006. It is constantly expanding, with new essays added every week.

### ***National Trust for Historic Preservation***

The National Trust for Historic Preservation has worked for more than half a century to save the historic buildings, neighborhoods, and landscapes that form our communities and enrich our lives. They also have an informative on-line newsletter that provides national news related to preservation issues.

### ***American Association of Museums***

The American Association of Museums has been bringing museums together since 1906, helping to develop standards and best practices, gathering and sharing knowledge, and providing advocacy on issues

of concern to the entire museum community. We are dedicated to ensuring that museums remain a vital part of the American landscape, connecting people with the greatest achievements of the human experience, past, present and future.

### ***Oregon-California Trails Foundation***

The Oregon-California Trails Association, founded in 1982, is a not-for-profit organization, headquartered in Independence, Missouri, dedicated to education about, preservation and enjoyment of the trans-Mississippi emigrant trails.

### ***Historic Seattle***

Founded in 1974, Historic Seattle is the only nonprofit membership organization dedicated to the preservation of Seattle and King County's architectural legacy. As both a public development authority and charitable foundation, Historic Seattle is a major advocate for, and participant in, the thoughtful and meaningful preservation and rehabilitation of historic buildings, landscapes, and architectural artifacts.

### ***Historic Tacoma***

Non-Profit organization dedicated to preserving Tacoma's architectural legacy through education and advocacy. Our goals are to: Enhance Tacoma's built environment -- Preserve Tacoma's architectural heritage -- Educate and inform the community -- Conserve sustainable resources.

### ***4 Culture***

4Culture is King County's cultural services agency established to continue the work of the King County Arts Commission, Public Art Commission and the heritage programs of the Landmarks Commission.

### ***Women's History Consortium***

The Women's History Consortium, created by state statute (RCW 27.34.360) in 2005 as a Washington State Historical Society-led initiative, is dedicated to preserving and making available resources about Washington women's history.



# Memo

**Date** : November 5, 2014  
**To** : Mayor and City Council  
**From** : Grant Sulham, Planning Commission Chair  
**Re** : **Resolution 2421 – Cultural Arts and Heritage Element**

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The City of Bonney Lake is required to review and, if needed, update its comprehensive plan and development regulations to ensure compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, by June 30, 2015 pursuant to RCW 36.70A.130. This periodic review and update of the City's comprehensive plan and development regulations is necessary to ensure that the City's comprehensive plan and development regulations reflect current laws, local needs and goals, and new data. The GMA does not exempt any portion of a comprehensive plan or development regulation from being subject to review and evaluation as part of the required period update. Annual amendments made to a Comprehensive Plan typically focus on specific sections or changes, but the periodic update is required to assess the plan as a whole.

The draft version of the Cultural Arts and Heritage Element was reviewed by the Planning Commission on July 16, 2014 and September 17, 2014. Following this review, City staff provided notices that the Planning Commission would hold a public hearing on October 15, 2014 to consider and make recommendations on Cultural Arts and Heritage Element. The Planning Commission opened the Public Hearing on October 15<sup>th</sup> and took public testimony, but continued the hearing to November 5<sup>th</sup> to allow for the Arts Commission to review the draft document and provide comments. No comments were provided by the Arts Commission.

At the November 5, 2014 meeting, the Planning Commission closed the public hearing and voted \_\_\_\_\_ that the City Council \_\_\_\_\_ Resolution 2421 stating the City Council's intent to adopt the Community Development Element as part of the Comprehensive Plan update.

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# Community Development Department Briefing Memorandum

**Date:** October 27, 2014  
**To:** Planning Commission  
**From:** Jason Sullivan – Senior Planner  
**Re:** **Ordinance D14-129A/B – Regulation of State-Licensed Marijuana Businesses.**

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## **PURPOSE:**

The purpose of the memorandum is to facilitate the Planning Commission’s Public Hearing on November 5, 2014 on Ordinances D14-129A and D14-129B, both related to the regulation of state-licensed marijuana businesses within the City of Bonney Lake. This item is scheduled for the December 2, 2014 City Council Workshop under AB14-129.

**SUGGESTED MOTION:** *“I move to recommend that the City Council  
[redacted] Ordinance D14-129 [redacted] and [redacted] Ordinance D14-129 [redacted].”*

## **ATTACHMENTS:**

1. Planning Commission Memorandum – September 3, 2014
2. Ordinance D14-129A
3. Ordinance D14-129B
4. Planning Commission Recommendation Memo

## **BACKGROUND:**

Initiative 502 (I-502), now codified in Chapter 69.50 RCW, was passed by Washington voters in 2012. The initiative authorized three types of license (producer, processor, and retailer) and directed the Washington State Liquor Control Board (LCB) to develop rules regarding the issuances of the licenses and regulating the production, processing, and sale of marijuana. Final rules went into effect on September 16, 2013, at which time applications for licenses could be submitted to the LCB.

On October 22, 2013, the City Council passed Ordinance 1498 establishing a six month moratorium on the issuance of permits or business licensed for state-licensed marijuana business. April 8, 2014, the City Council passed Ordinance 1481 extending the moratorium related to the issuance of permits associated with the State-licensed marijuana industry and adding the development of regulations to the Planning Commission's work plan. The Planning Commission was directed to study a range of approaches to regulation, including zoning, development regulations, and a complete or partial prohibition in all zones.

The Planning Commission held a public meeting on April 16, 2014 and hosted a panel discussion on August 20, 2014 related to the regulation of state-licensed marijuana businesses. On September 3, 2014, the Planning Commission reviewed its memorandum which outlined three options for the City Council to consider and voted 7-0 that the memorandum be presented to the City Council.

Subsequently, on September 9, 2014, the Planning Commission presented three different options for the Council to consider: (1) complete ban on medical and recreational marijuana; (2) allow retail establishments and ban producers, processors, and collective gardens; and (3) continue to ban collective gardens and only rely on the LCB regulations to control recreational marijuana. On September 16, 2014 the City Council directed the staff to prepare ordinances implementing Options 1 and 2 and for the Planning Commission to hold public hearings on both options. The City Council also extended the moratorium an additional 120 days to complete the above requested actions.

## **DISCUSSION:**

### **I. Option 1: Ordinance D14-129A: Permanent Ban of All Marijuana Businesses**

Ordinance D14-129A would establish a complete ban on all state-licensed marijuana businesses. Based on the Opinion issued by the Washington State Attorney General in January 2014, as well as a decision issued by Pierce County Superior Court on August 29, 2014, the City is not preempted by state law from totally prohibiting marijuana related businesses under its traditional zoning authority. Under this option, the City would also maintain the ban on marijuana collective gardens and dispensaries.

### **II. Option 2: Ordinance D14-129B: Establish Zoning Regulations for Marijuana Businesses**

Ordinance D14-129B would maintain the ban on collective gardens and dispensaries and ban state licensed marijuana producers and processors. The draft ordinance would allow state-licensed marijuana retail operations subject to zoning and land use controls, which are in addition to the regulations already imposed by the LCB. These additional regulations are discussed below:

**A. Eastown and Midtown**

The only commercial areas within Bonney Lake that would allow state-licensed marijuana retail businesses would be portions of Midtown and Eastown.

**B. Definition of Parks/Playground**

The current definition of playground and public park used by the LCB in WAC 314-55-010(16) and (17), respectively, requires that the playground or park be owned and/or managed by a city, county, state, or federal government. Based on these definitions, marijuana business can be located within a 1,000 feet of a private park facility like Swiss Park or homeowner association parks. Bonney Lake had significant development of residential subdivisions over the past two decades, resulting in a substantial number of private recreational facilities. The City has typically required subdivisions to provide private park facilities for their residents, and record covenants that these areas will be preserved for park use in perpetuity. Therefore, private park facilities are not meaningfully different than public park facilities.

Given the intent to keep marijuana uses away from areas where children congregate and outdoor recreation occurs, Ordinance D14-129B expands the definition of “park” and “playground” to include privately-owned and managed recreational areas and playgrounds. Ordinance D14-129B also includes regulations that the City will not issue business licenses to retailers within 1,000 feet of these park facilities.

**C. Liability Language**

Ordinance D14-129B adds a new section to the City’s business license regulations that requires the any individual or company receiving a marijuana retail business license to indemnify the City. The new section also requires that that the insurance for the business required by WAC 314-55-082 name the City as additional insured for claims or lawsuits arising out of the operation of the business. Licensees are already required to identify the LCB as an additional insured on all insurance policies as a condition of the license per WAC 314-55-082(3).

**D. Crime Prevention Through Environmental Design**

Ordinance D14-129B establishes specific measures to implement Crime Prevention Through Environmental Design (CPTED) which include:

- Adequate lighting levels shall be provided in all pedestrian areas, including building entries, along walkways, parking areas, and other public areas. Lights plans shall be submitted and shall meet the following minimum standards:

- Provide an overlapping pattern of light.
- Provide consistent lighting with a gradual transition to unlighted areas. Avoid creating highly contrasting pools of light and dark areas.
- Provide at least 2 foot-candles or 22 lux at building entrances and primary pedestrian walkways as measures 36 inches above the ground, and at least 1 foot-candle or 11 lux in parking areas as measures 36 inches above the ground.
- Provide lighting at all building entrances, exits and corridors between buildings, especially where doors are recessed.
- Ensure that site lighting is confined to the project site and does not cause glare on adjacent properties.
- The following building and design features shall be employed to increase security:
  - Parking stalls shall not be located directly in front of any exterior door.
  - Signs or advertisements shall not cover more than 15% of the window area.
  - Every exterior door shall include at a minimum an eye-viewer, door-scope, window, or adjacent window allowing the occupant the ability to see who is at the door without the need to open it first.
  - All single or double swinging exterior doors shall be equipped with a single cylinder Grade 1 deadbolt lock as determined by the most current version of ANSI/BHMA A156.
  - All exterior windows shall either be Standard Laminated Architectural Glass (LAG) that is a ¼ inch thick glass with a 0.060” thick lamination or meet the requirements of the most current version of ASTM F standard for security glazing.



# Memo

**Date** : September 3, 2014  
**To** : Mayor Johnson and City of Bonney Lake City Council  
**From** : Bonney Lake Planning Commission  
**Re** : **State-Licensed Marijuana Industry Regulations**

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## **PURPOSE:**

On April 8, 2014, the City Council passed Ordinance 1481 extending the moratorium related to the issuance of permits associated with the State-licensed marijuana industry and adding the development of regulations to the Planning Commission's work plan. The purpose of this memo is to present three options developed by the Planning Commission related to the regulation of marijuana uses within the City.

## **BACKGROUND:**

In 1998, voters approved I-692 which legalized the use of marijuana for medicinal purposes. In 2011, the Washington State Legislature approved Engrossed Second Substitute Bill (ESSB) 5073 allowing medical marijuana collective gardens which was partially vetoed by Governor Gregoire. The veto removed all sections that established a state registry for collective gardens. The remaining sections of ESSB 5073 were codified as Chapter 69.51A RCW. The Court of Appeals ruled last spring that medical marijuana collective gardens are illegal. The City currently has no medical marijuana collective gardens or dispensaries, and these uses have been prohibited in the City since 2012.

Initiative 502 (I-502), now codified in Chapter 69.50 RCW, was passed by Washington voters in 2012. The initiative authorized three types of licenses (producer, processor, and retailer) and directed the Washington State Liquor Control Board (LCB) to develop rules regarding the issuances of the licenses and regulating the production, processing, and sale of marijuana. As explained in the City Attorney's letter to the City Council on October 14, 2013:

A producer's license authorizes its holder to produce, possess, deliver, distribute, and sell marijuana. A processor's license authorizes its holder to process, package, and label marijuana and

marijuana products for sale to marijuana retailers. A retailer's license authorizes its holder to possess, deliver, distribute, and sell usable marijuana and marijuana-infused products. A single licensee can hold licenses for both production and processing. However, a marijuana retailer cannot hold a production or processing license. All three types of marijuana licenses are subject to regulation by the Liquor Control Board and are also subject to the Board's annual renewal. Additionally all three licenses are limited to the specific location for which the license is issued and are not freely transferrable from the licensee to another individual.

Final rules went into effect on September 16, 2013, at which time applications for licenses could be submitted to the LCB. The major provisions of the rules adopted by the LCB, codified as Chapter 314-55 WAC, include:

- Provisions that require businesses to allow law enforcement officers unfettered access to the business, without notice or cause. Home occupation businesses are not allowed.
- Prohibition on allowing employees or customers to consume marijuana or marijuana-infused products on the premises.
- Prohibition that businesses and advertising may not be located within 1000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park (excluding trails), public transit center, library, or any game arcade (where admission is not restricted to persons age twenty-one or older).
- Limitations placed on retailers of marijuana by the LCB as explained in the City Attorney's October 14, 2013 letter:

Retailers are not allowed to sell anything other than usable marijuana, marijuana- infused products, or products related to the storage or use of marijuana or marijuana-infused products. RCW 69.50.357; WAC 314-55-079. Retailers are prohibited from selling pure marijuana extract, in addition to being prohibited from selling their products over the internet or by home delivery. Retailers are restricted to a 1,600 square inch [about 11 square feet] sign stating the business's name and may not display usable marijuana or marijuana-infused products in a manner that makes them visible to the general public.

- Required background checks which will be used to deny licenses to those who have a criminal background that exceeds a certain threshold based upon a point system developed by the LCB. The point system is provided in WAC 314-55-040.

- Security requirements on licensees as explained in the City Attorney's October 14, 2013 letter:

All employees are required to display an identification badge issued by the licensed employer at all times when they are on the premises. Each licensed premises must have a security alarm system installed on all perimeter entry points and all perimeter windows. Additionally, each licensed premises must maintain an extensive surveillance system, as detailed in the WAC 314-55-083.

The regulations also contain traceability requirements to ensure that marijuana or marijuana-infused products do not make their way out of the regulated stream of commerce. WAC 314-55-083(4). These traceability requirements include providing the Liquor Control Board with notification of certain events such as harvesting plants, destroying marijuana or marijuana products, and any theft of an item containing marijuana. The licensee must also maintain a complete inventory and retain all point of sale records.

Any time a licensee transports marijuana or a marijuana-infused product, the licensee must notify the board of the amount and type of marijuana products being transported, along with the name of the transporter and the times of departure and expected delivery. Licensees who receive such shipments must also report the amount and type of marijuana products received. WAC 314-55-085.

To further ensure that marijuana products do not escape the state-regulated stream of commerce, the Liquor Control Board has also included extensive marijuana waste disposal procedures in its regulations. WAC 315-55-097.

I-502 imposes a 25% excise tax at each transaction point (producer to processor, processor to retailer, and retailer to consumer) but local governments will not receive any of the excise tax revenues. Local governments will receive sales tax revenue that will be collected on retail sale of marijuana in the same way they do for all retail sales. In Colorado, local governments do receive a share of the state-imposed taxes on marijuana, and Association of Washington Cities (AWC) is making efforts to encourage the legislature to enact a similar provision in Washington.

## **DISCUSSION:**

The City Council has directed the Planning Commission to study and propose development regulations to the Council. The Planning Commission was directed to study a range of approaches to regulation, including zoning, development regulations, and a complete or partial prohibition in all zones. This Planning Commission presumes the Council will want to keep the existing ban on medical marijuana collective gardens and dispensaries, which has been on the books since 2012. With this presumption, the Commission developed three different options for the Council to

consider for new regulations: (1) Complete ban on State-licensed marijuana uses in all zones; (2) allow licensed retail establishments in specific zones but ban producers and processors; or (3) pass no legislation concerning state-licensed marijuana uses.

## **I. Option 1: Permanent Ban of All Marijuana Businesses**

The first option that is available to the City is a complete ban on all state-licensed marijuana businesses. In exploring this option the Planning Commission considered legal advice on:

1. Whether or not the City was preempted from establishing a complete prohibition on marijuana business in light of I-502; and
2. Whether or not the City can rely on the Federal Controlled Substances Act of 1970 (CSA) to ban marijuana businesses.

Based on the Opinion issued by the Washington State Attorney General (AG) in January 2014, as well as a decision issued by Pierce County Superior Court on August 29, 2014, the City is not preempted by state law from totally prohibiting marijuana related businesses under its traditional zoning authority; whether the City can rely on the CSA to ban marijuana related businesses has not been answered and may be a riskier argument.

### **A. State Preemption of Local Ordinances**

The AG issued AGO 2014 No. 2 on January 16, 2014 which stated that I-502 did not include any specific language to preempt a local jurisdiction's ability to regulate marijuana business under traditional zoning authority. The opinion went on to conclude that given the strong presumption against finding that state law preempts local ordinances, the broad power granted by the Washington Constitution to local jurisdiction to regulate land use, and the lack of any specific preemption language in I-502, cities do have the authority to ban marijuana procedures, processors, and retailers. While the Courts are not bound by the AG's opinion, it is given substantial weight by the Courts. However, the LCB has indicated that a local ban will not be used to justify the denial of a state license and it would be up to the local jurisdiction to enforce the ban.

On August 29<sup>th</sup>, Judge Ronald Culpepper of Pierce County Superior Court upheld the City of Fife's ban on marijuana businesses under the rationale that I-502 does not preempt traditional zoning authority. Fife also raised the federal law supremacy argument in support of the ban, but this argument was opposed by both the AG and the ACLU, who intervened in the case. Judge Culpepper did not make a decision on the federal law argument because the state law preemption issue disposed of the case. Judge Culpepper's decision will be appealed, most likely directly to the Washington State Supreme Court.

The Council should keep in mind that the legislature could amend the law in the 2015 session to include clear language preempting local zoning authority. In Colorado, the legislature gave cities express authority to zone out marijuana businesses; about a third of municipalities have done so.

### **B. Federal Preemption of Legalized Marijuana**

No court has addressed the argument justifying a ban based on the supremacy of federal law. The AG and advocacy groups like the American Civil Liberties Union (ACLU) vigorously challenge any argument that could threaten the viability of Initiative 502 – including the argument that legalizing marijuana at the State level violates federal law. Courts that choose to uphold the argument that I-502 does not preempt local zoning authority do not have to answer the federal law question. Therefore, the federal law supremacy argument remains untested and risky.

## **II. Option 2: Establish Zoning Regulations for Marijuana Businesses**

The second option that is available to the City is to establish specific zoning and land use controls related to the regulation of State-licensed marijuana businesses. Any zoning or development regulations the City adopts will be in addition to the regulations already imposed by the LCB, including the 1,000 foot rule, surveillance and alarm systems, and regulations on the size and placement of signage.

### **A. City approaches to regulation**

Cities in Washington have chosen an array of approaches to regulating State-licensed marijuana uses. Some have imposed bans (e.g., University Place, Fife, Wenatchee). Others have opted for no regulations other than what is imposed by the LCB (e.g., Shelton). Others have adopted specific zoning and development regulations. A summary of these regulatory approaches from a number of cities in Washington is provided below:

- Carnation limits marijuana uses to the City's Horticultural Zone.
- Des Moines limits marijuana uses to areas zoned Business Park, which is a light industrial zone, and two commercial zones along SR-99 within the City.
- Ellensburg allows marijuana uses in all of the commercial zones in the City. The City limits the maximum size of retail facilities to 3,000 square feet, prohibits drive-thru facilities, requires that all production facilities be located in-doors, and prohibits all off-site signage.

- Gig Harbor allows marijuana uses in some of the City’s commercial zones. The City requires that no collective garden or other marijuana use be within 1,000 feet of each other, establishes parking requirements, and expands the definition of game arcade. The City is also considering legislation that would expand the definition of schools to include non-traditional school sites not covered in the LCB definitions. Gig Harbor also establishes a more formal permit review process in addition to any required building permits and state licenses.
- Issaquah allows marijuana uses in some of the City’s commercial zones. The City requires that no collective garden or other marijuana use be within 1,000 feet of each other and requires that all marijuana uses be within an enclosed building. Issaquah also establishes security requirements in addition to the LCB regulations related to security cameras, and implements crime prevention through environmental design (CPTED) regulations. Issaquah also utilizes a more formal permit review process in addition to any required building permits and state licenses.
- Renton allows marijuana uses in some of the City’s commercial zones, provided that the use is within an enclosed building or structure. The City requires that any person obtaining a business license from the City for a marijuana use to:

... indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool, if any, against all liability, claims and demands, on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the marijuana-related business that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees.

Renton’s procedures also require that the person obtaining the business licenses from the City acknowledges that marijuana is still illegal under federal law and that:

Based on the Supremacy Clause and federal law in general, the applicant may still be subject to arrest, prosecution, imprisonment, and/or fines for violating federal law, the Renton [sic] shall have no duty, responsibility, or liability based on any of those events, and that Renton may be the entity to arrest, prosecute, imprison or fine the applicant.

A complete map of the approaches, including bans, taken by cities within Washington is available on the MSRC website at the following link:

<http://www.mrsc.org/subjects/legal/502/recmarijuana.aspx#rreads>. The interactive map provides links to the actual ordinance adopted by cities by clicking on the city and then the ordinance link provided in the popup.

## **B. Recommended additional regulations for Bonney Lake**

The Planning Commission studied approaches taken by other cities and recommends the Council consider adopting any or all of the following regulations for state-licensed marijuana businesses, if the City Council decides to pursue Option II:

### **1. Allow State-licensed marijuana businesses only in Eastown and Midtown.**

The only commercial areas within Bonney Lake that would allow state-licensed marijuana businesses would be portions of Midtown and Eastown, based on the LCB's current regulations. If the City Council adopts the expanded definition of parks discussed below, most of Midtown would also likely be excluded as appropriate areas for state-licensed marijuana business. Given that Eastown is a substantial distance away from the City's commercial centers and family-oriented uses, most of the area would still be available for state-licensed marijuana businesses.

### **2. Expand the Definition of Parks/Playground**

The current definition of playground and public park used by the LCB in WAC 314-55-010(16) and (17), respectively, requires that the playground or park be owned and/or managed by a city, county, state, or federal government. Based on these definitions, marijuana business can be located within a 1,000 feet of a private park facility like Swiss Park or homeowner association parks. Bonney Lake had significant development of residential subdivisions over the past two decades, resulting in a substantial number of private recreational facilities. The City has typically required subdivisions to provide private park facilities for their residents, and record covenants that these areas will be preserved for park use in perpetuity. Therefore, private park facilities are not meaningfully different than public park facilities.

Given the intent to keep marijuana uses away from areas where children congregate and outdoor recreation occurs, the Planning Commission recommends that as part of any adopted regulations the Council expand the definition of "park" and "playground" to include privately-owned and managed recreational areas and playgrounds.

### **3. Include Liability Language**

The Planning Commission also recommends that if the City Council allows retail marijuana businesses that the indemnification language in the Renton Ordinance be included in the City's business license materials. The City may also want to consider requiring that the insurance for the business required by WAC 314-55-082 name the City as additional insured for claims or lawsuits arising out of the operation of the business. Licensees are already required to identify the LCB as an additional insured on all insurance policies as a condition of the license per WAC 314-55-082(3).

### **4. Require Crime Prevention Through Environmental Design**

The Planning Commission recommends the Council adopt Crime Prevention Through Environmental Design (CPTED) requirements for marijuana businesses. Given the valuable product and cash on premises, the Commission expects marijuana businesses to be potential targets for robberies, similar to businesses like jewelry stores, gun shops, or pawn shops. CPTED standards modify the environment to deter criminal activity and increase overall safety for citizens by ensuring that the layout and design of a building does not facilitate criminal activity. CPTED imposes standards for additional lighting, maintenance of landscaping, putting doors in visible locations, and building layouts that eliminate exterior hiding spaces.

## **C. Ban producers and processors**

If the Council elects to allow marijuana retail businesses, the Planning Commission recommends a complete ban on producers and processors, to be revisited later if the State solves some of the environmental and safety problems with these types of uses.

### **1. Air Pollution and Odors**

The Clean Air Agency's primary concern is the emissions that may come from facilities for producers and processors. The primary concern is that grow operations create a significant amount of odorous emissions which may cause nuisance impacts off-site, if they are not properly controlled and managed by the licensees. As a result of these concerns, producers and processors are required to obtain a license from the Clean Air Agency in addition to the license from the LCB. The permits entail a case-by-case review of individual applications and will result in each facility using the best available control technology to control odor and other emissions. The Clean Air Agency does not have concerns related to retail operations.

Given that producers and processors are required to obtain a license from the Clean Air Agency, the construction activities associated with these uses would not be categorically exempt from SEPA pursuant to WAC 197-11-800(1) and (2). Therefore, the City would have to complete a review under SEPA for every building permit, including tenant improvements, associated producers and processors.

## **2. Hazardous Materials**

The production and processing of marijuana involves a number of chemicals and other hazardous materials.

During the grow operations, producers use a number of fertilizers and pesticides that must be treated before entering the City's sewer or storm water system. Grow operations also pump oxygen into indoor grow operations to provide an oxygen rich environment that facilitates plant production and also increases the fire danger as high oxygen environments are highly flammable.

During the processing of marijuana, hydrocarbon solvents like N-butane and isobutane are used to extract tetrahydrocannabinol (THC) from other parts of the plant. These materials are highly combustible and must be used correctly to prevent explosions. In addition to the hydrocarbon solvents, other solvents are used like ethanol, propylene glycol, and vegetable glycerin. In addition to the fire hazard of the solvents, steps must also be taken to ensure that the waste products from processing do not end up in the City's sewer or storm water systems.

## **3. Energy Consumption**

One of the biggest environmental concerns with indoor grow operations is the carbon footprint of the industry. Indoor grow operations typically rely on multiple 1,000 watt High Intensity Discharge (HID) Grow Lights that are either high pressure sodium or metal halide. The energy consumption for one HID Grow Light is approximately 360 kilowatts (KW) per month. A small grow operation can easily use 15 grow lights consuming 5,400 KW per month. The average single family home utilizes 700 to 1,200 KW per month.

## **4. Food Safety Regulations**

Typically businesses that handle or process food for sale for human consumption are required to get a license from the Washington State Department of Agriculture (WSDA). While marijuana-infused products must be made in facilities that meet the WSDA requirements in Chapters 16-165 and 167-167, the Assistant Director of the WSDA

issued a letter on May 6, 2014 stating that individuals interested in producing marijuana-infused products would need to get a license from the LCB. The letter also stated that WSDA licensed facilities are not allowed to process both conventional food products and marijuana infused products due to safety requirements. At this time there do not appear to be inspection and license procedures for marijuana-infused food products.

At the federal level, food handling and processing are either regulated by the USDA or the FDA to ensure the safety of the food supply. However, since marijuana is still illegal under federal law, the USDA and FDA will not issue licenses or inspect producers of marijuana-infused products.

### **III. Option 3: Pass no new legislation.**

The third option is to allow the current moratorium to expire and rely on the City's existing land use controls and the LCB regulations to regulate marijuana businesses. Within Bonney Lake, the only areas where marijuana uses could be allowed under the State's regulations would be a portion of Midtown and Eastown as a result of the 1,000 foot buffer zone established by WAC 314-55-050(10). Marijuana uses are also not allowed in association with a residential structure pursuant to WAC 314-55-015(5).

### **CONCLUSION:**

At this time the Planning Commission is looking for further guidance from the City Council as to the City Council's preferred option. The Planning Commission is aware that the identification of a preferred option does not obligate the City to vote in favor of that option when the final ordinance is presented to the City Council.

The City Council may need to extend the moratorium to provide sufficient time to prepare a draft ordinance, complete the required SEPA review, provide the required sixty day notice to the Department of Commerce, conduct the required public hearing on the draft ordinance, and provide time for final council action on the draft ordinance.

**ORDINANCE NO. D14-129A**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 18.04.030, 18.04.130, AND 18.08.030 OF THE BONNEY LAKE MUNICIPAL CODE, RELATING TO THE PRODUCTION, PROCESSING, AND RETAIL SALES OF MARIJUANA.**

**WHEREAS**, in November 2012 the voters of the State of Washington approved Initiative 502, providing a framework whereby individuals and business entities may be granted a state license authorizing them to produce, process, or sell marijuana and marijuana-infused products for recreational use; and

**WHEREAS**, pursuant to Initiative 502, the Washington State Liquor Control Board has developed and implemented regulations governing the licensing, location, and operation of marijuana producers, processors, and retailers; and

**WHEREAS**, the Washington State Liquor Control Board has begun issuing licenses authorizing individuals and businesses to produce, process, and sell marijuana, marijuana concentrates, and marijuana-infused products; and

**WHEREAS**, marijuana remains a Schedule 1 drug under the federal Controlled Substances Act, and the production, possession, and use of marijuana for any purpose, including medical use, remains illegal under federal law; and

**WHEREAS**, in 2012 the City enacted a ban on medical cannabis collective gardens and dispensaries in Bonney Lake Municipal Code section 18.08.030; and

**WHEREAS**, unless the City acts to address the production, processing, and retail sales of recreational marijuana and marijuana-infused products, such uses will be able to locate in Bonney Lake, resulting in the adverse secondary effects on the City and its citizens; and

**WHEREAS**, on September 9, 2014, the Planning Commission made recommendations to the City Council for the regulation of licensed marijuana businesses through zoning and other land use controls; and

**WHEREAS**, in its recommendation, the Planning Commission presented the City Council with three options: (1) a ban of all marijuana businesses; (2) establish zoning regulations allowing retail locations in the Easttown and Midtown zoning districts, impose additional regulations on marijuana retail businesses, and prohibit marijuana producers and processors in all zoning districts; and (3) pass no regulations related to marijuana businesses; and

**WHEREAS**, the issues considered by the Planning Commission in its report included the substantial number of private parks that are dedicated for public use in the City, potential City liability arising from lawsuits related to marijuana businesses, the potential for increased crime associated with marijuana businesses, air pollution and odors associated with marijuana producers and processors, hazardous materials associated with marijuana production and processing, the high energy use required by marijuana producers, and the lack of food safety regulations governing marijuana processors; and

**WHEREAS**, the City is a family-oriented community, and is concerned about the adverse secondary effects the opening of marijuana producers, processors, and retailers could have on the community, such as increased crime associated with the valuable products and large amounts of cash kept in these businesses, environmental impacts of producers and processors, and the increased visibility of marijuana to children with the message that marijuana use is “acceptable”; and

**WHEREAS**, the City’s police department is not provided any additional funding by the state to address the potential for increased crime created by marijuana producers, processors, and retailers; and

**WHEREAS**, on January 16, 2014 the Washington State Attorney General issued an opinion stating that local governments are not preempted by state law from banning the location of a Washington State Liquor Control Board licensed marijuana producer, processor, or retailer within their jurisdiction, and that nothing in Initiative 502 limits the broad authority that local governments have to regulate within their jurisdictions, including regulations concerning licensed marijuana businesses; and

**WHEREAS**, article XI, section 11 of the Washington Constitution grants local governments jurisdiction over issues such as land use, zoning, and standards for the issuance of business licenses; and

**WHEREAS**, local ordinances are entitled to a presumption of constitutionality; and

**WHEREAS**, Washington courts have consistently upheld local ordinances banning an activity when state law regulates the activity but does not grant an unfettered right or entitlement to engage in that activity; and

**WHEREAS**, notwithstanding the State’s decriminalization of the production, processing, and retail sales of marijuana, local governments retain authority over zoning, development regulations, and the issuance of business licenses within their jurisdictions; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City and its citizens to prohibit the production, processing, and retail sales of marijuana in the City of Bonney Lake.

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

**Section 1.** Section 18.04.030, “C,” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance Nos. 1442 § 2, 746 § 19, and 740 § 2 are hereby amended to read as follows:

**18.04.030 “C”.**

“Camouflaged” means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure or new structure, tower, or mount within

trees so as to be significantly screened from view or camouflaged to appear as a non-antenna structure (i.e., tree, flagpole with flag, etc.).

~~“Cannabis” means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this definition, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term “cannabis” includes cannabis products and usable cannabis.~~

~~“Cannabis collective garden” means a garden where “qualifying patients” as described in RCW 69.51A.085 may engage in the production, processing, and/or delivery of cannabis for medical use.~~

~~“Cannabis dispensary” means any facility or location where cannabis is grown, produced, manufactured or made available and/or distributed.~~

“Cell site” or “site” means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.

“City center and view corridor area” means an area defined by the boundaries of the city center and the view corridor for Mt. Rainier along SR 410 from approximately 500 feet northwest of the intersection with Sumner/Buckley Highway (Bonney Lake Main Street to the dip in SR 410 just west of Angeline Road undercrossing (the point where Mt. Rainier disappears from view)).

“Co-location” means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.

“Conditional use” means a use permitted in one or more classifications as defined by this title but which use because of characteristics peculiar to it, or because of size, technological processes, or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demand upon public facilities, required a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zones or zones, and to assure that such use shall not be harmful to the public interest.

“Conditional use permit” or “CUP” means the documented evidence of authority granted by the hearing examiner to locate a conditional use at a particular location.

“Condominium” means a multiple-family dwelling and its accessory uses and grounds in which each dwelling unit is individually owned, and all or any part of the dwelling structure, accessory uses and grounds are owned cooperatively by the owners of said dwelling units, and maintenance functions are performed by required subscriptions from said owners.

“Convalescent home,” see “Nursing home.”

“COW” means “cell on wheels.”

**Section 2.** Section 18.04.130, “M,” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance Nos. 1364 § 3, 746 § 19, and 740 § 2 are hereby amended to read as follows:

“Manufactured home” means a structure constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

- A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
- B. Was originally constructed and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch;
- C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences;
- D. Is built on a permanent chassis and designed solely for the purpose of human habitation.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC (tetrahydrocannabinol) concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana collective garden” (also referred to as “medical marijuana collective garden,” “cannabis collective garden,” and “medical cannabis collective garden”) means a location where “qualifying patients,” as defined in RCW 69.51A.010(4), may engage in the production, processing, and/or delivery of marijuana for medical use, as described in RCW 69.51A.090.

“Marijuana concentrates” means products consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than sixty percent.

“Marijuana dispensary” (also referred to as “medical marijuana dispensary,” “cannabis dispensary,” and “medical cannabis dispensary”) means any facility where marijuana or marijuana products are grown, produced, manufactured, sold or otherwise made available and/or distributed that is not licensed by the Washington State Liquor Control Board.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than sixty percent. The term “marijuana-infused products” does not include either useable marijuana or marijuana concentrates.

“Marijuana processor” means a person, business, or organization licensed by the Washington State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana, marijuana concentrates, and marijuana-infused

products for sale in retail outlets, and sell useable marijuana, marijuana concentrates, and marijuana-infused products at wholesale to marijuana retailers.

“Marijuana producer” means a person, business, or organization licensed by the Washington State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana retailer” means a person, business, or organization licensed by the Washington State Liquor Control Board to sell useable marijuana, marijuana concentrates, and marijuana-infused products in a retail outlet.

“Massage therapy/spa” means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.

“Medical-dental clinic” means an establishment for the treatment of outpatients, and providing no overnight care for patients.

“Microbrewery” means a facility that produces beer and sells it to the public by one or more of the following methods: through the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and in some cases, directly to the consumer through carry-outs or on-site taproom sales. Microbreweries shall have a production capacity not to exceed 15,000 U.S. barrels per year and shall have a full food menu.

“Mini-day care center” means a person or agency providing care during part of the 24-hour day to 12 or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through 12 children in the family abode of such person or persons.

“Mobile home” means a single-family prefabricated residential unit manufactured according to the standards of the statutes of the state and federal government, capable of being moved upon the public roads and highways, so designed and equipped as to be served by a sanitary sewer or septic tank system, supported by leveling jacks or blocks.

“Mobile home park” is a tract of land used or designated for the use of two or more mobile homes.

“Modification” means the changing of any portion of a facility such as a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.

“Modular home” means any structure other than a mobile or manufactured home designed primarily for human occupancy, which is either entirely or substantially prefabricated or assembled

at a place other than a building site and which has been approved pursuant to RCW 43.22.455 and bears the insignia of the Washington State Department of Labor and Industries.

“Mount” means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:

A. Building Mounted. A personal wireless service facility mount fixed to the roof or side of a building.

B. Ground Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.

C. Structure Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, electrical transmission towers, utility poles, and bridges.

**Section 3.** Section 18.08.030, formerly titled “Marijuana producers, processors, and retailers,” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1442 § 3 are hereby amended to read as follows:

**18.08.030 ~~Cannabis collective gardens and dispensaries~~ Marijuana uses prohibited.**

A. Marijuana collective gardens and dispensaries prohibited. Notwithstanding any other provision of the Bonney Lake Municipal Code, ~~cannabis~~ marijuana collective gardens and ~~cannabis~~ marijuana dispensaries are prohibited in all zoning districts.

B. Marijuana producers, processors, and retailers prohibited. Notwithstanding any other provision of the Bonney Lake Municipal Code, marijuana producers, marijuana processors, and marijuana retailers are prohibited in all zoning districts.

**Section 4. 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 5. Effective Date.** This ordinance shall take effect five (5) days after its passage, approval and publication as required by law. Upon taking effect, this Ordinance shall supersede and nullify Ordinance Nos. 1468, 1469, 1481, and 1489, which enacted a temporary moratorium on marijuana uses.

**PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2014.**

\_\_\_\_\_  
Neil Johnson, Jr., Mayor

AUTHENTICATED:

\_\_\_\_\_  
Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathleen Haggard, City Attorney

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**ORDINANCE NO. D14-129B**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 5.08.225, 18.04.030, 18.04.130, 18.04.160, 18.08.020, AND 18.08.030 OF THE BONNEY LAKE MUNICIPAL CODE, RELATING TO MARIJUANA RETAILERS, PRODUCERS AND PROCESSORS.**

**WHEREAS**, in November 2012 the voters of the State of Washington approved Initiative 502, providing a framework whereby individuals and business entities may be granted a state license authorizing them to produce, process, or sell marijuana and marijuana-infused products for recreational use; and

**WHEREAS**, pursuant to Initiative 502, the Washington State Liquor Control Board has developed and implemented regulations governing the licensing, location, and operation of marijuana producers, processors, and retailers; and

**WHEREAS**, the Washington State Liquor Control Board has begun issuing licenses authorizing individuals and businesses to produce, process, and sell marijuana, marijuana concentrates, and marijuana-infused products; and

**WHEREAS**, marijuana remains a Schedule 1 drug under the federal Controlled Substances Act, and the production, possession, and use of marijuana for any purpose, including medical use, remains illegal under federal law; and

**WHEREAS**, in 2012 the City enacted a ban on medical cannabis collective gardens and dispensaries in Bonney Lake Municipal Code section 18.08.030; and

**WHEREAS**, unless the City acts to address the production, processing, and retail sales of recreational marijuana and marijuana-infused products, such uses will be able to locate in Bonney Lake without City regulations, resulting in the adverse secondary effects on the City and its citizens; and

**WHEREAS**, the City has grown quickly over the last three decades, with much of that growth occurring in the form of private residential or mixed-use subdivision developments; and

**WHEREAS**, the City has required private developments to construct a substantial number of parks and playgrounds, which were then dedicated in perpetuity for recreational use, yet remain privately owned and managed; and

**WHEREAS**, there is no meaningful difference between the privately owned and managed parks and playgrounds in the City that are dedicated in perpetuity for public use and public parks and playgrounds; both function as areas for outdoor recreation and for children to congregate; and

**WHEREAS**, on September 9, 2014, the Planning Commission made recommendations to the City Council for the regulation of licensed marijuana businesses through zoning and other land use controls; and

**WHEREAS**, in its recommendation, the Planning Commission presented the City Council with three options: (1) a ban of all marijuana businesses; (2) establish zoning regulations allowing retail locations in the Easttown and Midtown zoning districts, impose additional regulations on marijuana retail businesses, and prohibit marijuana producers and processors in all zoning districts; and (3) pass no regulations related to marijuana businesses; and

**WHEREAS**, the issues considered by the Planning Commission in its report included the substantial number of private parks that are dedicated for public use in the City, potential City liability arising from lawsuits related to marijuana businesses, the potential for increased crime associated with marijuana businesses, air pollution and odors associated with marijuana producers and processors, hazardous materials associated with marijuana production and processing, and the high energy use required by marijuana producers; and

**WHEREAS**, the City is a family-oriented community, and is concerned about the adverse secondary effects the opening of marijuana producers, processors, and retailers could have on the community, such as increased crime associated with the valuable products and large amounts of cash kept in these businesses, the environmental impacts of producers and processors, and the increased visibility of marijuana to children and the message that marijuana use is “acceptable”; and

**WHEREAS**, the City’s police department is not provided any additional funding by the state to address the potential for increased crime created by marijuana producers, processors, and retailers; and

**WHEREAS**, the City Council has determined that the best way to minimize the adverse effects of marijuana retailers while still allowing marijuana retailers to operate in the City is to confine marijuana retail locations to the Easttown and Midtown zoning districts while imposing additional regulations; and

**WHEREAS**, on January 16, 2014 the Washington State Attorney General issued an opinion stating that local governments are not preempted by state law from banning the location of a Washington State Liquor Control Board licensed marijuana producer, processor, or retailer within their jurisdiction, and that nothing in Initiative 502 limits the broad authority that local governments have to regulate within their jurisdictions, including regulations concerning licensed marijuana businesses; and

**WHEREAS**, article XI, section 11 of the Washington Constitution grants local governments jurisdiction over issues such as land use, zoning, and standards for the issuance of business licenses; and

**WHEREAS**, local ordinances are entitled to a presumption of constitutionality; and

**WHEREAS**, Washington courts have consistently upheld local ordinances banning an activity when state law regulates the activity but does not grant an unfettered right or entitlement to engage in that activity; and

**WHEREAS**, notwithstanding the State’s decriminalization of the production, processing, and retail sales of marijuana, local governments retain authority over zoning, development regulations, and the issuance of business licenses within their jurisdictions; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City and its citizens to establish zoning regulations allowing retail locations in the Eastown and Midtown zoning districts, impose additional regulations on marijuana retail businesses, and prohibit marijuana producers and processors in all zoning districts.

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

**Section 1.** The following section 5.08.225, “Additional business license requirements for marijuana retail businesses.” is hereby added to the Bonney Lake Municipal Code:

**5.08.225 Additional business license requirements for marijuana retail businesses.**

In order to qualify for a business license, retail businesses who sell marijuana, marijuana concentrates, or marijuana infused products must comply with the following requirements, in addition to the other requirements contained in this Chapter 5.08:

A. State license required. Marijuana retail businesses must have a valid state marijuana retailer license issued by the Washington State Liquor Control Board and must present the City with evidence of this state license when applying for a business license.

B. Indemnification. By accepting a business license pursuant to this Chapter 5.08 or any other provision of the Bonney Lake Municipal Code, the owner(s) of the marijuana retailer shall agree, jointly and severally, to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool, if any, against all liability, claims and demands, on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the marijuana retail business that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees. The City may require the owner(s) of the marijuana retail business to execute a written instrument confirming the provisions of this chapter.

C. Insurance. The City of Bonney Lake shall be named as an additional insured on all general liability, umbrella, and excess insurance policies that provide coverage for the marijuana retail business. This includes, but is not limited to, all insurance policies required by WAC 314-55-082.

D. Subject to federal law. By accepting a business license pursuant to this Chapter 5.08 or any other provision of the Bonney Lake Municipal Code, the owner(s) of the marijuana retailer acknowledge that he/she/they may still be subject to arrest, prosecution, imprisonment, and/or fines for violating federal law, the City shall have no duty, responsibility, or liability based on any of those events, and that the City may be the entity to arrest, prosecute, imprison or fine the applicant.

**Section 2.** Section 18.04.030, “C,” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance Nos. 1442 § 2, 746 § 19, and 740 § 2 are hereby amended to read as follows:

**18.04.030 “C”.**

“Camouflaged” means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure or new structure, tower, or mount within trees so as to be significantly screened from view or camouflaged to appear as a non-antenna structure (i.e., tree, flagpole with flag, etc.).

~~“Cannabis” means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this definition, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term “cannabis” includes cannabis products and usable cannabis.~~

~~“Cannabis collective garden” means a garden where “qualifying patients” as described in RCW 69.51A.085 may engage in the production, processing, and/or delivery of cannabis for medical use.~~

~~“Cannabis dispensary” means any facility or location where cannabis is grown, produced, manufactured or made available and/or distributed.~~

“Cell site” or “site” means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.

“City center and view corridor area” means an area defined by the boundaries of the city center and the view corridor for Mt. Rainier along SR 410 from approximately 500 feet northwest of the intersection with Sumner/Buckley Highway (Bonney Lake Main Street to the dip in SR 410 just west of Angeline Road undercrossing (the point where Mt. Rainier disappears from view)).

“Co-location” means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.

“Conditional use” means a use permitted in one or more classifications as defined by this title but which use because of characteristics peculiar to it, or because of size, technological processes, or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demand upon public facilities, required a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zones or zones, and to assure that such use shall not be harmful to the public interest.

“Conditional use permit” or “CUP” means the documented evidence of authority granted by the hearing examiner to locate a conditional use at a particular location.

“Condominium” means a multiple-family dwelling and its accessory uses and grounds in which each dwelling unit is individually owned, and all or any part of the dwelling structure, accessory uses and grounds are owned cooperatively by the owners of said dwelling units, and maintenance functions are performed by required subscriptions from said owners.

“Convalescent home,” see “Nursing home.”

“COW” means “cell on wheels.”

**Section 3.** Section 18.04.130, “M,” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance Nos. 1364 § 3, 746 § 19, and 740 § 2 are hereby amended to read as follows:

“Manufactured home” means a structure constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

- A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
- B. Was originally constructed and now has a composition of wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch;
- C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences;
- D. Is built on a permanent chassis and designed solely for the purpose of human habitation.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC (tetrahydrocannabinol) concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana collective garden” (also referred to as “medical marijuana collective garden,” “cannabis collective garden,” and “medical cannabis collective garden”) means a location where “qualifying patients,” as defined in RCW 69.51A.010(4), may engage in the production, processing, and/or delivery of marijuana for medical use, as described in RCW 69.51A.090.

“Marijuana concentrates” means products consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than sixty percent.

“Marijuana dispensary” (also referred to as “medical marijuana dispensary,” “cannabis dispensary,” and “medical cannabis dispensary”) means any facility where marijuana or marijuana

products are grown, produced, manufactured, sold or otherwise made available and/or distributed that is not licensed by the Washington State Liquor Control Board.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than sixty percent. The term “marijuana-infused products” does not include either useable marijuana or marijuana concentrates.

“Marijuana processor” means a person, business, or organization licensed by the Washington State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana, marijuana concentrates, and marijuana-infused products for sale in retail outlets, and sell useable marijuana, marijuana concentrates, and marijuana-infused products at wholesale to marijuana retailers.

“Marijuana producer” means a person, business, or organization licensed by the Washington State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana retailer” means a person, business, or organization licensed by the Washington State Liquor Control Board to sell useable marijuana, marijuana concentrates, and marijuana-infused products in a retail outlet.

“Massage therapy/spa” means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.

“Medical-dental clinic” means an establishment for the treatment of outpatients, and providing no overnight care for patients.

“Microbrewery” means a facility that produces beer and sells it to the public by one or more of the following methods: through the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and in some cases, directly to the consumer through carry-outs or on-site taproom sales. Microbreweries shall have a production capacity not to exceed 15,000 U.S. barrels per year and shall have a full food menu.

“Mini-day care center” means a person or agency providing care during part of the 24-hour day to 12 or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through 12 children in the family abode of such person or persons.

“Mobile home” means a single-family prefabricated residential unit manufactured according to the standards of the statutes of the state and federal government, capable of being moved upon the

public roads and highways, so designed and equipped as to be served by a sanitary sewer or septic tank system, supported by leveling jacks or blocks.

“Mobile home park” is a tract of land used or designated for the use of two or more mobile homes.

“Modification” means the changing of any portion of a facility such as a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.

“Modular home” means any structure other than a mobile or manufactured home designed primarily for human occupancy, which is either entirely or substantially prefabricated or assembled at a place other than a building site and which has been approved pursuant to RCW 43.22.455 and bears the insignia of the Washington State Department of Labor and Industries.

“Mount” means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:

- A. Building Mounted. A personal wireless service facility mount fixed to the roof or side of a building.
- B. Ground Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.
- C. Structure Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, electrical transmission towers, utility poles, and bridges.

**Section 4.** Section 18.08.020, “Land Use Matrix,” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance Nos. 1416 and 1483 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
<b>Residential Uses</b>											
Accessory dwelling unit			P <sup>1</sup>	P <sup>1</sup>							
Adult family home	P	P	P	P	P						
Apartments/condominiums				P		P <sup>2</sup>	P <sup>2</sup>		P <sup>3</sup>	P	
Boarding homes			P	P							P
Duplexes (two-family residences)			P	P							
Family day cares	A	A	A	A	A				A	A	
Group homes				C							C

<b>Zone Use</b>	<b>RC-5</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>C-1</b>	<b>C-2</b>	<b>E</b>	<b>MC</b>	<b>DC</b>	<b>DM</b>	<b>PF</b>
Home occupations; provided the criteria in BLMC <a href="#">18.22.010</a> are met	A	A	A	A	A				A	A	
Mobile/manufactured homes subject to Chapter <a href="#">15.08</a> 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 <sup>3</sup>	P	
Private docks, mooring facilities and boathouses; provided the project complies with shoreline management regulations and the provisions of BLMC <a href="#">18.22.070</a>	A	A	A	A							P
Residences in connection with a business establishment					P	C	A	C	P <sup>3</sup>	P	
Residential care facilities				P							
Single-family residences, detached	P	P			P						
Townhouses			P	P	C	C	P	C			
<b>Educational Uses</b>											
Colleges and universities or extension classrooms						P	P	P	P <sup>3</sup>	P	P
Dancing, music, art, drama and instructional/vocational schools					P	P	P	P	P <sup>3</sup>	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			
<b>Cultural, Religious, Recreational, and Entertainment Uses</b>											
Adult entertainment facilities subject to the provisions of Chapter <a href="#">18.32</a> BLMC							P				

Zone Use	RC-5	R-1	R-2	R-3	C-1	C-2	E	MC	DC	DM	PF
Amphitheater						P	P	P			
Campgrounds							P	C			C
Essential public facilities							P				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 <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P	P		P	P <sup>3</sup>	P	C
Swimming pools, public or private	A	A	A	A	A	P	P	P			P
Theaters						P	P	P	P	P	
<b>Industrial Uses</b>											
Assembly or processing of previously prepared materials in a fully enclosed building							C <sup>1</sup>				
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				

Zone Use	RC- 5	R- 1	R- 2	R- 3	C- 1	C- 2	E	MC	DC	DM	PF
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 <a href="#">70.105</a> 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 <a href="#">70.105</a> 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			
<b>Resource Management Uses</b>											
Agriculture and orchards	P										
Forestry and tree farms	P										
Raising of livestock, small animals and fowl; provided the requirements of BLMC <a href="#">18.22.060</a> are met	P										
<b>Transportation, Communication, Utilities</b>											
Parking garages						C	P	C	C		
Public utility facility; provided the requirements of BLMC <a href="#">18.22.050</a> are met	P		P	P	P	P	P	P			
<b>Commercial Uses</b>											

Zone Use	RC-5	R-1	R-2	R-3	C-1	C-2	E	MC	DC	DM	PF
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 <a href="#">18.22.030</a> 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

Zone Use	RC-5	R-1	R-2	R-3	C-1	C-2	E	MC	DC	DM	PF
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

Zone Use	RC-5	R-1	R-2	R-3	C-1	C-2	E	MC	DC	DM	PF
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			
<u>Marijuana Retail Stores - Licensed by the Liquor Control Board</u>							<u>P</u>	<u>P</u>			
Massage therapy/spas					P	P	P	P	P	P	
Medical-dental clinics						P	P	P	P <sup>3</sup>	P	
Medical offices					P	P	P	P	P <sup>3</sup>	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	

Zone Use	RC-5	R-1	R-2	R-3	C-1	C-2	E	MC	DC	DM	PF
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 <sup>3</sup>	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 <sup>3</sup>	P	
Wireless communications facilities are permitted as principal or accessory uses provided the requirements of Chapter <a href="#">18.50</a> BLMC are met	P		P	P	A	A	P	A			

P = Permitted

C = Conditional use

A = Accessory use

P<sup>1</sup> = No accessory dwelling units are allowed in conjunction with a duplex

P<sup>2</sup> = Subject to the commercial design standards of Chapter [18.31](#) BLMC

Zone Use	RC- 5	R- 1	R- 2	R- 3	C- 1	C- 2	E	MC	DC	DM	PF
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P<sup>3</sup> = Allowed outright on second floor, requires a CUP if on the first floor

P<sup>4</sup> = Subject to the provisions of BLMC [18.22.040](#)

C<sup>1</sup> = Exclusions are listed in BLMC [18.29.040](#)

**Section 5.** Section 18.08.030, formerly titled “Marijuana producers, processors, and retailers,” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1442 § 3 are hereby amended to read as follows:

**18.08.030 ~~Cannabis collective gardens and dispensaries~~ Marijuana uses.**

A. In addition to the definition in Chapter 18.04 BLMC, the following definitions are utilized for this section:

1. “Privately owned public park” means privately-owned land made available for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, including but not limited to Swiss Park.
2. “Privately owned public playground” means an outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, on a tract of land dedicated for recreational use, which is owned and/or managed by a homeowners association.

B. Marijuana collective gardens and dispensaries prohibited. Notwithstanding any other provision of the Bonney Lake Municipal Code, ~~cannabis~~ marijuana collective gardens and ~~cannabis~~ marijuana dispensaries are prohibited in all zoning districts.

C. Marijuana producers and processors prohibited. Notwithstanding any other provision of the Bonney Lake Municipal Code, marijuana producers and marijuana processors are prohibited in all zoning districts.

D. Marijuana retailers. Marijuana retailers are permitted in the Easttown (E) and Midtown Core (MC) zoning districts, and are prohibited from all other zoning districts. In addition to the requirements imposed on marijuana retailers established in Chapter 69.50 RCW and Chapter 314-55 WAC, marijuana retailers shall comply with the following zoning and development requirements:

1. Marijuana retailers may not be located within 1000 feet of any privately-owned public playground. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the privately-owned public playground.
2. Marijuana retailers may not be located within 1000 feet of any privately-owned public park. The distance shall be measured as the shortest straight line distance

from the property line of the proposed building/business location to the property line of the privately-owned public park.

3. Marijuana retailers must implement, to the fullest extent practical at the location, Crime Prevention Through Environmental Design (CPTED). At a minimum, marijuana retailers must incorporate the following CPTED design elements:

a. Adequate lighting levels shall be provided in all pedestrian areas, including building entries, along walkways, parking areas, and other public areas. Lights plans shall be submitted and shall meet the following minimum standards:

- i. Provide an overlapping pattern of light.
- ii. Provide consistent lighting with a gradual transition to unlighted areas. Avoid creating highly contrasting pools of light and dark areas.
- iii. Provide at least 2 foot-candles or 22 lux at building entrances and primary pedestrian walkways as measures 36 inches above the ground, and at least 1 foot-candle or 11 lux in parking areas as measures 36 inches above the ground.
- iv. Provide lighting at all building entrances, exits and corridors between buildings, especially where doors are recessed.
- v. Ensure that site lighting is confined to the project site and does not cause glare on adjacent properties.

b. The following building and design features shall be employed to increase security:

- i. Parking stalls shall not be located directly in front of any exterior door.
- ii. Signs or advertisements shall not cover more than 15% of the window area.
- iii. Every exterior door shall include at a minimum an eye-viewer, door-scope, window, or adjacent window allowing the occupant the ability to see who is at the door without the need to open it first.
- iv. All single or double swinging exterior doors shall be equipped with a single cylinder Grade 1 deadbolt lock as determined by the most current version of ANSI/BHMA A156.
- v. All exterior windows shall either be Standard Laminated Architectural Glass (LAG) that is a ¼ inch thick glass with a 0.060”

thick lamination or meet the requirements of the most current version of ASTM F standard for security glazing.

**Section 6. 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 7. Effective Date.** This ordinance shall take effect five (5) days after its passage, approval and publication as required by law. Upon taking effect, this Ordinance shall supersede and nullify Ordinance Nos. 1468, 1469, 1481, and 1489, which enacted a temporary moratorium on marijuana uses.

**PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2014.**

\_\_\_\_\_  
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** : November 5, 2014  
**To** : Mayor and City Council  
**From** : Grant Sulham, Planning Commission Chair  
**Re** : **Ordinance D14-129A/B – State Licensed Marijuana Regulations**

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The City Council has directed the Planning Commission to study and propose development regulations to the Council. The Planning Commission was directed to study a range of approaches to regulation, including zoning, development regulations, and a complete or partial prohibition in all zones. This Planning Commission presumes the Council will want to keep the existing ban on medical marijuana collective gardens and dispensaries, which has been on the books since 2012. With this presumption, the Commission developed three different options for the Council to consider for new regulations: (1) Complete ban on State-licensed marijuana uses in all zones; (2) allow licensed retail establishments in specific zones but ban producers and processors; or (3) pass no legislation concerning state-licensed marijuana uses.

On September 16, 2014, the City Council reviewed the three options proposed by the Planning Commission and requested that the Planning Commission prepare two ordinances for the City Council to consider: (Option 1) Complete ban on State-licensed marijuana uses in all zones and (Option 2) allow licensed retail establishments in specific zones but ban producers and processors.

On November 5, 2014, the Planning Commission held a public hearing on Ordinance D14-129A (Option 1) and D14-129B (Option 2). Following the public hearing the Planning Commission voted [redacted] to recommend that the City Council [redacted] Ordinance D14-129 [redacted] and voted [redacted] to recommend that the City Council [redacted] Ordinance D14-129 [redacted].

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# Community Development Department Briefing Memorandum

**Date:** October 27, 2014  
**To:** Planning Commission  
**From:** Jason Sullivan – Senior Planner  
**Re:** **Ordinance D14-134 – 2014 Comprehensive Plan Amendment.**

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## **PURPOSE:**

The purpose of the memorandum is to facilitate the Planning Commission's Public Hearing on November 5, 2014 on Ordinance D14-134 which amends the Future Land Use Map and Section 18.12.010 of the Bonney Lake Municipal Code which adopts the official Zoning Map. This item is scheduled for the December 2, 2014 City Council Workshop under AB14-134.

**SUGGESTED MOTION:** *"I move to recommend that the City Council*  
*Ordinance D14-134"*

## **ATTACHMENTS:**

1. Ordinance D14-134
2. Planning Commission Recommendation Memo

## **BACKGROUND:**

In July of 2014, the City recorded a boundary line adjustment (BLA), which removed the portions of parcel 0520338001 within the buffers of Fennel Creek and the associated wetlands and combined the area with parcel 0520338010. After the recording of the BLA, the parcel numbers were changed from 0520338010 to 0520338014 and from 0520338001 to 0520338013.

As a result of the BLA parcel 0520338014 is now split designated on the Future Land Use Map (FLUM) and split zoned on the Zoning Map with the area within the original parcel designated Fennel Creek Corridor and zoned Residential/Conservancy District (RC-5) and the area added by the BLA designated as Public Facility and zone Residential High Density (R-3).

Additionally, parcel 0520338013 is designated Public Facility on the FLUM but zoned R-3 on the Zoning Map. The City Council has also passed Resolution 2302 declaring parcel 0520338001, now 0520338013, as surplus to the City's needs for public facilities.

**DISCUSSION:**

The proposal will change the Land Use Designation on a portion of parcel 0520338014 from Public Facility to Fennel Creek Corridor and change parcel 0520338013 from Public Facility to Commercial. The zoning on a portion of parcel 0520338014 will be changed from High Density Residential (R-3) to Residential/Conservation District (RC-5) and the zoning on parcel 0520338013 will be changed from High Density Residential (R-3) to Commercial District (C-2).

The proposed amendments will bring the City's FLUM in to compliance with the Growth Management Act by reconciling an inconsistency between the FLUM and the adopted zoning map. The changes will further the objectives of the Midtown Subarea Plan by providing additional flexibility for development of property within Midtown while still protecting environmentally critical areas.

**ORDINANCE NO. D14-134**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE FUTURE LAND USE MAP AND SECTION 18.12.010 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NO. 1459 RELATING TO LAND USE DESIGNATION AND ZONING CLASSIFICATION OF CERTAIN PROPERTIES WITHIN BONNEY LAKE.**

**WHEREAS**, the City recorded a boundary line adjustment (BLA) under Pierce County Recording Number 2014070850006, which removed the portions of parcel 0520338001 within the buffers of Fennel Creek and the associated wetlands and combined the area with parcel 0520338010; and

**WHEREAS**, as a result of the BLA the properties' parcel number were changed from 0520338010 to 0520338014 and from 0520338001 to 0520338013; and

**WHEREAS**, parcel 0520338014 is now split designated on the Future Land Use Map (FLUM) with the area within the original parcel designated Fennel Creek Corridor and the area added by the BLA designated as Public Facility; and

**WHEREAS**, 0520338014 now is split zoned with the area within the original parcel zoned Residential/Conservancy District (RC-5) and the area added by the BLA zone Residential High Density (R-3); and

**WHEREAS**, 0520338013 is designated Public Facility on the FLUM; and

**WHEREAS**, the City Council passed Resolution 2302 declaring parcel 0520338001, now 0520338013, as surplus to the City's needs; and

**WHEREAS**, the zoning classification on 0520338013 is R-3 which is inconsistent with the adopted land use designation; and

**WHEREAS**, both properties are located in the Midtown Subarea; and

**WHEREAS**, the City Council desires to further the objective of the Midtown Subarea Plan by providing additional flexibility for development of property within Midtown while protecting environmentally critical areas; and

**WHEREAS**, the City issued a \_\_\_\_\_ issued on \_\_\_\_\_ pursuant to WAC \_\_\_\_\_ in order to comply with the requirements of Chapter 43.21C RCW; and

**WHEREAS**, a copy of the this Ordinance was provided to the Washington State Department of Commerce as required by RCW 36.70.A.106;

**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 \_\_\_\_\_,

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

**Section 1. Findings of Fact.**

The findings of fact and conclusions set forth in Attachment A , attached hereto and incorporated by this reference , are adopted in full by the City Council in support of its decision to change the land use designation and zoning classification for the area described in Section 2 of this Ordinance.

**Section 2. Area of Comprehensive Plan Land Use Designation and Zoning Reclassification Amendments.**

1. The land use designation and zoning classification of Parcel Number 0520338013 legally described as Parcel 1 of Boundary Line Adjustment recorded under Pierce County Recording Number 201407085006 is changed from Public Facility and R-3 to Commercial and C-2 respectively.
2. The land use designation and zoning classification of that portion of Parcel Number 0520338014 legally described as Parcel 2 of Boundary Line Adjustment recorded under Pierce County Recording Number 201407085006 that is currently designated and zoned Public Facility and R-3 is changed to Fennel Creek Corridor and RC-5 respectively.

**Section 3. Future Land Use Map.**

The map filed in the city clerk's office and marked Attachment B to Ordinance No. **D14-134** and adopted December 9, 2014, constitutes the official Future Land Use Map for the city. The map referenced herein supersedes all previously adopted maps.

**Section 4.** BLMC Section 18.12.010 and Ordinance No. 1459 § 1 are hereby amended to read as follows:

**18.12.010 Designated.**

The map filed in the city clerk's office and marked Attachment ~~A~~ C to Ordinance No. 1456-**D14-134** and adopted ~~April 9, 2013~~ December 9, 2014, constitutes the official zoning map for the city. The map referenced herein supersedes all previously adopted maps. If the zoning classifications of the map are found to be in conflict with other zoning classifications or land use designations, the map is

deemed to control. Zoning reclassifications or other special zoning designations shall be clearly outlined on the map along with the associated ordinance number.

**Section 5.** This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as required by law.

**PASSED** by the City Council and approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Neil Johnson, Mayor

AUTHENTICATED:

\_\_\_\_\_  
Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathleen Haggard, City Attorney

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# ORDINANCE D14-134

## ATTACHMENT A

1. Site-specific zoning reclassifications processed concurrently with amendments to the comprehensive plan are not considered quasi-judicial permits and are exempt from the requirements of Chapters 14.30 BLMC through BLMC 14.80 pursuant to BLMC 14.20.020.F.
2. Site-specific zoning reclassifications processed concurrently with amendments to the comprehensive plan are considered legislative actions processed in accordance with Chapter 14.40 BLMC.
3. The amendments to the comprehensive plan contained in this Ordinance comply with the criteria established in BLMC 14.140.090.A as provided by below:
  - 3.1. The land use designation and zoning classification amendments contained in this Ordinance changes the designation of property within the buffer of Fennel Creek from Public Facility and High-Density Residential District (R-3) to Fennel Creek Corridor and Residential/Conservation District (RC-5) and the developable property outside of the buffer of Fennel Creek from Public Facility and High-Density Residential District (R-3) to Commercial and Commercial District (C-2) is consistent the Bonney Lake Comprehensive Plan, including but not limited to the following policies:
    - 3.1.1. **Community Character Element – Policy 1-3b:** Develop the Midtown as a mixed use district with the highest possible level of architectural interest, pedestrian orientation, and human-scale design consistent with the fact that 1) much of it is already built and 2) pedestrian traffic alongside and across the highway will suffer due to high vehicular traffic. Wherever possible, developments should reach deeply into the adjoining commercial land, provide local access streets as dictated by the Transportation Element, and place their building facades at the edge of the sidewalk adjoining said local access streets.
    - 3.1.2. **Community Character Element – Policy 1-3g:** Encourage future business complexes to incorporate residences (mixed use development) in order to enliven retail areas and lessen the dichotomy between commercial and residential areas.
    - 3.1.3. **Natural Environment Element – Policy 2-1a:** Protect significant natural features, including the Fennel Creek corridor, fish and wildlife habitat areas, lakes, and wetlands.
    - 3.1.4. **Natural Environment Element – Policy 2-3d:** Encourage vegetative buffers along streams and drainage ways to enhance water quality, protect habitat, and prevent erosion.

- 3.1.5. **Land Use Element – Policy 3-9a:** Encourage human-scale, pedestrian-oriented mixed used developments along SR 410, especially Downtown. (“Human-scale architecture” means urban settings whose individual buildings and features are small enough, varied enough, interesting enough, and close enough together to appeal to the pedestrian.) See the Community Character Element for the Downtown Plan.
  - 3.1.6. **Land Use Element – Policy 3-9b:** Ensure mixed use development is designed to complement natural features of the site, such as views and vegetation, and to preserve and protect sensitive areas
  - 3.1.7. **Land Use Element – Policy 3-11b:** Allow in this designation land uses capable of protecting the natural resource and withstanding the land’s environmental limitation, if any. Such capability may be achieved by limiting land use intensity.
  - 3.1.8. **Land Use Element – Policy 3-11c:** Encourage preservation of unique, undisturbed natural features that have significant ecological, scenic, or historic value.
  - 3.1.9. **Land Use Element – Policy 3-16a:** Provide zoning for employment-generating land uses such as industrial parks, offices, retail businesses, and entertainment centers.
- 3.2. The land use designation and zoning classification amendments contained in this Ordinance further the object of the Midtown Subarea Plan by creating development flexibility as the C-2 zoning classification allows residential uses and a wide range of supportive commercial uses. Creating development flexibility was established as one of the objectives of the Midtown Subarea Plan.
- 3.3. The land use designation and zoning classification amendments contained in this Ordinance are consistent with the Countywide Planning Policies; to include but not limited to the following:
- 3.3.1. **CPP Env-13.4:** The County, and each municipality in the County, shall regulate open space through tools such as designation of open space corridors.
  - 3.3.2. **CPP Env-16:** The County, and each municipality in the County, should protect and enhance the natural ecosystems through comprehensive plan policies and development regulations that reflect natural constraints and protect sensitive features.
  - 3.3.3. **CPP Env-19:** The County, and each municipality in the County, shall work together to identify and protect natural habitat corridors that cross jurisdictional boundaries.



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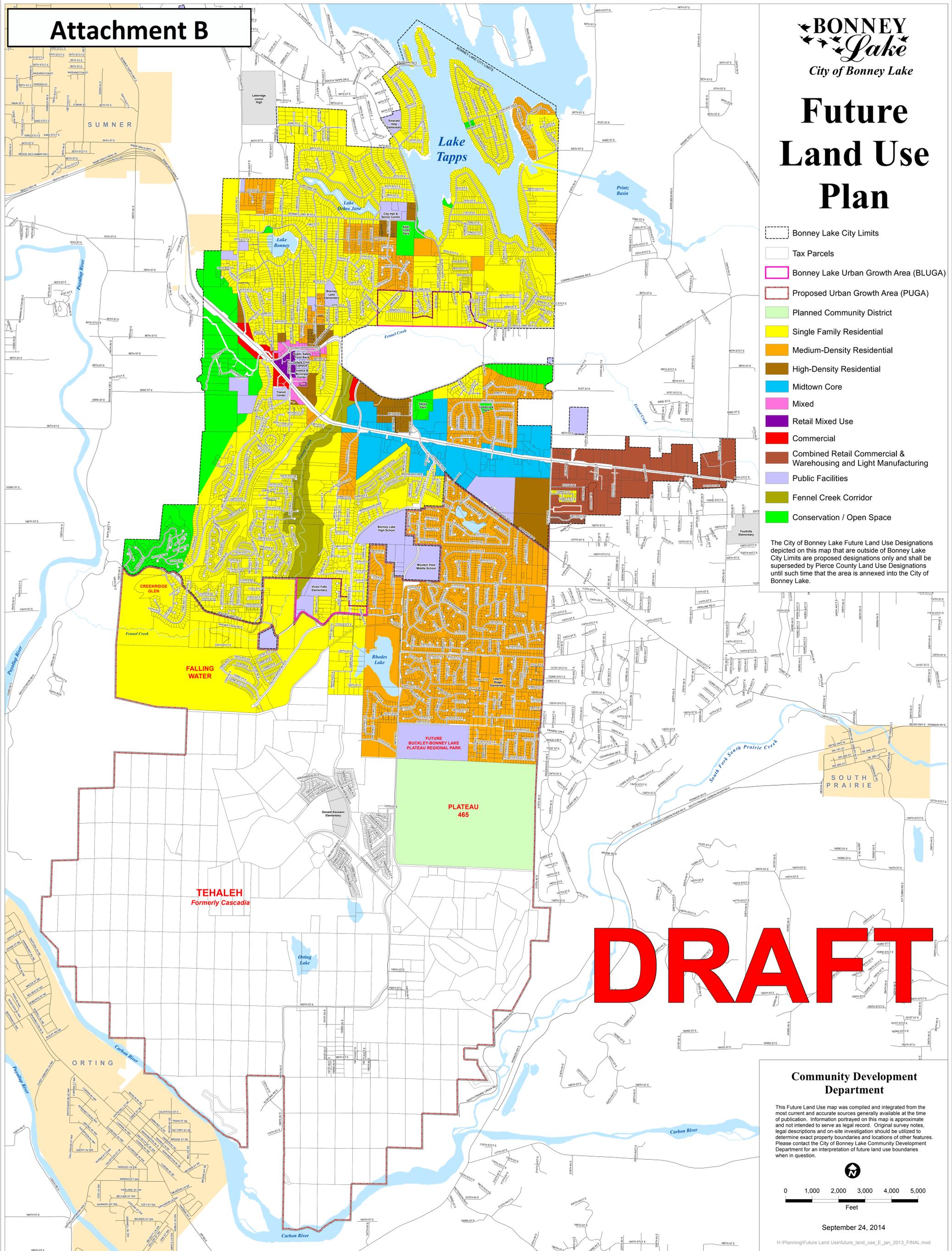
# Attachment B



# Future Land Use Plan

- Bonney Lake City Limits
- Tax Parcels
- Bonney Lake Urban Growth Area (BLUGA)
- Proposed Urban Growth Area (PUGA)
- Planned Community District
- Single Family Residential
- Medium-Density Residential
- High-Density Residential
- Midtown Core
- Mixed
- Retail Mixed Use
- Commercial
- Combined Retail Commercial & Warehousing and Light Manufacturing
- Public Facilities
- Fennel Creek Corridor
- Conservation / Open Space

The City of Bonney Lake Future Land Use Designations depicted on this map that are outside of Bonney Lake City Limits are proposed designations only and shall be superseded by Pierce County Land Use Designations until such time that the area is annexed into the City of Bonney Lake.



CREEKRIDGE GLEN  
FALLING WATER

TEHALEH  
Formerly Cascadia

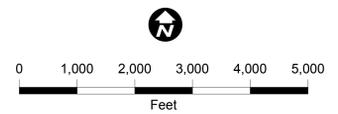
FUTURE BUCKLEY-BONNEY LAKE  
PLATEAU REGIONAL PARK

PLATEAU  
465

# DRAFT

## Community Development Department

This Future Land Use map was compiled and integrated from the most current and accurate sources generally available at the time of publication. Information portrayed on this map is approximate and not intended to serve as legal record. Original survey notes, legal descriptions and on-site investigation should be utilized to determine exact property boundaries and locations of other features. Please contact the City of Bonney Lake Community Development Department for an interpretation of future land use boundaries when in question.



September 24, 2014

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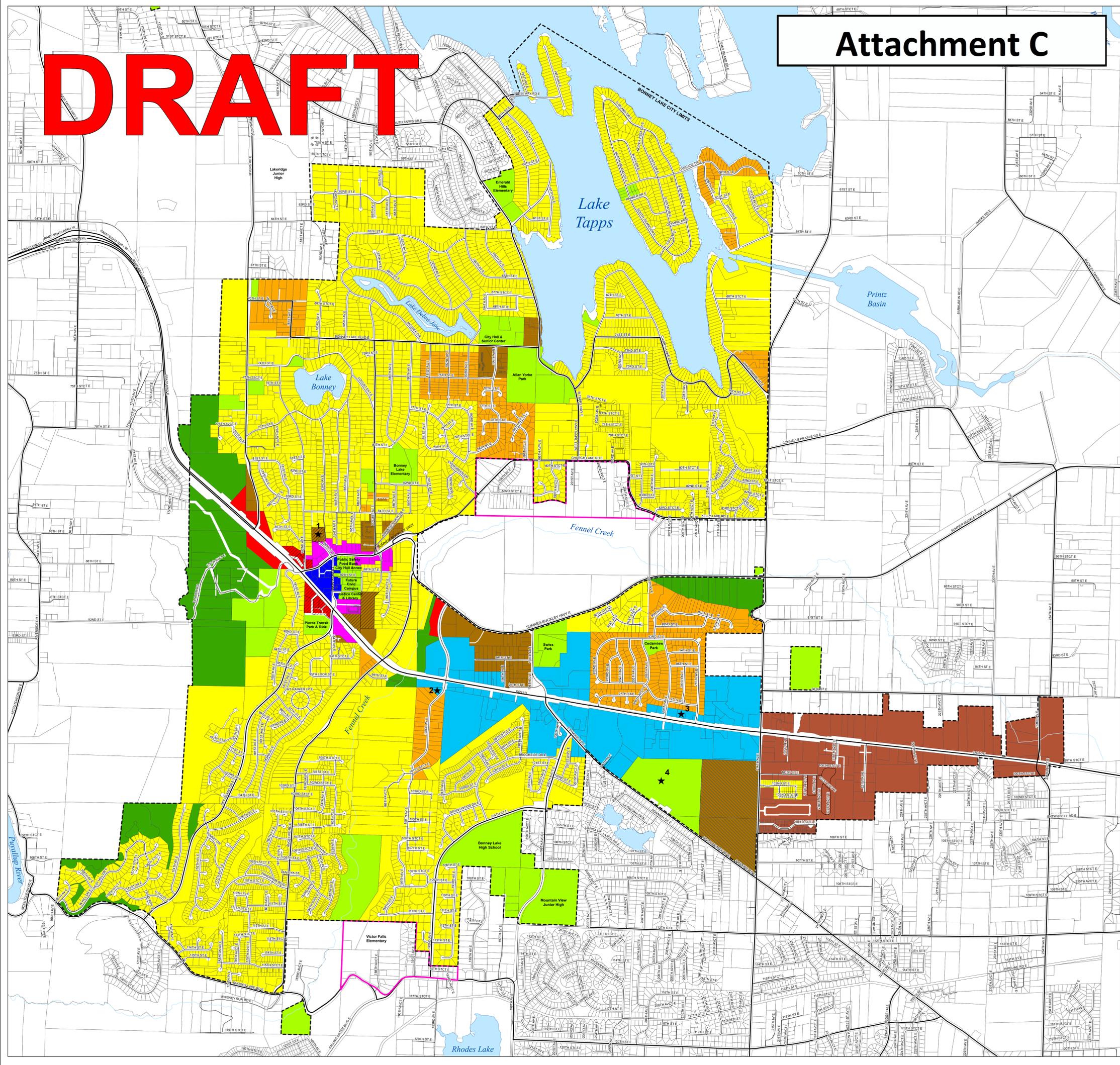
# DRAFT

## Attachment C



City of Bonney Lake

# Official Zoning Map



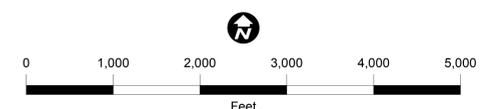
- Tax Parcels
- City Limits
- Urban Growth Area (UGA)
- R3 Overlay
- Transit-Oriented Development Overlay
- Residential/Conservation District (RC-5)
- Residential (R-1) (4-5 units per net acre)
- Medium-Density Residential (R-2) (SF: 8,600 sq. ft. & Duplexes: 10,000 sq. ft.)
- High-Density Residential (R-3) (20 units/acre)
- Neighborhood Commercial (C-1)
- Commercial (C-2)
- Eastown (E)
- Midtown Core (MC)
- Downtown Core District (DC)
- Downtown Mixed District (DM)
- Public Facilities (PF)

### ★ Special Zoning Conditions

1. See Ordinance 1257
2. See Ordinance 1077
3. See Hearing Examiner Report and Findings, May 26, 1998, Bonney Lake File #98-07, plus Administrative Determination 2002-04. No Rezone Ordinance.
4. See Ordinance 1340

### Community Development Department

This Zoning map was compiled and integrated from the most current and accurate sources generally available at the time of publication. Information portrayed on this map is approximate and not intended to serve as legal record. Original survey notes, legal descriptions and on-site investigation should be utilized to determine exact property boundaries and locations of other features. Please contact the Bonney Lake Community Development Department for an interpretation of zoning boundaries when in question.



September 19, 2014

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# Memo

**Date** : November 5, 2014  
**To** : Mayor and City Council  
**From** : Grant Sulham, Planning Commission Chair  
**Re** : **Ordinance D14-134 – 2014 Comprehensive Plan Amendment**

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Ordinance D14-134 was prepared at the request of City Administration to ensure consistency between the adopted Zoning Classification and Land Use Designation.

The proposal will change the Land Use Designation on a portion of parcel 0520338014 from Public Facility to Fennel Creek Corridor and change parcel 0520338013 (the old City Hall Site) from Public Facility to Commercial. The zoning on a portion of parcel 0520338014 will be changed from High Density Residential (R-3) to Residential/Conservation District (RC-5) and the zoning on parcel 0520338013 will be changed from High Density Residential (R-3) to Commercial District (C-2).

At the November 5, 2014 meeting, the Planning Commission held public hearing to consider the 2014 Comprehensive Plan amendment and voted **X-X-X** to \_\_\_\_\_ that the City Council adopt Ordinance D14-134.

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## *Bonney Lake Planning Commission Future Agendas*

### 2014 – Q4

**November 5, 2014**

- **Continued Public Hearing:** Bonney Lake 2035 – Cultural Arts and Heritage
- **Public Hearing:** State-Licensed Marijuana Uses
- **Public Hearing:** 2014 Comprehensive Plan Amendments

**November 19, 2014**

- **Public Hearing:** Subdivision Access Width Requirements
- Berk Presentation – Market Analysis
- Bonney Lake 2035 – Draft Environmental Conservation Element

**December 3, 2014**

- **Public Hearing:** Bonney Lake 2035 – Environmental Conservation Element
- 2015 – 2016 Work Plan
- Joint Planning Commission and City Council Meeting

**December 17, 2014 – Canceled**

### 2015 – Q1

**January 7, 2015 – Canceled**

**January 20, 2015 (SPECIAL MEETING)**

- City Council/Planning Commission Joint Meeting: 2015 – 2016 Work Plan

**February 4, 2015**

- Bonney Lake 2035 – DRAFT Economic Vitality Element
- **Public Hearing:** Amendments to the Recreational Vehicle Code.

**February 18, 2015**

- **Public Hearing:** Adding single family residence as a permitted use in the R-2
- **Public Hearing:** Amendments to the Telecommunication Code
- Bonney Lake 2035 – DRAFT Public Service and Facilities Element

October 27, 2014

**March 4, 2015**

- **Public Hearing:** Bonney Lake 2035 – DRAFT Economic Vitality Element
- Bonney Lake 2035 – DRAFT Transportation Element

**March 18, 2015**

- Bonney Lake 2035 – Public Open House #3 (Public Services/Facilities and Transportation)

**2015 – Q2**

**April 7, 2014**

- **Public Hearing:** Bonney Lake 2035 – Public Services/Facilities and Transportation