

PLANNING COMMISSION AGENDA**May, 21 2014****City Council Chambers - Justice and Municipal Center at 6:30 PM****MEMBERS**

Grant Sulham – Chair
Winona Jacobsen – Vice Chair
Brad Doll
Dennis Poulsen
David Baus
Debbie Strous-Boyd
Craig Sarver

CITY STAFF

Jason Sullivan, Senior Planner
Debbie McDonald, Planning Commission Clerk

I. CALL TO ORDER, ROLL CALL and NEXT MEETING POLL (June 4, 2014)**II. APPROVAL OF MINUTES****III. PUBLIC HEARING**

1. Ordinance Number D14-59: Amendments to the Land Use Matrix – Related to Senior Housing.

Suggested Motion: I move to recommend that the City Council adopt Ordinance D14-59 amending the Land Use Matrix codified in BLMC 18.08.020 allowing senior assisted living facilities in the Downtown.

2. Ordinance Number D14-60: Amendments to Title 14 BLMC – Development Code Administration

Suggested Motion: I move to recommend that the City Council adopt Ordinance D14-60 repealing the City's current land use review procedures and adopting new procedures.

IV. PUBLIC COMMENT AND CONCERNS**V. OLD/CONTINUING BUSINESS**

1. Bonney Lake Comprehensive Plan Update – Community Character Element

VI. NEW BUSINESS**VII. FOR THE GOOD OF THE ORDER**

1. Correspondence
2. Staff Comments
3. Commissioner Comments

VIII. ADJOURNMENT**Next meeting: May 21, 2014**

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Community Development Department

Planning Commission Minutes

May 7, 2014 Regular Scheduled Meeting
City of Bonney Lake Council Chambers

DRAFTED

The meeting was called to order at 6:34 P.M.

Planning Commission Present

Grant Sulham, **Chair**
L. Winona Jacobsen, **Vice-Chair**
Brad Doll
Dennis Poulsen
Dave Baus
Debbie Strous-Boyd
Craig Sarver

City Staff Present

Jason Sullivan, Senior Planner
Debbie McDonald, Commission Clerk

I. APPROVAL OF MINUTES:

MOTION WAS MADE BY VICE-CHAIR JACOBSEN AND SECONDED BY COMMISSIONER SARVER TO APPROVE THE MINUTES FROM THE APRIL 16, 2014 MEETING.

MOTION APPROVED 7-0

II. PUBLIC HEARING: NONE

III. PUBLIC COMMENT AND CONCERNS: NONE

IV. OLD/CONTINUING BUSINESS:

Resolution Number 2385: Amending the 2014 – 2014 Planning Commission Work Plan

Mr. Sullivan commented how this was mostly housekeeping just adding some clean-up items to the work plan mainly marijuana moratorium and zoning code amendments. The recommendation will go to City Council on the May 20th workshop.

MOTION WAS MADE BY COMMISSIONER POULSEN AND SECONDED BY COMMISSIONER BAUS TO FORWARD THE WORK PLAN RECOMMENDATIONS ON TO CITY COUNCIL.

MOTION APPROVED 7-0

V. NEW BUSINESS:

Ordinance Number D14-59; Amendments to the Land Use Matrix – Related to Senior Housing

Mr. Sullivan discussed the separating out of assistant living and nursing homes. The ordinance would separate them by using the definition given by the North American Industry Classification System (NAICS). The separation would also help the City be in compliance with Senior Housing.

Vice-Chair Jacobsen asked about Senior Independent Living?

Mr. Sullivan responded that would fall under apartments/multi-family.

Commissioner Baus asked about Memory Care being its own separate category.

Mr. Sullivan responded that Memory Care would fall under Nursing Care per the NAICS definitions. There will be a Public Hearing on Senior Housing at the next Planning Commission meeting.

Planning Commission Future Agendas

Mr. Sullivan distributed the upcoming Planning Commission future agendas with the breakdown of the workload.

Vice-Chair Jacobsen asked if Recreation Marijuana should be moved up to July to give the proper time to review and make a recommendation to City Council.

Mr. Sullivan can move it up to July but will also leave it on the September 3rd, agenda.

Commissioner Sarver asked about the Police and Fire views on marijuana.

Mr. Sullivan will try to have a representative from Police and Fire attend a Planning Commission meeting to discuss marijuana.

VI. FOR THE GOOD OF THE ORDER:

Correspondence – NONE

Staff Comments – NONE

Commissioner Comments – NONE

VI. ADJOURNMENT:

MOTION WAS MADE BY COMMISSIONER BAUS AND SECONDED BY COMMISSIONER SARVER TO ADJOURN.

MOTION APPROVED 7-0

The meeting ended at 7:04 P.M.

Debbie McDonald, Planning Commission Clerk

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Memo

Date : May 12, 2014
To : Bonney Lake Planning Commissioners
From : Jason Sullivan – Senior Planner
Re : **Ordinance D14-59 Public Hearing**

PURPOSE:

The purpose of this memo is to facilitate the Planning Commission's public hearing on Ordinance D14-59 which amends the portion of the Land Use Matrix related to assisted living facilities and nursing facilities.

ATTACHMENTS

1. Ordinance D14-59

BACKGROUND:

The current land use matrix codified in *Bonney Lake Municipal Code* (BLMC) 18.08.020 currently combines nursing homes and assisted living facilities as one use. While the uses have similarities, the uses also have some differences related to the type of care and the amount of nursing care provided within the facility as described below:

Nursing Facilities are defined, in the *North American Industry Classification System* (NAICS) Industry classification 623110 as establishments primarily engaged in providing inpatient nursing, personal care, and rehabilitative services for an extended period of time to individuals requiring nursing care by a permanent core staff of registered or licensed practical nurses; and

Continuing Care Communities are defined, in NAICS Industry classification 623311, as establishments primarily engaged in providing a range of residential settings with meals, housekeeping, social, leisure, and other services available to assist residents in daily living with on-site nursing care facilities; and

Assisted Living Facilities are defined, in NAICS Industry classification 623312, as establishments primarily engaged in providing residential and personal care services that include supervision, and assistance in daily living without on-site nursing care facilities.

All of these uses are not allowed within the Downtown which is inconsistent with the *Bonney Lake Comprehensive Plan* – Housing Element Policy 4-3g which directs the City to, “[s]upport the development of a Downtown senior housing project to meet the unmet housing needs of Bonney Lake seniors.

DISCUSSION:

The proposed amendment would separate Assisted Living Facilities from Continuing Care Communities and Nursing Homes on the Land Use Matrix and allow Assisted Living Facilities within the Downtown Commercial and Downtown Mixed Use zoning classifications. This amendment would ensure consistency between the City’s development regulations codified in the BLMC and the housing policies adopted in the BLCF. The Revised Code of Washington (RCW) 36.70A.130(1)(d) and Washington Administrative Code (WAC) 365-196-500(3) both require that the City’s comprehensive plan and the implementing development regulations are consistent. The proposed amendments would remove the inconsistency between the documents and bring the City into compliance with state law.

ORDINANCE D14-59

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 18.08.020 OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING PORTION OF ORDINANCE NO. 1416, RELATED TO LAND USE MATRIX

WHEREAS, the City Council desires to amend the Land Use Matrix to establish separate rows for Nursing Facilities, Continuing Care Communities, and Assisted Living Facilities, as these are different uses as defined by the *North American Industry Classification System* (NAICS) but are current contained on the same row in the Land Use Matrix; and

WHEREAS, Nursing Facilities are defined in NAICS 623110 as establishments primarily engaged in providing inpatient nursing, personal care, and rehabilitative services for an extended period of time to individuals requiring nursing care by a permanent core staff of registered or licensed practical nurses; and

WHEREAS, Continuing Care Communities are defined in NAICS 623311 as establishments primarily engaged in providing a range of residential settings with meals, housekeeping, social, leisure, and other services available to assist residents in daily living with on-site nursing care facilities; and

WHEREAS, Assisted Living Facilities are defined in 623312 as establishments primarily engaged in providing residential and personal care services that include supervision, and assistance in daily living without on-site nursing care facilities; and

WHEREAS, allowing assisted senior housing in the Downtown furthers BLCP – Housing Element Policy 4-3g which directs the City to, “[s]upport the development of a Downtown senior housing project to meet the unmet housing needs of Bonney Lake seniors;” and

WHEREAS, the textual code amendments proposed by this Ordinance have been processed in according with the requirements of Chapter 43.21C RCW, the State Environmental Policy Act (SEPA); and

WHEREAS, a determination of nonsignificance was issued on April 24, 2014 by the Community Development Director acting as the City SEPA Responsible Official, and the applicable SEPA comment and appeal periods concluded on May 15, 2014 and May 25, 2014 respectively; and

WHEREAS, the a copy of the this Ordinance was provided on April 22, 2014 to the Washington State Department of Commerce as required by RCW 36.70.A.106 and the Department’s review and comment period concluded on _____;

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held by the Planning Commission on May 21, 2014, and all persons wishing to be heard were heard.

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

Section 1. Section 18.08.020 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1416 are hereby amended to read as follows:

18.08.020 Land Use Matrix

Zone Use	RC-5	R-1	R-2	R-3	C-1	C-2	E	MC	DC	DM	PF
Residential Uses											
Accessory dwelling unit			P ¹	P ¹							
Adult family home	P	P	P	P	P						
Apartments/condominiums				P		P ²	P ²		P ³	P	
Boarding homes			P	P							P
Duplexes (two-family residences)			P	P							
Family day cares	A	A	A	A	A				A	A	
Group homes				C							C
Home occupations; provided the criteria in BLMC 18.22.010 are met	A	A	A	A	A				A	A	
Mobile/manufactured homes subject to Chapter 15.08 BLMC	P	P	P								
Mobile/manufactured home parks in existence as of annexation into the city							P				
Nursing homes and assisted living Continuing care communities (NAICS 623110 and NAICS 623311)			P	P		C	P	C			C
<u>Senior assisted living facilities (NAICS 623312)</u>			<u>P</u>	<u>P</u>		<u>C</u>	<u>P</u>	<u>C</u>	<u>P³</u>	<u>P</u>	
Private docks, mooring facilities and boathouses; provided the project complies with shoreline management regulations and the provisions of BLMC 18.22.070	A	A	A	A							P
Residences in connection with a business establishment					P	C	A	C	P ³	P	
Residential care facilities				P							
Single-family residences, detached	P	P			P						

Townhouses			P	P	C	C	P	C			
Educational Uses											
Colleges and universities or extension classrooms						P	P	P	P ³	P	P
Dancing, music, art, drama and instructional/vocational schools					P	P	P	P	P ³	P	P
Elementary school		C	P	P	P	C		C			P
Junior high, high schools and junior colleges, public or private		C	C	C	C	C		C			P
Preschool		C	P	P	P	P		P			
Cultural, Religious, Recreational, and Entertainment Uses											
Adult entertainment facilities subject to the provisions of Chapter 18.32 BLMC							P				
Amphitheater						P	P	P			
Campgrounds							P	C			C
Essential public facilities							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 ⁴	P ⁴	P ⁴	P ⁴	P	P		P	P ³	P	C
Swimming pools, public or private	A	A	A	A	A	P	P	P			P
Theaters						P	P	P	P	P	
Industrial Uses											
Assembly or processing of previously prepared materials in a fully enclosed building							C ¹				

Junk, salvage or wrecking yard; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the open storage use.							C					
On-site treatment and storage facility as an accessory use to a permitted use which generates a hazardous waste subject to compliance with the state siting criteria adopted pursuant to the requirements of Chapter 17.105 RCW and issuance of state hazardous waste management facility permit						A	A					
Storage or distribution of sand, gravel, top soil, or bark; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the storage area							P					
Storage or processing of any hazardous waste as defined in Chapter 70.105 RCW is not permitted as a principal use							C					
Trailer-mix concrete plant; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the concrete plant and storage yard							C					
Retail and wholesale warehousing and distribution of goods within a fully enclosed building						P	P	P				
Resource Management Uses												
Agriculture and orchards	P											
Forestry and tree farms	P											
Raising of livestock, small animals and fowl; provided the requirements of BLMC 18.22.060 are met	P											
Transportation, Communication, Utilities												
Parking garages						C	P	C	C			

Public utility facility; provided the requirements of BLMC 18.22.050 are met	P		P	P	P	P	P	P			
Commercial Uses											
Ambulance service						C	P	C			
Antique shops					C	P	P	P	P	P	
Arcade							P	P			
Automatic teller machines (ATMs)						P	P	P		P	
Automatic teller machines (ATMs) with no drive-through					P	P	P	P	P	P	
Automobile fuel and recharging stations and car washes						P	P	P			
Automobile, boat and trailer sales							P	C			
Automobile, boat and trailer repair						P	P	P			
Bakery, retail					P	P	P	P	P	P	
Bakery, wholesale							P				
Banks, savings and loan associations						P	P	P			
Banks, savings and loan associations with no drive-through					P	P	P	P	P	P	
Barber shops and beauty shops					P	P	P	P	P	P	
Bars					C	P	P	P	P	P	
Bed and breakfast houses; provided the criteria in BLMC 18.22.030 are met	A	C	C	C	P						
Beer and wine specialty shops					P	P	P	P	P	P	
Bookstores				A	P	P	P	P	P	P	
Bowling alley											
Brewpubs and microbreweries					C	P	P	P	P	P	
Cabinet and carpenter shop						C	P	C			
Candy shop					P	P	P	P			
Cart vendors					P	P	P	P			
Cinema						P	P	P			
Coffee shops, cafes, no drive-through					P	P	P	P	P	P	A
Coffee stand, drive-through						P	P	P			

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

Kennels	C		C	C	A	A	P	A			
Laundromats					P	P	P	P			
Liquor stores					C	P	P	P			
Locksmiths and security alarm shops					P	P	P	P			
Machine shops						C	P	C			
Massage therapy/spas					P	P	P	P	P	P	
Medical-dental clinics						P	P	P	P ³	P	
Medical offices					P	P	P	P	P ³	P	
Mini day care center				C	P	A	P	A	P	P	
Mini-storage facilities						C	C	C			
Nail salons					P	P	P	P	P	P	
Nightclub							P				
Open storage yards, including storage and sale of building materials and heavy equipment, provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the open storage use								P			
Outdoor storage and sale of building materials and nursery stock, provided such use is accessory to a permitted use and enclosed within a sight-obscuring fence							A	A	A		
Pet shop, grooming and supplies					P	P	P	P	P	P	
Pharmacies						P	P	P	P	P	
Photographic processing and supply						P	P	P	P	P	
Photography studios					P	P	P	P	P	P	
Plumbing shops, electricians, heating, air conditioning sales or repair						C	P	C			
Pool hall						P	P	P			
Printing, copying and mailing services					P	P	P	P	P	P	
Professional offices					P	P	P	P	P ³	P	
Restaurants, including drive-in restaurants					C	P	P	P			
Restaurants, no drive-through					C	P	P	P	P	P	

Retail shops					C	P	P	P	P	P	
Roadside produce stands	P				P	P	P	P			P
Shoe repair					P	P	P	P	P	P	
Shopping center						P	P	P			
Skating rink						P	P	P			
Stables and riding schools	P										P
Tailor shops					P	P	P	P	P	P	
Tanning salon					P	P	P	P	P	P	
Tavern					C	P	P	P	P	P	
Veterinary clinics, animal hospitals						P	P	P			
Veterinary clinics with no outdoor kennel space or dog runs						P	P	P	P ³	P	
Wireless communications facilities are permitted as principal or accessory uses provided the requirements of Chapter 18.50 BLMC are met	P		P	P	A	A	P	A			
P = Permitted C = Conditional use A = Accessory use P ¹ = No accessory dwelling units are allowed in conjunction with a duplex P ² = Subject to the commercial design standards of Chapter 18.31 BLMC P ³ = Allowed outright on second floor, requires a CUP if on the first floor P ⁴ = Subject to the provisions of BLMC 18.22.040 C ¹ = Exclusions are listed in BLMC 18.29.040											

Section 2. This ordinance shall take effect five (5) days after its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2014.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

Passed:

Valid:

Published:

Effective Date:

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Memo

Date : May 21, 2014
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D14-59 – Land Use Matrix and Senior Housing**

The current land use matrix codified in *Bonney Lake Municipal Code* (BLMC) 18.08.020 currently combines nursing homes and assisted living facilities as one use. While the uses have similarities, the uses also have some differences related to the type of care and the amount of nursing care provided within the facility as described below:

Nursing Facilities are defined, in the North American Industry Classification System (NAICS) Industry classification 623110 as establishments primarily engaged in providing inpatient nursing, personal care, and rehabilitative services for an extended period of time to individuals requiring nursing care by a permanent core staff of registered or licensed practical nurses; and

Continuing Care Communities are defined, in NAICS Industry classification 623311, as establishments primarily engaged in providing a range of residential settings with meals, housekeeping, social, leisure, and other services available to assist residents in daily living with on-site nursing care facilities; and

Assisted Living Facilities are defined, in NAICS Industry classification 623312, as establishments primarily engaged in providing residential and personal care services that include supervision, and assistance in daily living without on-site nursing care facilities.

All of these uses are not allowed within the Downtown which is inconsistent with the Bonney Lake Comprehensive Plan – Housing Element Policy 4-3g which directs the City to, “[s]upport the development of a Downtown senior housing project to meet the unmet housing needs of Bonney Lake seniors.

The proposed amendment would separate Assisted Living Facilities from Continuing Care Communities and Nursing Homes on the Land Use Matrix and allow Assisted Living Facilities within the Downtown Commercial and Downtown Mixed Use zoning classifications. This amendment would ensure consistency between the City’s development regulations codified the BLMC and the housing policies adopted in the BLCF. The Revised Code of Washington (RCW) 36.70A.130(1)(d) and Washington Administrative Code (WAC) 365-196-500(3) both require that the City’s comprehensive plan and the implementing development regulations are consistent. The proposed

amendments would remove the inconsistency between the documents and bring the City into compliance with state law.

On May 21, 2014, the Planning Commission held a public hearing on Ordinance D14-59 which amends the portion of the Land Use Matrix related to assisted living facilities and nursing facilities and voted **X-X-X** to recommend that the City Council approve Ordinance D14-59.

DRAFT



Memo

Date : May 12, 2014
To : Bonney Lake Planning Commissioners
From : Jason Sullivan – Senior Planner
Re : **Ordinance D14-60 Public Hearing**

PURPOSE:

The purpose of this memo is to facilitate the Planning Commission's public hearing on Ordinance D14-60 which repeals the current version of Chapters 14.10 through 14.90 of the Bonney Lake Municipal Code (BLMC) and establishes new land use review procedures for the City of Bonney Lake.

ATTACHMENTS

1. Ordinance D14-60

BACKGROUND:

The Local Project Review Act signed in to law in 1995 (ESHB 1724 codified as Chapter 36.70B of the Revised Code of Washington (RCW)) required the City to adopted land use review procedures that met minimum standards set by the act combining the review and land use and environmental permits in order to provide a more streamlined review process.

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

DISCUSSION:

On April 9, 2014, the Department of Ecology issued changes to the State Environmental Policy Act (SEPA) Rules – Chapter 197-11 WAC which went into effect on May 10, 2014. The new rules require the City to make some modifications to Title 14 BLMC as the current land use review

procedures assume that certain types of permits will always have to go through SEPA. However, under the new rules all land use decision are exempt from SEPA if the underlying action is exempt from SEPA. Some text code amendments and rezones are also exempt. The City does not need to amend the City's SEPA rules at this time as the City adopts the SEPA rules by reference.

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

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

ORDINANCE D14-60

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING NEW CHAPTERS 14.10, 14.20, 14.30, 14.40, 14.50, 14.60 OF THE BONNEY LAKE MUNICIPAL CODE; AMENDING SECTIONS 2.18.090, 2.18.180, 14.105.020, 14.110.010, 14.120.020, 14.120.030, 14.120.040, 14.120.050, 16.08.070, 16.13.110, 16.20.145, 17.12.020, 17.16.030, 17.44.010, 17.56.020, 18.20.050, 18.22.090, 18.52.020, 18.52.030, AND 19.02.080 OF THE BONNEY LAKE MUNICIPAL CODE ; REPEALING SECTIONS 2.18.270 AND 2.18.360 OF THE BONNEY LAKE MUNICIPAL CODE; REPEALING THE CURRENT CODIFIED VERSIONS OF CHAPTERS 14.10 THROUGH 14.90 OF THE BONNEY LAKE MUNICIPAL CODE; AND REPEALING ALL OR PORTIONS OF ORDINANCE NOS. 707, 745, 792, 851, 875, 932, 988, 1025, 1027, 1081, 1099, 1230, 1244, 1245, 1322, 1325, 1389, 1466, 1477 CORRESPONDING PORTION OF ORDINANCE NO. 1416, ALL RELATED TO ADOPTING NEW LAND USE REVIEW PROCEDURES

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

WHEREAS, the City's current land use procedures adopted in Chapters 14.10 through 14.90 assume that certain types of permits always require review under SEPA which may now be categorically exempt from SEPA; and

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

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

WHEREAS, the textual code amendments proposed by this Ordinance are categorically exempt from with the requirements of Chapter 43.21C RCW, SEPA; and

WHEREAS, the a copy of the this Ordinance was provided on May 9, 2014 to the Washington State Department of Commerce as required by RCW 36.70.A.106 and the Department's review and comment period concluded on _____;

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held by the Planning Commission on May 21, 2014, and all persons wishing to be heard were heard.

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

Section 1. General Provisions. Chapter 14.10 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “General Provisions” to read as follows:

14.10.010 Title.

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

14.10.020 Purpose and intent.

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

14.10.030 Definitions.

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

- A. "Area-wide" describes a land area containing four or more parcels, contiguous or noncontiguous, or comprising 40 or more acres, which area as an integral proposal is considered for a change in zoning or comprehensive plan designation; provided, that the director(s) may deem any proposal to be site-specific if the public interest will be better served by a quasi-judicial process than a legislative process.
- B. "BMP" means best management practice.
- C. "Building code" means the codes adopted in Chapter 15.04 BLMC, and any amendments thereto.
- D. "Building permit" means any permit issued by the building official, including building, plumbing, demolition, mechanical, and grading permits.
- E. "Building official" means the city of Bonney Lake building official or designee.
- F. "City" means the city of Bonney Lake, Washington.
- G. "Comprehensive plan" means the city of Bonney Lake comprehensive plan.
- H. "Design commission" means the city of Bonney Lake design commission.
- I. "Development code" means BLMC Titles 14 through 19, including any maps adopted as part thereof.
- J. "Development regulation" means a control placed on development or land use activities, as defined in RCW 36.70A.030. A development regulation must be consistent with, and must implement, the city's comprehensive plan, as described in WAC 365-196-800.
- K. "Director(s)" means the director of planning and community development, director of public works, and building official, or the director(s)'s designee.
- L. "Legislative actions" means amendments to the city's comprehensive plan or development code, including area-wide amendments to any associated maps, but excluding adoption of state-adopted building codes.
- M. "Premises" means any real property or structure.
- N. "SEPA" means State Environmental Policy Act.

O. “Site-specific” means other than “area-wide” as defined BLMC 14.10.030.A.

14.10.040 Relationship to other rules, regulations, and agreements.

- A. The provisions of this title, including the definitions of BLMC 14.10.030 and the code interpretation procedure under BLMC 14.10.160 shall apply equally to the entire development code, BLMC Titles 14 through 19.
- B. This development code shall not abrogate or annul any other rule, regulation, covenant, or private agreement.

14.10.050 Territorial applicability.

The development code shall apply to all land within the city limits. To the extent possible under state law and interlocal agreements, the development code shall also apply to all land outside the city limits within the Bonney Lake Urban Growth Area as established in the Pierce County Comprehensive Plan.

14.10.060 Time deadlines falling on nonbusiness days.

Any time deadline established by this development code that falls on a day in which the Justice and Municipal Center is closed shall extend to the next business day.

14.10.070 Minor procedural errors shall not invalidate proceedings.

Minor errors in permit procedures, such as unintended inaccuracies in any public notice, shall not invalidate a permit proceeding.

14.10.080 Stay of further permits in the event of appeal.

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

14.10.090 Cost of providing records.

Parties requesting written certified records, copies of the hearing examiner proceedings, or information from the permit files shall pay all costs of providing or copying said information per BLMC 3.90.020, not exceeding the maximums stated in RCW 42.17.260

14.10.100 120-day time limit – Exceptions.

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

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

14.10.110 Permit conditions.

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

14.10.110 Assignability of permits.

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

14.10.120 Permit expiration and extensions.

- A. Approved permits not excepted above shall expire two years after the date of issuance if substantial progress has not been made toward realizing the permitted use or project, or within five years if construction has not been completed; except as provided in 14.14.120.B.
- B. Expiration and extension of the following land use permits shall not be governed by this section:
 - 1. Building permits; and

2. Shoreline permits
 3. Preliminary Plats
 4. Land use permits governed by a development agreement shall be pursuant to the development agreement.
 5. Any permits for which this development code establishes a specific permit expiration.
- C. Permit applications not excepted above shall expire one year after any application dormancy or hold status initiated by the applicant. "Dormancy or hold status" shall include periods during which the city waits for information it has requested of the applicant which is needed in order to process the application.
- D. The body charged with granting the permit may extend the date of permit expiration for one year upon request by the applicant prior to said permit's expiration.
- E. Upon written request by the property owner, prior to the date of land use permit expiration, the decision maker for the underlying permit type as established in BLMC 14.30.010 may grant an extension of time up to but not exceeding one year. Any extensions of time shall be based upon a finding that the land use permit is compliant with all applicable codes at the time of the extension request and there has been no material change of circumstances applicable to the property since project permit approval. The decision maker shall not grant more than one permit extension

14.10.130 Applications are binding.

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

14.10.140 Minor changes.

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

14.10.150 Resubmission of application.

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

14.10.160 Code interpretations.

- A. The director(s) may be requested to interpret the provisions of development regulations subject to this chapter. Such request shall be in writing and shall be specific as to the issue of interpretation. The Administrator may obtain legal consultation from the City Attorney, as necessary, to ensure consistency with the spirit and intent of the subject regulation.
- B. The director(s) may request that the requester provide additional information or clarification as deemed necessary to evaluate the interpretation request.
- C. The director(s) may be required to interpret the provisions of development regulations as a matter of review procedures during the processing of a permit or license.
- D. Any final decision on a request for code interpretation shall be in writing and shall include:
 - 1. Findings that relate to applicable development regulations, definitions, Comprehensive Plan policies or regional plans
 - 2. BLMC citation
 - 3. The context
 - 4. The interpretation, and
 - 5. The reasoning for the interpretation.
- E. The director(s) shall apply said interpretations to future instances of like circumstances
- F. Decisions on code interpretations made by the Administrator are appealable to the Hearing Examiner. Any decision on a code interpretation pursuant to this section resulting in, or directly associated with a permit decision, may be considered by the review authority during appeal proceedings for the underlying permit, unless said interpretation was specifically appealed according to the procedures contained herein prior to the permit decision.
- G. The director(s) shall maintain a clear record of all determinations relating to code interpretation. In cases involving appeals, the appellate decision shall be maintained with the record of the underlying request.
- H. All final decisions of code interpretation shall be in written form and shall be available in the office of the Community Development Department for public inspection during regular office hours.

Section 2. Jurisdiction and Scope of Authority. Chapter 14.20 is added to Title 14 of the Bonney Lake Municipal Code and shall be entitled “Jurisdiction and Scope of Authority” to read as follows:

14.20.010 Responsibility and Authority.

- A. The regulation of land development is an activity involving elected officials, appointed commissions/boards, and city staff. The specific responsibilities of these bodies in that context are set forth in this title, recognizing that such officials, commissions/boards and staff have other duties and responsibilities not listed. The failure to list any specific responsibility shall not affect the right to exercise such responsibility. Elected officials, appointed commissions/boards, and city staff shall exercise their authority in accordance with applicable law.
- B. A permit applicant or developer is expected to read and understand the development code and be prepared to fulfill the obligations placed on the permit applicant or developer by the development code.
- C. Criteria for review of the matters listed in this chapter are set forth in other provisions of the development code.

14.20.020 Director(s)’s Duty

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

14.20.030 Planning commission.

- A. The planning commission shall review and make recommendations to the city council on the following applications and subjects:
 - 1. Amendments to the comprehensive plan, subarea, and development regulations;
 - 2. Special planning studies assigned to the planning commission;

3. Planning fees, policies, and procedures; and
 4. Area-wide zoning changes, including zoning related to annexations.
- B. The planning commission may propose to the city council that action be initiated on the matters set forth above.
- C. In exercising the foregoing responsibilities, the planning commission shall consider as appropriate any associated environmental or other administrative determination.

14.20.040 Design Commission.

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

14.20.050 Hearing Examiner.

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

14.20.060 City Council.

A. The City Council shall review and act on the following matters:

1. Type 4 Permits
2. All legislative actions relating to the city’s comprehensive plan, subarea plans, zone districts and zoning, development regulations, policies, statutes, and regulations;
3. Development agreements under Chapter 36.70B RCW;
4. Recommendations from City staff;
5. Recommendations of the planning commission;
6. Recommendations of the park board; and
7. Final plats;
8. Zoning reclassifications; and
9. Such other matters as the council may decide for which a hearing or appeal procedure is not specified by the municipal code; provided, that as to such matters the council shall specify by resolution or motion the hearing or appeal process to be followed.

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

Section 3. Permit Types. Chapter 14.30 is added to Title 14 of the Bonney Lake Municipal Code and shall be entitled “Permits Types” to read as follows:

14.30.010 Permit Procedures by Type

	Type 1	Type 2	Type 3	Type 4
Pre-Application	Optional	Optional	Optional	Optional
Notice of Complete Application	Required	Required	Required	Required
Public Notice of Application	No	Required	Required	Required
Public Hearing	No	No	Required	Required

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

14.30.020 Permits by Type

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

14.30.030 Consolidation of permits.

- A. If a proposal requires more than one permit, all permits shall be consolidated, as follows:
1. Such information as name, address, and legal description need only be entered once, by such means as a master permit application form or master cover sheet.
 2. The director(s) shall utilize the process of that permit type which includes all reviews required for the various permits.
 3. If one permit cannot be reasonably processed until another is issued, such as a building permit that cannot be processed until a variance is issued, the 120 days within which a notice of decision must be issued for the contingent permit (in this example, the building permit) shall not begin until the other permit has been issued.
 4. Appeals of one or more Type 1 or Type 2 permits shall be combined with any required open public hearing.
 5. Appeals of more than one of the permits required for a project shall be consolidated in a single appeal, to the extent that the appeals bodies are identical.
- B. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or may be processed individually under each of the application procedures identified in BLMC 14.03.010. The applicant may determine whether the application will be processed collectively or individually.

14.10.040 Exemptions.

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

- A. Business licenses/home occupation reviews (Chapter 5.08 BLMC);
- B. Right-of-way permits and variances (Chapter 12.08 BLMC);
- C. Final Plats (Chapter 17.16 BLMC)
- D. Code interpretations (BLMC 14.10.160);
- E. Approvals of minor changes to permits (BLMC 14.10.140);
- F. Appeals (Chapter 14.120 BLMC);

- G. Amendments to the comprehensive plan or development code, including area-wide zoning reclassifications (Chapter 14.140 BLMC);
- H. Site-specific zoning reclassifications processed concurrently with amendments to the comprehensive plan (Chapter 14.140 BLMC);
- I. Administrative variations and waivers (BLMC 15.20.060, 18.20.050(E));
- J. Street vacations (Chapter 12.40 BLMC);
- K. Permission to connect to city sanitary sewer, storm sewer, or water;
- L. Minor approvals for use of public properties

Section 4. Permit Procedures. Chapter 14.40 is added to Title 14 of the Bonney Lake Municipal Code and shall be entitled “Permit Procedures” to read as follows:

14.40.010 Pre-Application Conference

The director may require a potential applicant to participate in a pre-application conference.

14.40.020 Application Forms

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

14.40.030 Notice of Complete Application

- A. An application is complete for purposes of this section when it contains all of the following:
 - 1. A completed application form.
 - 2. All applicable fees.
 - 3. Written authorization of the property owner.
 - 4. A completed environmental checklist for projects subject to review under the SEPA.

5. Information required in applicable titles of the BLMC.
- B. Within 28 days after receiving a project permit application, the city shall mail or personally deliver to the applicant a notice that advise the applicant of other agencies that may have jurisdiction over the proposal and states either:
 1. That the application is complete; or
 2. That the application is incomplete and what is necessary to make the application complete.
- C. Failure of the director(s) to respond to the applicant, in writing, within the 28-day time frame, shall be deemed as the City's acceptance of the application for processing.
- D. Within 14 days after an applicant has submitted to the City the additional information identified as being necessary for a complete application, the City shall make a determination of completeness and notify the applicant in the manner provided in BLMC 14.10.030.B.
- E. The City's issuance of a determination of completeness shall not preclude the city from requesting additional information or studies, either at the time of the determination of completeness or at some later time, if new information is required or where substantial changes in the proposed action occur.
- F. For the purposes of this section, applications are deemed "received" until a notice of complete application is issued by the director(s) or the mandatory period to deem an application is past.

14.40.040 Environmental Review

- A. All developments and permits subject to the provisions of the State Environmental Policy Act, Chapter 43.21C RCW, shall be reviewed in accordance with Chapter 16.04 BLMC.
- B. SEPA review shall be conducted concurrently with development project review. Threshold determinations will be issued within ninety (90) days of the date that a complete application has been submitted to the City.
- C. The following actions are exempt from concurrent review under SEPA:
 1. Project permits categorically exempt from SEPA.
 2. Project permits that are part of actions previously reviewed under SEPA.

3. Project permits subject to a completed planned actions, so long as the proposed component of the planned action is consistent with the environmental impact statement (EIS) issued for the planned action.

14.40.050 Design Review

- A. If the proposal is not exempt from design review pursuant to Chapter 14.95 BLMC, the design commission shall review it and issue a finding of conformance (with or without conditions) or non-conformance with the community character element of the comprehensive plan.
- B. The director(s) shall not approve the permit unless (1) the design commission has issued a finding of conformance with the community character element of the comprehensive plan, or (2) the director(s) has issued a finding of conformance contravening the design commission's finding. If the director(s) contravenes the design commission's finding, the director(s) shall promptly inform the design commission in writing of the reasons for doing so.

14.40.060 Concurrency

For permit processes which could trigger a concurrency review in accordance with BLMC 19.02.070(B)(1), the permit application forms shall require the information necessary to determine whether BLMC 19.02.070(B)(1) applies, such as whether the proposal will create 10 or more peak-hour trips. If BLMC 19.02.070(B)(1) does apply, the director(s) may delay issuance of a determination of completeness until the director(s) has received any traffic study or other information necessary to issue a concurrency determination in accordance with BLMC 19.02.070. The director(s) shall issue the concurrency determination, if applicable, at any appropriate point in the permit process prior to or concurrent with the decision on the permit application.

14.40.070 Wellhead and Aquifer Recharge Area Protection

See Chapter 16.24 BLMC for additional permit processing required for wellhead protection.

14.40.080 Staff report

- A. Upon conclusion of the review of the permit application, the director shall prepare a staff report identifying the proposed development; evaluating and analyzing the consistency of the development with applicable plans, codes, criteria and regulations; consolidating the comments of all city departments and outside agencies on the development proposal; proposing findings, conclusions and appropriate conditions of development; and, if applicable, making a recommendation for action on the proposal to the decision making body.

- B. The staff report shall be distributed to the applicant; to city departments; affected outside agencies; and, if applicable, to the decisional body for consideration in advance of the formal public meeting, hearing, or action on the proposed development. Staff reports will be available to the public prior to the formal public meeting, hearing, or action on the proposed development

14.40.090 Decision

The decision maker shall determine if the application is consistent with the development code and the policies of the Comprehensive Plan and notify the applicant within 120 days of the determination of completeness, as calculated pursuant to BLMC 14.10.100 subject to the following:

- A. If the decision maker finds, in reaching a decision based on the standards, that the land use regulatory code conflicts with any of the local policies or standards, then the decision maker shall base the decision on the code provision in effect at the time that the application was vested under state law.
- B. The decision maker may include in a decision any conditions of approval that are necessary to ensure that the proposal complies with all applicable development code and Comprehensive Plan policies.
- C. If the proposal is not exempt for design review, the decision maker shall not issue a final decision until the design commission has reviewed the applications and make recommendations to the director; unless the design commission delegate its design review on a specific application to the director pursuant to BLMC 14.95.030.
- D. No building permit shall be issued until the 15-day appeal period has lapsed; provided, that this prohibition shall not apply if:
 - 1. The work requires only a building permit;
 - 2. There is no administrative appeal for the permit; or
 - 3. The director(s) waives this prohibition based on the applicant signing a statement acknowledging the appeal period and agreeing to remove or modify the permitted work at the applicant's expense should an appeal result in revocation or modification of the appealed permit.
- E. Short plats shall not be recorded until after the appeal period has lapsed.

14.40.100 Written Decision – Content

- A. The decision of the decision maker for the underlying permit as established by BLMC 14.30.010 shall include at least the following content:

1. A description of the proposed use or action;
 2. The location of the property;
 3. A statement regarding the status of SEPA review of the proposed actions if applicable;
 4. The date of the public hearing; if applicable
 5. A statement identifying the ordinance or criteria governing the application;
 6. Findings of fact and conclusions supporting the decision; and
 7. The decision denying or approving the application and any conditions, if applicable.
 8. The procedures for administrative appeal, if any;
 9. The duration of permit approval and a statement summarizing the permit expiration and extension procedures provided in BLMC 14.10.120.
- B. A copy of the staff report prepared consistent with 14.40.080 may serve as the final written decision; provided, that contains the information required pursuant to BLMC 14.40.100.A and a copy of the Notice of Decision issued under BLMC 14.40.050 is included with the copy of the staff report.

Section 5. Public Notice. Chapter 14.50 is added to Title 14 of the Bonney Lake Municipal Code and shall be entitled “Public Notice” to read as

14.50.010 Notice of Application.

Within 14 days of issuing a notice of complete application under BLMC 14.40.040, the director shall issue a notice of development application. The notice of development application shall include but not be limited to the following information:

- A. Name of the applicant(s).
- B. Date of application.
- C. Date of issue for the notice of complete application.
- D. Location of the project.
- E. Project description (summary).
- F. Requested and necessary approvals, actions, and/or studies (summary).

- G. Duration of the public comment period.
- H. Identification of existing applicable environmental documents, if any.
- I. A determination of specific critical areas that are or are not affected by the proposed development
- J. City staff contact information.
- K. Date, time, and place of the public hearing for the project if one has been scheduled.
- L. A statement that, barring excluded periods, the decision on the application is anticipated within 120 days of the date of issue for the notice of complete application.
- M. Other information as the director(s) deems necessary.

14.50.020 Notice of Public Hearing.

Notice any required public hearing shall be issued a minimum of 15 days, but no more than 30 days prior to the public hearing. The notice of the public hearing shall include but not be limited to the following information:

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

14.50.030 Method of Publication.

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

- A. Mailed to all owners of property within 600 feet of any portion of the proposed action according to the current county assessor's records; exclusive of public rights-of-way, of the property that is the subject of the application, including any property that is contiguous and under the same or common ownership and control.
- B. Mailed or emailed to any person who has made a written request to receive such notice
- C. Mailed or email to the jurisdiction or government agency that might have an interest in or be affected by a proposed action, as determined by the director.
- D. Posted at the Justice and Municipal Center, Post Office, Bonney Lake Library, and Bonney Lake Website.
- E. Post on the subject property with a sign(s) consistent with the following requirements:
 - 1. One public notice sign shall be required per street frontage. In case of large parcels or street frontages exceeding 500 feet, the Community Development Director may require the posting of additional signs.
 - 2. Signs shall be located on the site of the proposed action, set back at least 10 feet from a public right-of-way or private road or easement as applicable, and shall be situated to maximize readability by the public from public rights-of-way. A sign may be located within the 10-foot setback, if determined necessary by the Community Development Director to provide adequate visibility.
 - 3. Signage shall remain in place until the final decision on the underlying governmental action. Any required signage installed shall not be removed until the City has taken action on the application and the time for filing an appeal of that action has expired.
 - 4. Signage shall containing the heading "NOTICE OF LAND USE ACTION".
 - 5. Signage shall be a minimum of 2 ½ feet by 1 ½ feet.
- F. The director(s) may publicize a given permit proposal more broadly or by additional means than stated herein if a greater level of public awareness is deemed necessary.

14.50.040 Comment Period.

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

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

14.50.050 Notice of Decision

- A. The City shall provide a final written notice of decision within 120 days as calculated pursuant to BLMC 14.10.100 that includes:
 - 1. A list of all project permits included in the decision, including all permits being reviewed through the consolidated permit review process;
 - 2. The date of the public hearing, if applicable;
 - 3. The date and description of the decision;
 - 4. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW), if applicable;
 - 5. The procedures for administrative appeal, if any;
 - 6. A statement that the affected property owners may request a change in property tax valuation notwithstanding any program of revaluation by contacting the Pierce County assessor-treasurer;
 - 7. The duration of permit approval and a statement summarizing the permit expiration and extension procedures provided in BLMC 14.10.120;
 - 8. A statement that the complete project permit file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the

place the file is available and the name and telephone number of the city representative to contact about reviewing the file;

B. Notices of decision shall be:

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

Section 6. Public Hearings. Chapter 14.60 is added to Title 14 of the Bonney Lake Municipal Code and shall be entitled “Public Hearings” to read as

14.60.010 General

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

14.60.020 Responsibility of director.

The director shall:

- A. Schedule project applications for review and public hearing;
- B. Provide the required notice;
- C. Prepare the staff report on the application, which shall be a single report which sets forth all of the decisions made on the proposal as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall also describe any mitigation required or proposed under the city’s development regulations or SEPA authority. If the threshold determination, other than a determination of significance, has not been issued previously by the city the report shall include or append this determination;
- D. Prepare the notice of decision and mail a copy of the notice of decision to those entitled by this title to receive the decision.

14.60.030 Ex parte communications.

- A. No member of the hearing body may communicate, directly or indirectly, regarding any issue in a proceeding before the hearing body, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless the hearing body provides notice and opportunity for all parties to participate; except as provided in this section:
 - 1. The hearing body may receive advice from legal counsel;
 - 2. The hearing body may communicate with staff members (except where the proceeding relates to a code enforcement investigation or prosecution).
- B. If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in BLMC 14.60.030.C.
- C. If a member of the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:
 - 1. All written communications received;
 - 2. All written responses to the communications;
 - 3. The substance of all oral communications received, and all responses made; and
 - 4. The identity of each person from whom the member received any ex parte communication.
- D. The hearing body shall advise all parties that these matters have been placed on the record. Upon request made after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

14.60.040 Conflict of interest.

The hearing body shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and Chapter 42.23 RCW, as the same now exists or may hereafter be amended.

14.60.050 Presentation of evidence.

- A. Except for hearings on appeals of administrative decisions, any person may testify. In hearings on appeals from administrative decisions, testimony shall be limited to witnesses designated by the administrator whose decision is being appealed,

witnesses designated by the appellant, and witnesses designated by any person granted the right of intervention by the Hearing Examiner.

- B. All reasonably probative (material and relevant) evidence will be permitted. The judicial rules of evidence shall not be strictly applied. The hearing body may accord such weight to the evidence as is deemed appropriate.
- C. The hearing body may take official notice of commonly known and accepted information, such as:
 - 1. Ordinances, resolutions, rules, officially adopted development standards, and state law;
 - 2. Public records and facts judicially noticeable by law.
- D. The hearing body has the authority to call witnesses and request written evidence in order to obtain the information necessary to make a decision. The hearing body may request written comment from and the appearance of the designated representative of any City department that has an interest in or may affect an application for a proposed use.
- E. The hearing body may require that testimony be given under oath or affirmation.
- F. The hearing body may allow the cross-examination of witnesses.
- G. The hearing body may impose reasonable limitations on the number of witnesses to be heard and the nature and length of their testimony to avoid repetitious testimony, expedite the hearing, or avoid continuation of the hearing. This subsection is not intended to preclude or exclude from the record any relevant testimony or evidence.
- H. No testimony or oral statement regarding the substance or merits of an application is allowable after the close of the public hearing. No documentary material submitted after the close of the hearing will be considered by the hearing body unless additional time to submit such material has been granted and all parties are given an opportunity to review the material and file rebuttal material or argument.

14.60.070 Record of hearing – Content.

- A. The hearing body shall establish and maintain a record of all proceedings and hearings conducted including a sound recording which shall be accurately transcribed as necessary.
- B. The record of a hearing conducted by the hearing body shall include, but is not limited to, the following contents:
 - 1. The written application or appeal;

2. The names and addresses of all participants;
3. The director's written report;
4. All evidence received or considered by the Hearing Examiner;
5. The decision or recommendation of the Hearing Examiner;
6. Tape recordings of all proceedings; and
7. Records of notice given of the hearing.

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

2.18.090 Powers of the examiner.

- A. The examiner shall receive and examine all available information, conduct public hearings, prepare a record thereof, consider the applicable permit criteria, and enter decisions or recommendations for the following matters in accordance with the procedural chapters here cited:
 1. Issue final decision on all Type 3 Permits; ~~Type 4 and Type 5 permits in accordance with Chapters 14.60 and 14.70 BLMC respectively;~~
 - ~~2. Conduct the public hearing for all Type 4 Permits and provide a recommendation to the city council, who then makes the final decision; Type 6 permits in accordance with Chapter 14.80 BLMC (city council makes final decision);~~
 3. Appeals of actions of the director(s) in accordance with Chapter 14.120 BLMC; and
 4. Notices of civil violation in accordance with Chapter 14.130 BLMC.
- B. The examiner's decision on permit applications may be to grant or deny the application, or the examiner may require of the applicant such conditions, modifications and restrictions as the examiner finds necessary to make the application compatible with its environment and carry out the objectives and goals of the comprehensive plan, the development code, and other codes and ordinances of the city of Bonney Lake and applicable state and federal laws.

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

2.18.180 Appeal from examiner's decision.

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

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

14.105.020 Procedure.

- A. ~~Site plan approvals shall be Type 3 permits (see Chapter 14.50 BLMC), meaning that they shall apply only when SEPA applies. Site plan approvals shall be optional on the part of the director(s). If there is no separate site plan approval process, the same checks shall be performed within the building permit either during the design review process or the building permit process if the project is exempt from design review.~~
- B. The application form shall establish the submittal requirements.
- C. The issuance criteria shall be conformance with the Bonney Lake Municipal Code and any other applicable law.
- D. ~~The director(s) shall determine whether design review is performed at the site plan approval stage, the building permit stage, or both.~~

Section 10. BLMC Section 14.110.010 and the corresponding portion of Ordinance No. 1324 § 4, 2009 is hereby amended to read as follows:

14.110.010 Procedure.

- A. Unless otherwise specified in this code, a variance is a Type 3 permit 4 permit. The purpose of variances is, under certain circumstances as set forth in the variance criteria, to grant flexibility in the administration of any the provisions of this development code, BLMC Titles 16 through 19; provided, that a variance cannot be granted from:
 - 1. Administrative provisions including procedures and fees;
 - 2. The lists of permitted or conditional uses pertaining to zoning districts;
 - 3. The maximum residential density pertaining to zoning districts;
 - 4. The provisions of Chapter 16.04 BLMC, SEPA.

B. See the following for exceptions or additions to the approval criteria contained in this section:

1. BLMC 16.08.060 (shoreline variances);
2. BLMC 16.20.145 (critical areas code);
3. BLMC 17.20.040(F) (extension of cul-de-sacs);
4. BLMC 17.24.100 (plat standards);
5. BLMC 18.32.050 (adult entertainment separation requirements);
6. BLMC 18.34.050(F) (height of water tanks in the PF zone).

C. Unless another section of the BLMC provides additional or separate criteria, a variance shall not be granted unless all the following criteria are met:

1. The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan;
2. The variance does not constitute a grant of special privilege which would be inconsistent with the permitted uses, or other properties in the vicinity and zone in which the subject property is located;
3. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, and such variance will provide use rights and privileges permitted to other properties in the vicinity, located in the same zone as the subject property and developed under the same land use regulations as the subject property requesting the variance;
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
5. Alternative development concepts in compliance with the existing code have been evaluated and undue hardship would result if such adherence to code provision is required;
6. The variance granted is the minimum necessary to accommodate the permitted uses proposed by the application; and
7. The basis for the variance request is not the result of deliberate actions of the applicant or property owner.

Section 11. BLMC Section 14.120.020 and Ordinance No. 1322 § 8, 2009 is hereby amended to read as follows:

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

- A. All final actions of the director(s), including ~~Type 1, 2, or 3~~ Type 1 or Type 2 permit decisions, SEPA threshold determinations, code interpretations (see BLMC ~~14.10.160~~~~14.10.070(C)~~), notices of civil violation, and approvals of minor changes to permits (see BLMC ~~14.10.140~~ ~~14.90.110~~) shall be final and conclusive unless the applicant, a department of the city or county, or other party of record or agency with jurisdiction files a written appeal with the planning and community development department within 15 days following:
1. The decision if the decision process does not provide for a comment period or notice of decision; or
 2. The notice of decision if the permit process provides for such notice; or
 3. The end of the comment period in the case of SEPA threshold determinations.
 4. BLMC 14.120.030 shall govern appeals of actions authorized by the building codes, as adopted by Chapter 15.04 BLMC.
 5. Appeals shall contain all grounds on which error is assigned to the decision, and shall be accompanied by the appropriate fee in accordance with Chapter 3.68 BLMC; provided, that such appeal fee shall not be charged to a department of the city or to other than the first appellant.
- B. The timely filing of an appeal shall delay the effective date of the administrative staff decision until such time as the appeal is decided by the hearing examiner or is withdrawn.
- C. Following the timely filing of an appeal, notice of the date, time and place for the hearing examiner's consideration shall be mailed to the applicant and to all other parties of record. Such notice shall additionally indicate the deadline for submittal of written comments.
- D. Testimony before the hearing examiner shall be under oath and the city shall keep a taped or written transcript of the hearing.
- E. The hearing examiner's decision on the appeals shall be final unless appealed to court in accordance with state law.

Section 12. BLMC Section 14.120.030 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

14.120.030 Appeals to the construction board of appeals.

- A. The construction board of appeals as established in Section 105 of the 1997 Uniform Building Code (UBC), Chapter 51-40 WAC, and as adopted by Chapter 15.04 BLMC, shall hear appeals of, and make final interpretations regarding, Chapters 15.04, 15.08 and 15.16 BLMC and other appropriate building codes.
- B. The construction board of appeals may hold a hearing. It may mail notices to the applicant and to all other parties of record or publicize a hearing in accordance with BLMC 14.50.020 and 14.50.030 ~~14.90.040~~.
- C. In the event the construction board of appeals shall, in its own discretion, determine that certain tests or research would be helpful to the board in deciding the appeal and the issues raised thereby, the appellant will bear the expense and time constraints as established by the board as established in Section 105 of the 1997 Uniform Building Code (UBC), Chapter 51-40 WAC. (Ord. 988 § 2, 2003).

Section 13. BLMC Section 14.120.040 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

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

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

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

~~hearing and any written comments received by the city before closure of city offices on a date three days prior to the date set for consideration by the city council. The city council will hear the appeal in a closed record meeting as required by RCW 36.70B.120.~~

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

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

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

Section 14. BLMC Section 14.120.050 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

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

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

Section 15. BLMC Section 16.08.070 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

16.08.070 Letters of exemption.

The city shall prepare a letter of exemption (~~Type 3 permit—see Chapter 14.50 BLMC~~) whenever a development is exempt from the substantial development permit requirements and the development is subject to federal permit requirements, in accordance with WAC 173-27-050. Applicants are advised that Puget Sound Energy requires a nonassignable permit for waterfront bulkhead for bulkheads on Lake Tapps.

Section 16. BLMC Section 16.08.070 and the corresponding portion of Ordinance No. 1171 § 1, 2005 is hereby amended to read as follows:

16.13.110 Timing of clearing permits.

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

- B. In addition to the expiration provisions of BLMC ~~14.10.120~~ ~~14.90.090~~, unconsummated clearing permits shall expire with the expiration or revocation of their corresponding land use, grading, or building permit.

Section 17. BLMC Section 16.20.145 and the corresponding portion of Ordinance No. 1325 § 10, 2009 is hereby amended to read as follows:

16.20.145 Critical areas variances.

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

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

Section 18. BLMC Section 17.12.020 and Ordinance No. 1230 § 4, 2007 is hereby amended to read as follows:

17.12.020 Procedure.

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

Section 19. BLMC Section 17.16.030 and the corresponding section of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

17.16.030 Review – Criteria.

~~Final plats shall be Type 2 permits—see Chapter 14.40 BLMC.~~ The director(s) shall review the final plat for conformance with the preliminary plat, any conditions attached thereto, and this title, and shall submit the final plat together with a written staff report including findings referencing these approval criteria to the city council for its approval on the face of the plat. (Ord. 988 § 2, 2003; Ord. 766 § 2, 1998).

Section 20. BLMC Section 17.44.010 and Ordinance No. 1189 § 6, 2006 is hereby amended to read as follows:

17.44.010 Application.

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

- A. The boundary and dimensions of the original tract including its assessor's parcel number, section, township and range, and all adjoining public or private roads and identifying names of such;
- B. A vicinity map drawn to a scale of approximately four inches equals one mile of sufficient detail to orient the location of the original tract, showing surrounding streets, streams and major electrical transmission line easements;
- C. The name and address of the owner of record of the original tract, scale of drawing and north directional arrow;
- D. All proposed lots, identified by numerical designation, with dimensions and bearings;

- E. The width and location of access to all lots;
- F. The location and use of all buildings on the original tract;
- G. The building setback lines for each lot;
- H. The location of any wetlands and buffers, critical areas or water bodies, flood-prone areas, unstable soils or slopes exceeding 30 percent;
- I. Space on the original or a second 18-inch-by-24-inch mylar sheet for conditions and signatures by appropriate city officials;
- J. A survey as required by the Survey Record Act, Chapter 50 Washington Laws of 1973 or as amended.

Section 21. BLMC Section 17.56.020 and the corresponding section of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

17.56.020 Lot combinations.

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

Section 22. BLMC Section 18.20.050 and Ordinance No. 1473 § 1, 2013 is hereby amended to read as follows:

18.20.050 Setback and bulk regulations.

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

- A. Maximum density: one residential unit per five acres; provided the lots may be clustered to preserve open space. Where lots designated for residential development are clustered and any lot is smaller than five acres, agricultural or open space tract(s) shall be recorded within the subdivision in acreage(s) sufficient to preserve the maximum overall residential density of five units per acre.
- B. Minimum Front Setback.
 1. From State Highway 410: 55 feet from the right-of-way line;
 2. From other streets: 30 feet from right-of-way.

- C. Minimum side yard: a total of 15 feet for both side yards, with a minimum of five feet for one side yard.
- D. Minimum rear setback: 20 feet; provided, that a separated garage or accessory building may be built within 10 feet of the rear property line.
- E. Maximum height: 35 feet, except where the director of planning and community development waives this limit (see BLMC 14.10.040.I ~~14.20.020(H)~~) based on:
 - 1. Need of the specific proposed use;
 - 2. Conformance to the comprehensive plan and the intent of this title.

Section 23. BLMC Section 18.22.090 and Ordinance No. 1221 § 5, 2007 is hereby amended to read as follows:

18.22.090 Accessory dwelling units.

- A. Intent. Accessory dwelling units (hereinafter referred to as “ADUs”) are intended to:
 - 1. Provide homeowners with a means of providing companionship and security.
 - 2. Add affordable units to the existing house supply.
 - 3. Make housing units within the city available to moderate-income people.
 - 4. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), and modern development technology.
 - 5. Protect neighborhood stability, property values, and the single-family residential appearance by ensuring the ADUs are installed in a compatible manner under the conditions of this section.
 - 6. Increase density in order to better utilize existing infrastructure and community resources, support public transit, neighborhood retail and commercial services.
- B. Procedures. Any property owner seeking to establish an ADU in the city of Bonney Lake shall apply for an ADU permit (~~Type 1 permit—see Chapter 14.30 BLMC~~).
 - 1. Application. A complete application shall include a properly completed application form, floor and structural plans for modification, and fees as prescribed in 18.22.090.B.2. ~~subsection (B)(2) of this section.~~
 - 2. Fees. An applicant shall pay an application fee of \$500.00. Such fee is related to the processing, inspection, notification, recording and enforcement and is in addition to any other required building permit review fees. Upon sale of the

property, a new owner shall be required to register the ADU, paying a re-authorization fee of \$100.00.

3. Criterion. The criterion for issuance of an ADU permit shall be in compliance with this section.
 4. Memorandum of Deed Restriction (MDR). Upon issuance of the ADU permit, the property owner shall record with the Pierce County auditor a notarized MDR. Such MDR shall be in a form as specified by the director(s), and shall include as a minimum: (a) the legal description of the property which has been permitted for the ADU; (b) the registration-upon-purchase requirement contained in subsection (B)(2) of this section; (c) the requirements contained in subsection (C) of this section; (d) the requirements of BLMC 13.04.070 and 13.12.100 regarding connection charges applicable in the event the property upon which the ADU is located is sold, platted or otherwise segregated from the property upon which the primary residence is located; and (e) any restrictions imposed by the director(s) to ensure compliance with this section. The property owner shall submit proof that the MDR has been recorded prior to inspection and issuance of a certificate of occupancy by the building inspector. The MDR shall run with the land as long as the ADU is maintained on the property.
 5. Inspection. After the city has (a) received a completed application and application fees, (b) approved an ADU permit, and (c) received a recorded MDR, the city shall inspect the property to confirm that the minimum and maximum size limits, required parking and design standards, and all applicable building, health, safety, energy and electrical codes are met. Satisfactory inspection of the property shall result in the issuance of a certificate of occupancy.
 6. Notification. Upon a complete application being submitted, the city will post the property with a standard notice of land use application enclosing requirements for the ADU and a copy of the MDR signed by the applicant.
- C. Requirements. The creation of an accessory dwelling unit shall be subject to the following requirements, which shall not be subject to waiver or variance:
1. Number. One accessory unit shall be allowed per legal building lot as a subordinate use in conjunction with any single-family residence; no ADU will be permitted in conjunction with any duplex or multiple-family dwelling units. Either the principal residence or the unit designed to become the ADU may be constructed first. If the unit designed to be the ADU is built first, it shall be considered the primary residence until a second unit is built and shall be subject to the utility connection fees provided for in BLMC 13.04.070 and 13.12.100. The second unit built shall be considered an ADU for purposes of the utility connection fee exemptions provided for in BLMC 13.04.070(C)(2)(c) and 13.12.100(C).

2. Size. The accessory unit shall not contain less than 300 square feet as part of a main residential unit, and no less than 450 square feet as part of a detached unit, and not more than 1,200 square feet, excluding any related garage and stair areas.
3. Percentage of Total Square Footage. In addition to the above size limit, the square footage of any accessory dwelling unit, attached or detached, shall not exceed 45 percent of the total square footage of the primary and accessory residences, excluding any related garage and stair areas.
4. Off-Street Parking Requirements. There shall be one on-site parking space in a carport, garage or designated improved space provided for the accessory dwelling unit in addition to that which is required for the primary residence.
5. Design. Accessory dwelling units shall be designed to maintain the appearance of the existing single-family residence. If the accessory unit extends beyond the current footprint of the principal residence, such an addition shall be compatible with the existing color, roof pitch, siding and windows. If an accessory unit is detached from the main building, it must be compatible with the existing color, roof pitch, siding and windows of the principal residence. If the ADU is attached, only one entrance to the main building will be permitted in the front of the principal residence, and a separate entrance for the accessory unit shall be located on the side or rear of the building not visible from the street.
6. Applicable Related Codes. The accessory dwelling unit shall meet all technical code standards including building, electrical, fire, plumbing and other applicable code requirements.
7. MDR. Upon issuance of an ADU permit by the city, the property owner must record with the Pierce County auditor an MDR. Specific procedures are identified in BLMC 18.22.090.B.4. ~~subsection (B)(4) of this section.~~
8. Legalization of Nonconforming ADUs. All owners of illegal ADUs shall be required to either legalize the unit or remove it.

Section 24. BLMC Section 18.52.020 and the corresponding section of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

18.52.020 Conditional use permits.

- A. A conditional use permit is required for certain uses in certain zones because of those uses' unusual size, infrequent occurrence, special requirements, possible safety hazards or detrimental effects on surrounding properties, or similar reasons.
- B. Conditional use permits shall be Type 3 permits. ~~Type 4 or 5 permits depending on whether SEPA review is required (see Chapters 14.60 or 14.70 BLMC).~~

- C. In determining whether a conditional use permit should be granted, the hearing examiner shall consider the following factors:
1. Whether the proposed use is injurious to the public welfare and convenience;
 2. The impact of the proposed use on the subject property and/or other properties in the surrounding area;
 3. The character of the area in which the use is proposed;
 4. The intent of the zoning code and comprehensive plan of the city; and
 5. The availability of municipal services such as water, sewer, roads, fire and police protection which might be required by reason of the proposed use.

Section 25. BLMC Section 18.52.030 and Ordinance No. 1466 § 5, 2013 is hereby amended to read as follows:

18.52.030 Zoning reclassifications.

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

Section 26. BLMC Section 19.02.080 and the corresponding portion of Ordinance No. 791 § 1, 1998 is hereby amended to read as follows:

19.02.080 Concurrency management appeals.

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

Section 27. Repealer. The previously codified provisions BLMC Section 2.18.270 and 2.18.360 and the corresponding portion of Section 1 of Ordinance No. 792 § 1 and Sections 24 and 33 of Ordinance 707 are each repealed.

Section 28. Repealer. The previously codified provisions of Chapters 14.10 through 14.90 BLMC and Ordinance 745; Sections 13 through 15 of Ordinance 851; Sections 6 through 8 of Ordinance 875; Sections 1 and 2 of Ordinance 932 the corresponding portion of Section 2 of Ordinance 988; Ordinance 1025; Ordinance 1027; Ordinance 1081; Sections 1 through 3 of Ordinance 1099; Section 3 of Ordinance 1230; Section 1 of Ordinance 1244; Ordinance 1245; Sections 1, 3, and 5 of Ordinance 1322, Sections 2 and 3 of Ordinance 1325; Sections 1 and 2 of Ordinance 1389; Sections 1 and 2 of Ordinance 1466; Sections 6 and 7 of Ordinance 1477 are each repealed.

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

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2014.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

Passed:
Valid:
Published:
Effective Date:

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Memo

Date : May 21, 2014
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D14-60 – Land Use Review Procedures**

On April 9, 2014, the Department of Ecology issued changes to the State Environmental Policy Act (SEPA) Rules – Chapter 197-11 WAC which went into effect on May 10, 2014. The new rules require the City to make some modifications to Title 14 of the Bonney Lake Municipal Code (BLMC) as the current land use review procedures assume that certain types of permits will always have to go through SEPA. However, under the new rules all land use decision are exempt from SEPA if the underlying action is exempt from SEPA. Some text code amendments and rezones are also exempt. The City does not need to amend the City's SEPA rules at this time as the City adopts the SEPA rules by reference.

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

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

On May 21, 2014, the Planning Commission held a public hearing on Ordinance D14-60 which repeals the current version of Chapters 14.10 through 14.90 BLMC and establishes new land use review procedures for the City of Bonney Lake and voted **X-X-X** to recommend that the City Council approve Ordinance D14-60.

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Chapter 1

Community Character

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1. INTRODUCTION

The GMA does not require that comprehensive plans include a Community Character Element. Bonney Lake does so to articulate its overall vision of the community. This element's purpose is to uphold property values and quality of life by summing up the factors that identify Bonney Lake and by furthering that identity. This element concerns both aesthetic and practical matters in the natural and built environments.

2. VISION

"Bonney Lake" evokes trees, lakes, and single-family neighborhoods. The community wishes to retain its small town feel. It sees itself as a peaceful yet social place, a place of beautiful scenery and tree-lined streets. Bonney Lake is known for its stunning views of Mount Rainier from SR 410, and its rich history. It is a community of children, seniors, all ages and walks of life, intermingled. New development is sensitive to the existing context. In summary, Bonney Lake's design theme is "small-town, natural environment."

3. HISTORY

3.1 NATIVE AMERICANS

Our Native Americans arrived from Asia by way of the Bering Strait. By about 12,000 years ago they had arrived in the Puget Sound area, where they lived in villages along shorelines and rivers. Many different bands inhabited the region. Their cultures varied greatly. They were not organized into tribes as they are today, but rather affiliated themselves by village, river valley, blood line, and language. Because Bonney Lake is close to the Puyallup River, it can be said to lie in the ancestral land of the Puyallup Indians, whose domain extended from Commencement Bay, east along the Puyallup and Carbon Rivers, to the northwest face of Mount Rainier. The bands represented by the modern-day Muckleshoot Tribe inhabited the region of the White (Stuck) and Green rivers east into the foothills of the Cascade Mountains. Both groups fished in the Puget Sound and in the rivers, hunted, and gathered plants for food and fiber. Both spoke a dialect of Salishan. They lived in large wooden houses clustered in villages. Most villages were located at river or stream confluences.

3.2 EARLY EXPEDITIONS

British Captain George Vancouver explored the Puget Sound in 1792. Lieutenant Charles Wilkes led a United States expedition in 1838. Wilkes sent Henry Eld to survey Commencement Bay area and the Puyallup River. In 1841, Lieutenant Robert E. Johnson led a party along the Indian Naches Pass Trail to

the Yakima River. The Johnson and Eld parties were the first to map the Bonney Lake area. The Hudson's Bay Company established Fort Nisqually in 1833 near the present-day City of DuPont to trade with the Indians and produce agricultural commodities. The company managed much of south Pierce County until the early 1860's, when the United States purchased their holdings.

3.3 NACHES PASS TRAIL

The Naches Indian Trail led from the Nisqually Delta to the Yakima Indian country. Territorial Governor Isaac I. Stevens surveyed the trail for the proposed Northern Pacific Railroad in 1853. Captain George B. McClelland of the U.S. Army improved the trail in 1853 so wagon trains could travel more directly from the Oregon Trail to the Puget Sound. The Naches Pass Trail was completed October 1853. James Longmire's wagon train was the first to cross the Naches Pass and enter the Puyallup Valley. The military used the trail during the 1855-1856 Indian Wars and fighting occurred along the trail. However, the trail was not often used. Portions of the original route are still identifiable. From Buckley, the trail extends west along Mason Avenue in the general vicinity of the Old Sumner- Buckley Highway. The trail continues west along Connell's Prairie Road to 214th Avenue East, then either west along Fennel Creek to cross the Puyallup River in the location of the Riverside Infirmary (Poor House) or to Alderton to connect to Old Military Road north of McMillan.

3.4 INDIAN WAR

Settlers and Indians began to clash shortly after the 1846 division of the Oregon Country from British North America. After the Whitman Massacre of 1847 in Walla Walla, the U.S. Army constructed Fort Steilacoom. Isaac Stevens, territorial governor of Washington, concluded the Treaty of Medicine Creek with the Nisqually, Puyallup, and Steilacoom Tribes in 1854. The Muckleshoots were to be relocated to the Nisqually Reservation at the Nisqually River delta. Hostilities in the Puget Sound region prompted the Army to build many smaller forts, including Fort Maloney in 1856 near present-day Puyallup and Fort Hayes in 1856 on the White River northeast of Bonney Lake. Local settlers built blockhouses in Sumner, South Hill, on the Lake Tapps plateau south of Fennel Creek, and east of Lake Tapps at the edge of Connell's Prairie. The 1855-1856 Yakima Indian Wars spilled over into the Puget Sound country on October 22, 1855, when Indians killed Lieutenant McCallister and Michael Connell at Connell's Prairie, which lay on the Naches Pass Trail. Colonels Miles and Moses died in the same area on October 31 of the same year. A battle was fought on the northern part of the prairie on March 19, 1856. A marker at the Junction of Connell's Prairie and Barkubein Roads commemorates these events. The Army captured Chief Leschi and executed him in 1858 though he was not responsible for the outbreak of war and apparently had no hand in any atrocities. During the Indian War, Pierce County settlers abandoned land claims and retreated to Fort Steilacoom, where they lived for several years. Many original settlers never returned to their claims, which were taken over by other immigrants. After the Indian War, the

Governor renegotiated reservation boundaries and created a reservation at Muckleshoot Prairie consisting of a series of township sections along the White River northeast of Bonney Lake. Many Muckleshoots subsequently sold their reservation land to white settlers. The Puyallup Reservation's location was vaguely worded, creating interpretation conflicts which were not resolved until the Puyallup Tribe Indians Settlement Act of 1989.

3.5 EARLY SETTLERS

In the 1850's, settlers started filing Donation Land Claims around the confluence of the Puyallup and White rivers near present-day Puyallup, Sumner, and Bonney Lake. Later settlers took advantage of the Homestead Act of 1862, which granted each household 160 acres if they cultivated and resided on the land for five years. The federal government also granted extensive lands to the Northern Pacific Railroad, some of which the railroad sold to settlers to promote development along the railroad. Railroad towns were built at Wilkinson, Carbonado, Buckley, Orting, and Sumner. The settlers farmed along the rivers, logged the uplands, and mined ores in the upper Carbon River valley. Connell's Prairie and Muckleshoot Prairie were also farmed. William B. Kelley arrived from Tennessee in 1864 to clear a homesite and teach school during the winter. Kelley's three sons and a daughter were raised in a log cabin on Kelley Lake. He donated land for a one room schoolhouse that was used until 1960. Finns settled the land between Bonney Lake and Buckley. They developed dairy farms, worked in the Wilkeson coal mines, or logged the virgin timber along the White River. Over 100 Swiss families lived on the plateau and in the valley, including Ollie Bauer's father who worked at the Riverside Infirmary (the Poor Farm) on the Puyallup River for 27 years. Dutch settlers James and Amanda Vandermark arrived by covered wagon. They built a house on Lake Tapps in 1893, and moved it to 214th Avenue East when the level of Lake Tapps was raised. The Angeline family settled in Bonney Lake in 1909. Irene and Lawrence Angeline attended a one-room, eight-grade school house near Rhodes Lake. Dorothy Ryan, who taught school at Kelley Lake, wrote an account of early school life, including hazards from Indians and wildlife. Descendants of these pioneers still live in the Bonney Lake area.

3.6 BONNEY LAKE INCORPORATION

In 1910, the Puget Sound Power & Light Company (Puget Power) diverted water from the White River to raise the level of Lake Tapps to generate electricity. The project merged Tapps, Kirtley, Crawford, and Church lakes and some marshes into the Lake Tapps reservoir. Residential subdivisions were built around Lake Tapps beginning in 1940. Early residents commuted to industrial jobs in nearby cities. After World War II Bonney Lake grew rapidly in response to greater mobility and the allure of cheaper land and quieter lifestyles. Commercial development occurred along SR 410. Bonney Lake's earliest and still most diverse commercial/civic center developed around the intersection of SR 410 and the Old Sumner-Buckley Highway. The Lake Tapps Development Company sold recreational sites on the west shore of

Lake Tapps beginning in 1954. Later they marketed their lots as permanent residential sites. The company donated 20 acres to create Allan Yorke Park. Kenneth and Bertha Simmons acquired a 1,000 acre parcel from a “rodeo man” named George Logan in 1946. In 1949, the Simmons family caused the City of Bonney Lake to be incorporated. The initial population was 275. Kenneth Simmons served three terms as Mayor. Simmons, Chet and Clarence Roberts, Robert Wheeler, Bert Filkins, and others built the concrete block building on Locust Street in the downtown district that served as community club, city hall, and fire hall. By 1950 the new town had paved streets, a water system, electric and telephone lines, refuse disposal, and a blood bank. By 1957, there were 12 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.

4. COMMUNITY DESIGN

Community character is about design, aesthetics, and place-making. The goal of community design is to seek to improve the quality of architecture and site planning in the City, creating great places. This Element strives for a more cohesive design vision for the City. It emphasizes the notion that new development should be compatible and respectful of the environment without compromising the capacity for innovation.

In addition to the building design, particular attention must also be paid to the design of public space, also referred to as Bonney Lake’s “public realm” which includes not only the design of municipal buildings, schools, and parks—but also streets, sidewalks, infrastructure, and other public spaces.

Too often, the design of secondary public spaces like medians, planting strips, and sidewalks has been treated as an afterthought. This must change in the future, as the importance of these spaces in defining Bonney Lake’s sense of place and visual quality is more fully appreciated.

A host of other topics also affect the visual quality of the City. These include the regulation and control of signs and fences, provisions for street trees and landscaping, the design of utilities, public art, graffiti abatement and code enforcement, public views, buffering of unsightly uses, the design and placement of sound walls, and more. At first glance, these topics may seem unrelated to one another. But they all influence the way people perceive Bonney Lake and “understand” the City. This Element includes policies and actions that provide direction on these topics with the aim of making Fremont a more beautiful city.

4.1 DESIGN QUALITY

In order for Bonney Lake to be an attractive, livable, and walkable community, then basic principles relating to scale, mass, height, façade design, building orientation, exterior materials, parking, open space and other design elements must be followed.

Design guidelines should promote high quality development, address the relationship of buildings to their surrounding context, respect privacy and views, ensure that development is safe, aesthetically pleasing, and harmonious with its setting and supports the goals of the community: not to prescribe exactly how a building must look. The objective is to create great places of lasting value.

Goal CC-1: The built environment creates desirable community spaces, use resources efficiently, maximize site amenities, and preserve important features.

Policy CC-1.1: Utilize urban design guidelines to guide and evaluate remodeling projects, additions, and new construction. Guidelines should address such elements as building height, scale, and massing; building materials, colors, and detailing; and location and neighborhood context.

Policy CC-1.2: Ensure that sites are designed in context and relationship to surrounding uses and landscapes; and that they include pedestrian connections with clear definition of building locations, parking lots, landscaped areas and other features included on the site.

Policy CC-1.3: Ensure the street to building relationship is in context with the scale, setback, form and height of adjacent buildings.

Policy CC-1.4: Design commercial building facades, windows, signage, and lighting to create visual interest.

Policy CC-1.5: New commercial development in the Downtown should include pedestrian-oriented design features, such as transparent windows with display space, awnings, and facades that are articulated to provide visual interest.

Policy CC-1.6: Encourage decorative masonry, woodwork, glazing, doors, light fixtures, and paving.-

Policy CC-1.7: Encourage public focal points such as plazas, green spaces, seating areas, and fountains.

Policy CC-1.8: Avoid blank, uninteresting walls. Encourage interesting features such as varied roof forms, canopies, balconies, window displays, bay windows, vertically and horizontally modulated wall surfaces, trellises with native vines, porches, artwork, planting beds, ornamental trim, modulations and varied textures, colors, and materials.

Policy CC-1.9: Tailor land development to the site such as by taking into account its topography, views, and surrounding improvements.

Policy CC-1.10: Balance variety against continuity in the design of buildings and landscaping.

Policy CC-1.11: Protect existing neighborhoods from development-related impacts.

4.2 LANDSCAPING

Landscaping provides many benefits improving visual appearance; providing shade; complementing architecture; screening mechanical equipment, storage areas, and service areas; and the enhancing overall aesthetic quality and the natural environment. Sustainable landscape measures such as the use

of drought-tolerant planting and rain barrels should be encouraged to convey Bonney Lake’s “natural environment” image.

Roadway medians landscaped with native species can help project the natural environment image while giving the street a more human scale. Street trees provide shade and noise attenuation.

Goal CC-2: Landscaping will improve the visual appearance of streets, enhance buildings, create and define public and private spaces, create shade, screen unsightly uses, and provide environmental benefits such as absorption of stormwater and air pollutants and reduction of noise.

Policy CC-2.1: Require landscaping with plant communities that replicate local ecosystem. Use easy-to-maintain, drought-resistant, native species.

Policy CC-2.2: Use landscaping to provide visual buffers or screening between adjacent uses which are potentially incompatible, such as commercial and residential uses.

Policy CC-2.3: Retain native vegetation as a component of landscaping.

Policy CC-2.4: Preserve strategically selected mature trees and stands of trees.

Policy CC-2.5: Plant native trees along both sides of all streets. Prepare a plan for what species should be planted on what streets.

Policy CC-2.6: Require landscaping within and around the perimeters of publicly visible parking lots.

Policy CC-2.7: Coordinate landscaping with pedestrian circulation and architectural features.

4.3 LIGHTING

Goal CC-3: Provide lighting to improve safety and nighttime visibility, as well as to reinforce the character of corridors, centers, and neighborhoods but that is restrained and targeted to its purpose to protect dark skies, reduce glare and glow and promote sustainability.

Policy CC-3.1: Ensure that the lighting of exterior spaces, including streetlights and building illumination, contributes to the overall quality of public space.

Policy CC-3.2: Encourage variation in lighting to help define street function, highlight important intersections, and define edges and activity centers.

Policy CC-3.3: Use pedestrian scaled lighting to facilitate pedestrian activity.

Policy CC-3.4: Provide adequate lighting at building entries, on walkways, and within parking lots.

Policy CC-3.5: Encourage lighting that utilizes technology and design approaches that minimize energy use and associated impacts.

Policy CC-3.6: Prevent unwanted illumination of surrounding properties to avoid glare and light trespass.

Policy CC-3.7: Prohibit illumination of the sky to keep the night sky dark and stars visible

4.4 PUBLIC SPACES

The most familiar public spaces in Bonney Lake are parks, schools, and public buildings, but also applies more broadly to the entire public “realm,” including streets, sidewalks, medians, planting strips, and all the public spaces one experiences when traveling through the City. The treatment of the public realm is central as shapes community character, connects residents in their daily lives.

The policies below strive to create memorable public spaces throughout the City. For city parks and public buildings, this means creating focal points for neighborhoods and centers. Public open spaces such as parks and plazas can help strengthen civic identity and provide important community gathering places. Public buildings such as schools, fire stations, recreation centers and municipal offices likewise should showcase exemplary design.

The most basic infrastructure opportunities involve existing streets and highways. The City has already invested millions of dollars in streetscape improvements, including street lighting, undergrounding of utilities, landscaping, street trees, irrigation systems, signage, and street furniture, to improve the visual quality of its streets and make them safer and more attractive. The design of street space is particularly important to the goal of making the city more pedestrian-friendly. The quality of these public spaces becomes even more important considering that Bonney Lake supports more high-density housing in the future. These residences will not have the large yards enjoyed by many Bonney Lakes homes today, and will rely on public space to a much greater degree.

Goal CC-4: Provide streets, sidewalks, parks, plazas, civic buildings, and other public spaces that contribute to Bonney Lake’s sense of place and visual quality.

Policy CC-4.1: Recognize the importance of streets as public space: Landscaping, lighting, streetscape elements, pavement changes, signage improvements, banners, and other public realm improvements can enhance the experience of traveling along a corridor without diminishing its functional capacity.

Policy CC-4.2: Improvements to corridors should be appropriate to the scale and character of each street, reflecting their traffic volumes and intended function

Policy CC-4.3: Design guidelines, design review requirements, engineering standards, and capital improvement projects should aim to improve the visual quality of street space.

Policy CC-4.4: Use street furniture (e.g. benches, trash cans, kiosks, bicycle lockers, bus shelters, etc.) to improve the pedestrian experience, create stronger identity and visual cohesion, and contribute to the desired character of an area.

Policy CC-4.5: Encourage and maintain high-quality, clearly legible signage throughout the City to help travelers navigate and understand the city, and should help unify and define centers, corridors and neighborhoods.

Policy CC-4.6: Encourage the development of public gathering spaces within new development that is responsive to a project’s scale and expected level of activity, and respectful of surrounding land uses.

Policy CC-4.7: Encourage plazas, pocket parks, and similar spaces to stimulate pedestrian activity, provide community gathering places, and complement the overall appearance and form of adjoining buildings.

Policy CC-4.8: While the design of each public space must be sensitive to its context, all public spaces should share several common design characteristics. These include:

- ❖ Locations in prominent, recognizable and accessible locations where they are likely to receive frequent use and be highly visible.*
- ❖ Seating areas, signage, pedestrian amenities, activity areas and other design features that increase usability and functionality*
- ❖ A unique identity that enables the space to function independently, while still allowing the space to work in connection with adjacent development*
- ❖ Accommodation of a variety of users (i.e. arts, cultural, recreational, different ages, abilities, etc.)*
- ❖ Variations in landscaping, pavement, lighting, public art, and other amenities which improve the quality of each space and define its character*
- ❖ Protection from wind, sun and noise exposure*
- ❖ Spaces which utilize a mixture of direct sunlight and shade*

4. SCENIC RESOURCES



In addition to the buildings, landscapes, and public spaces Bonney Lake's character is shaped by its natural setting includes beautiful lakes, wooded hillsides, the Fennel Creek Corridor, and views of Mount Rainier. As Bonney Lake continues to grow, a key challenge will be balancing new development with preservation of the natural resources that give the area much of its character.

Top community priorities include:

- ❖ preserving the lakes and views of Mount Rainier;*
- ❖ preserving large tracts of woodland and open space for public enjoyment;*
- ❖ additional landscaping at gateways and along key corridors; and*
- ❖ preserving vegetation in new development to the greatest extent possible and where not possible re-vegetating developed areas.*

City programs and requirements such as open space preservation, stream corridor setbacks and floodplain preservation have multiple benefits including protecting natural settings. Although all are positive steps, additional comprehensive strategies are needed to protect scenic resources, buffer unsightly uses, plant and maintain trees, preserve “scenic routes” throughout the City.

Goal CC-5: Protect and enhance Bonney Lake’s scenic, natural and visual character.

Policy CC-5.1: Preserve views through sensitive site design, especially along scenic corridors. Prevent new development from blocking important public views.

Policy CC-5.2: Maintain a network of designated scenic routes through Bonney Lake. A particular road or corridor may be considered scenic by virtue of its design or amenities, the terrain and natural features it traverses, or the views and visual importance it commands. The designation expresses intent to maintain or improve visual features which contribute to scenic designations through land use, transportation, and capital improvement decisions, as well as landscaping, operations, and maintenance activities along these corridors, but does not necessarily limit abutting uses.

Policy CC-5.3: Discourage landscape plantings which would block significant views when mature.

Policy CC-5.4: Acquire lands or view easements if necessary to preserve important public views.

Policy CC-5.5: Encourage developers to retain mature trees to the extent possible, particularly in residential areas.

Policy CC-5.6: Reduce the visual impacts of utility lines and poles along corridors by continuing to underground overhead lines within existing development, and by requiring underground utilities in new development

Policy CC-5.7: On the south side of SR 410 near the west city limits, tree-cutting shall not extend so far from SR 410 as to remove the solid backdrop of mature trees as viewed horizontally from SR 410, nor shall development of the site be allowed any potential for polluting Grainger Springs.

5. GATEWAYS

First impressions are important to a positive community character. “Gateways” are key locations throughout the community where these impressions can best be established and reinforced. Gateways provide a focal point and a visual “announcement” of the City of Bonney Lake by communicating the unique character and identity of Bonney Lake and visually distinguishing its neighbors.

There are three types of gateways: Primary Gateways, Secondary Gate Ways, and Neighborhood/District Gateways

Primary gateways are focal points typically located around highway intersections / interchanges, major entrances to Bonney Lake. These gateways are the highest priority for improvements. Currently there are two primary gateways located on SR-410 on the east and west sides of the City.

Private development around these areas should create a distinctive image and be held to the highest design and aesthetic standards. Aesthetic improvements in these areas should incorporate elements that enhance the community image with:

- ❖ features that are distinctive and recognizable;
- ❖ enhanced landscaping in the public right-of-way and on private property; and
- ❖ public streetscape and aesthetic elements such as decorative street lighting, public art, unique signage and decorative paving.



Ascent Park

Similar to primary gateways, secondary gateway areas serve as focal points around major street intersections and entrances into Bonney Lake. These areas should project a positive community image, and private development around these areas should be held to the highest design and aesthetic standards which create a distinctive image for Bonney Lake.

Aesthetic improvements in these areas should:

- ❖ reinforce the community's unique character through compatible streetscape enhancements, monuments and public art;
- ❖ be distinctive and recognizable when approaching from a distance; and
- ❖ have enhanced public streetscape improvements and enhanced landscape design on private property.



Allen Yorke Park Gateway

Finally neighborhood/ district gateways highlight particular neighborhoods and business districts. They are typically located at major entrances that help announce a development and transition from the public setting of major corridors to the more private setting of a neighborhood or business district. Unlike primary and secondary gateways, these improvements are largely the responsibility of private property owners.

Amenities include well-designed entry monuments, private art, unique landscaping and other elements that further establish the Parkville character while announcing the neighborhood or development. Although not a primary focus, public infrastructure in these areas is expected to meet enhanced standards for appearance and general maintenance.

Goal CC-6: Improve gateways into Bonney Lake and into its individual neighborhoods and districts to achieve a sense of transition and arrival.

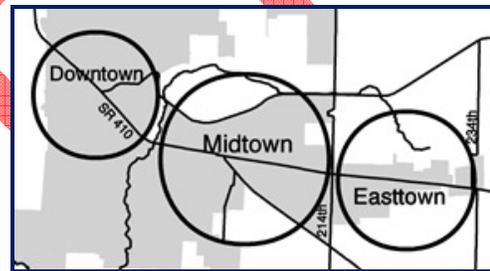
Policy CC-6.1: Develop a Gateway Plan which provides guidance for the design and appearance of primary and secondary gateways into Bonney Lake.

Policy CC-6.2: Private development located within gateway areas should incorporate public improvements that enhance the identity and image of the City

Policy CC-6.3: Require new development projects to provide gateway features if their location and context warrant such inclusion.

6. STATE ROUTE 410 CORRIDOR

Bonney Lake’s State Route 410 (SR-410) corridor is its public face to the motoring public. The SR-410 corridor forms three distinct areas: “Downtown” (west entry to Fennel Creek), “Midtown” (Fennel Creek to 214th), and “Easttown” (214th to 234th). The following table compares these areas using several functional measures. These measures are subjective and relative to each other, not in absolute terms.



SR-410 Corridor Areas

	Downtown	Midtown (Fennel Creek to 214th)	Easttown (214th to 234th)
Land use intensity	High	Moderate	Low
Land use diversity	High	Moderate	Low
Ownership /architectural diversity	High	Moderate	Low
Human-scale architecture / pedestrian orientation	High	Moderate	Low
Depth of development (away from SR 410)	High	Moderate	Low
Opportunities	Entry & exit to the city	Maintain continuity of design theme	Entry & exit to the city

Table 1: Comparison of Downtown, Midtown, and Easttown

“Downtown” is Bonney Lake’s neglected but irreplaceable center. It is most centrally located to Bonney Lake residents and is the traditional community center. It focuses much activity in a small area, yet still has much development and redevelopment potential.

“Midtown” is Bonney Lake’s commercial center of gravity. It is automobile-oriented but has potential for higher diversity and human-scale development in the areas that remain undeveloped, especially in those portions that will be served by side streets and frontage streets. Pedestrian-orientation can also be incorporated as redevelopment occurs.

“Easttown,” from 214th to 234th, is unique in its high proportion of undeveloped land and in its availability for light industrial as well as commercial development. It comprises a peninsula jutting into rural land, more distant from residential concentrations. Where deep-lot development is possible, such as in a large business campus, pedestrian orientation is achievable. Otherwise Easttown is expected to remain highway-oriented.

The City intends that all the measures shown in the above table should increase, but that the relative gradient should remain. That is, the City proposes to increase land use intensity and diversity, depth of development, human-scale architecture, and pedestrian-orientation in all three areas, but with a greater admixture of automobile-orientation the further eastward.

Downtown will remain distinguishable from the other two areas by virtue of its special status and the separation provided by Fennel Creek. Midtown will blend into Easttown (214th to 234th). The rural land east of 234th will remain rural. Architectural interest will remain high throughout the corridor, but the level of detail will diminish from pedestrian-oriented. Downtown, to that which is comprehensible at highway speeds, at the east city limits.

Goal CC-7: Develop the SR 410 corridor as three distinct but transitional commercial / mixed use areas.

Policy CC-7.1: Develop the Downtown as Bonney Lake’s center in accordance with Downtown section of this element, with the highest level of land use diversity, architectural interest, pedestrian orientation, and human-scale design. New buildings should have their facades at the sidewalk edge except in certain cases along SR 410, as shown in the Downtown Plan.

Policy CC-7.2: 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.

Policy CC-7.3: Develop the Easttown district (from 214th to 234th) with 1) architectural detail suitable for automobile orientation along SR 410, 2) internal and if possible external pedestrian connections, and 3) preference for business park or campus-scale development. Wherever possible, developments should reach deeply into the adjoining commercial/industrial land, providing pedestrian-friendly local access streets in locations dictated by the Transportation Element.

Policy CC-7.4: Develop Downtown, Midtown, and Easttown equally with “natural-environment” landscaping and tree retention (see the Landscaping section of this Element).

Policy CC-7.5: Work with WSDOT to improve SR 410 incorporating native-species landscaping and other signature treatment such as lighting and signage consistent with the “natural environment” theme.

Policy CC-7.6: Create a system of attractive historical markers at public locations in the SR 410 corridor, especially Downtown.

Policy CC-7.7: 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.

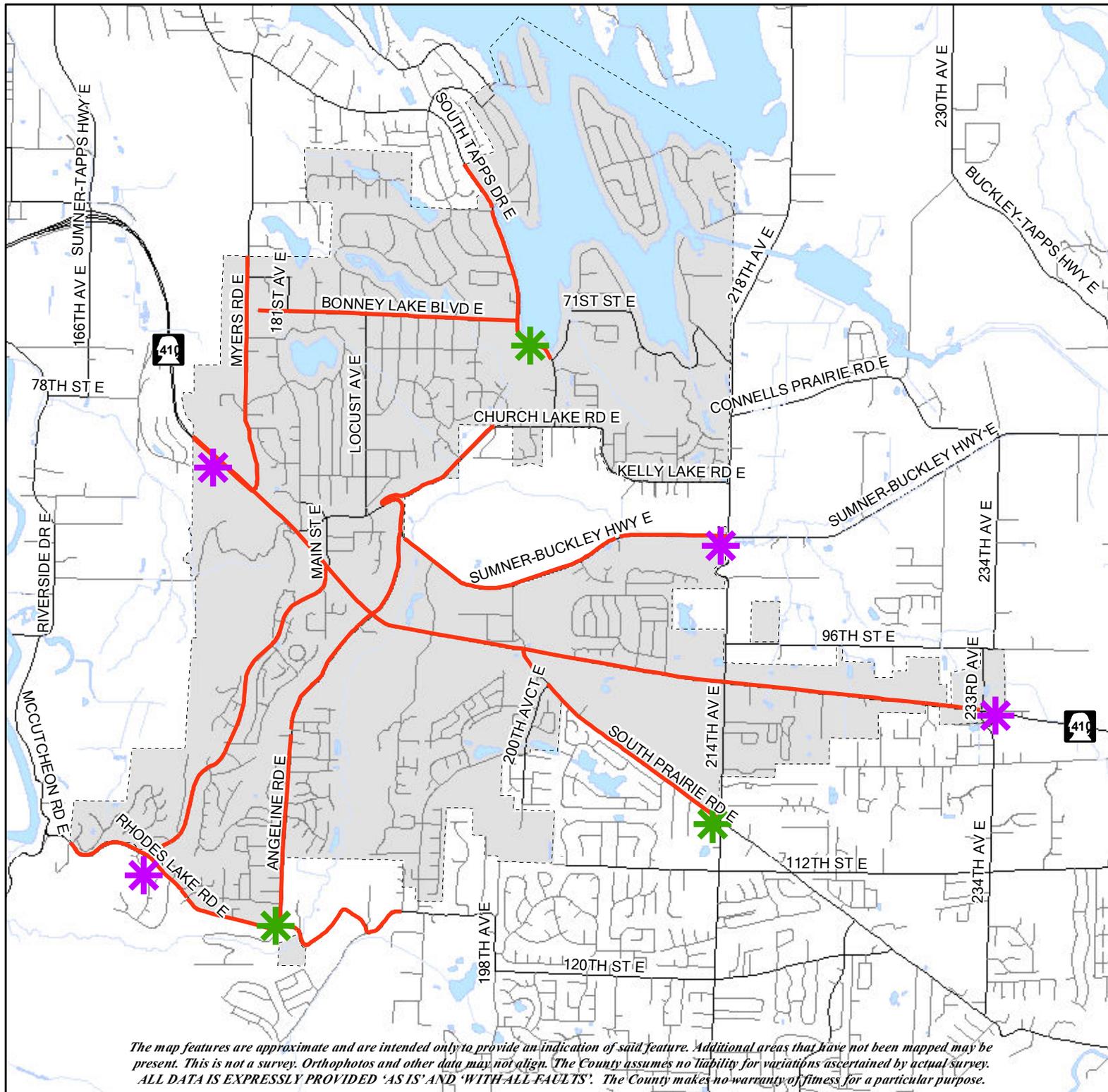
Policy CC-7.8: Require that major commercial, multifamily, industrial, and public development undergo design review.

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Comprehensive Plan

Scenic Routes and City Gateways



City Boundary



City Gateways



Primary



Secondary

Scenic Routes



The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'. The County makes no warranty of fitness for a particular purpose.