SIGN-UP TO SPEAK FOR SPECIFIC ACTION ITEMS ON THE AGENDA: If you have signed-up prior to the Council meeting to speak with respect to a particular ordinance or resolution action item appearing on the agenda, you will be recognized to address the Council for up to one minute before the Council takes action on that item. Those wishing to address Items on the “Consent Agenda” should do so during the “Citizen Comments” portion of the Agenda. If the Council chooses to discuss the item further after taking comments, they may restrict additional public comment before they take action. Please look for the sign-up sheets near the Council Chamber entryway. (See Item II B. for Citizen Comments on other items of City business.)

I. CALL TO ORDER – Mayor Neil Johnson

A. Flag Salute:

B. Roll Call: [A1.3]

Elected Officials: Mayor Neil Johnson, Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember Jim Rackley.

[Staff expected to be in attendance: Administrative Services Coordinator Don Morrison, Public Works Director Daniel Grigsby, Planning & Community Development Director Bob Leedy, Interim Police Chief Buster McGehee, Judge James Helbling, City Attorney Jim Dionne, and City Clerk Harwood Edvalson.]

C. Announcements, Appointments and Presentations: [A3.6.9]

1. Announcements:
2. Appointments:
3. Presentations:

D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:


B. Citizen Comments: [A1.5]

You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the “Consent Agenda” should limit their comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated speakers representing a group may take up to 10 minutes on matters of general City business.

C. Correspondence:
III. COUNCIL COMMITTEE REPORTS: [A3.6.4]

A. Finance Committee
B. Community Development Committee
C. Public Safety Committee
D. Other Reports

IV. CONSENT AGENDA: [A3.6]
The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.

A. Checks/Vouchers: Accounts payable checks/voucher #43094 thru 43199 and wire transfer #1777628 in the amount of $458,763.64. Accounts payable checks/voucher #43200 for utility refunds in the amount of $280.47. [F4.9]

B. Payroll: February 1-15, 2006 for checks 24619-24661, including Deposits and Electronic Transfers in the amount of $259,555.42. [F4.9]

C. AB06-20 – Resolution 1526 – Authorizing An Agreement With The Buxton Company For A Community Identification And Retail Attraction Study. [A1.25]

D. AB06-31 – A Motion of the City Council Of the City of Bonney Lake, Pierce County, Washington Approving Out-of-state Travel and Training in Portland, OR for the Building Official. [A3.6.10] [A4.7]

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

A. AB06-15 – Ordinance 1179 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 19.06 Of The Bonney Lake Municipal Code And Ordinance Nos. 1018 And 1157, Relating To Parks Impact Fees. [A3.5.5] [F4.3]

B. AB06-39 – Ordinance 1181 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Creating A New Chapter 2.08 Of The Bonney Lake Municipal Code, Reorganizing The Internal Affairs Of The City, Establishing Departments And Offices Of The City, Defining The Functions, Powers, And Duties Of City Officers And Employees, And Repealing Ordinance Numbers 205, 506, 506A, 543, 543A, 690, 770, 774, 868, 782, 811, 813, 849, 851, 862, 883, 977 and 983. [A3.5.5] [A4.3.3]

C. AB06-41 – Resolution 1538 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Declaring An Emergency And Waiving Competitive Bidding Requirements For Replacement Of A Sewer Trunk Line. [O4.5.1]
D. **AB06-42 – Resolution 1539** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The 192nd Corridor Study And Directing The Mayor To Proceed With Partial Design And Right-Of-Way Acquisition. [04.8.2]

E. **AB06-40** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Accepting the Final Plat for the Brookside III Development. [A3.6.10] [O3.7.2]

IX. **EXECUTIVE SESSION:** RCW 42.30.110(2) - “Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded.”

X. **ADJOURNMENT**

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

**THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA**
ACCOUNTS PAYABLE AND
UTILITY REFUND CHECKS/VOUCHERS

02/28/05

Accounts payable checks/voucher #43094 thru 43199 and wire transfer #1777628 in the amount of $458,763.64.

Accounts payable checks/voucher #43200 for utility refunds in the amount of $280.47.
PAYROLL CERTIFICATION
2006

Payroll for February 1-15, 2006 for checks 24619-24661, including Deposits and Electronic Transfers in the amount of $259,555.42.
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

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<th>Council/Wrkshp Mtg Date: February 28, 2006</th>
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<tr>
<td>Ordinance Number:</td>
<td>Resolution Number: Res. No. 1526</td>
<td>Councilmember Sponsor:</td>
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**BUDGET INFORMATION**

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**Explanation:** Included in revised 2006 budget proposal

**Agenda Subject:** RETAIL ANALYSIS OF CITY COMMERCIAL CENTERS

**Administrative Recommendation:** APPROVE

**Background Summary:** With the recent growth in commercial activity and the development of a stable retail sales tax base, the City is now at the point where it desires to target the additional types of businesses the City needs and wants in Bonney Lake. The Mayor, Council and community have goals and ideas for commercial growth and the desired mix of business types. This study will provide concrete evidence to portray Bonney Lake’s retail potential so it can recruit a more desirable mix of businesses into the community. It will also give us a profile of the types of businesses that can succeed in the downtown plan, and the types of businesses to target for Eastown.

**Council Committee Dates:**
- Finance Committee:
- Public Safety Committee:
- Community Development & Planning Committee:

**Council Workshops:** 2/22/06

**Commission Dates:**
- Planning Commission:
- Civil Service Commission:

**Board/Hearing Examiner Dates:**
- Park Board:
- Hearing Examiner:

**Council Action:**
- Council Call for Hearing:
- Council Hearings Date:
- Council Referred Back to:
- Workshop:
- Committee
- Council Tabled Until:
- Council Meeting Date:

**Signatures:**
- Dir. Authorization: [Signature]
- Mayor: [Signature]
- Date City Attorney Reviewed: [Date]
RESOLUTION NO. 1526

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN AGREEMENT WITH THE BUXTON COMPANY FOR A COMMUNITY IDENTIFICATION AND RETAIL ATTRACTION STUDY.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the contract attached hereto and incorporated herein by this reference.

PASSED by the City Council this ____ day of February, 2006.

______________________________
Neil Johnson, Mayor

ATTEST:

______________________________
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

______________________________
James Dionne, City Attorney
PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into this __________ day of February, 2006, by and between the City of Bonney Lake ("City") and the Buxton company ("Consultant").

The parties hereby agree as follows:

1. **Scope of Work.** The Consultant shall perform all work and provide all materials described in the Scope of Work set out in Exhibit A attached hereto and incorporated herein by this reference. Such work shall be performed using facilities, equipment and staff provided by Consultant, and shall be performed in accordance with all applicable federal, state and local laws, ordinances and regulations. The Consultant shall exercise reasonable care and judgment in the performance of work pursuant to this Agreement. The Consultant shall make minor changes, amendments or revisions in the detail of the work as may be required by the City, such work not to constitute Extra Work under this Agreement.

2. **Ownership of Work Product.** Documents, presentations and any other work product produced by the Consultant in performance of work under this Agreement shall be tendered to the City upon completion of the work, and all such product shall become and remain the property of the City and may be used by the City without restriction; provided, that any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.

3. **Payment.** The Consultant shall be paid by the City for completed work and services rendered under this Agreement pursuant to the rates and charges set out in Exhibit B, attached hereto and incorporated herein by this reference. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. Payment for work within the Scope of Work (Exhibit A) shall not exceed the fee set out in Exhibit B without written amendment to this Agreement, agreed to and signed by both parties.

Acceptance of final payment by the Consultant shall constitute a release of all claims, related to payment under this Agreement, which the Consultant may have against the City unless such claims are specifically reserved in writing and transmitted to the City by the Consultant prior to acceptance of final payment. Final payment shall not, however, be a bar to any claims that the City may have against the Consultant or to any remedies the City may pursue with respect to such claims.

The Consultant and its subconsultants shall keep available for inspection, by the City, for a period of three years after final payment, the cost records and accounts pertaining to this Agreement and all items related to, or bearing upon, such records. If any litigation, claim or audit is started before the expiration of the three-year retention period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. The three-year retention period shall commence when the Consultant receives final payment.
4. **Changes in Work.** The Consultant shall make all revisions and changes in the work completed under this Agreement as are necessary to correct errors, when required to do so by the City, without additional compensation.

5. **Extra Work.** The City may desire to have the Consultant perform work or render services in addition to or other than work provided for by the expressed intent of the Scope of Work. Such work will be considered Extra Work and will be specified in a written supplement which will set forth the nature and scope thereof. Work under a supplement shall not proceed until authorized in writing by the City. Any dispute as to whether work is Extra Work or work already covered by this Agreement shall be resolved before the work is undertaken. Performance of the work by the Consultant prior to resolution of any such dispute shall waive any claim by the Consultant for compensation as Extra Work.

6. **Employment.** Any and all employees of Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman’s Compensation Act on behalf of said employees, while so engaged; any and all taxes arising out of Consultant’s or Consultant’s employees’ work under this Agreement; and any and all claims made by a third party as a consequence of any acts, errors, or omissions on the part of the Consultant’s employees, while so engaged, shall be the sole obligation and responsibility of the Consultant. The Consultant’s relation to the City shall at all times be as an independent contractor.

7. **Nondiscrimination.** Consultant agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, gender, age or handicap except for a bona fide occupational qualification with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training; and rendition of services. Consultant understands and agrees that if it violates this section, this Agreement may be terminated by the City, and that Consultant shall be barred from performing any services for the City in the future unless and until a showing is made satisfactory to the City that discriminatory practices have terminated and that recurrence of such action is unlikely.

8. **Term.** This Agreement shall become effective upon the day of its execution by both parties, and shall terminate upon completion of the work and delivery of all materials described in Exhibit A.

9. **Termination by City.** The City may terminate this Agreement at any time upon not less than ten (10) days written notice to Consultant, subject to the City’s obligation to pay Consultant in accordance with subsections A and B below.

A. In the event this Agreement is terminated by the City other than for fault on the part of the Consultant, a final payment shall be made to the Consultant for actual cost of work complete at the time of termination of the Agreement. In addition, the Consultant shall be paid on the same basis as above for any authorize Extra Work completed. No payment shall be made for any work completed after ten (10) days following receipt by the Consultant of the termination notice. If the
accumulated payment(s) made to the Consultant prior to the termination notice exceeds the total amount that would be due as set forth in this subsection, then no final payment shall be due and the Consultant shall immediately reimburse the City for any excess paid.

B. In the event the services of the Consultant are terminated by the City for fault on the part of the Consultant, subsection A of this section shall not apply. In such event the amount to be paid shall be determined by the City with consideration given to the actual costs incurred by the Consultant in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or of a type which is usable by the City at the time of termination, the cost to the City of employing another person or firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the City of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made if subsection A of this section applied.

C. In the event this Agreement is terminated prior to completion of the work, the original copies of all work products prepared by the Consultant prior to termination shall become the property of the City for its use without restriction; provided, that any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.

10. **Termination by Consultant.** Consultant may terminate this Agreement only in response to material breach of this Agreement by the City, or upon completion of the work set out in the Scope of Work and any Extra Work agreed upon by the parties.

11. **Applicable Law; Venue.** The law of the State of Washington shall apply in interpreting this Agreement. Venue for any lawsuit arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Pierce County.

12. **Indemnification / Insurance.** Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

The Consultant shall secure and maintain in force throughout the duration of this contract comprehensive general liability insurance with a minimum coverage of $500,000 per occurrence and $1,000,000 aggregate for personal injury; and $500,000 per occurrence/aggregate for property damage.

Said general liability policy shall name the City of Bonney Lake as an additional named insured and shall include a provision prohibiting cancellation of said policy except upon thirty (30) days prior written notice to the City. A certificate of coverage as required by this section shall be delivered to the City within fifteen (15) days of execution of this agreement.

13. **Subletting or Assigning.** The Consultant shall not sublet or assign any of the work covered by this Agreement without the express written consent of the City.
14. **City Responsibilities.** The City of Bonney Lake will designate a project manager who will serve as Buxton's primary contact during the project. The City will provide the Consultant with the following information and reports: Logo (electronic version); addresses and descriptive information for up to three (3) sites that will be evaluated; current available traffic count data, digital street data; list of major, national or regional retailers present in the community; list of planned retail, either proposed or in development, in the community; list of major, national or regional retailers that have left the community; list of planned residential developments; housing start information; zoning and comprehensive plan documents; generally available community marketing data and reports.

15. **Entire Agreement.** This Agreement represents the entire Agreement between the parties. No change, termination or attempted waiver of any of the provisions of the Agreement shall be binding on any party unless executed in writing by authorized representatives of each party. The agreement shall not be modified, supplemented or otherwise affected by the course of dealing between the parties.

16. **Waiver.** Failure by any party to this Agreement to enforce any provision of this Agreement or to declare a breach shall not constitute a waiver thereof, nor shall it impair any party's right to demand strict performance of that or any other provision of this Agreement any time thereafter.

17. **Severability.** If any provision of this Agreement or its application is held invalid, the remainder of the Agreement or the application of the remainder of the Agreement shall not be affected.

18. **Execution and Acceptance.** This Agreement may be executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The Consultant hereby ratifies and adopts all statements, representations, warranties, covenants, and agreements contained in the supporting materials submitted by the Consultant, and does hereby accept the Agreement and agrees to all of the terms and conditions thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CITY OF BONNEY LAKE

CONSULTANT

By: ________________________________  By: ________________________________

Neil Johnson, Jr. Mayor

**Attachments:**

Exhibit A: Scope of Work/Deliverables/ Fee
Exhibit B: Rates
EXHIBIT A: SCOPE OF WORK

Utilizing data, methods and proprietary technologies developed specifically for matching retailers with communities; Buxton will assess the potential for the City of Bonney Lake to recruit and expand its retail sector, and will identify and provide marketing packages for specific retail targets.

Buxton’s initial analysis of up to three (3) distinct retail locations (Downtown, Midtown, and Eastown), will yield a recommendation of the site best positioned for retail recruitment. With that recommendation, the City of Bonney Lake will make a final determination of the retail site to be selected for retail matching. Once the site for retail matching is determined, Buxton will compare the site’s trade area with the established locations of individual retailers. This analysis will result in a preliminary list of matched retailers. Only retailers with locations in trade areas similar to the City of Bonney Lake’s trade area will be identified as potential matches. The preliminary list is then refined by Buxton on the basis of other retail location criteria to yield a list of up to twenty (20) specific, matched retailers for the City of Bonney Lake. Buxton will provide the list of matched retailers to the City of Bonney Lake for review and discussion. A marketing package will be prepared for each targeted retailer. The marketing packages are intended for presentation to retailers, as well as developers, potential franchisees, or other persons in a position to support the City of Bonney Lake’s retail goals. Each marketing package is unique to the specific targeted retailer, providing compelling and precise information that demonstrates the City of Bonney Lake’s qualifications as a location. Additionally, Buxton will contact each targeted retailer on behalf of the City of Bonney Lake. Buxton will notify the retailer that the City of Bonney Lake has been identified as a potentially viable location.

Specific work elements include:

RETAIL POTENTIAL AND RETAIL SITE DETERMINATION

1. Establishment of retail trade areas for each site based upon drive times
2. Analysis of the suitability of each site and its trade area. Factors considered include but are not limited to:
   a. Psychographic analysis of households. Demand for retail goods and services
   c. Existing retail and retail trends in the trade area and surrounding region
   d. Site setting, situation and configuration
   e. Growth plans and relevant developments
   f. Retail goals of the community
3. Buxton recommendation of the retail site and trade area with the most potential
4. Discussion and approval of a site with which to proceed to retail matching

IDENTIFICATION OF RETAIL MATCHES FOR SELECTED SITE

1. Comparison of site trade area with existing retail location trade areas
2. Identification of preliminary target list of matching retailers
3. Additional analysis of preliminary targets
4. Determination of recommended list of matching retailers
5. Discussion and approval of final list of matching retailers for which marketing packages will be prepared
PUBLISHING OF RETAIL MARKETING PACKAGES

Buxton will assemble individual marketing packages for each targeted retailer. Additionally, the city will receive a reference binder that includes information provided in the retailer marketing packages. Each marketing package will contain:

1. Map of the retail site and trade area
2. Map of potential customers for the retailer
3. Retail match report that compares the site's trade area characteristics with the retailer's similar existing locations
4. Demographic and psychographic analysis of the trade area
5. Explanation of Buxton's methodology

EXHIBIT B: RATES

1. The Consultant shall be compensated a lump sum fee of sixty three thousand dollars ($63,000.00) to complete the scope of work.

2. The consultant may submit vouchers to the City once per month during the progress of the work for partial payment for project completed to date, up to 80% of total project costs. Such vouchers will be checked by the City, and upon approval thereof, payment will be made to the Consultant in the amount approved.

3. Final payment of any balance due the Consultant of the total contract price earned will be made promptly upon its ascertainment and verification by the City after the completion of the work under this agreement and its acceptance by the City.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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**Explanation:**

**Agenda Subject:**


**Administrative Recommendation:** Staff recommends council approval.

**Background Summary:** The responsibilities of building officials are not limited to issuing permits and inspecting buildings. Building officials are required to administer and enforce policies, interpret and apply legal provisions and possess strong communication, personnel and financial management skills. Featured topics of the Code Official Institute include legal aspects of code administration, building department financial and personnel management, ethics in public life and increasing the credibility of the code official. Professionals need this knowledge, expertise, and experience for proper building department administration. This training would benefit the department and the community greatly.

This year the International Code Council Code Official Institute is being held on April 24-27 in Portland, Ore.

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**Signatures:**

- [Signature] Date City Attorney Reviewed: Not Yet Reviewed
- [Signature] Mayor
2006 Code Official Institute

April 24-27, 2006
Portland, Oregon

Cosponsored by the Oregon Building Officials Association

Daily Schedule
Sign-in: 8:00 am–8:30 am
Instruction: 8:30 am–4:00 pm

Code officials who seek to enhance their careers and are committed to exceptional public service and code administration should plan to attend the 2006 Code Official Institute, April 24–27 in Portland, Oregon. This institute is focused on strengthening your legal knowledge of code administration and enforcement and improving your communication, personnel management and financial management skills.

National professionals will share their knowledge, expertise and many years of experience as well as answer questions and discuss important issues surrounding building department administration and enforcement of laws and serving the public by ensuring that the safety contemplated by its various codes becomes an accomplished fact. Attendees will be able to interact with each presenter, gain valuable insight, share experiences and network with peers. Each attendee will also receive a comprehensive and up-to-date resource manual to reference during the event and after the event back on the job.

Earn CEUs/LUs*
*CEU recognition pending from state licensing boards. For continuing education information click here.

While this institute does not specifically prepare individuals for the CBO examination it provides an excellent opportunity for ICC certification renewal or preparation for career advancement.

Day 1, Monday, April 24

Building Department Financial Management
ICC CEUs: 0.6

Featured Instructor
TBD

http://www.iccsafe.org/training/COI/index.html

2/9/2006
Selected authority will provide instruction and examples, share his experience and facilitate discussion concerning managing building department finances, including:

- Budgeting
- Types of funds
- Budget process
- Cost and revenue controls
- Administrative reporting
- Records management
- Hardware and software for generating and maintaining administrative records, tracking inspections, performing plan reviews and issuing permits

Day 2, Tuesday, April 25

**Building Department Personnel Management**

ICC CEUs: 0.6

**Featured Instructor**

TBD

Selected professional will provide instruction, opportunities to practice key concepts and guide discussions focused on improving knowledge, skills and abilities in managing building department personnel, including:

- Establishing written job descriptions and policies
- Following standardized discipline and dismissal procedures and administrative due process
- Establishing training programs and assessment criteria
- Improving time management skills and workflow

Day 3, Wednesday, April 26

**Ethics in Public Life**

8:30 am–Noon (half-day session)

ICC CEUs: 0.3

**Featured Instructor**

TBD

Selected expert will cover topics and guide discussions aimed at raising the awareness and consciousness of ethical behavior in the code enforcement profession, including:

- Ethical theories
- Ethics and the code profession
- Stages of moral reasoning
- Process of ethical choice
- Solving ethical dilemmas

Day 3, Wednesday, April 26

**Increasing the Credibility of the Code Official**

1:00 pm–4:30 pm (half-day session)
Featured Instructor

TBD

Selected industry professional will facilitate this hands-on seminar to assist participants in improving professional presentation, personal interaction and work process skills, including:

- Communication skills
- Technical competencies
- Self-assessment inventory
- Developing an action plan
- Solving ethical dilemmas

Day 4, Thursday, April 27

Legal Aspects of Code Administration

ICC CEUs: 0.6

Featured Instructor

TBD

Selected industry expert will debrief course pre-work, facilitate discussion of case studies, describe specific legal situations and how they impact code officials and provide helpful tips focused on assisting participants to better understand how to:

- Gather evidence that substantiates a code violation
- Identify the party to be charged
- Determine ownership of property
- Designate and describe the charge
- Record date and time of offense
- Obtaining signature of complaining witness
- Draft written complaints and letters
- Exercise lawful right of entry
- Avoid written complaints and letters
- Use possible defenses or remedies to lawsuits

Timeline of Daily Schedule

8:00 a.m. Registration
8:30 a.m. Institute Begins
12:00-1:00 p.m. Lunch
4:30 p.m. Conclusion

Registration

$599 Member and $699 Nonmember

Your registration includes instructional materials, continental breakfast and lunch. One registration fee-no per day registrations. Registrations are taken up to the first day of the institute. Walk-ins are accepted.

- Online registration (opens new window)
- Fax/Mail registration form

**Location**

**Doubletree Portland Lloyd Center**
1000 Northeast Multnomah
Portland, OR 97232
Phone: 503-281-6111

Reservations must be made by March 26, 2006 in order to guarantee discounted rate. Reservations received after this date will be accepted based on space and rate availability.

- $104 plus tax, per night - standard room
- $114 plus tax, per night - premium room

Currently tax rate on guest rooms is $12.5%

[Click here](http://www.iccsafe.org) to view photos from the 2005 Code Official Institute.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

**Department/Staff Contact:** Gary Leaf, Asst. PW Director
**Council/Wrksht Mtg Date:** February 28, 2006
**Agenda Bill Number:** AB06-15

**Ordinance Number:** 1179

**Resolution Number:**

**Councilmember Sponsor:**

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**BUDGET INFORMATION**

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**Explanation:**

**Agenda Subject:** AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 19.06 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 1018 AND 1157, RELATING TO PARKS IMPACT FEES.

**Administrative Recommendation:** Support adoption of the new ordinance.

**Background Summary:** This raises the Park Impact Fee from the current $2,000 to the highest allowed amount of $2,893. This fee was calculated jointly by P&CD Planning Manager and the Assistant PW Director.

--These additional funds are needed because the City intends to apply for Interagency Committee (IAC) grant funding for the Fennel Creek Trail and a new ball field on the Moriarty property. IAC grants require a 50% match from the applicant. If park impact fees are below what they could be then these projects may be delayed or these matching funds will need to come from Real Estate Excise Tax or other General Fund revenue. This in turn could result in less money for streets, sidewalks, street lights, street sign, and other street maintenance and capital projects. Also competing for the same General Fund revenue will be new police officer hires and their associated equipment increases; new City staff facilities and parking; etc…

--Additions to the Park Element of the Comprehensive Plan are being developed by the Park Board for 2006 adoption. It is highly likely these changes will increase the maximum park impact fee substantially more than $2,893. However, the Park Board recommends raising the fee to the highest level allowed at this time, since it will take another eight to ten months to update the plan. **It is important to adopt the higher fee before the construction season is over this year or significant revenue will be lost.**

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ORDINANCE NO. 1179

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 19.06 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 1018 AND 1157, RELATING TO PARKS IMPACT FEES.

WHEREAS, the Council desires to increase the parks impact fee in order to provide adequate funding for planned park improvements necessitated by new growth in the City;

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

Section 1. BLMC section 19.06.050 and the corresponding portions of Ordinance Nos. 1018 § 1 and 1157 § 1 are hereby amended to read as follows:

19.06.050 Impact fee and establishment of service area.

A. Subject to the provisions of BLMC 19.06.060, the parks impact fee assessed pursuant to this chapter shall be $2,000 2,000 2,893.
B. The impact fee set out in subsection A of this section shall be updated annually at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index for the Seattle area, using a June-June annual measure to establish revised fee schedules effective July 1st of the current year.
C. For the purpose of this chapter, the entire city shall be considered one service area.

Section 2. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this 28th day of February, 2006.

______________________
Neil Johnson, Mayor

ATTEST:

APPROVED AS TO FORM:

______________________
Harwood T. Edvalson, CMC, City Clerk

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:
In 2005 the City Council approved an amendment to the City's Comprehensive Plan to include the recent purchase of the Moriarty property. That change to the plan allows park impact fees to be used in part to purchase that property along with other items in the Park Plan.

Impact fees are based upon the estimated cost of four key park needs identified in the Park Plan: neighborhood parks, community parks, trails, and a civic center. The cost for each component is translated into a cost per capita and then multiplied by 2.96 which is the ratio of persons per household in Bonney Lake as stated in the City's Comprehensive Plan. The costs are unique to Bonney Lake's situation and park needs. The total impact fee is equal to the sum of the parts.

The charts on the following page depict the breakdown of the components of the park impact fee included in last year's update to the plan. Council may increase the fee from the current level of $2,000 to the maximum fee of $2,993 or some number in between.

The Park Board is currently reviewing additional updates to the park plan that will undoubtedly increase the park impact fee even further. The most significant changes are in the cost of land acquisition and a refined estimate of the construction cost for the Fennel Creek Trail. The Park Board's review of the park plan will continue for the next several months. Because of the lengthy public review process as dictated by the Growth Management Act the new update will likely not be completed until late in 2006 or early 2007. In order to avoid a permanent and substantial loss of funds the Park Board recommends that the park impact fee be raised to the current maximum level at this time before the busy building season gets underway.

The additional funds are needed because the City intends to apply for IAC grant funding for the Fennel Creek Trail and a new ballfield on the Moriarty property. IAC grants require a 50% match. If park impact fees are below what they could be then more matching funds will need to come from Real Estate Excise Tax or other General Fund revenue which would then "crowd out" street or other projects. Before any changes can be made to impact fees the Council must arrange a public hearing before making a decision. Upon making a decision, implementation of any adopted changes to the fee can be done following a 30-day waiting period.
City of Bonney Lake
Components of 2006 Park Impact Fee

- Community Parks: $1,297
- Trails: $667
- Civic Center: $632
- Neighborhood Parks: $296
- Total: $2,893

Percentage Breakdown of 2006 Park Impact Fee

- Community Parks: 45%
- Civic Center: 22%
- Trails: 23%
- Neighborhood Parks: 10%
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

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**BUDGET INFORMATION**

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**Explanation:**

**Agenda Subject:** Reorganization of Executive Branch of City Government

**Administrative Recommendation:** Approve as written

**Background Summary:** This ordinance makes a number of modifications to the current organizational structure of the executive branch of city government. 1) It establishes a more formal structure and organization of the various departments and divisions of the City; 2) It re-establishes the position of City Administrator; 3) It creates a new Department of Community Services (taking the senior center from admin., and parks & facilities from public works) to better emphasize parks, trails, recreation, open space, senior services, and community service; and 4) It exempts the position of police chief from civil service. The position changes accompanying the reorganization will be incorporated into the revised 2006 budget and accompanying salary plan.

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**Council Action:**

**Council Call for Hearing:** Council Hearings Date:

**Council Referred Back to:** Workshop: Committee

**Council Tabled Until:** Council Meeting Dates:

**Signatures:**

Dir. Authorization: Mayor: Date City Attorney Reviewed:
ORDINANCE NO. 1181


WHEREAS, RCW 35A.12.090 vests in the Mayor the power of appointment and removal of appointive officers and employees subject to the laws and ordinances of City, and

WHEREAS, RCW 35A.11.020 vests in the City Council the power to organize and regulate the internal affairs of the City and to define the functions, powers, and duties of its officers and employees, and

WHEREAS, the City Council finds that a formal city organizational structure, including a delineation of the functions, powers and duties of the various city officers, would promote more responsive and accountable city government;

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

Section 1. A new Chapter 2.08 of the Bonney Lake Municipal Code is hereby established to read as follows:

Chapter 2.08.010 – City Appointive Officers. A. Pursuant to RCW 35A.12.020, the following shall be appointive officers of the City: City Administrator, Administrative Services Director/City Clerk, Police Chief, City Attorney, Public Works Director, Planning and Community Development Director, Community Services Director, and Chief Financial Officer.

B. The general functions, powers and duties of appointive officers shall be as provided in this chapter; provided, however that the general functions, powers and duties of the municipal court judge shall be as provided in Chapter 2.16.

C. Persons appointed by the Mayor to an appointive office described in this section shall be subject to confirmation by a majority of the members of the City Council. In the case of vacancies, the Mayor is authorized to employ an interim or acting officer for up to twelve (12) months without Council confirmation. Thereafter, any continued or new interim appointment shall be subject to Council approval.

D. All appointive officers shall serve at the pleasure of the mayor as per the provisions of RCW 35A.12.090.

Chapter 2.08.020 – City Departments and Offices Created. A. There is hereby created in the City of Bonney Lake the following offices and departments of city government: Executive Department, Office of the City Attorney, Office of Financial Services, Department of Administrative Services, Department of Public Works, Department of Planning and Community Development, Police Department, Department of Community Services, and Municipal Court.
Chapter 2.08.030 – Executive Department. A. The executive department shall consist of the Mayor, the City Administrator, and the Office of Financial Services.

B. Salary. The salary for the Mayor shall be established by ordinance of the City Council.

C. Mayoral Powers and Duties. 1. As provided in RCW 35A.12.100, the mayor is the chief executive officer of the city. He or she shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests. All official bonds and bonds of contractors with the city shall be submitted to the mayor or such person as he or she may designate for approval or disapproval. The mayor shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of all members of the council. The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the council members with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money. The mayor shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action. The mayor shall prepare and submit to the council a proposed budget, as required by Chapter 35A.33 RCW. The mayor shall have the power to veto ordinances passed by the council and submitted to him as provided in RCW 35A.12.130 but such veto may be overridden by the vote of a majority of all council members plus one more vote. The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions.

2. Oath, Affidavit and Signature Powers. The mayor and the deputy mayor shall have power to administer oaths and affirmations, take affidavits and certify them. The mayor, or the deputy mayor when acting as mayor, shall sign all conveyances made by the city and all instruments which require the city seal.

3. Ordinance powers, duties and responsibilities. Every ordinance which passes the council, in order to become valid, must be presented to the mayor. If he approves it he shall sign it, but if not, he shall return it with his written objections to be entered at large upon the journal and proceed to a reconsideration thereof. If, upon reconsideration, five members of the council voting upon a call of yeas and nays favor its passage, the ordinance shall become valid notwithstanding the mayor’s veto. If the mayor fails for 10 days to either approve or veto an ordinance, it shall become valid without his approval. The mayor is responsible for faithfully administering the laws and ordinances of the City.

D. City Administrator. The City Administrator shall be responsible to the Mayor for the general coordination and supervision of the activities of the various city departments and offices, subject to the directives of the mayor, and the resolutions and ordinances of the city. The City Administrator shall be generally responsible for promoting efficient and effective service delivery, and to see that departments are coordinating their activities and not working at cross purposes.

E. Office of Financial Services. The Office of Financial Services shall be under the supervision of a Chief Financial Officer who shall assist the Mayor and City Administrator in the preparation of the annual budget and all work incidental thereto; supervise and be responsible for the disbursement of all monies; monitor expenditures to ensure that budget appropriations are not exceeded and as otherwise provided by law and the rules and regulations of the State Auditor’s office relating to municipal corporations; maintain a general accounting system for the City
government and each of its offices and departments; administer the payroll system of the City; prepare and distribute to the city council and all department heads a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; prepare, as of the end of each fiscal year, a complete financial statement and report; supervise the collection of all taxes, special assessments, license fees and other revenues of the City; supervise investment of City funds; assist with, and facilitate, the purchase of supplies, materials, equipment and other articles used by any office or department of the City government.

Chapter 2.08.040 – Office of the City Attorney. A. Duties and Responsibilities. The City Attorney shall be the legal advisor to the Mayor and Council and of all of the officers, commissions and boards of the City in relation to matters pertaining to their operations in a governmental capacity. The City Attorney shall represent the City in all litigation, in all courts in which the City is a party or directly interested and shall prosecute all violations of the provisions of this Code and act generally as Attorney for the City and the several departments of the City government, together with such additional duties as the Council may prescribe by ordinance from time to time. In addition to the duties prescribed by the laws of the State of Washington, as hereinabove set forth, the City Attorney shall: attend all regular meetings of the Council or be represented by his assistant, if any; review and approve, as to form, all proposed ordinances, resolutions, leases, instruments of conveyances, contracts and agreements, and such other and similar instruments as may be required by the business of the City when requested to do so by the Council, Mayor, City Administrator, or department head; advise the Council, boards, commissions, department heads and other City officials and officers including the rendering of formal opinions when so requested, or when it appears to the Attorney advisable to do so; attend all sessions of the Municipal Court of the City and prosecute all violations of this Code brought in said Court if so directed; consult with and participate with other City officials or representatives of the City concerning settlement of claims against the City or its officials, officers and employees while acting in their official, governmental capacities; attend, when requested to do so, official meetings of any board or commission in connection with the proposed drafting of any ordinances, resolutions or contracts.

B. Outside Legal Counsel. Nothing contained in this section shall be construed as to limit the authority of the mayor or city council to independently retain outside legal counsel when in the judgment of the mayor or city council such counsel is needed or desirable, subject only to the availability of budgeted funds for such purposes.

Chapter 2.08.050 – Department of Community Services. A. The Department of Community Services shall be under the supervision of the Director of Community Services. The mayor may organize said department into distinct divisions including but not necessarily limited to the following: Parks, Recreation, Senior Center, and Facilities. The department director may serve as the manager of one or more divisions of the department.

B. The duties and responsibilities of the Department of Community Services shall include, but not necessarily limited to: providing a variety of services to senior citizens and operating the senior center; coordinating and/or sponsoring recreation programs; planning and maintaining municipal parks, trails, and open spaces; administering a community forestry program; maintaining the buildings and grounds of the City; planning and coordinating community events and festivals; serving as a central point of contact for general citizen service requests.

C. Senior Services Division. The Senior Services Division shall be under the supervision of the Senior Services Manager who shall have the duty and responsibility to plan, organize and
administer a variety of services for senior citizens; manage the Bonney Lake Senior Center;
coordinate with the Bonney Lake Area Senior Citizens non-profit corporation and other groups
who have a close relationship with the Senior Center; develop, schedule and oversee the
programs and services which are offered at the senior center; work with community agencies and
resources on the provision of senor services; work with private and public funding sources on
continued funding, and develop fund raising ideas for the Senior Center; assist in writing grants
for specific programs or capital expenditures; provide information and make appropriate referrals
for Bonney Lake senior adults needing assistance; and supervise the activities, programs, and
classes offered through the senior center.

Chapter 2.08.060 – Department of Public Works. A. The department of public works shall be
under the general supervision of a Public Works Director. The Mayor may organize the
department into different divisions including but not necessarily limited to the following: an
Engineering Division headed by a City Engineer, and a Maintenance and Operations Division
headed by an Assistant Public Works Director. The Public Works Director may serve as the
manager of one or more divisions or offices of the department as needed or assigned.

B. The duties and responsibilities of the Department of Public Works shall include, but
not necessarily limited to, the construction, operation and maintenance of all public streets,
sidewalks, alleys, bridges, viaducts, highways and rights-of-way, including the placement and
operation of signs, signals and lighting fixtures; the construction, operation and maintenance of
all public water supply, storage and distribution facilities, including water mains, pumping
stations, reservoirs, and wells; the construction, operation and maintenance of all sanitary sewers,
sewer facilities and appurtenances, including sanitary sewers, and pumping stations; the
construction and maintenance of all storm sewer facilities and appurtenances, including storm
sewers, drains, ditches, culverts and streams and watercourses under jurisdiction of the city; the
construction, maintenance and operation of all public parking lots; the cleaning of all streets and
alleys including snow removal operations; the control, management and supervision of the
equipment rental fund, including all associated city shops and garages; the making of all
necessary surveys, maps, drawings and documents and the preparation of contract drawings,
specifications, cost estimates, supervision of construction and inspection for all public works
construction; the development and maintenance of city parks and open spaces; and the cleaning
and maintenance of certain public buildings.

C. Engineering Division. The Engineering Division shall be under the supervision of a
City Engineer. The major purpose of the Engineering Division shall be to oversee the
environmental, transportation, utility, and other public work related engineering projects and
programs of the City to ensure technical competence and compliance with standards and codes.

D. Operations and Maintenance Division. The Operations and Maintenance Division
shall be under the supervision of an Assistant Public Works Director. The general purpose of the
Operations and Maintenance Division shall be to maintain and operate the water, sanitary sewer
collection, street, and storm water systems of the City. The Operations and Maintenance
Division shall also maintain the City’s fleet.

Chapter 2.08.070 – Department of Community Development. A. The Department of
Community Development shall be under the general supervision of a Community Development
Director. The mayor may organize the Community Development Department into different
divisions including but not necessarily limited to the following: a Planning Division headed by a
Planning Manager, and a Building Division headed by a Building Official. The department
director may serve as the manager of one or more divisions or offices of the department as needed.

B. The duties and responsibilities of the Department of Community Development shall include, but not necessarily limited to: supervise, administrate, and generally plan the physical development of the City; prepare the comprehensive and coordinated plans therefore; administrate, inspect, and enforce SEPA and all platting, zoning, environmental, and land use ordinances and regulations, and the establishment of proper liaison and cooperation thereof with other departments, commissions and agencies; prepare and administer department budget; provide information to the public, answer questions, advise clients, and staff the Permit Center; administer central permit issuance system and coordinate the review of permit applications and plans with other City departments or divisions; interpret, administer, and make recommendations for revisions to City building codes and assist the public with construction and development requirements; prepare reports and make presentations at dangerous building hearings; respond to citizen complaints and inquiries regarding code requirements; supervise field inspection of new and modified structures for conformity to codes; examine applications and enforce building codes; recommend revisions to City ordinances pertaining to code enforcement, inspection services, and permit issuance. The Department of Planning and Community Development shall coordinate the geographical information systems (GIS) of the City.

C. Planning Division. The Planning Division shall be under the supervision of a Planning Manager. The general purpose of the planning division shall be to administer the current and long range planning programs of the city related to the development and implementation of land use and related municipal plans and policies, to prepare and administer the official comprehensive plans and land use codes of the City, and to generally plan the physical development of the City.

D. Building Division. The Building Division shall be under the supervision of a Building Official. The general purpose of the building division shall be to administer and enforce the various building and related codes of the City and coordinate plan reviews, inspections, and enforcement actions.

Chapter 2.08.080 – Police Department. A. The Police Development shall be under the supervision of the Police Chief, who shall serve as the Chief Law Enforcement Officer of the City as provided in RCW 35A.12.020. The mayor may organize the police department into different divisions including but not necessarily limited to the following: Administration managed by a Lieutenant or similar command position, and Operations managed by a Lieutenant or similar command position. The Police Chief may serve as the manager of one or more divisions or offices of the department as needed.

B. Police Chief Exempted from Civil Service. The position of Chief of Police shall be excluded from civil service and the Bonney Lake Civil Service Commission Rules and Regulations pursuant to RCW 41.12.050(2).

C. The duties and responsibilities of the Police Department shall include all duties and responsibilities prescribed by city ordinance or resolution, as well as the provisions of state and federal law. The Police Department has all such authority, responsibility, and duties as are normal to municipal police departments, including, but not limited to, maintenance of the peace, issuance of citations, arrest and detention of persons committing criminal offenses or who are mentally ill, investigation of criminal activity, establishment and maintenance of intelligence files, production of scientific evidence, crime prevention, animal control, and such other duties as are set by ordinance of the City or by the laws of the State.
D. **Operations Division.** The Operations Division shall be under the supervision of a police lieutenant or similar command position. The general purpose of the Operations Division shall be to carry out the patrol, traffic, school resource, crime prevention, and related operational programs of the police department.

E. **Administrative Division.** The Administrative Division shall be under the supervision of a police lieutenant or similar command position. The general purpose of the Administrative Division shall be to carry out the investigations, records, property, evidence, training, and support services activities of the police department.

**Chapter 2.08.090 – Department of Administrative Services.**

A. The Department of Administrative Services shall be under the supervision of an Administrative Services Director. Administrative Services Director shall supervise the divisions and offices of the department, shall provide administrative assistance to the mayor as needed, and provide legislative support to the Council as requested. The mayor may organize the Department of Administrative Services into various offices and divisions including but not necessarily limited to the following: Office of the City Clerk headed by a City Clerk which may be the Administrative Services Director, Office of Human Resources headed by a Human Resources Officer, and Office of Information Services headed by an Information Services Coordinator. The department director may serve as the manager of one or more divisions or offices of the department as required. If so designated by the mayor, the Administrative Services Director shall also serve as the City’s designated risk manager. The powers, duties and responsibilities of the Department of Administrative Services and its various divisions and offices shall include, but not necessarily limited to the following:

B. **Office of the City Clerk.** The City Clerk shall be responsible for supervision of all city records, whether printed or electronic. The duties of the City Clerk shall include the performance of all duties as set forth in RCW 35A.42.040 and other statutes and ordinances applicable to the Office of the City Clerk.

C. **Office of Human Resources.** The Office of Human Resources shall be under the supervision of a Human Resources Officer. It shall be the duty and responsibility of the human resources office to recommend and administer the city’s human resources policies and programs; ensure compliance with statutory requirements and city policies and procedures relative to employment law, collective bargaining, and safety issues; develop, maintain, and administer a comprehensive benefits program for the employees of the city; maintain and update the city’s classification system; maintain the city’s salary schedules; develop recruiting plans and administer the selection and hiring processes for all city employment; coordinate with departments on the use of contract employees and employment agencies; represent the city in all collective bargaining and grievance issues; investigate and resolve employee relations issues; develop and administer the city’s safety programs; administer the city’s equal employment opportunities programs; maintain the data in the city’s human resources information system.

D. **Office of Information Services.** The Office of Information Services shall be under the supervision of the Information Services Coordinator. It shall be the duty and responsibility of the information services coordinator to manage the city-wide information technology/systems and telecommunication systems and activities; lead and develop technology strategic plans and implementation strategies; provide IT/IS leadership in integrating and aligning technology with city plans, goals and objectives; organize, manage and evaluate the Information Services Office and its operations to ensure effective support for organizational objectives and efficient and effective implementation of initiatives.
Chapter 2.08.100 – Municipal Court. A. The Municipal Court shall be organized and operate in accordance with the provisions contained in Chapter 2.16 of the Bonney Lake Municipal Code and the General Rules prescribed by the Washington State Courts system.

B. The Municipal Court shall be under the general direction of the municipal court judge and day-to-day supervision of the Court Administrator who shall manage and oversee all court functions, other than judicial functions.

Chapter 2.08.110 – Auditing Officer. Pursuant to the provisions of RCW 42.24.080, the position of auditing officer for the city is hereby established. The City Administrator or his/her designee is hereby designated as the Auditing Officer.

Chapter 2.08.120 – Position Classifications. Under the direction of the Administrative Services Director, the Human Resources Officer is authorized and directed to establish and maintain position classifications for all regular full-time and part-time positions in the City. Said classification specifications shall include, at a minimum, the essential duties and responsibilities of the position and the desired minimum qualifications. All position descriptions for newly created positions, except those of the appointive officers, shall be approved by the City Council, and such position descriptions shall be supplemental to any duties, responsibilities, and qualifications set forth in this Chapter. Any reclassifications or substantial revisions to the position descriptions that result in a change of salary grade shall be subject to review and approval of the City Council, or the Council Finance Committee if so authorized by the City Council.

Chapter 2.08.130. Appointment of Department Heads, Officers and Employees. A. All department heads, officers and employees of the City shall be appointed on the basis of their knowledge, ability, and skill to perform the essential duties and responsibilities of the position, as required by RCW 35A.12.090.

Section 2. Repealer. The following ordinances, or ordinance sections, are hereby repealed: Ordinance Nos. 205, 506, 506A, 543A, 690, 770, 774, 868, 782, 811, 813, 849, 851, 862, 883, 977, 983, Sections 6, 7 and 8 of Ordinance No. 543, and Sections 1 and 2 of Ordinance No. 851.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as required by law.

PASSED by the City Council this ______ day of ______________________, 2006.

________________________________________
Neil Johnson Jr., Mayor

ATTEST:

______________________________
Harwood T. Edvalson, CMC, City Clerk
APPROVED AS TO FORM:

James J. Dionne, City Attorney
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

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**BUDGET INFORMATION**

**2006 Budget Amount**

**Required Expenditure**

**Impact**

**Remaining Balance**

**Explanation:**

**Agenda Subject:**
A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, declaring an emergency and waiving competitive bidding requirements for replacement of a sewer trunk line.

**Administrative Recommendation:**
Recommend that the City Council declare an emergency and waive competitive bidding requirements for the failed pressurized sewer trunk line.

**Background Summary:**

**Chronology**

**January 10, 2006**
Sewer line break occurs at Riverside Road and SR 162. 30 inch concrete piping failed and partially blocked sewer main downstream of pressurized system and drop manhole.

**January 11, 2006**
During repair work of the gravity system it is discovered that the pressurized portion of the system upstream of the break (18 inch ductile iron pipe) had about 20 to 25% of the bottom section missing.

**February 6, 2006**
Coring pressurized line upstream (about 1.5 miles) resulted in a similar finding leading us to believe the pressurized system is allowing raw sewage to infiltrate into the ground as it travels down the main trunk line to the Sumner Treatment Plant.

To stop the ongoing infiltration of sewage into the surrounding ground, an alternate line needs to be installed to transport the sewage to the treatment plant.

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**Council Action:**

**Council Call for Hearing:**

**Council Hearings Date:**

**Council Referred Back to:**

**Workshop:**

**Committee**

**Council Tabled Until:**

**Council Meeting Dates:**

**Signatures:**

[Signatures] Date City Attorney reviewed
RESOLUTION NO. 1538

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, DECLARING AN EMERGENCY AND WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR REPLACEMENT OF A SEWER TRUNK LINE.

WHEREAS, the City operates a sanitary sewer utility, sending untreated wastewater to a wastewater treatment plant located in Sumner; and

WHEREAS, the City has discovered that significant portions of the bottom of the main trunk line to Sumner are missing, resulting in untreated wastewater leaking into the ground; and

WHEREAS, the City has further determined that portions of the line that are currently leaking may be susceptible to sudden and significant failure; and

WHEREAS, the current situation must be remedied as soon as possible in order to avoid potential damage to the public health and environmental, fish and wildlife resources, and in order to preserve the proper operation of the City’s sanitary sewer utility; and

WHEREAS, on the basis of the foregoing, the City Council finds that an emergency exists because the current unforeseen circumstances are beyond the control of the City and present a real, immediate threat to the proper performance of essential functions, and/or will likely result in material loss or damage to property, if immediate action is not taken;

NOW, THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby declare an emergency, and does hereby resolve that competitive bidding requirements are waived pursuant to RCW 39.04.280, and the Mayor is authorized to sign any and all necessary documents for the commencement of the emergency sewer line replacement. The waiver of competitive bidding requirements provided for herein shall be as limited as possible, and the Mayor is directed to utilize competitive bidding procedures for such portions of the work as he determines not to be of an emergency nature.

PASSED by the City Council this 28th day of February, 2006.

______________________________
Neil Johnson, Mayor
ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

__________________________
James Dionne, City Attorney
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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<td>PW Director Grigsby</td>
<td>February 28, 2006</td>
<td>AB06-42</td>
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<tr>
<td>Ordinance Number:</td>
<td>Resolution Number:</td>
<td>Councilmember Sponsor:</td>
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**BUDGET INFORMATION**

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**Explanation:**

**Agenda Subject:** 192nd Ave E Corridor Study

**Administrative Recommendation:** Adopt Resolution 1539 to: 1) Approve the 192nd Corridor Study as presented with the Draft and Supplemental documents at the two workshops; 2) Proceed with Design; 3) Proceed with Right of Way (ROW) Acquisition. The final study will be attached to the resolution and distributed when available.

**Background Summary:**

Project scope includes Phases I and II.
- Phase I is from SR410 to 104th St ($11.4 M with $1.9 M (17%) from utility funding).
- Phase II is from 104th Street to Rhodes Lake Road ($3.09 M with $0.7 M (22.7%) from utility funding).
- These planning level cost figures include 30% Contingency and 25% Design costs.

At 30% design, we will have a much more accurate cost estimate with approximately 10-15% for Design and 5-10% for contingency. At 30% design we will also identify the Right of Way parcels that need to be purchased. A ROW acquisition plan will be prepared.

Design will stop at 30% to maximize the amount of funding available for ROW acquisition. 30-100% design would proceed only when the City Council has agreed to proceed with construction of this project. $1,000,000 in a Public Works Trust Fund loan is available for this pre-construction work.

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**Council Action:**

**Council Call for Hearing:**

**Council Hearings Date:**

**Council Referred Back to:** Workshop:

**Council Meeting Dates:** 2/21/06

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<td>Dept. Dir.</td>
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RESOLUTION NO. 1539

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, APPROVING THE 192\textsuperscript{ND} CORRIDOR STUDY AND DIRECTING THE MAYOR TO PROCEED WITH PARTIAL DESIGN AND RIGHT-OF-WAY ACQUISITION.

The City Council of the City of Bonney Lake, Washington, does hereby resolve as follows:

1) The City Council accepts the 192\textsuperscript{nd} Avenue East Corridor Study as presented at the previous Council Workshops with accompanying supplemental documents; and

2) The Mayor is directed to proceed with 30\% design and acquisition of right-of-way;

3) A final copy of the study will be filed with this resolution when compiled by the City’s consultants.

\textbf{PASSED} by the City Council this 28\textsuperscript{th} day of February, 2006.

\underline{Neil Johnson, Mayor}

ATTEST:

\underline{Harwood T. Edvalson, City Clerk}

APPROVED AS TO FORM:

\underline{James Dionne, City Attorney}
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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<td>February 28, 2006</td>
<td>ABO6-40</td>
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BUDGET INFORMATION

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Explanation:

Agenda Subject:
Brookside Phase 3 Final Plat

Administrative Recommendation: Approve and accept the Final Plat for the Brookside Phase 3.

Background Summary:

The applicant seeks final plat approval for the Brookside PUD Phase 3. This is the final phase of the Brookside subdivision. The Brookside PUD Phase 3 contains 116-lots that received planned unit development approval from the City of Bonney Lake Hearing Examiner on January 16, 2003. The site also contains a public road system, eight tracts that include pocket parks, steep slopes, private driveway access, and sewer lift station. The site is situated along 100 Street Court East west of the Brookwater development.

Staff has determined that this development meets the Hearing Examiner Conditions of Approval, and the applicant has provided bonding for those conditions that cannot be accomplished immediately. The staff findings and conditions of final approval are contained in the staff report.

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Council Action:

Council Call for Hearing: Council Hearings Date:  
Council Referred Back to: Workshop: Committee  
Council Tabled Until: Council Meeting Dates:  

Signatures:  
Dept. Dir.  Mayor  Date City Attorney reviewed
PROJECT DESCRIPTION:
The applicant seeks final plat approval for the Brookside PUD Phase 3. This is the final phase of the Brookside subdivision. The Brookside PUD Phase 3 contains 116-lots that received planned unit development approval from the City of Bonney Lake Hearing Examiner on January 16, 2003. The site also contains a public road system, eight tracts that include pocket parks, steep slopes, private driveway access, and sewer lift station. The site is situated along 100 Street Court East west of the Brookwater development.

APPLICANT:  
Brookfield III, LLC  
Martin D. Waiss  
1302 Puyallup Street, Suite 200  
Sumner, WA 98390

AGENT:  
Apex Engineering, PLLC  
Dennis Hanberg  
2601 South 35th Street, Suite 200  
Tacoma, WA 98409

SITE LOCATION:  
The project is located at 100th Street Court East west of the Brookwater development within the corporate limits of the City of Bonney Lake, within the NE ¼ and SE ¼ of Section 4, Township 19 North, Range 5 East.

DATE APPLICATION DEEMED COMPLETE:  
The Department of Planning and Community Development deemed the final plat application complete on November 5, 2005.

ATTACHMENTS:  
1. Final Plat Print dated December 14, 2005.

STAFF FINDINGS:

1. The proposed final plat and PUD of Brookside satisfies the subdivision criteria set forth in Section 17.16 BLMC. The proposed plat makes appropriate provision for the public health, safety, and welfare for open spaces, drainage ways, streets, roads, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds, and safe walking conditions.

ADHERENCE WITH CONDITIONS OF APPROVAL:
The following is based on the conditions of approval of the hearing examiner report dated January 16, 2003:

1. The proposal shall conform to the following City of Bonney Lake regulations and standards in effect on the date that the application was deemed complete, August 4, 2000:
   - BLMC Title 12 Streets, Sidewalks and Public Places
   - BLMC Title 13 Public Services
   - BLMC Title 15 Buildings and Construction
   - BLMC Title 16 Environmental Protection
   - BLMC Title 17 Subdivisions
   - BLMC Title 18 Zoning
   - BLMC Title 19 Concurrency Management

Finding: The preliminary plat application was deemed complete on August 4, 2000. The proposed final plat meets the requirements of the above mentioned portions of the Bonney Lake Municipal Code.

2. The applicant shall comply with the conditions of the MDNS issued on October 9, 2002.
Conditions of the Mitigated Determination of Non-significance:

EARTH

1. Prior to final plat approval for each phase of the PUD, the proponent shall submit a summary report to the City of Bonney Lake certifying that the construction of the site improvements has been completed in accordance with the geotechnical recommendations and that all compacted fills have been properly placed, compacted, and tested as they were being placed.

2. Only clean fill should be used for the project and any other material, such as waste concrete and asphalt, are considered solid waste and would require a permit through the Tacoma-Pierce County Health Department before use.

3. Temporary erosion and sedimentation control measures shall include, but not be limited to, silt fencing or other Best Management Practices (BMP's) as approved by the City Engineer on the down slope of lots adjacent to the project boundary, wetland tracts, and stormwater tracts. There shall be a designated construction entrance for all vehicles to limit tracking of mud onto the streets. If sediment is deposited, it shall be cleaned up at the end of every day during construction utilizing sweeping or shoveling. Water cleaning shall only be used after the area has been swept or shoveled.

4. Prior to approval of a reduction in setback from the steep slopes to 15 feet, a letter from the proponent's geotechnical engineer shall be provided based upon field verification, which indicates the slope soils are comprised of glacial till. Field verification shall be performed prior to footing placements.

5. The top of slope appears to nearly coincide with the rear property line for lots 125 to 213, adjacent to Tract O as depicted on the preliminary site plan dated March 16, 2001. A potential reduction in slope setback to 15 feet on these lots shall not be construed as a potential reduction in the required rear yard setback of 20 feet. The undisturbed 15-foot buffer shall be maintained from the top of the slope.

SURFACE WATER

1. A surveyor shall install permanent blue wetland outer buffer boundary markers placed on stakes spaced no greater than 30 feet apart prior to the start of any site preparation activities. An affidavit of buffer boundary posting shall be submitted to the Department of Community Development with a wetland site plan prior to recording with the Pierce County Auditor. Recorded copies of the buffer boundary posting affidavit shall be submitted to the Department prior to the issuance of building permits.

2. All storm drains within the development should be stenciled “Dump No Waste, Drains to Groundwater.”

NOISE

1. To mitigate noise impacts associated with the proposal, all construction shall occur between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless otherwise authorized by the Department of Planning and Community Development.

RECREATION

1. Community park facilities shall be located within the plat at the level of service standard identified in the City of Bonney Lake Parks, Recreation and Open Space Plan. At the discretion of the applicant, the plat shall be redesigned to include a community park or as an alternative to dedicating a community park within the project, the proponent may elect to pay a fee-in-lieu of dedication to be negotiated between the proponent and the City of Bonney Lake.

2. The site plan shall be revised to show the size and location of a play area for young children (e.g. “tot lot”) with “big toy” installations on one of the tracts of the PUD designated as a “Pocket Park” on the Conceptual Landscape Plan dated and stamped April 25, 2001 to provide additional, year-round, outdoor active recreation opportunities for residents.

HISTORIC AND CULTURAL PRESERVATION

1. If during construction any significant cultural or historical artifacts are uncovered, the Muckleshoot Tribe and the Washington State Historic Preservation Office in Olympia shall be notified at (360) 753-4405.

TRANSPORTATION

1. To mitigate traffic impacts to off-site intersection and roadways associated with the subject proposal pursuant to the City's traffic consultant review letter dated September 18, 2002, the proponent shall provide the following for off-site improvements prior to final plat approval:
Off-Site Intersection and Roadways
a. Construct a 100-foot right turn lane on 104th St. to the plat entrance at 196th Avenue.
b. Construct a 100-foot right turn lane on 104th St. to 198th Avenue.
c. Install a 2-inch asphalt overlay to 200th Avenue, between South Prairie Road and 104th Street.

Proportionate Share of Off-Site Improvements
d. Pay proportionate share of $46,535 (11.5%) for widening and improvements to South Prairie Road, between SR-410 and the Bonney Lake city limits.
e. Pay proportionate share of $41,250 (16.5%) for installation of a traffic signal system at 104th Street and 198th Avenue intersection.
f. Pay proportionate share of $43,200 (11.5%) for intersection and traffic signal upgrades at SR-410 and Old Buckley Highway.

2. The proposed site accesses and the internal road network shall be constructed in accordance with current City of Bonney Lake road standards.

PUBLIC SERVICES
1. The applicant shall negotiate an agreement with the Sumner School District to mitigate the impacts that the proposed development will have on the capital facilities of the Sumner School District per the district’s letter of August 17, 2000.

Finding: All mitigation measures included within the MDNS have been completed. Public Works conducted their final inspections on February 23, 2006. All site work has been completed in accordance with the site development plans approved December 29, 2003. The applicant has a recorded agreement with the Sumner School District and the Pierce County school impact that is in affect at the time of building permit issuance will be paid directly to the school district. However, the City recently adopted a school impact fee ordinance similar to the mitigation agreement. School impact fees are still due at building permit issuance. No historical or cultural artifacts were discovered during the development of the site. The applicant has provided recreational open spaces as well as children play areas with “big toy” equipment as shown in the landscape plans approved July 6, 2004.

3. A landscaping plan and irrigation plan according to the requirements of BLMC 16.12 shall be approved prior to issuance of building permits.

Finding: A final landscape plan has been approved by the City of Bonney Lake on July 6, 2004.

4. The applicant is proposing to develop Tract B as a combined retention/detention/active open space area. The stormwater facilities shall not have a maximum slope greater than 5:1 while meeting all the requirements of the stormwater manual and providing adequate active open space to meet the requirements of a PUD. Based on the landscaping plan dated August 8, 2002 Tract B shall be deeded to the City of Bonney Lake and become a public park and those tracts identified as “Pocket Parks” shall be become parks maintained and owned by the homeowner’s association.

Finding: This condition was satisfied during Phase 1 and does not apply to Phase 3.

5. Each of the open space tracts not proposed for recreational development shall be maintained in a natural vegetative state. The City of Bonney Lake may approve limited limbing of trees after review and approval of a tree-liming plan.

Finding: The open space tracts not proposed for recreational development (i.e. wetland and steep slope tract) have been maintained in the natural vegetative state.
6. Street trees shall be provided throughout the plat at the rate of 1 tree per 30 feet of street. Street trees shall be provided along both sides of the streets within the PUD. The applicant shall be responsible for installing all street trees and planter islands and shall complete their installation prior to final plat approval. Trees, planter islands, and curb cuts/driveway drops that are located on individual lots shall be the responsibility of each individual lot owner/builder and shall be complete before issuance of the certificate of occupancy for the dwelling unit on that lot.

Finding: Street trees will be provided throughout the subdivision on both sides of the street at a rate of 30 feet on center. The landscape plan was approved by the planning department on July 6, 2004. The applicant is bonding the landscaping and will be completed as the construction of homes is going on.

7. A 20-foot wide greenbelt that preserves the existing trees and upgraded as needed to achieve the required level of screening required by the City of Bonney Lake code shall be provided along the southern and eastern boundary of the PUD where residential lots are proposed for buffering the adjacent properties from the PUD. If any restrictions on use of the existing water line easement proposed for the greenbelt affect the required buffer, the applicant shall provide an alternate buffer that meets the City’s requirements.

Finding: There is a twenty foot wide landscape easement across the lots along the western and southern boundaries of the subdivision. This area will remain natural. Future homeowners could plant additional landscaping within the easement but removal of any vegetation requires prior approval of the city.

8. The final engineering plans shall be revised to show the size and location of a play area for young children (e.g. “tot lot”) with a “big toy” installations on one of the tracts of the PUD designated as a “Pocket Park” on the Conceptual Landscape Plan dated August 8, 2002 to provide additional, year-round, outdoor active recreation opportunities for residents.

Finding: The landscape plan approved on July 6, 2004 shows the location of a two tot-lots with children play equipment.

9. Tract of portions of tracts that are being counted towards the 10% “flat and usable” recreation space requirements shall be labeled either “active recreational” or “passive recreational” on the final site development plans. Active recreational tracts shall not have slopes greater than 2% to qualify for the “flat and usable” criterion for PUD approval. Passive recreational tracts may have slopes up to 4% to qualify for the “flat and usable” criterion. Trails count towards the 10% “flat and usable” recreation requirement may be located within the other open space tracts with limited grading after review and approval of a trails plan by the City of Bonney Lake prior to final plat approval. All trails shall be a minimum of four feet in width and have a cross slope that does not exceed 1:20 (5%).

Finding: The final plat document references each tract and whether the open space is recreational or passive. The site has been inspected to verify that the recreational tracts do not have a slope greater than 2% and the passive recreational tracts do not have a slope greater than 4%. Trails are not part of Phase 3.

10. A surveyor shall install permanent blue wetland outer buffer boundary markers placed on stakes spaced no greater than 30 feet apart prior to the start of any site preparation activities. An affidavit of buffer boundary posting shall be submitted to the Department of Community Development with a wetland site plan prior to recording with the Pierce County Auditor. Recorded copies of the buffer boundary posting affidavit shall be submitted to the Department prior to the issuance of building permits.
Finding: The applicant has verified that the blue wetland signs are still located along the buffer boundary of the wetland. Staff has also verified that the blue wetland signs remain.

11. Final development plans for the PUD that are pursuant to Chapter 18.36.040 BLMC shall be approved concurrent with the final plat and prior to the issuance of building permits.

Finding: The applicant has submitted the required elements of Section 18.36.040 BLMC. The applicant has also submitted As-Built drawings. Public Works approved the as-builts on February 23, 2006.

12. Pursuant to Chapter 15.13 BLMC, and the City of Bonney Lake Development Policies and Public Works Standards Manual, a storm drainage plan and subsequent installation of an approved stormwater management system on the site shall be required. Potential significant adverse environmental impacts associate with increased stormwater runoff from the development are adequately mitigated by compliance with this regulation.

Finding: The site development plans were approved by the City Engineer on December 29, 2003.

13. The final geotechnical report shall address the Highly Potential Geologic Hazardous Areas, as defined in Chapter 16.20.390 BLMC that have been identified within and immediately adjacent to the site. In addition, per BLMC 16.20.410(D), if site development occurs on or adjacent to a geological protection easement, then a 15-foot undisturbed buffer of native vegetation shall be established from the top, toe, and sides of all nondevelopable geological hazard areas. The buffer may be reduced after City review based on expert verification and information. An additional 10-foot building setback from all buffers or easements shall be required and shall be shown on the site plan. If needed, the location of buildable areas on individual lots shall be adjusted to not impact the required buffer areas.

Finding: The City of Bonney Lake has received a final geotechnical report. The steep sloped area has been set aside in a separate tract and the buildings shall be setback in accordance with the hearing examiner conditions.

14. All clearing, grading, and other site development on the project shall be performed in accordance with approved site development plans. The construction of the project shall comply with applicable City and State regulations, including the recommendation of the Preliminary Geotechnical Report prepared by Associated Earth Sciences and the letter prepared by ADePT and a final geotechnical report that will need to be prepared prior to final site development plan approval. These regulations are imposed under the authority of Section 16.20.380 through 16.20.480 BLMC.

Finding: Reports have been provided to the Public Works Department by Associated Earth Sciences, Inc. and Parametrix that all clearing, grading, and other site development on the project has been performed in accordance with the approved site development plans.

15. Limited grading of geologically hazardous areas is approved. Grading activities shall be limited to residential lots and rights-of-way. No grading shall be permitted within open space tracts not identified for active recreational areas.

Finding: Grading has not taken place within open space tracts not identified for active recreational areas. Inspections of the site work with subsequent reports have been provided to the city and all work has been in accordance with the approved site development plans.
16. Prior to final plat approval of the PUD, a geotechnical summary report shall be submitted to the City of Bonney Lake certifying that the site improvements have been completed in accordance with the geotechnical recommendations and that all compacted fills have been properly placed, compacted, and tested.

Finding: The applicant has submitted a geotechnical summary report that has verified the site improvements were completed in accordance with the geotechnical recommendations. Compaction reports have been submitted by Terra Associates, Inc. and Associated Earth Sciences, Inc. throughout the site development process of Phase 3.

17. The geotechnical summary report shall note that all of the finished lots may be built upon without additional geotechnical consultation or special engineering. In the event that specific lots are identified during the review of the site development plans, additional geotechnical engineering shall be required prior to final plat approval.

Finding: The geotechnical summary report noted that all the finished lots may be built upon without the additional geotechnical consultation or special engineering. The site development plans were approved December 29, 2003 as well as the geotechnical report. Terra Associates, Inc. and Associated Earth Sciences, Inc. have provided continual reports throughout the development of the site for Phase 3 to verify that all work has been in accordance with the geotechnical recommendations and with the approved site development plans.

18. Pursuant to Chapters 15.13 and 15.20 BLMC, a temporary erosion and sediment control plan shall be required to be approved and implemented on the site before and during site development. Potential significant adverse environmental impacts associate with erosion and sedimentation are adequately mitigated through compliance with this regulation.

Finding: Grading and Filling plans were approved by the Public Works Director on September 9, 2003 that included an erosion and sediment control plan. The site development plans were approved by the City Engineer on December 29, 2003. All work has been in accordance with the approved plans.

19. All grading and filling must utilize only clean fill, such as dirt and gravel. All other materials, including waste concrete and asphalt, are considered solid waste and permit approval must be obtained through Tacoma-Pierce County Health Department prior to filling.

Finding: The applicant has met this requirement by utilizing clean fill. Continual inspections of the site development work have been completed and the city supplied with daily reports.

20. All cul-de-sacs shall be constructed with 45-foot radii of paved surface to accommodate emergency fire apparatus.

Finding: The site development plans were approved on December 29, 2003. All cul-de-sac roads have been constructed with 45-foot radii of paved surface with a 50-foot right-of-way. The public works department completed a final inspection on February 23, 2006.

21. All curbs shall be constructed to vertical curbs.

Finding: All curbs are vertical, as verified by City Staff on February 23, 2006.

22. Fire hydrants and mains capable of providing the required fire flow shall be provided throughout the plat. Maximum spacing between fire hydrants shall not exceed 600 feet with no lot more than 400 feet from a fire
Finding: On December 29, 2003 the Fire Marshall and City Engineer approved fire hydrant locations, as part of the site development plans.

23. The proposed site accesses and the internal road network shall be constructed in accordance with current City of Bonney Lake road standards subject to the MDNS mitigation measures of October 9, 2002 and any variances granted.

Finding: All roads have been constructed in accordance with current City of Bonney Lake road standards and as required in the MDNS. The Public Works Department completed a final inspection on February 23, 2006.

24. The proponent shall acquire a Forest Practices Permit, if required by the Department of Natural Resources, and shall provide documentation to the City prior to final plat approval.

Finding: The applicant acquired a Forest Practice Permit September 2003. The city approved the Land Clearing/Tree Removal permit on September 2, 2003 and waived the 14-day comment period for the Department of Natural Resources permit. Grading plans were approved on September 9, 2003.

25. The applicant shall delineate the 100-year floodplain and establish base flood (100-year) elevations and that subsequent development shall comply with City regulations for floodplain areas.

Finding: The applicant's surveyor has verified that 100-year floodplain does not exist on site.

26. If the conceptual stormwater system changes to a detention system from an on-site infiltration system, a Department of Ecology General Baseline Permit shall be required prior to issuance of site development permits. A Construction Activity general permit shall be obtained by the applicant prior to the issuance of site development permit because more than five acres will be disturbed.

Finding: A General Baseline and Construction permit is only required when the project is detaining the stormwater. The development is utilizing infiltration for stormwater. However the applicant did apply for the General Baseline Permit and Construction Activity general permit on June 28, 2004 to cover all their bases. The permit was issued August 7, 2004.

27. As required by the Tacoma-Pierce County Health Department, prior to approval of the water supply to the development, a Certificate of Water Availability is required per WAC 246-290 and Pierce County Ordinance 86-116S4. The final plat portion of the Water Availability must be signed by the water purveyor, the City of Bonney Lake, prior to final plat approval.

Finding: By having the City Engineer sign the final plat document this certifies that water is available to the development.

28. Tracts Q-AA labeled as Shared Driveways shall be provided for access and utilities on the lots noted on the site plans.

Finding: The tracts have been re-labeled. There are two shared driveways within Phase 3 and are labeled Tracts D and H. The ownership and maintenance of these tracts are the responsibility of the property owner of the lots using the driveways.
29. As per BLMC 18.36.050(T) as part of the final plat process the applicant shall provide the necessary instrument to insure the perpetual maintenance of all non-dedicated access ways and all other areas used or available for use in common by the occupants of the PUD.

Finding: Notes referencing each tract is on sheet two of the final plat document. All open space tracts are to be owned and maintained by the homeowners association. The stormwater tracts are dedicated to the City of Bonney Lake. Tract C is for the sewer lift station and will be dedicated to the City of Bonney Lake. The applicant has also recorded CC&R's for the development.

30. The applicant shall mitigate the impacts that the proposed development will have on the capital facilities of the Sumner School District per the district’s letter of August 17, 2000 and the School Mitigation Agreement of August 2, 2002.

Finding: The applicant shall pay the Pierce County school impact to the Sumner School District at the time of building permit issuance and supply the City of Bonney Lake with a copy of the receipt showing payment per the mitigation agreement of August 2, 2002. However the City recently adopted a school impact fee ordinance. The fee is assessed at building permit issuance and paid directly to the school district.

31. If during construction any significant cultural or historical artifacts are uncovered, the Muckleshoot Tribe and the Washington State Historic Preservation Office in Olympia shall be notified at 360-753-4405.

Finding: During the site development work no significant cultural or historical artifacts were uncovered.

32. Within five years after approval of the preliminary plat by the Hearing Examiner, a final plat shall be filed with the Department of Planning and Community Development. The final plat may be phased, but all phases shall be completed within five years of approval of the preliminary plat.

Finding: Preliminary plat approval was granted January 16, 2003 by the Hearing Examiner. The applicant submitted the final plat on October 27, 2005 and was determined complete on November 5, 2005.

33. All storm drains within the development shall be stenciled “Dump No Waste, Drains to Stream” (or groundwater, wetlands, or Lakes, etc. as appropriate).

Finding: The storm drains within the development have been stenciled as verified by City staff on February 23, 2006.

34. Temporary erosion and sedimentation control measures shall include, but not be limited to, silt fencing or other Best Management Practices (BMP’s) as approved by the City Engineer on the down slope of lots adjacent to the project boundary or wetland tracts. There shall be a designated construction entrance for all vehicles to limit tracking of mud onto the streets. If sediment is deposited, it shall be cleaned up at the end of every day during construction utilizing sweeping or shoveling. Water cleaning shall only be used after the area has been swept of shoveled.

Finding: The applicant has established erosion and sedimentation control measures through the site development plans approved on December 29, 2003. A designated construction entrance has
been established through as part of the site development and approved by the Public Works Department.

35. The transportation mitigation measures as outlined in the MDNS dated October 9, 2002 shall be complied with prior to final plat approval. The applicant may provide a payment in-lieu of constructing the required right-turn lanes.

Finding: The project was required to construct a 100-foot right turn lane at 104th Street East/196th Avenue East, construct a 100-foot right turn lane at 104th Street East/198th Avenue East, and construct a 2” asphalt overlay on 200th Avenue East between South Prairie Road and 104th Street East. Public Works will require the construction of the right-turn lanes.

A proportionate share is to be paid in the amount of $41,250 for site specific projects. These improvements are to be completed as part of the Phase 3 Final Plat process. Traffic impact fees will be paid by the builder at the issuance of building permits. The traffic impact fees take into account items “d” and “f” under the MDNS conditions.

Public Works conducted their final inspection on February 23, 2006. The road improvements have been completed.

36. The applicant and the City shall work with Brookfield Homeowners Association in an effort to reduce the impacts on existing subdivision roads and to prohibit traffic from traveling through the Brookfield I internal plat roads.

Finding: Staff will be monitoring the traffic of Phase 1 and 2 once the homes are built and assess at that point if traffic calming devices are warranted or the possibility of reducing the speed limit. The developer also installed two roundabouts to slow the traffic along 100th Street Court East.

37. The applicant shall not construct fences south of the retention areas and along Springwood Drive East unless required by the BLMC.

Finding: The applicant has not constructed fences along the Springwood Drive East or south of the retention areas. Staff conducted a final inspection of the site February 23, 2006.

38. The applicant shall retain as many trees as reasonably possible along the north border of Brookfield I planted by the homeowners. Prior to removing any such trees, the applicant must obtain specific approval from the Planning and Community Development Department.

Finding: Native vegetation has been retained in the open space tracts not used for recreation (i.e. wetland and steep slope tracts).

39. All mitigation measures set forth in the MDNS dated October 9, 2002 shall be complied with.

Finding: The applicant has complied with all mitigation measures within the MDNS.

40. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may required further and additional hearings.
Finding: There have been no substantial changes to the plans, proposals, or conditions of approved imposed that would warrant approval of the hearing examiner or additional hearings.

41. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

Finding: The site development work has been accordance with the approved plans dated December 29, 2003 which conform to the requirements of the Bonney Lake Municipal Code and the Public Works Standards. The applicant has complied with the conditions of approval set forth by the Hearing Examiner as well as the mitigation established by the approved Mitigation Determination of Nonsignificance.

ADHERENCE WITH BONNEY LAKE REQUIREMENTS FOR FINAL PLAT (BLMC 17.16):

17.16.010 Time for filing
A. Within five years after approval of the preliminary plat by the hearing examiner, a final plat shall be filed with the director of planning and community development.

Finding: The preliminary plat was approved on January 16, 2003. Therefore, the final plat application deemed complete on November 5, 2005 complies with the requirements of BLMC 17.16.020 – Time for filing.

17.16.020 Application requirements.
The person applying for final plat approval shall furnish the following when the final plat is submitted:
A. Final plat drawings clearly and legibly drawn on 18- by 24-inch sheets of stable base mylar polyester film or equivalent approved material, which generally conform to the approved preliminary plat and include:
   1. All township, range, section lines and municipal boundaries lying within or adjacent to the subdivision;
   2. The location of survey monuments or other evidence used as ties to establish the subdivision’s boundaries;
   3. The location of all permanent control monuments found and established within and adjacent to the subdivision;
   4. The boundary of the subdivision, depicted in heavier lines than appear elsewhere on the plat, with complete bearings and lineal dimensions with ties to monumentation;
   5. The boundaries of all lots and blocks and rights-of-way, including the length and bearings of all straight lines and the radii, arc lengths, semitangents and delta angle of all curves, with radial bearings at the beginning and ending of all nontangent curves;
   6. The width, centerline, and name or number of all streets within and adjoining the subdivision;
   7. The width, disposition, and description of all easements with the location shown with broken lines;
   8. Numbers assigned to all lots and letters assigned to all tracts;
   9. All dedications of streets or other areas to the public or other organization. Roads not dedicated to the public must be clearly marked on the face of the plat as “private”;
   10. Location and disposition of any wells, creeks, drainage courses, septic tank drain fields, wetlands and 100-year floodplain within the subdivision;
11. Minimum building setback lines from property lines, wetlands, streams or steep slopes;

B. A surveyor’s seal and signature and certification that monuments have been set and that the lots and streets can be properly located on the ground;

C. A title report showing ownership and certification that the person(s) applying for the plat can convey title to land within the plat;

D. Certification that all lots meet minimum zoning requirements;

E. Certification that roads, utilities, drainage facilities, and related infrastructure have been built or provided for;

F. If the plat is subject to a dedication, a certificate containing the dedication of all streets and other areas, signed and acknowledged before a notary public by all parties having an ownership interest in the lands subdivided;

G. A statement of approval by the city engineer;

H. A statement of approval by the fire marshal of Pierce County Fire Protection District No. 22;

I. A statement of approval by the director of planning and community development;

J. Space for the signature of the mayor, signing for the city council, to accept the public rights-of-way and approve the plat;

K. Certification by the Pierce County treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been paid, satisfied or discharged;

L. An itemized bill of sale showing value of infrastructure improvement;

M. A guarantee and maintenance bond for infrastructure;

N. A fee in the amount set by city council.

Finding: The final plat document meets the requirements of BLMC Section 17.16.020.

PROPOSED CONDITIONS OF FINAL PLAT APPROVAL:

1. The applicant shall record the final plat once signed by the Mayor.

2. The applicant shall transmit an original, signed copy of the Covenants, Conditions, and Restrictions (CC&Rs) for the plat for concurrent recording with the final plat.

3. The applicant shall submit one mylar copy and one paper copy of the recorded final plat to the Department of Planning and Community Development.

Staff Report prepared by: Elizabeth Chamberlain, Associate Planner
PLAT OF BROOKSIDE 3
A PORTION OF THE N.E. 1/4 AND THE S.E. 1/4 AND THE N.W. 1/4
AND THE S.W. 1/4 OF THE N.E. 1/4 OF SECTION 64, TOWNSHIP 19 NORTH
RANGE 65 EAST OF THE W.M., CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON

LEGAL DESCRIPTION

PARCEL A
That a plat of record, as shown on the Plat Index Records, as recorded July 8, 2004, under Pierce County Records, in the Records of Pierce County Auditor.

PARCEL B
That a plat of record, as shown on the Plat Index Records, as recorded August 20, 2004, under Pierce County Records, in the Records of Pierce County Auditor.

Located in the City of Bonney Lake, County of Pierce, State of Washington.

DEDICATION

To the standing members of the Water Districts for the purpose of dedication to the Water Districts for the purpose of dedication to the City of Bonney Lake for future development.

ACKNOWLEDGMENT

By the official officers of the City of Bonney Lake, County of Pierce, State of Washington.

SURVEYOR'S CERTIFICATE

I hereby certify that this plat of record is a true and correct copy of the plat of record as recorded in the Plat Index Records. The boundaries and descriptions are shown correctly. The plat has been recorded in the Plat Index Records and is recorded in the Plat Index Records.

APPROVAL

CITY OF BONNEY LAKE
I hereby certify that this plat is approved and is subject to compliance with all requirements of the City of Bonney Lake.

CITY OF PIERCE COUNTY
I hereby certify that this plat is approved and subject to compliance with all requirements of the City of Bonney Lake.

CITY OF PIERCE COUNTY PLANNING AND DEVELOPMENT
I hereby certify that this plat meets all requirements and is subject to compliance with all requirements of the City of Bonney Lake.

CITY OF BONNEY LAKE CITY COUNCIL
I hereby certify that this plat is approved and subject to compliance with all requirements of the City Council.

Pierce County Assessor
I hereby certify that this plat is approved and subject to compliance with all requirements of the County Assessor.

Pierce County Auditor
I hereby certify that this plat is approved and subject to compliance with all requirements of the County Auditor.

Pierce County Engineer
I hereby certify that this plat is approved and subject to compliance with all requirements of the County Engineer.

CITY OF BONNEY LAKE PUBLIC WORKS DEPARTMENT
I hereby certify that this plat is approved and subject to compliance with all requirements of the City of Bonney Lake.

CITY OF BONNEY LAKE CITY COUNCIL
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