COUNCIL WORKSHOP

*** July 19, 2006 ***
5:30 p.m.

AGENDA

"Where Dreams Can Soar"

*** This Meeting will be Held at the Bonney Lake High School Commons,
10920 199th Ave Ct. E. ***

Call to Order: Mayor Neil Johnson

Roll Call:
Mayor Neil Johnson, Deputy Mayor Dan Swatman, Councilmember David Bowen,
Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave
King, Councilmember Cheryl Noble and Councilmember James Rackley.

Expected Staff Members: City Administrator Don Morrison, Director of Planning and Community
Development Bob Leedy, Public Works Director Dan Grigsby, Community Services Director Gary
Leaf, Interim Police Chief Buster McGehee, Chief Financial Officer Beth Anne Wroe, Judge James
Helbling, City Attorney Jim Dionne and Administrative Services Director/City Clerk Harwood
Edvalson.

Agenda Items

1. Presentation and Discussion: Quadrant Plans for WSU Demonstration Forest –
   Wally Costello, Quadrant. (90 Mins.)

2. Presentation and Discussion: Eastown ULID Update – Doug Budzynski, Assistant
   City Engineer. (30 Mins.)

3. Council Open Discussion. (20 Mins.)

4. Review of Minutes: June 6th Council Workshop, June 13th Council Meeting,
   June 27th Council Meeting, July 8th Special Council Meeting. (5 Mins.)

5. Discussion: Draft Ordinance D06-147 – Proposed Transportation Element of the
   Comprehensive Plan. (30 Mins.)

6. Discussion: Draft Ordinance D06-146 – Proposed Utilities Element of the
   Comprehensive Plan. (30 Mins.)

7. AB06-116 – Proposed Ordinance No. 1190 – R-2 Zoning Text Amendment. (30 Mins.)

8. Adjournment.

[Times are estimates only and not intended to limit discussion.]
July 14, 2006

The Honorable Neil Johnson
Mayor of the City of Bonney Lake
Members of City Council
PO Box 7380
Bonney Lake, WA 98391-0944

RE: Development Plan, Bonney Lake Site

Dear Mayor Johnson and City Councilmembers:

During the May 16, 2006 City Council study session regarding diseased trees on the WSU property, reference was made to a revised development plan for the property. In response to that reference, I am pleased to present the attached development plan and detailed outline summarizing the various features of the plan in preparation for the upcoming study session on Wednesday, July 19, 2006.

The focus in developing this new plan has been to address four areas of interest for the city and citizens: trees, traffic, parks and creating value to the city and the citizens. One significant aspect of this new plan is the dedication of approximately 45 contiguous acres of land to the City of Bonney Lake. This is a unique opportunity for the City of Bonney Lake to own such a significant contiguous parcel of property strategically located on Hwy 410 within the city. This parcel is greater in size than the combined areas of the current city-owned park/recreational properties. (According to the city's comprehensive plan 2004 Major Update Phase 2 (Parks), they total 42.87 acres: Allan Yorke Park [33.92 acres], Bonney Lake Elementary School [3.7 acres], Cedarview Park [2.73 acres], Lake Bonney Park [1.3 acres], Ascent Park [0.02 acre], and Bonney Lake Senior Center [1.2 acres].)

The original development plan submitted with the comp plan amendment and rezone application provided three areas of public open space totaling approximately 30 acres. These three areas were located on South Prairie, between the proposed development plan and the shopping center to the north, and adjacent to 214th. A second development plan was developed and added to the comp plan amendment and rezone application providing for approximately 37 acres of city-owned property along with 9.1 acres of buffer and 4.7 acres of private parks. The 37 acres of city property, similar to the first plan, were to be provided in four different locations: 2.5 acres, 5.5 acres, 7.5 acres and 11.5 acres.
I am pleased to have the opportunity to present the development plan to you during the upcoming study session and to answer questions as we will be submitting this plan as the preferred option in the environmental impact statement for the comp plan amendment and rezone. Hopefully the attached detailed outline summarizing the features of the plan will answer many of your questions and create an opportunity for discussion during the study session.

Sincerely,

THE QUADRANT CORPORATION

Wally Costello
Senior Vice President
Bonney Lake Site
Features of Development Plan
July 19, 2006

I. A major component of the development plan is the dedication of approximately 45 contiguous acres of property to the City of Bonney Lake – approximately one-third of the entire property.

II. The plan was developed to address the following areas of interest:
   1. Trees
   2. Parks
   3. Traffic
   4. Value to the City and citizens

III. Trees
   A. The stand of trees located on the property to be dedicated to the City is the most visible stand of trees on the entire site.
   B. Diseased trees on the dedicated property are limited to pockets; the pockets of diseased trees will be removed/logged in summer of 2006 and replanted with tree species more resistant to laminated root rot.
   C. Net proceeds from the removal of diseased trees will be given to the 4-H extension program.

IV. Parks
   A. The contiguous approximately 45 acres creates a large site owned by the City of Bonney Lake.
   B. The dedicated parcel is large, uniquely located, and highly visible adjacent to Hwy. 410 and South Prairie.
   C. This dedicated parcel is a premier site within the City of Bonney Lake.
   D. There is a logical division based upon the topography and geometry of the site, creating a natural break between the proposed city-owned property and the development on the remaining site.
   E. Unlike previous development plans; the 45 acres are contiguous acres, as opposed to multiple smaller parcels.
   F. The five internal neighborhood parks and open space, totaling over seven acres, are conveniently located throughout the development and provide easy pedestrian access for the residents to walk to the various parks.

V. Traffic
   A. There is only one entry and exit on South Prairie Road, which is located a significant distance from the intersection of Hwy. 410 and South Prairie Road. Because of the one access location onto South Prairie Road combined with the distance from Hwy. 410, this proposal minimizes the impact to South Prairie Road and Hwy. 410. More detailed traffic
information will be provided in the traffic report submitted with the environmental impact statement.

B. Two points of entry and exit will be located on 214th at locations consistent with the road network on the east side of 214th. These two entry and exit locations on 214th enable traffic to utilize the existing traffic signals at the intersections of 214th/Hwy. 410 and 214th/South Prairie Road.

C. The fourth entry and exit location is on the north property line entering and exiting the existing shopping center. This location will utilize the existing traffic signal on Hwy. 410. This entry and exit will allow homeowners to walk and drive to the adjacent shopping center without burdening the adjacent public streets.

D. The traffic report to be completed in the environmental impact statement will demonstrate a reduction in trip generation compared with developing the entire site under existing zoning or either of the two previous plans and will illustrate how this development plan significantly reduces traffic impacts to the Hwy. 410/South Prairie Road intersection and to South Prairie Road.

VI. Value

A. The City will receive 45 acres of land with a high economic value. The 45 acres is approximately 2 million square feet of land. 2 million square feet of land at this strategic location within the City of Bonney Lake is worth between $15 and $20 million, based upon $7.50 and $10.00/square foot, respectively.

B. In addition to the economic value, owning a site in such a prime location has immeasurable value to the city because of the location and the size of the parcel. Rarely does a city have such an opportunity to own property of this size and location within the city limits.

VII. Additional Features

A. Homes along three of the four entries are served by alleys so that fronts of homes face the street, creating aesthetically pleasant entries.

B. The fourth entry is fronted with side yards and a curved road, also creating an aesthetically pleasant entry.

C. The 50-foot buffer surrounding the entire development is superior to any buffers adjacent to or within the immediate area of the development.

D. Of the 4,900 lineal feet fronting on South Prairie Road, only 1,800 lineal feet are actual lots adjacent to the 50-foot buffer.

E. The development provides housing to the City of Bonney Lake to help the city meet various growth management goals.

F. Residents of the development can walk to neighborhood parks, city-owned property and the existing shopping center without impacting any adjacent streets.
VIII. Schedule/Approvals
The goal is to complete the process of comp plan amendment/rezone, development of a new zone and preliminary plat approval in as short a time frame as everyone is comfortable with so as to enable the dedication of the property to the City as soon as possible. The major steps in the process leading up to the dedication with general time estimates are as follows:

A. The new development plan will immediately be submitted to the City staff as the preferred development plan in the environmental impact statement.

B. The goal is to work with the City of Bonney Lake staff to complete the environmental impact statement as soon as possible with probable completion at the end of summer 2006.

C. Following completion of the environmental impact statement the goal is to have the public hearing in front of the Planning Commission as soon as possible with estimated hearing date in early fall 2006.

D. Following Planning Commission public hearing, the goal is to be in front of the City Council as soon as possible with an estimated time frame of first quarter 2007, participating in the review process preferred by the City Council.

E. The goal is to submit preliminary plat application following approval from City Council.

F. Upon approval of preliminary plat application, dedicate the approximate 45 acres to the City of Bonney Lake, which potentially could happen third/fourth quarter 2007.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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<th>Council/Wrkshp Mtg Date:</th>
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BUDGET INFORMATION

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Explanation:

Agenda Subject:
East Town ULD Update

Administrative Recommendation:

Background Summary: Discussion on the East Town LID Update.
Presentation: Information was provided to City Council at June 27, 2006 Council Meeting.
Questions for Council
- Extent of sewer LID, water LID, and traffic LID?
- How should each LID be formed, by Council Resolution or Petition from property owners?
- Costs for the formation of the LID. As Public Works continues towards the formation of each LID, how should the costs be covered?

Council Committee Dates:
- Finance Committee:
- Public Safety Committee:
- City Council Meeting: 07-26-2006
- Community Development & Planning Committee: 06-05-06
- Council Workshop: 04-18-2006

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

Board/Hearing Examiner Dates:
- Park Board:
- Hearing Examiner:
- Public Meeting: 05-17-2006

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 Standard
Call to Order:
Deputy Mayor Dan Swatman called the June 6th Council Workshop to order at 5:34 p.m.

Roll Call:
Also in attendance were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember Jim Rackley.

[Staff members attending were City Administrator Don Morrison, Planning and Community Development Director Bob Leedy, Judge James Helbling, City Engineer John Woodcock, Chief Financial Officer Beth Anne Wroe, Court Administrator Kathy Seymour, Planning Manager Steve Ladd, Interim Police Chief Buster McGehee, City Attorney Jim Dionne and Administrative Services Director / City Clerk Harwood Edvalson.]

Agenda Items:


   Deputy Mayor Swatman read a proclamation from Mayor Johnson proclaiming the week of June 6th through June 13th as Hunger Awareness Week. Melvain Donyes, Food Bank Manager, accepted the proclamation.

2. Presentation: AB06-123 – Nestor Photo Traffic Enforcement System.

   Deputy Mayor Swatman introduced the representatives from Nestor Traffic Systems. Rick Ledford, National Sales Director, introduced Eliot Zajac and Janine Keblish, NW Regional Vice Presidents for Sales. He explained how Nestor Traffic Systems has photo red light and automated photo speed enforcement programs. He made a PowerPoint presentation on the company’s systems and responded to Council questions. The City Council expressed particular interest in the red light and stop sign enforcement, as well as school zone speed enforcement systems. They noted approval from WSDOT for implementation on state highways will be needed for the major traffic signals in Bonney Lake. Responding to questions about the Nestor call center located in Rhode Island, Mr. Ledford offered to have the center open from 7:30 am to 8:00 pm Eastern Standard Time. Deputy Mayor Swatman confirmed that the Public Safety Committee is working with the vendor and the City Attorney to make sure the City is offered a contract which addresses all the appropriate legal issues.

Deputy Mayor Swatman called for a fifteen minute break starting at 7:06 p.m. The meeting was brought back-to-order by Mayor Johnson at 7:29 p.m. [Mayor Johnson, City Administrator Morrison and City Attorney Dionne arrived near the conclusion of the Nestor Systems discussion.] Mayor
Johnson explained that he, the City Administrator and City Attorney had been golfing in the Bonney Lake Kiwanis Tournament to benefit Bonney Lake High School Scholarship Fund.


Steep Slopes. Director Leedy acknowledged the great amount of work by the Planning Commission, Steve Ladd and others to bring these recommended ordinances to this point. Planning Manager Ladd reviewed with Council the development history of the proposed steep slopes ordinance. He discussed the major changes from the initial drafts to the final proposed draft from the Planning Commission. A key element is the use of a 30% or greater slope as an indicator that a geotechnical report may be necessary. Planning Manager Ladd explained there are 10 other indicators which would be used to determine the need for a geotechnical report on a property. He introduced Dave Williams, a geologist with Zipper Zeman who has been consulting with the City on the development of the proposed ordinance.

Councilmember Rackley expressed concern that properties developed with geotechnical reports have experienced settling and cracking of patios and other support structures on steep slopes in his neighborhood. Mr. Williams replied the situation sounds like a settling issue which most often occurs when continued monitoring of geotechnical conditions is not required during and at the conclusion of the property development. He said the geotechnical report allows the City to evaluate conditions at the development site for appropriate land use review.

Councilmember Hamilton asked if a geotechnical report considers the worst case scenarios for impacts to the property. Mr. Williams responded that ground on steep slopes is analyzed, and includes ground-shaking associated with an earthquake, for example. He added that very few potential homeowners are aware of the problems of being on a steep slope. Councilmember Hamilton asked why professionals allow development on steep slopes. Mr. Williams responded it is not up to the professional to allow or disallow. He said it is the City’s law and responsibility. He said it is the professional’s responsibility to tell if development is feasible or not, and if so, under what conditions. He suggested the City convey certain expectations during the plan review process and require regular reports from the developer’s engineering professional on the adequacy of soil compaction and other geotechnical issues identified with the site.

Councilmember King advised Councilmembers to consider how much latitude to give the planning staff to interpret and carry out the details not written into the ordinance. Deputy Mayor Swatman brought up the provision in the ordinance about selective tree cutting. There was a majority consensus to change the wording of the ordinance to require the retention of at least 75% of the tree canopy at all times and in all areas of a given property. There was also a majority consensus to include a requirement for a report to the City verifying compliance with the development conditions. Councilmember DeLeo asked that reference to wetlands and buffers be retained on page 5 of the ordinance.

Mayor Johnson observed there appears to be interest on the part of the Council to bring this item forward to the next Council meeting. Deputy Mayor Swatman expressed appreciation on behalf of the Council for Mr. Williams’ participation in the discussion.

R-2 Zoning Text Amendment. Councilmember DeLeo expressed concern about the impacts to Inlet Island of the proposed text amendment. He said the increase in the number of legal lots will have a negative impact on the capacities of the homeowner’s private park and gate entry system. The Council discussed whether or not zero lot line development will encourage homeownership
or rental uses. Planning Manager Ladd noted that the proposed zero lot line amendment will not result in any more density than what is currently possible with the R-2 zoning on Inlet Island. He offered to demonstrate the mathematics behind the position. Councilmember Hamilton said the older residential neighborhoods should not bear the burden of the City’s need to increase density to meet Growth Management Act requirements. He advocated the allowance of townhouse development in R-1 and R-2 zones. Councilmember Noble spoke in support of Director Leedy’s suggestion for a new zone for townhouses in the Downtown and possibly Eastown areas. There was a majority consensus to bring the proposed ordinance back for further discussion at the next Council workshop.


Due to the lateness of the hour, Councilmember Noble proposed this ordinance be moved forward for Council action at the next Council meeting. There was a majority consensus to do so.


Mayor Johnson noted there was consensus to move this item on to the regular Council meeting to be held at the Bonney Lake High School on June 27th.


New Buildings behind Schuck’s Auto Parts. Councilmember DeLeo expressed safety concerns for the closed off access from 214th to the new buildings being built behind Schuck’s. He recommended some kind of City action to open that access. Director Leedy says the City has been working with the developer east of Schuck’s who believes he will have a solution for this issue by the time the new building is open. Mayor Johnson asked for follow-up and a report to the Council on the issue.

June 27th Council Meeting at Bonney Lake High School. Deputy Mayor Swatman noted that the summer-time June 27th meeting at the high school may be somewhat inconvenient for citizens, but he believes it will be very informative, particularly to the residents in the area. He asked Mayor Johnson if there will be an additional advertising effort for the meeting. Mayor Johnson said he has been working with the newspaper to provide more information to the public. He said he anticipates using the newspaper to bring further attention to this meeting. Councilmember Rackley suggested contacting the high school about dissemination of meeting information.

Annexation of Wilderness Ridge. Deputy Mayor Swatman suggested that the City may have more influence in the design and development of the 195th corridor in that area if Wilderness Ridge were annexed into the City. Director Leedy said annexation information had been previously distributed to the neighborhood, but no one from the community has pursued the issue. He agreed to have more research done for the next Council workshop.

Ropes Course at WSU Forest. Deputy Mayor Swatman asked the administration to look into operation of the ropes course at the WSU Forest so the forest might remain open to the public. Mayor Johnson said he can make the call.

Separation of Powers. Deputy Mayor Swatman noted with the close working relationship between the Council and administration there may be a greater need for the Council to make sure it is not giving direction to the City staff. Councilmembers King and Rackley said they rely on
the City Administrator and staff to let them know when they have crossed the line.

**Seniors Trip to Montana.** Councilmember DeLeo said the Seniors at the Senior Center are talking about another trip to Montana. There was a majority consensus of the Council to support this activity.

**Change in Payroll Cycle.** Councilmember King asked if the City was going to follow through with the change in payroll cycle which had been proposed. City Administrator Morrison said the determination has been made that the impacts are negotiable. He said there has been no formal response from the bargaining unit on the proposal.

**Removal of Nuisance Home.** Councilmember King thanked the Planning Department staff on the anticipated destruction and removal of the nuisance home on Old Sumner Buckley Highway behind the auto parts store. Director Leedy said the project should be completed this week.

**Additional Input on Cascadia during Five-Year Review.** Councilmember Hamilton suggested the City provide additional input on Cascadia's employment goals for consideration during the Five-Year Impact Review Hearing Examiner process. City Attorney Dionne said he believes the City's recent agreement precludes further comment during the current process. He added that he believes it will all balance out over time. If they don't meet their goals, then they won't get the approvals they seek in future phases of development.

**PSRC 2020 Plan.** Councilmember Hamilton noted that the PSRC's 2020 Plan has no mention of Bonney Lake or the impacts of Cascadia. Councilmember King noted the former Mayor had been the City's representative to the PSRC. He said the comment period is still open. Mayor Johnson said some information and comments will be provided for Council review and submitted before the July 31st deadline.

**Blind Retail Store.** Councilmember Hamilton expressed concern that the proposed lessee of this retail space is being squeezed between the City and the property owner. He said apparently the City is not allowing additional occupancy permits until the property owner restores a landscape strip which was removed to provide additional parking. Director Leedy said this is the only tool the City has to enforce the conditions on the property owner. He said there has been no permit applications submitted other than a sign permit. Mayor Johnson said additional information will be provided in the morning, but urged the Council to consider what tools are at the City's disposal and which ones should be used to enforce its codes.

**Pedestrian Underpass for SR410.** Councilmember Bowen said he continues to work with Representatives Roach and Shabro on restoring the pedestrian underpasses under SR410. Mayor Johnson said he will provide Councilmember Bowen with notice of the upcoming meeting with the Department of Transportation if he would like to attend.


There was a majority consensus to Councilmember King's suggestion that the minutes be forwarded to the Council meeting for approval.

8. Adjournment
At 10:02 p.m., Councilmember Rackley moved to adjourn the meeting. Deputy Mayor Swatman seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Documents submitted for/at the Council Workshop of June 6, 2006:

- City of Bonney Lake, Slopes – SGL 2/10/06 – Steve Ladd, Planning Manager
I. CALL TO ORDER – Mayor Neil Johnson called the meeting to order at 7:03 p.m.

A. Flag Salute - Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call [A1.3]

City Clerk Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Cheryl Noble and Councilmember Jim Rackley.

Staff members present were City Administrator Don Morrison, Community Services Director Gary Leaf, Interim Police Chief ‘Buster’ McGhee, Judge James Helbling, City Attorney Jim Dionne, Administrative Services Director / City Clerk Harwood Edvalson, Court Administrator Kathy Seymour and Planning Manager Steve Ladd.

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

1. Announcements. None.

2. Appointments. None.

3. Presentations:

   a. Susan Adams, Director of the Crystal Judson Family Justice Center described the programs available to the public for domestic violence intervention and education. She provided brochures to the Council. She noted Councilmember Noble also toured the Center.

   Councilmember Noble thanked Ms. Adams for her presentation to draw more attention to the issue of domestic violence. She noted the City is working in cooperation with the Center to provide a DV Kiosk to allow for electronic filing of protection orders. Councilmember King asked about the sources of funding for the Family Justice Center. Ms. Adams noted Pierce County, the Cities of Tacoma, Lakewood and University Place; and the Puyallup Tribe of Indians have all provided funding. She added that federal grants and appropriations, as well as private donations have also been obtained for the Center.

D. Agenda Modifications:
Deputy Mayor Swatman moved to add Resolution 1590 to the agenda for Council consideration as Item VIII. C. Councilmember Rackley seconded the motion.

Motion approved 6 – 1. Councilmember Bowen voted no.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE


B. Citizen Comments:

Don Sangesand, 5616 195th Pl. E., addressed the Council regarding water quality issues at his home and his observation that it is linked with the use of Ball Park Well #2. He expressed his dismay that this situation has been ongoing for so long. He asked when conditions will be improved, and surmised that the lack of improvement is the result of indifference on the part of the Mayor, Council and senior staff at Bonney Lake. He submitted his written comments to the City Clerk along with his table of water quality observations.

Councilmember Rackley noted that the issue has been the topic of discussion by the Community Development Committee. He said the City is trying to upgrade its water supply and the Water Department continues to work on the problem. He said no one takes the issue lightly. Mayor Johnson asked Director Grigsby at what point the City decides this is not working and seeks an alternative. Director Grigsby said one of the problems is nitrogen in the water which causes a milky appearance. He said this soon clears after the water leaves the tap. He said the chlorine level in the water depends on the water being drawn from the ground. He added that at no time has the level of chlorine exceeded safe drinking water standards. Director Grigsby said the #2 Ball Park Well is run only as needed, and the mineral content of the water varies.

Councilmember King asked if the 15 MG Peaking Storage Tank will have an impact on the water quality for Mr. Sangesand. Director Grigsby said he will report back with an answer. Councilmember Noble said this situation is unacceptable.

Councilmember DeLeo asked if the $3 million filtering plant is operating as it was designed. Director Grigsby said he is confident it is. Councilmember Rackley said the Community Development Committee will investigate and discuss the issue some more and return with recommendations to the Council.

Pat Miller, 19205 79th St. Pl. E., asked if his recommendations for a fifth signal at the SR410/Old Sumner Buckley Highway Intersection Improvement Project have been seriously considered.
Director Grigsby said the suggestions were provided to the consulting engineers and will be reported on when they return with the 30% design report. He said he did not know at this point whether the fifth signal light will be a part of the consultant’s recommendations.

Mr. Miller identified an employee with the City of Renton who has successfully resolved similar well problems as those reported by Mr. Sangesand. He suggested someone from Bonney Lake contact the City of Renton.

Planning Manager Ladd asked the Mayor if this would be an appropriate time to introduce two new employees. He introduced Heather Stinson, Associate Planner, and Ellen Talbo, Assistant Planner. He noted that both have a master’s degree. He said Ms. Stinson will deal with long plats and commercial developments, and Ms. Talbo with short plats and miscellaneous applications.

C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:
[A3.6.4]

A. Finance Committee
Deputy Mayor Swatman said the Finance Committee met this evening and discussed the following:
1. Resolution 1586 – the 2006 Bonney Lake Days purchasing policy;
2. Resolution 1587 – on tonight’s agenda for an agreement to reassess the economic feasibility of the Downtown Plan; and

B. Community Development Committee
Councilmember Ruckley said the Community Development Committee met on June 5th. He said the following items were discussed:
1. Water quality at Ball Park Well #2;
2. Annexation Area #1;
3. Eastown ULID;
4. Resolution 1582 – authorizing annexation and utility agreements;
5. Resolution 1579 – for the installation of a grease interceptor at the Senior Center
6. Resolution 1584 – for a personal services agreement for inspection services with Gould construction;
7. Resolution 1585 – an agreement for construction of the 15 MG Peaking Storage Reservoir;
8. AB06-121 – a motion accepting the work on the pumps for Lift Station 17; and
9. AB06-133 – a motion accepting the emergency sewer repair project performed by DDJ.
Councilmember Rackley noted that the Committee also discussed Draft Ordinance DO06-135 related to amending the water connection charges. He noted the Committee had asked that the Council be provided information on the fiscal impact of the anticipated refunds. Director Grigsby said the information will be provided to the Council.

C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee met June 5th. He said the Committee discussed Resolution 1589 dealing with a Neighborhood Crime Mapping Service. Councilmember King added the Committee also discussed AB06-130 to allow Court Administrator Seymour to attend the National Court Administrator’s Association meeting in Florida.

D. Other Reports:
Councilmember King notified the Council that Councilmember Hamilton will be representing the City at the upcoming Pierce County Regional Council meeting. Councilmember DeLeo observed the County’s planning meetings for a regional park on the plateau are scheduled for Tuesday evenings. He asked the Mayor to have someone contact the County and suggest that some or all of the planning meetings be changed to a different time, particularly since the park is so close to Bonney Lake.

IV. CONSENT AGENDA: [A3.6]
Councilmember Rackley moved to approve the Consent Agenda as printed. Deputy Mayor Swatman seconded the motion.

A. Approval of Meeting Minutes: May 16th Council Workshop, May 17th Special Council Meeting, May 18th Special Council Meeting, May 23rd Council Meeting, June 1st Special Council Meeting.

B. Checks/Vouchers: Accounts payable checks/voucher #44001 thru #44141 and wire transfer #6012006 in the amount of $511,745.18. [F4.9]

C. Payroll: May 16-31, 2006 for checks 24939-24993, including Deposits and Electronic Transfers in the amount of $393,386.73. [F4.9]

D. AB06-122 – Resolution 1579 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Richard’s Plumbing & Drain Services For The Installation Of A Grease Interceptor System At The Senior Center. (04.4.2)


F. AB06-136 – Resolution 1584 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal
Services Agreement With Gould Construction For Inspection Services.
[O4.14.1]

G. **AB06-137 – Resolution 1585** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement For The 15 MG Peaking Storage Reservoir To Skaar Construction, Inc. [O4.10.2]

H. **AB06-143 – Resolution 1589** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Memorandum Of Understanding With The Pierce County Information Technology, Geographic Information Systems Division For The Use Of The Sheriff’s Neighborhood Crime Mapping Web Service. [O1.9]

I. **AB06-121 – Motion Of The City Council Of The City Of Bonney Lake, Accepting The Completion Of Lift Station 17 Pump Manufacturing Project Performed By Whitney Equipment Co.** [A3.6.10][O4.10.2]

J. **AB06-130 – Motion Of The City Council Of The City Of Bonney Lake, Authorizing Out Of State Travel For Kathy Seymour To Attend The National Association Of Court Management Conference In Ft. Lauderdale, FL.** [A3.6.10][A4.7]

K. **AB06-133 – Motion Of The City Council Of The City Of Bonney Lake, Accepting The Completion Of The Emergency Sewer Repair Project Performed By DDJ Construction Co., Inc.** [A3.6.10][O4.10.2]

Motion approved 6 – 1. Deputy Mayor Swatman voted no.

V. **FINANCE COMMITTEE ISSUES:**

A. **AB06-142 – Resolution 1588 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Creating A Citizen Advisory Council.** [A3.11.1]

Councilmember Noble moved to approve Resolution 1588.
Councilmember DeLeo seconded the motion.

Mayor Johnson explained the purpose of the Advisory Committee is to allow greater public involvement and input in the Council’s decision process. Councilmember King said he understands the Mayor’s purpose, but feels the Council is elected to represent the citizens, to discuss the issues and take action for the good of the community. He noted the City has appointed boards and commissions, and asked what areas are missing which are not covered by these advisory bodies. Mayor Johnson responded there are some topics that seem to fall in between the respective scopes of the appointed boards and commissions. He added he would be willing to have the Committee just be advisory to him so he could in turn provide more considered advice to the Council. Councilmember Rackley suggested the community forums held earlier in the year seemed to be effective and might be a better format for input to the City Council. In a side note, he informed the Council
he had been elected the Vice-President of the Puyallup River Watershed Council.

Deputy Mayor Swatman said he can see the Advisory Council as a sounding board and added that with the Council’s approval to establish the Council it can also be disbanded by the Council. Councilmember Hamilton expressed concern the Advisory Council might conflict with the private groups that have recently formed. Mayor Johnson said he has been in contact with those groups offering to work with them. He added that those who have contacted him so far about participating on the Advisory Council are not currently active with any of the private groups. Councilmember Noble encouraged representation from such groups as the Community Livable and Fennel Creek groups. Councilmember King cautioned the Mayor and Council that a sincere advisory body appointed in good times can become a band of cronies in bad times.

Mayor Johnson offered to pull the item and report back to the Council after the Advisory Council’s first meeting under his direction. Mayor Johnson was reminded that a motion and second to approve the resolution was on the floor.

**Motion approved 6 – 1. Councilmember King voted no.**

**B. AB06-141 – Resolution 1587 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement Between The City Of Bonney Lake And Grossman Services As The Contractor And Michael Luis & Associates As An Approved Subcontractor To Reassess The Economic Feasibility Of The Retail, Office, And Housing Aspects Of The Bonney Lake Downtown Plan. [03.14]**

Councilmember Rackley moved to approve Resolution 1587. Councilmember Noble seconded the motion.

Councilmember Rackley said he will support the resolution because he was assured in the Finance Committee meeting this study will not be a re-purchase of previous studies. Responding to Councilmember Hamilton’s question about the status of the Buxton Study, Deputy Mayor Swatman said this proposed study will focus on the Downtown area and includes an urban design component that the Buxton-type study will not have. Planning Manager Ladd added that the purpose of the current study will be to reassess the economic viability of the Downtown Plan and determine appropriate land uses. He said a Buxton-type study could still be done in the future. Mayor Johnson said he has discovered the source of the primary data used in Buxton-type studies and suggested the City may be able to obtain the psycho- graphic data to do its own work.

**Motion approved 5 – 2. Deputy Mayor Swatman and Councilmember King voted no.**
VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.


City Clerk Edvalson noted that an amended copy of the ordinance was distributed earlier in the evening to the City Council and staff.

**Councilmember Hamilton moved to adopt [DO06-135] Ordinance 1192. Deputy Mayor Swatman seconded the motion.**

Director Grigsby noted the proposed ordinance corrects an error in the table adopted by ordinance in 2004. He said that while the previous ordinance added a per unit charge, the table failed to make a change in the charges for meter size. Councilmember Rackley asked if the Council could be provided with a list of the refunds anticipated. He noted the amount of refunds will be about $990,000. He added the refunds will be made from the SDC Fund. Councilmember Hamilton asked if interest will be included on the refunds. Director Grigsby said he will check and report back. Councilmember Rackley noted the refund is not projected to slow down future projects to be constructed out of the fund.

**Motion approved 7 – 0.**

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

A. **AB06-115** – **Ordinance 1189** – An Ordinance Of The City Of Bonney Lake, Washington, Amending Chapters 16.13, 16.28 And 17.44 Of The Bonney Lake Municipal Code And Ordinance Nos. 766, 988, 1070 And 1171, Pertaining To Development And Tree Removal On Steep Slopes. [A3.5.5]

**Councilmember Hamilton moved to adopt Ordinance 1189. Deputy Mayor Swatman seconded the motion.**

Planning Manager Ladd noted ordinance makes a variety of house-keeping and fairly minor changes following best available science on a site-by-site basis. He said most recently some changes were made on page 4 of the ordinance to how the geotechnical reports are utilized. He said monitoring reports will be required and a final report filed with the City before occupancy permits are issued on the development site.
Motion approved 7 – 0.


Councilmember Rackley moved to adopt Ordinance 1191 [DO06-129]. Councilmember Noble seconded the motion.

Councilmember Rackley said the area residents thought the provision was in the municipal code all along. Councilmember Noble noted the Lake Bonney residents appreciate the restoration of this prohibition on the lake. She noted the provision is enforced by the Police Department.

Motion approved 7 – 0.

C. **Resolution 1590** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Enter Into An Agreement With Nestor Traffic Systems, Inc. For A Traffic Signal Violation Video-Enforcement System And Mobile Speed Enforcement System. [This item was added to the agenda under Agenda Modifications – ID.]

Deputy Mayor Swatman moved to approve Resolution 1590. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman said the proposed agreement was discussed in the Finance Committee meeting earlier this evening. He said there are still many pieces that have to fall into place before the agreement can be functional. But, he added, this is a good time to move it forward. Councilmember Rackley reminded the Council that the agreement is not intended to be a net revenue generator, but to be revenue neutral. Councilmember King asked if the state has given permission for use on state highways. Mayor Johnson responded the issue has not yet been resolved.

Todd Aikens, Chief Operating Officer for Nestor Traffic Systems, said the agreement only requires a reasonable effort on the part of the City to assist in the implementation of the system. If no permit is issued by the state, then there is no obligation on the part of the City. He added the state wants to see an agreement before they will seriously negotiate a permit.

Councilmember Noble suggested adding a time limit for Nestor to negotiate a permit with the state. Councilmember Bowen said he cannot support the agreement at this time. He said there are too many issues left unresolved. He added the state should be able to see the City's interest without having a signed agreement. Councilmember DeLeo asked about the level of service for the school zone speed enforcement. Mr. Aikens said the agreement calls for a minimum of 20 hours per week of enforcement. He said there would be no problem with doing more if the City wishes. Mayor
Johnson noted that Mr. Aikens had previously offered 10 hours of technician time free of charge on the speed zone monitoring. Councilmember Hamilton asked if there are termination provisions in the agreement. City Attorney Dionne said there are none. Mr. Aikens said there is an evaluation made at the end of six months. He described a process whereby if the City is not at least breaking even on its revenue, then the agreement is terminated without additional cost to the City.

Councilmember Rackley moved to amend the agreement with the following items subject to the City Attorney’s review and approval of the language:

1. Six months after the systems are operational issuing citations, Nestor and the City shall perform an evaluation of the program. If in the event revenues generated by the program are less than the fees paid to Nestor, Nestor and the City shall in good faith attempt to agree on new locations for the Red Light Systems pursuant to Section 1.2 Exhibit A. If the City and Nestor are unable to agree upon locations, the City in good faith shall renegotiate the cap fees. If Nestor and the City are unable to agree on a new location for the cap fees, the City may terminate with no termination fees.

2. Ten hours per month of free technician work in school zones.

3. The Agreement is void after 90 days if the State fails to give its approval for use of the State-controlled right-of-way and facilities.

Deputy Mayor Swatman seconded the motion.

Councilmember King questioned the need to approve the agreement this evening. He noted the agreement was not on the original agenda, and there have been several changes proposed. Councilmember Rackley said there is no reason to delay. Deputy Mayor Swatman said there appears to be a Council majority that wants the process to get underway. Councilmember King responded he only wants everyone to completely understand what is being proposed. He added there appears to be a compelling safety need.

Vote on amendment: 6 – 1.
Councilmember Hamilton voted no.

Vote on amended motion: 5 – 2.
Councilmembers Bowen and Hamilton voted no.

IX. Executive Session:

Pursuant to authority of RCW 42.30.110(1)(b), Mayor Johnson announced an executive session for 10 minutes to discuss potential property acquisition. He said there will be no action this evening as a result of the executive session. The session started at 8:25 p.m. and was extended for five minutes at 8:35 p.m. The regular meeting was reconvened at 8:40 p.m.
X. ADJOURNMENT

At 8:40 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember King seconded the motion.

Motion approved 7 – 0.

_________________________________________
Harwood T. Edvalson, CMC
City Clerk

_________________________________________
Mayor Neil Johnson, Jr.

Documents submitted for or at the Council Meeting of June 13, 2006:

➤ City of Bonney Lake – Revised Ordinance No. DO6-135 – Harwood T. Edvalson, City Clerk.
➤ City of Bonney Lake – Resolution 1590 – Nestor Traffic Systems – Dan Swatman, Deputy Mayor
I. CALL TO ORDER – Mayor Neil Johnson called the meeting to order at 7:01 p.m. in the Bonney Lake High School Commons located at 10920 199th Ave Ct. E.

Mayor Johnson welcomed the audience and explained that once the Council’s business is concluded, the Council and staff will be available to speak individually in an open house format with those wishing to stay. He pointed out the many displays available for public inspection.

A. Flag Salute - Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call [A1.3]

City Clerk Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swantman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Cheryl Noble and Councilmember Jim Rackley. Councilmember Dave King was absent.

Staff members present were City Administrator Don Morrison, Interim Police Chief ‘Buster’ McGhee, Planning and Community Development Director Bob Leedy, City Attorney Jim Dionne, Administrative Services Director / City Clerk Harwood Edvalson, Chief Financial Officer Beth Anne Wroe, City Engineer John Woodcock, Assistant City Engineer Doug Budzynski and Planning Manager Steve Ladd.

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

1. Announcements:
   a. Tommy Jenkins Day – Mayor Johnson read a Council proclamation naming Friday, June 30, 2006, as “Tommy Jenkins Day.” Retiring Lieutenant Jenkins accepted the proclamation and shook hands with the Mayor and Councilmembers.

2. Appointments: None.

3. Presentations:
   a. AB06-139 – Eastown ULID Update – Assistant City Engineer Budzynski provided an update to the City Council on the informal survey done of those who might be asked to participate in the Utilities Local Improvement
District. He explained there are two methods to proceed with the
improvement district. One is to have the Council adopt a resolution of
intent. The problem with this method is that a protest vote of 60% of the
property owners would stop the project. The second method is by a petition
of property owners. He said the apparent benefit of this method is that
signatures from owners of 50% of the property in the proposed district can
move the project forward.

Councilmember Noble asked why the interested landowners did not pursue a
latecomers agreement for development of the desired improvements. City
Engineer Woodcock replied that the developer's probably want to leverage
City funds to help with their developments, and this would be best
accomplished through an improvement district.

Councilmember Rackley suggested the City set a formal petition for the
proposed district. City Attorney Dionne advised that the City's bond
attorney would provide the legal language and form necessary for such a
petition. Mr. Ray Frey indicated he would be willing to assist with the
petition process.

b. AB06-146 – Planning Commission Recommendations On The Utilities
Element Of The Comprehensive Plan.

c. AB06-147 – Planning Commission Recommendations On The
Transportation Element Of The Comprehensive Plan.

Planning Manager Ladd explained that the Planning Commission
recommended on a 3 – 2 vote the adoption of both Comprehensive Plan
Elements. He noted the Transportation Element designates a traffic service
level of D as the standard for the City. Councilmember Rackley asked that
the City Engineer explain the letter system to the audience. City Engineer
Woodcock said the lettering system is from A to F. A is the best and F the
worst. He said most cities settle for a service level D because of the cost to
improve intersections to higher service levels. He said impact fees will
increase significantly if the City selects a higher service level.

Councilmember Hamilton noted that transportation impact fees are increased
for single family residences. He asked how that determination was made.
Planning Manager Ladd responded that the consultants, Transpo, used a
computer planning model as the basis for the recommended fees. He noted
this is the first time the City has benefited from a full-scale planning model
as the basis for its impact fees. Mayor Johnson and Councilmember
Hamilton asked about the application and categories of the impact fees.
Planning Manager Ladd responded there are many categories for impact
fees. He said the details about application of the fees details will be part of
the Impact Fee Ordinance which has not yet been drafted.

Mayor Johnson noted receipt of an email which was earlier provided to the
Council in their mailboxes. He said Brian P. Duffy, representing the Arco station, wrote in favor of designing a U-turn on SR410 to allow westbound traffic to access the station at the corner of SR410 and 182nd Ave. E.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE


B. Citizen Comments:

Laurie Stelter, 18707 84th E., reported vehicles in her neighborhood are frequently vandalized. She expressed concern with the report on the City's website saying the Police Department is now focusing on prevention rather than solving crimes. She said she had heard the Police Department is greatly understaffed.

Mayor Johnson said the department is still attending to solving crimes. He said with the hiring of two more officers, the department will be at full staffing.

Ms. Stelter asked about the availability of a Block Watch program. Councilmember Noble invited her to contact Steve Flaherty about Block Watch. Ms. Stelter also asked about street lighting. Councilmember Rackley responded that a street lighting plan is on display this evening.

Pat Miller, 19205 79th St. Pl. E., said it appears the Planning Commission has ruled out the use of a five-way lighted intersection at SR410 and Old Sumner Buckley Highway. He said the consultant's review of the situation appears to be incomplete. He urged the Council to direct the consultant to give more serious consideration to this solution. He said that minor traffic delays would be better than the impacts to businesses from a right-turn-only from 182nd Ave. E.

Councilmember Hamilton asked City Engineer Woodcock to comment on the Transpo review. City Engineer Woodcock said the intersection is largely controlled by the Washington State Department of Transportation. He said the signal design will be according to their standards. Mayor Johnson said the intersection design and review will continue through the process so the Council can review the recommendations. He said the information will be made available and contacts made if WSDOT will not work with the City on the intersection improvement.

Winona Jacobsen, Planning Commissioner, said the Planning Commission's recommendation on the Transportation Element of the Comprehensive Plan was a 3-2 split vote. She said she is part of the dissenting opinion. Commissioner Jacobsen said that growth will continue with growing impacts from development outside the City in Pierce County. She said the County has failed to provide transportation
improvements concurrent with ongoing development. Commissioner Jacobsen said that while she supports the intent of the Transportation Element, she cannot support the building of improvements inside the City solely for the benefit of Cascadia. She asked that the Council not allow 198th to become a major artery for Cascadia. She said Figure 5 in the Transportation Element has errors throughout.

Councilmember Hamilton said he agrees with Ms. Jacobsen's feelings about the impacts on the City of development outside the City limits. He asked if Commissioner Jacobsen had expressed her feelings to Pierce County. Commissioner Jacobsen responded, yes. Councilmember Hamilton said City residents must convince the County to put improvements to Rhodes Lake Road on the fast track. He said it has been done in the past with other projects, so it can be done. Councilmember Rackley said it will take a lot more voices to convince the County. He urged citizens to call County Councilmember Shawn Bunney.

Jim Coniff, who lives off of 200th, said the leading indicators signal a crash in the housing market. He noted that many of the City’s mitigation funds come from building. He urged the City to collect its fees up front, before the builder’s slow down construction and the payment of fees.

Fred Jacobsen, 9100 189th Ave. Ct. E., said he is a member of the Puyallup Watershed Council. He noted the next meeting of the Bonney Lake Livable Coalition at 6:00 p.m. on July 20th where they will discuss the July 18th Quadrant presentation to the City Council on the proposed use of the WSU Demonstration Forest property. He added the group will also talk about Fennel Creek. Mr. Jacobsen asked about the status of the storm water comprehensive plan, and if the plan will appropriately consider the use of natural drainage. He said he supports the minority position of the Planning Commission and Mr. Miller's concerns about the intersection improvements at SR410 and Old Sumner Buckley Highway. He urged the Council to first pursue the extension of 184th Ave. E. Mr. Jacobsen also volunteered to provide input to the storm water comprehensive plan.

City Engineer Woodcock said the storm water plan will be updated next year.

Corinne Davis, 20218 108th St. E., Ponderosa Estates, asked that the Council pursue traffic lights at the entrance to Ponderosa Estates. She said the traffic is such that she and the other residents have difficulty getting onto 214th Ave. E.

Deputy Mayor Swatman informed Ms. Davis that portion of the road is within the control of Pierce County. He referred her to County Councilmember Bunney.

Keola Pang-Ching, 20004 104th St. E., thanked the Council for holding a meeting at the high school. He urged the Council to adhere to its mission statement. He urged the Council to limit the 196th-200th connection and pass-through traffic from Cascadia. He asked about the status of the 192nd Ave. E. connection to SR410. Mr. Pang-Ching also expressed his disbelief that a proposed roundabout to serve Lowes will be a workable traffic solution.
Mayor Johnson responded that the design for 192nd Ave. E. is in progress. City Engineer Woodcock said the corridor is in the 30% design stage and some of the needed right-of-way is being acquired. He said the project cost will be between $8 - $14 million. He added the Lowes proposal is still being reviewed.

Jim Harris, 10102 199th Ave. E., said approval of the Lowes project would be seriously ill-advised. He said on some days it takes 15 minutes to get to SR410 from his home, when normally it takes one minute. He said the proposed Lowes site is a terrible site and urged the Council not to approve it.

Ray Frey – clarified the information collected through an informal survey he conducted in the proposed Eastown ULID area. He said the survey was provided at the recent open house to Director Grigsby. He said the water issue is the most problematic because there are three water jurisdictions involved in that area. He said the group he represents has some ideas on how to make the LID work in this area. He responded to the question about the use of latecomers agreements. He said latecomers agreements turn the developer into a banker. He said he's never seen a developer use a latecomers agreement where all that was due the developer was ever collected.

Councilmembers Rackley and Hamilton invited Mr. Frey to discuss ULID alternatives at the July 3rd Council Community Development Committee meeting.

Verlun Macgruder, 22911 SR410, said the Council should not be worried about the cost for studying the ULID. He said the costs can be wrapped into the ULID and paid by those in the improvement district.

Dan Decker, 20401 76th St. E., asked where the money will come from and the cost to fix the congestion on many of Bonney Lake’s roads. He said the City should pay attention to Quadrant and WSU on the Demonstration Forest. He added that the City should not give in to their demands, but work with them. He said the agreed proposal may help with improvements needed in the City.

C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman said the Finance Committee met this evening at the high school and discussed the following:

1. Ordinance DO06-144 – amending the traffic fee ordinance;
2. Copier bid results for the City Annex copier; and
3. Boat launch fees and their applications.

B. Community Development Committee
Councilmember Rackley said the Community Development Committee met on June 19th. He said the following items were discussed:
1. Update on Ball Park Well #2;
2. Water quality and an RFP for a quality check; and
3. Current economic impacts on the City’s chip seal program.

C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee has not met since the last Council meeting, but does have the proposed limited parking ordinance on the agenda for consideration this evening.

D. Other Reports:
Councilmember Hamilton reported that he attended the recent Pierce County Regional Council meeting in place of Councilmember King who is out of town. He said that neither of the City’s two proposed projects received funding from the Puget Sound Regional Council. He added, however, it appears small cities fared better than they have done in previous years.

Mayor Johnson reported the City staff will be pursuing more grants in the coming year. He noted there are a number of grant applications already in the works this year.

IV. CONSENT AGENDA
Deputy Mayor Swatman moved to approve the Consent Agenda as printed. Councilmember Rackley seconded the motion.

A. Checks/Vouchers: Accounts payable checks/voucher #44142 thru #44297, (voided check #44292) and wire transfer #2008391 in the amount of $2,060,981.72. [F4.9]
B. Payroll: Payroll for June 1-15, 2006 for checks 24994-25044, including Deposits and Electronic Transfers in the amount of $282,953.52. [F4.9]

Motion approved 6 – 0.

V. FINANCE COMMITTEE ISSUES:

A. AB06-140 – Resolution 1586 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing the Use of Special Purchasing Procedures for the 2006 Bonney Lake Days Celebration. [F4.8]

Deputy Mayor Swatman moved to approve Resolution 1586. Councilmember Rackley seconded the motion.
Motion approved 6 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES:

A. **AB06-128 – Ordinance 1193 [D06-128]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing Restricted Parking Areas And Adding A New Chapter 10.36 To The Bonney Lake Municipal Code. [A3.5.5]

   Councilmember Hamilton moved to adopt Ordinance 1193 [D06-128].
   Councilmember Noble seconded the motion.

   Motion approved 6 – 0.

VIII. FULL COUNCIL ISSUES:

A. **AB06-145** – Discussion Regarding July 8th Special Meeting and Workshop

   [A1.1.2]

   Director Edvalson explained Deputy Mayor Swatman questions the interest of the Council to conduct a study session after their morning emergency management training on July 8th. The City Council briefly discussed the projected agenda. There was a majority consensus to cancel the special workshop.

IX. EXECUTIVE SESSION: None.

X. ADJOURNMENT

Mayor Johnson explained the Council and he would meet individually with citizens after the meeting adjournment to discuss issues of interest and concern to the audience. He invited citizens to participate in the Council’s regular meetings and workshops at City Hall. He noted that Fred Jacobsen provides coffee at those meetings.

There were two more individuals from the audience who spoke out against the Lowes project. Director Leedy assured the audience no permit has been issued and the project is still in the review process.

At 8:32 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Noble seconded the motion.
Motion approved 5 – 1. Councilmember Bowen voted no.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Documents submitted for or at the Council Meeting of June 27, 2006:

- BP-Arco – Email to the Council – Council Item AB06-147; Rt. 410 & Sumner Buckley Highway – Dated June 16, 2006 – Brian P. Duffy, BP Real Estate Project Manager
SPECIAL CITY COUNCIL MEETING

July 8, 2006
9:00 a.m.

DRAFT MINUTES

"Where Dreams Can Soar"

Location: Public Safety Building—Training Room—at 18421 Old Sumner-Bucking Highway.

Elected Officials in attendance: 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 in Attendance: Administrative Services Director/City Clerk Harwood Edvalson. East Pierce Fire and Rescue Assistant Fire Chief Dave Wakefield was also present.]

1. Welcome and Introductions – Council and staff.

2. Presentation and Discussion: NIMS 700 Emergency Management Training and City Comprehensive Emergency Management Plan – Assistant Chief Dave Wakefield, East Pierce Fire and Rescue

3. Adjournment: Following the presentation and discussion, the Council adjourned the meeting at Noon.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Mayor
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

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**Explanation:**
Adoption per se requires no further expenditure. However, the Transportation Element guides future capital improvements in the transportation system.

**Agenda Subject:**
New Transportation Element.

**Administrative Recommendation:**
Hear Planning Commission recommendation to adopt.

**Background Summary:**
See attached staff report.

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**Council Action:**

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**Council Tabled Until:**

**Signatures:**

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Date: 6/22/06
To: Mayor and City Council
From: Steve Ladd, Planning Manager
RE: Adoption of Transportation Element of the Comprehensive Plan

Overview
The Transportation Element that currently makes up part of the Comprehensive Plan was created in 2004 as part of the Major GMA Update. That element was written in-house and lacks certain ingredients. For the current re-write, the City contracted with The Transpo Group. The same firm prepared our impact fee structure in 2002. Some of the chief advantages of the proposed element over the existing are as follows.

1. Whereas the current Transportation Element’s planning horizon matches that of the 6-Year Street Plan (six years), the proposed element matches that of the rest of the Comprehensive Plan (20 years). This accords with the Growth Management Act. It allows us to ensure that transportation facilities will be adequate to accommodate land development.

2. The new Transportation Element has the benefit of a new run of the City’s traffic model (maintained for us by Transpo).

3. The proposed element allows the City to increase its traffic impact fees. An ordinance to that effect (not yet drafted) can be adopted concurrently with the proposed element.

4. The proposed element is much richer in data and analysis.

Though the proposed element is much better, it does not significantly depart from the current element in terms of policy or strategy. It represents a steady elaboration upon past decisions.

Street classifications and extensions
Some street classifications have changed, as follows. See Figure 6.

1. Reclassified West Tapps Highway as a collector instead of a minor arterial. (The north part of the city is largely built out. Traffic volumes won’t get much higher.)
2. Reclassified 198th Ave, south of 104th Street (in Pierce County), as a minor arterial, consistent with Pierce County. This is realistic given the demand that will be placed on this corridor.
3. Reclassified 182nd Ave as a collector street.
4. Reclassified 84th Street as a collector street between 182nd Ave and Locust Ave.

Figure 6 also shows planned extensions. These are the same extensions as shown in the current Element.
Level of service (LOS) standard
The possible Levels of Service are A through F. Below is a summary. “Delay” means the average time lost in deceleration, stopping, and acceleration. A high LOS standard is expensive. A low standard is inconvenient but affordable.

LOS A: Streets have free flow, low volumes, and high speeds. Drivers are delayed no more than 40% of the time. Intersection delay is less than 10 seconds.

LOS B: Streets have stable flow, but operating speeds are somewhat restricted. Drivers are delayed up to 55% of the time. Intersection delay is 10-20 seconds.

LOS C: Streets have stable flow, but are susceptible to congestion. Drivers are delayed up to 70% of the time. Intersection delay is 20-35 seconds.

LOS D: Streets have unstable flow. Drivers are delayed up to 85% of the time. Intersection delay is 35-55 seconds.

LOS E: Streets have unstable flow. Drivers are delayed 80% to 95% of the time. Intersection delay is 55-80 seconds.

LOS F: Extreme congestion drops volumes below capacity. Speeds are very low. Intersection delay exceeds 80 seconds.

The proposed LOS standard remains at LOS D. The proposed Element plots a course for maintaining LOS D. However, this does not apply to SR 410 because it is a WSDOT facility. The City has no power to restrict traffic on it nor the funds to improve it.

Traffic and LOS forecasts
The traffic model is based on land development envisioned in the Land Use Element, both residential and employment growth. It indicates a need for higher highway capacity westward from Bonney Lake. This will be a bottleneck. Figure 5 shows peak hour traffic in 2025.

Street improvement projects
Whereas the current Element’s street improvement project list goes out to only 2009, the proposed Element’s list (Figure 10) is broken down into “short,” “mid,” and “long” timing. “Long” means getting built in 2019-2025. The list is a logical progression from the current Element. The projects are also broken down into roadway and intersection improvements. These projects are necessary to maintain LOS D while the City builds out according to the Land Use Element. The total cost in the current Element is $39,503,000. The total cost in the proposed Element, excluding WSDOT and Pierce County projects, is $69,830,000, but that includes projects projected further into the future.
Pedestrian and bicycle travel
Bonney Lake lacks sidewalks and paved shoulders. This is exacerbated by the disconnected street pattern. Sidewalks are a major issue for many people. A Non-Motorized Transportation Plan is being prepared separately. It will be folded into the Transportation Element later.

Funding and impact fees
Table 13 on page 70 shows proposed funding. This includes an increase in the traffic impact fee from. See the following table for examples of how this compares to the existing impact fee.

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<tr>
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<th>Existing impact fee</th>
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<tr>
<td>Single-family residence</td>
<td>$2,701</td>
<td>$3,925</td>
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<tr>
<td>1000 sq. ft. of supermarket</td>
<td>$16,660</td>
<td>$25,990</td>
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Consistency with other jurisdictions
**WSDOT.** We have one state facility: SR 410. Page 66 shows the relationship of Bonney Lake’s transportation planning to that of WSDOT. The planning for the two agencies is consistent, though the probably deterioration of LOS on SR 410 is noted.

**PSRC.** Consistent - see page 67.

**Pierce County.** Consistent – see page 67. Pierce County has jurisdiction over arterial to all around Bonney Lake. Those to the large unincorporated UGA south of Bonney Lake are particularly important.

**Pierce Transit.** Consistent - see page 68.

Consistency with the Plan’s other elements
The proposed Transportation Element is consistent with the Land Use and other elements of the Comprehensive Plan.

Concurrency
The GMA requires that improvements needed to maintain the LOS standard be constructed within six years of the land development which necessitates the improvement. Bonney Lake applies the concurrency test to collectors and arterials (roadways and intersections) other than SR 410, which is exempt. See also page 65.
Staff Report

Criteria
BLMC 14.140.090 establishes the following criteria for amending the Comprehensive Plan. Staff's responses follow in italics.

1. Is the amendment consistent with the goals and policies of the comprehensive plan?
   Yes.

2. Would the comprehensive plan remain internally consistent?
   Yes. The proposal would not conflict with anything currently in the Plan.

3. Is the amendment consistent with the countywide planning policies?
   The countywide planning policies contain nothing that would indicate denial of this proposal.

4. Is the amendment consistent with the Growth Management Act?
   The GMA contains nothing that would indicate denial of this proposal.

5. Does the amendment advance the public health, safety, or welfare and is it in the best interest of the residents of Bonney Lake?
   Yes.

How the pages would swap out in your Comprehensive Plan binder
Once the new Transportation Element is adopted, staff will completely remove the old element and insert the new. However, the appendices will not be part of the printed binder. One would have to request a copy of the appendices from the City.

SEPA
SEPA still been complied with through a Determination of Non-Significance.

Planning Commission Recommendation
The Planning Commission had several concerns with the proposal. Not all have been resolved to the satisfaction of all members. Nonetheless, on June 21, 2006, the Planning Commission recommended adoption, three for, two against.

Staff also recommends adoption. No one wants increased traffic, but it's unavoidable. Efforts to manage the traffic will be controversial, but staff believes the proposed Transportation Element is the City's best alternative.

M:\Everyone\Planning\Comp Plan\2006 Update
ORDINANCE NO. D 06-147

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE ADOPTING A NEW TRANSPORTATION ELEMENT AS PART OF THE COMPREHENSIVE PLAN

WHEREAS, The Transpo Group has prepared for the City a new Transportation Element; and

WHEREAS, said Transportation Element has been the subject of an open house and several presentations and public meetings; and

WHEREAS, SEPA has been complied with by means of a Determination of Non-Significance; and

WHEREAS, the Planning Commission held a public hearing on May 3, 2006 and recommended adoption on June 21, 2006; and

WHEREAS, pursuant to state law on how frequently cities can amend their comprehensive plans, the City adopts this Transportation Element simultaneously with a Utilities Element and a budget amendment, so that further comprehensive plan amendments can occur in 2006, and,

WHEREAS, per the criteria for amending the Comprehensive Plan set forth in BLMC 14.140.090, 1) the amendment is consistent with the goals and policies of the comprehensive plan, 2) the comprehensive plan would remain internally consistent, 3) the amendment is consistent with the countywide planning policies, 4) the amendment is consistent with the Growth Management Act, and 5) the amendment advances the public health, safety, or welfare and is it in the best interest of the residents of Bonney Lake.

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

Section 1. The attached Transportation Element is hereby adopted as part of the Comprehensive Plan.

Section 2. This ordinance concerns powers vested solely in the Council, is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law.

PASSED by the City Council and approved by the Mayor this ____ day of July, 2006.
ATTEST:

Harwood Edvalson
City Clerk

APPROVED AS TO FORM:

James Dionne
City Attorney

Passed:
Valid:
Published:
Effective Date:
**City of Bonney Lake, Washington**
**Council Agenda Bill (C.A.B.) Approval Form**

<table>
<thead>
<tr>
<th>Department/Staff Contact: Planning (Leedy / Ladd) and Public Works (Grigsby / Woodcock)</th>
<th>Council Meeting Date: June 27, 2006, July 11, 2006</th>
<th>Agenda Item Number: AB06-146</th>
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<tr>
<td>Ordinance Number: D 06-146</td>
<td>Resolution Number:</td>
<td>Councilmember Sponsor:</td>
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### BUDGET INFORMATION

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<th>Required Expenditure</th>
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<tbody>
<tr>
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<td>$0</td>
<td>n/a</td>
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</table>

**Explanation:**
Preparation of the Sewer and Water Comprehensive Plans have been funded from the sewer and water utility funds. Adoption per se requires no further expenditure. The Utilities Element guides future improvements in the sewer, water, and stormwater systems.

**Agenda Subject:**

**Administrative Recommendation:**
Hear Planning Commission recommendation to adopt.

**Background Summary:**
See attached staff report.

### Council Committee Dates:
- Finance Committee:
- Public Safety Committee:
- Comm. Dev. & Planning Committee:
- Council Workshop:

### Commission Dates:
- Planning Commission: 5/3/06
- 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:
- Council Tabled Until:

**Signatures:**
- Dept. Dir.
- Mayor/City Administrator
- Date City Attorney reviewed
Staff Report

Date: 6/22/06
To: Mayor and City Council
From: Steve Ladd, Planning Manager
RE: Adoption of Utilities Element of the Comprehensive Plan

Organization of our Comprehensive Plan
The Growth Management Act (GMA) requires that local comprehensive plans contain the following elements:
- Land use
- Housing
- Capital facilities
- Transportation
- Utilities
- Economic development

Bonney Lake’s Comprehensive Plan contains the following elements:
- Community Character Element
- Land use
- Housing
- Economic development
- Transportation
- Parks Element
- Utilities
- Other capital facilities

The Comprehensive Plan’s table of contents states: “*These elements make up the Capital Facilities Element.” The reason for the asterisks is that transportation facilities, utilities, and parks are all capital facilities. Our Plan avoids duplication by defining all with asterisks as part of the Capital Facilities Element. “Other Capital Facilities” contains only the miscellaneous facilities.

In turn, the Utilities Element consists of water, sewer, and stormwater. When the City was required to update its Comprehensive Plan in 2004, the water and sewer plans were not done yet completed. The City inserted only a “placeholder” Utilities Element. Until the new Utilities Element is adopted the Bonney Lake Comprehensive Plan remains out of compliance with the Growth Management Act. Grants and loans are very difficult to obtain. (The Bonney Lake Comprehensive Plan complies the Growth Management Act in all other respects.)

Comprehensive Water Plan
The document is called a Comprehensive Water Plan because it contains all planning necessary to the water system. In addition to capital facility planning it has plans for operation,
maintenance, and so forth. It meets all GMA requirements and is consistent with the Comprehensive Plan's other elements and with the plans of our neighboring jurisdictions. It shows how water source, storage, and distribution systems would be expanded to meet the City's growth needs per the Land Use Element, both in terms of quantity and location.

The City's water utility encompasses a large area not in the City or in the City's UGA. The water service area wraps entirely around Lake Tapps, including lands in Pierce County and Auburn jurisdiction. In those areas, Bonney Lake is obligated to provide water as necessary to accommodate such development as Auburn or Pierce County may approve. Bonney Lake has no land use jurisdiction, yet must provide water. The City could seek to dispose of its "extra-territorial" water service area, but does not propose to do so. Because water is a utility, the water system must pay for itself without subsidy from the General Fund.

Comprehensive Sewer Plan
Like the water plan, this is an extremely complete document. The City's sewer utility has a "convoluted, contentious, and colorful" history – see page 2-2. In addition to capital facility planning it has plans for operation, maintenance, and so forth. It meets all GMA requirements and is consistent with the Comprehensive Plan's other elements and with the plans of our neighboring jurisdictions. The future improvements are designed to meet the City's growth needs per the Land Use Element, both in terms of quantity and location. This plan shows how areas that are in the City but don't have sewer yet, like Cedarview, could get sewer. See Figure 5-10.

The City's sewer utility encompasses two large areas outside the City and its UGA. In these areas, Bonney Lake is merely a sewer provider.

The "south sewer area" extends lies in Pierce County jurisdiction, east and northeast of, but not including, Cascadia. Some of this area is on septic tanks, some is undeveloped. The plan shows two alternatives: a conventional conveyance to the Sumner plant or a local membrane bioreactor (MBR) plant. The plan recommends the MBR alternative for the reasons stated on page 5-16.

The "north sewer area" lies along the west side of Lake Tapps in Pierce County jurisdiction and in Auburn's UGA. Some of this area is on septic tanks, some is undeveloped. Large residential developments around Lakeland Hills are creating a lot of demand. The plan suggests three alternatives: 1) conveyance to the Metro/King County plant, 2) conveyance to the Sumner plant, or 3) a local plant. The plan recommends pursuing the local plant alternative for the reasons stated on page 5-22. Also, to some extent, the City may cede the obligation to provide sewer service to the City of Auburn.

In these "extra-territorial" service areas, Bonney Lake is obligated to provide water as necessary to accommodate such development as Auburn or Pierce County may approve. The City could seek to dispose of its "extra-territorial" service area, but does not propose to do so. Because sewer is a utility, the sewer system must pay for itself without subsidy from the General Fund.
Stormwater Plan
A new Stormwater Plan is being prepared, but it isn’t complete yet. This Comprehensive Plan amendment is proceeding without it.

Consistency with other jurisdictions
Taken as a whole, the Utilities Element is consistent with the utilities planning of nearby jurisdictions.

Consistency with the Plan’s other elements
The proposed Transportation Element is consistent with the Land Use and other elements of the Comprehensive Plan.

Criteria
BLMC 14.140.090 establishes the following criteria for amending the Comprehensive Plan. Staff’s responses follow in italics.

1. Is the amendment consistent with the goals and policies of the comprehensive plan?
   Yes.

2. Would the comprehensive plan remain internally consistent?
   Yes. The proposal would not conflict with anything currently in the Plan.

3. Is the amendment consistent with the countywide planning policies?
   The countywide planning policies contain nothing that would indicate denial of this proposal.

4. Is the amendment consistent with the Growth Management Act?
   The GMA contains nothing that would indicate denial of this proposal.

5. Does the amendment advance the public health, safety, or welfare and is it in the best interest of the residents of Bonney Lake?
   Yes.

What pages will be swapped out in the Comprehensive Plan binders, and what documents will be adopted by reference
The sewer and water plans before us are too bulky to fit in the same binder as the rest of the Comprehensive Plan. In place of the existing two-page “placeholder” Utilities Element, staff has drafted a new two-page Utilities Element. See attached. This two-page Utilities Element adopts the sewer and water plans by reference.
Staff Report

SEPA
SEPA still been complied with through a Determination of Non-Significance.

Planning Commission Recommendation
On May 17, 2006, the Planning Commission recommended adoption. Staff also recommends adoption. The sooner adoption occurs, the more likely the City will succeed in current grant applications.
Utilities Element

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<th>Page</th>
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<td>Sewer</td>
<td>7-1</td>
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<tr>
<td>Stormwater</td>
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<tr>
<td>Non-Municipal Utilities</td>
<td>7-1</td>
</tr>
<tr>
<td>Goals and policies</td>
<td>7-2</td>
</tr>
</tbody>
</table>

Note: Though not printed in this binder, the City’s water, sewer, and stormwater plans, identified below, are integral parts of this Utilities Element. With these adoptions by reference, this Utilities Element is internally consistent, consistent with the other elements of this Plan, and consistent with the utilities plans of other jurisdictions.

Water

The City hereby adopts the City of Bonney Lake Comprehensive Water System Plan, prepared by RH2 and dated March, 2006, as part of this Utilities Element. Copies are available at City Hall or the City Hall Annex.

Sewer

The City hereby adopts the City of Bonney Lake Comprehensive Sewer System Plan, prepared by RH2 and dated March, 2006, as part of this Utilities Element. Copies are available at City Hall or the City Hall Annex.

Stormwater

The Bonney Lake Stormwater Comprehensive Plan, prepared by Montgomery Water Group, Inc. and adopted on 12/11/01 by Ordinance #906, is hereby adopted part of this Utilities Element. Copies are available at City Hall or the City Hall Annex.

Non-Municipal Utilities

Electric Power

Puget Sound Energy provides electricity to the Bonney Lake area. Puget Sound Energy has ceased operation of the White River Hydroelectric generating plant that used Lake Tapps as storage. Regional transmission lines pass through the Bonney Lake area. For information on existing and proposed electric facilities contact Puget Sound Energy, Corporate Relations, 3130 S. 38th St., Tacoma, WA 98409, (253) 476-6403.
Natural Gas

Puget Sound Energy provides natural gas to the Bonney Lake area. A natural gas transmission line passes through the Bonney Lake area. For information on existing and proposed natural gas facilities contact Puget Sound Energy, Corporate Relations, 3130 S. 38th St., Tacoma, WA 98409, (253) 476-6403.

Telecommunications

Qwest provides telephone and other data transmission services in the Bonney Lake area. Several companies provide cellular telephone service. Viacom Cablevision provides cable television. For information on existing and proposed telecommunication facilities, contact the provider.

Solid Waste

Murrey’s Disposal Company is the City’s franchise collection agency for solid waste. The receiving landfills are outside the Bonney Lake area.

Goals and policies (see also policies in the plans adopted by reference)

**Goal 7-1**  Ensure sufficient sewer, water, and stormwater service for the City and UGA through the planning horizon.

Policy 7-1a  Coordinate with other jurisdictions to provide adequate sewer and water capacity in accordance with the growth projections of the respective jurisdictions (including Bonney Lake, for that part in the City’s current limits or UGA).

Policy 7-1b  Not allow development in the city limits in excess of the City’s ability to ensure that said development receives adequate water and sewer service.

Policy 7-1c  Meet the City’s obligations to provide water and sewer service outside the city limits and UGA.

Policy 7-1d  Require connection to City sewer when possible and on-site sewage disposal systems are failing.

Policy 7-1e  Where practical, install power and telecommunication distribution lines underground to reduce storm damage and aesthetic clutter.

Policy 7-1f  Wisely manage placement of private utilities in street rights-of-way.

Policy 7-1g  Encourage solid waste recycling.

Policy 7-1h  Coordinate with private utility providers to provide good service and to facilitate planned land development in the Bonney Lake area.
ORDINANCE NO. D 06-146

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BONNEY LAKE ADOPTING, AS PART OF THE
COMPREHENSIVE PLAN, A NEW UTILITIES ELEMENT
INCORPORATING A NEW COMPREHENSIVE SEWER PLAN AND
COMPREHENSIVE WATER PLAN

WHEREAS, RH2 has prepared for the City a new Comprehensive Sewer Plan and Comprehensive Water Plan Element; and

WHEREAS, said Comprehensive Sewer Plan and Comprehensive Water Plan are now adopted by reference as part of the amended Utilities Element, attached; and

WHEREAS, SEPA has been complied with by means of a Determination of Non-Significance; and

WHEREAS, the Planning Commission held a public hearing on May 3, 2006 and recommended adoption on May 17, 2006; and

WHEREAS, pursuant to state law on how frequently cities can amend their comprehensive plans, the City adopts this Utilities Element simultaneously with a Utilities Element and a budget amendment, so that further comprehensive plan amendments can occur in 2006, and,

WHEREAS, per the criteria for amending the Comprehensive Plan set forth in BLMC 14.140.090, 1) the amendment is consistent with the goals and policies of the comprehensive plan, 2) the comprehensive plan would remain internally consistent, 3) the amendment is consistent with the countywide planning policies, 4) the amendment is consistent with the Growth Management Act, and 5) the amendment advances the public health, safety, or welfare and is in the best interest of the residents of Bonney Lake.

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

Section 1. The attached Utilities Element is hereby adopted as part of the Comprehensive Plan.

Section 2. This ordinance concerns powers vested solely in the Council, is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of July, 2006.
Neil Johnson,  
Mayor

ATTEST:

Harwood Edvalson  
City Clerk

APPROVED AS TO FORM:

James Dionne  
City Attorney

Passed:  
Valid:  
Published:  
Effective Date:
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

| Department/Staff Contact: Planning / Steve Ladd | Council Meeting Date: May 9, 2006 | Agenda Item Number AB06-116 |
| Ordinance Number: 1190 | Resolution Number: | Councilmember Sponsor: |

**BUDGET INFORMATION**

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**Explanation:**

**Agenda Subject:**
Proposed ordinance to put the R-2 zone on a density basis rather than a minimum lot size basis.

**Administrative Recommendation:**
Hear Planning Commission recommendation.

**Background Summary:**
See attached staff report and ordinance.

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<th>Council Committee Dates:</th>
<th>Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
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<td>Finance Committee:</td>
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<td>Park Board:</td>
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<td>Public Safety Committee:</td>
<td>4/5/06 public hearing</td>
<td>Hearing Examiner:</td>
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<td>Community Development &amp; Planning Committee:</td>
<td>4/19/06 recommendation</td>
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<td>Civil Service Commission:</td>
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**Signatures:**

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<tr>
<th>Dept. Dir.</th>
<th>Mayor/City Administrator</th>
<th>Date City Attorney reviewed</th>
</tr>
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Date: 5/2/06  
To: Mayor and Council  
RE: Proposed ordinance to put the R-2 zone on a density basis rather than a minimum lot size basis, and fixing an unintentional wording regarding non-conforming lots

Chronology
- On 2/1/06 staff recommended that the Planning Commission initiate the subject code change.
- On 4/5/06 the Planning Commission held a public hearing.
- On 4/19/06 the Planning Commission recommended approval of this, the second version of the ordinance.

How the R-1 zone has already been revised
In 2004 the Growth Management Hearings Board ordered the City to allow at least four dwelling units per net acre in the R-1 zone. The City complied by means of Ordinance 1099, wherein the minimum lot size was removed. Instead, subdivisions of land in the R-1 zone must result in a density of four to five units per acre. Ordinance 1099 also:
- eliminated the need (in the R-1 zone but not in the R-2 zone) for the Planned Unit Development process by building in flexible regulations; and
- gave the City Council power to decide preliminary plats rather than the hearing examiner.

Disincentive for owner-occupancy in the R-2 zone
The R-2 zone has not yet been revised to match the R-1 zone. In R-2, the minimum lot size for single-family residences is 8,600 square feet, which equals 5.0 units per acre. The minimum lot size for duplexes is 10,000 square feet, which equals 8.712 units per acre. Thus, the R-2 zone encourages duplexes by allowing them to be built at a higher density. Placing two dwelling units on one lot means one or both of them must be rentals. The R-2 zone poses a disincentive for owner-occupancy. In the minds of some, this reduces overall property values because renters might have less stake in the community.

The solution is to put the R-2 zone on a density basis rather than a minimum lot size basis, as was done with the R-1 zone. This would remove the disincentive for owner-occupancy. In effect, it allows attached single-family residences (townhouses) on lots averaging 5,000 square feet in size. The proposed ordinance does not alter the number of units a developer can get. It just regulates density in a manner that encourages owner-occupancy.

By way of example, the City has recently approved the preliminary plat of Legacy Park by Bill Sweatman. The location is 70th St. E. near Meyer Road. The zoning is R-2. To maximize density,
Mr. Sweatman is creating ten duplex lots for a total of 20 units. They will probably be rental units forever unless the R-2 zone is changed to allow each unit to sit on its own lot with the property line running along the common wall. If the proposal is adopted, the developer says he would probably sell them as townhouses because they would be worth much more that way than as rentals.

**Disincentive for clustering**
In residential development, clustering allows the City to retain more trees and open space. Clustering is density-neutral. The same number of homes are built, but they are closer together, often attached. Each home sits on its own lot.

Prior to Ordinance 1099, clustering could be accomplished through the Planned Unit Development (PUD) process. Ordinance 1099 repealed the PUD process. This is OK in the R-1 zone, because Ordinance 1099 inserted other means of flexibility in R-1 for clustering (reduced dimensional requirements in certain circumstances and with special approvals). The R-2 zone has not yet been brought in line.

The proposed ordinance removes the disincentive for clustering by following the precedent of the R-1 zone in allowing flexibility in minimum lot width and minimum building setbacks if approved by the City Council.

**Deletion of wording that has (unintentionally?) allowed duplexes on certain lots**
The proposed ordinance also repairs a presumably unintentional wording regarding legal non-conforming lots. BLMC 18.02.100 is meant to state that lots which are substandard in size but which were legally created prior to zoning can be built on only if they are at least 7200 square feet. As worded, however, BLMC 18.02.100 has also allowed duplexes to be built on R-2 lots between 7,200 and 9,999 square feet in size, even though the R-2 zone requires 10,000 square feet for a duplex. On Inlet Island, and perhaps elsewhere, strict compliance with BLMC 18.02.100 has resulted in duplexes being built where the intent was probably to allow only a single-family residence.

The proposed fix clarifies that the “legal non-conforming lot” language is only meant to ensure that one single-family home can be built on the undersized lot. A duplex (or pair of townhouses) would not be allowed except within the maximum density limit. The fix also moves this clause to a better location in the BLMC.
Affect on inconsistency areas
Another reason this subject is important is because areas remain in which the Comprehensive Plan says R-2 but which are zoned R-1. In other words, despite last year’s rezones, some “inconsistency areas” still remain. Ideally, we should fix the R-2 zone before we receive any requests for rezone from R-1 to R-2.

There remain five areas in which the Comp Plan designation is R-2 and the zoning is R-1: Areas 10, 11, 21a, 21b, and 30. See the attached map. Most of these are already developed, so the matter isn’t so important, but Area 10 is undeveloped and buildable.

Summary of the proposed ordinance
The following table discusses the ordinance.

<table>
<thead>
<tr>
<th>BLMC section being revised</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.16.020</td>
<td>Both detached and attached single-family residences would be permitted. (The references to modular homes and manufactured homes are deleted because they are by definition single-family residences.)</td>
</tr>
<tr>
<td>18.16.040</td>
<td>Clustered lot (lots with reduced dimensional requirements) become conditional uses, approvable by the City Council.</td>
</tr>
<tr>
<td>18.16.050.A</td>
<td>The required density at the conclusion of any subdivision is 6.0 to 8.712 dwelling units per net acre for attached single-family residences and 4.0 to 5.0 dwelling units per net acre for detached single-family residences. This does not alter the current allowance.</td>
</tr>
<tr>
<td>18.16.050.B, C, E, G, and H</td>
<td>Minimum lot width and minimum setbacks are reduced, in some cases subject to City Council approval of a conditional use permit.</td>
</tr>
<tr>
<td>BLMC 18.02.100 and BLMC 18.38.100</td>
<td>Fixes (and moves) wording that has unintentionally allowed duplexes on certain lots</td>
</tr>
</tbody>
</table>

Conclusion
SEPA and all other procedures have been complied with. On 4/19/06 the Planning Commission recommended approval.
“Inconsistency Areas”
where the Comp Plan shows R-2
and the Zoning is R-1
AN ORDINANCE OF THE CITY OF BONNEY LAKE, WASHINGTON, AMENDING CHAPTERS 18.02, 18.16, AND 18.38 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCES 1137, 747, 746, 740, 1002, 1009, 786, AND 515 TO PUT THE R-2 ZONE ON A DENSITY BASIS RATHER THAN A MINIMUM LOT SIZE BASIS

WHEREAS, the Bonney Lake Municipal Code encourages duplexes in the R-2 zone by allowing them to be built at a higher density of dwelling units per acre than single-family residences in the same zone, but this incentive only applies if both units are on one lot; and

WHEREAS, when two dwelling units are on one lot, usually one or both are not owner-occupied; and

WHEREAS, this disincentive against owner-occupied units is disadvantageous to property values because owner-residents have a long-term stake in the community; and

WHEREAS, this disadvantage is removed by putting the R-2 zone on a density basis rather than a minimum lot size basis as was done with the R-1 zone in 2005; and

WHEREAS, this ordinance is neutral toward density allowances; and

WHEREAS, this ordinance also follows the precedent of the R-1 zone in allowing flexibility in minimum lot width and minimum building setbacks if approved by the City Council; and

WHEREAS, this ordinance also repairs an unintentional wording regarding legal non-conforming lots, strict compliance with which has allowed duplexes to be built on R-2 lots under 10,000 square feet; and

WHEREAS, this amendment is consistent with the Bonney Lake Comprehensive Plan and the laws of the State of Washington; and

WHEREAS, the City has determined that this proposal does not create a probable significant adverse impact on the environment and that an Environmental Impact Statement is not required; and

WHEREAS, the Bonney Lake Planning Commission held a duly advertised public hearing to receive testimony on this proposal on April 5, 2006;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:
Section 1
BLMC 18.16.020 and the corresponding portions of Ordinances 1137 § 3, 747 § 1, 746 § 3, and .
740 § 5 are hereby revised to read as follows. The strikethroughs mean deletions, the underlines mean new text.

18.16.020 Uses permitted outright.
The following uses are permitted in an R-2 zone, subject to the off-street parking requirements, bulk regulations and other provisions and exceptions set forth in this code:
A. Residential Uses.
   1. Single-family residences, detached or attached;
   2. Duplexes (two-family residences);
   3. Modular homes on individual lots;
   4. Manufactured homes on individual lots;
   §2. Accessory dwelling units.
B. Educational Uses.
   1. Elementary schools.
C. Cultural, Religious, Recreational, and Entertainment Uses.
   1. Parks, opens space and trails;
   2. Churches of less than 250 seats; provided the requirements of BLMC 18.22.040 are met.
D. Resource Management Uses.
   1. Agriculture and orchards;
   2. Forestry and tree farms;
   3. Raising of livestock, small animals and fowl; provided the requirements of BLMC 18.22.060 are met.
E. Transportation, Communication, Utilities.
   1. Public utility facility; provided the requirements of BLMC 18.22.050 are met;
   2. Wireless communications facilities are permitted as principal or accessory uses provided the requirements of Chapter 18.50 BLMC are met.

Section 2
BLMC 18.16.040 and the corresponding portions of Ordinances 740 § 5, and 1002 § 4 are hereby revised as follows. The strikethroughs mean deletions, the underlines mean new text.

18.16.040 Uses permitted conditionally.
The following conditional uses are permitted on a lot in this district:
A. Educational Facilities.
   1. Junior high, high schools and junior colleges, public or private.
B. Commercial Uses.
   1. Hospitals; provided the criteria in BLMC 18.22.040 are met.
C. Cultural, Religious, Recreational and Entertainment Uses.
   1. Public and private meeting halls and lodge buildings; provided the criteria in BLMC 18.22.040 are met.
D. Municipal Offices.
E. Lots with reduced dimensional requirements per BLMC 18.16.050(H) within subdivisions.

Section 3
BLMC 18.16.050 and the corresponding portions of Ordinances 1099 § 18 and 740 § 5, are hereby revised to read as follows. The strikethroughs mean deletions, the underlines mean new text.

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

A. Minimum Lot Areas Density.
1. For a single-family residence, modular or manufactured home on a single-lot, 8,600 square feet. Required density at the conclusion of any short plat or subdivision shall be 6.0 to 8.712 dwelling units per net acre for attached single-family residences and duplexes and 4.0 to 5.0 dwelling units per net acre for detached single-family residences.
2. For a duplex residence, 10,000 square feet.

B. Minimum lot width: 55 feet. See also Subsection H of this section.

C. Minimum front setback: 20 feet from the right-of-way line, except State Highway 410 where the setback shall be 55 feet from the right-of-way line. 20 feet for garages, 10 feet for residences. See also Subsection H of this section. In areas where existing right-of-way is insufficient, additional setback may be required by the public works director as necessary.

D. Minimum side yard: five feet, with a total of 15 feet required for both side yards. Five feet (not applicable to property lines where single-family residences are attached).

E. Minimum Rear Setback shall be as follows. See also Subsection H of this section.
1. Residence: 20 feet except 30 feet for residences on Lake Tapps;
2. Separated garage or accessory building: 10 feet;
3. Boathouse, if approved: no rear yard setback.

F. Maximum height: 35 feet above foundations.

G. Maximum lot coverage by impervious surfaces shall be 60 percent. See also Subsection H of this section.

H. In the case of new subdivisions that cluster residences and preserve open space, concurrent with subdivision approval the City may reduce the requirements in subsections B, C, E, and G of this section by up to 50% if indicated by application of the conditional use permit criteria (see BLMC 18.52.020.C). See the list of conditional uses at BLMC 18.16.040.

Section 4
BLMC 18.02.100 (shown here stricken through) and the corresponding portions of Ordinances 786 § 1, and 515 § 4 are hereby repealed.

18.02.100 Exemptions from certain provisions.
Any lot platted prior to March 8, 1967, the date of the initial Bonney Lake zoning ordinance, is exempt from the bulk square footage requirements and width requirements of this zoning code; provided, that such lot shall have not less than 7,200 square feet; and provided further, that such lot shall not have been subdivided.
Section 5
A new section, BLMC 18.38.100, is hereby added to read as follows (shown here underlined).

**18.38.100 Legal non-conforming lots.**
Any legal lot of record, platted prior to March 8, 1967, the date of the initial Bonney Lake zoning ordinance, is exempt from the minimum width, minimum lot size, and maximum density requirements of this zoning code for the purpose of one single-family residence; provided such lot has not less than 7,200 square feet and has not been further subdivided.

Section 6
If any portion of this ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 7
This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five (5) days as required by law.

PASSED by the City Council and approved by the Mayor this ___ day of ______, 2006.

__________________________
Neil Johnson
Mayor

ATTEST:

__________________________
Woody Edvalson, Pro Tem City Clerk,

APPROVED AS TO FORM:

__________________________
James Dionne
City Attorney

Passed:
Valid:
Published:
Effective Date:

M:\Everyone\Planning\Bonney development regulations\2006