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

I. CALL TO ORDER – Mayor Neil Johnson

A. Flag Salute:

B. Roll Call: [A1.3]

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

[Staff expected to be in attendance: City Administrator Don Morrison, Planning & Community Development Director Bob Leedy, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, Chief Financial Officer Beth Anne Wroe and City Attorney Jim Dionne.]

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

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

D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: [A3.6.12]

B. Citizen Comments: [A1.5]

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

C. Correspondence:

III. COUNCIL COMMITTEE REPORTS: [A3.6.4]

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

A. **Approval of Corrected Meeting Minutes:** November 21st Council Workshop, November 28th Regular Council Meeting.

B. **Checks/Vouchers:** Accounts Payable checks/vouchers #45737 thru #45915 in the amount of $1,555,497.31. [F4.9]

C. **Payroll:** Payroll for November 16-30, 2006 for checks 25516-25560, including Deposits and Electronic Transfers in the amount of $408,926.95. [F4.9]

D. **AB06-378 – Ordinance D06-378** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington Dissolving And Reconstituting The Parks Board, Planning Commission, And Design Commission, And Amending Ordinance Nos. 236, 236a, 411, 875, 893, 1009 And Chapter 2.20 And Sections 2.26.010 And 2.60.040 Of The Bonney Lake Municipal Code Related To Boards And Commissions. [A 3.5.5] [A 3.8.2] [A 3.8.3]

E. **AB06-387 – Resolution 1641** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Judge Jim Helbling And Court Administrator Kathy Seymour To Carryover Annual Vacation In Excess Of The 30 Days Maximum Allowed. [A 4.1.7]

F. **AB06-385 – A Motion Of The Bonney Lake City Council, Authorizing The Finance Director To Approve Payment Of Accounts Payable Between The Dates Of December 13 And December 29, 2006 And Payroll Between The Dates Of December 1 And December 31, 2006. ** [A 3.6.10] [F 4.8]

G. **AB06-370 – A Motion Of The Bonney Lake City Council, To Set A Special Meeting Of The Bonney Lake City Council And Planning Commission For A Joint Public Hearing To Receive Testimony On The Proposed Annexation And R-1 Zoning For The “Angeline Road Annexation” On Tuesday, January 9, 2007 At 6:30 P.M.** [A 3.6.10] [A 3.6.12] [O 3.2.2]

H. **AB06-392 – A Motion Of The Bonney Lake City Council, Canceling The Regular December 19, 2006 Council Workshop.** [A 3.6.10] [A 1.1.2]

V. **FINANCE COMMITTEE ISSUES:**

A. **AB06-391 – D06-391** – An Ordinance Of The City Of Bonney Lake, Pierce County, Amending Ordinance No. 1178 And The Annual Budget For The Calendar Year 2006. [F 3.6]

C. **AB06-382 – Resolution 1640** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract For Missoula Children’s Theater To Conduct A Week Long Theatrical Camp. [A 1.10]


E. **AB06-386 – A Motion Of The Bonney Lake City Council, Accepting the Senior Center Project As Complete.** [O 4.4.3]

VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

A. **AB06-333 – Resolution 1622** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement Between The City Of Bonney Lake And Pierce County Relating To Post-Annexation Processing Of Building And Related Permits And Land Use Applications For Annexation Area 1-A. [A.3.22.3] [O 6.1]


VII. **PUBLIC SAFETY COMMITTEE ISSUES:** None.

VIII. **FULL COUNCIL ISSUES:**


B. **AB06-367 – D06-367** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance No. 1180 Relating To Salaries And Benefits For Non-Represented Employees. [A 4.3.1]

C. **AB06-381 – D06-381** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance Nos. 950 And 678, And Chapter 2.32 Of The Bonney Lake Municipal Code Relating To Holiday, Vacation, And Sick Leave Benefits For Non-Represented Employees. [A 3.5.5]

D. **AB06-364 – A Motion Of The Bonney Lake City Council Approving The Preliminary Plat For Berkshire Estates Subject To The Recommended Conditions Of The Hearings Examiner.** [A 3.6.10] [O 3.7.1]

E. **AB06-383 – A Motion Of The Bonney Lake City Council Approving The Preliminary Plat For Church Lake Subject To The Recommended Conditions Of The Hearings Examiner.** [A 3.6.10] [O 3.7.1]

F. **AB06-384 – A Motion Of The Bonney Lake City Council Approving The Preliminary Plat For Orchard Grove II Subject To The Recommended Conditions Of The Hearings Examiner.** [A 3.6.10] [O 3.7.1]

G. **AB06-393 – A Motion Of The Bonney Lake City Council Approving The Final Plat For Garden Meadows.** [A 3.6.10] [O 3.7.2]
IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110 (1)(c) the City Council will hold an executive session to discuss the acquisition of real estate.

X. ADJOURNMENT

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

THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA
Call to Order:
Mayor Johnson called the November 21st Council Workshop to order at 5:30 p.m.

Roll Call:
Also in attendance were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember DeLeo, Councilmember Mark Hamilton, Councilmember Cheryle Noble and Councilmember Jim Rackley. Councilmember Dave King arrived at 6:01 p.m.

[Staff members attending were City Administrator Don Morrison, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Chief Financial Officer Beth Anne Wroe, City Attorney Jim Dionne, Administrative Services Director / City Clerk Harwood Edvalson, Planning Manager Steve Ladd, City Engineer John Woodcock, and Records & Information Specialist Virginia Phelan.]

Agenda Items:


Pierce County Planning.
Councilmember Rackley informed Council that he had been involved in meeting with Pierce County Planning to discuss issues related to annexations of the south CUGA and all official UGAs, especially the Fennel Creek corridor. He went on to say the County would be interested in getting an interlocal agreement worked up to address the growth related issues for the areas in question. City Administrator Morrison said they also discussed the WSU Forest and the Public Works Water Tower building. He said they want to come to an understanding on the responsibilities of the County and the City. They are also considering the possibility of a comprehensive plan amendment outside of the normal review cycle.

Councilmember Noble was concerned that the City may be rushing into something and she objected to the idea of considering annexation of the South CUGA area. Councilmember Rackley said the meeting was only the beginnings of discussion to see the County’s stance, but the City is already getting petitions for annexation from people in that area. Mayor Johnson confirmed the meeting was similar to meetings the City has had with Sumner and Auburn to see where everyone stands on issues affecting the area. He explained that Planning Manager Ladd would be putting together a presentation on the meeting for Council, after which Council could begin serious discussion with what they want to move forward.
Councilmember Rackley reminded Council if the City annexes those portions separately they will not be able to collect the sales tax that becomes available with an annexation of 10,000 people or more. He went on to say the property tax received after an annexation is not enough to maintain the desired level of service. Deputy Mayor Swatman agreed that the more small areas the City annexes the more difficult it becomes to pay for services. Councilmember Hamilton said the City definitely needs to keep an ongoing dialog because these areas are going to have a big impact once developed and the City would benefit from having some control over the process.

Councilmember Rackley described some of the County’s position on Cascadia, saying they seem serious about limiting Cascadia’s growth past phase 2 until the promise to create jobs is met. Councilmember DeLeo expressed concern that the County was trying to get out of paying anything towards the proposed Rhodes Lake Road Corridor. Mayor Johnson agreed and said there is a good chance the City will have to figure out how to get the 50 to 80 million dollar project funded. Mayor Johnson said there was going to be a presentation upcoming from the group of developments working on the Corridor plans, which he would discuss with Council at a future meeting.

**Sumner/Bonney Lake Relay for Life.**
Councilmember Noble said there were three teams for this year’s Relay for Life. She suggested the City get more involved in this program and consider putting the proposed Community Special Events Coordinator in charge when the position is finalized.

**Food and Clothing Banks.**
Deputy Mayor Swatman said the ongoing assumption is that the City will be helping the food and clothing banks find suitable locations. He mentioned that eventually they will probably be part of the City, so the City should be involved in helping them now. He said there are many options including the Moriarty Property and the Public Safety Building and it would be a shame for these community assistance groups to spend money and time on an interim solution. Mayor Johnson suggested the topic be discussed at the upcoming retreat.

**Tow Truck Rotation.**
Councilmember DeLeo questioned the implementation of the new Tow Truck Ordinance. He said there are companies trying to apply to be on the rotation list, but they have been told the application is unavailable. Chief Mitchell responded that the application is voluminous and still requires some fine tuning before it can be finalized. He said he has received a letter from one company asking to be on the list and he intends to talk with the current tow provider to alert them to the upcoming requirements. Councilmember DeLeo confirmed that since the application is unavailable the intended one month application period is void.

**Rainier Communication Commission.**
Councilmember DeLeo alerted Council that he had missed the previous two meetings of the RCC due to a change in meeting time from 6:00 p.m. to 5:00 p.m. He explained many members had been missing the meetings and while he suspected the meeting time would be reverted, he wanted to see if any other Council member could fill in for him in the interim. Councilmember Rackley volunteered.

**Eastown Lift Station.**
Councilmember Bowen asked if there was any new information on the Eastown Lift Station. Public Works Director Grigsby said he has met with the developer to go over the standards and designs. He said they were unsure when ground breaking will occur, but he has requested a schedule. Deputy Mayor Swatman asked if there is anything the City can be doing to move this
process forward. Mayor Johnson said the developers do not want help with the design, but they will create their own within the City’s guidelines. Director Grigsby said he has been explicit with them about the requirements of the City at the 10%, 30% and 90% phases.

Deputy Mayor Swatman suggested there be a Project Manager for Eastown who could keep everything on track. Councilmember DeLeo agreed and said this had previously been suggested. Councilmember Rackley recommended there be an Eastown committee to keep the City informed. Mayor Johnson said the developer is aware of the City’s need to stay informed, but he suggested weekly updates should be acquired.

Glass Recycling.
Councilmember Hamilton asked for an update on the proposed glass recycling centers inside the City. Mayor Johnson said the City only needs to decide where to have the bins delivered. He said there are three requested, but only two locations determined thus far. Once the third is determined, delivery can be accomplished.

Valley Water District.
Councilmember Bowen reminded Council that the City’s chance to purchase a portion of the Valley Water District will expire soon and he did not see this addressed in the preliminary budget. Councilmember Rackley specified there was a seven year window and now there are only two years left. Deputy Mayor Swatman suggested this be addressed in the water capital facilities plan. Director Grigsby said a placeholder can be put in the budget, although they don’t know what it might cost. Councilmember Rackley recommended discussions with Valley Water District to negotiate costs before publishing the budget. Director Grigsby said the City will not be purchasing any water rights, but part of their distribution system so the City can be the water purveyor.

2. Approval of Minutes: November 7th Council Workshop, November 14th Special Joint Council/Planning Commission Meeting, November 14th Regular Council Meeting.

There were no corrections to the Minutes.

3. Discussion: AB06-378 – Proposal to establish three-year staggered terms by reconstituting the Park Board, Design Commission and Planning Commission; and setting a common annual date when terms expire.

Administrative Services Director Edvalson explained the terms and records of the Board and Commissions in question had become disorganized and in need of revamping. He said they need to be staggered and reduced to three years to encourage increased involvement. Currently the Park Board has a seven year term, the Planning Commission a six year term and the Design Commission a four year term. He suggested citizens would be more willing to commit to a shorter term and those who wanted to stay could easily be reappointed. Mayor Johnson agreed that it is important to get as many people involved as possible. Director Edvalson promoted the idea of common annual term expiration, saying that it allows the City to advertise simultaneously and the interested Citizens to be aware and prepared to apply.

Council discussed the best date to be used for the term expiration as well as the possible problem with changing that date for the Civil Service Commission. Director Edvalson said if the Commission consents to the change for the ease of the administration there should not be a
problem since their term period would not be changed. Councilmember Rackley recommended beginning advertising for the vacancies 30-45 days before the term ends so vacancies on the boards and commissions can be prevented.


Deputy Mayor SWATMAN said the ad valorem tax is increasing, but individual property owner’s rates are dropping.


Councilmember King congratulated the Chief Financial Officer Wroe, Mayor Johnson, City Administrator Morrison and all the involved staff for putting together a budget which is easy to understand and honestly represents the Council’s long term plan.

Councilmember DeLeo offered some corrections on the staff organizational charts. Administrator Morrison said there are some typos and other mistakes which need to be fixed, but nothing that affects the numbers or fund balances. He went on to address a couple changes which have been considered for the preliminary budget. The first, he said, is to include the Lake Deborah Jane project in the Capital Facilities plan. The second is to fund security lighting at Allan Yorke Park.

Councilmember DeLeo said the City would also need to consider funding for the proposed 800mhz system. Administrator Morrison said the City will probably wait to see what the County is planning, since a decision probably will not be made for two or more years. He elaborated that Drug Fund Money can be held in reserve and the City hopes to acquire Federal money too. Chief Mitchell said there would be grants forthcoming in the next year for this.

Councilmember Hamilton asked if the City is running a deficit in the Sewer Enterprise Fund. Chief Financial Officer Wroe explained nearly $360,000 to $380,000 for repair work had been expended to the Sewer O&M budget and Directors Leaf and Grigsby had been working on Public Works Trust Fund loans to address this. Councilmember Hamilton asked if SDC funds could be used, to which Director Grigsby responded in the affirmative.

Councilmember Hamilton went on to question the possibility that the City was charging too much for water. He asked that the City confirm the rate study and ensure the charges are correct. Director Grigsby said it appeared correct when reviewed by Consultant Alan Dorschel. Chief Financial Officer Wroe agreed the topic needs to be revisited and offered to give the Council comparative revenues and changes so they may review it with the rate study. Councilmember Rackley asked for water usage, as well, so Council can see if the increased rate structure has been promoting water conservation.

Councilmember Hamilton asked why there did not appear to be money set aside in the budget for the purchase of additional water. Administrator Morrison said it did not make the list when staff was reviewing all the critical CIP projects coming up in the next biennium. He went on to say it could be done, but they have not figured out a way to fund it yet without gutting some very important projects. He said the capital needs on the water side are a lot more than originally
anticipated and although the rate structure seems high, it still may not be enough to accomplish everything that needs to be done. Councilmember Rackley said the City may not be keeping up with costs as well as they had hoped and suggested the water purchase is not crucial at this point, but that it will only become more expensive in the future. Council finished the workshop budget discussion with a brief discussion on the cost and revenue projections of the proposed red light photo enforcement program.

6. Executive Session: Pursuant to RCW 42.30.110(1)(i), RCW 42.30.140(4)(a), and RCW 42.30.110(1)(b), Mayor Johnson announced a 10 minute executive session to discuss potential litigation, a 10 minute executive session to discuss labor negotiations and a 5 minute executive session to discuss property acquisition.

Mayor Johnson announced a 5-minute break at 6:46 p.m. The meeting reconvened at 6:54 p.m.

Executive session started at 6:54 p.m. and was extended for 10 minutes at 7:20 p.m. The meeting reconvened at 7:36 p.m.

7. Adjournment

At 7:36 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Hamilton seconded the motion.

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

______________________________
Harwood T. Edvalson, CMC
City Clerk

______________________________
Mayor Neil Johnson, Jr.
Call to Order – Mayor Neil Johnson called the meeting to order at 7:00 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 Cheryle Noble and Councilmember Jim Rackley. Councilmember Dave King joined the meeting shortly after the roll call.

Staff members present were City Administrator Don Morrison, Planning & Community Development Director Bob Leedy, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director / City Clerk Harwood Edvalson, Chief Financial Officer Beth Anne Wroe and City Engineer John Woodcock.

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

1. Announcements: None.
2. Appointments: None.
3. Presentations: Sumner Mayor David Enslow presented a proclamation thanking the City of Bonney Lake for assistance rendered during the recent flooding event.

D. Agenda Modifications: None.

II. Public Hearings, Citizen Comments & Correspondence

A. Public Hearings: [A3.6.12]

Mayor Johnson declared the hearing open at 7:03 p.m. There was no one in attendance wishing to address the Council on this issue. Mayor Johnson closed the public hearing at 7:03 p.m.

B. Citizen Comments:

Don Sangesand, 5616 195th Pl. E., referenced his comments from last year regarding the improved quality of water from the Ball Park Well. He said he would like to withdraw those comments. He noted that he would receive some relief from the continuing poor water quality now that the well is shut down for the winter. He added he did not look forward to the spring when the City would again start to use the well. He said the City has really done nothing toward the resolution of this problem.

Dan Decker, 20401 70th St. E., stated he feels the Mayor and City Council should be more vigilant in allowing citizens to address action items occurring at Council workshops. He said in the past he has raised his hand to address action items at workshops and not been recognized to speak. As a second item, Mr. Decker said he was told under the previous Mayor’s administration that the Mayor can make motions and seconds and vote on items as the chair of the meeting. He pointed out that the Bonney Lake Municipal Code says the Mayor may not make motions, seconds for Council action.

Councilmember King said he believes the Mayor and Council have been remiss in allowing the public to address action items at Workshops and asked Administrative Services Director Edvalson to assist the elected officials to make sure opportunities to address action items are provided the public. He added he will personally be more vigilant to make sure such opportunities occur.

John Alexander, Master Builders Association – Pierce County, asked where the Council had discussed the issue of automatic increases to the City’s transportation and park impact fees. He said the last time Council had discussed the issue, there seemed to be a consensus to not continue with the automatic increases.

Director Grigsby responded that Council had recently discussed the issue at the November 7th Workshop. Councilmember King asked Mr. Alexander how the proposed ordinance would impact the members of his association. Mr. Alexander responded the ordinance creates instability in the building industry in Bonney Lake because the impact fees will not be known for the next year until the appropriate index is published late in the year.

Mayor Johnson suggested the MBA could approach individual Councilmembers to see if they would be amenable to again addressing this issue in 2007. Councilmember Hamilton said he hopes the City will continue to keep the lines
of communication open with the MBA and those they represent in the City of Bonney Lake. Mr. Alexander said he has not created any obstacles to communication between himself and the Council.

C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee
Deputy Mayor Swatman said the Finance Committee met earlier in the evening and discussed the following:
1. Disposition of vacation leave balances accumulated in excess of allowed limits;
2. Interest rates on interfund loans for park purchase and possible forgiveness of debt for General Fund loan;
3. Policies for collection of delinquent utilities accounts;
4. The annual motion to allow for the payment of year end bills and payroll;

B. Community Development Committee
Councilmember Rackley said the Community Development Committee met on November 11th. He said the following items were discussed and moved forward for Council consideration:
1. D06-334 and D06-335 – related to annexation and zoning of Area 1-A;
2. AB06-365 – accepting the Connell's Prairie Rd E. Overlay Project;
3. AB06-374 – accepting the Tacoma Point Well Soft-Start Upgrade Project;
4. AB06-377 – a water development agreement for Lakeland Hills South PUD Planning Area 9; and
5. D06-376 – sewer connection financial hardship payment plans.
Councilmember Rackley said the committee recommends passage of all these items.

C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee has not met since the last Council meeting, but recommends approval on tonight's agenda of AB06-361 for out-of-state travel of Police Chaplain Spahr.

D. Other Reports:
Councilmember King reported that a recent meeting of the Pierce County Regional Committee did not have a quorum and could not elect officers for the coming year. He said a report, however, was presented by the Growth Management Coordinating Committee on buildable lands and employment targets. He noted the 2005 estimate for jobs in Bonney Lake is 3,135. He added the 2022 job target for Bonney Lake is only 4,420.

Councilmember King also noted the presentation of the Regional Transportation
Study and said there are alarming impacts to the smaller cities in the region. He added those cities will have to be vigilant about how to receive an appropriate share of federal dollars as allocated in the future. He thanked Director Leedy and the Planning staff for their assistance to the PCRC. He said the study is available for review on the Internet at PSRTC.WA.GOV.

IV. CONSENT AGENDA: [A3.6]

A. Approval of Meeting Minutes: November 7th Council Workshop, November 14th Special Joint Council/Planning Commission Meeting, November 14th Regular Council Meeting.

B. Checks/Vouchers: Accounts Payable checks/vouchers #45636 thru #45736 (voiding check #45695) and wire transfer #2532927 in the amount of $1,860,121.33. [I-4.0]

C. Payroll: Payroll for November 1-15, 2006 for checks 25478-25515, including Deposits and Electronic Transfers in the amount of $303,383.48. [I-4.9]

D. AB06-203 – Ordinance D06-203 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 19.04 And 19.06 Of The Bonney Lake Municipal Code And Ordinance Nos. 984, 1018, 1157 And 1179, Relating To Annual Adjustments To Transportation And Parks Impact Fees. [A 3.5.5] [F 4.3]


F. AB06-361 – A Motion Of The Bonney Lake City Council, Approving Out of State Travel for Police Chaplain Art Spahr to Cannon Beach, OR. [A 3.6.10] [A 4.7]

G. AB06-365 – A Motion Of The Bonney Lake City Council, Accepting As Complete The Tucci & Sons Connell’s Prairie Rd E Overlay Project. [A 3.6.10] [O 4.8.2]

H. AB06-374 – A Motion Of The Bonney Lake City Council, Accepting As Complete The Madsen Electric Tacoma Point Well Soft-Start Upgrade Project. [A 3.6.10] [O 4.10.1]

Deputy Mayor Swatman moved to approve the Consent Agenda. Councilmember Noble seconded the motion.

City Attorney Dionne said the wrong version of D06-203, Item D on the Consent Agenda was included in the packet. He said the second “Whereas” clause should be stricken from the ordinance because it no longer applies. He added this does not require an amendment to the ordinance since this is an administrative error.

Motion approved 7 – 0.
V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:


Councilmember Rackley moved to adopt Ordinance D06-334 [Ordinance 1208]. Deputy Mayor Swatman seconded.

Motion approved 7 – 0.

B. **AB06-335 - Ordinance D06-335** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Applying R-1 Zoning To The Area Commonly Referred To As “Annexation Area 1-A”. [O 3.2.2]

Councilmember Rackley moved to adopt Ordinance D06-335 [Ordinance 1209]. Deputy Mayor Swatman seconded.

Motion approved 7 – 0.

C. **AB06-376 – Ordinance D06-376** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance Nos. 1094 § 2; 1083 § 2; 968 § 2; 919 § 2; 787 §§ 1, 2; 571C § 1; 561 Art. VIII § 3 And Section 13.12.100 Of The Bonney Lake Municipal Code, Related To Sewer Connection Fees. [A 3.5.5] [F 4.3]

Councilmember Rackley moved to adopt Ordinance D06-376 [Ordinance 1207]. Councilmember Hamilton seconded.

Councilmembers discussed whether or not the ordinance should apply to any mandatory sewer connection situation and/or include provisions for determining a financial hardship. Also discussed was the appropriate interest rate to be charged for the program.

Councilmember Rackley moved to amend the motion to include the following change to Section 1D:

...A reasonable interest rate, based upon the City’s investment portfolio plus two percent for service fee, as determined by the City’s Chief Financial Officer, will be charged on the balance owing to the City... 

Councilmember Bowen seconded the motion.
Amendment approved 7 – 0.
Amended main motion approved 7 – 0.

D. **AB06-377 – Resolution 1639** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Development Extension Agreement With Lakeland East LLC For The Lakeland Hills South PUD Planning Area 9. [O 4.10.1]

Councilmember Rackley moved to approve Resolution 1639. Councilmember Hamilton seconded.

Councilmember Noble noted the area is within Bonney Lake’s Water Service Area, but within the City of Auburn. She said she continues to have concerns about the resolution of water service boundaries and issues in that area. She asked about the disposition of the committee which is supposed to be studying the issues. Director Grigsby responded an anticipated grant to fund the study has not been forthcoming. He added the City of Sumner has expressed interest in continuing the discussions. Mayor Johnson said Auburn’s Mayor has communicated his City is interested in Bonney Lake’s Water Service Area within their City boundaries. Deputy Mayor Swatman said it is not good strategy to continue approving new water services in this area until the issues are resolved.

Councilmembers Hamilton and Rackley expressed concern that the boundary and service issues be discussed and potential impacts to Bonney Lake residents understood before the City parts with any of its service area. Mayor Johnson said these topics would be a central part of the Council’s next retreat early in 2007.

Motion to approved 5 – 2. Deputy Mayor Swatman and Councilmember Noble voted no.

**VII. PUBLIC SAFETY COMMITTEE ISSUES:** None.

**VIII. FULL COUNCIL ISSUES:**

A. **AB06-357 – A Motion Of The Bonney Lake City Council Approving The Final Plat For Panorama West.** [A 3.6.10] [O 3.7.2]

Deputy Mayor Swatman moved to approve the final plat for Panorama West. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman noted this is a closed record hearing. Councilmember Hamilton asked if there are provisions in the Hearing Examiner’s Findings to mitigate for park impacts. Director Leedy said he was unaware of any provisions for parks, but said the final plat conforms to the letter of the Hearing Examiner’s findings. Director Grigsby noted that
the developer has agreed to relocate a utility cabinet which was incorrectly placed and impacts traffic sight distances.

Motion approved 6 – 0. Councilmember Rackley was absent from the room for the vote.

B. AB06-364 – A Motion Of The Bonney Lake City Council Approving The Preliminary Plat For Berkshire Estates Subject To The Conditions Of The Hearings Examiner. [A3.6.10] [O 3.7.2]

Councilmember Noble moved to approve the Berkshire Estates Preliminary Plat. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman noted this is again a closed record hearing. City Attorney Dionne added the hearing is quasi-judicial in nature, as well. Deputy Mayor Swatman asked Councilmembers if there were any who felt they should recuse themselves for conflict of interest or conflict with the appearance of fairness. None of the Councilmembers indicated a conflict.

Deputy Mayor Swatman asked about water availability under Item 4G of the Hearing Examiner’s conclusions. City Engineer Woodcock said the City issues a preliminary letter of availability which becomes final at a later date. He affirmed the City is now guaranteeing water availability for this development. Deputy Mayor Swatman asked if the City could deny the next one. City Attorney Dionne said the letters are dependent upon actual availability. He said if there is insufficient availability then the City can deny it.

Deputy Mayor Swatman also asked about Item 4B 10. He said compared to the map provided, the appropriate street connections seem infeasible. Director Leedy said it appeared an outdated map had been provided. He suggested a continuation of the item until the questions about the correct map can be resolved. Councilmember DeLeo asked about 4I. and whether a well, if it exists, must be abandoned. Director Grigsby said the current municipal code requires the well be abandoned if a connection is made to City water. He said Assistant Public Works Director Shannon is reviewing the possibility of allowing the well to remain functional for irrigation purposes.

Councilmember Rackley moved to table AB06-364 to the next Council meeting. Councilmember Noble seconded.

Motion to table approved 7 – 0.

C. AB06-380 – A Motion Of The Bonney Lake City Council Rescheduling the Council Workshop from December 5, 2006 at 5:30 p.m. to December 6th in the Bonney Lake Council Chambers; and calling for a special meeting of the City Council to meet with the Pierce County Council at Al Lago Restaurant on December 5, 2006 at 6:00 p.m. [A 3.6.10] [A 1.1.2]

Deputy Mayor Swatman moved to approve the recommended motion. Councilmember King seconded.
Deputy Mayor Swatman said the meetings have been rearranged to allow the Council to attend the County Council meetings on December 5th, and to participate in a Storm Water Symposium with the Planning Commission on Wednesday night, December 6th. He said the Council's regular workshop will follow the Storm Water Symposium.

Motion approved 7 – 0.

IX. EXECUTIVE SESSION: None.

X. ADJOURNMENT

At 8:20 p.m., Councilmember Noble 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.
ACCOUNTS PAYABLE AND
UTILITY REFUND CHECKS/VOUCHERS

12/12/2006

Accounts Payable checks/ vouchers #45737 thru #45915 in the amount of $1,555,497.31.
PAYROLL CERTIFICATION
2006

Payroll for November 16-30, 2006 for checks 25516-25560, including Deposits and Electronic Transfers in the amount of $408,926.95.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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**Explanation:** No Budget Impact.

**Agenda Subject:** Reconstitution of the Planning Commission, Design Commission and Park Board.

**Administrative Recommendation:** Discuss and approve.

**Background Summary:** The City Council discussed the reconstitution of its Boards and Commissions at the November 21st Council Workshop. There appeared to be a consensus majority in favor of the proposal to establish 3-year position terms for the Design Commission, Park Board and Planning Commission; re-establish a rotation of years in which terms expire; and set a common ending date for terms in a given year. A memo from Mayor Johnson, including the proposed ordinance, was provided to the members of the Boards and Commissions on November 30th. Mayor Johnson has indicated his intent to reappoint all those currently serving who wish reappointment. He will advise the Council of his reappointments to the Design Commission and Planning Commission; and seek consent of his reappointments to the Park Board no later than the Council meeting of January 9, 2007.

At the Workshop, the Council discussed the proposed term ending date. The proposed date remains the same, and assumes the appointments will either be made prior to the ending date, or the position will remain vacant until an appointment is made and/or ratified after the term-ending date. The issue was discussed again at the 12/06 Council Workshop.

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**Signatures:**

Dr. Authorization:  
Mayor:  
Date City Attorney Reviewed:
ORDINANCE NO. 378

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON DISSOLVING AND RECONSTITUTING THE PARKS BOARD, PLANNING COMMISSION, AND DESIGN COMMISSION, AND AMENDING ORDINANCE NOS. 236, 236A, 411, 875, 893, 1009 AND CHAPTER 2.20 AND SECTIONS 2.26.010 AND 2.60.040 OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO BOARDS AND COMMISSIONS.

WHEREAS, the City Council has determined that the term lengths of members of the Park Board, Planning Commission, and Design Commission should be three years; and

WHEREAS, it is necessary to dissolve and reconstitute the Parks Board, Planning Commission, and Design Commission to re-number the positions, establish staggered terms and expiration dates, and clarify the legal authority for boards and commissions; and

WHEREAS, it is necessary for better organization and management to have the terms of the board and commission members, which are due for expiration in a particular year, all expire on the same day of that year.

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

Section 1. The Park Board as it is currently constituted shall be dissolved effective January 11, 2007. The Park Board shall be re-constituted, and new members appointed, per the provisions of the amended Chapter 2.20 of the Bonney Lake Municipal Code, effective January 11, 2007. The members shall be appointed to positions numbered one through seven. The City Clerk shall keep a record of which members have been appointed to which positions. The terms of the members shall be staggered, with no more than three terms expiring each year. To achieve staggered terms, the terms of the initial members appointed to positions one, two and three shall expire on April 6, 2008. The terms of the initial members appointed to positions three and four shall expire on April 6, 2009. All other terms shall be three years in length.

Section 2. Bonney Lake Municipal Code Chapter 2.20 and the corresponding portions of Ordinance Nos. 1009 and 411 are hereby amended to read as follows:

CHAPTER 2.20

PARK BOARD

2.20.010 Created.

There is created a board of park commissioners to study and recommend park policies and rules, assist in the development of the parks element of the
comprehensive plan and make other recommendations to the mayor and city council regarding related systems such as trails. (Ord. 1009 § 1, 2003; Ord. 411 § 1, 1974).

2.20.020 Membership.

The board shall consist of seven members who shall be appointed by the mayor, with the consent of the city council. Four members shall constitute a quorum, and their terms shall be fixed as per the requirements of RCW 35.23.170. The terms of the members shall be three years, with initial terms staggered so that not more than three terms expire in any given year. (Ord. 1009 § 2, 2003; Ord. 411A § 1, 1981; Ord. 411 § 2, 1974).

2.20.030 Powers and duties.

The board of park commissioners shall have all the powers and perform all the duties as provided by the laws of the state relating to boards of park commissioners. It shall act in an advisory capacity to the mayor and city council and shall make recommendations from time to time concerning the acquisition, improvement and use of parks, playgrounds and recreational equipment and facilities. It shall recommend rules and regulations governing the use and management thereof to the city council. The board of park commissioners may adopt appropriate rules governing the organization and conduct of its meetings. (Ord. 1009 § 3, 2003; Ord. 411 § 3, 1974).

2.20.040 Compensation.

The board of park commissioners shall serve without salary. (Ord. 411 § 4, 1974).

2.20.050 Statutory authority.

Where not inconsistent with the provisions of BLMC 2.20.010 through 2.20.040, the board of park commissioners shall be bound by the provisions of RCW 35.23.170. The board of park commissioners is created pursuant to RCW 35A.11.020. (Ord. 411 § 5, 1974).

Section 3. The Planning Commission as it is currently constituted shall be dissolved effective January 11, 2007. The Planning Commission shall be re-constituted, and new members appointed, per the provisions of Chapter 2.26 of the Bonney Lake Municipal Code. The members shall be appointed to positions numbered one through seven. The City Clerk shall keep a record of which members have been appointed to which positions. The terms of the members shall be staggered, with no more than three terms expiring each year. To achieve staggered terms, the terms of the initial members appointed to positions one and two shall expire on April 6, 2008. The terms of the initial members appointed to positions three, four and five shall expire on April 6, 2009. All other terms shall be three years in length.

Section 4. Bonney Lake Municipal Code § 2.26.010 and the corresponding portions of Ordinance Nos. 236A and 875 are hereby amended to read as follows:
2.26.010 Appointment and terms.

A. Pursuant to the authority conferred by the laws of the state, Chapter 35A.63 RCW, there is created a city planning commission, consisting of seven members who shall be appointed by the mayor. The planning commission shall be deemed a planning agency pursuant to Chapter 35A.63 RCW.

B. The term of office of the planning commission members shall be six three years each, with initial terms staggered so that not more than three terms expire in any given year.

C. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed, after public hearing, by the mayor with the approval of the city council, for inefficiency, neglect of duty or malfeasance in office. Any planning commission member’s unexcused absence from three consecutive meetings shall be conclusively deemed cause for removal due to neglect of duty.

D. Planning commission members shall be selected without respect to political affiliations. All planning commission members shall be residents of the city of Bonney Lake; provided, that one member may reside outside of the city but within its designated urban growth area; and provided further, that one additional member may reside outside of the city if he or she owns a business located within the city.

E. The mayor, in appointing members to the planning commission, shall attempt to ensure that each council ward is represented by at least one planning commission member. (Ord. 875 § 1, 2001; Ord. 236A § 1, 1974).

Section 5. The Design Commission as it is currently constituted shall be dissolved effective January 11, 2007. The Design Commission shall be re-constituted, and new members appointed, per the provisions of Chapter 2.60 of the Bonney Lake Municipal Code. The members shall be appointed to positions numbered one through seven. The City Clerk shall keep a record of which members have been appointed to which positions. The terms of the members shall be staggered, with no more than three terms expiring each year. To achieve staggered terms, the terms of the initial members appointed to positions one and two shall expire on April 6, 2008. The terms of the initial members appointed to positions three and four shall expire on April 6, 2009. All other terms shall be three years in length.

Section 6. Bonney Lake Municipal Code § 2.60.040 and the corresponding portions of Ordinance No. 893 are hereby amended to read as follows:

2.60.040 Terms of office.

The initial appointments shall be two members to terms ending on December 31, 2002, three members to terms ending on December 31, 2003 and two members terms ending on December 31, 2004. Each appointment thereafter shall serve a four-year term. The members shall serve three year terms, with initial terms staggered so that not more than three terms expire in any one year. In the event of
a vacancy, the mayor shall appoint a successor for the unexpired portion of the term. (Ord. 893 § 4, 2001).

Section 3. Effective date

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

PASSED by the City Council and approved by the Mayor this 12th day of December, 2006.

______________________________
Neal Johnson, Jr., Mayor

ATTEST:

______________________________
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

______________________________
James J. Dionne, City Attorney

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

**Department/Staff Contact:** Jenna Young/Human Resources

**Council/Wrkshp Mtg Date:** December 12, 2006

**Agenda Bill Number:** AB06-387

**Ordinance Number:** 1641

**Budget Information**

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**Explanation:**

**Agenda Subject:** A resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing Judge Jim Helbling and Court Administrator Kathy Seymour to carryover Annual Vacation in excess of the 30 days maximum allowed.

**Administrative Recommendation:**

**Background Summary:** The Finance Committee has agreed to recommend that Council allow Judge Jim Helbling and Court Administrator Kathy Seymour to carryover Annual Vacation not taken in 2006 and in excess of the 30 days allowed. BLMC 02.32.020 (F) states, “Accumulated vacation time shall not exceed 30 working days at December 31st of each year. Any vacation time voluntarily accumulated in excess of 30 days shall be forfeited by December 31st of each year.” The maximum estimate on December 31, 2006 to carryover for Judge Helbling is 344.06 hours (over the allowable 30 days/120 hours) and Kathy Seymour’s maximum estimate is 112.16 (over the allowable 30 days/240 hours). Both, Judge Helbling and Kathy Seymour have scheduled time off during the month of December, however, should they not be able to take time off, the maximum authorized carryover should be that which is listed above. Judge Helbling has also confirmed (see attached) that he will take sufficient vacation time in 2007 to reduce the carryover hours to the allowable limit or consent to be cashed out to bring his hours down to the allowable limit.

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

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

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

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

**Signatures:**
- Dept. Dir.:
- Mayor:
- Date City Attorney reviewed Standard
December 1, 2006

Jenna Young
Human Resources Officer
City of Bonney Lake
P.O. Box 7380
Bonney Lake, WA 98391-0944

RE: Carryover Vacation

Dear Ms. Young,

This letter will confirm that I will take sufficient vacation time in 2007 to reduce my carryover vacation hours to the allowable limit, or consent to be cashed out to bring my hours down to the allowable limit.

Thank you for your courtesy in this matter.

Sincerely,

[Signature]
JUDGE JAMES J. HELBLING

JJH/cmd
RESOLUTION NO. 1641

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING JUDGE JIM HELBLING AND COURT ADMINISTRATOR KATHY SEYMOUR TO CARRYOVER ANNUAL VACATION IN EXCESS OF THE 30 DAYS MAXIMUM ALLOWED.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to carryover for 2006 Annual Vacation for Judge Jim Helbling and Court Administrator Kathy in excess of the 30 day maximum allowed by Bonney Lake Municipal Code chapter 2.32.020.

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

________________________
Neil Johnson, Mayor

ATTEST:

________________________
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

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

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**Explanation:**

**Agenda Subject:**

Request a motion of the City Council of the City of Bonney Lake authorizing the Finance Director to approve payment of Accounts Payable between the dates of December 13 and December 29, 2006 and Payroll between the dates of December 1 and December 31, 2006.

**Administrative Recommendation:**

Recommend Approval

**Background Summary:**

Per Ordinance #887 – The Voucher Review Committee reviews and approves invoices prior to payment. The December 26, 2006 meeting for the Voucher Review Committee has been cancelled. This motion of the City Council of the City of Bonney Lake authorizes the Chief Financial Officer to approve payment of Accounts Payable between the dates of December 13 and December 29, 2006 and Payroll between the dates of December 1 and December 31, 2006. Documentation for payments made during this time will be available to the Voucher Review Committee on the next scheduled meeting, January 9, 2007.

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Dept. Dir:

Mayor/City Administrator:

Date City Attorney reviewed:
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**Explanation:**

**Agenda Subject:** "Angeline Road Annexation" – Petition method (RCW 35A.14.120)

**Administrative Recommendation:** Recommendation is that Council set a joint public hearing date with the Planning Commission for Tues. 1/9/07 at 6:30 p.m. to receive testimony on proposed annexation and zoning.

**Background Summary:** On 11/14/06, City Council accepted a 10% petition to annex the “Angeline Rd.” area and authorized the official 60% petition be circulated to residents. The petitions were mailed on 11/30/06; staff anticipates receiving signed petitions totaling 60% of the assessed value by 12/15/06. Assuming petitions are received and certified by the Pierce Co. Assessor-Treasurer’s office, the next step in the annexation process is to hold a joint public hearing. The Planning Commission is expected to set a joint public hearing date at their 12/6/06 meeting; staff requests that City Council make a motion establishing the same joint hearing date: Tues. 1/9/07 at 6:30 p.m. for the purpose of receiving testimony on the proposed annexation and related zoning (R-1).

**Attachments:**
- 12/6/06 Staff report
- Legal Description
- Map
- Timeline

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BONNEYLAKE  Planning & Community Development Department

Staff Report
Angeline Road Annexation – PLN 2006-00764, Project #59100064
December 6, 2006

Date: December 6, 2006
Applicant: City of Bonney Lake
Annexation method: Petition Method – RCW 35A.14.120 (60% assessed value)
Location: Section 33, Township 20, Range 5E W.M.
The annexation area is between SR 410 and Sumner-Buckley Hwy. E. and is on the west side of the Target development. It is surrounded on three sides (East, West, South) by existing city limits. The eastern border follows parcel lines of existing city limits; the southern border is the northern edge of SR 410; the western boundary is generally the eastern edge of Angeline Rd. East; the northern boundary is the southern edge of Sumner-Buckley Hwy E. The annexation area also includes a non-contiguous segment of Angeline Rd. East beginning on the southern edge of SR 410 and extending south past 95th St. E. The inclusion of this road segment is intended to correct erroneous legal descriptions from previous annexations that omitted this segment of road. The segment has been recognized as a city road by both the county and city for years; the addition of the segment in this annexation legal description will authorize the corresponding map correction.

Staff Contact: Shannon Mayfield-Porter, 253-447-4354, mayfields@ci.bonney-lake.wa.us

SUMMARY
In 2001, the City attempted to annex all of “Annexation Area 5”, which included this annexation area and other parcels, by election method. Voters in the area voted against annexation and the effort failed. In 2002, the property owners of three of the parcels (what is now the Target property), applied for annexation of their three parcels only. The annexation was processed by election method and approved by voters in the area. The annexation of these three parcels was effective 12/23/02. The seven parcels (19.24 acres) that are part of this proposed “Angeline Road Angeline” are what remain from the original Annexation Area 5. When approving the Target annexation, it was Council’s intention that the City annex the remaining parcels as soon as possible to eliminate jurisdictional problems caused by the remaining unincorporated island.

The City owns a parcel in this annexation area (sewer pump station) which allows the City Clerk to sign an annexation petition on behalf of the property. The assessed value of the city-owned parcel satisfies the 10% value needed to initiate this annexation process. In addition to the City’s petition, signatures representing another $425,240 in assessed value are needed to reach 60% assessed value of the area. At least two other property owners have indicated their willingness to sign a petition.

On 11/14/06, City Council made a motion authorizing circulation of the official 60% petitions in this area. Petitions were mailed to residents on 11/30/06 and signatures representing 60% or more of the assessed value are expected by 12/15/06. Assuming sufficient signatures are obtained, a joint City Council/Planning Commission hearing must be held.

ANNEXATION SIZE: 19.24 acres, 7 parcels:
- 5.74 acres owned by WSDOT;
- 0.49 acres owned by the City of Bonney Lake (sewer pump station);
- 0.70 acres- vacant parcel;
- Three developed single family residential parcels totaling 11.70 acres.

"The City of Bonney Lake's mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services."
Page 1 of 2
Existing comprehensive plan land use designation
The annexation territory is located within the City of Bonney Lake's approved Urban Growth Area created under RCW 36.70A.110. Per RCW 35A.14.005, only territories within urban growth areas may be annexed by code cities. Pierce County has not completed a community plan for the area due to the annexation area's location within the City's approved UGA. The current Pierce County Comprehensive Plan designation for the annexation territory is MSF, Moderate Density Single Family.

Proposed Comprehensive Plan Land Use Designation

Existing Zoning
The subject property is zoned Moderate Density Single Family (MSF) by Pierce Co.

Proposed Zoning
Proposed City zoning is R-1 Single Family Residential, which is consistent with the Pierce Co. MSF classification.

REQUIREMENTS OF RCW 35A.14.120:
1.) Decide whether to accept, reject or geographically modify proposed boundaries of annexation area.
   The proposed annexation will create more logical city boundaries. Pierce Co. is requesting that the City also include the Angeline Rd. segment to "clean up" legal description errors from prior years. The City and County have both treated this segment of road as if it was all in the City (as it should have been); the addition of this segment in the legal description will authorize the map correction.

2.) Decide whether to require simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340
   BLMC 18.52.030 (F) The assignment of zoning to an annexation area shall be deemed a form of rezone, to be processed as a Type 6 permit or area-wide rezone depending on whether the annexation is site-specific or area-wide.
   The City did not establish "preannexation zoning" for this area but it did adopt land use designations for its urban growth areas when the Comprehensive Plan was adopted. The adopted comprehensive plan land use designation for this parcel is low-density residential. The implementing zoning classification is R-1 single family residential zoning. In accordance with the City's adopted Comprehensive Plan and Municipal Code, the proposed zoning for this annexation area is therefore R-1 single family residential. Staff recommends the simultaneous adoption of zoning, concurrent with annexation effectiveness.

3.) Decide whether to require assumption of all or any portion of existing city indebtedness by area to be annexed.
   Council has opted for recent annexations to assume current city indebtedness (only outstanding bond is for Public Safety Building –2011). Even with assumption of current city indebtedness, residents will experience a slight decrease in their property tax rate over what they currently pay to the County road fund.

OTHER CONSIDERATIONS
If the annexation progresses to the point of adoption, Council will need to concurrently adopt an ordinance revising Council Ward 2 boundary to assign council representation to the newly annexed area.

STAFF RECOMMENDATION
Staff requests that City Council and the Planning Commission set a joint public hearing date for Tuesday January 9, 2007 at 6:30 p.m. to receive testimony on the proposed annexation and related R-1 zoning.
PORTIONS OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE
NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST
QUARTER, ALL IN SECTION 33, TOWNSHIP 20 NORTH, RANGE 05 EAST, W.M. IN THE
COUNTY OF PIERCE, STATE OF WASHINGTON BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF CITY OF BONNEY LAKE
SHORT PLAT NUMBER PLN 2003-00077 AS RECORDED UNDER AUDITOR’S FILE
NUMBER 200403125004 RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE
SOUTH ALONG THE EAST LINE OF SAID SHORT PLAT 445.31 FEET TO THE
SOUTHEAST CORNER OF LOT 3 OF SAID SHORT PLAT; THENCE WEST ALONG THE
SOUTH LINE OF SAID LOT 3 A DISTANCE OF 122.70 FEET TO THE EAST MARGIN OF
ANGELINE ROAD EAST; THENCE SOUTHERLY ALONG SAID EAST MARGIN TO THE
NORTHERLY MARGIN OF SR 410 AND THE CITY OF BONNEY LAKE’S CITY LIMITS AS
ESTABLISHED BY ORDINANCE NO. 435 DATED APRIL 28, 1976; THENCE EASTERLY
ALONG SAID NORTHERLY MARGIN AND SAID CITY LIMITS TO THE WEST LINE OF
THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33;
THENCE NORTH ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID
SOUTHWEST QUARTER; THENCE SOUTH 89°45'18" EAST 5.00 FEET TO THE
SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE
STATE OF WASHINGTON BY WARRANTY DEED A.F.N. 9211230549 RECORDS OF SAID
COUNTY; THENCE CONTINUING SOUTH 89°45'18" EAST ALONG THE SOUTH LINE OF
SAID PARCEL AND THE NORTH LINE OF SAID SOUTHWEST QUARTER 145.00 FEET
TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE NORTH 16°07'04" EAST
ALONG THE EAST LINE OF SAID PARCEL 854.23 FEET TO THE SOUTHERLY MARGIN
OF SUMNER BUCKLEY HIGHWAY; THENCE NORTHWESTERLY ALONG SAID
SOUTHERLY MARGIN TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF ANGELINE ROAD EAST, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY MARGIN OF SR 410 AND
THE NORTHERLY MARGIN OF ANGELINE ROAD EAST, SAID INTERSECTION POINT
BEING COMMON TO THE SOUTHEASTERLY LINE OF LOT 1 OF THE PLAT OF ROOT
GRENDAHLM ENTERPRISE PLAT NO. 1 AS RECORDED UNDER A.F.N. 2927927
RECORDS OF SAID COUNTY; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY
MARGIN AND THE SOUTHEASTERLY LINE OF SAID PLAT TO THE WEST LINE OF THE
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33;
THENCE SOUTH ALONG SAID WEST LINE TO THE SOUTHERLY MARGIN OF SAID
ANGELINE ROAD EAST AND THE NORTHWESTERLY LINE OF THE PLAT OF KELLY
CREEK ADDITION AS RECORDED UNDER A.F.N. 1861270 RECORDS OF SAID
COUNTY; THENCE NORTHEASTERLY ALONG SAID SOUTHERLY MARGIN AND LAST
SAID PLAT LINE TO THE SOUTHERLY MARGIN OF SR 410; THENCE NORTHWESTERLY ALONG LAST SAID SOUTHERLY MARGIN TO THE POINT OF BEGINNING.
City of Bonney Lake
Proposed Angeline Rd. Annexation PLN 2006-00764, Project 59100064 (60% petition method RCW 35A.14.120)
19.24 Acres, 7 parcels
**CITY OF BONNEY LAKE - PROPOSED “ANGELINE ROAD” PETITION-METHOD ANNEXATION – RCW 35A.14.120-150**

**Zoning:** RCW 35A.14.330-340

**PROJECT TIMELINE**

**Annexation processed under BLMC 18.52 – permits/amendments**

BLMC 18.52.030(F): The assignment of zoning to an annexation area shall be deemed a form of rezone, to be processed as a Type 6 permit or area-wide rezone depending on whether the annexation is site-specific or area-wide (see BLMC 14.10.030, Definitions).

BLMC 14.10.030(A): “Area-wide” describes a land area containing four or more parcels, contiguous or noncontiguous, which as an integral proposal are considered for a change in zoning or comprehensive plan designation, provided that...

**The application of zoning to an annexation area requires an amendment to the development code (zoning map) and therefore falls under:**

BLMC 14.140 Amendments to the Comprehensive Plan or Development Code - BLMC 14.140.080 Hearing: The planning commission shall hold a public hearing, which may be at a joint meeting of the planning commission and city council at the discretion of the city council.

Exempt from BLMC 14.140.070 state review requirements (no 60-day notice to OCD required by RCW 36.70A.106)

<table>
<thead>
<tr>
<th>DATE DUE</th>
<th>TASK</th>
<th>COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/06/06</td>
<td>CDC MEETING: Formal presentation of 10% petition and request to authorize circulation of official 60% petitions. MOTION shall include: 1) accepting/rejecting/geographically modifying proposed annex. boundaries; 2) proposed zoning 3) whether to require assumption of current city indebtedness 4) authorization to circulate official 60% petition</td>
<td>11/6/06</td>
</tr>
<tr>
<td>11/14/06</td>
<td>COUNCIL MEETING: Action required: formal motion authorizing circulation of 60% petitions (see above under CDC MEETING)</td>
<td>11/14/06</td>
</tr>
<tr>
<td>11/28/06</td>
<td>COUNCIL MEETING: approval of 11/14/06 minutes (must have signed approved copy of minutes for 60% petition)</td>
<td>11/28/06</td>
</tr>
<tr>
<td>12/15/06</td>
<td>(GOAL): Original 60% petitions submitted to BRB (originals) and copies to Pierce Co. ATR for determination of sufficiency with copy of minutes by council authorizing language, legal description and petition. – within 3 working days after filing of a petition, the officer with whom it was filed (BRB Clerk) must transmit petition to county auditor for petitions signed by registered voters, or county assessor for petitions signed by property owners for determination of sufficiency.)</td>
<td></td>
</tr>
<tr>
<td>12/19/06</td>
<td>COUNCIL MEETING: Set joint public hearing date (with Planning Commission) on annexation and zoning</td>
<td></td>
</tr>
<tr>
<td>12/20/06</td>
<td>PLANNING COMMISSION MEETING: Set joint public hearing date (zoning) for annexation area per BLMC 14.140.080</td>
<td></td>
</tr>
<tr>
<td>1/09/07</td>
<td>JOINT CC/PC WORKSHOP: Joint public hearing on proposed annexation AND zoning; discussion AND final action on Resolution authorizing filing of NOI with BRB</td>
<td></td>
</tr>
<tr>
<td>1/11/07</td>
<td>File certified copy of resolution and NOI with Pierce Co. Council, Auditor, ATR</td>
<td></td>
</tr>
<tr>
<td>1/19/07</td>
<td>CDC: 1st reading of Resolution and 3 Ordinances (see 2/27/07 for detail)</td>
<td></td>
</tr>
<tr>
<td>2/26/07</td>
<td>BRB 45-day review period ends (assuming jurisdiction was not invoked)</td>
<td></td>
</tr>
<tr>
<td>2/27/07</td>
<td>CITY COUNCIL MEETING.: Adopt Resolution and 3 Ordinances: RES ____ - Interlocal Agreement for post-annexation permit processing ORD ____ - Changes ward boundaries for Ward 5 to include annex. area ORD ____ - Makes annexation effective (30-days) ORD ____ - Assigns R1 zoning to annexation area</td>
<td></td>
</tr>
<tr>
<td>3/20/07</td>
<td>Annexation effective date</td>
<td></td>
</tr>
</tbody>
</table>

M:\Planning\Annexations\2006\Angeline Rd Annexation\Timeline - ABBREVIATED-Angeline Rd annexation-Oct 2006.doc
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: Admin Srvc/Edvalson
Council/Wrkshp Mtg Date:
Ordinance Number:
Resolution Number:
Agenda Bill Number: AB06-392
Councilmember Sponsor:

BUDGET INFORMATION

2006 Budget Amount Required Expenditure Impact Remaining Balance

Explanation – No Budget Impact.

Agenda Subject: A motion canceling the December 19, 2006 Council Workshop.

Administrative Recommendation: Approval.

Background Summary: The City Council has traditionally canceled its final two meetings in the month of December. The City Council has already canceled the December 26th regular meeting, which falls on a City Holiday, and the January 2nd Council workshop. It is anticipated the Council will have no pressing business to conduct for the remainder of the month of December. It is recommended the Council adopt a motion canceling the December 19th workshop.

Since the Council is not meeting on December 26th, the Council Voucher Review Committee and Council Finance Committee meetings normally scheduled for that evening are also canceled.

Council Committee Dates: Commission Dates: Board/Hearing Examiner Dates:
Finance Committee: Planning Commission: Park Board:
Public Safety Committee: Civil Service Commission: Hearing Examiner:
Community Development & Planning Committee:
Council Workshops:

Council Action:
Council Call for Hearing: Council Hearings Date:
Council Referred Back to: Workshop: Committee:
Council Tabled Until: Council Meeting Dates: 12.12.06

Signatures:
Dir. Authorization: Mayor: Date City Attorney Reviewed:
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact: Office of Financial Services Beth Anne Wroe</th>
<th>Council Meeting Date: December 12, 2006</th>
<th>Agenda Item Number: 06-391</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance Number: D06-391</td>
<td>Resolution Number: N/A</td>
<td>Councilmember Sponsor:</td>
</tr>
</tbody>
</table>

### BUDGET INFORMATION

**2006 Budget Amount Required Expenditure Impact Remaining Balance**

**Explanation:** Increase appropriations for funds:
- 101 – Streets Fund from $38,015 to $88,662 (increase of $50,647)
- 304 – Municipal Capital Improvement Fund from $1,542,241 to $1,671,276 (increase of $129,035)
- 306 – Public Safety Maintenance and CIP from $57,720 to $58,216 (increase of $496)
- 402 – Sewer Fund from $11,416,942 to $11,916,942 (increase of $500,000)

Total Increase in Appropriations of $680,198

**Agenda Subject:** Ordinance amending Ordinance No. 1178 and the Annual Budget for the Calendar Year 2006.

**Administrative Recommendation:** Recommend Approval.

### Background Summary:
- 101 – Streets Fund closed in 2006, transfer out to close fund was higher than budget
- 304 – Municipal Capital Improvement Fund closed in 2006, transfer out to close fund was higher than budget
- 306 – Public Safety Maintenance and CIP closed in 2006, transfer out to close fund was higher than budget
- 402 – Sewer Fund – Unanticipated emergency sewer repair expense incurred and corresponding Public Works Trust Fund Loan to finance these costs. As well as, additional operations and maintenance expense incurred for February 2006 wind storm.

### Council Committee Dates:

<table>
<thead>
<tr>
<th>Finance Committee: December 12, 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety Committee:</td>
</tr>
<tr>
<td>Community Development &amp; Planning Committee:</td>
</tr>
<tr>
<td>Council Workshop:</td>
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</table>

### Agency/Commission Dates:

<table>
<thead>
<tr>
<th>Planning Agency:</th>
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<tbody>
<tr>
<td>Design Commission:</td>
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<tr>
<td>Civil Service Commission:</td>
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</tbody>
</table>

### Board/Hearing Examiner Dates:

<table>
<thead>
<tr>
<th>Park Board:</th>
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<tbody>
<tr>
<td>Hearing Examiner:</td>
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**Council Action:**

<table>
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<th>Council Call for Hearing:</th>
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</thead>
<tbody>
<tr>
<td>Council Referred Back to: Workshop: Committee</td>
</tr>
<tr>
<td>Council Tabled Until: Council Meeting Dates: December 12, 2006</td>
</tr>
</tbody>
</table>

**Signatures:**

- Dept Dir: Beth Anne Wroe
- Mayor: (signature)
- Date City Attorney reviewed: (signature)
ORDINANCE NO. D06-391


WHEREAS, State law, Chapter 35A.33 RCW, requires the City to adopt an annual budget and provides procedures for amending the budget which has been adopted; and

WHEREAS, the budget for 2006 was initially adopted by the City Council on December 13, 2005 via Ordinance No. 1169, and subsequently amended by Ordinance No. 1178; and

WHEREAS, subsequent to the adoption and initial amendment of the 2006 annual budget, anticipated revenues and expenditures have changed; and

WHEREAS, the Council finds it necessary to make certain revisions to the adopted budget;

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

Section 1. Section 1 of Ordinance No. 1178 is hereby amended to read as follows:

The 2006 budget for the City of Bonney Lake for the period January 1, 2006 through December 31, 2006 as determined in the 2006 adopted budget for total revenues/sources (including beginning fund balances) and expenditures/uses (including ending fund balances), and as revised by the City Council in this ordinance, is by fund hereby amended as follows:

<table>
<thead>
<tr>
<th>Number</th>
<th>Fund</th>
<th>Revenues</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>General Fund</td>
<td>$14,590,690</td>
<td>$14,590,690</td>
</tr>
<tr>
<td>404</td>
<td>Streets</td>
<td>38,015</td>
<td>38,015</td>
</tr>
<tr>
<td>101</td>
<td>Streets</td>
<td><strong>88,662</strong></td>
<td><strong>88,662</strong></td>
</tr>
<tr>
<td>120</td>
<td>Drug Investigation</td>
<td>702,116</td>
<td>702,116</td>
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<tr>
<td>125</td>
<td>Cumulative Reserve</td>
<td>231,609</td>
<td>231,609</td>
</tr>
<tr>
<td>126</td>
<td>Contingency Fund</td>
<td>337,147</td>
<td>337,147</td>
</tr>
<tr>
<td>130</td>
<td>Eden Systems Upgrade</td>
<td>2,976</td>
<td>2,976</td>
</tr>
<tr>
<td>132</td>
<td>Park Impact Fees</td>
<td>471,585</td>
<td>471,585</td>
</tr>
<tr>
<td>135</td>
<td>Traffic Mitigation</td>
<td>473,993</td>
<td>473,993</td>
</tr>
<tr>
<td>136</td>
<td>Transportation Impact Fees</td>
<td>1,600,798</td>
<td>1,600,798</td>
</tr>
<tr>
<td>208</td>
<td>1997 G.O. Public Safety Building</td>
<td>473,347</td>
<td>473,347</td>
</tr>
<tr>
<td>231</td>
<td>LID #11 Debt Redemption</td>
<td>52,430</td>
<td>52,430</td>
</tr>
<tr>
<td>232</td>
<td>LID #12 Debt Redemption</td>
<td>68,698</td>
<td>68,698</td>
</tr>
<tr>
<td>233</td>
<td>LID #13 Debt Redemption</td>
<td>34,000</td>
<td>34,000</td>
</tr>
</tbody>
</table>
240  LID Guarantee  70,586  70,586
301  Streets Capital Improvement Program  7,436,089  7,436,089
302  Parks Capital Improvement Program  2,322,898  2,322,898
304  Municipal Capital Improvement  1,542,241  1,542,241
304  Municipal Capital Improvement  1,671,276  1,671,276
306  Public Safety Maintenance and CIP  57,720  57,720
306  Public Safety Maintenance and CIP  58,216  58,216
320  General Government Capital Improvement Program  501,575  501,575
401  Water Utility  25,031,606  25,031,606
402  Sewer Utility  11,416,942  11,416,942
402  Sewer Utility  11,916,942  11,916,942
415  Storm Water Utility  815,059  815,059
501  Equipment Rental & Replacement  3,132,177  3,132,177
502  Insurance  540,097  540,097
$71,944,394  $71,944,394
TOTAL ALL FUNDS  $72,624,572  $72,624,572

Section 2. This ordinance concerning matters set out in RCW 35A.11.090, it 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 of the City of Bonney Lake this TH day of _________________, 2006.

__________________________
Neil Johnson, Jr. Mayor

Attested:

__________________________
Harwood T. 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>
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<tr>
<th>Department/Staff Contact: Admin. Services/ Phelan</th>
<th>Council/Wrkshp Mtg Date:</th>
<th>Agenda Bill Number: AB06-375</th>
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<tr>
<td>Ordinance Number:</td>
<td>Resolution Number:</td>
<td>Councilmember Sponsor:</td>
</tr>
<tr>
<td></td>
<td>1638</td>
<td></td>
</tr>
</tbody>
</table>

**BUDGET INFORMATION**

<table>
<thead>
<tr>
<th>2006 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>$38,000</td>
<td>$442.80</td>
<td></td>
<td>$20,767</td>
</tr>
</tbody>
</table>

**Explanation:**

**Agenda Subject:** Agreement for one-time bulk document shredding.

**Administrative Recommendation:** Authorize agreement.

**Background Summary:**

The City Clerk’s Office has identified approximately 123 boxes of records eligible for destruction as authorized by the Secretary of State’s Local Government General Records Retention Schedule. The Washington Administrative Code places requirements on the security of records prior to destruction. As a result, the most secure method for the City’s records destruction is on-site shredding. Mobile shredding services provide trucks with observable bulk shredding equipment and can guarantee proper destruction without leaving the City’s premises. Three mobile services were contacted for pricing. The proposed vendor LeMay Inc., is the vendor offering the lowest price. LeMay Inc., is bonded, insured and willing to provide a certificate of destruction to the City to meet the State’s requirements for records destruction.

**Council Committee Dates:**

- Finance Committee:
- Public Safety Committee:
- Community Development & Planning Committee:
- Council Workshops:

**Commission Dates:**

- Planning Commission:
- Civil Service Commission:

**Board/Hearing Examiner Dates:**

- Park Board:
- Hearing Examiner:

**Council Action:**

- Council Call for Hearing:
- Council Hearings Date:
- Council Referred Back to: Workshop:
- Committee
- Council Tabled Until: Council Meeting Dates: 12/14/06

**Signatures:**

- Dir. Authorization: 
- Mayor: 
- Date City Attorney Reviewed: 12/5/06
DATE: December 14, 2006

ORIGINATOR: Virginia Phelan TITLE: Records & Information Specialist

SUBJECT/DISCUSSION: One time bulk shredding contract for Records Destruction.

ORDINANCE/RESOLUTION: Resolution 1638

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE:
MAYOR
FINANCE DIRECTOR
CITY ATTORNEY

BUDGET INFORMATION
BUDGETED ITEM: Yes TOTAL COST: $442.80

<table>
<thead>
<tr>
<th>2006 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>$38,000</td>
<td>$442.80</td>
<td>$442.80</td>
<td>$20,767</td>
</tr>
</tbody>
</table>

Explanation:
The City Clerk’s office has identified 123 boxes eligible for destruction. The optimal method of meeting the State’s requirements for document destruction is to acquire the services of an on-site bonded and insured mobile shredder. To this end, three estimates have been obtained and the low bidder was LeMay Inc., with an estimate of $442.80.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE APPROVED DISAPPROVED

Dan Swatman, Chairperson

Jim Rackley, Chair CDC

Phil DeLeo, Chair, Public Safety

COMMITTEE COMMENTS:

COMMITTEE’S RECOMMENDATION TO FORWARD TO:
CITY CLERK FINANCE DIRECTOR CITY ATTORNEY

Please schedule for Council Meeting date of: December 14, 2006
RESOLUTION NO. 1638

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A CONTRACT WITH LEMAY, INC FOR SECURE DOCUMENT SHREDDING.

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

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

______________________________
Neil Johnson, Mayor

ATTEST:

______________________________
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

______________________________
James Dionne, City Attorney
LeMay Mobile Shredding

Document Destruction Agreement

This Confidential Document Destruction Agreement ("Agreement") is entered into as of this _______, day of __________, 2006 ("Effective Date") by and between ("LeMay Mobile Shredding") having a place of business at 2910 Hogum Bay Rd, Lacey, WA 98516 ("Company") and ___ City of Bonney Lake, having a place of business at 19306 Bonney Lake Blvd., Bonney Lake, WA 98390 ("Customer").

1. SERVICES

1.1 Services to be Furnished. Company will provide nonexclusive services for the destruction of records. Upon completion of the Services, Company will furnish a Certificate of Destruction to Customer, upon request by Customer.

1.2 Services shall be provided the services at the rates specified [below/in the attached rate schedule].

1.3 Either party may terminate this agreement upon written notice to the other party.

2. HANDLING OF SHREDDED MATERIALS:

Materials to be shredded are locked in a rolling container and transported to the point of service or pickup. Our trucks are equipped with an automated dumping and processing system that does not require the driver to come into contact or view the information outside of the actual shredding unit. The equipment we operate can shred/process multiple full containers at the same time. Manual feeding is not required. Shredding can be witnessed via a video monitor.

All of the shredded paper will be brought to Pacific Disposal’s Recycling Facility in Lacey, Washington within Thurston County. LeMay will be responsible for the marketing of all recyclable materials collected from your facilities. The material will be mixed with other commercial and residential paper bailed and sent to mills for recycle.

3. RESPONSIBILITIES

3.1 Right to Rely on Instructions. Company may act in reliance upon any instruction (oral or written), instrument, or signature reasonably believed by Company to be genuine, and may assume that any of Customer’s employees or any employee of Customer’s affiliates or subsidiaries giving any oral or written notice, request, or instruction has the authority to do so.

3.2 Performance of Services. All Services performed by Company will be done in a professional manner in accordance with NAID standards and practices.

4. PAYMENTS - Customer shall pay any and all taxes and similar charges on the Services assessed by any federal, state or local law or authority now in effect or hereafter passed. Invoices shall be due and payable in full within thirty (30) days from receipt of the applicable invoice. Amounts due and not paid within thirty (30) days after Customer’s receipt of the invoice shall bear interest at the rate of one and one-quarter percent (1.25%) per month until paid in full.
5. CONFIDENTIALITY - “Confidential Information” means any information relating to Customer’s property, business and affairs designated by Customer as confidential. Unless such Confidential Information was previously known to Company free of any obligation to keep it confidential, is subsequently made public by Customer or by a third party having a legal right to make such disclosure, or is disclosed to Company by a third party, it shall be held in confidence by Company and shall be used only for the purposes provided in this Agreement. Company shall use not less than the degree of care to safeguard Customer Confidential Information as it uses to safeguard its own. However, Company may comply with any subpoena or similar order related to materials delivered to Company; provided that it shall, unless prohibited by law, notify Customer promptly of any such subpoena or notice. Customer shall pay Company’s reasonable costs for such compliance.

6. CLAIMS AND DISPUTE RESOLUTION

6.1 Time for Presenting Claims. Customer must present any claim with respect to any Service in writing to Company within a reasonable time and in no case later than ninety days after the occurrence of the event on which the claim is based. Any claim not brought with such time period shall be deemed waived by Customer.

6.2 Arbitration. Any claim, controversy, or dispute arising out of or relating to this Agreement, or any interpretation or breach of this Agreement or performance under this Agreement, including without limitation any dispute concerning the scope of this Article 6, that cannot be resolved within fifteen (15) days by informal discussions between the parties, shall be resolved by submission to final, binding and nonappealable arbitration, without any right by either party to trial de novo in any court. Such arbitration and all pre-hearing, hearing, and post-hearing arbitration procedures, including for discovery, disclosure of arbitrator’s interests, and challenge of designation of any arbitrator, shall be conducted under the Commercial Arbitration Rules of the American Arbitration Association. A single arbitrator shall be selected by the American Arbitration Association.

6.3 Services During Arbitration. During any arbitration proceedings, Company shall continue to provide Services, and Customer shall continue to pay Company, in accordance with this Agreement. The fact that arbitration is or may be allowed shall not impair the exercise of any termination rights under this Agreement.

7. LIABILITY AND WARRANTY

7.1 Limitation of Liability. Company shall not be responsible or liable in any manner whatsoever for the release or loss of any materials deposited in bins or otherwise delivered to it for secure destruction unless the release or loss is due to Company’s negligence or willful misconduct.

7.2 Attorney's Fees. In the event of any litigation or arbitration between the parties hereto with respect to the subject matter hereof, the prevailing party shall recover its costs and expenses including reasonable attorney fees (including those on any appeal or in any bankruptcy action), witness and expert fees, and other costs, all of which shall be included in and as a part of the judgment or award rendered in such litigation or arbitration.
IN WITNESS WHEREOF, each of the parties have caused this Agreement to be executed by its duly authorized representative as of the Effective Date first set forth above.

CUSTOMER

By: __________________________

Title: _________________________

Date: _________________________

COMPANY

By: __________________________

Title: _________________________

Date: _________________________
PRICING IS BASED UPON A PER TIP RATE

32 gallon = $19.90
64 gallon = $26.90
90 gallon = $36.90

Non-paper media $.60 per pound
## ACORD CERTIFICATE OF LIABILITY INSURANCE

**PRODUCER**
Arthur J Gallagher RMS Inc.  
P.O. Box 2925  
Tacoma WA 98401-2925  
Phone: 253-627-7183  
Fax: 253-572-1430

**INSURED**
Harold LeMay Enterprises Inc.  
PO Box 44489  
Tacoma WA 98444

**DATE (MM/DD/YYYY)**  
11/14/06

**INSURERS AFFORDING COVERAGE**  
<table>
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<tr>
<th>NAIC #</th>
<th>INSURER A</th>
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### COVERAGE

The policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Aggregate limits shown may have been reduced by paid claims.

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### DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

### CERTIFICATE HOLDER

City of Bonney Lake  
Virginia Phelan  
19306 Bonney Lake Blvd.  
Bonney Lake WA 98390

### CANCELLATION

 Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

**AUTHORIZED REPRESENTATIVE**

© ACORD CORPORATION 1988
Virginia Phelan

From: Michelle Roberts [MichelleRoberts@Lemayinc.com]
Sent: Monday, November 13, 2006 12:57 PM
To: Virginia Phelan
Subject: On-Site Shredding
Attachments: Marketing letter prices.doc

Virginia,

It was a pleasure speaking with you this afternoon regarding shredding. The estimated cost to shred 123 small banker boxes is $442.80. The process takes about 30 minutes for us to shred your materials. Attached is our pricing, looking forward to hearing from you.

Michelle A. Roberts
Director of Marketing and Sales
Lemay Mobile Shredding
Direct line: 360-486-8616
Cell phone: 253-651-1716
www.lemaymobileshredding.com

11/14/2006
December 6, 2006

Dear Virginia,

LeMay Mobile Shredding is bringing secure information destruction to your doorstep with our new state of the art pierce and tear shredding unit. Our professional staff is uniformed, backgrounds checked trained and complies with HIPAA guidelines.

Services are tailored to fit your needs by offering collection schedules ranging from on-call to weekly or multiple visits. Larger archive purges can also be arranged at your convenience. We do not require a minimum service level or charge rent for containers. You only pay for the volume of materials that are actually destroyed.

We provide lockable wheeled containers for your materials in the following sizes;

  **Console = $14.50 per service.**
  **32 gallon = $19.90 per service.**
  **64 gallon = $26.90 per service.**
  **90 gallon = $36.90 per service.**
  **Non-paper media $0.60 per pound**

Desk side baskets for individual work stations are provide on request for no additional fee.

Written Certification of destruction is provided at the time of service.

Please allow us to assist in designing a secure information disposal and recycling program for your business office.

Sincerely,

Michelle Roberts
Director of Marketing & Sales
Email michelleroberts@lemayinc.com
November 14, 2006

Virginia Phelan
City of Bonney Lake
19306 Bonney Lake Blvd.
Bonney Lake, WA 98391

Dear Virginia,

Thank you for contacting Shred-it of Western Washington to provide our on-site secure destruction of your confidential material at the City of Bonney Lake. It was a pleasure to meet with you the other day to go over your shredding project for this proposal.

Based on the material you showed me, Shred-it will provide our on-site destruction services using the price structure below as soon as you have determined your schedule for destroying the records.

The pricing method Shred-it uses to keep your costs to a minimum, is per minute pricing. By only paying for the amount of time we are collecting and shredding, you only pay for the amount of material shredded, NOT paying by the box, where you might pay for some boxes that are partially empty.

Our recommendation for the absolute secure handling of your materials is that Shred-it take care of your shredding project on-site. Our shredding and destruction technology will allow the City of Bonney Lake to have the highest level of information privacy and to be compliant with all current privacy protection statutes. The secure handling of your project is our primary concern.

**On-Site Shredding Purge Proposal**

The following is an estimate of materials as counted from your storage facility on November 9th.

**Per minute rate- $3.50 per minute**
**Minimum Charge- $75.00 (covers the initial 21 minutes of shredding)**

# of small file boxes (approx. 16"x12"x11")- 123
**Estimated time for collection and shredding- 150 minutes (2 ½ hrs.) x $3.50/minute**
**Estimated Cost- $525.00**

**There is no sales tax or additional fees for the secure shredding and destruction services.**
If you would like Shred-it to remove the remaining empty cardboard boxes, there is a nominal removal charge of $50.00.
We are able to schedule your project as soon as you are prepared and we will gladly set up an account for the City with net 30 days payment due when you provide a purchase order.

I look forward to reviewing this proposal with you to answer any questions you may have. Thank you again for contacting Shred-it of Western Washington.

Sincerely,

Alan Weinstein

Alan Weinstein
Shred-it Representative
Office- 800-697-4733
Fax- 425-264-0079
Email- seattle@shredit.com
Web- www.shredit.com
Virginia Phelan

From: info@alldatashredding.com
Sent: Monday, November 06, 2006 4:16 PM
To: Virginia Phelan
Subject: Re: AllData Website Customer Contact

Virginia,

Yes, the estimate of 15-18 containers is accurate with 123 of the standard size bankers boxes of paper materials. The price range for these quantities is $967.50-$1161.00. Again, any partial containers at the end are pro-rated. Please let me know if I can answer any more questions for you. Thanks, Virginia!

Sincerely,

Courtney Orrock
ALLDATA SHREDDING INC.
360-588-1616

----- Original Message ----- 
From: Virginia Phelan phelanv@ci.bonney-lake.wa.us
To: info@alldatashredding.com
Sent: 11/6/06 3:49 PM
Subject: RE: AllData Website Customer Contact

> Hi Courtney,
> >
> Thanks for your prompt reply. So, if I understand correctly, our 123
> boxes would take approximately 15 - 17.5 containers and cost somewhere
> between $967.50 and $1,128.75. Is this accurate?
> >
> Thank you.
> >
> -----Original Message-----
> From: info@alldatashredding.com [mailto:info@alldatashredding.com]
> Sent: Monday, November 06, 2006 12:39 PM
> To: Virginia Phelan
> Cc: courtney@alldatashredding.com
> Subject: Re: AllData Website Customer Contact
> >
> Dear Virginia,
> >
> Thank you for your interest in our company. The information you
> requested on the purge service is below. Just a couple of things about
> our company: We operated one of only two NAID AAA Certified plants in
> the State and carry security credentials that no other information
> destruction firm in the State has. Our representatives will come out
> to your location in Bonney Lake, package up the materials and securely
> transport them to our certified facility for destruction. You will be
> issued a receipt at the time of service and a certificate of
> destruction will be sent to you for verification that the materials
> have been destroyed in a confidential and secure manner.
> >
> For paper materials: We use a 64-gallon container as a measurement.
> One 64-gallon container can hold the contents of approx.
> seven-to-eight of the standard size office file boxes
> (15"Lx12"Wx10"H). The cost for each 64-gallon container $64.50 per
> container. There is a one container minimum and then each container
> after that is pro-rated. There are no additional fees or taxes,
> assuming the materials are either ground level or elevator accessible.
> >
> Payment is requested at the time of service unless alternate
> arrangements have been made. Also, the empty boxes will remain at your
WAC 434-640-010 Records disposal -- Generally. When the state or local records committee has authorized the destruction of public records in accord with chapter 40.14 RCW, it shall be the responsibility of the agency having requested or received such authorization to cause such records to be disposed of promptly and effectively, after the approved retention period.

WAC 434-640-020 Disposal of confidential records. It is the agency's responsibility to insure that records exempt from disclosure per chapter 42.17 RCW, or which are otherwise considered confidential, are protected from unauthorized access during any disposal process. The primary purpose of such disposal shall be that of reducing the records to an illegible condition.

WAC 434-640-030 Disposal by recycling. Pursuant to disposal authorization from the state or local records committee, an agency may dispose of records by recycling, under the following conditions:

(1) The prompt destruction of the records shall be insured, and the responsibility for such destruction shall continue to be that of the agency until effectuated.

(2) The recycling agent or entity shall have any required licenses and shall be insured or bonded.

(3) Records shall not be kept in unattended and unprotected storage awaiting their destruction.

(4) The agency or its authorized agent shall have in effect a contract or written agreement with the recycling entity which includes these conditions.
RCW 40.14.060
Destruction, disposition of official public records or office files and memoranda -- Record retention schedules.

(1) Any destruction of official public records shall be pursuant to a schedule approved under RCW 40.14.050. Official public records shall not be destroyed unless:

(a) Except as provided under RCW 40.14.070(2)(b), the records are six or more years old;

(b) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly if lesser federal retention periods for records generated by the state under federal programs have been established; or

(c) The originals of official public records less than six years old have been copied or reproduced by any photographic or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

(2) Any lesser term of retention than six years must have the additional approval of the director of financial management, the state auditor and the attorney general, except when records have federal retention guidelines the state records committee may adjust the retention period accordingly. An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of six years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

[1999 c 326 § 1; 1982 c 36 § 5; 1979 c 151 § 52; 1973 c 54 § 4; 1957 c 246 § 6.]
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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<th>Department/Staff Contact:</th>
<th>Council Meeting Date:</th>
<th>Agenda Item Number</th>
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<tr>
<td>CS – David Wells</td>
<td>December 12, 2006</td>
<td>06-382</td>
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**BUDGET INFORMATION**

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**Explanation:**

**Agenda Subject:** Missoula Children’s Theater

**Administrative Recommendation:** Authorize Resolution and contract for MCT.

**Background Summary:**
MCT is a traveling program for first through twelfth grade. The students will audition on Monday for 50 to 60 roles and perform in a full length musical on Saturday. This program will enhance the cultural experiences for Bonney Lake students and residents.

<table>
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<th>Council Committee Dates:</th>
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<tr>
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<td>Council Workshop:</td>
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**Council Action:**

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

**Signatures:**

Mary A. Lea  Neil Johnson  11/29-06
FINANCE COMMITTEE

DATE: November 28, 2006

ORIGINATOR: David Wells  TITLE: Special Events Coordinator

SUBJECT: Missoula Children’s Theater (M.C.T.)

ORDINANCE/RESOLUTION: 1640

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend approval of contract for 2007 performance of M.C.T.

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE:

MAYOR
FINANCE DIRECTOR
CITY ATTORNEY  11/27/06 With added changes

BUDGET INFORMATION 2007

BUDGETED ITEM: Yes  TOTAL COST: $2,600

(Note: If budgeted item, attach copy of budget page and identify) $5,000 has been requested in the 2007 budget for cultural enrichment programs. I will be doing fundraising to recoup the total cost of the program.

__________________________________________________________

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE APPROVED DISAPPROVED

Dan Swatman, Chair, Finance
Jim Rackley, Chair, CDC
Phil DeLeo, Chair, Public Safety

COMMITTEE COMMENTS:

__________________________________________________________

COMMITTEE’S RECOMMENDATION TO FORWARD TO:

CITY CLERK  FINANCE DIRECTOR  CITY ATTORNEY

Please schedule for City Council Meeting date of: December 12, 2006
RESOLUTION NO. 1640

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A CONTRACT FOR MISSOULA CHILDREN'S THEATER TO CONDUCT A WEEK LONG THEATRICAL CAMP.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the contract attached hereto and incorporated in “Attachment A”.

PASSED by the City Council this _______ day of _____________, 2006.

__________________________________________
Neil Johnson, Mayor

ATTEST:

__________________________________________
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

__________________________________________
James Dionne, City Attorney
TOURING CONTRACT

MCT, Inc., 200 N. ADAMS, MISSOULA, MT 59802-4718 406.728.1911 fax # 406.721.0637
E-Mail: tour@mctinc.org Website: www.mctinc.org

TOWN: BONNEY LAKE
SHOW TITLE: THE WIZARD OF OZ (WIZ-1)
RESIDENCY WEEK: Jul 16-21, 2007
SPECIAL CIRCUMSTANCES:

PLEASE COMPLETE ALL INFORMATION (Please type or print)

Presenting Organization: City of Bonney Lake
Main Contact: David Walles
Mailing Address: P.O. Box 7380
Daytime Phone: (253) 261-0023
Team Contact: Same as above
Email: wallesd@ci.bonney-lake.wa.us

City, State, Zip: Bonney Lake, WA 98391
Evening Phone: (253) 651-4101
Fax: (253) 862-8584

Audition Day: Monday, July 16
Time: T.B.D.
Location: Bonney Lake HS
Grade Levels - Kindergarten through 8th
Performance Day(s): July 17
Performance Location: Bonney Lake HS

BASE RESIDENCY FEE: $2,600.00 US
ADDITIONAL WORKSHOP(S) (FIRST 3 INCLUDED IN BASE RESIDENCY FEE)
ADDITIONAL PERFORMANCE(S) (FIRST 2 INCLUDED IN BASE RESIDENCY FEE)
(MAXIMUM OF 20 WORKSHOPS)

Two performances are scheduled to be performed during the residency week. The performances will be
both in-person and virtual. The performances will be livestreamed and streamed on-demand.

**EXTRA SERVICES MAY BE SCHEDULED AT TIME OF RESIDENCY**
A $500.00 US DEPOSIT & TOURING CONTRACT DUE TO MCT BY:
12/22/2006

HOUSING: Presenter shall provide housing of a total of seven (7) nights for the two MCT Tour Actor/Directors, Sunday to Sunday, regardless of schedule variations set by the Presenter (i.e. Tuesday start, Friday finish). If the MCT Tour Marketing Office dictates a Tuesday start or Friday finish, housing will be provided a total of (6) nights, starting the night before the residency duties begin and ending the morning after the last performance. Housing shall be private (one person per room), clean, comfortable and safe accommodations, for the two Tour Actors/Directors, either in a hotel/ motel or private home(s). Providing meals for the Tour Actors/Directors is optional. VIDEO POLICY: Presenter may videotape their Missoula Children’s Theatre production to sell or for commercial broadcast use within the following guidelines:

LOADING: Presenter agrees to carry appropriate liability insurance covering all aspects of the production described above. The Presenter, its successors and assigns, shall indemnify and hold MCT, Inc., its successors, agents and assigns, harmless from any suit, claim, or potential claim, made against MCT, Inc., resulting from its acts, errors, omissions, or damage which may occur to any person or property, resulting from the negligence of the Presenting Organization. This provision shall be binding on the said Presenter, its successors or assigns, and shall cover any and all of its servants, agents, employees, and any and all of other persons or entities associated with Presenter of MCT, Inc.

REGULATIONS: Presenter shall be solely responsible for compliance with the regulations promulgated by any and all governmental departments or authorities having jurisdiction over any person or property connected in any way with the audition, rehearsals, workshops or performances, and any and all activities stated herein shall be conducted in accordance with the requirements of such regulations.

TOTAL PAYABLE TO MCT: $ 

EXCHANGE OF SERVICES: Choosing to have only one performance does not change the fee, nor can a performance be traded for extra workshops.

Piano and Accompanist: Presenter shall provide a piano and an accompanist as needed for rehearsals and performances. The musical score will arrive with the MCT Team unless special arrangements have been made to receive a rehearsal score in advance. (See enclosed EXTRAS card.) A fee will be assessed for a rehearsal score not returned to MCT.

SPACES: Presenter will provide a minimum of two indoor rehearsal spaces within the same complex. These will be available throughout the week, with additional workspace available as requested by MCT prior to the residency. Presenter will also provide a performance space. All performances must take place in the same venue. A fee of $500 U.S. will be assessed for a change of performance venues between shows.

SET ASSEMBLY: The set will be assembled one time during a residency week. If the Presenter requires the set to be moved or disassembled prior to the culmination of performance(s) a fee of $500 U.S. will be assessed.

EXTRAS: MCT will provide EXTRAS for each residency. These extras are designed to enhance the residency experience and may include, but are not limited to, activities, guest artists, and other special events. Presenter may choose to use or not use these extras at their discretion. A fee of $500 U.S. per residency will be assessed for these extras.
Contract Addendum
Missoula Children's Theater and City of Bonney Lake

LAW TO GOVERN CONTRACT: The law of the State of Montana Washington shall govern the construction and interpretation of this contract.

INDEMNIFICATION - ADD AT THE END: MCT, its successors and assigns, shall indemnify and hold Presenter, its successors, agents and assigns, harmless from every possible claim, or potential claim, made against Presenter, resulting from any loss, injury, or damage which may occur to any person or property, resulting from the negligence of MCT or its agents or employees.

REGULATION COMPLIANCE: The Presenter shall be solely Each party to this Contract shall be responsible for compliance with ...

Presenter__________________________ MCT__________________________

Dated______________________________ Dated__________________________
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: Chuck McEwen
Council Meeting Date: December 12th 2006
Ordinance Number: Resolution Number: 1642
Agenda Item Number: 06-389
Councilmember Sponsor:

BUDGET INFORMATION

2007 Budget Amount $2,000.00
Required Expenditure $1,554.00
Impact $1,554.00
Remaining Balance $446.00

Explanation: This is for a Maintenance agreement billed Quarterly for service and support of a new Canon C-68700U copier for City Hall. Service & Support costs will be charged against 001.018.514.20.048 (Repairs & Maintenance).

Agenda Subject:
Copiers Northwest Maintenance agreement.

Administrative Recommendation:
Recommend approval.

Background Summary:
Attached is the standard Maintenance agreement for one Canon C-6870U copier.

Council Committee Dates: Agency/Commission Dates: Board/Hearing Examiner Dates:
Finance Committee: 12-12-06 Planning Agency: Park Board:
Public Safety Committee: Design Commission: Hearing Examiner:
Community Development & Planning Committee: Civil Service Commission:
Council Workshop:

Council Action:
Council Call for Hearing: Council Hearings Date:
Council Referred Back to: Workshop: Committee
Council Tabled Until: Council Meeting Dates: 12.12.06

Signatures:
Dept. Dir. Mayor Date City Attorney reviewed

Standard contract
DATE: 12-6-2006

ORIGINATOR: Chuck McEwen  TITLE: Information Services Coordinator

SUBJECT/DISCUSSION: Quarterly Maintenance agreement for one Canon C-6870U from Copiers Northwest (City Hall)

RESOLUTION # 1642

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE

   MAYOR YES
   FINANCE DIRECTOR YES
   CITY ATTORNEY YES

BUDGET INFORMATION

   BUDGETED ITEM: YES  TOTAL COST: $1554.00 (Per Copy cost)
   (Note: If budgeted item, attach copy of budget page and identify)

<table>
<thead>
<tr>
<th>2007 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,000.00</td>
<td>$1,554.00</td>
<td>$1,554.00</td>
<td>$446.00</td>
</tr>
</tbody>
</table>

Explanation: Service and Support Plan approx. $129.50 / month, cost per copy charge of .089 per color and .0075 per B&W. Current usage of approx. 15,000 to 20,000 pages per quarter. This plan includes full parts and labor and unlimited toner and staples. It excludes paper. This is the same agreement we have for the old City Hall copier. Service & Support costs will be charged against 001.018.514.20.048 (Repairs & Maintenance).

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

<table>
<thead>
<tr>
<th>DATE APPROVED</th>
<th>DISAPPROVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dan Swatman, Chair, Finance</td>
<td></td>
</tr>
<tr>
<td>Phil DeLeo, Chair, Public Safety</td>
<td></td>
</tr>
<tr>
<td>James Rackley, Chair, CDC</td>
<td></td>
</tr>
</tbody>
</table>

COMMITTEE COMMENTS: ____________________________________________

COMMITTEE'S RECOMMENDATION TO FORWARD TO:
   CITY CLERK  FINANCE DIRECTOR  CITY ATTORNEY

Please schedule for Council Meeting date of: ________________________
Consent Agenda - ☐ Yes ☐ No

G:\users\everyone\finance committee\form template.doc
RESOLUTION NO. 1642

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A CONTRACT FOR QUARTERLY MAINTENANCE AGREEMENT WITH COPIERS NORTHWEST TO SUPPORT A CANNON C-5870U COPIER.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to execute a maintenance agreement with Copiers Northwest for one Canon C-6870U Copier.

PASSED by the City Council this 12th day of December, 2006.

______________________________
Neil Johnson, Jr.
Mayor

ATTEST:

______________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

______________________________
James Dionne, City Attorney
**FULL SERVICE & SUPPLY PROGRAM**

**MAINTENANCE AGREEMENT**

**Start Date:**

**Beginning Meter:**

**Term:** □ Year to Year □ Years

<table>
<thead>
<tr>
<th>Bill To</th>
<th>Equipment Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Bonney Lake</td>
<td>Same</td>
</tr>
<tr>
<td>19300 Bonney Lake Blvd.</td>
<td></td>
</tr>
<tr>
<td>Bonney Lake WA 98030</td>
<td></td>
</tr>
<tr>
<td>KEY OPERATOR:</td>
<td>PHONE:</td>
</tr>
<tr>
<td></td>
<td>253-447-4961</td>
</tr>
</tbody>
</table>

The agreement below covers emergency calls, as well as routine preventive maintenance calls during normal business hours. Coverage period is for the number of copies specified or for one year, whichever comes first. Renewal is automatic unless Copiers Northwest is notified in writing 30 days in advance of expiration.

### Full Service & Supply Program - Color Copier / Printers

This agreement covers all parts, labor, consumable supplies (except paper), including toner and developer, drum and fuser rollers. Staples are not included.

<table>
<thead>
<tr>
<th>Monthly Base Fee</th>
<th>Min. No. Black Copies Per Month</th>
<th>Min. No. Color Copies Per Month</th>
<th>Color Cost Per Copy</th>
<th>Black Cost Per Copy</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>20K</td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

**BILLING FREQUENCY**

☐ BASE MONTHLY / OVERAGES QUARTERLY

☐ QUARTERLY, In Advance

☒ MONTHLY, Billed In Arrears on Usage

Excess Copies Billed Next Quarter

**P.O. NO.:**

**ACCOUNT NO.:**

**SALES REP.:**

**EQUIPMENT COVERED**

<table>
<thead>
<tr>
<th>MAKE / MODEL</th>
<th>TYPE</th>
<th>SERIAL NO.</th>
<th>CNW L&amp;D. NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canon C-6070</td>
<td>Color System</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SPECIAL INSTRUCTIONS:**

Includes Staples.

The Provisions on page 2 of this contract are incorporated in and made part of this Agreement.

**CUSTOMER ACCEPTANCE**

<table>
<thead>
<tr>
<th>Signature X</th>
<th>COPIERS NORTHWEST, INC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Representative</td>
</tr>
<tr>
<td>Date</td>
<td>Date</td>
</tr>
</tbody>
</table>

Authorized signature acknowledges terms, conditions, expiration dates and meter readings.

Signed: [Signature]

Rev. 100
MAINTENANCE AGREEMENT PROVISIONS

1. PURPOSE
This agreement covers the cost for adjustments, repairs, and replacement of parts necessitated by normal use of the equipment and as specifically provided. This agreement shall not apply if equipment is lost or damaged through accident, abuse, misuse, theft, neglect, acts of third parties, fire, water casualty or any other natural force and any loss or damage (direct or consequential) occurring from any of the foregoing is specifically excluded from this agreement. Copiers Northwest shall not be responsible for delays or inability to provide service calls due to strikes, accidents, embargoes, Acts of God, or any other event beyond its control. The use of unauthorized parts, components, modifications or personnel to effect repairs or changes may cause this agreement to be null and void.

2. TERMS
Payment of this Invoice constitutes acceptance of these provisions in full. Copiers Northwest may adjust the rate periodically after the first 12 months. Payment terms are net 10 days from the beginning date of this agreement and, this agreement, at the option of Copiers Northwest may become null and void due to lack of payment within 10 days from the beginning date of this agreement, and any services rendered during that period will be charged separately.

3. LIABILITY
Customer agrees that Copiers Northwest shall not incur any liability to customer for any loss of business, loss of products, or any other damages, direct, indirect or consequential, resulting to the customer by reason of any non-performance or defective performance by Copiers Northwest under this service agreement.

4. AMENDMENTS
Verbal agreements are not part of this agreement. No one is authorized to change, alter, or amend the terms or conditions of this agreement unless agreed to in writing by an officer of Copiers Northwest, Inc.

5. PRE-INSPECTION
The equipment for which this agreement is intended is subject to an inspection prior to becoming effective. If maintenance or service is required to bring the equipment up to serviceable standards then additional charges will be made based on the parts and labor necessary to render the equipment serviceable.

6. RENEWAL / CANCELLATION
The contract is deemed to be automatically renewable 30 days prior to expiration unless written notice declining this offer is received by Copiers Northwest at least 30 days prior to expiration. Copiers Northwest may decline to renew this agreement. In the event buyer defaults in payment, buyer remains liable for this debt and any legal fees or other costs incurred in any action to collect this debt. Charges relative to this agreement are not refundable either partially or in full. If customer cancels this agreement, the cancellation fee will be the average monthly volume for the last 12 months multiplied by the cost-per-copy multiplied by the number of months remaining of the agreement.

7. RELOCATION / TRANSFER
This agreement is assigned to the equipment at the location specified and is transferable only if the equipment should be relocated to another area within the same service zone. However, any cost that may be involved in the relocation of the equipment specified is not covered by this agreement. Any damage caused by a non-Copiers Northwest employee will be chargeable. If title of equipment is transferred, this maintenance agreement is null and void. If customer purchases a new machine from Copiers Northwest, the unused portion of the maintenance agreement may be applied to the new equipment.

8. TRAINING
To insure proper operation, Copiers Northwest will provide training on the use and care of copying equipment. It is the customer’s responsibility to insure Copiers Northwest is properly notified of any training requirement because service calls resulting from misuse of the machine by untrained personnel will be charged separately.

9. KEY OPERATOR
The customer agrees to make available and designate a suitable key operator for training in the use of this equipment. Should the employment status of designated operator change so as to affect operator’s availability to perform this assignment, the customer shall inform Copiers Northwest to insure retraining.

10. METER READINGS
The customer agrees to provide meter readings at the request of Copiers Northwest, Inc.

11. MAINTENANCE
Execution of a maintenance agreement service call will be made during normal business hours and on the equipment and installation specified on this agreement. Work requested to be done outside Copiers Northwest’s normal working hours will be billed at the then current after-hours rate.

12. SUPPLIES
The equipment under this agreement will give excellent performance with supplies which have been proven and tested by Copiers Northwest. Sufficient back stock will be furnished to supply normal copy yields as suggested by the manufacturer. If Maintenance Agreement customers use supplies other than those provided by Copiers Northwest, and if such supplies result in excessive service calls or are clearly not compatible with the equipment, then the coverage under this agreement may not apply and you may be charged for all parts and labor needed.

13. SHOP REPAIR / LOANER
If a shop repair is necessary because normal repairs and parts replacement cannot keep a unit in a satisfactory operating condition, Copiers Northwest will provide a loaner machine to the customer at the current per copy rate.

14. RECONDITIONING
If a shop reconditioning is necessary because normal repairs and parts replacement cannot keep a unit in satisfactory operating condition or the unit has reached the manufacturer’s recommended overhaul interval, Copiers Northwest will submit a cost estimate of needed repairs which will be in addition to maintenance charges. If customer does not authorize said overhaul, Copiers Northwest may discontinue service of the equipment without refund of the unused portion of this agreement or Copiers Northwest may refuse to renew this agreement upon expiration.

15. CONNECTED PRODUCTS
Connected products (peripherals) of any type are not included with this agreement unless customer has selected connection monthly base fee. All software support and peripherals including but not limited to Flopy, HotSpur, or other interfaces of any type are not included in this maintenance agreement. All software and connectable product support will be billed at $125.00 per hour plus time and materials.

16. ELECTRIC SERVICE
Customer agrees to provide a dedicated circuit and a surge protector for the copier. Not having this dedicated circuit and surge protector will impair the ability of the service department of Copiers Northwest by causing excessive service calls. If a dedicated line and a surge protector is not installed for the copier, Copiers Northwest has the option of increasing the cost of this maintenance agreement. In the event a problem occurs due to inadequate electric service, charges for service will be billed until the problem is corrected.

<table>
<thead>
<tr>
<th>CUSTOMER ACCEPTANCE</th>
<th>COPIERS NORTHWEST, INC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature X</td>
<td>Representative</td>
</tr>
<tr>
<td>Title</td>
<td>Title</td>
</tr>
<tr>
<td>Date</td>
<td>Date</td>
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</table>
REQUEST FOR BID

Notice is hereby given that the City of Bonney Lake, Washington is accepting written bids for a:

Color Multifunction Copier System

The City of Bonney Lake is requesting bids to provide a Color Multifunction Copier. The proposed Copier system must include; copy 60-70 pages per minute in Black & White, 15-30 pages per minute in color, variable paper size up to 13”x19”, 140# index, 100 sheet auto-feeder/scanner, Tray-less duplex section, 2-1500 sheet latter drawers, 2-550 sheet adjustable paper drawers, 50-sheet by-pass, 3500 sheet paper deck, 4 position stapling finisher with 2&3 hole punch, Network printing with push scan-to-file and e-mail, G3 fax port with PC faxing, Universal send with Hi Compression.

Maintenance support will be included as a separate bid quote to include toner, staples, parts, & labor billed quarterly via a per copy cost. Bid should include: Purchase price (including trade-in of Canon NP6551 copier, delivery, training, and connection to network of copier system), purchase agreement, & maintenance agreement. Bids should be guaranteed valid through December 31st, 2006.

One written copy of the bid proposal must be filed with the Administrative Services Department, Office of Information Services, City Hall, PO Box 7380, Bonney Lake Washington 98391, no later than 4 p.m. PST on December 4th, 2006. Bids received later than 4 p.m. PST, December 4th, 2006 will not be considered.

Questions regarding the bidding requirements are to be submitted in writing no later than 4 p.m. November 29th, 2006 to: Chuck McEwen, City of Bonney Lake, Information Services’ Office, P.O. Box 7380, Bonney Lake, WA 98391-0944, FAX: (253) 862-8538, E-mail: mcewen@ci.bonney-lake.wa.us

The City of Bonney Lake reserves the right to reject any and all bids and to waive irregularities and informalities in the bidding and evaluation processes. No vendor may withdraw its bid for a period of 26 days after the proposal due date.

The City of Bonney Lake is committed to a program of equal employment opportunity regardless of race, creed, sex, age, nationality, or disability. The successful vendor must comply with the City of Bonney Lake's Equal Opportunity requirements. Dated this 20th day of November, 2006

Woody Edvalson, City Clerk

Published:
Tacoma News Tribune
Daily Journal of Commerce (Supply Bids)
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: Gary Leaf, Community Services Director

Council/Wkshp Meeting Date: December 12, 2006

Agenda Item Number AB06-386

Ordinance Number: Resolution Number:

Council Committee Dates: Commission Dates: Board/Hearing Examiner Dates:
Finance Committee: Planning Commission: Park Board:
Public Safety Committee: Civil Service Commission: Hearing Examiner:
Community Development & Planning Committee:
Council Workshop:

BUDGET INFORMATION

Council Authorization $252,676.52

Expenditure $12,000.00

Impact $12,000.00

Remaining Balance $0.00

Explanation Retainage release of approximately $12,000, once contract closeout documents/requirements are met.

Agenda Subject: Project Completion of the Senior Center Addition

Administrative Recommendation:
Recommend that the City Council accept the Senior Center Addition project as complete.

Background Summary:
This project is now complete and has passed final inspection. When we receive Department of Revenue and Department of Labor & Industries certifications we will release the final payment to Lake Tapps Construction.

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

Signatures:
Dept. Dir. Mayor Date City Attorney reviewed
2006 Senior Center Addition

In 2005 the City Council approved a contract with Lake Tapps Construction in the amount of $234,572.80. There have been four change orders totaling $18,103.72 which made the amended contract amount $252,676.52. Retainage of a little less than $12,000 has not yet been released. This will happen after the City Council has formally accepted the project as complete and appropriate documentation has been provided by the contractor.

Of the total project cost, $89,800 was covered by a Community Development Block Grant obtained from the U.S. Government through Pierce County. The remaining $162,876.52 came from City of Bonney Lake funds provided by local taxpayers.

This project created additional kitchen area storage and substantially increased the size of the conference room on the upper floor. The conference room is used primarily by the seniors but is also available to city staff for computer training and meetings when not in use by the seniors. The physical work was completed in September 2006 and has been approved by the City’s Building Inspector.

In addition, the Senior Advisory Board is paying for the main room to be repainted and installation of new mini-blinds. These improvements, along with the new floor coverings and new front door installed last year, represent a substantial upgrade to the building used by local seniors. They have expressed much appreciation for the City Council’s willingness to fund the majority of these improvements with local taxpayer dollars.

When the building is not used by seniors it is available to the general public and local nonprofit organizations at nominal cost. It is often used for weddings, receptions, nonprofit groups, and local churches on a first-come, first-served basis.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact</th>
<th>Council Meeting Date</th>
<th>Agenda Bill Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bob Leedy, P&amp;CD</td>
<td>December 12, 2006</td>
<td>AB06-333</td>
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<table>
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<tr>
<th>Ordinance Number</th>
<th>Resolution Number</th>
<th>Councilmember Sponsor</th>
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<tbody>
<tr>
<td>1622</td>
<td></td>
<td></td>
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**BUDGET INFORMATION**

<table>
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<th>2005 Budget Amount</th>
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</tr>
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<tbody>
<tr>
<td>None</td>
<td>$0</td>
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**Agenda Subject:**
A resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing an Interlocal Agreement Between the City of Bonney Lake and Pierce County Relating to Post-Annexation Processing of Building and Related Permits and Land Use Applications for Annexation Area 1-A.

**Administrative Recommendation:** Recommend that the City Council approve the Resolution authorizing the Mayor to sign the Interlocal Agreement.

**Background Summary:**
In the absence of a signed Interlocal Agreement, Pierce Co. will turn over all outstanding building permits and land use applications to Bonney Lake on the annexation effective date of 1/12/07. In 2001/2002 when the City annexed several areas, staff from both Pierce Co. and Bonney Lake met to negotiate an Interlocal Agreement that specified how outstanding permits/land use applications would be processed, and by whom, after the annexation date. Staff involved in negotiating the terms of the agreement in 2001 were: Chuck Kleeberg, Pierce Co. Building Official/PALS Director, Ray Cockerham, Bonney Lake's Building Official, Vicki Diamond, Supervisor, Pierce Co. Current Planning, Shannon Mayfield, Bonney Lake Planner, Jill Guernsey, Pierce Co. Attorney and Jim Dionne, Bonney Lake City Attorney. All parties agreed on the best way to handle permit processing during the transition after annexation. Bonney Lake and Pierce Co. staff and attorneys have all reviewed/approved this form of agreement to be used for “Annexation Area 1-A.”

With the exception of Formal Plats, the attached Interlocal Agreement requests that Pierce Co. continue processing all permits for which they’ve accepted applications and permit fees (including land use applications) through completion — including inspections. Bonney Lake should not have to process permits for which it is not able to collect fees; similarly, Bonney Lake inspectors cannot rightfully inspect and enforce Pierce Co. code provisions. Any new permit applications filed on or after the annexation effective date of 1/12/07 will be filed with Bonney Lake.

Upon the City’s execution of the Agreement, it will be sent to Pierce Co. for approval/signature from the Executives office, then recorded.

**Council Committee Dates:**
- Finance Committee:
- Public Safety Committee:
- Community Development & Planning Committee: 12/4/06

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

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

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

**Signatures:**
- [Signature]
- [Signature]
- Date City Attorney reviewed Interlocal: 11/01/06
COMMUNITY DEVELOPMENT COMMITTEE

DATE: December 4, 2006

ORIGINATOR: Bob Leedy TITLE: Director, P&CD

SUBJECT: Resolution 1622 re: “Interlocal Agreement between Pierce Co. and the City of Bonney Lake re post-annexation permit processing”

In the absence of a signed Interlocal Agreement, Pierce Co. will turn over all outstanding building permits and land use applications to Bonney Lake on the annexation effective date of 1/12/07. In 2001/2002 when the City annexed several areas, staff from both Pierce Co. and Bonney Lake met to negotiate an Interlocal Agreement that specified how outstanding permits/land use applications would be processed, and by whom, after the annexation date. Staff involved in negotiating the terms of the agreement in 2001 were: Chuck Kleeberg, Pierce Co. Building Official/PALS Director, Ray Cockerham, Bonney Lake’s Building Official, Vicki Diamond, Supervisor, Pierce Co. Current Planning, Shannon Mayfield, Bonney Lake Planner, Jill Guernsey, Pierce Co. Attorney and Jim Dionne, Bonney Lake City Attorney. All parties agreed on the best way to handle permit processing during the transition after annexation. Bonney Lake and Pierce Co. staff and attorneys have all reviewed/approved this form of agreement to be used for “Annexation Area 1-A.”

With the exception of Formal Plats, the attached Interlocal Agreement requests that Pierce Co. continue processing all permits for which they’ve accepted applications and permit fees (including land use applications) through completion – including inspections. Bonney Lake should not have to process permits for which it is not able to collect fees; similarly, Bonney Lake inspectors cannot rightfully inspect and enforce Pierce Co. code provisions. Any new permit applications filed on or after the annexation effective date of 1/12/07 will be filed with Bonney Lake.

ORDINANCE/RESOLUTION # Resolution 1622

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend to the City Council to approve Resolution 1622 authorizing Interlocal Agreement with Pierce Co. re post-annexation permit processing.

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE FINANCE DIRECTOR

CITY ATTORNEY

BUDGETED ITEM: N/A Budget Impact: $0

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE APPROVED DISAPPROVED

James Rackley, Chairman 12-4-06

Mark Hamilton 12-5-06

David Bowen 12-4-06

COMMITTEE COMMENTS:

COMMITTEE’S RECOMMENDATION TO FORWARD TO:
CITY CLERK
CITY ATTORNEY

Please schedule for City Council Meeting date of: 12/12/06 – 2nd reading/approval of Resolution 1622
Consent Agenda: ☐ Yes ☒ No
RESOLUTION NO. 1622

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BONNEY LAKE AND PIERCE COUNTY RELATING TO POST-ANNEXATION PROCESSING OF BUILDING AND RELATED PERMITS AND LAND USE APPLICATIONS FOR ANNEXATION AREA 1-A

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

PASSED by the City Council this ___ day of December, 2006.

__________________________
Neil Johnson, Mayor

ATTEST:

__________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

__________________________
James Dionne, City Attorney
INTERLOCAL AGREEMENT BETWEEN THE CITY OF BONNEY LAKE AND
PIERCE COUNTY RELATING TO POST-ANNEXATION PROCESSING OF
BUILDING AND RELATED PERMITS AND LAND USE APPLICATIONS
FOR ANNEXATION AREA 1-A

1. PARTIES

This annexation-specific interlocal agreement (hereinafter "AGREEMENT") is made by and between the City of Bonney Lake (hereinafter referred to as the "CITY") and Pierce County (hereinafter referred to as the "COUNTY"), political subdivisions of the State of Washington, pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW, and shall be administered cooperatively by the parties. This AGREEMENT does not provide for the acquisition, holding or disposal of real or personal property. There shall be no financing of any joint or cooperative undertaking pursuant to this AGREEMENT. There shall be no budget maintained for any joint or cooperative undertaking pursuant to this AGREEMENT.

2. EFFECTIVE DATE OF AGREEMENT

This AGREEMENT shall be effective between the CITY and the COUNTY on January 12, 2007 the date of annexation to the CITY of the "ANNEXATION AREA" as described in the attached Exhibit A and shown in the attached Exhibit B. This AGREEMENT shall be filed with the County Auditor pursuant to RCW 39.34.040.

3. PURPOSE AND RECITALS

3.1 The CITY and COUNTY recognize the need to facilitate the orderly transition of processing land and building permits from the COUNTY to the CITY during the time of annexation.

3.2 The CITY has requested and the COUNTY has agreed to develop programs for the orderly transfer of permit authority and jurisdiction from the COUNTY to the CITY.

3.3 The CITY and COUNTY agree that having County staff process various ANNEXATION AREA building and land use applications on behalf of the CITY for a transitional period will assist in an orderly transfer of authority and jurisdiction.

3.4 The CITY and COUNTY believe it is in the best interest of the citizens of both jurisdictions to allow the COUNTY to process permit applications under the existing county code.

3.5 The CITY and COUNTY both acknowledge that in fulfilling responsibilities under this AGREEMENT that would otherwise under law be the responsibility of the other jurisdiction, each party acts as the agent of the other party.
4. APPLICABILITY AND SCOPE

The CITY and COUNTY agree that this AGREEMENT shall apply to the ANNEXATION AREA, which will be annexed to the CITY on January 12, 2007.

5. NEW PERMIT APPLICATIONS TO BE FILED WITH THE CITY

5.1 Jurisdiction. On January 12, 2007, the CITY shall assume jurisdiction of the ANNEXED AREA.

5.2 Formal Plats

5.2.1 Formal Plats filed before annexation date. The County agrees to complete the review process through the phase that is current on the annexation date and then turn over further processing to the City.

5.2.2 Associated applications filed before annexation date. The County agrees to complete associated applications filed before the annexation date.

5.2.3 Associated applications filed after annexation date. The County agrees to complete associated applications filed after the annexation date to the extent they are necessary to complete the current plat phase that remains under County review.

5.3 Short Plats and Large Lot Divisions

5.3.1 Short Plat and Large Lot applications filed before annexation date. The County agrees to process Short Plat and Large Lot applications through to completion.

5.3.2 Associated applications filed before annexation date. The County agrees to complete associated applications filed before annexation date.

5.3.3 Associated applications filed after annexation date. The County agrees to complete associated applications filed after annexation date.

5.4 Land Use Permits (Administrative, Non-conforming use, Conditional use, Shoreline permits, Variances)

5.4.1 Land Use Permits filed before annexation date. The County agrees to complete processing of Land Use Permits filed before the annexation date.
5.4.2 Associated applications filed before annexation date. The County agrees to complete associated applications filed before annexation date.

5.4.3 Associated applications filed after annexation date. The City agrees to complete associated applications filed after annexation date.

5.5 Building Permits and Sign Permits

5.5.1 Building Permits filed before annexation date. The County agrees to complete processing through inspection and occupancy permit.

5.5.2 Associated applications filed before annexation date. The County agrees to complete process.

5.5.3 Associated applications filed after annexation date. The County agrees to complete process. Additional associated applications for building permits after final occupancy has been granted, shall be permitted and inspected by the City.

5.6 “Free Standing” Permits (Site Development, Forest Practices, Critical Areas, SEPA)

5.6.1 Permits filed before annexation date. The County agrees to complete process.

5.6.2 Associated applications filed before annexation date. The County agrees to complete process.

5.6.3 Associated applications filed after annexation date. The City agrees to complete process.

5.7 Definitions

5.7.1 “Completion” means final administrative or quasi-judicial approvals, including final inspection and issuance of an occupancy permit.

5.7.2 “Associated applications” means Site Development, Forest Practice, SEPA, Critical Areas (includes geo-technical and wetlands); in addition, for Building permits, “associated applications” means those that are required prior to or during construction and/or prior to final occupancy, such as mechanical, plumbing, fire suppression, storm water, and road approach curb cuts for the building being permitted. (Sign permit shall not be considered an associated application for a building permit).
5.8 APPEALS

5.8.1 The COUNTY shall be responsible for defending any administrative, quasi-judicial or judicial appeals for the work that is processed by the COUNTY for the ANNEXED AREA. The CITY shall be responsible for defending any administrative, quasi-judicial or judicial appeals for the work that is processed by the CITY for the ANNEXED AREA.

6. REFERRAL OF NEW REQUESTS AND PERMIT RENEWALS

The COUNTY agrees to provide a general advisory notice that any new building or land use applications or permit requests within the ANNEXED AREA must be submitted to the CITY on or after January 12, 2007. The COUNTY agrees to accept requests for permit renewals or extensions only when construction has already begun and such renewal or extension is necessary to complete the project.

7. DOCUMENTATION

The COUNTY agrees to provide the CITY with copies of all pending building or land use applications pertaining to the ANNEXED AREA, and copies of all permits issued within the annexation area from and after January 1, 2005, as of the date of annexation, January 12, 2007.

8. PERMIT AND APPLICATION FILING FEES

8.1 Applications submitted prior to January 12, 2007. In order to cover the costs of processing the building and related permits and land use applications submitted to the COUNTY prior to January 12, 2007, the COUNTY is authorized to collect and retain such application and other fees authorized by the county fee ordinances.

8.2 Applications submitted after January 12, 2007. For all applications transferred to the CITY pursuant to the terms of this AGREEMENT, the COUNTY will retain the permit fee. For those applications submitted to the CITY on or after January 12, 2007, the CITY shall impose its own fees and other charges as have been established by City ordinance.

9. ENFORCEMENT

The CITY will assume responsibility for any pending COUNTY enforcement actions within the ANNEXED AREA as of the date of incorporation. The COUNTY will provide the CITY with a listing of all pending enforcement actions relating to building and related permits, zoning code enforcement and development engineering enforcement actions.
10. **COOPERATION AND SHARING OF INFORMATION**
The parties agree to cooperate and to share such information as is helpful to the other party to perform its duties under this Agreement.

11. **INDEMNIFICATION AND DEFENSE**

11.1 The CITY shall defend, indemnify and hold harmless the COUNTY, its officers, employees and agents from any loss or claim for damages of any nature whatsoever arising out of the CITY’s performance of this AGREEMENT, including claims by the CITY’s employees or third parties, except for those damages caused solely by the negligence or willful misconduct of the COUNTY, its officers, employees, or agents.

11.2 The COUNTY shall defend, indemnify and hold harmless the CITY, its officers, employees and agents from any loss or claim for damages of any nature whatsoever arising out of the COUNTY’s performance of this AGREEMENT, including claims by the COUNTY’s employees or third parties, except for those damages caused solely by the negligence or willful misconduct of the CITY, its officers, employees, or agents.

11.3 In the event of liability for damages of any nature whatsoever arising out of the performance of this AGREEMENT by the CITY and the COUNTY, including claims by the CITY’s or the COUNTY’s own officers, officials, employees, agents, volunteers, or third parties, caused by or resulting from the concurrent negligence of the COUNTY and the CITY, their officers, officials, employees and volunteers, each party’s liability hereunder shall only be to the extent of that party’s negligence.

11.4 No liability shall be attached to the CITY or the COUNTY by reason of entering into this AGREEMENT except as expressly provided herein.

11.5 The CITY does not intend by this AGREEMENT to assume any contractual obligations to anyone other than the COUNTY. The COUNTY does not intend by this AGREEMENT to assume any contractual obligations to anyone other than the CITY. The CITY and COUNTY do not intend there to be any third-party beneficiary to this AGREEMENT.

12. **ASSIGNMENT**

Neither the CITY nor the COUNTY shall transfer or assign, in whole or in part, any or all of its obligations and rights hereunder without the prior written consent of the other party.

13. **WAIVER**

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

14. SEVERABILITY

If any provision of this AGREEMENT or its application is held invalid, the remainder of the AGREEMENT or the application of the remainder of the AGREEMENT shall not be affected and shall remain in full force and effect.

15. ENTIRE AGREEMENT

This AGREEMENT contains all of the agreements of the parties with respect to any matter governed by this AGREEMENT, and no prior agreements regarding any matter governed by this AGREEMENT shall be effective for any purpose.

16. GOVERNING LAW; VENUE; ATTORNEY FEES

This AGREEMENT shall be governed by the laws of the State of Washington. Any action hereunder must be brought in the Superior Court of Washington for Pierce County. The prevailing party in any lawsuit brought to enforce this AGREEMENT shall be entitled to an award of reasonable attorneys fees and costs.

17. CONTACTS FOR AGREEMENT

The contact persons for this AGREEMENT are:

For CITY: Bob Leedy, Planning Director
City of Bonney Lake
Planning and Community Development
Post Office Box 7380
Bonney Lake, WA 98391
(253) 862-8602

For COUNTY: __________________________

______________________________

CITY OF BONNEY LAKE PIERCE COUNTY

By __________________________
Neil Johnson, Mayor

Date__________________________

By __________________________

Date__________________________
CITY OF BONNEY LAKE
SUB AREA “A”
ANNEXATION LEGAL DESCRIPTION

Beginning at the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 27, Township 20 North, Range 5 East, Willamette Meridian, Pierce County, Washington, said point being on Bonney Lake City Limits Line; Thence East along said City Limits Line and the North line of said subdivision to the Northeast corner of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, South along the East line of said Southwest Quarter to the Southeast corner of the Northeast Quarter of said Southwest Quarter; Thence continuing along said City Limits Line, West along the South line of said Northeast Quarter to the Northwest corner of the East 495 feet of the Southeast Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, South along the West line of said East 495 feet to the South line of the North half of the Southeast Quarter of the Southwest Quarter of said Section 27; Thence leaving said City Limits Line, West along the South line of said North half to the East line of the West 330 feet of the Southwest Quarter of the Southwest Quarter of said Section 27; Thence South along the East line of said West 330 feet to the South margin of Church Lake Road East; Thence West along said South margin to the Northeast corner of the Plat of Kelly Creek Vista as recorded under AFN 8410160215 records of said County, said corner being on the Bonney Lake City Limits Line; Thence North along said City Limits Line and the easterly prolongation of said Plat to the North margin of Church Lake Road East; Thence continuing along said City Limits Line and said North margin, West to the East line of the West half of the Southwest Quarter, of the Southwest Quarter, of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line and leaving said North margin, North along the East line of said West half to the North line of the South half of the Southwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, West along said North line to the West line of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, North along said West line to the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, East along the North line of the Southwest Quarter of the Southwest Quarter of said Section 27 to the Southwest corner of the East Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line as described in Bonney Lake Ordinance Number 162-A, North along the West line of said East Half to an angle point in Tract ‘B’ of Church Lake Waterfront Tracts Division No. 1 as recorded under AFN 1931505 of said County; Thence continuing along said City Limits Line and said Ordinance
description East along said Tract B a distance of 100 feet to an angle point therein; Thence continuing along said City Limits Line and said Tract 'B' North a distance of 300 feet to the North line of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line and leaving said Tract 'B' East along last said North line to the Northeast corner of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 27 said point being the Southwest corner of Lot 2 of Pierce County Short Plat No. 79-307; Thence continuing along said City Limits Line and the South line of said Lot 2 to the Southeast corner thereof; Thence continuing along said City Limits Line, North along the east line of said Short Plat to the Northeast corner of Lot 1 thereof; Thence continuing along said City Limits Line, West to the West line of the Northeast Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, and last said West line, North to the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 27 and the True Point of Beginning.
City of Bonney Lake


MAP LEGEND

- Existing City Limits
- Urban Growth Boundary
- Tax Parcels
- Roads
- Sub-Area A
- Sub-Area B
- Sub-Area C

Scale 1:6000

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

<table>
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<tr>
<th>Department/Staff Contact: Dan Grigsby – PW Director</th>
<th>Council/Wrkshp Mtg Date: December 12, 2006</th>
<th>Agenda Bill Number: AB06-388</th>
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**Agenda Subject:**
A resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing a Water and Sewer Developer Extension Agreement with Legacy Land Management LLC for the Sajjadi Property.

**Administrative Recommendation:**

**Background Summary:** Approve a Water and Sewer Developer Extension Agreement for the Sajjadi Property

The Sajjadi Property is a 56 lot plat inside the City of Bonney Lake’s UGA, to be annexed in January of 07, inside Bonney Lake’s water and sewer service area.
The City of Bonney Lake requires that a developer have an approved Developer Extension Agreement for water and sewer improvements to the City’s systems.
This developer extension agreement enables the City to be reimbursed for plan review, inspection and testing costs of infrastructure improvements as well as establishing the terms of the City accepting the improvements when they are complete.

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<th>Commission Dates:</th>
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<td>Planning Commission:</td>
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<td>Hearing Examiner:</td>
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<td>Community Development &amp; Planning Committee: 12/04/06</td>
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<tr>
<td>Council Workshop:</td>
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</tbody>
</table>

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

**Signatures:**
Dept. Dir. Mayor Date City Attorney reviewed Standard

\[Signature: Dan Grigsby\] \[Signature: Neil Luch\]
COMMUNITY DEVELOPMENT COMMITTEE

DATE: December 1, 2006

ORIGINATOR: Dan Grigsby        TITLE: Public Works Director

SUBJECT: Water Developer Extension Agreement for Sajjadi Property

The Sajjadi Property is a 56 lot plat located inside the City of Bonney Lake’s UGA, to be annexed in January of 07, inside Bonney Lake’s water and sewer service area.

The City of Bonney Lake requires that a developer have an approved Developer Extension Agreement for water improvements to the City’s system. This developer extension agreement enables the City to be reimbursed for plan review, inspection and testing costs of infrastructure improvements as well as establishing the terms of the City accepting the improvements when they are complete.

ORDINANCE/RESOLUTION # 1635

REQUEST OR RECOMMENDATION BY ORIGINATOR:

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE FINANCE DIRECTOR ________
CITY ATTORNEY N/A

BUDGETED ITEM: Budget Impact: $0

____________________________________________________
COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE  APPROVED  DISAPPROVED

James Rackley, Chairman
12-4-06

Mark Hamilton
12-4-06

David Bowen
12-4-06

COMMITTEE COMMENTS:

____________________________________________________

____________________________________________________

COMMITTEE’S RECOMMENDATION TO FORWARD TO:
CITY CLERK
CITY ATTORNEY

Please schedule for City Council Meeting date of: December 12, 2006
Consent Agenda: □ Yes  ☑ No
RESOLUTION NO. 1635

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A WATER AND SEWER DEVELOPER EXTENSION AGREEMENT WITH LEGACY LAND MANAGEMENT LLC FOR THE SAJJADI PROPERTY.

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

PASSED by the City Council this 12th day of December 2006.

________________________
Neil Johnson Jr., Mayor

ATTEST:

________________________
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

________________________
James Dionne, City Attorney
THIS AGREEMENT, by and between the City of Bonney Lake, a municipal corporation, hereinafter referred to as "City", and Legacy Land Management LLC hereinafter referred to as "Developer".

WITNESSETH: That whereas the City of Bonney Lake, a municipal corporation, provides WATER & SEWER service within the corresponding WATER & SEWER service area boundary, and the above-named Developer is preparing to construct a WATER & SEWER system, or additions thereto, and said development requires the City's WATER & SEWER service;

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

I. Developer agrees to design and/or construct the WATER & SEWER system, or additions thereto, to be connected to the City's WATER & SEWER lines, and to maintain such additions until such time as the improvements are accepted by the City, with the agreements conditioned as set forth below. The WATER & SEWER system, or additions thereto, shall be located within that area commonly referred to as Sajjadi Property, which property is described in Exhibit "A" attached hereto and referred to hereinafter as "Premises".

II. As a condition precedent to City obligations under this agreement, the Developer shall design and/or construct the proposed WATER & SEWER system, or additions thereto, within said premises in conformance with the City's "Development Policies and Public Works Standards", as adopted (and by reference made a part hereof), together with any City approved amendments thereto made, and further to conform with the City's comprehensive WATER & SEWER plan, which agreement shall include oversizing of WATER & SEWER mains as may be identified in the City's adopted WATER & SEWER comprehensive plan.

A. Apply for irrigation meters separate from residential meters where the irrigation serves common areas or more than one single-family residence.

B. The applicant shall submit landscaping and irrigation plans for review and employ the best management practices available for the efficient use of water.

III. The developer agrees that the construction of the WATER & SEWER system, or additions thereto, shall not commence until the following conditions have been fulfilled:
A. The developer shall furnish the City with three (3) sets of detailed plans for the water system, or additions thereto, at Developer's own expense, prepared by a qualified engineer licensed in the State of Washington.

B. The above plans shall require the review and approval by the City and its Engineer, and the cost of such review shall be at the Developer's own expense.

C. Minimum requirements for all plans for WATER & SEWER system, or additions thereto, submitted to the City for review are:

1. Three (3) sets of plans and documents shall be submitted, wherein one (1) set will be returned to the applicant.

2. A preliminary plat of the area in which said WATER & SEWER system, or additions thereto, are to be constructed, which plat has been approved by the City, or County as applicable.

3. A map showing the location of the plat in relation to the surrounding area.

4. A contour map of the plat with contour intervals of two feet or less.

5. A map showing the location and depth of all proposed utilities and any connections and/or interconnections to existing facilities or future extensions and connections.

6. A 1" = 50' plan of the water system showing streets, lot lines, dimensions, and location of bench marks and monuments for the proposed plat, together with an indication of the development of the adjacent property.

7. A profile 1" = 50' horizontal and 1" = 5' vertical of the finished road grades with the water system and other pertinent underground utilities located, with elevations noted thereon. The elevation datum shall be the same as used by the City. It shall be the responsibility of the Developer to confirm such datum with the City.

8. Full-sized detail sheets shall be included as part of the construction drawings, as required to clearly indicate the details for all of the water system, or additions thereto, to be constructed, consistent with City standards.

9. Specifications sufficient to fully describe the work, consistent with City's "Development Policies and Public Works Design Standard".

10. Approvals from all regulatory agencies.

D. Construction requirements in addition to the City standards and details for developer extensions, as adopted, are as follows:
1. Unless otherwise approved in writing, by the City, all streets and/or roadways shall be graded to within six inches of final grade before installation of WATER & SEWER improvements.

2. All lots shall be fully staked to assist all parties involved in the proper location of the WATER & SEWER system including services.

3. All hydrants and valves shall be fully staked in the field and reviewed and approved by the City prior to installation of same. Adjustments to "approval construction drawings" may be warranted and required by the City, based on actual local field conditions.

4. All contractors and subcontractors shall have a current Washington State Contractors License.

5. The Developer's WATER & SEWER system, or additions thereto, on Premises shall not be connected to the City WATER & SEWER system until authorized by the City, and such connection shall be performed under the supervision and direction of the City.

6. All city streets will have vertical curbs and sidewalks, street lighting, and storm ponds to city standards.

E. For the purpose of applying RCW 4.24.115 to this Contract, the Developer and the City agree that the term "damages" applies only to the finding in a judicial proceeding and is exclusive of third party claims for damages preliminary thereto.

The Developer agrees to indemnify and hold harmless the City from all claims for damages by third parties, including costs and reasonable attorney's fees in the defense of claims for damages, arising from performance of the Developer's express or implied obligations under this Agreement. The Developer waives any right of contribution against the City.

It is agreed and mutually negotiated that in any and all claims against the City or any of its agents or employees by any employee of the Developer, any contractor or subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation hereunder shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Developer or any contractor or Subcontractor under Workman's Compensation Acts, disability benefits acts or other employees' benefit acts. The City and the Developer agree that all third party claims for damages against the City for which the Developer's insurance carrier does not accept defense of the City may be tendered by the City by the Developer who shall, if so tendered by the City, accept and undertake to defend or settle with the Claimant. The City retains the right to approve claim investigation and counsel assigned to said claim and all investigation and legal work product regarding said claim shall be performed under a fiduciary relationship to the City. In the event that the City agrees or a court finds that the claim arises from the sole negligence of the
City, this indemnification shall be void and the City shall be responsible for all damages payable to the third party claimant. In the event that the City and the Developer agree or a court finds that the claim arises from or includes negligence of both the Developer and the City, the Developer shall be responsible for all damages payable by the Developer to the third party claimant under the court findings, and, in addition thereto, the Developer shall hereunder indemnify the City for all damages paid or payable to the City under the court findings in an amount not to exceed the percentage of total fault attributable to the Developer. For example, where the Developer is 25% negligent, the Developer shall not be required to indemnify the City for any amount in excess of 25% of the claimant's total damages.

F.

In the event the Developer in his operation damages or disrupts existing improvements, the repairs shall be made at the Developer's expense. In the event they are so damaged or the service disrupted and the Developer fails or is unable to immediately restore the service, then the Owners of the improvements may cause the repairs to be made by others and all costs for the same shall be at the Developer's own expense.

Where the construction crosses or is adjacent to existing utilities, the Developer shall exercise extreme care to protect such utilities from damage.

If any damage is done to an existing utility, the Developer shall notify the utility company involved who will dispatch a crew to repair the damage at the Developer's expense. All costs for the same shall be at the Developer's own expense.

The Developer shall be aware that some existing WATER & SEWER facilities are known to contain asbestos cement pipe. The Developer shall conduct all work related to existing asbestos cement pipe in strict accordance with WISHA safety regulations and provisions contained within WAC 296-62077. All costs related to work in compliance with established rules and regulations shall be the responsibility of the Developer. Demolition of existing, asbestos cement pipe, if required, will be permitted only after the proper permits are obtained from the Puget Sound Air Pollution Control Agency. The Developer shall be responsible for all associated fees and permits required for asbestos removal and disposal. Work crews shall be provided with proper protective clothing and equipment. Hand tools shall be used, and the asbestos cement pipe shall be scored and broken in lieu of the sawing or other methods which release fibers into the atmosphere. Waste asbestos pipe shall be buried in the trench. Asbestos pipe to be abandoned in – place shall not be disturbed, except as noted herein, and shall remain in its original position.

The Developer is cautioned that all existing drainage systems, whether open ditch, buried pipe, or drainage structures, are not on record. It shall be the responsibility of the Developer to repair or replace all such systems found during construction, which are damaged by the Developer’s construction in a manner which is satisfactory to the City.
Where the Developer is allowed to use private property adjacent to the work, the property so used shall be returned to its original or superior condition. The Developer shall make all arrangements in advance with such property owners, to insure that no conflicts will ensue after the property is restored as described above. The Developer will be required to furnish the City with a written release from said private property owners, if the City deems it to be necessary to obtain such document.

IV. The construction of the Developer's WATER & SEWER system, or additions thereto, on the Premises shall be supervised by the City in such a manner and at such times as the City deems reasonably necessary to assure that construction of the system will conform with the above-mentioned plans and specifications. The Developer herewith agrees to allow such inspections and agrees to cooperate providing reasonable advance notice on his construction schedule during, the various construction phases as requested by the City.

V. The Developer further agrees to deposit an estimated amount of money to cover the City's expected review fees and construction supervision expenses incurred plus 10% administrative costs, for such supervision. The City will pay for these bills out of the monies deposited. If the amount of money on deposit is depleted or reduced such that there is inadequate coverage for expected expenses, the City will stop work until the deposit account is adequate to cover expected expenses. Any accrued interest will be to the benefit of the City.

VI. The Developer's WATER & SEWER system, or additions thereto, on Premises shall not be accepted for service and use until the same have been fully inspected and approved, and the following requirements have been performed:

A. Submit to the City in Auto-CADD format, latest revision (unless otherwise approved by the City), the computer file supplied on a three and one half (3-1/2) inch disc accompanied by the original mylars, with all changes from the original design clearly marked to reflect the as-built conditions. The Developer's Engineer shall certify the accuracy of the record drawings and shall affix his seal and signature.

B. Payment of all permit fees and equivalent assessment changes and any other applicable City charges required for Premises.

C. Payment of all plan check and inspection fees.

D. Prepare and furnish the required easements in compliance with the City's standard form, and furnish same to the City for approval by the City Attorney, prior to recording of same. The proponent shall pay all the necessary recording, fees.

E. Furnish the City with an affidavit warranting there are no liens against the improvements constructed on Premises by the Developers, this affidavit shall be in the form prescribed by the City.
DEVELOPER AGREEMENT

ACCEPTED this ___ day of ____________________ 20___

____________________________________

Neil Johnson Jr., Mayor

CITY OF BONNEY LAKE

DEVELOPER AGREEMENT

EXHIBIT 'A'

PLAT NAME________________________________________________________

DEVELOPER:_____________________________________________________

LEGAL DESCRIPTION:_______________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________
F. Furnish the City with a Bill of Sale conveying, the WATER & SEWER system to the City.

G. Furnish a one year maintenance bond for 15% (or $2,000 whichever is greater) of the amount of the Bill of Sale guaranteeing that the WATER & SEWER system will be free of defects in labor and materials. Form to be prescribed by the City.

VII. In the event any warranty repairs are required, the City agrees, whenever feasible, to provide the Developer with reasonable notice, before directly undertaking such repairs. The City reserves the right, however, to effect emergency repairs as deemed necessary by the City. The City shall be reimbursed by the Developer for all costs thereof.

VIII. Upon performing all requirements, including those as set forth in Paragraph 5 above, the City shall accept the WATER & SEWER system, and agree therewith to operate and maintain said system.

IX. Nothing in this Agreement shall be construed to excuse Developer from requirements and conditions found in any City ordinance, resolution, plan or policy, with respect to the provision of utility service, including without limitation requirements regarding annexation or execution of covenants to annex, and the City will not provide utility service to Developer prior to Developer’s satisfaction of all such requirements and conditions.

SUBMITTED this 1st day of December 2006

DEVELOPER: 

Signature

Printed Name

Owner/manager

47101 SE 171st

Address

North Bend Washington 98045

City State Zip

Phone No. (425) 888-6344 FAX No. (425) 888-6050

c1khaven@nwlink.com

CITY OF BONNEY LAKE

6 of 7
# City of Bonney Lake, Washington
## Council Agenda Bill (C.A.B.) Approval Form

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## Budget Information

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**Explanation:** 2007-2008 Biennial Budget of $140,487,828 including transfers, reserves and ending balances.

**Agenda Subject:** 2007-2008 Biennial Budget Adoption

**Administrative Recommendation:** Approve

## Background Summary:
The City Council adopted Ordinance No. 1187 and BLMC Chapter 3.96, providing for a biennial budget. A proposed budget for fiscal years 2007 and 2008 has been prepared and filed as required by law, and public hearings on the budget have been held. This ordinance adopts the 2007-2008 biennial budget. The budget will be subject to a mid-biennium review next fall.

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

Council Workshops: 11/7/06; 11/21/06

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

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

**Council Action:**  
- Council Call for Hearing:  
- Council Hearings Date: 11/14/06; 11/28/06

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

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

**Signatures:**  
- Dir. Authorization:  
- Mayor:  
- Date City Attorney Reviewed:
ORDINANCE NO. D06-360

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING THE BIENNIAL BUDGET FOR CALENDAR YEARS 2007 AND 2008

WHEREAS, the City Council adopted Ordinance No. 1187 and BLMC Chapter 3.96, providing for a biennial budget; and

WHEREAS, Ch. 35A.34 RCW provides procedures for adopting, managing, and amending a biennial budget; and

WHEREAS, a preliminary biennial budget for fiscal years 2007 and 2008 has been prepared and filed as required by law; and

WHEREAS, on November 14, 2006, the City Council held a public hearing upon notice as prescribed by law, and met for the purpose of fixing the final budget of the City for the 2007-2008 fiscal biennium; and

WHEREAS, the City Council has made adjustments and changes deemed necessary and proper and desires to adopt the 2007-2008 Budget and the 2007-2012 Financial Plan and Capital Improvement Program;

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

Section 1. The biennial budget for the City of Bonney Lake for the period January 1, 2007 through December 31, 2008 as contained in the 2007-2008 Biennial Preliminary Budget for total revenues/sources (including beginning fund balances) and expenditures/uses (including ending fund balances) and as revised by the City Council, is hereby adopted by Total Biennial Revenues and Total Biennial Expenditures for each fund as shown on the attached Exhibit “A” (City of Bonney Lake Adopted 2007-2008 Biennial Budget).

Section 2. That the budget document entitled “City of Bonney Lake 2007-2008 Biennial Budget” attached hereto as Exhibit “B” is hereby adopted at fund level as set forth, three copies of which shall be on file with the City Clerk.

Section 3. The City Clerk is directed to transmit a certified copy of the City of Bonney Lake adopted 2007-2008 Biennial Budget to the Office of State Auditor and to the Association of Washington Cities.

Section 4. This ordinance concerning matters set out in RCW 35A.11.090, it is not subject to referendum, and shall take effect January 1, 2007 after its passage, approval and publication as required by law.

PASSED by the City Council of the City of Bonney Lake this 12TH day of December, 2006.
Attested:

Harwood T. Edvalson, City Clerk

Approved as to Form:

James Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:
### Exhibit “A” to Ordinance No. D06-360  – City of Bonney Lake 2007-2008 Adopted Biennial Budget

<table>
<thead>
<tr>
<th>Fund Number</th>
<th>Fund Name</th>
<th>2007 Revenues</th>
<th>2008 Revenues</th>
<th>2007 Expenditures</th>
<th>2008 Expenditures</th>
<th>Total Biennial Revenues</th>
<th>Total Biennial Expenditures</th>
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### Budget Amendments: Preliminary 2007-2008 Biennial Budget

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<th>FUND</th>
<th>DEPARTMENT or Streets</th>
<th>ACCOUNT</th>
<th>INCREASE</th>
<th>DECREASE</th>
<th>PURPOSE</th>
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<td>Capital Outlay/Parks</td>
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<td>AYP Security Lights</td>
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<td>Professional Services</td>
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<td>City Lobbyist Contract</td>
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<td>Comm. Services</td>
<td>Professional Services</td>
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<td>Muckleshoot Charity Fund Grant for Outdoor Concert</td>
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<td>Police</td>
<td>Professional Services</td>
<td>$1,400</td>
<td>$1,400 Ending Fund Balance Rev.</td>
<td><em>Leads Online</em> Criminal Justice Data Base Access</td>
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City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact:</th>
<th>Council Meeting Date:</th>
<th>Agenda Item Number</th>
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<tbody>
<tr>
<td>Don Morrison</td>
<td>December 12, 2006</td>
<td>AB06-367</td>
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<th>Resolution Number:</th>
<th>Councilmember Sponsor:</th>
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<td>D 06-367</td>
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<table>
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<th>BUDGET INFORMATION</th>
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<tbody>
<tr>
<td>2006 Budget Amount</td>
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<tr>
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</table>

Explaination: Will impact 2007-2008 Biennial Budget

Agenda Subject: Salary Schedule for Non-Represented Employees

Administrative Recommendation: Approve

Background Summary: The Consumer Price Index (CPI-U) for the Seattle-Tacoma-Bremerton area has increased an average of 3.67% from January 2006 through October 2006. It is proposed that non-represented employees be granted a 3.5% cost of living adjustment (COLA) to enable employees to maintain their purchasing power. It is also proposed that as part of the City’s Wellness Program, that non-represented employees also be reimbursed up to $20 per month towards active participation in an approved fitness program such as membership in the YMCA, Total Fitness, Bl Fitness Center, etc. The proposed salary budget included in the 2007-2008 Preliminary Biennial Budget includes sufficient funds to cover the proposed increase. At the 12/5/ Workshop the majority of Council members favored the 3.5% adjustment included in the attached ordinance.

<table>
<thead>
<tr>
<th>Council Committee Dates:</th>
<th>Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
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</thead>
<tbody>
<tr>
<td>Finance Committee: 11/14/07</td>
<td>Planning Commission:</td>
<td>Park Board:</td>
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<tr>
<td>Public Safety Committee:</td>
<td>Civil Service Commission:</td>
<td>Hearing Examiner:</td>
</tr>
<tr>
<td>Comm. Dev. &amp; Planning Committee:</td>
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<td></td>
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<td>Council Workshop: 12/5/06</td>
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<table>
<thead>
<tr>
<th>Council Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Call for Hearing:</td>
</tr>
<tr>
<td>Council Referred Back to:</td>
</tr>
<tr>
<td>CouncilTbled Until:</td>
</tr>
</tbody>
</table>

Signatures:

Dept. Dir.  
Mayor City Administrator:  
Date City Attorney reviewed
ORDINANCE NO. D06-367

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING ORDINANCE NO. 1180 RELATING TO SALARIES AND BENEFITS FOR NON-REPRESENTED EMPLOYEES.

WHEREAS, the City Council desires to amend the salary schedule for non-represented employees commensurate with increases in the consumer price index in order to keep the salary structure competitive with comparable agencies, and to attract and retain quality employees;

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

Section 1. Ordinance No. 1170 is repealed. 1180 is hereby amended to read as follows: as of the effective date of this Ordinance.

Section 2. A new Attachment "A-1", consisting of a Position Classification Matrix and Attachment A-2, consisting of the Salary Schedule, are hereby adopted and incorporated herein by this reference. The purpose of the amended Attachment "A-1" is to incorporate new non-represented positions adopted in the 2007-2008 Biennial Budget into the Classification Plan. These position classifications, performance steps and salary rates for non-represented employees shall remain in effect until amended by subsequent ordinance of the City Council. A new Attachment "A2" of Ordinance No. 1180, attached hereeto and incorporated herein by reference, is hereby adopted. Said Attachment "A2" reflects the salary rates and pay steps for non-represented employees for 2007, which rates shall remain in effect until amended by subsequent ordinance of the City Council. Attachment "A2" represents the adopted 2006 salary rates, increased by three and one-half percent (3.5%), to reflect a cost-of-living adjustment (COLA) hereby granted to non-represented employees, effective January 1, 2007.

Section 3. Advancement through the salary scale on steps shall be based solely upon merit performance as evaluated by the employee’s supervisor and approved by the department head, and the Mayor or his designee. Step increases shall not be allowed to increase more than one step per year without approval of the City Council by motion and duly noted in the official minutes of the city. Advancement through the salary scale on steps shall additionally require a minimum service time of one year.

Section 4. Each current or reclassified new employee shall be placed at the step for his or her position that is at least equal to and closest to the current pay level of such employee; provided, that if there is no step for such employee’s position that is at least equal to his or her current pay, then he or she shall be placed and remain at the top step, but shall continue to receive the current rate of pay unless and until the rate of pay provided for at the top step exceeds such employee’s current rate of pay. Any employee previously placed at the top step because his or her existing salary was higher than that provided for in the top step in any previous salary ordinance shall remain at the top step, but shall continue to receive his or her current rate of pay unless and until the rate of pay provided for at the top step exceeds such employee’s current rate of pay, in which case the employee shall receive the rate of pay specified for the top step.
Section 5.4. All newly hired employees may be placed on their respective position salary scale commensurate with their qualifications for the position as determined by the City Administrator in consultation with the Human Resources Officer and department director, subject to final approval by the Mayor. No new employee shall be placed higher on the scale than the mid-point of the salary range without prior City Council approval. New positions or position reclassifications must be approved by the City Council. If an employee’s position is reclassified to a higher grade of pay, the initial placement shall be no less than the step that is at least equal to and closest to the current pay level of the employee. All reclassifications shall require approval by the City Council.

Section 6.5. City approved health, dental, vision, life, and Employee Assistance Plan benefit premiums will be provided for full-time non-represented employees, however each employee shall pay $30.00 per month towards coverage for medical premiums via an agreed payroll deduction. Dental and vision care coverage will be provided through AWC for all non-represented employees currently covered by AWC medical plans, with the exception of the exempt police department personnel who shall receive the same coverage as the police department union personnel. Employees shall also be responsible for paying any applicable deductible and co-pay amounts.

Section 6. The City shall provide matching contributions to a Deferred Compensation Plan for regular full-time employees, not to exceed one hundred dollars ($100.00) per month per employee from available plans provided by the City.

Section 7. The salary scale and other provisions set forth herein shall continue in effect until a new or revised salary scale is adopted by the City Council. As part of the City's wellness program, non-represented employees shall be reimbursed up to $20 per month for membership and active participation in a City approved fitness program as determined by the Mayor.

Section 9. The provisions of BLMC 2.57.010 (relating to the posting of vacancies and reclassifications), and the requirement for council confirmation of appointments, shall be waived with respect to the following positions, provided that the employee currently holding the existing position is retained by the Mayor in the new position:

<table>
<thead>
<tr>
<th>Existing Position Title</th>
<th>New Position Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Clerk</td>
<td>Administrative Services Director/City Clerk</td>
</tr>
<tr>
<td>Senior Human Resources Analyst</td>
<td>Human Resources Officer</td>
</tr>
<tr>
<td>Information Technology Coordinator</td>
<td>Information Services Coordinator</td>
</tr>
<tr>
<td>Public Works Operations Manager</td>
<td>Assistant Public Works Director</td>
</tr>
<tr>
<td>Assistant Public Works Director</td>
<td>Community Services Director</td>
</tr>
</tbody>
</table>

Section 10.8. This Ordinance concerning matters set out in RCW 35A.11.090, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law; provided, that this Ordinance shall not take effect prior to January 1, 2007.
PASSED by the City Council and approved by the Mayor this 12th day of December, 2006.

__________________________
Neil Johnson, Jr., Mayor

ATTEST:

__________________________
Woody Edvalson, City Clerk

APPROVED AS TO FORM:

__________________________
James J. Dionne, City Attorney
# City of Bonney Lake

## Position Classification Matrix – Non-represented Employees

<table>
<thead>
<tr>
<th>GRADE</th>
<th>ADMINISTRATION AND FINANCE</th>
<th>PUBLIC SAFETY</th>
<th>COMMUNITY SERVICES</th>
<th>PLANNING AND COMMUNITY DEVELOPMENT</th>
<th>PUBLIC WORKS</th>
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</thead>
<tbody>
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<td>1-4</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 7     | Records & Information Specialist  
PC/Network Specialist  
Payroll Officer |               | Customer Services Specialist; Special Events Coordinator |                                   |              |
| 8     | Utility Billing Supervisor  
Executive Assistant  
Accountant/Fiscal Analyst |               |                    |                                   | PW Support Services Coordinator |
| 9     |                             |               | Senior Services Manager |                                   | Project Manager |
| 10    | Human Resources Officer  
Senior Accountant |               |                    |                                   | Utility Supervisor  
Transportation Supervisor |
| 11    | Information Technology Coordinator |               | Community Services Director | Building Official Planning Manager | Assistant City Engineer-Utilities  
Assistant Public Works Director – Operations Mgr. |
| 12    | Administrative Services Director/City Clerk  
Chief Financial Officer |               | Police Lieutenant |                                   | City Engineer |
| 13    | Police Chief | |                    | Planning and Community Development Director | Public Works Director |
| 14    |                             |               |                    |                                   |              |
| 15    |                             |               |                    |                                   |              |

Municipal Judge
## 2007 Non-Represented Salary Schedule (3.5% CPI)

<table>
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<tr>
<th>Grade</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
<th>Step 6</th>
<th>Step 7</th>
<th>Step 8</th>
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<td>2,161</td>
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<td>3</td>
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<td>6,597</td>
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<td>9,738</td>
<td>10,040</td>
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* 3% between steps; 10% between grades
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
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<tr>
<th>Department/Staff Contact:</th>
<th>Council Meeting Date:</th>
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<td>Don Morrison</td>
<td>December 12, 2006</td>
<td>AB06-381</td>
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**BUDGET INFORMATION**

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

**Explanation:** No fiscal impact

**Agenda Subject:** Holiday, sick leave and vacation schedule for non-represented Employees

**Administrative Recommendation:** Approve

**Background Summary:** This ordinance trades the two February holidays (Lincoln and Washington Birthdays) for 1 Presidents Day (to be observed the 3rd Monday of February). The second holiday becomes a floating holiday. This gives the Citizens one more day of service each year, and allows the employee flexibility in scheduling one holiday per year. The ordinance also formally recognizes the long-standing past practice that regular part-time employees (e.g. judge) receive a pro-rata share of sick leave, vacation, and holiday benefits.

**Council Committee Dates:**
- Finance Committee: 11/28/07
- Public Safety Committee:
- Comm. Dev. & Planning Committee:
- Council Workshop:

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

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

**Council Action:**
- Council Call for Hearing:
- Council Referred Back to: Workshop:
- Council Tabled Until:

**Signatures:**
- Dept. Dir.
- Mayor/City Administrator
- Date City Attorney reviewed
ORDINANCE NO. D06-381

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING ORDINANCE NOS. 950 AND 678, AND CHAPTER 2.32 OF THE BONNEY LAKE MUNICIPAL CODE RELATING TO HOLIDAY, VACATION, AND SICK LEAVE BENEFITS FOR NON-REPRESENTED EMPLOYEES.

WHEREAS, the City Council desires to amend the benefit schedule for non-represented employees to clarify that regular part-time nonrepresented employees receive a pro-rata share of holiday, vacation, and sick leave benefits, and to amend the holiday schedule for nonrepresented employees to make it consistent with the holiday schedule of other non-police employees;

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

Section 1. Section One of Ordinance No. 950 and BLMC Chapter 2.32.010 are hereby amended to read as follows:

2.32.010 Holidays
A. Each regular full-time employee shall be entitled to eight hours’ salary on each of the following days which are declared to be official holidays. Regular part-time employees shall be entitled to a pro-rata share of holiday pay when the employee’s regular schedule falls on an official holiday:

1. New Year’s Day;
2. Martin Luther King, Jr.’s Birthday;
3. Washington’s Birthday;
4. Lincoln’s Birthday;
5. Presidents’ Day (3rd Monday in February)
6. Memorial Day;
7. Independence Day;
8. Labor Day;
9. Veterans’ Day;
10. Thanksgiving Day;
11. Friday following Thanksgiving Day;
12. Christmas Day;
14. 1 Floating Holiday

B. Any holiday falling on Sunday shall be observed the following Monday. Any holiday falling on Saturday shall be observed on the preceding Friday.
C. Any day in addition to the days listed in subsection A of this section may be designated as a holiday by the city council.
D. Each employee who, because of the nature of duty, works on any holiday shall be given vacation with full pay on one other day for each holiday worked. Such vacation days shall be given at the convenience of the city, but within 60 days of the holiday worked.
E. Employees shall receive the holiday with pay only if at work the full work day the employee is in a paid status the day before and the full work day after the holiday, unless the employee is on authorized vacation or sick leave.
F. New employees hired after July 1st of the year shall not be eligible for the floating holiday in the year they are hired. The Employee shall request use of the floating holiday at least 10 days in advance. All requests shall be made prior to December 1st of each year. Permission to use the floating holiday shall not be unreasonably withheld. No unused floating holiday may be carried forward to the next year.

Section 2. Section 2 of Ordinance No. 678 and BLMC Chapter 2.32.020 are hereby amended to read as follows:

2.32.020 Annual vacation.
A. Each regular full-time employee shall accrue the following amount of vacation leave during continuous service with the city of Bonney Lake as follows (a day shall equal eight hours):
   1st year – 12 days;
   2nd year – 13 days;
   3rd year – 14 days;
   4th year – 15 days;
   5th year – 16 days;
   6th year – 17 days;
   7th year – 18 days;
   8th year – 19 days;
   9th year – 20 days;
  10th year – 21 days;
  11th year – 22 days.
B. Day labor, temporary part-time and temporary employees shall not accrue vacation leave. Regular part-time employees shall accrue vacation time on a pro-rata basis. Probationary employees may not use vacation leave until the probationary period is satisfied. (Probationary period shall not exceed six months).
C. Only those days on which the employee would normally be required to work shall be counted in computing the vacation period to which the employee is entitled.
D. When a paid holiday falls on a vacation day, the employee shall be entitled to an additional vacation day.
E. Vacation shall be taken by an employee upon approval by the department head; provided that an employee must be allowed to take vacation leave which would otherwise be invalidated by virtue of an involuntary accumulation beyond the maximum.
F. Accumulated vacation time shall not exceed 30 working days at December 31st of each year. Any vacation time voluntarily accumulated in excess of 30 days shall be forfeited on December 31st of each year.
G. Each employee whose service is terminated shall be compensated for any accumulated vacation prior to the effective date of termination at the straight time rate of pay.

Section 3. Section 3 of Ordinance No. 678 and BLMC Chapter 2.32.030 are hereby amended to read as follows:

2.32.030 Sick leave.
A. Regular full-time employees shall accrue the following amount of sick leave at the rate of eight hours for each calendar month of employment to a maximum of 720 hours. Regular part-time employee shall accrue a pro-rata share of sick leave for each calendar month of service up to a maximum of 360 hours.
B. Day labor, temporary part-time or temporary employees shall not accrue sick leave.
C. Payoff shall be based on an accumulation of unused sick leave to a maximum of 720 hours. Employees shall be compensated at their regular base rate of pay in effect when permanently separated from employment in accordance with the following schedule:
1. Resignation or layoff (5 years service minimum): 25 percent;
2. Disability, death or retirement: 100 percent.
D. An employee eligible for sick leave with pay shall be granted such leave for the following reasons:
1. Personal illness or physical incapacity resulting from cause beyond employee’s control;
2. Forced quarantine of the employee in accordance with community health requirements;
3. The illness of a member of the employee’s immediate family which shall include husband, wife, son, daughter or parent of the employee, the length of time of leave to be determined by the department head.
E. An employee on sick leave shall inform the department head, in writing, of the fact and the reason therefore as soon as possible, and shall complete a sick leave report upon return to work.
F. When the sick leave continues for three or more working days, the department head may require the employee to file a physician’s certificate with the department head stating the cause of the absence and the nature of the illness.
G. Any failure to give notice, file a physician’s certificate upon request, or complete a sick leave report as required in this section, may be cause for denial of such leave with pay for the period of absence.
H. An employee receiving sick leave with pay who simultaneously receives compensation under the Workmen’s Compensation Law, or other insurance plan paid for by the city, shall receive for the duration of such compensation only the portion of regular salary which, together with said compensation, will equal regular salary, except this provision shall not apply to compensation received for benefits other than salary compensation.

Section 4. This Ordinance concerning matters set out in RCW 35A.11.090, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law; provided, that this Ordinance shall not take effect prior to January 1, 2007.

PASSED by the City Council and approved by the Mayor this _____ day of _________, 2006.

______________________________
Neil Johnson, Jr., Mayor

ATTEST:

______________________________
Woody Edvalson, City Clerk

APPROVED AS TO FORM:

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

**Department/Staff Contact:** P&CD/Heather Stinson

**Council Meeting Date:** December 12, 2006

**Agenda Item Number:** 06-364

**Ordinance Number:** Resolution Number:

**Councilmember Sponsor:**

### BUDGET INFORMATION

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<th>Impact</th>
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**Explanation:**

**Agenda Subject:** Berkshire Estates Preliminary Plat Approval.

**Administrative Recommendation:** Approval subject to conditions recommended by the Hearing Examiner.

### Background Summary:

Berkshire Estates is a proposal to develop a preliminary plat consisting of 12 single-family lots on approximately 3.70 acres located at 10318 Angeline Road East. This site is currently zoned R-1 and contains steep slopes.

Council originally considered this preliminary plat on November 28th but found that the map presented was not in agreement with the report. The map attached to this agenda bill is the most current map available and is in agreement with the Hearing Examiner’s Findings.

The MDNS refers to the homes on lots 10 and 11 remaining, however the site plan was changed between the time that the MDNS was issued and the Public Hearing was held. The Hearing Examiner refers to the updated map with the homes on lots 11 and 12 remaining.

### Council Committee Dates:
- Finance Committee:
- Public Safety Committee:
- Community Development & Planning Committee:
- Policy Committee:
- Council Workshop:

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

### Board/Hearing Examiner Dates:
- Park Board:
- Hearing Examiner: Public Hearing held October 2, 2006

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

### Signatures:
- Dept. Dir.
- Mayor
- Date City Attorney reviewed:
Leroy Surveyors & Engineers, PLLC
1103 Shaw Road
Puyallup, WA 98372

RE: PRELIMINARY PLAT OF BERKSHIRE ESTATES

Dear Applicant:

Transmitted herewith is the Report and Decision of the City of Bonney Lake Hearing Examiner relating to the above-entitled matter.

Very truly yours,

[Signature]

STEPHEN K. CAUSSEXAUX, JR.
Hearing Examiner

SKC/cka
cc: Parties of Record
    City of Bonney Lake
OFFICE OF THE HEARING EXAMINER

CITY OF BONNEY LAKE

REPORT AND DECISION

CASE NO.: BERKSHIRE ESTATES

APPLICANT: Leroy Surveyors & Engineers, PLLC
1103 Shaw Road
Puyallup, WA 98372

PROPERTY OWNER: Kumar Ashok
10404 Angeline Road East
Bonney Lake, WA 98390

SUMMARY OF REQUEST:

The applicant is requesting preliminary plat approval to allow development of Berkshire Estates, a residential subdivision consisting of 11 single family residential lots on approximately 3.70 acres. The site is currently zoned R-1 Residential District (BLMC Chapter 18.14) and contains steep slopes (approximately 70%) subject to BLMC 16.28 – Geologically Hazardous Areas. The site is located at 10318 Angeline Road East, Bonney Lake, Washington.

SUMMARY OF DECISION:

Request granted, subject to conditions.

PUBLIC HEARING:

After reviewing Planning and Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on October 2, 2006, at 10:23 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1" - Planning and Community Development Staff Report and
DAVID SCHREDEL appeared, presented the Planning and Community Development Department Staff Report, and testified that the applicant now proposes a 12 lot subdivision which includes the two existing homes. He introduced Exhibit “2” a revised plat map. The City and the applicant are in agreement regarding density and other issues. The site contains 2.4 net developable acres which calculates to a maximum of 12 lots. The City issued an MDNS and received no appeals. He recommended elimination of Condition M and also elimination of Tract “B”. Lot 12 will access onto Angeline Road, but lot 11 will access onto the internal plat road through Tract “B”. The site contains 3.7 gross acres and a survey clarified the amount of net acreage. The amount of lots proposed has varied between nine and 13. The applicant located the toe of the slope by survey and will provide a 15 foot wide buffer therefrom. The City has not received storm drainage plans as yet.

LYLE FOX, LeRoy Surveyors, appeared and testified that he concurs with the staff report and that they have located the lots as close to the toe of the slope as possible. The geotechnical engineer and the City agreed with the setback. He understood that the lot line would extend to the toe of the slope, but a building restriction would prevent structures within 15 feet therefrom. Tract “C” will remain in permanent open space and Tract “A” will contain entrance landscaping. They will eliminate Tract “B” and create a landscaping easement. They will construct the storm drainage pond underground along the north property line between the catch basins in the road.

MR. SCHREDEL reappeared and testified that he agrees with the easement along the north side of lot 11 as opposed to a tract. Tract “C” is a critical area and requires a 25 foot setback from the toe. The first 15 feet of that distance represents a buffer subtracted from the net developable area. The code then requires a 10 foot wide setback from the buffer. Thus, we have a 25 foot setback consisting of a 15 foot buffer and a ten foot setback. Concerning storm drainage the applicant can discharge the water down Angeline Road to a pond, but must provide water quality treatment on site.

MR. FOX reappeared and questioned whether they could mow or landscape the area adjacent to the toe of the slope. He has no problem with the building footprint restrictions as described by the staff.

MR. SCHREDEL testified that the primary concern in the MDNS was grading and tree removal. They want the buffer protected perpetually as a tract or easement, and so long as grading, tree removal, or buildings do not occur within the buffer, it will meet City requirements. The homeowners association will own Tract “C” and must protect it perpetually.

No one spoke further in this matter and so the Examiner took the request under
advisement and the hearing was concluded at 10:48 a.m.

NOTE: A complete record of this hearing is available in the City of Bonney Lake Planning and Community Development.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.

2. Pursuant to the State Environmental Policy Act (SEPA) and City of Bonney Lake Environmental Regulations, as codified in BLMC Title 16-Environmental Protection, the SEPA Responsible Official has reviewed this project and issued a Mitigated Determination of Nonsignificance on June 8, 2006. The comment period ended on June 23, 2006, making the determination final. The appeal deadline ended on July 9, 2006. The City did not receive any appeals.

3. Public notice was provided pursuant to the Bonney Lake Municipal Code.

4. The applicant has a possessory ownership interest in a generally rectangular, 3.7 acre parcel of property abutting the east side of Angeline Road approximately half way between its intersection with Rhodes Lake Road and SR-410. The applicant requests preliminary plat approval to allow subdivision of the site into 12 single family residential lots and two open space tracts.

5. The parcel abuts Angeline Road for 325 feet and measures 540 feet in depth. A single internal plat road extends west from Angeline Road near the north property line and then turns south ending in a cul-de-sac near the center of the site. Improvements on the site include two single family residential homes located adjacent to Angeline Road south of the internal plat road. Lot 12, located in the southeast corner, will retain its existing access onto Angeline Road, and lot 11 will access onto the internal plat road. All newly created lots will access onto the internal plat road. The western 150 feet of the parcel consists of steep slopes which meets the definition of a critical area, and will remain undisturbed in Tract “C” and in the ownership of the homeowners association. The plat will provide a 15 foot wide “No Touch” buffer easement measured from the toe of the slope and a ten foot wide building setback from said buffer. Tract “A”, a 2,760 square foot linear parcel separates the north side of the internal plat road from the north property line. The applicant will use said tract for entry landscaping and for the underground storm drainage system. The plat map also shows Tract “B” located between lot 11 and the internal plat road. Since lot 11 must access onto the internal plat road, the
applicant will eliminate Tract “B” and provide an entry landscape easement area on lot 11. The preliminary plat proposes a minimum lot size of 5,376 square feet, an average lot size of 8,662 square feet, and a minimum lot width of 55 feet. Following deduction of the internal plat public road and the critical steep slope area, the site provides a net developable area of 2.4 acres. The net density calculates to five dwelling units per acre.

6. Abutting uses include the Willowbrook subdivision with similar sized lots along the south property line, the Sky Island development along the west property line, and low density residential uses to the north. Low density residential uses also exist on the east side of Angeline Road opposite the site.

7. The City of Bonney Lake Comprehensive Plan Land Use Designation Map designates the site as Single Family Residential which encourages single family neighborhoods at a density of four to five dwelling units per net acre. Policy 3-4a of the comprehensive plan encourages infill development, and this site abuts urban density subdivisions to the south and west. The project meets the definition of infill development and also complies with Policy 3-4b which encourages creation of higher density residential development to prevent excessive outward sprawl.

8. The site is located within the Residential (R1) zone classification of the Bonney Lake Municipal Code (BLMC). Section 18.14.010 BLMC provides that the R1 classification protects single family residential neighborhoods from incompatible land uses, and allows new subdivisions with densities of four to five dwelling units per net acre. Section 18.14.020 BLMC authorizes single family detached dwellings as outright permitted uses in the R1 classification.

9. Section 18.14.060 BLMC sets forth the setback and bulk regulations for the R1 classification. Said section prescribes no minimum lot size, but authorizes a density of four to five dwelling units per net acre. Said section also requires a minimum lot width of 55 feet and front yard setbacks of 20 feet for garages and ten feet for residences. Said section also provides minimum side yard setbacks of five feet and minimum rear yard setbacks of 20 feet. Maximum lot coverage may not exceed 60%. The project satisfies all bulk regulations of the R1 classification, and the rectangular lot shapes have sufficient space to accommodate a reasonably sized single family residential dwelling while meeting all required setbacks.

10. Title 17 BLMC sets forth the subdivision requirements and the preliminary plat satisfies the requirements set forth in Chapters 17.12 and 17.20 as the applicant will provide streetlights, appropriate cul-de-sac street width of 50 feet, a 103 foot wide diameter cul-de-sac bulb, 28 foot wide pavement width, and five foot wide sidewalk. The road must have a 50 foot turning right-of-way radius, 45 foot paved turning radius, and maximum length of 600 feet. The intersection of the internal plat road
and Angeline Road measures 90 degrees.

11. The preliminary plat will also satisfy the environmental protection requirements set forth in Title 16 BLMC as the applicant will provide a landscape plan meeting all requirements of Chapter 16.14 BLMC prior to the issuance of site development permits. The applicant must maintain the landscaping for a period of one year following installation and thereafter the homeowners association will assume responsibility. The preliminary plat shows adequate protection for the geologically hazardous area on the site (steep slope) by providing a 25 foot wide buffer and building setback therefrom.

12. The applicant will satisfy concurrency management as required by Title 19 BLMC by the payment of transportation, park, and school impact fees.

13. The applicant will also satisfy City development standards and thus the City will provide both domestic water and fire flow to the site as well as sanitary sewer service.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.

2. The applicant has shown that the proposed preliminary plat is consistent with the comprehensive plan and meets all bulk regulations of the R1 zone classification.

3. The proposed preliminary plat makes appropriate provision for the public health, safety, and general welfare for open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, schools and school grounds, and safe walking conditions.

4. The proposed preliminary plat will serve the public use and interest by providing an attractive location for a single family residential subdivision in a growing area of the City and therefore should be approved subject to the following conditions:

A. The Proposal shall conform to the following City of Bonney Lake regulations and standards:

   BLMC Title 12-Streets, Sidewalks and Public Places
   BLMC Title 13-Public Services
   BLMC Title 14-Development Code Administration
   BLMC Title 15-Buildings and Construction
   BLMC Title 16-Environmental Protection
B. Mitigation measures as outlined in the Mitigated Determination of Nonsignificance (MDNS) dated June 8, 2006 shall be completed prior to final plat approval, as listed below:

1. The applicant shall submit an Erosion and Sedimentation Control Plan to the City Engineer for approval. Temporary erosion and sedimentation control measures shall include, but not be limited to, silt fencing or other Best Management Practices (BMPs). There shall be a designated construction entrance for all vehicles to limit tracking of mud onto the streets. If sediment is deposited, it shall be cleaned up at the end of every day during construction, utilizing sweeping or shoveling. Water cleaning shall only be used after the area has been swept or shoveled.

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

3. During construction, all releases of oils, hydraulic fluids, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

4. Approval for land clearing and tree removal is required per BLMC Chapter 16.12, including adherence to all regulatory requirements of the Chapter. The Land Clearing and Tree Removal Permit will be issued in conjunction with the Building Permit for this project.

5. The applicant shall submit a maintenance bond for all required landscaping areas and replacement trees for a period of one year after installation.

6. The applicant shall design and construct all stormwater facilities in accordance with the current edition of the Pierce County
Stormwater Management Manual, as adopted by the City of Bonney Lake. Best Management Practices are required during construction.

7. All storm drains within the development should be stenciled "Dump No Waste, Drains to (underdetermined at this time)."

8. Pursuant to BLMC Section 9.44.010, to mitigate noise impacts associated with the proposal, all construction shall occur between the hours of 7:00 a.m. and 7:00 p.m., unless otherwise authorized by the Department of Planning and Community Development.

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

10. To mitigate traffic impacts to off-site intersection and roadways associated with the subject proposal, the proponent shall provide the following improvements prior to issuance of a building permit:
   a. Lot 11, with an existing residence, shall be required to access Angeline Road via the internal plat road.
   b. Lot 10, with an existing residence, shall be restricted to a single dedicated access to Angeline Road.

11. To mitigate impacts to steep slopes, the proponent shall provide the following mitigation:
   a. No grading, building construction, or tree removal may occur within 25-feet of the toe-of slope. To ensure perpetual protection, and easement shall be placed over the slope and setback areas.
   b. Provide a letter from a geotechnical engineer, prior to final plat, stating that all geotechnical recommendations were followed during design and on-site construction.

12. The applicant shall connect to the City of Bonney Lake water system. All water connection fees are due at time of building permit issuance.

13. The applicant shall connect to the City sewer system. All sewer connection fees are due at the time of building permit issuance.

14. Fire protection must be provided per the Uniform Fire Code. Fire hydrants and mains capable of providing the required fire flow shall be provided in accordance with UFC Section 903.2 and the City of
Bonney Lake, Public Works Design Standards. Fire hydrant location shall be approved by the Fire Marshal.

15. The applicant shall verify with the City that minimum fire flow can be obtained with the proposed connection to the existing City water main prior to issuance of any permits.

C. The steep slopes in the rear of lots 1, 2, and 3 shall be maintained as a separate Critical Areas Tract. The 25-foot buffer associated with these critical areas may remain as a part of Lots 1, 2, and 3. An easement shall be placed over these setback areas to ensure perpetual protection.

D. The open space tracts shall be maintained by the homeowners association.

E. Pursuant to BLMC 17.12.035 the applicant shall be responsible for the cost of installation of street lights within the subdivision. The City will not accept dedication of street lights until at least 6 housing units are occupied.

F. The operation of heavy equipment and associated materials in the construction of this project has the potential to result in fugitive dust being generated from the site. Impacts to neighboring properties shall be controlled by the use of watering trucks to water frequently used roads and associated areas as necessary to prevent the travel of dust.

G. Prior to approval of the water supply for this development, a Certificate of Water Availability shall be required as per WAC246-290 and the Public Works Design Standards. The water purveyor shall sign the final plat portion of the Certification of Water Availability prior to final plat approval.

H. Asbestos containing material shall be removed prior to demolition and disposed in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and the Tacoma-Pierce County Health Department (TPCHD).

I. Any abandoned well (as defined by WAC173-160) shall be properly "Decommissioned" prior to final plat approval. The TPCHD shall be contacted 48 hours prior to and decommissioning activity at the site. Contact Rich Dickerson at 253-798-2885, TPCHD for further information regarding abandoned wells.

J. The applicant shall provide proof of payment of a mitigation fee consistent
with the City of Bonney Lake School Impact Fee Ordinance prior to issuance of a building permit.

K. Prior to final plat approval, the applicant shall provide proof of possession of a Forest Practices Permit from the Department of Natural Resources.

L. Prior to final plat approval, the applicant shall provide proof of possession of a Construction Stormwater General Permit from the Washington State Department of Ecology.

M. The applicant shall ensure that the paved turning radius of the cul-de-sac is 45 feet.

DECISION:

The request for preliminary plat approval of Berkshire Estates is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 13th day of October, 2006.

[Signature]

STEPHEN K. CAUSSEAX, JR.
Hearing Examiner

TRANSMITTED this 13th day of October, 2006, to the following:

APPLICANT: Leroy Surveyors & Engineers, PLLC
1103 Shaw Road
Puyallup, WA 98372

PROPERTY OWNER: Kumar Ashok
10404 Angeline Road East
Bonney Lake, WA 98390

CITY OF BONNEY LAKE
Planning and Community Development Department
P.O. BOX 7380
19306 BONNEY LAKE BLVD.
BONNEY LAKE, WA 98390-0944
CASE NO. PRELIMINARY PLAT: BERKSHIRE ESTATES

NOTICE

Pursuant to City of Bonney Lake, this decision becomes final and conclusive on November 2, 2006, unless:

1. RECONSIDERATION: Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors of misinterpretation of fact may make a written request for review by the Examiner in writing and filed not later than 5:00 p.m. on October 24, 2006, with the Planning and Community Development Department. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision.

2. APPEAL OF EXAMINER’S DECISION: The final decision by the Examiner on any land use matter within his jurisdiction may be appealed to the City Council by any aggrieved person directly affected by the Examiner’s decision. Said appeal procedure is as follows:

   (a) The appellant must file written notice of appeal with the Planning Department in writing with an appeal fee as required by the Department not later than 5:00 p.m. on November 2, 2006.

   (b) Provided that if the Examiner was requested to reconsider the decision, then the appeal must be filed within fourteen (14) days of the mailing of the Examiner’s final order or decision on the reconsideration report. The notice of appeal shall concisely specify such
error and/or issue which the City Council is asked to consider an appeal.

NOTE: In an effort to avoid confusion at the time of filing a request for reconsideration or an appeal, please attach this page to the request or appeal.
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

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<td>December 12, 2006</td>
<td>06-383</td>
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**Explanation:**

**Agenda Subject:** Church Lake Preliminary Plat Approval.  
Note that this is a closed record meeting item.

**Administrative Recommendation:** Approval subject to conditions recommended by the Hearing Examiner.

**Background Summary:** Church Lake is a proposal to develop a subdivision consisting of 17 single-family lots, 1 storm water tract, a wetland buffer, a tree retention easement and one open space tract on 4.54 acres located at 19821 Church Lake Road East. It's located approximately 260 feet east of 197th Avenue East on the north side of Church Lake Road. Copies of the proposal and the Examiner's Report and Recommendation are attached.

The most recent map shows 50 foot lots on the western half of the plat. The minimum lot width in R-1 is 55 feet. The applicant intends to redesign the final plat to reflect 55 foot lots rather than apply for a Conditional Use Permit.

The tree easement would protect the existing vegetation, including several mature Cedar trees.

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<td>Council Call for Hearing:</td>
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</tr>
<tr>
<td>Council Referred Back to:</td>
<td>Workshop: Committee</td>
</tr>
<tr>
<td>Council Tabled Until:</td>
<td>Council Meeting Dates:</td>
</tr>
</tbody>
</table>

**Signatures:**

Dept:  
Mayor:  
Date City Attorney reviewed:
November 27, 2006

Scott Haymond, A-111 Venture
136 Stewart Road SE, Ste. 1-J
Pacific, WA 98047

RE: PRELIMINARY PLAT OF CHURCH LAKE

Dear Applicant:

Transmitted herewith is the Report and Decision of the City of Bonney Lake Hearing Examiner relating to the above-entitled matter.

Very truly yours,

STEPHEN K. CAUSSEAX, JR.
Hearing Examiner

SKC/cka
cc: Parties of Record
    City of Bonney Lake

-1-
OFFICE OF THE HEARING EXAMINER

CITY OF BONNEY LAKE

REPORT AND DECISION

CASE NO.: CHURCH LAKE PRELIMINARY PLAT

OWNER/ APPLICANT: Scott Haymond, A-111 Venture
136 Stewart Road SE, Ste. 1-J
Pacific, WA 98047

AGENT: DBM Consulting Engineers
502 16th Street NE, Ste. 312
Auburn, WA 98002

SUMMARY OF REQUEST:

The applicant proposes a residential subdivision consisting of 17 single family residential lots on approximately 4.6 acres. In addition to the 17 lots, the plat has a stormwater tract and an open space tract west of the entrance on Church Lake Road. Proposed net density is 4.9 lots per acre. The smallest lot is 6,944 square feet. The average size is 8,466 square feet. The project is located at 19821 Church Lake Road East, Bonney Lake, WA.

SUMMARY OF DECISION:

Request granted, subject to conditions.

PUBLIC HEARING:

After reviewing Planning and Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on November 6, 2006, at 9:14 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1" - Planning and Community Development Staff Report and Attachments
HEATHER STINSON appeared, presented the Planning and Community Development Department Staff Report, and testified that plat development will require removal of the existing mobile home. The site is located 300 feet east of 197th, just inside the Bonney Lake City Limits. Abutting the north property line is a Pierce County plat known as Montanaro which the City will annex in January, 2007, and assume responsibility for processing the plat. Surrounding zoning includes R2 to the west and R1 to the south. The plat parcel is R1. Surrounding uses are exclusively single family. The Trentman property is located at the southwest corner and single family homes abut to the east and west. A Category II wetland located on the Montanaro property requires a 200 foot wide buffer which extends onto the plat parcel. Mature trees are located on the north side of the parcel, and a tree easement crosses the northern portion. The preliminary plat map shows some lots 50 feet in width and the zoning requires that the lots have a minimum width of 55 feet. The applicant believes he can shrink the storm drainage pond to acquire the proper of lengths. The extension of water lines to the area will upgrade water service, and the applicant will extend sanitary sewers to the site. Staff recommends approval, but the lots must meet the bulk regulations or the applicant must file a conditional use permit application. The Pierce County parcel to the north is within the MSF classification.

BRAD McDOWELL appeared and testified that he has worked on the project with the City for more than one year. They did not know of the wetlands on the adjoining property and became aware of them only when the plat to the north began development. They will address the buffer line for the tree preservation. The line is based on the location of the trees, and they want to establish the line with a City representative in the field. They base the line on a tree survey and it could be adjusted to open the storm tract.

MS. STINSON reappeared and agreed with Mr. McDowell regarding the adjustment of the line.

MR. McDOWELL then testified that the plat meets all Bonney Lake standards and that the City does not allow a wet pond. All of the stormwater will drain to the pond which will detain water prior to release probably to the wetland.

DON TREATTMAN appeared and testified that his main concern is that about 20 feet of his property is missing, and the property issue needs resolution. His septic tank drains north to a drainfield which abuts lot one. He requested a sound barrier in the nature of a fence along his east and north property lines. A large tree is located against the open space tract next to his property and he would like to see it removed. He questioned who would maintain the open space tract and the fence.

TONY PARKER appeared and testified that his lot is on the south side of the road opposite
the new internal plat road. Church Lake Road is very narrow and people have no place to walk. Even though signed at 25 mph, drivers do not comply. Sight distance is not available to the east as a driver cannot see over the hill, and the internal plat road will have a blind intersection. He has lived here nine years and neither the City nor the County have improved the road. No storm system exists in Church Lake Road, and if the water discharges to the south, it will have no place to go. He is concerned about where the stormwater will discharge. He is at the end of the waterline and questioned whether this plat would improve his service.

MR. McDOWELL reappeared and testified that a professional surveyor performed a boundary line survey and they proposed their plat based on the legal description of the parcel. If an adjoining property owner disputes the survey, they need to obtain their own separate survey. Concerning fences, they will do whatever they can to provide a nice subdivision. The City does not require fences, but they will recommend it to the developer, but he can’t guarantee it. Plat development will require removal of all trees in the front portion of the plat. A homeowners association will maintain the fencing and the open space tract. They will install road improvements on Church Lake Road across the plat frontage to include sidewalks. They do not have the right to connect their sidewalks to others in the area. They will handle their stormwater runoff in their facility, but cannot improve storm facilities on the south side of Church Lake Road. They must extend a new waterline through the subdivision, and parcels to the south can reconnect to the upgraded line. The City did not require a traffic analysis.

MS. STINSON reappeared and testified that the City is aware of the property line and drainfield issues and the plat is consistent with the Assessor-Treasurer’s Office. The Health Department does not have an as-built for the on-site drainfield and therefore cannot determine its location.

No one spoke further in this matter and so the Examiner took the request under advisement and the hearing was concluded at 9:47 a.m.

NOTE: A complete record of this hearing is available in the City of Bonney Lake Planning and Community Development.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.

2. Pursuant to the State Environmental Policy Act (SEPA) and City of Bonney Lake Environmental Regulations, as codified in BLMC Title 16-Environmental Protection, the SEPA Responsible Official has reviewed this project and issued a
Determination of Nonsignificance on October 19, 2006. The comment period ended on November 3, 2006. No appeals were filed.

3. Appropriate notice was provided pursuant to the Bonney Lake Municipal Code.

4. The applicant has a possessory ownership interest in a generally rectangular, 4.54 acre parcel of property abutting the north side of Church Lake Road east of its intersection with 197th Avenue E. within the City of Bonney Lake. The parcel abuts Church Lake Road for 201 feet and measures 641 feet in depth. Because of an excluded parcel in the southwest corner, the majority of the plat parcel measures 336 feet in width. The applicant requests preliminary plat approval to allow subdivision of the site into 17 single family residential lots and a storm drainage tract.

5. The preliminary plat map shows access provided to all lots via a new, internal plat road extending north from Church Lake Road and terminating in a cul-de-sac. A 17,973 square foot storm drainage tract is located in the northwest corner of the site, and a 3,171 square foot open space tract separates the excluded parcel from the internal plat road. The plat proposes a minimum lot size of 6,944 square feet and a net density of 4.74 dwelling units per acre. All lots either meet or must meet the required minimum width of 55 feet.

6. Parcels to the south across Church Lake Road are also located within the City of Bonney Lake and in the Low Density Residential (R1) zone classification of the Bonney Lake Municipal Code (BLMC). Parcels to the west and also located within the City and are within the Medium Density Residential (R2) zone classification. Parcels to the north and east, located in unincorporated Pierce County, are within the Moderate Density Single Family (MSF) zone classification which authorizes single family residential densities of between four and six dwelling units per acre.

7. The parcel to the north within Pierce County has received preliminary plat approval and during said process the County discovered a Category II wetland. While the wetland does not extend onto the plat parcel, the buffer extends onto the northwest corner. The applicant will maintain said buffer in open space and will also provide a tree preservation easement throughout the storm drainage tract and proposed lots 8 and 9 which abut the north property line. A condition of approval requires the exact location of said line through an on-site meeting with the City’s arborist and the applicant.

8. Improvements on the site include a manufactured home and associated accessory buildings in the vicinity of lots 14-17. Development of the plat will require removal of all improvements.

9. The site is located within the Low Density Residential designation of the City of Bonney Lake Comprehensive Plan which contemplates development of the parcel.
at the proposed density and in an orderly and cost efficient manner. The comprehensive plan also requires that public services, facilities, and utilities be made available to the proposed development. The applicant will extend all public facilities and services to include potable water and sanitary sewers to the site.

10. Section 18.14.020 BLMC authorizes detached single family residential dwellings as outright permitted uses within the R1 classification. Section 18.14.060 BLMC sets forth the bulk regulations for the R1 classification and allows a maximum density of four to five dwelling units per acre and a minimum lot width of 55 feet. All lots either equal or will equal 55 feet, and the plat proposes a density of 4.74 dwelling units per acre, consistent with the R1 classification. The rectangular shape of the lots will ensure that each lot can provide an adequate footprint for a reasonably sized single family residential dwelling while meeting all front, rear, and side yard setbacks. All lots are of sufficient size to allow reasonable development while not exceeding the maximum lot coverage of 60%. The plat meets all bulk regulations of the R1 classification.

11. The preliminary plat provides a 3,171 square foot, open space tract between an existing home and the proposed internal plat road, and a 17,973 square foot storm tract. In addition the applicant will provide a tree easement along the north portion of the plat parcel. While development of the plat will require removal of virtually all trees in the southern portion of the plat, the applicant will preserve trees in the northern portion of lots 8 and 9 and the storm drainage tract in accordance with Section 16.13.050 BLMC. The applicant must also satisfy the City Park Impact Fee Ordinance at the time of building permit application. The plat makes appropriate provision for open spaces, parks and recreation, and playgrounds.

12. The applicant will construct the storm drainage system to City standards and at present proposes to direct all storm water runoff to the storm drainage tract in the northwest corner. Compliance with City storm drainage ordinance will ensure that the plat makes appropriate provision for drainage ways.

13. The applicant will construct the internal plat road to Bonney Lake public road standards, and all lots will access onto the internal plat road. The applicant must ensure that both entering and stopping sight distance is available at the intersection of the internal plat road and Church Lake Road E. If sight distance is not available, the applicant may need to perform work on Church Lake Road. Heath and Associates, Inc., a qualified traffic engineering firm prepared a Traffic Impact Analysis (TIA) dated June, 2006, which determined that the project will add approximately 17 trips to the p.m. peak period. The City's traffic consultant independently reviewed the TIA and accepted the analysis subject to the applicant paying a per lot traffic impact fee at the time of building permit application. The plat makes appropriate provision for streets, roads, alleys, and other public ways.

14. The City will provide both domestic water and fire flow to the site and sanitary sewer
service to each lot. The applicant will upgrade the existing waterline in Church Lake Road and will extend sanitary sewers to the site. Pierce Transit has requested no improvements. The plat makes appropriate provision for potable water supplies, sanitary waste, and transit stops.

15. The applicant must comply with the City School Impact Fee Ordinance and make a per lot payment to the Sumner School District to offset the impacts on the district of school aged children residing in the plat. Compliance with said ordinance will ensure that the plat makes appropriate provision for schools and school grounds.

16. The applicant will construct sidewalks along the internal plat road and along the north side of Church Lake Road across the plat frontage. The plat makes appropriate provision for safe walking conditions.

17. The parcel excluded from the plat abuts the southwest corner of the plat parcel and owned by Donald Trentman. A plat lot will abut the north property line and the east property line will measure approximately 25 feet from the internal plat road. To provide privacy for the Trentmans, a condition of approval requires the applicant to install a six foot high, solid board fence along the Trentman’s north and east property lines. Evidence of a potential property line dispute and the location of the Trentman’s on-site septic drainfield was presented at the hearing, however the Examiner has no authority to resolved said issues. RCW 58.17.255 requires that a survey discrepancy be noted on the face of the final plat and that any such discrepancy be disclosed in a title report prepared by a title insurer and issued after the filing of a final plat. Thus, the applicant must note any such discrepancy in accordance with RCW 58.17.255.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.

2. The proposed preliminary plat of Church Lake is consistent with the R1 designation of the Bonney Lake Comprehensive Plan and satisfies all bulk regulations of the R1 zone classification of the Bonney Lake Municipal Code.

3. The proposed preliminary plat makes appropriate provision for the public health, safety, and general welfare for open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, schools and school grounds, parks and recreation, playgrounds, and safe walking conditions.

4. The proposed preliminary plat will serve the public use and interest by providing an attractive location for a single family residential subdivision and therefore should be approved subject to the following conditions:
1. The proposal shall conform to all City of Bonney Lake regulations and standards.

2. Requirements of BLMC Chapter 16.13 and 16.14 Clearing and Landscaping are applicable to the site. The applicant will be required to obtain Landclearing and Grading permits from the City of Bonney Lake prior to any site development.

3. Utility easements shall be provided on the face of the final plat, which are necessary to the provision of water, power, sewer, natural gas, and mail delivery to the lots within the subdivision.

4. The maintenance of street trees and street lights shall be the responsibility of the Homeowners Association.

5. A landscape plan shall be required showing street trees and a type III landscaping buffer fronting all lots as outlined in BLMC Chapter 16.12. A final landscape plan shall be approved prior to installation of landscape materials and final plat approval.

6. All landscape areas shall be fully installed prior to final plat approval unless approved for bonding by the City of Bonney Lake.

7. Buildings constructed within the plat shall meet applicable City of Bonney Lake building code requirements. This includes the payment of any utility connection charges and impact fees.

8. To mitigate noise impacts associate with the proposal, all construction shall occur between the hours of 7:00 a.m. to 9:00 p.m., unless otherwise authorized by the Department of Planning and Community Development.

9. The dispute about the Trentman’s drainfield must be resolved prior to the issuance of a Grading Permit.

10. A landscaping conservation easement shall be drawn on the final plat, the boundaries of which are shown on Attachment 12. This easement shall be labeled on the final plat as a “landscaping conservation easement.”

11. An easement document must be recorded with the Pierce County Auditor’s office in conjunction with the final plat, preserving the landscaping conservation easement in perpetuity.

12. All plat roads shall be public and dedicated to and maintained by the City of Bonney Lake.
13. The tract containing the public storm drainage shall be dedicated to and maintained by the City of Bonney Lake.

14. Pursuant to Chapter 15.13 BLMC and the City of Bonney Lake Development Policies and Public Works Standards, a storm drainage plan and subsequent installation of an approved stormwater management system on the site is required.

15. All storm drains within the development shall be stenciled "Dump NO Waste, Drains to _________" (groundwater, wetlands, or lake, etc. as appropriate).

16. The applicant shall submit an Erosion and Sedimentation Control Plan to the City Engineer for approval. All erosion control facilities shall be properly maintained during all phases of site development to prevent debris, dust, and mud from accumulating on the city right-of-way and/or adjacent properties.

17. Pursuant to Chapter 12.20 BLMC, the applicant shall be required to secure a Road Approach Permit from the City of Bonney Lake.

18. Pursuant to Chapter 12.08.010 BLMC, the applicant shall be required to secure a right-of-way permit for any work done in the right-of-way.

19. The operation of heavy equipment and associated materials in the construction of this project has the potential to result in fugitive dust being generated from the site. Impacts to neighboring properties shall be controlled by the use of watering trucks to water frequently used roads and associated areas as necessary to prevent the travel of dust.

20. If cleared, the City right-of-way shall be seeded, mulched, and stabilized as required by the City.

21. The project shall adhere to the recommendations of the geotechnical report, prepared by DBM Engineers.

22. The intent of the erosion control facilities is to protect downstream property owners from landslides, sediment buildup, and downstream channel scouring. If the intent of the requirement is not met, then all building and construction activity on site shall be discontinued and construction activity shall be directed to meeting the intent of the requirement.

23. All clearing, grading, and other site development on the project shall be performed in accordance with approved site development plans. The
construction of the project shall comply with applicable City and State regulations.

24. Prior to approval of the water supply for this development, a Certificate of Water Availability shall be required as per WAC 246-290 and the Public Works Design Standards. The final plat portion of the Certification of Water Availability shall be signed by the water purveyor prior to final subdivision approval.

25. All water lines will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

26. All sewer lines will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

27. All roads will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

28. All grading and filling of land must utilize only clean fill, i.e., dirt and gravel. All other materials, including waste concrete and asphalt, are considered solid waste and permit approval shall be obtained through the Tacoma-Pierce County Health Department (TPCHD) prior to filling.

29. Asbestos containing material shall be removed prior to demolition and disposed in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and the Tacoma-Pierce County Health Department (TPCHD).

30. All demolition material, including but not limited to, wood waste, sheet rock, roofing material, and concrete, shall go to a licensed solid waste handling or disposal facility.

31. All wells that will not be included in the public water system for this project must be properly "Decommissioned" per WAC (173-160) prior to final application approval. The TPCHD must be contacted 48 hours prior to any decommissioning activity at the site. Contact Rich Dickerson at 253-798-2885, TPCHD for further information regarding decommissioning wells.

32. Prior to final plat approval fire hydrants and mains capable of providing the required fire flow shall be provided in accordance with IFC and the City of Bonney Lake, Public Works Design Standards. Fire hydrant location shall be approved by the Fire Marshal.

33. Hydrant flow test results and water "As Built" plans shall be submitted to
and approved by the Fire Marshal prior to final plat/plan approval.

34. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

35. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soils and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

36. Proper disposal of construction debris must be on land in such a manner that debris cannot enter the natural stormwater drainage systems, Church Lake or cause water quality degradation of state waters.

37. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

38. Soil in stockpiles should be stabilized or protected with sediment-trapping measures to prevent soil loss. All exposed areas of final grade or areas that are not scheduled for work, whether at final grade or otherwise, shall not remain exposed and un-worked for more than two days, between October 1 and April 30. Between May 1 and September 30, no soils shall remain exposed and un-worked for more than 7 days.

39. Clearing limits and / or any easements or required buffers should be identified and marked in the field, prior to the start of any clearing, grading, or construction. Some suggested methods are staking and flagging or high visibility fencing.

40. Properties adjacent to the site of a land disturbance should be protected from sediment deposition through the use of buffers or other perimeter controls, such as filter fence or sediment basins.

41. Provision should be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.
42. Wash water from paint and wall finishing equipment should be disposed of in a way which will not adversely impact waters of the state. Untreated disposal of this wastewater is a violation of State Water Quality laws and statutes and as such, would be subject to enforcement action.

43. Timber harvested from the site will be subject to a Forest Practice Permit from the Department of Natural Resources. Forest Practices approval shall be obtained prior to site clearing, grading, or logging the site.

44. Under the Capital Facilities Plan, the District has determined that single-family residential units produce .419 students per unit. Therefore, seventeen (17) new homes will generate approximately seven (7) students. The District requests that the developer mitigate the impact of new students by paying a mitigation fee consistent with the City of Bonney Lake School Impact Fee Ordinance.

45. All lot widths must equal 55 feet or the applicant must apply for and receive a conditional use permit.

46. The applicant and the City will meet on the site to determine the location of the tree easement boundary. If agreement can't be reached, the issue may be returned to the Examiner for resolution.

47. The applicant shall construct an attractive, well-built, six foot high, solid board fence along the north and east property lines of the excluded parcel (Trentman) at the southwest corner of the plat.

DECISION:

The request for preliminary plat approval of Church Lake is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 27th day of November, 2006.

STEPHEN K. CAUSSEAX, JR.
Hearing Examiner

TRANSMITTED this 27th day of November, 2006, to the following:

OWNER/APPLICANT: Scott Haymond, A-111 Venture
136 Stewart Road SE, Ste. 1-J
Pacific, WA 98047
AGENT:  DBM Consulting Engineers
       502 16th Street NE, Ste. 312
       Auburn, WA 98002

OTHERS:

Don Trentman
P.O. Box 7395
Bonney Lake, WA 98391

Tony Parker
P.O. Box 8202
Bonney Lake, WA 98391

Mark Randolph
1804 N. Union Avenue, Ste. 201
Tacoma, WA 98405

CITY OF BONNEY LAKE
Planning and Community Development Department
P.O. BOX 7380
19306 BONNEY LAKE BLVD.
BONNEY LAKE, WA 98390-0944
CASE NO.  PRELIMINARY PLAT OF CHURCH LAKE

NOTICE

Pursuant to City of Bonney Lake, this decision becomes final and conclusive on December 15, 2006, unless:

1. **RECONSIDERATION:** Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors of misinterpretation of fact may make a written request for review by the Examiner in writing and filed not later than 5:00 p.m. on December 6, 2006, with the Planning and Community Development Department. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision.

2. **APPEAL OF EXAMINER’S DECISION:** The final decision by the Examiner on any land use matter within his jurisdiction may be appealed to the City Council by any aggrieved person directly affected by the Examiner’s decision. Said appeal procedure is as follows:

   (a) The appellant must file written notice of appeal with the Planning Department in writing with an appeal fee as required by the Department not later than 5:00 p.m. on December 15, 2006.

   (b) Provided that if the Examiner was requested to reconsider the decision, then the appeal must be filed within fourteen (14) days of the mailing of the Examiner’s final order or decision on the reconsideration report. The notice of appeal shall concisely specify such error and/or issue which the City Council is asked to consider an appeal.
NOTE: In an effort to avoid confusion at the time of filing a request for reconsideration or an appeal, please attach this page to the request or appeal.
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

| Department/Staff Contact: P&CD/Heather Stinson | Council Meeting Date: December 12, 2006 | Agenda Item Number: 06-384 |
| Ordinance Number: | Resolution Number: | Councilmember Sponsor: |

**BUDGET INFORMATION**  
**2006 Budget Amount**  
Projected Revenues  
Impact  
Remaining Balance

**Explanation:**

**Agenda Subject:** Preliminary Plat of Orchard Grove II

**Administrative Recommendation:** Approval subject to conditions recommended by the Hearing Examiner.

**Background Summary:** Applicant requests the subdivision of Orchard Grove II, consisting of 25 single-family lots and 1 stormwater tract on 5.65 acres at 18404 84th Street East. Included in the boundary of this plat are 5 lots that have previously been platted, have homes already built on them, and whose lot lines are not proposed to change. The applicant included these lots in the application for the sole purpose of having enough acreage to obtain the highest density possible.

Also included in the overall acreage are the two vacated portions of 80th St. E. and 82nd St. E. approved by City Council on September 12, 2006.

| Council Committee Dates:  
Finance Committee:  
Public Safety Committee:  
Community Development & Planning Committee:  
Policy Committee:  
Council Workshop: | Commission Dates:  
Planning Commission:  
Civil Service Commission: | Board/Hearing Examiner Dates:  
Park Board:  
Hearing Examiner: Hearing held on November 6, 2006 |

**Council Action:**  
Council Call for Hearing:  
Council Hearings Date:  
Council Referred Back to:  
Workshop:  
Committee  
Council Tabled Until:  
Council Meeting Dates:  
Signatures:  
Dept. Dir.  
Mayor  
Date City Attorney reviewed:
November 27, 2006

Milestone Homes
P.O. Box 1376
Sumner, WA 98390

RE: PRELIMINARY PLAT OF ORCHARD GROVE II

Dear Applicant:

Transmitted herewith is the Report and Decision of the City of Bonney Lake Hearing Examiner relating to the above-entitled matter.

Very truly yours,

STEPHEN K. CAUSSEXAUX, JR.
Hearing Examiner

SKC/cka
cc: Parties of Record
    City of Bonney Lake
OFFICE OF THE HEARING EXAMINER

CITY OF BONNEY LAKE

REPORT AND DECISION

CASE NO.: PRELIMINARY PLAT OF ORCHARD GROVE II

APPLICANT: Milestone Homes
P.O. Box 1376
Sumner, WA 98390

AGENT: Raymond Frey
12356 Northup Way, Ste. 119
Bellevue, WA 98005

OWNERS: Ronald and Pam Newman
P.O. Box 1376
Sumner, WA 98390

Robert Cline
8202 183rd Ave. E.
Bonney Lake, WA 98390

George Hollenbeck
7925 N. Oracle Road, Ste. A
Tucson, AZ 85704

Daniel and Angela Anacker
8108 183rd Ave. E.
Bonney Lake, WA 98390

Douglas McCoy
18218 84th St. E.
Bonney Lake, WA 98391

Paul Reich, Reich Construction
29409 39th Avenue South
Roy, WA 98580

Andrew and Kate Gallagher
18216 84th St. E.
Bonney Lake, WA 98391

Michele Johnson
18214 84th St. E.
Bonney Lake, WA 98391

SUMMARY OF REQUEST:

The applicant is proposing the development of a residential subdivision consisting of 25 single family residential lots on approximately 5.65 acres. The site is currently zoned R-1 Low-Density Residential District (BLMC Chapter 18.14). The project is located at 18404 84th Street East, Bonney Lake, WA., located within the NW 1/4 of Section 33, Township 20 North, Range 5 East, Willamette Meridian, Pierce County, Washington.

SUMMARY OF DECISION:
Request granted, subject to conditions.

PUBLIC HEARING:

After reviewing Planning and Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on November 6, 2006, at 10:18 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1" - Planning and Community Development Staff Report and Attachments
EXHIBIT "2" - Power Point Presentation

HEATHER STINSON appeared, presented the Planning and Community Development Department Staff Report, and testified that the plat parcel includes portions of two vacated City streets. The plat abuts the approved preliminary plat of Orchard Grove I and the City Council has approved the road vacations, but has not signed the ordinance. A resident expressed concerns about additional flooding on her parcel which is presently caused by the damming of a drainage ditch by downstream neighbors. The City storm drainage requirements will ensure no flooding of off-site properties. The preliminary plat includes already platted lots (lots 21 through 25) and Tract A. The project proposes a density of 4.95 dwelling units per acre which meets the R1 classification. At present 184th consists of a dirt road, but runs from 84th St. on the south to 80th St. on the north. From 80th, 184th continues north as a paved road to Lake Bonney. The applicant will improve 184th from 84th to 80th to City standards. The applicant will extend sewer and water to the site as well as other utilities. Neighbor's comments focus on the impacts of stormwater runoff. Lots 21-25 are in the Enchanted Estates subdivision.

RAYMOND FREY appeared on behalf of the request and testified that he had reviewed the staff report and is aware of the vacation. He was unaware of Tract A until late, and they will include it within the plat. They will collect all stormwater from impervious surfaces and drain it to the retention pond to the south. They added the five lots and the tract to meet the density requirements.

GARY MATHEWS appeared and testified that he resides on the east side of the plat at the lowest point and has concerns about water in his building.

ROBY DORMAN, CARNELL SHINAUL, and JOE MAGRUM appeared and also expressed concerns regarding additional stormwater runoff.
No one spoke further in this matter and so the Examiner took the request under advisement and the hearing was concluded at 10:30 a.m.

**NOTE:** A complete record of this hearing is available in the City of Bonney Lake Planning and Community Development.

**FINDINGS, CONCLUSIONS AND DECISION:**

**FINDINGS:**

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.

2. Pursuant to the State Environmental Policy Act (SEPA) and City of Bonney Lake Environmental Regulations, as codified in BLMC Title 16-Environmental Protection, the SEPA Responsible Official has reviewed this project and issued a Determination of Nonsignificance on October 19, 2006. The comment period ended on November 3, 2006. No appeals were filed.

3. Appropriate notice was provided pursuant to the Bonney Lake Municipal Code.

4. The applicant has a possessory ownership interest in a generally rectangular, 5.65 acre parcel of property extending from the north side of 84th St. E. north to the south side of 80th St. E. within the City of Bonney Lake. The parcel abuts 84th St. for approximately 125 feet and 80th St. E. for 146 feet. The parcel measures approximately 1,320 feet in depth. Included within the parcel are the vacated rights-of-way of 82nd St. E. and 80th St. E., lots 21-25 of the Enchanted Estates Phase 2 subdivision, and Tract A of said subdivision. The applicant requests preliminary plat approval to allow subdivision of the site into 20 new single family residential lots and the addition of the five lots and Tract A from Enchanted Estates Phase 2.

5. Improvements on the site include single family residential homes on lots 21-25, all of which will remain. The three single family residential homes located on the unplatted parcel will be removed. Thus, the plat will provide 17 additional single family residential building sites.

6. The preliminary plat map shows that lots 21-25 will retain their present access onto the roads of Enchanted Estates Phase 2. The map shows that the applicant will improve 184th Avenue E. to City standards from 84th St. E. to 80th St. E., and that all newly created plat lots will abut the west side of said road and will access directly thereon. Approval of Lots 1 and 13 are conditioned upon the Bonney Lake City Council’s final decision approving the vacation of the 80th St. E. and 82nd St. E. rights-of-way. A storm drainage retention facility abuts 84th St. E. on the south portion of the plat parcel. The plat proposes a minimum lot size of 6,822 square
feet, an average lot size of 8,799 square feet, and a density of 4.95 dwelling units per acre. Removal of the five lots from the Enchanted Estates Phase 2 subdivision may require a plat alteration, and a condition of approval requires said process as a condition of final plat approval should the City determine it necessary.

7. The site is located within the Low Density Residential designation of the Bonney Lake Comprehensive Plan which encourages residential development to take place in an orderly and cost efficient manner to best utilize available land and reduce sprawl. The applicant's unique proposal to increase density within an Urban Growth Area by adding five lots and an open space tract from an adjoining subdivision, satisfies said goal.

8. The parcel is located within the Low Density Residential (R1) zone classification of the Bonney Lake Municipal Code (BLMC). Section 18.14.020(A) BLMC authorizes detached single family residential dwellings as outright permitted uses. Section 18.14.060 BLMC requires no minimum lot size, but requires a density of four to five dwelling units per acre and a minimum lot width of 55 feet. All proposed lots meet the required lot width and the density does not exceed five dwelling units per acre. The rectangular lot shapes provide reasonably sized building envelopes which meet the required yard setbacks and the maximum lot coverage limitation of 60%. The proposed plat satisfies the bulk regulations of the R1 zone classification.

9. Abutting parcels to the north, south, and east are also located within the R1 classification and improved with single family residential dwellings. Parcels to the west are located within the Medium Density Residential classification (R2) and likewise improved with single family residential homes. The applicant's proposal for a single family residential subdivision is consistent and compatible with existing and future uses of the area.

10. The preliminary plat map shows no open space areas or areas dedicated for outdoor recreational opportunities. However, the stormwater retention pond will provide a non-developed area, and taxes generated by the single family homes will support City parks. The applicant will also satisfy the City's park impact fee ordinance. The plat makes appropriate provision for open spaces, parks and recreation, and playgrounds.

11. Residents of the area east of the plat express concerns regarding additional flooding from impervious surfaces. The plat road will extend along the plat's east property line and will have a public storm drainage system constructed to City standards. Said system will collect all stormwater runoff and direct it through pipes to the storm drainage tract along the south property line where it will infiltrate into the ground following treatment in a bioswale. Construction of the storm drainage facilities to City standards and maintenance thereof by the City will ensure that runoff from impervious surfaces will not impact adjoining parcels. The plat makes appropriate provision for drainage ways.
12. The applicant will construct 184th Avenue E. between 84th St. E. and 80th St. E. to City standards, thereby providing a connection between said roads for the general public and a convenient access for all lots. Adequate entering and stopping sight distance either exists or must exist prior to final plat approval at the intersections of the internal plat road. The plat makes appropriate provision for streets, roads, alleys, and other public ways.

13. The City of Bonney Lake will provide both domestic water and fire flow to the site as well as sanitary sewer service to each lot. Pierce Transit has requested no improvements and therefore the plat makes appropriate provision for potable water supplies, sanitary waste, and transit stops.

14. The applicant must comply with the City School Impact Fee Ordinance and make a per lot payment to the Sumner School District to offset the impacts on the district of school aged children residing in the plat. Compliance with said ordinance will ensure that the plat makes appropriate provision for schools and school grounds.

15. Construction of the street to City standards will include a sidewalk, and therefore the plat makes appropriate provision for safe walking conditions.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.

2. The proposed preliminary plat of Orchard Grove II is consistent with the R1 designation of the Bonney Lake Comprehensive Plan and meets all bulk regulations of the R1 zone classification of the Bonney Lake Municipal Code.

3. The proposed preliminary plat makes appropriate provision for the public health, safety, and general welfare for open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, schools and school grounds, parks and recreation, playgrounds, and safe walking conditions.

4. The proposed preliminary plat will serve the public use and interest by providing an attractive location for a single family residential subdivision consistent with existing and future development in the area and therefore should be approved subject to the following conditions:

   1. The proposal shall conform to all City of Bonney Lake regulations and standards.

   2. Requirements of BLMC Chapter 16.13 and 16.14 Clearing and Landscaping are applicable to the site. The applicant will be required to
obtain Landclearing and Grading permits from the City of Bonney Lake prior to any site development.

3. Utility easements shall be provided on the face of the final plat, which are necessary to the provision of water, power, sewer, natural gas, and mail delivery to the lots within the subdivision.

4. The maintenance of street trees and street lights shall be the responsibility of the Homeowners Association.

5. A landscape plan shall be required showing street trees and a type III landscaping buffer fronting all lots as outlined in BLMC Chapter 16.12. A final landscape plan shall be approved prior to installation of landscape materials and final plat approval.

6. All landscape areas shall be fully installed prior to final plat approval unless approved for bonding by the City of Bonney Lake.

7. Buildings constructed within the plat shall meet applicable City of Bonney Lake building code requirements. This includes the payment of any utility connection charges and impact fees.

8. To mitigate noise impacts associate with the proposal, all construction shall occur between the hours of 7:00 a.m. to 9:00 p.m., unless otherwise authorized by the Department of Planning and Community Development.

9. All plat roads shall be public and dedicated to and maintained by the City of Bonney Lake.

10. The tract containing the public storm drainage shall be dedicated to and maintained by the City of Bonney Lake.

11. Pursuant to Chapter 15.13 BLMC and the City of Bonney Lake Development Policies and Public Works Standards, a storm drainage plan and subsequent installation of an approved stormwater management system on the site is required.

12. All storm drains within the development shall be stenciled "Dump NO Waste, Drains to ________" (groundwater, wetlands, or lake, etc. as appropriate).

13. The applicant shall submit an Erosion and Sedimentation Control Plan to the City Engineer for approval. All erosion control facilities shall be properly maintained during all phases of site development to prevent debris, dust, and mud from accumulating on the city right-of-way and/or
adjacent properties.

14. Pursuant to Chapter 12.20 BLMC, the applicant shall be required to secure a Road Approach Permit from the City of Bonney Lake.

15. Pursuant to Chapter 12.08.010 BLMC, the applicant shall be required to secure a right-of-way permit for any work done in the right-of-way.

16. The operation of heavy equipment and associated materials in the construction of this project has the potential to result in fugitive dust being generated from the site. Impacts to neighboring properties shall be controlled by the use of watering trucks to water frequently used roads and associated areas as necessary to prevent the travel of dust.

17. If cleared, the City right-of-way shall be seeded, mulched, and stabilized as required by the City.

18. The project shall adhere to the recommendations of the geotechnical report, prepared by GeoResources, LLC dated May 2, 2006.

19. The intent of the erosion control facilities is to protect downstream property owners from landslides, sediment buildup, and downstream channel scouring. If the intent of the requirement is not met, then all building and construction activity on site shall be discontinued and construction activity shall be directed to meeting the intent of the requirement.

20. All clearing, grading, and other site development on the project shall be performed in accordance with approved site development plans. The construction of the project shall comply with applicable City and State regulations.

21. Prior to approval of the water supply for this development, a Certificate of Water Availability shall be required as per WAC 246-290 and the Public Works Design Standards. The final plat portion of the Certification of Water Availability shall be signed by the water purveyor prior to final subdivision approval.

22. All water lines will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

23. All sewer lines will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

24. All roads will be designed and constructed in accordance with Bonney
Lake Development Policies and Public Works Standards.

25. All grading and filling of land must utilize only clean fill, i.e., dirt and gravel. All other materials, including waste concrete and asphalt, are considered solid waste and permit approval shall be obtained through the Tacoma-Pierce County Health Department (TPCHD) prior to filling.

26. Asbestos containing material shall be removed prior to demolition and disposed in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and the Tacoma-Pierce County Health Department (TPCHD).

27. All demolition material, including but not limited to, wood waste, sheet rock, roofing material, and concrete, shall go to a licensed solid waste handling or disposal facility.

28. All wells that will not be included in the public water system for this project must be properly "Decommissioned" per WAC (173-160) prior to final application approval. The TPCHD must be contacted 48 hours prior to any decommissioning activity at the site. Contact Rich Dickerson at 253-798-2885, TPCHD for further information regarding decommissioning wells.

29. Prior to final plat approval fire hydrants and mains capable of providing the required fire flow shall be provided in accordance with IFC and the City of Bonney Lake, Public Works Design Standards. Fire hydrant location shall be approved by the Fire Marshal.

30. Hydrant flow test results and water "As Built" plans shall be submitted to and approved by the Fire Marshal prior to final plat/plan approval.

31. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

32. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soils and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

33. Proper disposal of construction debris must be on land in such a manner that debris cannot enter the natural stormwater drainage systems, Church
Lake or cause water quality degradation of state waters.

34. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

35. Soil in stockpiles should be stabilized or protected with sediment-trapping measures to prevent soil loss. All exposed areas of final grade or areas that are not scheduled for work, whether at final grade or otherwise, shall not remain exposed and un-worked for more than two days, between October 1 and April 30. Between May 1 and September 30, no soils shall remain exposed and un-worked for more than 7 days.

36. Clearing limits and / or any easements or required buffers should be identified and marked in the field, prior to the start of any clearing, grading, or construction. Some suggested methods are staking and flagging or high visibility fencing.

37. Properties adjacent to the site of a land disturbance should be protected from sediment deposition through the use of buffers or other perimeter controls, such as filter fence or sediment basins.

38. Provision should be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.

39. Wash water from paint and wall finishing equipment should be disposed of in a way which will not adversely impact waters of the state. Untreated disposal of this wastewater is a violation of State Water Quality laws and statutes and as such, would be subject to enforcement action.

40. Timber harvested from the site will be subject to a Forest Practice Permit from the Department of Natural Resources. Forest Practices approval shall be obtained prior to site clearing, grading, or logging the site.

41. Under the Capital Facilities Plan, the District has determined that single-family residential units produce .419 students per unit. Therefore, twenty-five (25) new homes will generate approximately seven (10) students. The District requests that the developer mitigate the impact of new students by paying a mitigation fee consistent with the City of Bonney Lake School Impact Fee Ordinance.
42. If required, the applicant shall process a plat alteration to the Enchanted Estates Phase 2 subdivision to remove lots 21-25 and Tract A from said subdivision and add said lots and parcel to Orchard Grove II.

**DECISION:**

The request for preliminary plat approval of Orchard Grove II is hereby granted subject to the conditions contained in the conclusions above.

**ORDERED** this 27th day of November, 2006.

**STEPHEN K. CAUSSEAX, JR.**
Hearing Examiner

**TRANSMITTED** this 27th day of November, 2006, to the following:

**APPLICANT:** Milestone Homes  
P.O. Box 1376  
Sumner, WA 98390

**AGENT:** Raymond Frey  
12356 Northup Way, Ste. 119  
Bellevue, WA 98005

**OWNERS:** Ronald and Pam Newman  
P.O. Box 1376  
Sumner, WA 98390

George Hollenbeck  
7925 N. Oracle Road, Ste. A  
Tucson, AZ 85704

Douglas McCoy  
18218 84th St. E.  
Bonney Lake, WA 98391

Andrew and Kate Gallagher  
18216 84th St. E.  
Bonney Lake, WA 98391

Robert Cline  
8202 183rd Ave. E.  
Bonney Lake, WA 98390

Daniel and Angela Anacker  
8108 183rd Ave. E.  
Bonney Lake, WA 98390

Paul Reich, Reich Construction  
29409 39th Avenue South  
Roy, WA 98580

Michele Johnson  
18214 84th St. E.  
Bonney Lake, WA 98391

**OTHERS:**
Carnell Shinaul  
8207 185th Ave. E.  
Bonney Lake, WA 98391

Joe Magrum  
18408 84th St. E.  
Bonney Lake, WA 98391

Gary Mathews  
8209 185th Ave. E.  
Bonney Lake, WA 98391

Joseph Munro  
8001 185th Ave. E.  
Bonney Lake, WA 98391

Debra Hefford  
8308 185th Ave. E.  
Bonney Lake, WA 98391

Gigi and Roby Dorman  
8307 185th Ave. E.  
Bonney Lake, WA 98391

CITY OF BONNEY LAKE  
Planning and Community Development Department  
P.O. BOX 7380  
19306 BONNEY LAKE BLVD.  
BONNEY LAKE, WA 98390-0944
CASE NO.  PRELIMINARY PLAT OF ORCHARD GROVE II

NOTICE

Pursuant to City of Bonney Lake, this decision becomes final and conclusive on December 15, 2006, unless:

1. **RECONSIDERATION**: Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors of misinterpretation of fact may make a written request for review by the Examiner in writing and filed not later than 5:00 p.m. on December 6, 2006, with the Planning and Community Development Department. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision.

2. **APPEAL OF EXAMINER'S DECISION**: The final decision by the Examiner on any land use matter within his jurisdiction may be appealed to the City Council by any aggrieved person directly affected by the Examiner's decision. Said appeal procedure is as follows:

   (a) The appellant must file written notice of appeal with the Planning Department in writing with an appeal fee as required by the Department not later than 5:00 p.m. on December 15, 2006.

   (b) Provided that if the Examiner was requested to reconsider the decision, then the appeal must be filed within fourteen (14) days of the mailing of the Examiner's final order or decision on the reconsideration report. The notice of appeal shall concisely specify such error and/or issue which the City Council is asked to consider an appeal.
NOTE: In an effort to avoid confusion at the time of filing a request for reconsideration or an appeal, please attach this page to the request or appeal.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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<th>Department/Staff Contact:</th>
<th>Council Meeting Date:</th>
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<tr>
<td>P&amp;CD/Heather Stinson/Leedy</td>
<td>December 12, 2006</td>
<td>06-393</td>
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Explanation:

**Agenda Subject:** Final plat approval for Garden Meadows PUD and Final Plat, at 101st Street East and 10103 Angeline Road East.

**Administrative Recommendation:** Approval with conditions listed in Hearing Examiner reports dated September 7, 2004 and September 24, 2004 (attached). **Note:** this is a Closed Record hearing item.

**Background Summary:** The proposal is to develop lots 3 and 4 of the Garden Meadows Short Plat into 25 single-family lots on 6.4 acres. This proposal received preliminary plat approval from the Hearing Examiner on September 7, 2004. The applicant requested a reconsideration of 2 of the conditions. The Hearing Examiner subsequently denied the request for reconsideration of a condition for putting up a fence around the south and west boundary lines of the parcels on September 24, 2004. The applicant appealed and the City Council upheld the Hearing Examiner’s decision on October 26, 2004. The developer has subsequently built the required fencing.

The wetland buffer required at the time of application on this plat was 50 feet. The stormwater system was allowed to extend into that buffer by 25 feet per BLMC 16.22.040(F). The applicant will dedicate the portion of Fennel Creek, associated wetland and buffer to the City.

The final plat complies with the terms and conditions of preliminary approval and is brought forward for approval by Council.

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**Council Action:**

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

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

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

**Signatures:**

Deb. Dir. 

Mayor 

Date City Attorney reviewed:

for Bob Leedy
PROJECT DESCRIPTION:
The applicant seeks final plat approval for Garden Meadows PUD. Proposal is to develop lots 3 and 4 of the Garden Meadows Short Plat into 25 single-family lots on 6.4 acres that received approval from the City of Bonney Lake Hearing Examiner on September 7, 2004. The site also contains a public road system, two open space tracts, one stormdrainage tract and one access / utility tract. The project will access from internal plat roads of Copperfield Estates, 185th Avenue East.

The project is along Fennel Creek which is a Type II stream that has a twenty-five (25) foot buffer associated with it. The creek also has a Type III wetland along the edge which has a fifty (50) foot buffer associated with it. Since the wetland buffer is more restrictive that is the established buffer width.

APPLICANT: Auburn Builders Collective, LLC
1602 W Valley Highway South
Auburn, WA 98001

AGENT: David Lorence
1602 West Valley Highway South
Auburn, WA 98001
(253) 826-4261 x 134

SITE LOCATION:
The site is located approximately 350 feet east of Angeline Road and 125 feet north of 101st Street East at 10103 Angeline Road East. It is within the corporate limits of the City of Bonney Lake situated in the Northwest corner of Section 4, Township 19 North, Range 5 East, Willamette Meridian. Parcel Nos: 0519042015 and 0519042041.

DATE APPLICATION DEEMED COMPLETE:
The Department of Planning and Community Development deemed the final plat application complete on October 19, 2006.

ATTACHMENTS:
1. Final Plat Print
3. Resolution 1340 upholding the Hearing Examiner’s decision

STAFF FINDINGS:

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

ADHERENCE WITH CONDITIONS OF APPROVAL:
The following is based on the conditions of approval of the hearing examiner report dated September 24, 2004:

1. The proposal shall conform to the following City of Bonney Lake regulations and standards in effect on the date that the application was deemed complete, March 19, 2004:
   - BLMC Title 12 Streets, Sidewalks and Public Places
   - BLMC Title 13 Public Services
   - BLMC Title 14 Development Code Administration
   - BLMC Title 15 Buildings and Construction
   - BLMC Title 16 Environmental Protection

"The City of Bonney Lake's mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services."
Finding: The preliminary plat application was deemed complete on March 19, 2004. The proposed final plat meets the requirements of the above mentioned portions of the Bonney Lake Municipal Code.

2. The applicant shall comply with the conditions of the MDNS issued on July 1, 2004.

Conditions of the Mitigated Determination of Non-significance:

EARTH
1. Only clean fill should be used for the project and any other material, such as waste concrete and asphalt, are considered solid waste and would require a permit through the Tacoma-Pierce County Health Department before use.
2. The applicant shall submit an Erosion and Sedimentation Control Plan to the City Engineer for approval. Temporary erosion and sedimentation control measures shall include, but not be limited to, silt fencing or other Best Management Practices (BMPs). There shall be a designated construction entrance for all vehicles to limit tracking of mud onto the streets. If sediment is deposited, it shall be cleaned up at the end of every day during construction utilizing sweeping or shoveling. Water cleaning shall only be used after the area has been swept or shoveled.
3. Per the Department of Ecology letter dated April 16, 2004, any discharge of sediment laden runoff or other pollutant to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington. All releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials during construction must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.
4. Coverage under the National Pollution Discharge Elimination System (NPDES) and State Water Discharge General Permit for Stormwater Discharges Associated with Construction Activities is required for construction sites which disturb an area of five acres of more and which have or will have a discharge of stormwater to surface water of a storm sewer.

SURFACE WATER:
1. All storm drains within the development should be stenciled “Dump No Waste, Drains to ______.”

NOISE:
1. To mitigate noise impacts associated with the proposal, all construction shall occur between the hours of 7:00 a.m. and 9:00 p.m., unless otherwise authorized by the Department of Planning and Community Development.

HISTORIC AND CULTURAL PRESERVATION:
1. The applicant did not identify any potential cultural or historical areas on this site. If during construction any artifacts are uncovered, the Muckleshoot Tribe and the Washington State Historic Preservation Office in Olympia shall be notified at (360) 407-0752.

"The City of Bonney Lake’s mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services."
TRANSPORTATION:
To mitigate traffic impacts to off-site intersection and roadways associated with the subject proposal and pursuant to the City’s traffic consultant review letter dated May 19, 2004, the proponent shall provide the following improvements prior to issuance of building permits:

1. Site Access & Frontage Improvements
   The following improvements will be required to facilitate the ingress and egress of project traffic on to Angeline Road and will be installed by the project developer:
   • The applicant will construct a concrete pedestrian pathway or sidewalk on the project side of Angeline Road beginning at the north property line of Lot 1 and continuing to the southern property line of Lot 2 of the Garden Meadows short plat. The pedestrian pathway shall be consistent in material to that of Copperfield Estates and connect to the Copperfield Estates pedestrian pathway.

2. Off-Site Improvements
   A City-wide Traffic Study, August 2002, identified system-wide impacts created as a direct result of new development. The applicant shall be responsible to mitigate off-site traffic impacts created by the new PM peak hour trips generated by the project. The proposed project generates 27 new PM peak hour trips to the transportation system. The applicant shall pay the single family land use trip rate of $2,701.00 per dwelling unit per the City of Bonney Lake Transportation Impact Fee Ordinance or the adopted fee at the time of building permit issuance.

3. Improvements to Sumner Buckley Highway / Angeline Road
   The proponent shall contribute a proportionate share of its impact to intersection channelization improvements. The Garden Meadows project will add 9 new PM peak hour trips or a 2.7% increase to the affected legs of the intersection (eastbound right-turn and northbound left-turn). The applicant shall pay a pro-rata share of $8,100.00 at the time of final plat.

PUBLIC SERVICES:
1. The Sumner School District commented in regards to the impacts that the proposed development will have on the capital facilities of the Sumner School District per the letter from William Noland dated April 12, 2004. The applicant shall pay a mitigation fee equal to the applicable fee under the Pierce County School Impact Fee Ordinance in effect at the time of application for a building permit within the City of Bonney Lake; provided, however, in the event that the City of Bonney Lake adopts a school impact fee and upon the effective date of such school impact fee ordinance, the applicant will comply with the said ordinance.

WATER:
1. The applicant shall connect to the City of Bonney Lake water system. All water connection fees are due at time of building permit issuance.

SEWER:
1. The applicant shall connect to the City sewer system. All sewer connection fees are due at the time of building permit issuance.

PARKING:
1. Parking shall be provided as required by BLMC Chapter 18.31.
LANDSCAPING
1. Approval for land clearing and tree removal is required per BLMC Chapter 16.12, including adherence to all regulatory requirements of the Chapter.
2. The applicant shall submit a landscape and irrigation plan, pursuant to BLMC Chapter 16.12, to the Planning & Community Development Department for review and approval.
3. Landscaping shall be installed and approved by the Planning & Community Development Department prior to building occupancy.
4. The applicant shall submit a maintenance bond for all required landscaping areas and replacement trees for a period of one year after installation.

FIRE:
1. Fire hydrants and mains capable of providing the required fire flow shall be provided in accordance with UFC Section 903.2 and the City of Bonney Lake, Public Works Design Standards. Fire hydrant location shall be approved by the Fire Marshal.

TACOMA-PIERCE COUNTY HEALTH DEPARTMENT
1. All wells that will not be included in the public water system for this project must be properly “decommissioned” per WAC 173-160 prior to final application approval. The TPCHD must be contacted 48 hours prior to any decommissioning activity at the site.

   Finding: All mitigation measures included within the MDNS have been complied with or will be complied with at time of building permit issuance. All site work has been completed in accordance with the approved plans.

3. All roads within and providing access to the plat shall be designed and built to Bonney Lake Design Standards, except as otherwise approved by the City of Bonney Lake

   Finding: All utility easements are provided for on the face of the final plat.

4. All cul-de-sacs shall be constructed with a fifty foot radii with at least 45 feet paved.

   Finding: All lots access off internal plat roads per the approved final plat map dated December 8, 2006.

5. Utility easements shall be provided on the face of the final plat, which are necessary to the provision of water, power, sewer, natural gas, and mail delivery to the lots within the subdivision. The affected purveyors shall be contacted prior to development of the final plat for their specific easement requirements.

   Finding: The CCR’s for this plat include language that assigns the responsibilities for maintenance of street trees to the Homeowners Association.

6. To ensure safe walking conditions for the public and students who walk to and from school or take the bus, concrete sidewalks shall be installed on both sides of the internal plat roadways and constructed to the Public Works Design Standards.

   Finding: Sidewalks were installed, inspected and approved on December 5, 2006.

7. All plat roads shall be public and dedicated to and maintained by the City of Bonney Lake.

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

Page 4
Finding: This will occur concurrently with the recording of the final plat.

8. A landscape plan shall be required showing street trees and plans for the recreational facilities as outlined in BLMC Chapter 16.12. The landscape plan shall include the wetland buffer enhancement planting plan. Only native vegetation is to be utilized in the wetland buffer. A final landscape plan shall be approved prior to installation of landscape materials and final plat approval.

Finding: A final landscape plan has been approved by the City of Bonney Lake on March 3, 2005.

9. Bulk and dimensional standards shall be noted on the final plat mylar as shown below:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>6,000 Square Feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>Minimum Lot Width not required</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet except garages 20 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>10 feet for interior lots; 20 feet along the perimeter of the PUD</td>
</tr>
</tbody>
</table>

Finding: This chart is included on page three of the plat maps.

10. All landscape and recreation areas shall be fully installed prior to final plat approval unless approved for bonding by the City of Bonney Lake.

Finding: The applicant has bonded for the street trees and has the recreation installed, inspected and approved as of December 5, 2006.

11. The maintenance of open space Tract D, street trees, and street lights shall be the responsibility of the Homeowner’s Association.

Finding: This language is included in the CCR’s.

12. Wetland and wetland buffer Tract C, which includes the trail corridor, shall be dedicated and maintained by the City of Bonney Lake.

Finding: This will occur concurrently with the processing of the final plat.

13. Tract B, containing the storm drainage facilities, shall be dedicated to and maintained by the City of Bonney Lake.

Finding: This will occur concurrently with the processing of the final plat.

14. The detention/water quality pond and discharge construction shall not encroach into the wetland/wetland buffer unless approved and mitigated under Chapter 16.20.

"The City of Bonney Lake’s mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services."
Finding: BLMC 16.22.040 allows the stormwater detention facility to encroach into the wetland buffer up to 50%. The wetland is a Type III. The buffer in place for a Type III wetland when this application was applied for was 50 feet. The encroachment was allowed based on this analysis.

15. A storm drainage plan shall be submitted to the City of Bonney Lake as part of the site development plans. The drainage plan shall adhere to the Public Works Design Standards.

Finding: The storm drainage plan and all storm drainage facilities adhere to the City of Bonney Lake’s Public Works Design Standards as shown on the plans signed on June 13, 2006.

16. All storm drains within the development shall be stenciled “Dump NO Waste, Drains to ________” (groundwater, wetlands, or lake, etc. as appropriate.)

Findings: All storm drains within the development are stenciled with the appropriate language as of December 5, 2006.

17. A Department of Ecology General Baseline Permit and NPDES coverage shall be required prior to the issuance of site development permits if more than five acres will be disturbed.

Findings: A Department of Ecology General Baseline Permit was issued November 16, 2005.

18. The applicant shall submit an Erosion and Sedimentation Control Plan to the City Engineer for approval. All erosion control facilities shall be properly maintained during all phases of site development to prevent debris, dust, and mud from accumulating on the right-of-way and/or adjacent properties.

Findings: This condition was met with the approval of Plans on June 13, 2006.

19. The operation of heavy equipment and associated materials in the construction of this project has the potential to result in fugitive dust being generated from the site. Impacts to the neighboring properties shall be controlled by the use of watering trucks to water frequently used roads and associated areas as necessary to prevent the travel of dust.

Finding: This condition was monitored throughout the construction of the infrastructure and will apply during the construction of homes.

20. All work associated with stabilizing slopes and other disturbed areas shall be in accordance with Chapter 15.20.

Findings: Watering trucks were used to control fugitive dust during the grading of the site.

21. To mitigate noise impacts associated with the proposal, all construction shall occur between the hours of 7:00 am to 9:00 pm unless otherwise authorized by the Department of Planning and Community Development.

Findings: This condition was satisfied during grading of the site and will be met during construction of homes as monitored by the City of Bonney Lake Planning and Community Development Department.

22. If cleared, the City right-of-way shall be seeded, mulched, and stabilized as required by the City.

"The City of Bonney Lake’s mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services."
Findings: No right-of-way was affected by this development.

23. The intent of the erosion control facilities is to protect downstream property owners from landslides, sediment buildup, and downstream channel scouring. If the intent of the requirement is not met, then all building and construction activity on site shall be discontinued and construction activity shall be directed to meeting the intent of the requirement.

Findings: This condition will be met at building inspection time.

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

Findings: This condition was met as evidenced by the issuance of a Grading permit on June 27, 2006.

25. All clearing, grading, and other site development on the project shall be performed in accordance with approved site development plans. The construction of the project shall comply with applicable City and State regulations, including contacting the Army Corps of Engineers and the Washington State Department of Ecology if required prior to commencing clearing and grading activities.

Finding: Site development plans were approved on June 13, 2006 and a Grading permit was issued on June 27, 2006.

26. Prior to final plat approval, fire hydrants and mains capable of providing the required fire flow shall be provided in accordance with IFC and the City of Bonney Lake, Public Works Design Standards. Fire hydrant location shall be approved by the Fire Marshal.

Findings: Fire hydrants and mains were provided for this final plat as evidenced by the site inspection approval dated December 5, 2006.

27. Hydrant flow test results and water “As Built” plans shall be submitted to and approved by the Fire Marshal prior to final plat/plan approval.

Findings: As-builds were approved on June 13, 2006.

28. Prior to approval of the water supply for this development, a Certificate of Water Availability shall be required as per WAC 246-290 and the Public Works Design Standards. The final plat portion of the Certification of Water Availability shall be signed by the water purveyor prior to final subdivision approval.

Findings: The applicant obtained water availability from the City of Bonney Lake. Water mains and hydrants have been installed to provide the required fire flow.

29. Asbestos containing material shall be removed prior to demolition and disposed in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and the Tacoma-Pierce County Health Department (TPCHD).

Findings: No demolition has been done on the site.
30. All demolition material, including but not limited to, wood waste, sheet rock, roofing material, and concrete, shall go to a licensed solid waste handling or disposal facility.

   Findings: No demolition has been done on the site.

31. Any abandoned well (as defined by WAC 173-160) shall be properly "decommissioned" prior to final plat approval. The TPCHD shall be contacted prior to any decommissioning activity at the site. Contact Rich Dickerson at 253-798-2885, TPCHD for further information regarding abandoned wells.

   Findings: There was no abandoned well on the property.

32. As part of the final plat process, the applicant shall provide the necessary instrument to ensure the perpetual maintenance of all non-dedicated access ways and all other areas used or available for use in common by the occupants of the PUD.

   Findings: This condition will be met in conjunction with the filing of the final plat.

33. Buildings constructed within the plat shall meet applicable City of Bonney Lake building code requirements. This includes the payment of any utility connection charges and impact fees.

   Findings: This condition will be met at time of building permit issuance.

34. Timber harvested from the site will be subject to a Forest Practice Permit from the Department of Natural Resources. Forest Practices approval shall be obtained prior to site clearing, grading, or logging the site.

   Findings: Garden Meadows is exempt from obtaining a Forest Practices permit.

35. All activity, maintenance, and mitigation of the wetlands and associated buffers shall be in accordance with BLMC Chapter 16.20

   Findings: Garden Meadows is exempt from obtaining a Forest Practices permit.

36. The applicant shall pay a mitigation fee consistent with the Pierce County School Impact Fee Ordinance upon issuance of a building permit per the Sumner School District’s letter of April 12, 2004. In the event that the City of Bonney Lake adopts a school impact fee and upon the effective date of such school impact fee ordinance, the applicant will comply with the said ordinance.

   Findings: This condition will be met at building permit issuance.

ADHERENCE WITH BONNEY LAKE REQUIREMENTS FOR FINAL PLAT (BLMC 17.16):
17.16.010 Time for filing
A. Within five years after approval of the preliminary plat by the hearing examiner, a final plat shall be filed with the director of planning and community development.

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Page 8
Finding: The preliminary plat was approved on September 24, 2006. Therefore, the final plat application deemed complete on October 19, 2006 complies with the requirements of BLMC 17.16.020 – Time for filing.

17.16.020 Application requirements.
The person applying for final plat approval shall furnish the following when the final plat is submitted:

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

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

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

D. Certification that all lots meet minimum zoning requirements;

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

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

G. A statement of approval by the city engineer;

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

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

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

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

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

M. A guarantee and maintenance bond for infrastructure;

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

“The City of Bonney Lake’s mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.”
Finding: The final plat document meets the requirements of BLMC Section 17.16.020.

PROPOSED CONDITIONS OF FINAL PLAT APPROVAL:

1. The applicant shall record the final plat once signed by the Mayor.
2. The applicant shall transmit an original, signed copy of the Covenants, Conditions, and Restrictions (CC&Rs) for the plat for concurrent recording with the final plat.
3. The applicant shall submit one mylar copy and one paper copy of the recorded final plat to the Department of Planning and Community Development.

Staff Report prepared by: Heather Stinson, Associate Planner
September 24, 2004

First Land Development
Attn: Michael Goral
26506 – 163rd Avenue SE
Covington, WA 98042

RE: PRELIMINARY PLAT/PLANNED UNIT DEVELOPMENT: CASE NO. GARDEN MEADOWS

Dear Applicant:

Transmitted herewith is the report and decision of the City of Bonney Lake Hearing Examiner relating to the above-entitled matter.

Very truly yours,

[Signature]

STEPHEN K. CAUSSEAUX, JR.
Hearing Examiner

SKC/ca
cc: Parties of Record
City of Bonney Lake
OFFICE OF THE HEARING EXAMINER

CITY OF BONNEY LAKE

DECISION ON REQUEST FOR RECONSIDERATION

CASE NO.: PRELIMINARY PLAT/PLANNED UNIT DEVELOPMENT: CASE NO. GARDEN MEADOWS

OWNERS: John B. and Elizabeth A. Welsh
10019 Angeline Road East
Bonney Lake, WA 98390

Mike Kittleson
10103 Angeline Road East
Bonney Lake, WA 98390

APPLICANT: First Land Development
Attn: Michael Goral
26506 163rd Avenue SE
Covington, WA 98042

AGENT: DMP, Inc.
Attn: Hans Korve
726 Auburn Way North
Auburn, WA 98002

By letter addressed to the City dated September 14, 2004, Hans A. Korve requested reconsideration of Conditions 9 and 10 of the decision conditionally approving the preliminary plat and planned unit development of Garden Meadows. By letter dated September 16, 2004, Elizabeth Chamberlain, associate planner, agreed with the requested change to Condition 9, but desired a modification of the applicant’s proposal for Condition 10.

Based upon the reconsideration request submitted by the applicant and the response thereto by the City, the following additional findings are hereby made as follows:

1. Condition No. 9 is hereby revised by changing the minimum lot width from 55 feet to “minimum lot width required”.

2. Condition No. 10 is hereby revised to read as follows:

The applicant shall construct a six foot high, solid board fence around the south and west boundary lines of the parcel if the
applicant files and appeal and the Bonney Lake City Council grants the appeal for the variance request. If the City Council does not grant the appeal, the variance will remain denied and no fence will be required due to the required setback.

**DECISION:**

The Request for Reconsideration is hereby granted as set forth above.

**ORDERED** this 24th day of September, 2004.

[Signature]

STEPHEN K. CAUSSEAX, JR
Hearing Examiner

**TRANSMITTED** this 24th day of September, 2004, to the following:

**OWNERS:**
John B. and Elizabeth A. Welsh
10019 Angeline Road East
Bonney Lake, WA 98390

Mike Kittleson
10103 Angeline Road East
Bonney Lake, WA 98390

**APPLICANT:**
First Land Development
Attn: Michael Goral
26506 163rd Avenue SE
Covington, WA 98042

**AGENT:**
DMP, Inc.
Attn: Hans Korve
726 Auburn Way North
Auburn, WA 98002

**OTHERS:**
John Welsh
10019 Angeline Road
Sumner, WA 98390

CITY OF BONNEY LAKE
Attn: Elizabeth Chamberlain
P.O. BOX 7380
19306 BONNEY LAKE BLVD.
BONNEY LAKE, WA 98390-0944
CASE NO. PRELIMINARY PLAT/PLANNED UNIT DEVELOPMENT: GARDEN MEADOWS

NOTICE

Pursuant to City of Bonney Lake, this decision becomes final and conclusive on October 14, 2004, unless:

APPEAL OF EXAMINER'S DECISION: The final decision by the Examiner on any land use matter within his jurisdiction may be appealed to the City Council by any aggrieved person directly affected by the Examiner's decision. Said appeal procedure is as follows:

(a) The appellant must file written notice of appeal with the Planning Department in writing with an appeal fee as required by the Department not later than 5:00 p.m. on October 14, 2004.

(b) Provided that if the Examiner was requested to reconsider the decision, then the appeal must be filed within fourteen (14) days of the mailing of the Examiner's final order or decision on the reconsideration report. The notice of appeal shall concisely specify such error and/or issue which the City Council is asked to consider an appeal.

NOTE: In an effort to avoid confusion at the time of filing a request for reconsideration or an appeal, please attach this page to the request or appeal.
September 7, 2004

First Land Development  
Attn: Michael Goral  
26506 – 163rd Avenue SE  
Covington, WA 98042

RE: PRELIMINARY PLAT/PLANNED UNIT DEVELOPMENT: CASE NO. GARDEN MEADOWS

Dear Applicant:

Transmitted herewith is the Report and Decision of the City of Bonney Lake Hearing Examiner relating to the above-entitled matter.

Very truly yours,

[Signature]

STEPHEN K. CAUSSEAX, JR.

Hearing Examiner

SKC/cka
cc: Parties of Record  
City of Bonney Lake

-1-
OFFICE OF THE HEARING EXAMINER

CITY OF BONNEY LAKE

REPORT AND DECISION

CASE NO.: PRELIMINARY PLAT/PLANNED UNIT DEVELOPMENT: CASE NO.
GARDEN MEADOWS

OWNERS: John B. and Elizabeth A. Welsh
10019 Angeline Road East
Bonney Lake, WA 98390

Mike Kittleson
10103 Angeline Road East
Bonney Lake, WA 98390

APPLICANT: First Land Development
Attn: Michael Goral
26506 163rd Avenue SE
Covington, WA 98042

AGENT: DMP, Inc.
Attn: Hans Korve
726 Auburn Way North
Auburn, WA 98002

SUMMARY OF REQUEST:

The applicant proposes development of Garden Meadows, a residential subdivision consisting of 25 single family lots on 6.38 acres. The applicant requests a variance from the Planned Unit Development (PUD) boundary setback (Chapter 18.36.070(A)(1)) along the lots boarding Copperfield Estates and a reduction of side setbacks and rear setbacks (interior lots only) as allowed under Chapter 18.36.070(A)(2).

SUMMARY OF DECISION:

See Decision.

PUBLIC HEARING:

After reviewing Planning and Community Development Staff Report and examining
available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on August 23, 2004, at 9:01 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1" - Planning and Community Development Staff Report and Attachments

ELIZABETH CHAMBERLAIN appeared, presented the Planning and Community Development Department Staff Report, and testified that the applicant requests a setback variance for lots along the south property line. The PUD authorizes a 50% reduction in setbacks for interior lots. Staff interprets the variance requirements as providing a buffer from more dense development to less dense property. Such is consistent with the PUD code. The special circumstances or privilege includes the bordering of the plat on Copperfield Estates which is also a PUD. They also request reduction of setbacks for the properties abutting the road. They will maintain a 20 foot wide setback from parcels to the north and all interior side yards are acceptable.

HANS KORVE appeared and testified that he has read and agrees with the staff report. He supports the variance from the buffer setback on the west and south sides. We have two PUDs buffering each other which have the same density. If this were phase two of the subdivision to the south, then they would have no buffering requirements. They will not continue the internal plat road to Angeline Road. The properties to the west will develop as a PUD and a buffer will not be necessary. They have applied for the 20% density increase per code.

No one spoke further in this matter and so the Examiner took the request under advisement and the hearing was concluded at 9:19 a.m.

NOTE: A complete record of this hearing is available in the City of Bonney Lake Planning and Community Development.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, viewed the property, heard testimony, and taken this matter under advisement.
2. Appropriate notice was provided pursuant to the BLMC.

3. Pursuant to the State Environmental Policy Act (SEPA) and City of Bonney Lake Environmental Regulations, the SEPA Responsible Official issued a Mitigated Determination of Nonsignificance on July 2, 2004. No appeals were filed.

4. The applicant has a possessory ownership interest in a rectangular, 6.38 acre parcel of property located approximately 400 feet east of Angeline Road and abutting the north property line of the previously approved preliminary plat and planned unit development (PUD) of Copperfield Estates within the City of Bonney Lake. The eastern property line abuts Fennel Creek and its wetland. The applicant requests preliminary plat and PUD approval to allow subdivision of the site into 25 single family residential lots, and a variance to allow reduction of the exterior yard setback from 20 feet to 10 feet along the south and west property lines.

5. The site plan shows that access will be provided via a public road extending north from Copperfield Estates to the north property line of the parcel. An east/west road intersects said access road and extends west to the property line of the parcel and terminates in a cul-de-sac to the east. The site plan shows a 10,755 square foot storm drainage tract located in the northeast corner of the site adjacent to and within the wetland buffers associated with Fennel Creek. A trail corridor is shown meandering along the west side of Fennel Creek and an existing bridge crosses the creek in the north portion of the parcel. The site plan also shows a 16,732 square foot recreational open space area with amenities to include a half size sport court with basketball hoop and a tot lot.

6. As previously found, the preliminary plat/PUD of Copperfield Estates with similar lot sizes abuts the south property line, and short platted lots improved with single family residential homes and accessory structures abut the west property line. The short plat lots will develop in the future and the internal plat road will extend west to serve homes within said subdivisions, but will not connect to Angeline Road. Single family residential uses are located to the east across Fennel Creek and to the west across Angeline Road.

7. The City of Bonney Comprehensive Plan designates the site as Low Density Residential (R1), and the site is located within the R1 zone classification of the Bonney Lake Municipal Code (BLMC). Abutting parcels and parcels in the area are also located within the R1 designation and zone classification. The R1 classification authorizes single family residential dwellings as outright permitted uses on lots having a minimum lot size of 10,000 square feet and a minimum lot width of 65 feet. Bulk regulations include setbacks of 20 feet from a right-of-way, five feet from a side yard with a total of 15 for both side yards, 20 feet from the rear yard, and a maximum height of 35 feet.
8. The applicant submitted a completed application for preliminary plat and PUD approval on March 19, 2004. The applicant requests a PUD to allow reduction of the minimum lot size from 10,000 to 6,000 square feet, reduction of the minimum lot width, and reduction of interior setbacks. The applicant also requests a variance to reduce exterior setbacks along the south and west property lines.

9. Development of the site with a single family residential subdivision which will connect with the subdivision to the south, protect critical areas, and provide on-site recreational opportunities satisfies many of the land use, natural environment, transportation, capital facilities and utilities, and community character and design policies of the comprehensive plan. Of particular note, all public facilities and services are available to serve the site and the applicant will construct internal plat roads to City public road standards within 50 foot wide, public rights-of-way. The site plan shows a trail system through the open space area along Fennel Creek along with benches and an existing bridge. The site plan also shows a significant recreational open space area with playground amenities.

10. Section 17.12.060 BLMC authorizes the Examiner to accept, modify, or reject applications for preliminary plats in accordance with the provisions set forth in Section 2.18.150 BLMC. Section 2.18.090(A) BLMC authorizes the Examiner to issue decisions approving or disapproving preliminary plats and PUDs. According to Section 14.40.031 BLMC, both preliminary plats and PUDs are considered under Type 2 review. Section 14.40.050 BLMC sets forth the criteria for Type 2 reviews, and findings on each are hereby made as follows:

   A. As previously found, the proposed subdivision/PUD is consistent with the City of Bonney Lake Comprehensive Plan and as found hereinafter, will meet all requirements and the intent of the BLMC.

   B. The project makes appropriate provision for open spaces, drainage ways, streets, other public ways, transit stops, water supplies, sanitary waste, utility services and facilities, parks and recreational facilities, playgrounds, connection to schools, safe passage for students, and adequate schools. The applicant has provided sufficient area for both usable and passive open space, parks and recreation facilities, and playgrounds. The site plan shows open space and recreational facilities in the form a trail system along Fennel Creek, a tot lot, and sport court. Facilities installed in the storm drainage tract will treat, retain, and infiltrate storm water in accordance with City ordinance requirements. The applicant will construct public roads which will connect to roads in the plat to the south which access Angeline Road. Pierce Transit does not currently serve this area of the City, and therefore the applicant need not construct a transit stop. However, sidewalks constructed on internal
plat roads will provide a connection to future transit facilities and to the Sumner School District’s transportation system. The City will provide both potable water and fire flow to the site and sanitary sewer service to each lot.

C. The applicant will mitigate significant adverse environmental impacts identified by the City environmental official in the SEPA review. The environmental official issued a Mitigated Determination of Nonsignificance on July 2, 2004, and received no appeals. Thus, the SEPA approval is final.

D. The preliminary plat/PUD will benefit the public health, safety, and welfare and therefore the public interest by providing an attractive location for a single family residential subdivision with significant open spaces, critical area protection, and recreational opportunities.

E. The preliminary plat/PUD will not lower the levels of service of existing City park facilities, and mitigating measures in the MDNS will ensure the project will not lower the transportation level of service requirements. SEPA mitigation requires the construction of a concrete pedestrian pathway or sidewalk along the east side of Angeline Road beginning at the north property line of lot one and continuing to the southern property line of lot 2 of the Garden Meadows short plat, and connecting to the Copperfield Estates pathway. The applicant will also pay a Traffic Impact Fee of $2,701 per dwelling unit and a pro rata share of $8,100 to improve the intersection of Sumner-Buckley Highway and Angeline Road.

F. The area, location, and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development. The applicant will dedicate internal plat roads and the storm drainage facilities to the City following construction to City standards.

11. Section 18.36.010(B) BLMC authorizes PUDs in all residential zones to include the R1 classification. Said section intends that PUDs result in greater flexibility in development standards, provide more desirable living environments, provide a more creative approach in land development, allow maximum efficiency in the layout of streets, conserve natural site characteristics, and allow efficient utilization of open spaces. To accomplish the intent of the PUD, Section 18.36.070 BLMC authorizes reduction of setbacks from non-arterial streets, reduction of lot sizes, reduction of side and rear yard setbacks, and additional density.

12. Section 18.36.050 BLMC sets forth the general requirements for a PUD. Findings on applicable requirements are hereby made as follows:
A. Subsection E requires a minimum of "20% of the net area of a PUD" to be set aside as permanent open space. Section 18.04.140(N) BLMC defines "net area" as follows:

"Net area" means the total area within a lot, or parcel after publicly dedicated roads that exist prior to the PUD are deducted from the lot or parcel.

Section 18.36.070(E) BLMC requires that a minimum of 10% of the net area be developed and maintained as flat and useable recreation areas. The total amount of open space (Tract C, D, and the trail corridor) calculates to 1.44 acres or 22.5% of the site. The Tract D recreational space and the trail corridor constitute the active recreational open space areas and together measure 22,672 square feet which calculates to 10% of the net area of the plat. Thus, the provides adequate open space.

B. The applicant requests a bonus density of 20% pursuant to Subsection C which would allow four additional homes. To utilize the bonus density provision, the applicant must meet two of the four criteria listed under Subsection C. The applicant meets said criteria by providing additional recreational areas and amenities beyond that normally required within a PUD. The applicant will also enhance significant natural features within the parcel. The site plan shows preservation of a significant amount of open space in the eastern portion of the site; and substantial on-site active recreational area to include a tot lot, half size sport court with basketball hoop, access to the trail corridor, and a picnic table. Additional amenities include enhancement of the Fennel Creek corridor by planting native vegetation along the stream bank and within the wetland buffer, construction of the trail and placement of benches along the trail corridor.

C. Subsection F requires the applicant to develop the property in a manner not detrimental to the public welfare and in keeping with the general intent and spirit of the zoning regulations and comprehensive plan. As previously found, the applicant will provide interconnecting roads to the north and south, traffic mitigation, and significant open space. The subdivision will not impose an abnormal burden upon the public for necessary improvements.

D. Subsection H requires that the PUD parcel have an acceptable access to major thoroughfares capable of carrying the additional traffic generated by the development. The site will access Angeline Road through the Copperfield Estates preliminary plat/PUD which the City has previously approved. The City has also designated Angeline Road as a collector arterial and the applicant will pay its pro rata share for improvements to an intersection
impacted by subdivision traffic.

E. Subsection I requires the PUD to make provisions for existing and future streets and undeveloped areas adjacent to the development. The applicant will extend roads to parcels to the north and west for use by owners when said parcels development, but will not extend a road to the east which would require a crossing of Fennel Creek.

F. In accordance with criteria J the applicant will design and construct the internal circulation system to ensure the safety and convenience of both pedestrian and vehicular traffic. The roads and sidewalks will have proper horizontal and vertical alignments, parking provisions, pedestrian facilities, adequate sight distance at intersections, and the necessary traffic control signs as determined by the City Public Works Department.

13. Section 18.36.070 BLMC sets forth the area requirements for a PUD. As previously found, the proposed minimum lot size of 6,000 square feet meets the requirements of Ordinance 891. The PUD will meet all minimum front, side, and rear setbacks, maximum height limitation, maximum site coverage by impervious surfaces, and will not exceed the maximum density. The R1 classification allows a density of four dwelling units per acre and the applicant has provided sufficient amenities to allow a 20% increase in density which will then calculate to 4.8 dwelling units per acre. Each lot will provide at least two parking spaces. Pursuant to Section 18.36.070(A)(2) BLMC, structures must maintain setbacks of at least 50% of the requirements of the R1 zone classification which includes five foot side yards.

14. The applicant has requested a variance from the following PUD requirement set forth in Section 18.36.070(A)(1) BLMC which reads:

A minimum 20-foot building setback shall be maintained from the district property line on the perimeter of the PUD. Greenbelts may be required by the hearing examiner.

The applicant requests a variance to the exterior property line setback requirement of 20 feet to allow setbacks of ten feet along the south and west property lines. The applicant asserts that the intent of the above section of the BLMC is to maintain compatibility and buffering for properties either undeveloped or developed in accordance with lot sizes allowed in the R1 classification. The applicant asserts that since the parcel abutting the south property line is also improved with a PUD with similar lot sizes, the 20 foot requirement is not necessary to maintain compatibility. The applicant also asserts that since the properties abutting the west property line will also develop with a PUD, the 20 foot setbacks are not necessary for compatibility. Staff agrees that compatibility does not require a 20 foot rear yard
setback along the south and east property lines, but at the same time believes that any reduction therein requires a variance.

15. The introductory portion of Section 18.36.070 BLMC reads:

PUD approval constitutes exemption from the quantitative site requirements of the underlying zone, but not from the following requirements:

Said language acknowledges exemption from certain quantitative site requirements, but specifically maintains the 20 foot wide, building setback on the perimeter of a PUD. The City Council has made no distinction between structures bordering undeveloped parcels and structures bordering previously approved PUDs or future PUDs. The section is not ambiguous.

16. Variances are site specific, limited to a specific parcel, and are generally based upon special circumstances applicable to that parcel. Criteria three for a variance requires a finding of special circumstances relating to the “size, shape, topography, location or surroundings of the subject property”, and criteria seven provides that the basis of the variance cannot result from the deliberate actions of the applicant or property owner. In the present case, the applicant requests an exterior property line setback variance for eight of the 25 lots (32%). All lots have rectangular building envelopes, a generally rectangular shape, and no topographical constraints. Furthermore, the applicant is creating the lots as part of the preliminary plat/PUD process. Thus, the lots do not meet the criteria for a variance as they do not have special circumstances as contemplated by the BLMC. Furthermore, the applicant, in creating the lots, also creates the need for reduced setbacks. Therefore, the basis of the variance is the result of the actions of the applicant. Without an amendment to the PUD ordinance by the Bonney Lake City Council, the Examiner has no authority to reduce exterior setbacks for multiple lots within a PUD.

17. Section 18.36.080 BLMC sets forth the decision criteria for a PUD. Findings on each criteria set forth therein are hereby made as follows:

A. As previously found, the proposed PUD satisfies the criteria set forth in Chapter 18.36 BLMC.

B. The benefits to residents of the City by approval of the PUD clearly outweigh any adverse or undesirable effects.

C. Criteria C requires the applicant to show that the City will receive one or more of the benefits set forth therein as part of the PUD approval. The applicant
has shown that the PUD provides significant open space and pedestrian circulation beyond that required by the R1 classification. The applicant will also provide a larger active recreational area improved with significant amenities far beyond that required by the R1 classification. The applicant has also provided a significant circulation pattern by connecting its road to the plat to the south and extending roads to the north and east property line.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.

2. The request for a reduction in the required 20 foot setback for structures along an exterior property line of a PUD to ten feet does not satisfy the criteria for a variance set forth in Section 14.110.010(D) BLMC and therefore must be denied.

3. The applicant has not established that the request to reduce exterior setbacks is consistent with the PUD criteria set forth in Chapter 18.36 BLMC.

4. The applicant has established that the request for preliminary plat and planned unit development approval satisfies the criteria set forth in the Bonney Lake Municipal Code, and therefore the plat/PUD should be approved subject to the following conditions of approval:

   1. The proposal shall conform to the following City of Bonney Lake regulations and standards:

      • BLMC Title 12 - Streets, Sidewalks and Public Places
      • BLMC Title 15 - Buildings and Construction
      • BLMC Title 16 – Environmental Protection
      • BLMC Title 17 – Subdivisions
      • BLMC Title 18 – Zoning
      • BLMC Title 19 – Concurrency Management
      • City of Bonney Lake Development Policies and Public Works Design Standards.
2. Mitigation measures as outlined in the Mitigated Determination of Nonsignificance (MDNS) dated July 1, 2004 shall be complied with prior to final plat approval.

3. All roads within and providing access to the plat shall be designed and built to Bonney Lake Design Standards, except as otherwise approved by the City of Bonney Lake.

4. All cul-de-sacs shall be constructed with a fifty foot radii with at least 45 feet paved.

5. Utility easements shall be provided on the face of the final plat, which are necessary to the provision of water, power, sewer, natural gas, and mail delivery to the lots within the subdivision. The affected purveyors shall be contacted prior to development of the final plat for their specific easement requirements.

6. To ensure safe walking conditions for the public and students who walk to and from school or take the bus, concrete sidewalks shall be installed on both sides of the internal plat roadways and constructed to the Public Works Design Standards.

7. All plat roads shall be public and dedicated to and maintained by the City of Bonney Lake.

8. A landscape plan shall be required showing street trees and plans for the recreational facilities as outlined in BLMC Chapter 16.12. The landscape plan shall include the wetland buffer enhancement planting plan. Only native vegetation is to be utilized in the wetland buffer. A final landscape plan shall be approved prior to installation of landscape materials and final plat approval.

9. Bulk and dimensional standards shall be noted on the final plat mylar as shown below:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>6,000 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>55 feet</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet excepts garages 20 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>10 feet for interior lots; 20 feet along the perimeter of the PUD</td>
</tr>
<tr>
<td>Minimum Interior Setback</td>
<td>5 feet</td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

10. The applicant shall install a solid wood board fence six feet in height along the rear property lines of the lots along the south and west boundaries of the subdivision.

11. All landscape and recreation areas shall be fully installed prior to final plat approval unless approved for bonding by the City of Bonney Lake.

12. The maintenance of open space Tract D, street trees, and street lights shall be the responsibility of the Homeowners Association.

13. Wetland and wetland buffer Tract C, which includes the trail corridor, shall be dedicated and maintained by the City of Bonney Lake.

14. Tract B, containing the storm drainage facilities, shall be dedicated to and maintained by the City of Bonney Lake.

15. The detention/water quality pond and discharge construction shall not encroach into the wetland/wetland buffer unless approved and mitigated under Chapter 16.20.

16. A storm drainage plan shall be submitted to the City of Bonney Lake as part of the site development plans. The drainage plan shall adhere to the Public Works Design Standards.

17. All storm drains within the development shall be stenciled "Dump NO Waste, Drains to ________" (groundwater, wetlands, or lake, etc. as appropriate).

18. A Department of Ecology General Baseline Permit shall be required prior to the issuance of site development permits if more than five acres will be disturbed.

19. The applicant shall submit an Erosion and Sedimentation Control Plan to the City Engineer for approval. All erosion control facilities shall be properly maintained during all phases of site development to prevent debris, dust, and mud from accumulating on the city right-of-way and/or adjacent properties.

20. The operation of heavy equipment and associated materials in the construction of this project has the potential to result in fugitive dust being
generated from the site. Impacts to neighboring properties shall be controlled by the use of watering trucks to water frequently used roads and associated areas as necessary to prevent the travel of dust.

21. All work associated with stabilizing slopes and other disturbed areas shall be in accordance with Chapter 15.20.

22. To mitigate noise impacts associate with the proposal, all construction shall occur between the hours of 7:00 a.m. to 9:00 p.m., unless otherwise authorized by the Department of Planning and Community Development.

23. If cleared, the City right-of-way shall be seeded, mulched, and stabilized as required by the City.

24. The intent of the erosion control facilities is to protect downstream property owners from landslides, sediment buildup, and downstream channel scouring. If the intent of the requirement is not met, then all building and construction activity on site shall be discontinued and construction activity shall be directed to meeting the intent of the requirement.

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

26. All clearing, grading, and other site development on the project shall be performed in accordance with approved site development plans. The construction of the project shall comply with applicable City and State regulations, including contacting the Army Corps of Engineers and the Washington State Department of Ecology prior to commencing clearing and grading activities.

27. Prior to final plat approval fire hydrants and mains capable of providing the required fire flow shall be provided in accordance with IFC and the City of Bonney Lake, Public Works Design Standards. Fire hydrant location shall be approved by the Fire Marshal.

28. Hydrant flow test results and water “As Built” plans shall be submitted to and approved by the Fire Marshal prior to final plat/plan approval.

29. Prior to approval of the water supply for this development, a Certificate of Water Availability shall be required as per WAC 246-290 and the Public Works Design Standards. The final plat portion of the Certification of Water
Availability shall be signed by the water purveyor prior to final subdivision approval.

30. Asbestos containing material shall be removed prior to demolition and disposed in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and the Tacoma-Pierce County Health Department (TPCHD).

31. All demolition material, including but not limited to, wood waste, sheet rock, roofing material, and concrete, shall go to a licensed solid waste handling or disposal facility.

32. Any abandoned well (as defined by WAC 173-160) shall be properly "Decommissioned" prior to final plat approval. The TPCHD shall be contacted 48 hours prior to any decommissioning activity at the site. Contact Rich Dickerson at 253-798-2885, TPCHD for further information regarding abandoned wells.

33. As part of the final plat process, the applicant shall provide the necessary instrument to ensure the perpetual maintenance of all non-dedicated access ways and all other areas used or available for use in common by the occupants of the PUD.

34. Buildings constructed within the plat shall meet applicable City of Bonney Lake building code requirements. This includes the payment of any utility connection charges and impact fees.

35. Timber harvested from the site will be subject to a Forest Practice Permit from the Department of Natural Resources. Forest Practices approval shall be obtained prior to site clearing, grading, or logging the site.

36. All activity, maintenance, and mitigation of the wetlands and associated buffers shall be in accordance with BLMC Chapter 16.20.

37. The applicant shall pay a mitigation fee consistent with the Pierce County School Impact Fee Ordinance upon issuance of a building permit per the Sumner School District's letter of April 12, 2004. In the event that the City of Bonney Lake adopts a school impact fee and upon the effective date of such school impact fee ordinance, the applicant will comply with the said ordinance.
DECISION:

The request for preliminary plat and planned unit development approval for Garden Meadows is hereby granted subject to the conditions contained in the conclusions above.

The request for a variance to reduce exterior lot setbacks is hereby denied.

ORDERED this 7th day of September, 2004.

[Signature]

STEPHEN K. CAUSSEAX, JR.
Hearing Examiner

TRANSMITTED this 7th day of September, 2004, to the following:

OWNERS: John B. and Elizabeth A. Welsh
10019 Angeline Road East
Bonney Lake, WA 98390

Mike Kittleson
10103 Angeline Road East
Bonney Lake, WA 98390

APPLICANT: First Land Development
Attn: Michael Goral
26506 163rd Avenue SE
Covington, WA 98042

AGENT: DMP, Inc.
Attn: Hans Korve
726 Auburn Way North
Auburn, WA 98002

OTHERS:

John Welsh
10019 Angeline Road
Sumner, WA 98390

CITY OF BONNEY LAKE
Planning and Community Development Department
P.O. BOX 7380
19306 BONNEY LAKE BLVD.
BONNEY LAKE, WA 98390-0944
Pursuant to City of Bonney Lake, this decision becomes final and conclusive on September 27, 2004, unless:

1. **RECONSIDERATION**: Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors of misinterpretation of fact may make a written request for review by the Examiner in writing and filed not later than 5:00 p.m. on September 16, 2004, with the Planning and Community Development Department. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision.

2. **APPEAL OF EXAMINER’S DECISION**: The final decision by the Examiner on any land use matter within his jurisdiction may be appealed to the City Council by any aggrieved person directly affected by the Examiner’s decision. Said appeal procedure is as follows:
   
   (a) The appellant must file written notice of appeal with the Planning Department in writing with an appeal fee as required by the Department not later than 5:00 p.m. on September 27, 2004.

   (b) Provided that if the Examiner was requested to reconsider the decision, then the
appeal must be filed within fourteen (14) days of the mailing of the Examiner's final order or decision on the reconsideration report. The notice of appeal shall concisely specify such error and/or issue which the City Council is asked to consider an appeal.

NOTE: In an effort to avoid confusion at the time of filing a request for reconsideration or an appeal, please attach this page to the request or appeal.
GARDEN MEADOWS
A PORTION OF
SW 1/4, NW 1/4 Sec. 4, Twp. 19 N., Rge. 5 E., W.M.
City of Bonney Lake, Pierce County, Washington

LEGAL DESCRIPTION
LOT 3 AND 4, SHORT PLAT RECORDED FEBRUARY 7, 2006 IN THE OFFICE OF THE PIERCE COUNTY AUDITOR UNDER
RECORDING NUMBER 200600273500, IN PIERCE COUNTY, WASHINGTON.

DEDICATION
KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY
SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY
AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE ROADS AND LINES EXPRESSED WITHIN THE LINES OF
THIS SUBDIVISION AND HEREBY DECLARE THIS PLACE TO BE PUBLIC LAND AND HEREBY DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE HEREBY FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY HOLES FOR CULS AND FIELD UPON THE LOTS SHOWN HERON FOR THE USE OF THE PUBLIC, ALL THE EASEMENTS AND TRACTS SHOWN HEREON FOR THE PURPOSE OF THE PROPOSED SUBDIVISION.

THIS SUBDIVISION DEDICATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS:

AUBURN BUILDERS COLLECTIVE, LLC
BY: MARC HAAS, LLC
BY: ANIL ABRAHAM
BY: KEVIN INFOSSE
BY: STEVE FINLEY
BY: RICHARD M. CLAGGAN
BY: DAVE LORENCE

ACKNOWLEDGMENTS
(SEE PAGE 2 OF 5)

APPROVAL

PUBLIC WORKS DEPARTMENT
ALL CONSTRUCTION OF PUBLIC FACILITIES, INCLUDING WATER, SEWER, SIDEWALK AND STORMWATER SYSTEMS HAS BEEN COMPLETED IN CONFORMANCE WITH CITY OF BONNEY LAKE STANDARDS AND REGULATIONS. ANY CONSTRUCTION COSTS ASSOCIATED ARE THE RESPONSIBILITY OF THE DEVELOPER AND MUST BE COVERED TO MAINTAIN COMPLIANCE OF THE PUBLIC IMPROVEMENTS FOR ONE YEAR. ALL CONDITIONS OF THE PLAT MUST BE COMPLIED WITH.

CITY ENGINEER, CITY OF BONNEY LAKE

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
I HEREBY CERTIFY THAT THIS PLAT CONFORMS TO THE CITY OF BONNEY LAKE ZONING CODE AND ENVIRONMENTAL REGULATIONS.

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT,
CITY OF BONNEY LAKE

EAST PEARCE FIRE AND RESCUE
I HEREBY CERTIFY THAT THIS PLAT IS DULY APPROVED, SUBJECT TO COMPLIANCE WITH ALL CURRENT REQUIREMENTS OF THE FIRE PREVENTION BUREAU.

FIRE MARSHAL DISTRICT 22

BONNEY LAKE CITY COUNCIL
I HEREBY CERTIFY THIS PLAT OF GARDEN MEADOWS IS DULY APPROVED BY THE CITY OF BONNEY LAKE, WASHINGTON, CITY COUNCIL, UPON APPROVAL OF THE FINAL PLAT BY THE CITY COUNCIL, ALL STREETS AS SHOWN HEREON SHALL BE DEEMED DEDICATED TO THE PUBLIC.

UPON APPROVAL OF THE FINAL PLAT BY THE CITY COUNCIL, ALL STREETS AS SHOWN HEREON SHALL BE DEEMED DEDICATED TO THE PUBLIC.

MAJOR, CITY CLERK

PIERCE COUNTY ASSESSOR- TREASURER
I HEREBY CERTIFY THAT ALL TAXES WERE PAID FOR THE YEAR DURING WHICH THE EASEMENTS WERE DEDICATED.

ASSESSOR-TREASURER, PIERCE COUNTY, WASHINGTON

NOTE
1. CONTROLLING SURVEY DATA WAS OBTAINED BY DIRECT FIELD MEASUREMENTS EMPLOYING CONVENTIONAL TRAVES
2. PLAT CERTIFICATE, ORDER #963222, DATED SEPTEMBER 5, 2006, AND SUPPLEMENTAL REPORT #2, DATED DECEMBER 7, 2006, WERE USED IN CONSTRUCTION OF THE TITLES OF VESTED TITLE OF THE REAL PROPERTY COMPRISED HEREBY, ACCORDING TO WHICH
3. PLAT CERTIFICATE IS SUBJECT TO THE FOLLOWING, AND OTHER, SPECIAL EXCEPTIONS.
A. EASEMENT AGREEMENT REC'D ON NO. 800460556, UNDER WHICH A WATER LINE IS CURRENTLY BELIEVED.
B. TERMS AND CONDITIONS OF MILLICOMMON-LATONIAN AGREEMENT, REC'D NO. 20021238108
C. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS CONTAINED IN CITY OF BONNEY LAKE SHORT PLAT NO. NLW-2004-002367, REC'D NO. 20040278500.
D. RESERVATION OF ALL CABINETS AND APPURTENANT RIGHTS TOWARDS, OR TO DETERMINE MATTERS WHICH MAY AFFECT THE LANDS OR RIGHTS SO RESERVED.
E. NO WARRANTY IS HEREBY GIVEN OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF THIS PLAT CERTIFICATE.
F. TRAVES CLOSURES FOR THIS SURVEY EXCEED THE REQUIREMENTS OF WAC 333-150-090. ESTABLISHMENT OF LOT CORNERS IS BY RADIAL SURVEY PROCEDURE, WITH INDEPENDENT MEASUREMENTS.
G. REAL ESTATE AND TRACT CORNERS HAVE BEEN STATED WITH 1/2 INCH BY 24 INCH REBAR AND YELLOW PLASTIC CAP MARKED "CAP NO. PLT 25965", UNLESS OTHERWISE SHOWN HEREIN. THE SURVEY CLOSURE PLACED OF THE LOT AND TRACT CORNERS, UNLESS STATED ON THE PLAT OR OTHERWISE SHOWN HEREON, HAVE BEEN RECORDED IN THE COURTS AT NO SPECIFIC DISTANCE FROM THE TRUE CORNERS OF THE LOT AND TRACT CORNER.
H. TRACT "A", AN ACCESS AND UTILITY TRACT, IS HEREBY DEDICATED AND CONVEYED TO THE OWNERS OF LOTS 6, 7, 8 AND 9, THEIR SADLIES AND ASSIGNS, A STORM DRAINAGE, SEWER AND WATER PIPE LAYERS UNDER AND ABOVE.
I. UPON SAID TRACT "A" IS HEREBY DEDICATED AND CONVEYED TO THE CITY OF BONNEY LAKE, ITS SUCCESSIONS, AND ASSIGNS.
J. TRACT "B", A STORM DRAINAGE TRACT, IS HEREBY DEDICATED AND CONVEYED TO THE CITY OF BONNEY LAKE, ITS SUCCESSIONS, AND ASSIGNS.
K. TRACT "C", AN OPEN SPACE TRACT, IS HEREBY DEDICATED AND CONVEYED TO THE CITY OF BONNEY LAKE, ITS SUCCESSIONS, AND ASSIGNS.
L. TRACT "D", A RECREATIONAL OPEN SPACE TRACT, IS HEREBY DEDICATED AND CONVEYED TO THE GARDEN MEADOWS HOMEOWNERS ASSOCIATION, ITS SUCCESSORS AND ASSIGNS.
M. THE WATER EASEMENTS DESCRIBED AS "A", ON LOTS 7, 8, 9 AND 10, TERE SADLIES AND ASSIGNS, A STORM DRAINAGE, SEWER AND WATER PIPE LAYERS UNDER AND ABOVE.
N. UPON SAID TRACT "A" IS HEREBY DEDICATED AND CONVEYED TO THE CITY OF BONNEY LAKE, ITS SUCCESSIONS, AND ASSIGNS.
O. UPON SAID TRACT "B" IS HEREBY DEDICATED AND CONVEYED TO THE CITY OF BONNEY LAKE, ITS SUCCESSIONS, AND ASSIGNS.

LAND SURVEYOR CERTIFICATE
I HEREBY CERTIFY THAT THIS PLAT OF GARDEN MEADOWS IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF OPEN PACE. NO HOPES, SURVEY OR OTHER WORKS OR MEASUREMENTS AS SHOWN HEREON, THAT THE MONUMENTS AND DISTANCES SHOWN HEREON, THAT THE MONUMENTS WILL NOT BE DETERMINED AND THE LOT AND BLOCK CORNERS WILL BE STATED CORRECTLY ON THE GROUND OF CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE REQUIREMENTS OF THE PLATTING REGULATIONS.

AUDITORS CERTIFICATE
FILED FOR RECORD AT 2:00 P.M., DAY OF
2006 AT MINUTES PAST __M.
RECORDS OF PIERCE COUNTY AUDITOR, TACOMA, WASHINGTON.
RECORDING NUMBER ____________

Pierce County Auditor

FEE
BY

DALEY-MORROW-POBLE, INC.
728 AUBURN WAY NORTH
AUBURN, WASHINGTON 98002
PHONE: (253)333-2200 (FAX)333-2206

ENGINEERING SURVEYING LAND PLANNING

PAUL E. MOORE P.S. CERTIFICATE No. 220062

DALEY-MORROW-POBLE, INC.
728 AUBURN WAY NORTH
AUBURN, WASHINGTON 98002
PHONE: (253)333-2200 (FAX)333-2206

DMP ENGINEERING SURVEYING LAND PLANNING

05247
07 DEC 08

SHEET 1 OF 5
GARDEN MEADOWS
A PORTION OF
SW 1/4, NW 1/4, Sec. 4, Twp. 19 N., Rge. 5 E., W.M.
City of Bonney Lake, Pierce County, Washington

MERIDIAN:
WASHINGTON STATE PLATE—SOUTH ZONE FOR PIERCE COUNTY PUBLIC WORKS AND UTILITIES SURVEY CONTROL

BASIS OF Bearings:
The line between P.C. Pt. Numbers 2398 and 2399
BEARING N94°E0'00".

LEGEND:
P.C. Pierce County Public Works and Utilities Survey Control
(C) Calculated
(M) Measured
Lot corners have been set as described
in Note 4 Sheet 1 of 5

EASEMENT RESERVATIONS:
An easement is hereby reserved for and granted to the City of Bonney Lake, Puget Sound Energy, Comcast Cable Communications, Inc., and CLC Communications International, Inc. for their successors and assigns. The line between P.C. Pt. Numbers 2398 and 2399 is hereby set to provide a minimum setback of 10 feet from the front of each lot. This easement is for the purpose of servicing and maintaining the easements and lines with necessary facilities and other equipment for the purpose of serving this subdivision and the property therein. These easements shall be restored and maintained as near as possible to their original condition by the utility. The location of the easements shown on the plans shall be subject to the uniformity of the plans and shall be located in such a manner as to provide the minimum setback required.

PRIVATE DRAINAGE EASEMENTS:
1. The 10' private drainage easement depicted on lots 1 and 6, sheet 4 of 5, is hereby dedicated and conveyed to the owners of lots 1 and 6. The successors and assigns of the owners shall be responsible for the maintenance of that portion of the private drainage easements benefiting their lot.
2. The 5' private drainage easement depicted on lot 19, sheet 5 of 5, is hereby dedicated and conveyed to the owners of lot 19. The successors and assigns of the owners shall be responsible for the maintenance of that portion of the private drainage easements benefiting their lot.
3. The 5' private drainage easement depicted on lots 21, 22 and 23, sheet 5 of 5, is hereby dedicated and conveyed to the owners of lots 21, 22 and 23. The successors and assigns of the owners shall be responsible for the maintenance of that portion of the private drainage easements benefiting their lot.
4. The 10' private drainage easement depicted on lot 24, sheet 5 of 5, is hereby dedicated and conveyed to the owners of lot 24. The successors and assigns of the owners shall be responsible for the maintenance of that portion of the private drainage easements benefiting their lot.

BULK AND DIMENSIONAL STANDARDS:

REFERENCES:
2. PIERCE COUNTY ASSESSOR—TREASURER MAP OF NW04-T94-00N.
3. PIERCE COUNTY PUBLIC WORKS AND UTILITIES SURVEY CONTROL.
5. FENNEL CREEK ESTATES, A.P.D.D., REG. NO. 9711000000.
6. ALTERED PLAT OF FENNEL CREEK ESTATES, REG. NO. 9711000000.
7. COPPERFIELD ESTATES, A P.D.D., REG. NO. 200501285006.
8. RECORD OF SURVEY, REG. NO. 8700160015.

See Sheet 1 of 5 for Additional Notes