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

| Department/Staff Contact: Chief Mitchell | Council Meeting Date: March 13, 2007 | Agenda Item Number: AB07-69 |
| Ordinance Number: | Resolution Number: | Councilmember Sponsor: DeLeo |

**BUDGET INFORMATION**

<table>
<thead>
<tr>
<th>2007 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>$13,000</td>
<td>$2440.00</td>
<td>same</td>
<td>$10,560/approx.</td>
</tr>
</tbody>
</table>

**Explanation:**
Out of State travel request for Sgt. Ron Sasaki and Officer Chad Kibbling to attend Sniper Week training in Tampa, Florida.

**Agenda Subject:**
A Motion of the City of Bonney Lake, Pierce County, Washington, authorizing out of state travel for Sgt. Ron Sasaki and Officer Chad Kibbling to attend Sniper Week training in Tampa, Florida.

**Administrative Recommendation:**
Recommend approval

**Background Summary:**
This class is not offered locally and will be paid for out of the drug fund. With limited advanced sniper training available locally, this training would benefit the department and the community greatly.

**Council Committee Dates:**
Finance Committee:  
Public Safety Committee: March 5, 2007  
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: March 13, 2007

**Signatures:**
Dept. Dir. Mike L. Mitchell  
Mayor/City Administrator: Jim Alexander  
Date City Attorney reviewed:


DATE: March 5, 2007

ORIGINATOR: Mike Mitchell          TITLE: Chief of Police

SUBJECT/DISCUSION: Out of State travel

Out of State travel request for Sgt. Sasaki and Ofc. Kiblinger to attend Sniper Week training in Tampa, FL.

ORDINANCE/RESOLUTION #

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: Not Applicable            TOTAL COST: N/A
(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>$13,000</td>
<td>$2,440</td>
<td></td>
<td>$10,560 Approx.</td>
</tr>
</tbody>
</table>

Explanation: This class is not offered locally and will be paid out of general training. Sgt. Sasaki has attended this training in the past. With limited advanced sniper training available locally, this training would benefit the department and the community greatly.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE APPROVED DISAPPROVED
Phil DeLeo, Chairperson
David King
Cheryl Noble

COMMITTEE COMMENTS:

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

Please schedule for Council Meeting date of: March 13, 2007
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: Administrative Services – Jenna Young
Council/Wkshp Meeting Date: 13 March 2007
Agenda Item Number: AB07-76
Ordinance Number: Resolution Number: 1664
Councilmember Sponsor:

BUDGET INFORMATION

<table>
<thead>
<tr>
<th>2007 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>$56,387</td>
<td>$51,813</td>
<td>($4,574)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Explanation: The cost of filling the 2007 budgeted Maintenance Worker I is $56,387 annually. However, the cost of filling the position as an Administrative Specialist II is only $51,813 annually. There is a savings of $4,574 annually by filling the position as an Administrative Specialist II.

Administrative Recommendation:
Approve the authorization to hire an Administrative Specialist II position in lieu of a Maintenance Worker I position.

Background Summary:
Due to the current and projected administrative and clerical workload in the operations division of the public works department, there is a greater need for administrative support than maintenance support at this time. The public works department has requested to fill an Administrative Specialist II position rather than the position of Maintenance Worker I which was added and approved in the 2007 budget. Filling the position as an Administrative Specialist II is less costly than the budgeted Maintenance Worker I and will assist the operations division with the backlog and provide ongoing administrative support.

Council Committee Dates: Commission Dates: Board/Hearing Examiner Dates:
Finance Committee: 3/13/07 Planning Commission: Park Board:
Public Safety Committee: Civil Service Commission: Hearing Examiner:
Community Development &
Planning Committee: Council Workshop:

Council Action:
Council Call for Hearing: Council Hearings Date:
Council Referred Back to: Council Meeting Dates: 3/13/07
Council Tabled Until: Committee

Signatures:
Dept. Dir. Mayor Date City Attorney reviewed
RESOLUTION NO. 1664

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO HIRE AN ADMINISTRATIVE SPECIALIST II IN THE PUBLIC WORKS DEPARTMENT IN LIEU OF A MAINTENANCE WORKER I POSITION.

WHEREAS, the Public Works department had requested a number of new positions in the 2007-2008 biennial budget, including an additional Maintenance Worker I and an Administrative Specialist; and

WHEREAS, a Maintenance Worker I position was ultimately budgeted and approved, but not an Administrative Specialist position; and

WHEREAS, due to the current and projected administrative and clerical workload in the operations division of the public works department, there is a greater need for administrative support than maintenance support at this time; and

WHEREAS, the cost of filling an Administrative Specialist II position is less costly than filling a Maintenance Worker I position, and

WHEREAS, with the concurrence of the Mayor the public works department has requested to substitute an Administrative Special II position for the new unfilled Maintenance Worker I position funded in the current budget;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington hereby resolves as follows:

The Mayor is authorized to increase one Administrative Specialist II position and decrease one Maintenance Worker I position in the public works department. The position allocation and authorization chart shall be amended to reflect this action as part of the mid-biennium budget review later this year.

PASSED BY THE CITY COUNCIL this ______ day of MONTH, 2006.

________________________________________
Neil Johnson, Jr., Mayor

ATTEST:

________________________________________
Harwood T. 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

<table>
<thead>
<tr>
<th>Department/Staff Contact:</th>
<th>Council/Wrkshp Mtg Date:</th>
<th>Agenda Bill Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doug Budzynski – Assistant Engineer</td>
<td>13 March 2007</td>
<td>AB07-53</td>
</tr>
</tbody>
</table>

**Ordinance Number:**

**Resolution Number:** 1661

**Councilmember Sponsor:**

**BUDGET INFORMATION**

<table>
<thead>
<tr>
<th>2007 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
</table>

**Explanation:**

**Agenda Subject:** Approve a Water Extension Agreement for Lakeland East Division Area 21.

**Administrative Recommendation:**

**Background Summary:**

Lakeland East Division Area 21 is a multi-family plat with approximately 210 units located inside Auburn City limits, outside Bonney Lake’s UGA, inside Bonney Lake’s water 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.

<table>
<thead>
<tr>
<th>Council Committee Dates:</th>
<th>Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance Committee:</td>
<td>Planning Commission:</td>
<td>Park Board:</td>
</tr>
<tr>
<td>Public Safety Committee:</td>
<td>Civil Service Commission:</td>
<td>Hearing Examiner:</td>
</tr>
<tr>
<td>Community Development &amp; Planning Committee: 3/5/2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council Workshops:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Council Action:**

<table>
<thead>
<tr>
<th>Council Call for Hearing:</th>
<th>Council Hearings Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Council Referred Back to:</th>
<th>Workshop:</th>
<th>Committee:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Council Tabled Until:</th>
<th>Council Meeting Dates: 3/13/07</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Signatures:**

Dir. Authorization

Mayor

Date City Attorney Reviewed:
DATE: March 5, 2007

ORIGINATOR: Doug Budzynski
TITLE: Assistant Engineer

SUBJECT: Approve a Water Extension Agreement for Lakeland East Division 21.

Lakeland East Division 21 is a multi-family plat with approximately 210 units located inside Auburn City limits, outside Bonney Lake’s UGA. Inside Bonney Lake’s water service area.

ORDINANCE/RESOLUTION # 1661

REQUEST OR RECOMMENDATION BY ORIGINATOR:
Recommend that the City Council approve the agreement and authorize the Mayor to sign it.

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE

FINANCE DIRECTOR __________

CITY ATTORNEY __________ N/A

2007 Budget Amount Required Expenditure Impact Remaining Balance

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE APPROVED DISAPPROVED

James Rackley, Chairman

Mark Hamilton

David Bowen

COMMITTEE COMMENTS: __________________________________________________________

COMMITTEE’S RECOMMENDATION TO FORWARD TO:

CITY CLERK

CITY ATTORNEY

Please schedule for City Council Meeting date of: March 13, 2007

Consent Agenda: ☐ Yes ☒ No
RESOLUTION NO. 1661

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A WATER AND SEWER DEVELOPER EXTENSION AGREEMENT FOR LAKELAND EAST AREA 21.

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 13th day of March, 2007.

______________________________
Neil Johnson Jr., Mayor

ATTEST:

______________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

______________________________
James Dionne, City Attorney
WATER DEVELOPERS AGREEMENT

PUBLIC WORKS DEPARTMENT

THIS AGREEMENT, by and between the City of Bonney Lake, a municipal corporation, hereinafter referred to as "City", and Lake Island East Properties, hereinafter referred to as "Developer".

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

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

I. Developer agrees to design and/or construct the WATER system, or additions thereto, to be connected to the City's WATER 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 system, or additions thereto, shall be located within that area commonly referred to as Lake Island East (Area 21), 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 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 plan, which agreement shall include oversizing of WATER mains as may be identified in the City's adopted WATER comprehensive plan or as approved by the City Engineer. As an additional condition to the City obligations under this agreement the developer shall:

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 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 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. Additional sets may be required by the City.

2. A preliminary plat of the area in which said WATER 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 improvements.
2. All lots shall be fully staked to assist all parties involved in the proper location of the WATER 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 system, or additions thereto, on Premises shall not be connected to the City WATER system until authorized by the City, and such connection shall be performed under the supervision and direction of the City.

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 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 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 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.

F. Furnish the City with a Bill of Sale conveying, the WATER 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 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 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 14th day of February 2007

DEVELOPER: [Signature] Date 2/14/07

Printed Name

Authorized Agent

Company Title (as applicable)

Address

Bellevue WA 98005

City State Zip

Phone No. (425) 536-7700 FAX No. (425) 688-0500

CITY OF BONNEY LAKE
DEVELOPER AGREEMENT

ACCEPTED this ___ day of ________________________ 20__

____________________________________
Neil Johnson Jr., Mayor
CITY OF BONNEY LAKE

DEVELOPER AGREEMENT

EXHIBIT 'A'

PLAT NAME: Lakeland East (Area 21)

DEVELOPER: Lakeland Carriage East LLC

LEGAL DESCRIPTION: (See attached)
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact:</th>
<th>Council/Wrkshp Mtg Date:</th>
<th>Agenda Bill Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Woodcock – City Engineer</td>
<td>13 March 2007</td>
<td>AB07-63</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ordinance Number:</th>
<th>Resolution Number:</th>
<th>Councilmember Sponsor:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1665</td>
<td></td>
</tr>
</tbody>
</table>

**BUDGET INFORMATION**

<table>
<thead>
<tr>
<th>2007 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Explanation**

Administrative Recommendation:
A resolution of the City Council of the City of Bonney Lake, Pierce, Washington, authorizing a Water and Sewer Developer Extension Agreement with Ashton Village LLC, for Ashton Village.

**Background Summary:** Approve a Water and Sewer Developer Extension Agreement for the Ashton Village.

Ashton Village LLC, to develop a residential subdivision consisting of 35 single family homes and 1 storm water on 9.95 acres located at 115th St East, Bonney Lake.

<table>
<thead>
<tr>
<th>Council Committee Dates:</th>
<th>Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance Committee:</td>
<td>Planning Commission:</td>
<td>Park Board:</td>
</tr>
<tr>
<td>Public Safety Committee:</td>
<td>Civil Service Commission:</td>
<td>Hearing Examiner:</td>
</tr>
<tr>
<td>Community Development &amp; Planning Committee: 3/5/2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council Workshops:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Council Action:**

<table>
<thead>
<tr>
<th>Council Call for Hearing:</th>
<th>Council Hearings Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Council Referred Back to:</th>
<th>Workshop:</th>
<th>Committee:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Council Tabled Until:</th>
<th>Council Meeting Dates: 3/13/07</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Signatures:**

<table>
<thead>
<tr>
<th>Dir. Authorization</th>
<th>Mayor</th>
<th>Date City Attorney Reviewed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Signature]</td>
<td>[Signature]</td>
<td>[Date]</td>
</tr>
</tbody>
</table>
COMMUNITY DEVELOPMENT COMMITTEE

DATE: March 5, 2007

ORIGINATOR: John Woodcock TITLE: City Engineer

SUBJECT/DISCUSSION: Water and Sewer Developer Extension Agreement for the Ashton Village.

Ashton Village LLC, to develop a residential subdivision consisting of 35 single family homes and 1 storm water on 9.95 acres located at 115th St. East, Bonney Lake.

ORDINANCE/RESOLUTION: # 1665

REQUEST OR RECOMMENDATION BY ORIGINATOR:

Approve a Water and Sewer Developer Extension Agreement for the Ashton Village.

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE

FINANCE DIRECTOR
CITY ATTORNEY

BUDGETED ITEM:

<table>
<thead>
<tr>
<th>2007 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
</table>

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE APPROVED DISAPPROVED

James Rackley, Chairperson 3-5-07
Mark Hamilton 3-5-07
David Bowen 3-5-07

COMMITTEE COMMENTS:

_____________________________________________________

COMMITTEE’S RECOMMENDATION TO FORWARD TO:

CITY CLERK CITY ATTORNEY

Please schedule for Council Meeting date of: March 13, 2007

Consent Agenda: ☐ Yes ☒ NO
RESOLUTION NO. 1665

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A WATER AND SEWER DEVELOPER EXTENSION AGREEMENT FOR ASHTON VILLAGE.

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 13th day of March, 2007.

__________________________
Neil Johnson Jr., Mayor

ATTEST:

__________________________
Harwood T. Edvalson, CMC
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 ASHTON VILLAGE, 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 ASHTON VILLAGE 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.

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.

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 7th day if February 20, 2007

DEVELOPER: ______________ Date ____________

Signature

Richard M. Orenduff

Printed Name

Member

Company Title (as applicable)

1416 E Main St. A

Address

Puyallup, WA 98372

City State Zip

253-770-8080 253-770-7287

Phone No. Fax No.

CITY OF BONNEY LAKE
DEVELOPER AGREEMENT

ACCEPTED this ____ day of ______________________ 20____

_________________________
Neil Johnson Jr., Mayor
CITY OF BONNEY LAKE

DEVELOPER AGREEMENT

EXHIBIT 'A'

PLAT NAME:  ASHTON VILLAGE

DEVELOPER: 

LEGAL DESCRIPTION:

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________
Ashton Village
Preliminary Plat
Public Hearing
July 10, 2006
Site Conditions

- **Zoning:** R-1
- **Comprehensive Plan Designation:** Low-Density Residential
- **Sewer:** Developer will extend
- **Water:** Developer will extend
- **Critical Areas:** Wetland buffer
- **Stormwater:** Developer will move existing as part of project
Existing Stormwater
Site Conditions Cont’d

- **Schools**: Sumner School District
- **Fire District**: Nearest station – 2 miles north
- **Parks**: 1 Private adjacent, Nearest Public – Allen Yorke Park 3 miles north
- **Power**: Puget Sound Power and Energy
Schools, Parks and Fire Stations
Adjacent Developments

North: Panorama Heights PUD
East: Ashton Woods
West: Naches Terrace PUD
South: Whitehorse Junction
Neighborhoods
Proposal

- **Subdivision** of 9.95 acres into 35 single-family lots
- **Variance** for length of Cul-de-sac
- Smallest lot size: 5,272 sq. ft.
- Average lot size: 8,609 sq. ft.
- Relocation of stormwater facility
- Open space area
- Extension of 115th St.
Procedures

- Application Received: 10/5/05
- Determination of Completeness: 11/4/05
- Notice of Application: 11/15/05
- Threshold Determination: DNS
- Publication of Hearing: 6/9/06
Comments

- Sumner School District
- Washington State Dept. of Ecology
- Washington State of Natural Resources
- Pierce County Health Dept.
- Pierce Co. Public Works and Utilities
- 1 neighborhood set of comments
Approval with Conditions

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

**Department/Staff Contact:** P&CD/Bob Leedy

**Council/Wrksp Mtg Date:** 3/13/07

**Agenda Item Number:** AB 07-62

**Ordinance Number:** ORD D07-62

**Resolution Number:**

**Councilmember Sponsor:**

**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>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Explanation:**

**Agenda Subject:** Ordinance adopting new Official Council Ward Map – following redistricting process

**Administrative Recommendation:** Adopt Ordinance D07-62 approving the revised Official Council Ward map.

**Background Summary:**

RCW 29A.76.010 and 35A12.180 require that cities redistrict their Council Wards periodically, based on population information. Bonney Lake completed a redistricting process in 2002 following publication of the 2000 census population data. Since that time, the population distribution between wards has become very disparate due to several annexations and significant development activity in certain areas of the City.

Analysis of current population data indicates that certain wards have substantially more population than other wards. To comply with the intent of the RCW – keeping population between wards as equitable as possible – the City of Bonney Lake has initiated another redistricting process.

Several scenarios illustrating different ward boundaries/configurations were presented at a public hearing on 2/27/07, including one alternative for a 3-ward district and a 5-ward district. The proposed new ward boundaries achieve a much more equitable population distribution and satisfy the criteria in RCW 29A.76.010(4)

**Council Committee Dates:**

- Finance Committee:
- Public Safety Committee:
- Community Development & Planning Committee
- Council Workshop: 3/6/07

**Agency/Commission Dates:**

- Planning Commission:
- Design 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: [Signature]
- Mayor: [Signature]
- Date City Attorney reviewed: 3/1/07
ORDINANCE NO. D07-62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE AMENDING CHAPTER 1.12 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 1223, 1118, 1030, 923, 816, 648, 556, AND 388 RELATING TO DESIGNATION OF CITY COUNCIL WARD BOUNDARIES.

WHEREAS, pursuant to RCW 29.70.100, the City of Bonney Lake must periodically redistrict its City Council based on population information from the most recent federal decennial census; and

WHEREAS, Bonney Lake completed a redistricting process in 2002 using the 2000 federal decennial census data; and

WHEREAS, the Bonney Lake City Council has reviewed population estimates within the current council wards and finds that there are substantial population differences between wards, due in part to recent annexations and due to significant building activity; and

WHEREAS, RCW 35A.12.180 requires that, "...The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable..."

WHEREAS, the current Bonney Lake City Council ward boundaries must be revised to comply with RCW 35A.12.180; and

WHEREAS, the criteria for redistricting as set forth by RCW 29A.76.010(4) was met; and

WHEREAS, pursuant to RCW 29A.76.010(4)(e), on February 27, 2007 the City Council held a public hearing to receive public comment regarding the proposed new ward boundaries;

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

Section 1. The City of Bonney Lake ward boundaries shall be realigned to be consistent with the map depicted on 'Exhibit A' attached hereto and incorporated herein by reference.

Section 2. BLMC section 1.12.010 and Ordinances Nos. 1223 § 1, 2007, 1118 § 1, 2005, 1030 § 1, 2004, 923 § 2, 2002, 816 § 1, 648 § 1, 556 § 1 and 388 § 1, are hereby amended to read as follows:

1.12.010 Wards designated.

For municipal representation, the city is hereby divided into five wards as depicted in the following Official Council Ward Map described as follows:

[INSERT PDF OF LETTER SIZE OFFICIAL WARD MAP]
Ward-One

Beginning at the intersection of the north city-limits boundary and the centerline of 194th Avenue East and 64th Street East; thence west and north along the north city-limits boundary to the centerline of 182nd Avenue East; thence south along the centerline of said 182nd Avenue East to the centerline of 64th Street East; thence along the centerline of said 64th Street East extended; following the west city-limits boundary easterly; thence southerly, and thence westerly to the centerline of Myers Road East; thence south along the centerline of said Myers Road East to the centerline of 70th Street East; thence east along the centerline of said 70th Street East to the centerline of 181st Avenue East; thence south along the centerline of said 181st Avenue East to the centerline of Bonney Lake Boulevard; thence east along the centerline of said Bonney Lake Boulevard to the centerline of 190th Avenue East; thence south along the centerline of said 190th Avenue East to the centerline of 75th Street East; thence east along the centerline of said 75th Street East to the centerline of 194th Avenue East; thence north along the centerline of said 194th Avenue East to the centerline of Bonney Lake Boulevard; thence east along the centerline of said Bonney Lake Boulevard to the centerline intersecting with West Tapps Highway; thence east along the centerline extension of Bonney Lake Boulevard to Church Lake; thence north through Church Lake to the north city-limits boundary at mid-channel between Inlet Island and Interlake Island; thence westerly along said north city-limits boundary extended to the centerline of 194th Avenue East to the point of beginning.

Ward-Two

Beginning at the intersection of the west city-limits line with the centerline of Highway 410, being a point on the west line of the northeast quarter of Section 32, Township 20 North, Range 5 East of the Willamette Meridian; thence south along said west line to the southwest corner of the northeast quarter of Section 32; thence west along the north line of the southwest quarter of Section 32, Township 20 North, Range 5 East, W.M.; a distance of 50 feet, more or less to the centerline of Elahi Creek; thence southerly along the centerline of Elahi Creek to the westerly extension of the north line of Parcel No. 0520324018; thence east along said westerly extension and along the north line of Parcel No. 0520324018 to the northeast corner of the Lemon Donation Land Claim; thence south along the east line of the Lemon Donation Land Claim to the south line of the northeast quarter of Section 32, Township 20 North, Range 5 East, W.M.; thence west a distance of 100 feet, more or less to the southwest corner of the southeast quarter of said Section 32; thence south along the west line of the northeast quarter of Section 5, Township 19 North, Range 5 East, W.M.; to the southwest corner thereof; thence west to the northwest corner of the northeast quarter of the southwest quarter of said Section 5; thence south to the northwest corner of the northwest quarter of the southwest quarter of said Section 5; thence south along the west line of the southwest quarter of said Section 5 to the northerly margin line of Rhodes Lake Road; thence easterly and southerly along the northerly margin line of Rhodes Lake Road to the easterly right-of-way line of Angeline Road in the northeast quarter of Section 8, Township 19 North, Range 5 East, W.M.; thence northerly along the easterly right-of-way line of said Angeline Road to the west line of northwest quarter of Section 9, Township 19 North, Range 5 East, W.M.; said point being the west line of Lot 2 of Large Lot 2830; thence northerly along the west line of Lot 1 and Lot 2 of said large lot to a point on the south line of the southwest quarter of Section 4, Township 19 North, Range 5 East, W.M., which point lies 30 feet east of the southwest corner of said Section 4; thence east along the south line of said southwest quarter of Section 4, to the center of Fennel Creek; thence north along the center of Fennel Creek to the north line of the south half of the north half of the southwest quarter of Section 4, Township 19 North, Range 5 East, W.M.; thence east along said north line to the east line of the southwest quarter of said Section 4; thence south along said east line to the northwest corner of the southwest quarter of the southeast quarter of said Section 4; thence east along the north line of the southwest quarter of the southeast quarter of said Section 4 to the southwest corner of the east half of the southwest quarter of the southeast quarter of said Section 4; thence north along the west line of said subdivision to the north line of the southeast quarter of Section 4; thence continuing north along the west line of the east half of the southwest quarter of the northeast quarter of Section 4, to a point 280.89 feet south of the northwest corner thereof; thence along a line having a record bearing of North 53°09'37" east a distance of 2,357.66 feet to the most northerly corner of Parcel No. 051904109; thence along a line having a record bearing of south 40°23'02" east a distance of 270 feet to a point on the east line of Section 4, which lies 563.45 feet south of the northeast corner thereof; thence north along the east line of Section 4 to the northerly right-of-way margin of Highway 410; thence easterly along said northerly right-of-way margin of Highway 410 to the centerline of relocated South Prairie Road; thence northerly along said centerline to the south line of the southwest quarter of Section 34, Township 20 North, Range 5 East, W.M.; thence east along the south line of said southwest quarter to the southwest corner of the southwest quarter of the southwest quarter of said Section 34; thence north to the northeast corner of said subdivision; thence east, along the south line of the northeast quarter of the southwest quarter of said Section 34, to the southwest corner of Lot 16, Kelley Glade, according to plat thereof recorded under Auditor's No. 9803120559 in Pierce County, Washington; thence northeasterly, along the line common to Lots 15 and 16 of said plat, to the northwest corner of said
Lot 16; thence northwesterly along the southwesterly line of Lot 35, Kelley Glade to the most southerly corner common to Lots 35 and 36, said plat; thence northeasterly along the line common to said Lots 35 and 36 to the northwest corner of said Lot 35; thence northwesterly along the southwesterly line of Lot 32, of the Plat Kelley Glade, the most westerly corner thereof; thence northwesterly along the northwesterly line of said Lot 32 to the west line of the east half of the northeast quarter of the southwest quarter of Section 44, Township 20 North, Range 5 East, W.M.; thence north along said west line to the southerly right-of-way margin of Summer Buckley Highway; thence westerly along said southerly right-of-way margin of the Summer Buckley Highway to the northwesterly corner of Parcel Number 0520334027; thence along a line having a record bearing of south 16°32'08" west a distance of 854.20 feet to the north line of the southwest quarter of the southeast quarter of Section 33, Township 20 North, Range 5 East, W.M.; thence west along said north line having a record bearing of north 80°03'43" west a distance of 149.45 feet to the northwest corner of said southwest quarter; thence south along the west line of said southwest quarter to the northerly right-of-way margin line of Highway 410; thence westerly along said northerly right-of-way margin line of Highway 410 to the easterly right-of-way margin line of Angeline Avenue East; thence southerly along said easterly right-of-way margin line of Highway 410 to the centerline of Highway 410; thence northwesterly along said centerline of Highway 410 to the west line of the southwest quarter of Section 33, Township 20 North, Range 5 East, W.M.; thence north along said west line to the centerline of Old Buckley Highway; thence northeasterly along the centerline of Old Buckley Highway to the east line of Lot 15, McDonald Fruit Tracts recorded in Volume 11, Page 31, extended south; thence north along said east line and the southerly extension thereof, to the centerline of 84th Street East; thence east along the centerline of 84th Street East to the centerline of 184th Avenue East; thence north along the centerline of 184th Avenue East to the centerline of 77th Street East; thence westerly along the centerline of 77th Street East to the centerline of 192nd Avenue East; thence northerly along the centerline of 192nd Avenue East to the centerline of 77th Street East; thence easterly along the centerline of 74th Street East to the centerline of 193rd Avenue East; thence northerly along the centerline of 193rd Avenue East to the centerline of Bonney Lake Boulevard; thence west along the centerline of Bonney Lake Boulevard to the centerline of 190th Avenue East; thence south along the centerline of 190th Avenue East to the centerline of 75th Street East; thence east along the centerline of 75th Street East to the centerline of 194th Avenue East; thence southerly along the centerline of 194th Avenue East to the centerline of 78th Street East; thence easterly along the centerline of 78th Street East and thence southerly along the centerline of 197th Avenue East to intersect the north line of the northeast quarter of the northeast quarter of Section 33, Township 20 North, Range 5 East of the Willamette Meridian; thence west along said north line to the northwest corner of said northeast quarter of the northeast quarter; thence south along the west line of said subdivision to an angle point in the east line of Evergreen Addition per Recording No. 8604290455; thence along the east line of said Evergreen Addition (and the southerly extension thereof) to the southerly margin of Church Lake Road; thence southerly along said southerly margin to the west line of the northeast quarter of the northeast quarter of said Section 33; thence south along said west line to the southwest corner thereof; thence west along the south line of the northwest quarter of the northeast quarter of said Section 33 to the centerline of Church Lake Road; thence southerly along the centerline of Church Lake Road to the east line of the northwest quarter of said Section 33; thence south along said east line to the southeast corner of Parcel No. 0520333903; thence west along the south line of Parcel No. 0520333003 to the easterly margin line of Angeline Avenue East; thence southerly along said easterly margin line to the point of beginning.

Ward Three

Beginning at the intersection of the easterly extension of the right-of-way margin of Angeline Avenue East with the centerline of Highway 410; thence northwesterly along said centerline of Highway 410 to the west line of the southwest quarter of Section 33, Township 20 North, Range 5 East of the Willamette Meridian; thence northeasterly along said west line to the centerline of Old Buckley Highway; thence northeasterly along the centerline of Old Buckley Highway to the east line of Lot 15, McDonald Fruit Tracts recorded in Volume 11, Page 31, extended south; thence north along said east line and the southerly extension thereof, to the centerline of 84th Street East; thence east along the centerline of 84th Street East to the centerline of 184th Avenue East; thence northerly along the centerline of 184th Avenue East to the centerline of 77th Street East; thence westerly along the centerline of 77th Street East to the centerline of 192nd Avenue East; thence northerly along the centerline of 192nd Avenue East to the centerline of 77th Street East; thence easterly along the centerline of 74th Street East to the centerline of 193rd Avenue East; thence northerly along the centerline of 193rd Avenue East to the centerline of Bonney Lake Boulevard; thence west along the centerline of Bonney Lake Boulevard to the centerline of 190th Avenue East; thence south along the centerline of 190th Avenue East to the centerline of 75th Street East; thence east along the centerline of 75th Street East to the centerline of 194th Avenue East; thence southerly along the centerline of 194th Avenue East to the centerline of 78th Street East; thence easterly along the centerline of 78th Street East and thence southerly along the centerline of 197th Avenue East to intersect the north line of the northeast quarter of the northeast quarter of Section 33, Township 20 North, Range 5 East of the Willamette Meridian; thence west along said north line to the northwest corner of said northeast quarter of the northeast quarter; thence south along the west line of said subdivision to an angle point in the east line of Evergreen Addition per Recording No. 8604290455; thence along the east line of said Evergreen Addition (and the southerly extension thereof) to the southerly margin of Church Lake Road; thence southerly along said southerly margin to the west line of the northeast quarter of the northeast quarter of said Section 33; thence south along said west line to the southwest corner thereof; thence west along the south line of the northwest quarter of the northeast quarter of said Section 33 to the centerline of Church Lake Road; thence southerly along the centerline of Church Lake Road to the east line of the northwest quarter of said Section 33; thence south along said east line to the southeast corner of Parcel No. 0520333903; thence west along the south line of Parcel No. 0520333003 to the easterly margin line of Angeline Avenue East; thence southerly along said easterly margin line to the point of beginning.

Ward Four
Beginning at the intersection of the south line of the southwest quarter of Section 4, Township 19-North, Range 5-East, W.M., with the center of Fennel Creek; thence north along the center of Fennel Creek to the north line of the south half of the north half of the southwest quarter of Section 4, Township 19-North, Range 5-East, W.M.; thence east along said north line to the east line of the southwest quarter of said Section 4; thence south along said east line to the northwest corner of the southwest quarter of said Section 4; thence east along the north line of the southwest quarter of said Section 4 to the southwest corner of the east half of the northwest corner of the southwest quarter of said Section 4; thence north along the west line of said subdivision to the north line of the southwest quarter of said Section 4; thence continuing northeasterly along the west line of the east half of the southwest corner of the southeast quarter of said Section 4 to a point 280.89 feet south of the northwest corner thereof; thence along a line having a record-bearing north 53°09'37" east a distance of 2,357.66 feet to the most northerly corner of Parcel No. 0519041109; thence along a line having a record-bearing south 40°53'07" east a distance of 270 feet to a point on the east line of Section 4, which lies 563.45 feet southern of the northeast corner thereof; thence north along the east line of Section 4 to the northerly right-of-way margin of Highway 410; thence easterly along said northerly right-of-way margin of Highway 410 to the centerline of relocated South Prairie Road; thence northeasterly along said centerline to the south line of the southwest quarter of Section 34, Township 20-North, Range 5-East, W.M.; thence east along the south line of said southwest quarter to the southeast corner of the southwest quarter of the southwest quarter of said Section 34; thence north to the northeast corner of said subdivision; thence east, along the south line of the northeast quarter of the southwest quarter of said Section 34 to the southwest corner of said Section 34; to the southwest corner of Lot 16, Kelley Glade, according to plat thereof recorded under Auditor's No. 8903120559 in Pierce County, Washington; thence northeasterly, along the line common to Lots 15 and 16 of said plat to the northwest corner of said Lot 16; thence northwesterly along the southwest line of Kelley Glade, to the most southerly corner common to Lots 35 and 36; said plat; thence northeasterly along the line common to said Lots 35 and 36 to the northwest corner of said Lot 35; thence northwesterly along the southwest line of Lot 32, Kelley Glade, to the most westerly corner thereof; thence northeasterly along the northwesterly line of said Lot 32 to the west line of the east half of the northeast corner of the southwest quarter of Section 34, Township 20-North, Range 5-East of the Willamette Meridian; thence north along said west line to the southerly right-of-way margin of Summit-Buckley Highway; thence easterly along said southerly right-of-way margin of the Sumner-Buckley Highway to the west line of the southeast quarter of said Section 34; thence north along the west line of said southeast quarter of said Section 34 to the northwest corner thereof; thence east along the north line of said southeast quarter of said Section 34 to the southerly extension of the west line of Parcel No. 0520391212; thence north to the northwest corner of Parcel No. 0520391212; thence east along the north line of said parcel to the westerly right-of-way margin of 214th Avenue East; thence south along said westerly right-of-way margin of 214th Avenue East to the northeast corner of Cedarview #2; thence continuing southeasterly along the east line of Cedarview #2, following the easterly lines of Lots 33A, 90, 91, 92, 93, 94, and 95 a distance of 1,570 feet, more or less, to the southwest corner of Lot 95 of said Cedarview #2; thence westerly along the south line of Cedarview #2 a distance of 1,300 feet, more or less, to the northeast corner of Lot 58, Block 1 of Cedarview Addition; thence southerly along the east line of Cedarview Addition a distance of 1,600 feet, more or less, to the southwest corner of Short Plat No. 8204010227; thence easterly along the south line of Short Plat No. 8204010227 a distance of 1,300 feet, more or less, to the westerly right-of-way margin of 214th Avenue East; thence south along the westerly right-of-way margin of 214th Avenue East to a point of intersection of the westerly right-of-way line of 214th Avenue East, in the northeast quarter of Section 3, Township 19-North, Range 5-East of the Willamette Meridian, with the westerly extension of the south line of the north 510 feet of Government Lot 4, in the northwest quarter of Section 2, Township 19-North, Range 5-East of the Willamette Meridian, Pierce County, Washington; thence east along the south line and the westerly extension thereof of the north 510 feet of Government Lots 4 and 3 to the west line of a parcel of land conveyed to Daniel E. Russell and Lenore V. Caraman-Russell (husband and wife) by Deed Recording No. 9812293079; thence south along the west line of said Russell Parcel to the northwest corner thereof; thence east along the south line of the Russell Parcel to the southeast corner thereof; thence north along the east line of said Russell Parcel to the right-of-way line of 96th Street East (aka Carlson Roberts County Road); thence east along said right-of-way line to the northwest corner of a parcel of land conveyed to John R. Gardner and Helen M. Gardner (husband and wife) by Deed Recording No. 24224358; thence south along the west line of said Gardner Parcel to the southwest corner thereof; thence east along the south line of said Gardner Parcel to the southwest corner of a parcel of land conveyed to Delwyn Chris Hanson and Cindy Jan Hanson (husband and wife) by Deed Recording No. 9206100343; thence east along the south line of said Hanson Parcel to the west line of Lot 3 of Pierce County Short Plat No. 77-286; thence south along the west line of said Pierce County Short Plat to the southwest corner of Lot 4 of said Short Plat; thence east along the south line of said Lot 4 to the southeast corner of said Lot 4; thence north along the east line of said Lot 4 to the southwest corner of Lot 3 of Pierce County Short Plat Division No. 1146; thence east along the south line of said Lot 3 to the southwest corner of said Lot 3; thence north along the east line of said Lot 3 to the southwest corner of a parcel of land conveyed to Dennis R. Blankenship and Colleen M. Blankenship (husband and wife) by Deed Recording No. 8505180368; thence east along the south line of said Blankenship Parcel to the west line of Pierce County Short Plat No. 8607230206 in the northwest quarter of Section 1, Township 19-North, Range 5-East of the Willamette Meridian; thence south along said west line to the southwest corner of Lot 2 of said Short Plat No. 8607230206; thence east along
the south line of said Lot 2 to the southeast corner of said Lot 2 and a point on the west line of a parcel of land conveyed to Euro General Contractors, Inc., by Deed Recording No. 9408190637; thence south along the west line of said Euro Parcel to the north right of way line of S.R. Highway 410; thence easterly along said northerly right of way line to the southeast corner of said Euro Parcel; thence south along the east line of said Euro Parcel to the northwest corner of Tract 2 of Unrecorded Pierce County Large Lot Subdivision, Public Works Department No. 919; thence northeasterly along the north line of said Tract 2 to the west right of way line of 203rd Avenue East (aka Wren Road); thence north along said west right of way line to the south right of way line of 96th Street East (aka Carlson-Roberts County Road); thence east along said south right of way line to the southeast corner of a parcel of land conveyed to Hazel E. Freche (trustee) by Deed Recording No. 9405120676; thence south along the east line of said Freche Parcel to the southeast corner of said Freche Parcel; thence south along the south line of said Freche Parcel to the north right of way line of S.R. Highway 410; thence southwesterly at right angles to said north right of way line, to the southeast corner of said S.R. Highway 410; thence northeasterly along said south right of way line of said S.R. Highway 410 to the westerly right of way line of 234th Avenue East; thence south along said westerly right of way line to the south line of the north-275.00 feet of the southwest quarter of the northeast quarter of Section 1, Township 19 North, Range 5 East of the Wilmette Meridian; thence westerly along said south line to the east line of the replat of View Royal Estates; thence northeasterly along the east line of the replat of View Royal Estates, to the northeast corner of said replat of View Royal Estates, also being the southerly right of way line of said S.R. Highway 410; thence northeasterly along the southerly right of way line of said S.R. Highway 410 to the northeast corner of Lot 1 of Pierce County Short Plat No. 8201290274; thence southerly along the east line of said Lot 1 to the northeast corner of Lot 2 of the replat of View Royal Estates; thence westerly along the north line of said replat of View Royal Estates, View Royal Estates Division No. 2, Pierce County Short Plat No. 8201290273 and Pierce County Short Plat No. 8201290274 in the northeast quarter of Section 2, Township 19 North, Range 5 East of the Wilmette Meridian; a distance of 1,200 feet, more or less, to the northwest corner of Lot 1 of Pierce County Short Plat No. 8201290274; thence southerly along the west line of said Pierce County Short Plat No. 8201290274, a distance of 620 feet, more or less, to the southeast corner of a parcel of land conveyed to Milton D. Till and Imogene J. Till (husband and wife) by Deed Recording No. 8708120303; thence westerly along the south line of said Till Parcel to the southeast corner of the parcel of land conveyed to Donald Ogle and Mary L. Ogle (husband and wife) by Deed Recording No. 8708120303; thence continuing westerly along the south line of said Ogle Parcel to the east line of the southwest quarter of Section 2, Township 19 North, Range 5 East of the Wilmette Meridian; thence southerly along said east line a distance of 660 feet, more or less, to the north line of the southwest quarter of Section 2, Township 19 North, Range 5 East of the Wilmette Meridian; thence westerly along said north line a distance of 1,320 feet, more or less, to the southwest corner of said Section 2; thence southerly along said east line a distance of 330 feet, more or less; to the southeast corner of Lot 4 of Pierce County Short Plat No. 8201290288; thence west along the south line and the westerly extension thereof of said short plat a distance of 1,368 feet, more or less, to the west right of way line of 214th Avenue East; thence south along the westerly right of way line of 214th Avenue East to the northerly margin line of South Prairie Road; thence northwesterly along said northerly margin line to the east line of the west half of the northwest quarter of Section 3, Township 19 North, Range 5 East of the Wilmette Meridian; thence southerly along said east line a distance of 1,320 feet, more or less, to the north line of Wilderness Ridge Division 3; thence westerly along the north line of said Wilderness Ridge Division 3 a distance of 660 feet, more or less, to the northwest corner of Lot 88 of Wilderness Ridge Division 3; thence southerly along the west line of Lot 88 of Wilderness Ridge Division 3 to the northerly margin line of 104th Street East; thence westerly along said margin line of 104th Street East, to the east margin line of 200th Avenue Court East; thence southerly along said east margin line of 200th Avenue Court East, to the south line of the northwest quarter of said Section 3; thence westerly along said south line to the northwest corner of Wilderness Ridge Division Two; thence southerly along the west line of said Wilderness Ridge Division Two to the northwest corner of Tract "A" of Wilderness Ridge Division One, thence east to the northeast corner of said Tract "A", thence south to the southeast corner of said Tract "A", thence east along the south line of said Wilderness Ridge Division One to the southeast corner of Lot 7, Wilderness Ridge Division One, thence south along the west line of Cedar Ridge to the southwest corner of Lot 29, said plat; thence west along the north right of way margin line of 112th Street East to the east line of the southeast quarter of Section 4, Township 19 North, Range 5 East of the Wilmette Meridian; thence north along said east line to the southeast corner of Lot 2, Short Plat No. 79-1061; thence west to the southwest corner of said Lot 2; thence south along the northwest corner of Short Plat No. 79-1061; thence west to the southwest corner of Lot 4, Large Lot Subdivision No. 1300, being a point on the east line of Country Highlands Division 11; thence south along the east line of Country Highlands Division 11 to the south line of the northeast quarter of the southeast quarter of Section 4, Township 19 North, Range 5 East of the Wilmette Meridian; thence westerly along the south line of said subdivision to the northeast corner of Lot 91 of Bonney Lake Manor; thence southerly along the east line of Bonney Lake Manor to the south line of said Bonney Lake Manor; thence west along said south line and the westerly extension thereof to the west margin line of 192nd Avenue East; thence north along said west margin line to the southeast corner of Lot 3, Bonney Lake Manor; thence west along the south line of Lots 3, 4, and 5, of said Bonney Lake Manor to the west line of the plat of Bonney Lake Manor; thence north along the west line of said plat to the north line of the northwest quarter of the northeast quarter of Section 9, Township 19 North, Range 5 East of the Wilmette Meridian;
thence west along said north line to the southeast corner of the southwest quarter of Section 4, Township 19 North, Range 5 East of the Willamette Meridian; thence west along the south line of the southwest quarter of said Section 4, to the center of Fennell Creek and point of beginning.

Ward Five

Commencing at the northeast corner of the southeast quarter of the northeast quarter of Section 34, Township 28 North, Range 5 East, of the Willamette Meridian; thence west along the north line of said northeast quarter to the west margin of 214th Avenue East; thence south along said west margin to the intersection with the south margin of Kelly Lake Road and the true point of beginning; thence westerly along the south margin of said Kelly Lake Road to the northeast corner of Lot 3 of Pierce County, Short Plat No. 50; thence continuing westerly along the north margin of Church Lake Road to the east line of said Lot 5 of Jim Hinkelman Heights as recorded under recording number 9411230365; thence easterly and westerly along the west and south margin of Church Lake Road to the northeast corner of the plat of Kelly Creek Vista as recorded under aforesaid 8410102118; thence south along the east line of said plat and said city limits line to the southeast corner thereof; thence continuing along said city limits line westerly along the south line of said plat to the southwest corner thereof; thence continuing along said city limits line northerly along the west line of said plat to the southwest corner thereof; thence continuing along said plat to the southeast corner of Lot 2 of Short Plat No. 50 as recorded under aforesaid 9604010391; thence south along the south plat line to the northeast corner of Section 33, Township 20 North, Range 5 East, W.N.; thence north along the north line of said Section 33 to the intersection with the centerline of 197th Avenue East; thence northerly along the centerline of 197th Avenue East to the centerline of 78th Street East; thence westerly along the centerline of 78th Street East to the intersection with the centerline of 194th Street East; thence northerly along the centerline of 194th Street East to the intersection with the centerline of Bonney Lake Boulevard; thence east along the centerline of Bonney Lake Boulevard and the easterly prolongation thereof to the intersection with Church Lake viewpoint, thence northerly to a point determined by the southerly extension of a line established at mid-channel between inlet island and Interlake Island and extended southerly parallel with the west line of the northwest quarter of Section 22, Township 20 North, Range 5 East, W.N.; thence northerly along said established line to the northerly city limits line through Lake Tapps to the east line of the northeast quarter of the southeast quarter of said Section 22; thence south along the east line of said subdivision to the southeast corner of the southeast quarter of said Section 22; thence south along the east line of the northeast quarter of Section 27, Township 20 North, Range 5 East, W.M. to the southeast corner thereof; thence south along the east line of the northeast quarter of said Section 27 a distance of 80 feet, more or less to a point opposite the southeast corner of Lot 7, Lake Tapps Cedar Addition according to the plat thereof recorded in Volume 18 of plats, page 88, records of said County; thence west to the southeast corner of said Lot 7 and the west margin of 214th Avenue East, said corner being on the Bonney Lake City Limits line; thence south along said west margin and said city limits line to the intersection with the southeast margin of Kelly Creek Road and the true point of beginning.

(Ord. 1223 § 1, 2007; Ord. 1118 § 1, 2005; Ord. 1030 § 1, 2004; Ord. 923 § 2, 2002; Ord. 816 § 1, 1999; Ord. 648 § 1, 1992; Ord. 556 § 1, 1984; Ord. 388 § 1, 1963).

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 13th day of March, 2007.

___________________________
Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC  Jim Dionne, City Attorney
City Clerk

APPROVED AS TO FORM:
City of Bonney Lake

Official Council Wards
2007

1 Dave King
2 James Rackley
3 Cheryle Noble
4 David Bowen
5 Phil DeLeo
At Large
#1 Dan Swatman
#2 Mark Hamilton

Urban Growth Area
Annexation Area

Effective 4/16/07
pending Ordinance
D07-02 adoption on
3/13/07

This map version of the Bonney Lake Council Wards has been simplified for codification purposes. Contact the Bonney Lake City Clerk to view the "Official Council Ward Map" adopted by Ordinance D07-62 on 3/13/07.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: Bob Leedy – Dir. Of Planning
Steve Ladd – Planning Mgr.

Council Meeting Date: 13 March 2007
Agenda Item Number: AB07-07

Ordinance Number: D07-07
Resolution Number:
Councilmember Sponsor:

BUDGET INFORMATION

2006 Budget Amount $0
Required Expenditure $0
Impact $0
Remaining Balance $0

Explanation:

Agenda Subject: Ordinance fixing miscellaneous problems in the development regulations.

Administrative Recommendation:

Discuss and ultimately adopt Ordinance D07-07 which amends the Bonney Lake development regulations to fix miscellaneous contradictions and ambiguities.

Background Summary:

This is a housekeeping measure. For several years the planning staff has interpreted sections of our development regulations which are ambiguous or contradictory. Enough miscellaneous interpretations have accumulated to make legislative feedback worthwhile. The "fixes" conform to current interpretations. The "fixes" are explained in the table in the attached staff report.

Council Committee Dates:
Finance Committee: 
Public Safety Committee: 
Comm. Dev. & Planning Committee: 3/5/07
Council Workshop:

Commission Dates:
Planning Agency 
Design 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 Meetings Date: 3/13/07

Signatures:
Dept. Dir. 
Mayor/City Administrator
Date City Attorney reviewed
COMMUNITY DEVELOPMENT COMMITTEE

DATE: March 5, 2007

ORIGINATOR: Bob Leedy  
Steve Ladd  

TITLE: Director of Planning & Community Development  
Planning Manager  

SUBJECT: Ordinance fixing miscellaneous problems in the development regulation.  
This is a housekeeping measure.

For several years the planning staff has interpreted sections of our development regulations which are  
ambiguous or contradictory. Enough miscellaneous interpretations have accumulated to make  
legislative feedback worthwhile. The “fixes” conform to current interpretations. The “fixes” are  
explained in the table in the attached staff report.

ORDINANCE/RESOLUTION # D07-07

REQUEST OR RECOMMENDATION BY ORIGINATOR:

Discuss and adopt Ordinance D07-07 which amends the Bonney Lake development regulations to fix  
miscellaneous contradictions and ambiguities.

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE

FINANCE DIRECTOR  

CITY ATTORNEY  N/A  

<table>
<thead>
<tr>
<th>2007 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
</table>

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE  

APPROVED  

DISAPPROVED

James Rackley, Chairman  
Mark Hamilton  
David Bowen

COMMITTEE COMMENTS:  

COMMITTEE’S RECOMMENDATION TO FORWARD TO:

CITY CLERK  
CITY ATTORNEY  

Please schedule for City Council Meeting date of: March 13, 2007

Consent Agenda: ☒ Yes  ☐ No
ORDINANCE NO. D07407

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING VARIOUS PORTIONS OF THE BONNEY LAKE DEVELOPMENT REGULATIONS, AND THEIR UNDERLYING ORDINANCES, TO FIX MISCELLANEOUS CONTRADICTIONS, AMBIGUITIES, AND SIMILAR HOUSEKEEPING.

WHEREAS, the planning staff have for years catalogued contradictions and ambiguities in the City's development regulations; and

WHEREAS, these contradictions and ambiguities are by this Ordinance resolved in one comprehensive amendment; and

WHEREAS, SEPA has been complied with and the Planning Commission has held a public hearing and made a recommendation in support of passage of this Ordinance;

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

Section 1. BLMC section 18.22.020 and the corresponding portions of Ordinance No 740 § 8 are hereby amended to read as follows:

18.22.020 Fences or hedges.

A. "Fences shall not exceed six feet in height, shall not be roofed or be part of a building within the required setback areas.
B. Fences shall not exceed four feet in front yard setback.
C. No barbed wire or electric fence shall be permitted on or immediately adjacent to a boundary line.
D. Hedges on property lines shall be trimmed to conform to fencing requirements.
E. "Fences and vegetation shall not obstruct vision at street and alley intersections, and no fence in excess of 36" above the road surface shall be allowed within 25' of the intersection of a street or alley right-of-way. violate BLMC 16.14.140 regarding "vision clearance triangles."
F. Fences built on property lines or so close to property lines as to requiring trespass on adjoining land for maintenance shall require written approval by the neighboring property owner before such fence is constructed.

Section 2. BLMC section 18.29.050 and the corresponding portions of Ord. 1099 § 27; Ord. 851 § 36; and Ord. 748 § 1 are hereby amended to read as follows:

18.29.050 Setback and bulk regulations.

The following bulk regulations apply to uses in this district:
A. Minimum Front Setback.
   1. Service station pump islands: 15 feet from street property line;
   2. Setbacks on State Highway 410: 55 feet from the right-of-way line;
   3. From any other street or accessway: 20 feet from street right-of-way where existing right-of-way is adequate; additional setback may be required by the public works director where existing right-of-way is inadequate;
   4. Side and rear: 15 feet, except there shall be a 20-foot landscaped greenbelt, with solid fence, bordering residential lots.

B. There shall be no Minimum side and or rear setback for structures shall be 30 feet from a residential zone classification, from the building to the property line, the 15 feet adjacent to the property line within the required 30 foot setback shall be planted as a greenbelt and conform with the requirements except as entailed by the landscaping buffer requirements of Chapter 16.12 BLMC or building code requirements.

C. Minimum rear setback for structures on lots adjacent to other than residential zones shall be consistent with building code requirements.

D. Maximum height of buildings, 35 feet. Structures which are 35 to 50 feet may be approved by the director of planning and community development, with the concurrence of the fire marshal of Pierce County Fire Protection District No. 22 regarding provisions for fire protection and emergency rescue.

E. Any use within this zone classification shall provide a minimum of 10 percent of the site as landscaping and developed public open space, excluding parking and driving surfaces.

Section 3. BLMC section 14.10.090 and the corresponding portions of Ordinance No. 988 § 2 are hereby amended to read as follows:

14.10.090 Planning commission.

The planning commission shall review and make recommendations to the city council on the following applications and subjects:
A. Amendments to the comprehensive plan;
B. Amendments to the development code, Titles 14 through 19;
C. Special planning studies assigned to the planning commission;
D. Planning fees, policies and procedures;
E. Annexation and related zoning;
F. Street vacations;
G. Area-wide zoning changes, including zoning related to annexations.
Section 4. BLMC section and the corresponding portions of Ordinance No. 988 § 2 are hereby amended to read as follows:


Preliminary plats shall be Type 5 6 permits – see Chapter 14.70 BLMC. The city engineer and fire marshal shall participate in the review process.

Section 5. BLMC section 18.24.020 and the corresponding portions of Ord. 1137 § 6; Ord. 1099 § 21; Ord. 746 § 7; and Ord. 740 § 9 are hereby amended to read as follows:

18.24.020 Uses permitted outright.

The following uses shall be permitted outright in a C-1 zone, subject to off-street parking requirements, bulk regulations, landscaping requirements, and other provisions and exceptions set forth in this code:

A. Residential Uses.
   1. Single-family residences;
   2. Bed and breakfast inn;

B. Educational Uses.
   1. Elementary school.

C. Cultural, Religious, Recreational, and Entertainment Uses.
   1. Parks, open space and trails;
   2. Churches of less than 250 seats; provided the requirements of BLMC 18.22.040 are met;
   3. Libraries;
   4. Dance, music, drama and instruction studios.

D. Transportation, Communication, Utilities.
   1. Public utility facility, provided the requirements of BLMC 18.22.050 are met;
   2. Wireless communications facilities are permitted as primary accessory uses provided the requirements of Chapter 18.50 BLMC are met.

E. Commercial uses; provided, that retail uses are restricted to hours of operation between 6:00 a.m. and 10:00 p.m.:
   1. Antique shop;
   2. Bakeries and candy shops (retail only);
   3. Barber shops and beauty shops;
   4. Coffee shops, cafes and cart vendors;
   5. Family day care homes and mini-day care centers;
   6. Food markets, deli and meat markets (beer and wine may be sold);
   7. Locksmiths;
   8. Professional offices;
   9. Stationery and bookstores;
10. Any other use interpreted to be compatible with a residential neighborhood by the planning director.

Section 6. BLMC section 18.26.020 and the corresponding portions of Ord. 1099 § 23; Ord. 746 § 8; and Ord. 740 § 10 are hereby amended to read as follows:


The following uses may be permitted in a C-2 zone subject to off-street parking requirements, bulk regulations, landscaping requirements and the other provisions and exceptions set forth in this title:

A. Residential Uses.
   1. Residences in connection with a business establishment;
   2. Apartments, attached residential dwellings, subject to the requirements of Chapter 18.31 BLMC;
   3. Nursing homes, group homes and boarding homes.

B. Educational Uses.
   1. Elementary school.

C. Cultural, Religious, Recreational, and Entertainment Uses.
   1. Parks, open space and trails;
   2. Churches;
   3. Libraries;
   4. Swimming pools, public or private;
   5. Entertainment facilities, such as bowling alleys, skating rinks, pool halls, arcades, theaters, public or private.

D. Transportation, Communication, Utilities.
   1. Public utility facility; provided the requirements of BLMC 18.22.050 are met;
   2. Wireless communications facilities are permitted as principal or accessory uses provided the requirements of Chapter 18.50 BLMC are met.

E. Commercial Uses.
   1. Adult entertainment facilities subject to the provisions of Chapter 18.32 BLMC;
   2. Ambulance service;
   3. Antique shop;
   4. Automatic teller machines (ATMs);
   5. Automobile service stations and car washes;
   6. Bakery, retail;
   7. Banks, savings and loan associations;
   8. Barber shops and beauty shops;
   9. Coffee shops, cafes and cart vendors;
   10. Dancing, music, drama and instruction schools;
   11. Day care centers;
   12. Food markets, delicatessen and meat markets (may sell beer and wine);
   13. Furniture and small household appliance repair shops;
14. Gymnasiums and fitness centers, public or commercial;
15. Hotels, motels, apartments;
16. Hospitals;
17. Laundries, including dry cleaning;
18. Liquor stores;
19. Offices and professional buildings;
20. Photographic processing and supply;
21. Mini-storage facilities;
22. Plumbing shops, electricians, heating, air conditioning sales or repair;
23. Printing, blueprinting, and photostating establishments;
24. Locksmiths;
25. Retail shops, including department stores and shopping centers;
26. Restaurants, including drive-in restaurants, cocktail lounges and taverns;
27. Tailor shops;
28. Tool sales and rental;
29. Veterinary clinics, animal hospitals and pet grooming;
30. Any use determined to be similar by the planning commission.

Section 7, BLMC section 18.28.040 and the corresponding portions of Ordinance No. 740 § 11 are hereby amended to read as follows:

18.28.040 Conditional uses.

The following conditional uses may be permitted upon issuance of a conditional use permit by the city:
A. Junk, salvage or wrecking yard; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained.
B. Trailer-mix concrete plant.
C. Gravel pits; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the gravel pit.
D. Assembly or processing of previously prepared materials in a fully enclosed building provided:
   1. No explosives, ammunition, blasting agents or fireworks are stored, or manufactured in this district;
   2. Cellulose nitrate products, and cellulose nitrate plastics may be stored in accordance with the fire prevention ordinance, but shall not be manufactured in this district;
   3. Any material having a closed cup flash point below 105 degrees Fahrenheit is prohibited from this district;
   4. The requirements of Chapter 18.31 BLMC are met.
E. Uses taller than 50 feet; provided:
   1. Adequate provision is made for fire fighting and emergency rescue;
   2. The use or building will not cast a shadow on residential properties;
   3. The use or building is designed with visual relief or landscaping to make it compatible
with the surrounding land uses, topography and landscape.

F. Storage or processing of any hazardous waste as defined in Chapter 70.105 RCW is not permitted as a principal use.

G. Any use determined to be similar by the planning director.

Section 8. BLMC section 18.29.020 and the corresponding portions of Ord. 1099 § 26; Ord. 908 § 1; Ord. 788 § 1; and Ord. 748 § 1 are hereby amended to read as follows:

18.29.020 Uses permitted outright.

The following uses may be permitted in a C-2/C-3 combined district subject to off-street parking requirements, bulk regulations, landscaping requirements and the other provisions and exceptions set forth in this title:

A. Residential Uses.
   1. Residences in connection with a business establishment;
   2. Apartments, attached residential dwellings, subject to the requirements of Chapter 18.31 BLMC;
   3. Mobile/manufactured home parks in existence as of annexation into the city; and
   4. Nursing homes, group homes and boarding homes.

B. Educational Uses.
   1. Preschool or day care centers.

C. Cultural, Religious, Recreational, and Entertainment Uses.
   1. Parks, open space and trails;
   2. Churches;
   3. Libraries;
   4. Swimming pools, public or private;
   5. Entertainment facilities, such as bowling alleys, skating rinks, pool halls, arcades, theaters, public or private;
   6. Recreation facilities, indoor and outdoor;
   7. Sports fields;
   8. Meeting halls or lodge buildings, public or private;
   9. Public facilities; and
   10. Recreational vehicle parks.

D. Transportation, Communication, Utilities.
   1. Public utility facility; provided the requirements of BLMC 18.22.050 are met; and
   2. Wireless communications facilities subject to the provisions of Chapter 18.50 BLMC.

E. Commercial Uses.
   1. Adult entertainment facilities, subject to the provisions of Chapter 18.32 BLMC;
   2. Ambulance service;
   3. Antique shop;
   4. Automatic teller machines (ATMs);
   5. Automobile service stations and car washes;
6. Automobile, boat and trailer sales and repair;
7. Bakery, retail and wholesale;
8. Banks, savings and loan associations;
9. Barber shops and beauty shops;
10. Cabinet and carpenter shop;
11. Coffee shops, cafes and cart vendors;
12. Contractor yards; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the open storage use;
13. Dancing, music, drama and instruction schools;
14. Food markets, delicatessen and meat markets (may sell beer and wine);
15. Furniture building, repair and upholstering;
16. Furniture and small household appliance repair shops;
17. Gymnasiums and fitness centers, public or commercial;
18. Horticultural nursery and garden supply, indoor or outdoor;
19. Hotels, motels, apartments;
20. Hospitals;
21. Household appliance repair;
22. Kennels;
23. Laundries, including dry cleaning;
24. Liquor stores;
25. Locksmiths and security alarm shops;
26. Machine shops;
27. Mini-storage facilities;
28. Offices and professional buildings;
29. Open storage yards, including storage and sale of building materials and heavy equipment; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the open storage use;
30. Photographic processing and supply;
31. Plumbing, electrical, heating, air conditioning services, sales or repair;
32. Printing, blueprinting, and photostating establishments;
33. Retail shops, including department stores and shopping centers;
34. Restaurants, including drive-in restaurants, cocktail lounges and taverns;
35. Storage or distribution of sand, gravel, top soil, or bark; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the storage area;
36. Tailor shops;
37. Tool sales and rental;
38. Veterinary clinics, animal hospitals and pet grooming;
39. Wholesale warehousing and distribution of goods within a fully enclosed building; and
40. Any use determined to be similar by the director of planning and community development.
Section 9. BLMC section 18.29.040 and the corresponding portions of Ord. 748 § 1 are hereby amended to read as follows:

18.29.040 Conditional uses.

The following uses may be permitted upon the issuance of a conditional use permit by the city:
A. Buildings taller than 50 feet, provided:
   1. Adequate provision is made for firefighting and emergency rescue;
   2. The use or building will not cast a shadow on residential properties;
   3. The use or building is designed with visual relief or landscaping to make it compatible with the surrounding land uses, topography and landscape;
B. Junk, salvage or wrecking yard; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the open storage use;
C. Trailer-mix concrete plant; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the concrete plant and storage yard;
D. Gravel pits; provided a solid fence and/or solid screening hedge at least eight feet high is built and maintained to screen from view the gravel pit;
E. Assembly or processing of previously prepared materials in a fully enclosed building provided:
   1. No explosives, ammunition, blasting agents or fireworks are stored or manufactured in this district;
   2. Cellulose nitrate products and cellulose nitrate plastics may be stored in accordance with the fire prevention ordinance, but shall not be manufactured in this district;
   3. Any material having a closed cup flash point below 105 degrees Fahrenheit is prohibited from this district;
   4. The requirements of Chapter 18.31 BLMC are met;
F. Storage or processing of any hazardous waste as defined in Chapter 70.105 RCW is not permitted as a principal use; and
G. Any use determined to be similar by the director of planning and community development.

Section 10. A new BLMC section is hereby inserted as follows (shown here underlined):

18.31.050 Director shall determine similar permitted and conditional uses.

In addition to the lists of permitted and conditional uses set forth in commercial and industrial zones, the director of planning and community development may determine that other uses are similar in their nature and impacts and are therefore similarly permitted or conditional.
Section 11. BLMC section 18.14.060 and the corresponding portions of Ord. 1099 §§ 12, 17; and Ord. 740 § 4 are hereby amended to read as follows:

18.14.060 Setback and bulk regulations.

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

A. Required density at the conclusion of any short plat or subdivision: four to five dwelling units (rounded down) per net acre. For example, the subdivision of a parcel of 3 net acres must result in between 12 and 15 dwelling units.

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

C. Minimum front setback: 20 feet for garages, 10 feet for residences. See also subsection H of this section. In areas where existing right-of-way is insufficient, additional setback shall be required as necessary.

D. Minimum side yard: five feet (not applicable to property lines where single-family residences are attached).

E. Minimum rear setback shall be as follows. See also subsection H of this section.
   1. Residence: 20 feet; other than residences on Lake Tapps, which shall have a rear setback of 30 feet.
   2. A separate garage or accessory building: within 10 feet.
   3. A boathouse, if approved, may be constructed with no rear yard setback.

F. Maximum height: 35 feet above foundations.

G. Maximum lot coverage by impervious surfaces: 60 percent. See also subsection H of this section.

H. In the case of new subdivisions that cluster residences and preserve open space, concurrent with subdivision approval the city may reduce the requirements in subsections B, C, E and G of this section by up to 50 percent if indicated by application of the conditional use permit criteria (see BLMC 18.52.020(C)). See the list of conditional uses at BLMC 18.14.040.
Section 12. BLMC section 18.04.190 and the corresponding portions of Ord. 1137 § 2; Ord. 1099 § 6; Ord. 988 § 2; Ord. 746 § 19; and Ord. 740 § 2 are hereby amended to read as follows:

18.04.190 "S".

"Screening" as pertaining to personal wireless telecommunications facility such as a tower or mount placed amongst and adjacent to (within 20 feet) three or more trees at least 85 percent of the height of the facility.

"Secondary use" means a use subordinate to the principal use of the property, such as commercial, residential, utilities, etc.

"Setback" means a horizontal separation between a structure and a lot line.

"Setback, front" means the setback between a structure and any street right-of-way line. In lots adjoinning two or more streets, including corner lots, the minimum front setback shall apply to all such street frontages.

"Setback, rear" means the setback between a structure and the lot line opposite the street right-of-way line. Foursided lots adjoining more than one street shall have no rear setback. In triangular lots with one street frontage, the rear setback shall be measured from the shorter of the lot lines not adjoining the street.

"Setback, side" means the setback between a structure and any lot line to which neither the front nor rear setback applies. Four-sided corner lots abutting streets on two sides shall have two side setbacks and no rear setback. Provided the setback is a minimum of 10 feet on one of the two side yards.

"Security barrier" means a wall, fence, or barrier that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.

"Sexually oriented materials" means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Single-family residence" means a residence which is the only residence on its lot. "Single-family residence" includes site-built homes, factory-built modular homes, and manufactured homes complying with BLMC 15.08.020.

"Single-family residence, detached" means a single-family residence detached from residences on adjoining lots.

"Single-family residence, attached" means a single-family residence attached to a residence(s) on an adjoining lot(s).

"Specified anatomical areas" means and includes any of the following:

A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

B. Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

"Specified sexual activities" means and includes any of the following:

A. The caressing, fondling or other erotic touching of human genitals, pubic region,
buttocks, anus, or female breasts; or
B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
C. Masturbation, actual or simulated; or
D. Excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

"Stable, private" means a detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

"Street" is any right-of-way designed and dedicated for general public use to provide a principal means of travel for vehicles or pedestrians, and includes public and private easements and land over which the public has acquired by use prescriptive rights-of-way.

"Structure" is any building, sign, fence, wall, or similar item erected on and attached to a lot.

Section 13, BLMC section 16.14.100 and the corresponding portions of Ordinance No. 1171 § 1 are hereby amended to read as follows:


Parking areas accommodating five or more cars shall have:
A. Type III buffers installed along interior, non-street property lines when the adjoining property is not also devoted to parking;
B. At least five percent of their surface area, including maneuvering areas but excluding Type III buffer areas, devoted to Type IV buffers to provide tree canopy, improve appearance, and reduce stormwater runoff; and
C. Sufficient number, species, and distribution of trees in Type III and Type IV buffers that, upon maturity, tree canopy shall cover at least 30 percent of parking and maneuvering areas, not counting receiving and refuse areas.

Section 14, BLMC section 16.13.020 and the corresponding portions of Ordinance No. 1171 § 1 are hereby amended to read as follows:

16.13.020 When a clearing permit is required - Exempt trees.

A clearing permit is required for the clearing of more than four tenths of an acre of land, whatever the groundcover, or for removal, topping, or killing of any tree other than the following, which are exempt, provided that these exemptions shall not apply in areas protected by the critical areas code, BLMC chapters 16.20 to 16.30:
A. Trees on nonsubdivisible lots (see BLMC 16.12.010, Definitions) containing a single-family residence (see BLMC 18.04.190 for definition);
B. Trees in utility public rights-of-way and easements;
C. Trees less than six inches in diameter measured 54 inches above grade;
D. Trees that are likely to fall in a windstorm and that due to their size and location threaten to
injure people or cause major property damage;
E. Trees that are dead or dying;
F. Trees whose roots are damaging foundations or pavements;
G. Nuisance trees as defined in Chapter 8.40 BLMC;
H. Trees grown for sale at commercial nurseries or tree farms;
I. Trees harvested under a forest practices permit administered by the Department of Natural Resources, where the land is replanted, not converted to urban use. See also BLMC 16.13.080;
J. In addition to the above, five percent of the tax parcel’s nonexempt trees, rounded to the nearest whole number, may be removed per calendar year without a permit;
K. For exemptions in subsections D, E, and F of this section, to ensure the removal is not a violation, the owner may provide the director(s) with an arborist report documenting qualification for said exemption in advance of the removal. If the owner does not do so, and a violation is investigated, and the owner still does not provide an arborist report documenting qualification for an exemption, said failure shall constitute prima facie evidence of a violation of this title and a need to replace the removed trees in accordance with BLMC 16.13.120.

Section 15, BLMC section 18.50.013 and the corresponding portions of Ord. 988 § 2; Ord. 952 § 4; and Ord. 746 § 28 are hereby amended to read as follows:

18.50.013 Permits required.

Where a tower or antenna support structure will be 60 feet or less in height, in addition to the other provisions of this chapter, an applicant will be required to obtain an administrative WCF permit. In the event that a proposed tower or antenna support structure will be more than 60 feet in height, in addition to the other provisions of this chapter, an applicant will be required to obtain a conditional use permit unless a camouflaged wireless communications facility is approved less than 110 feet in height. No CUP will be required of camouflaged structures less than 110 feet in height. Facilities taller than 100 feet shall be required to obtain a CUP. With respect to the placement of an antenna on a tower or antenna support structure, the requirements for a conditional use permit or an administrative WCF permit will be applicable based on the height of the tower and antenna or mount and antenna unless this chapter provides other requirements to the contrary.

The following table specifies the permits required for the various types of personal wireless service facilities that meet the standards of this chapter:

<table>
<thead>
<tr>
<th>TYPE OF PERMIT FOR WIRELESS TOWERS</th>
<th>Building</th>
<th>CUP</th>
<th>Right-of-Way Use</th>
<th>Administrative WCF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Towers less than 60 feet in height</td>
<td>X</td>
<td>X! (if over 35 feet in residential zone) BLMC 16.50.007(B)(2)</td>
<td>X (if applicable)</td>
<td>X BLMC 18.50.013</td>
</tr>
<tr>
<td>Structure mounted wireless facilities</td>
<td>X BLMC 18.50.008</td>
<td>X (unless waived) BLMC</td>
<td>X (if applicable)</td>
<td>X (unless waived) BLMC</td>
</tr>
<tr>
<td>Building mounted wireless facilities</td>
<td>18.50.009(A)(2)</td>
<td>18.50.013(B)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X (if applicable)</td>
<td>X (unless waived) BLMC 18.50.008</td>
<td>X (if applicable)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noncamouflaged towers more than 60 feet in height</td>
<td>X</td>
<td>X (unless waived) BLMC 18.50.013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camouflaged towers 60 feet to 100 feet in height</td>
<td>X BLMC 18.50.008</td>
<td>X (if applicable)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camouflaged towers more than 110 feet in height</td>
<td>X BLMC 18.50.008</td>
<td>X (if applicable)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 See BLMC 18.50.007 for requirements in residential zones.

See Height Limits Per Freestanding Antenna Facilities by Zone, Figure 2, Appendix, Ordinance 746, Page 28.*

To meet the standards of this chapter, a personal wireless service facility must also comply with the other requirements under this chapter and with the following:
For antenna attached to the roof or sides of a building at least 30 feet in height, an existing tower, a water tank, or a similar structure:
A. The antenna must be either:
   1. An omni-directional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which they are attached; or
   2. A panel antenna no more than two feet wide and six feet long, extending above the structure to which they are attached by no more than 10 feet.
B. Camouflaged antennas mounted as part of an existing structure do not require an administrative WCF permit but may be permitted following an administrative review with this chapter and other city regulations.
C. Antenna, antenna arrays, and support structures not on publicly owned property shall not extend more than 16 feet above the highest point of the structure on which they are mounted. The antenna, antenna array, and their support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires. The antenna, antenna array, and their support structure shall be a color that blends with the structure on which they are mounted.
D. Setback from Street. Unless there are unusual geographic limitations or other public policy considerations, as determined in the city's sole discretion, no such antenna, antenna array, or its support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located unless otherwise waived or exempt.
Exemption: C-2 commercial shall be a 25-foot setback from right-of-way for wireless communications facility installation unless an existing structure is utilized.
E. Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing building to which such antenna, antenna

13 of 26
array, or support structure is attached.
F. To the extent that antennas are attached to electric, telephone or similar existing streetlight
poles and such antennas are no more than two feet in height beyond the height of their
supporting pole, administrative WCF and building permit review will be required, but such
antennas shall not be subject to setbacks and screening requirements.

*Referenced figures and tables are available in the office of the city clerk.

Section 16, BLMC section 15.28.080 and the corresponding portions of Ord. 880 § 1; and
Ord. 614 § 3.03 are hereby amended to read as follows:

15.28.080 Signs not requiring permits.

The following types of signs are exempt from permit requirements but shall be in conformance
with all other requirements of this chapter and with this section:
A. Civic Organization Signs. Nonilluminated signs used by churches, schools, or civic
organizations not over 12 square feet in area when the sign is located on the institution’s
premises.
B. Construction/Contractor Signs. One construction sign for each street frontage of a
construction project, not to exceed six square feet per face in area in residential zones or 24
square feet in area in all other zones. Such signs may be erected seven days prior to
commencement of construction and shall be removed within seven days following completion
of construction or issuance of the final certificate of occupancy. In addition, failure to remove
signs within 48 hours following completion of the project may result in an assessment in the
cost of their removal pursuant to Chapter 14.130 BLMC.
C. Directional/Informational Signs. Total of two or less square feet per face. In addition, failure
to remove signs within 48 hours following completion of event or activity may result in an
assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.
D. Garage/Yard Sale Signs. A maximum of two movable A-frame signs or signs on stakes may be
placed on rights-of-way for any garage/yard sale. Such signs shall only be displayed between
dawn and dusk on the days of the sale. A maximum of four square feet per face is allowed.
Any such sign in violation of these requirements shall be removed in accordance with
Chapter 14.130 BLMC. Garage/yard sale signs are not allowed to be affixed to utility poles or
light standards and traffic signs. In addition, failure to remove signs within 48 hours following
completion of event or activity may result in an assessment in the cost of their removal
pursuant to Chapter 14.130 BLMC.
E. Incidental Signs. Incidental signs and sandwich board signs are permitted in all commercial
and manufacturing zones not to exceed eight square feet in aggregate sign area per occupancy.
A double-sided sandwich board with no other incidental sign may be no greater than 2’ x 2’.
A single-sided sandwich board with no other incidental sign may be no greater than 4’ x 2’.
Sandwich-board signs are to be maintained on the business’ premises, not in a public right-of-
way. In addition, failure to remove signs within 48 hours following completion of event or
activity may result in an assessment in the cost of their removal pursuant to Chapter 14.130
F. Nameplates. Nameplates identifying the occupant of a residence or business office shall not exceed two square feet in area per face.

G. Political Signs. Political signs may be permitted up to a maximum of four square feet per face in area without a sign permit. In no case shall political signs in rights-of-way exceed four square feet in area. Political signs shall be removed within seven days following the election or referendum for which they were posted except that signs promoting successful candidates in a primary election may remain displayed until seven days following the subsequent general election. Such signs shall not be posted on any public utility pole, public building, public information or traffic sign, or public structures. Political signs may be placed on parking strips/public rights-of-way where such signs are installed pursuant to the permission of the owner of the property abutting said parking strip and within public rights-of-way; provided, that they are installed in such a manner as not to constitute a traffic hazard or impair or impede pedestrian thoroughfares. Political signs may be placed on private property only with the permission of the property owners. Spacing of signs and total numbers of signs is not regulated. In addition, failure to remove signs within 48 hours following completion of event or activity may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

H. Public Signs or Notices. Public signs or notices such as, but not limited to, notice of land use action signs, posted by the city of Bonney Lake, or any sign relating to an emergency.

I. Real Estate Subdivision Signs, Off-Premises. A maximum of two one off-premises temporary sandwich board signs per direction-altering intersection (intersection in which the home-shopper would have to alter direction) per residence residential subdivision or group of residences, not to exceed four six square feet in sign area per face, or for residential subdivisions of nine of more lots, three off-premises temporary sandwich board signs shall be permitted. The following conditions shall apply to all off-premises real estate signs: the signs shall be displayed only during the time that the premises are actually being shown for "open house" and shall not be placed so as to cause a hazard (for example, blocking sight distances at intersections); the signs shall only be displayed between dawn and dusk; no more than one sign per property at any street intersection shall be permitted for any developer, broker, or seller; signs cannot be located within the public right-of-way. In addition, failure to remove signs the same day of event or activity such as an open house may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

J. Real Estate Signs, Group Sale/Rent/Lease. Signs advertising the sale of lots and/or houses in a subdivision or multifamily units may be located at the entrance of the development; provided, that no more than one such sign no larger than 12 square feet in area per face, and eight feet in height, may be installed at one time at any entrance. The signs shall not be located on a public right-of-way. The maximum duration for any such sign shall be two years or whenever the property advertised is sold, rented, or leased, whichever occurs first. The applicant may request one extension not to exceed one year, otherwise the sign shall be removed.

K. Real Estate Signs, Residential Individual Sale/Rent/Lease. Such signs shall not exceed four six square feet in area per face. Only one sign is permitted per street frontage. Sign height shall not exceed eight feet. Any such sign shall not be located within a public right-of-way.
Such sign shall advertise only the property on which the sign is located, and the sign shall be removed by the owner or agent within seven days of the sale closing date or the occupancy of the rental unit.

L. Real Estate Signs, Commercial Individual Sale/Rent/Lease. Signs advertising commercial or industrial property shall not exceed 24 square feet in area per face. Only one sign is permitted per street frontage. Sign height shall not exceed eight feet. Such signs shall be located completely on the property for sale, rent, or lease and are not permitted within a public right-of-way. Such signs may only be displayed while the building or portion thereof is actually for sale, rent, or lease, and the sign shall be removed by the owner or agent within seven days of the sale closing date.

M. Window Signs. Signs installed inside a window of a business establishment which are intended to be viewed from the outside and which are only legible from a distance of eight feet or less.

Section 17, BLMC section 15.28.090 and the corresponding portions of Ord. 1155 § 6; Ord. 988 § 2; and Ord. 880 § 1 are hereby amended to read as follows:

15.28.090 Temporary permits.

Application may be made along with required permit fees to the department of planning and community development for a temporary permit for the following purposes:

A. Special Event Signs. Temporary, special event sign(s) and decorations are allowed by the director of planning and community development for special events, grand openings, or holidays. Such signs and decorations may be used for a period of not exceeding 14 days and only two such permits shall be issued to any one person/organization per calendar year. Failure to remove signs within 48 hours following completion of event or activity may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

B. Outdoor Vendor Signs. A maximum of two movable sandwich board signs are allowed on private property for temporary outdoor vendors, that is Christmas tree lots, fruit stands, farmers’ markets, in the DC, DM, C-2, C-3, C2/C3 combined and M-1 zone classifications. Such signs are limited to a maximum of six square feet in area per face and a maximum height of four feet. Such signs are permitted for a duration of 120 days within a one-year period. Such signs are not permitted in any public right-of-way. Such signs are prohibited on the roof of any temporary or permanent building, trailer, or vehicle used by the vendor. All outdoor vendor signs shall be designed to fit with the community character and be constructed of durable materials such as metal, wood, or plastic. In addition, failure to remove signs within 48 hours of the completion of the event or activity may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

C. Permit Application. The applicant shall file an application for a temporary permit which shall include the following:

1. A completed permit application on a form provided by the planning and community
development department including the name and address of the owner of the sign, street address or location of the property on which the sign(s) are to be located, and the name and address of the property owner.

2. The identification and description of all proposed sign(s), as part of the temporary permit.

3. A site plan, drawn to scale, showing all existing buildings on the site, the proposed location of the sign(s) in addition to the location and area of all existing sign(s) on the same premises or building.

4. In addition to items listed above, applicant will be required to pay all review fees (BLMC 3.68.010) and permit fees.

Section 18. BLMC section 18.29.050 and the corresponding portions of Ord. 1099 § 27; Ord. 851 § 36; and Ord. 748 § 1 are hereby amended to read as follows:

18.29.050 Setback and bulk regulations.
The following bulk regulations apply to uses in this district:

A. Minimum Front Setback.

1. Service station pump islands: 15 feet from street property line;

2. Setbacks on State Highway 410: 55 feet from the right-of-way line;

3. From any other street or accessway: 20 feet from street right-of-way where existing right-of-way is adequate; additional setback may be required by the public works director where existing right-of-way is inadequate;

4. Side and rear: 15 feet, except there shall be a 20-foot landscaped greenbelt, with solid fence, bordering residential lots.

B. Minimum side and rear setback for structures shall be 30 feet from a residential zone classification, from the building to the property line; the 15 feet adjacent to the property line within the required 30-foot setback shall be planted as a greenbelt and conform with the landscaping requirements of Chapter 16.12 BLMC.

C. Minimum rear setback for structures on lots adjacent to other than residential zones shall be consistent with building code requirements.

D. Maximum height of buildings, 35 feet. Structures which are 35 to 50 feet may be approved by the director of planning and community development, with the concurrence of the fire marshal of Pierce County Fire Protection District No. 22 regarding provisions for fire protection and emergency rescue.

E. Any use within this zone classification shall provide a minimum of 10 percent of the site as landscaping and developed public open space, excluding parking and driving surfaces.

F. Maximum residential density: same as the R-3 zone.

Section 19. BLMC section 18.18.050 and the corresponding portions of Ord. 1155 § 4; Ord. 1099 § 19; Ord. 851 § 32; and Ord. 740 § 6 are hereby amended to read as follows:

18.18.050 Setback and bulk regulations.
The following bulk regulations shall apply to the uses permitted in the district subject to the provisions for yard projections included in BLMC 18.22.080:
A. Minimum lot area shall be determined by yard setbacks, parking, landscaping and open space requirements.
B. Maximum density shall be 20 units per acre for multifamily residential uses, exclusive of public rights-of-way.
C. Minimum lot width: 40 feet.
D. Minimum front setback: 15 feet from the right-of-way; provided, that a greater setback may be required from streets with inadequate rights-of-way at the discretion of the public works director.
E. Minimum side yard setback: five feet, with a total side yard setback of 15 feet for both side yards.
F. Minimum rear setback is 20 feet; provided, that a separated garage may be built within 10 feet of the rear property line.
G. Maximum height: 35 feet; provided, that additional height of up to 50 feet, with no more than three stories of living space, may be approved by the director of planning and community development, with the concurrence of the fire chief of Pierce County Fire Protection District No. 22, if adequate provision is made for fire protection.
H. Maximum impervious surface: 80 percent.

Section 20, BLMC § 13.04.110 and the corresponding parts of Ordinance Nos. 892 § 1 and 588 § 3 are hereby amended to read as follows:

13.04.110 General regulations.

A. All ordinances and water regulations shall be effective in the city and the water service area.
B. All water connections shall be metered.
C. Where more than one water connection supplies a premises, the consumption of water measured by each meter shall be computed and billed separately.
D. Unless otherwise stated in Articles I, II, III or V of this chapter, each and every occupancy or use shall be served by a separate connection and shall be billed separately.
E. No new application for water connection will be honored until a septic tank permit or a sewer connection permit has been procured from the Pierce County health department or the city.
F. New water connections will be charged the minimum water availability charge beginning on the date of installation.
G. All water connections and all charges connected therewith are the responsibility of the owner of the property served.
H. Every water connection within the city limits shall be provided with garbage service as per Chapter 8.04 BLMC and its amendments. Garbage, sewer and water charges will be billed together. Any delinquency in garbage or sewer bills shall be deemed a delinquency as to water service.
I. That all water taken or appropriated for use within the city shall be taken or appropriated
from the municipal water supply of the city, pursuant to appropriate connections thereto in conformity with the ordinances of the city.

J. That all buildings or structures within the city, designed, intended or actually used for human occupancy shall contain such plumbing as may be required by the appropriate provisions of the building code of the city, and shall be connected to the aforesaid municipal water utility of the city.

K. No building permit shall be issued unless and until a connection fee charge is paid to the aforesaid municipal water utility of the city in cases where it is appropriate under BLMC 13.04.030 and 13.04.070. If the building permit expires through suspension or abandonment under BLMC § 15.04.081, the connection charge shall be refunded at the request of the applicant, provided, that if the applicant re-applies for a new permit pursuant to BLMC § 15.04.081, the connection charge shall be recalculated at current rates and the amount of the connection charge already paid and not refunded may be credited toward the new connection charge.

L. At such time as a property owner connects to city water service, through either development, new construction or when a property owner with a well chooses to connect to public water, the well must either be abandoned or deeded to the city.

M. Any property used or occupied in violation of the provisions of Articles I, II, III and V of this chapter shall be brought into conformity with the provisions hereof within 90 days of the effective date of the ordinance codified in this chapter.

Section 241. BLMC § 13.12.100 and the corresponding portions of Ordinances Nos. 1094 § 2, 1083 § 2, 968 § 2, 919 § 2, 787 §§ 1, 2, 571C § 1, 561 Art. VIII § 3 are hereby amended to read as follows:

13.12.100 Connection fees or system development charges.

A. The fees for connection to the city's sewer utility shall be as follows:
   1. The fee for a single-family residence (new construction) shall be $8,000, payable at the time of building permitting.
   2. The fee for an existing single-family residence served by an on-site septic disposal system shall be $8,000, payable at the time of application for sewer service.
   3. The fee for multifamily residential units shall be $8,000 per unit, payable at the time of building permit application.
   4. Commercial and industrial sewer applicants shall pay $8,000 per "unit of base flow," or a fraction thereof. The total connection fee shall be calculated according to BLMC 13.12.105.
   5. CPI Adjustment. Beginning January 1, 2006, and for every year thereafter, the connection fees listed in this section shall be adjusted by the annual change in the most recent Seattle-Premerton-Tacoma Consumer Price Index (Urban Consumers) published by the U.S. Department of Labor.

B. Connection fees shall be due and payable at the time of building permitting. Sewer applicants shall be vested at the current connection fee at the time of application for sewer service. An application for sewer service will only be accepted along with a complete building
permit application or from an applicant with an existing residence served by a septic system and that also has sewer available. If the building permit expires through suspension or abandonment under BLMC § 15.04.081, the connection fee shall be refunded at the request of the applicant, provided, that if the applicant re-applies for a new permit pursuant to BLMC § 15.04.081, the connection fee shall be re-calculated at current rates and the amount of the connection charge already paid and not refunded may be credited toward the new connection charge.

C. The charges set out in this section shall not be applicable to an accessory dwelling unit permitted pursuant to BLMC 18.22.090.

Section 22. BLMC § 15.04.081 and the corresponding portions of Ordinance No. 1035 § 5 are hereby amended to read as follows:

15.04.081 Expiration of permits and plan review.

A. Permits shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned or has not received an inspection at any time after the work is commenced for a period of 180 days. Before work can be recommenced, a new permit shall first be obtained to do so, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension and or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. If suspension or abandonment has exceeded one year, the full permit fee shall be charged.

B. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by subsection A of this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

C. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time of action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.
Section 23. BLMC 19.04.070 and the corresponding portions of Ordinance Nos. 1123 § 4 and 984 § 1 are hereby amended to read as follows.

19.04.070 Payment of fees.

A. All developers shall pay an impact fee in accordance with the provisions of this chapter at the time that the applicable building permit is ready for issuance. The fee paid shall be the amount calculated pursuant to BLMC 19.04.060.

B. All developers shall pay an impact administrative fee at the time of application for a building permit as set forth in the fee schedule adopted by resolution of the city council.

C. If the development is modified or conditioned in such a way as to alter the trip generation rate for the development after building permit issuance the impact fee will be recalculated accordingly.

D. No building permit shall be issued until the impact fee is paid. If the building permit expires through suspension or abandonment under BLMC § 15.04.081, the impact fee shall be refunded at the request of the applicant as provided in BLMC § 19.04.100(A), provided, that if the applicant re-applies for a new permit pursuant to BLMC § 15.04.081, the impact fee shall be recalculated at current rates and the amount of the impact fee already paid and not refunded may be credited toward the new impact fee.

E. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

Section 24. BLMC § 19.06.070 and the corresponding portions of Ordinance Nos. 1123 § 6 and 1018 § 1 are hereby amended to read as follows.

19.06.070 Payment of fees.

A. All developers shall pay an impact fee in accordance with the provisions of this chapter at the time that the applicable building permit is ready for issuance. The fee paid shall be the amount calculated pursuant to BLMC 19.06.060.

B. If the development is modified or conditioned in such a way as to alter the development’s impact on the parks’ level of service after building permit issuance the impact fee will be recalculated accordingly.

C. No building permit shall be issued until the impact fee is paid. If the building permit expires through suspension or abandonment under BLMC § 15.04.081, the impact fee shall be refunded at the request of the applicant as provided in BLMC § 19.06.090(A), provided, that if the applicant re-applies for a new permit pursuant to BLMC § 15.04.081, the impact fee shall be recalculated at current rates and the amount of the impact fee already paid and not refunded may be credited toward the new impact fee.

D. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.
Section 25. BLMC 19.040.010 and the corresponding portions of Ordinance No. 984, §1 are hereby amended as follows:

19.04.010 Authority and purpose.

A. This title is enacted pursuant to the city’s police powers, the Growth Management Act as codified in Chapter 36.70A RCW, the enabling authority in Chapter 82.02 RCW, Chapter 58.17 RCW relating to platting and subdivisions, and the State Environmental Policy Act (SEPA), Chapter 42.21C RCW.

B. The purpose of this title is to:

1. Develop a transportation impact fee program consistent with the Bonney Lake comprehensive plan and the six-year transportation improvement program for joint public and private financing of transportation improvements necessitated in whole or in part by development in the city;
2. Ensure adequate levels of transportation and traffic service within the city consistent with the comprehensive plan;
3. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of off-site transportation facilities directly necessitated by new development, in order to provide an adequate level of transportation service consistent with the comprehensive plan;
4. Ensure that the city pays its fair share of the capital costs of transportation facilities necessitated by public use of the transportation system; and
5. Ensure fair collection and administration of such impact fees.

C. The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interests of the public health, safety and welfare.

Section 26. BLMC section 19.04.040 and the corresponding portions of Ordinance Nos. 1123 § 1, and 984 § 1 are hereby amended as follows:

19.04.040 Imposition of transportation impact fees.

A. The director is hereby authorized to impose transportation impact fees on new development according to the provisions of this chapter. Pursuant to BLMC 19.04.070, impact fees are due at the time of building permit issuance. When a development used to exist on a parcel, and the owner applies for a permit to build a comparable or replacement development within five years of the previous development’s demolition, destruction or removal, and the director determines that the new development will not substantially increase the impact upon transportation facilities, no impact fee will be charged.

B. Transportation impact fees:

1. Shall only be imposed for system improvements that are reasonably related to the new
development;
2. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;
3. Shall be used for system improvements that will reasonably benefit the new development;
4. May be collected and spent only for system improvements which are addressed by the six-year transportation improvement program, as a subset of the Bonney Lake capital facilities plan, Bonney Lake Comprehensive Plan, identifying:
   a. Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;
   b. Additional demands placed on existing public facilities by new developments; and
   c. Additional public facility improvements required to serve new development;
5. Shall not be imposed to mitigate the same off-site transportation facility impacts that are mitigated pursuant to any other law;
6. Shall not be collected for improvements to state transportation facilities outside the city boundaries unless the state requests such improvements and an agreement to collect such fees has been executed between the state/county and the city;
7. Shall not be collected for improvements to transportation facilities in other jurisdictions unless the affected jurisdiction requests such improvement and an interlocal agreement has been executed between the city and the affected jurisdiction for the collection of such fees;
8. Shall be collected only once for each building permit, unless changes or modifications to the building permit are proposed which result in greater direct impacts on transportation facilities than were considered when the building permit was first approved; and
9. Shall not be collected from any new or expanded city facilities, post offices or libraries.

Section 27, BLMC section 19.06.040 and the corresponding portions of Ordinance Nos. 1123 § 2 and 1018 § 1are hereby amended as follows.

19.06.040 Imposition of parks impact fees.

A. The director is hereby authorized to impose parks impact fees on new development according to the provisions of this chapter. Pursuant to BLMC 19.06.070, impact fees are due at the time of building permit issuance. When a development used to exist on a parcel, and the owner applies for a permit to build a comparable or replacement development within five years of the previous development's demolition, destruction or removal, and the director determines that the new development will not substantially increase the impact upon park and recreation facilities, no impact fee will be charged.

B. Parks impact fees:
   1. Shall only be imposed for system improvements that are reasonably related to the new development;
   2. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;
   3. Shall be used for system improvements that will reasonably benefit the new development;
   4. May be collected and spent only for system improvements which are addressed by the parks plan, as a subset of the Bonney Lake capital facilities plan, identifying:
a. Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;
b. Additional demands placed on existing public facilities by new developments; and
c. Additional public facility improvements required to serve new development;
5. Shall not be imposed to mitigate the same off-site parks facility impacts that are mitigated pursuant to any other law;
6. Shall not be collected for improvements to state parks facilities outside the city boundaries unless the state requests such improvements and an agreement to collect such fees has been executed between the state/county and the city;
7. Shall not be collected for improvements to parks facilities in other jurisdictions unless the affected jurisdiction requests such improvement and an interlocal agreement has been executed between the city and the affected jurisdiction for the collection of such fees;
8. Shall be collected only once for each building permit, unless changes or modifications to the building permit are proposed which result in greater direct impacts on parks facilities than were considered when the building permit was first approved; and
9. Shall not be collected from any new or expanded city facilities, post offices or libraries.

Section 28. BLMC section 19.08.030 and the corresponding portions of Ordinance No. 1122 § 1 are hereby amended as follows.

19.08.030 Assessment of impact fees.

A. The city shall require the payment of impact fees, based on the schedules set forth in BLMC 19.08.120, from any applicant seeking a building permit from the city for any development activity within the city that will increase the number of dwelling units in the city. When a development used to exist on a parcel and the owner applies for a permit to build a comparable or replacement development within five years of the previous development’s demolition, destruction or removal, and the director determines that the new development will not substantially increase the impact upon public school facilities, no impact fee will be charged.

B. Applicants seeking development approval from the city for residential developments where the property is located outside the boundaries of the districts shall not be required to pay the school impact fee set forth in BLMC 19.08.120.

C. The impact fee shall be assessed and collected from the fee payer pursuant to BLMC 19.08.080(B) when a building permit is issued, using the impact fee schedule then in effect.

D. Except due to exemptions or credits provided pursuant to BLMC 19.08.040 or 19.08.050 or pursuant to an independent fee calculation accepted by the director pursuant to BLMC 19.08.140, or fees imposed by the director pursuant to BLMC 19.08.140, the city shall not issue the required building permit(s) unless and until the city is provided with evidence that the impact fees set forth in BLMC 19.08.120 have been paid to the district pursuant to BLMC 19.08.080(B).
Section 29. BLMC section 17.12.035 and the corresponding portions of Ord. 1096 § 1 are hereby recodified as BLMC section 17.20.120.

Section 30. BLMC 18.02.100 and the corresponding portions of Ordinances 786 § 1, and 515 § 4 are hereby repealed.

Section 31. A new section, BLMC 18.38.100, is hereby added to read as follows (shown here underlined).

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

Section 32. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 33. 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 _______ day of __________________________, 2007.

______________________________
Neil Johnson, Mayor

ATTEST:

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

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:
Ambiguities and contradictions in code
For years the planning staff has catalogued sections of our development regulations which are difficult to interpret due to ambiguous or contradictory language. In some cases the Director has filed written code interpretations (Administrative Determinations). Staff refers to these interpretations in order to provide consistent answers to the public. Enough miscellaneous interpretations have accumulated to make it worthwhile to get legislative feedback on these issues.

The proposed ordinance
The proposed ordinance would fix various problems. In most cases the “fix” would conform to current interpretations. The few departures from current interpretations are noted. The proposed ordinance would amend the development regulations, Titles 14-19 of the Bonney Lake Municipal Code. The “fixes” are listed in the following table. The “Section #s” in the right-hand column of the table refer to the ordinance. They are your key for relating this staff report to the ordinance.

Planning Commission recommendation
On November 15, 2006 the Planning Commission held a public hearing on this ordinance. On December 6 the Planning Commission recommended approval of the ordinance as transmitted herewith.

Conclusion
This ordinance has been non-controversial. Council is advised to discuss and ultimately adopt the ordinance.
<table>
<thead>
<tr>
<th>Section #</th>
<th>PURPOSE OF THE REGULATION</th>
<th>PROBLEM WITH THE REGULATION</th>
<th>HOW THE PROBLEM IS FIXED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To prevent fences at</td>
<td>Does not clarify the physical point on the street at which the 25 feet is calculated from within which fences are prohibited.</td>
<td>Refer to the regulation regarding “vision clearance triangle” elsewhere in the code. This also eliminates a redundancy.</td>
</tr>
<tr>
<td></td>
<td>intersections so drivers can see around corners.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>To establish minimum building setbacks / buffer where the C2/C3 Zone abuts a residential zone.</td>
<td>Duplicates and contradicts itself.</td>
<td>Clarify side and rear setbacks so they are consistent with the landscaping requirements of BLMC 16.12. Remove BLMC 18.29.050 (A.(4)).</td>
</tr>
<tr>
<td>3</td>
<td>To summarize Planning Commission duties.</td>
<td>This part of the code exaggerates the Planning Commission role in annexations and street vacations relative to state statute and other parts of the BLMC. The City Council, not Planning Commission, holds hearings on annexations and street vacations. The Planning Commission makes a recommendation only on the zoning of site-specific annexations, not the annexation itself. The Planning Commission has no statutory role in street vacations.</td>
<td>Eliminate annexations (except the zoning aspect in the case of area-wide annexations) and street vacations as Planning Commission functions.</td>
</tr>
<tr>
<td>4</td>
<td>To designate the permit process pertaining to preliminary plats.</td>
<td>Inconsistent with Title 14. Says Type 5, should be Type 6.</td>
<td>Change “5” to “6.”</td>
</tr>
<tr>
<td>Section #</td>
<td>PURPOSE OF THE REGULATION</td>
<td>PROBLEM WITH THE REGULATION</td>
<td>HOW THE PROBLEM IS FIXED</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------</td>
<td>-----------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>5 through 10</td>
<td>To designate the entity responsible for interpreting lists of permitted and conditional uses in the commercial zones.</td>
<td>In some commercial zones the Director determines if a proposed use, though not on the list of permitted or conditional uses, is “similar” or “compatible,” therefore also allowed. In other zones the Planning Commission is given this responsibility.</td>
<td>Eliminate all such references. Insert in Chapter 18.31, Commercial Development Standards, a new section saying that the Director shall determine when similar uses may be permitted. Note: this would result in a change of current practice.</td>
</tr>
<tr>
<td>11</td>
<td>To establish minimum and maximum density in the R-1 zone whenever land is being subdivided.</td>
<td>Problem #1: The code incorrectly says to “round down.” Density means number of units divided by net acres. This number, usually not a whole number, simply must be between 4 and 5. It is unnecessary to round up or down. Problem #2: The code fails to note that the minimum density does not apply whenever precluded by covenants.</td>
<td>Problem #1: Remove “rounded down.” Problem #2: An earlier version of the ordinance allowed the City to ignore the minimum density where it would violate residential covenants. At the City Attorney’s advice, this provision was deleted. The proposed ordinance would not resolve Problem #2 but it also would not compound it by attempting to enforce private covenants.</td>
</tr>
<tr>
<td>12</td>
<td>To define “side setbacks” such that the regulations pertaining to them make sense.</td>
<td>Problem #1: The setbacks pertaining to a corner lot abutting streets on two sides differ from those abutting streets on three sides, yet the definition lumps them together.</td>
<td>Problem #1: Add clarifying words to definition.</td>
</tr>
<tr>
<td>Section #</td>
<td>PURPOSE OF THE REGULATION</td>
<td>PROBLEM WITH THE REGULATION</td>
<td>HOW THE PROBLEM IS FIXED</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------</td>
<td>-------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>13</td>
<td>To require minimum tree canopy in parking lots.</td>
<td>Problem #2: Regarding “a minimum of 10 feet on one side,” the definition is written correctly with respect to the R-2 zone but not to the R-1 zone.</td>
<td>Problem #2: Eliminate the “10-foot side setback requirement” from the definition. Let the “10-foot side setback requirement” in the R-2 zone chapter speak for itself. (Eliminate duplication). Specify that “maneuvering areas” excludes loading and refuse areas.</td>
</tr>
<tr>
<td>14</td>
<td>To exempt minor tree removals from the from the permit requirement.</td>
<td>Current language can be misinterpreted as counting loading and refuse areas in the definition of “maneuvering areas,” which would make the requirement too difficult to satisfy.</td>
<td>Specify that such actions are not exempt in areas protected by the critical areas code.</td>
</tr>
<tr>
<td>15</td>
<td>To establish a height limit below which new antennas attached to existing poles could be approved administratively, without a conditional use permit.</td>
<td>The exemptions could be misinterpreted as prevailing even in critical areas such as wetlands and wildlife habitats. This was not the intent. Such areas need the protection afforded by permit review.</td>
<td>Specify that the height referred to is that of the antenna above the top of the pole.</td>
</tr>
<tr>
<td>16</td>
<td>To exempt incidental signs from having to get a permit.</td>
<td>Problem #1: The code does not exempt sandwich board signs from the permit requirement, whereas by administrative interpretation they are exempt if under a certain total sign area and if other rules are followed.</td>
<td>Problem #1: Exempt sandwich board signs under a certain size and if placed properly.</td>
</tr>
<tr>
<td>Section #</td>
<td>PURPOSE OF THE REGULATION</td>
<td>PROBLEM WITH THE REGULATION</td>
<td>HOW THE PROBLEM IS FIXED</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------</td>
<td>-----------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Problem #2: The code requires that incidental signs be removed by 48 hours after the event, but incidental signs and sandwich board signs generally have nothing to do with events.</td>
<td>Problem #2: Remove the “48 hours” clause.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Problem #3: The code lacks clear specifications regarding signs advertising homes in new subdivisions.</td>
<td>Problem #3: Include language controlling subdivision signs, in conformance with an existing Administrative Interpretation.</td>
</tr>
<tr>
<td>17</td>
<td>To establish rules regarding special event signs.</td>
<td>The clause referred to in Problem #2 above belongs here. It was needed but out of place.</td>
<td>Require that special event signs be removed within 48 hours of the event.</td>
</tr>
<tr>
<td>18</td>
<td>To establish bulk restrictions in the C2/C3 zone.</td>
<td>The C2/C3 zone has no maximum residential density.</td>
<td>Establish the same maximum residential density as pertains to the R-3 zone: twenty units per acre. (This is how the code is currently interpreted.)</td>
</tr>
<tr>
<td>19</td>
<td>To establish the maximum residential density in the R3 zone.</td>
<td>The residential density requirement in the R3 zone was clearly meant as a maximum, but as worded it could also be interpreted as a minimum.</td>
<td>Specify that 20 units per acre is the maximum residential density.</td>
</tr>
<tr>
<td>20</td>
<td>To establish the relationship between building permit issuance and payment of water connection charges.</td>
<td>The code fails to establish rules regarding the refunding of water connection charges and the amount to be paid if the applicant reaps.</td>
<td>Specify that the payment will be refunded but that upon reapplication the latest water connection charges will apply.</td>
</tr>
<tr>
<td>Section #</td>
<td>PURPOSE OF THE REGULATION</td>
<td>PROBLEM WITH THE REGULATION</td>
<td>HOW THE PROBLEM IS FIXED</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------</td>
<td>----------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>21</td>
<td>Same as for Section 20 but for Sewer.</td>
<td>Same as for Section 20 but for Sewer.</td>
<td>Same as for Section 20 but for Sewer.</td>
</tr>
<tr>
<td>22</td>
<td>To establish rules regarding building permit fees upon reapplication when a permit has expired.</td>
<td>The code is vague regarding the required payment upon reapplication after suspension or abandonment.</td>
<td>Clearly specify the fee that will be charged in each scenario.</td>
</tr>
<tr>
<td>23</td>
<td>To establish the relationship between building permit issuance and payment of traffic impact fee.</td>
<td>The code fails to regulate refunding of traffic impact fee upon permit expiration (permit issued but work never done), and the amount to be paid if the applicant reapplies. Are transportation impact fees “vested.”</td>
<td>Specify that the payment will be refunded but that upon reapplication the latest impact fees will apply. No “vesting.”</td>
</tr>
<tr>
<td>24</td>
<td>Same as Section 23 but for Parks Impact Fees</td>
<td>Same as Section 23 but for Parks Impact Fees.</td>
<td>Same as Section 23 but for Parks Impact Fees.</td>
</tr>
<tr>
<td>25</td>
<td>Identify that transportation improvement plan which the traffic impact fee will help finance.</td>
<td>Since adoption of the Transportation Element of the Comprehensive Plan, this section should no longer refer to the six-year transportation improvement plan.</td>
<td>Delete reference to the six-year transportation improvement plan.</td>
</tr>
<tr>
<td>26</td>
<td>To establish rules regarding assessment of traffic impact fees.</td>
<td>Problem # 1: The code does not say whether impact fees should be assessed when an existing or prior land use is replaced with a comparable land use, for example when a mobile home is replaced with a</td>
<td>Problem # 1: Not charge impact fees for a replacement development within five years of destruction or removal. (Note: the City Attorney recommended there be a retroactive</td>
</tr>
<tr>
<td>Section #</td>
<td>PURPOSE OF THE REGULATION</td>
<td>PROBLEM WITH THE REGULATION</td>
<td>HOW THE PROBLEM IS FIXED</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------</td>
<td>-----------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>conventional single-family residence.</td>
<td>time limit. Five years is suggested, somewhat arbitrarily. Existence of a previous structure longer ago than five years would be more difficult to verify. This retroactive five-year limitation would be applied to the other impact fees too.</td>
</tr>
<tr>
<td>Problem # 2: Same problem as in Section 25 regarding the six-year transportation plan.</td>
<td>Problem # 2: Delete reference to the six-year transportation improvement plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Same as Section 26 but for park impact fees.</td>
<td>Same as Section 26, Problem #1, but for park impact fees.</td>
<td>Not charge impact fees for replacement development.</td>
</tr>
<tr>
<td>28</td>
<td>Same as Section 26 but for school impact fees.</td>
<td>Same as Section 26, Problem #1, but for school impact fees.</td>
<td>Not charge impact fees for replacement development.</td>
</tr>
</tbody>
</table>