

CITY COUNCIL WORKSHOP

February 21, 2017
6:00 P.M.

AGENDA



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Location: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

I. CALL TO ORDER: Mayor Neil Johnson

II. ROLL CALL:

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Randy McKibbin, Councilmember Justin Evans, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember James Rackley, Councilmember Dan Swatman, and Councilmember Tom Watson.

III. AGENDA ITEMS:

A. **Presentation:** JustServe.Org and Service Opportunities for the Community – Art & Jeri Gamblin. *No advance materials.*

B. **Presentation:** SR410/204th Intersection Improvements Financing – Jim Nelson. *No advance materials.*

C. **Council Open Discussion**

p. 3 D. **Review of Draft Minutes:** February 7, 2017 Workshop and February 14, 2017 Meeting.

p. 13 E. **Discussion:** AB17-09 – Ordinance D17-09 – Flood Control Amendment.

IV. EXECUTIVE/CLOSED SESSION:

Pursuant to RCW 42.30.110 and/or RCW 42.30.140, the City Council may hold an executive or closed session. The topic(s) and duration will be announced prior to the session.

V. ADJOURNMENT

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

The City Council may act on items listed on this agenda, or by consensus give direction for future action. The Council may also add and take action on other items not listed on this agenda.

CITY COUNCIL WORKSHOP

February 7, 2017
6:00 P.M.



www.ci.bonney-lake.wa.us

DRAFT MINUTES

Location: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the workshop to order at 6:02 p.m.

II. ROLL CALL: Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Randy McKibbin, Councilmember Justin Evans, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember James Rackley, Councilmember Dan Swatman, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Administrative Services Director/City Clerk Harwood Edvalson, Chief Financial Officer Cherie Gibson, Police Chief Dana Powers, Public Services Director John Vodopich, City Attorney Kathleen Haggard, Deputy City Clerk Susan Haigh, Planning & Building Supervisor Jason Sullivan, and Facilities & Special Projects Manager Gary Leaf.

III. AGENDA ITEMS:

A. Discussion/Action: AB17-01 – Resolution 2557 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Bruce Dees & Associates For Designing Phase I Allan Yorke Park Improvements (Previously AB16-121).

Facilities & Special Projects Manager Gary Leaf explained the revisions to the contract and items to be included in the Phase I design. Councilmember Rackley asked about clearing the site for construction.

Councilmember Watson moved to approve Resolution 2557. Councilmember Lewis seconded the motion.

Resolution 2557 approved 7 – 0.

B. Discussion/Action: AB17-14 – Budget Decision Cards.

Chief Financial Officer Gibson said no changes were made to the proposed decision cards previously reviewed by the City Council. She said if the Council wishes to remove an item from the budget, the City Administrator has asked them to do so by making a motion. Mayor Johnson said he hoped he and staff were able to answer all the Council's questions. No action was taken.

C. Council Open Discussion:

Winter Storm: Councilmember Watson said staff have done a great job clearing city streets after the winter storm, including helping a disabled man and his wife clear their driveway. Mayor Johnson thanked staff for their hard work and said he has received several compliments from residents.

Community Events: Councilmember Watson said he attended the Communities for Families meeting in Sumner on February 2, 2017. The group received a presentation from the City of Sumner and heard reports on job opportunities at the School District, the Pierce County Library 'Book a Librarian' program, a Jersey Mike's fundraiser to build homes, and the Community Summit on March 7. He reminded Councilmembers that nominations for the 'Unsung Hero' award are due this month.

Councilmember Lewis said he attended the White River Families First Coalition (FFC) meeting on January 23, 2017 in Buckley. He said they heard about the Enumclaw Expo Center (previously the King County Fair) and the continued operations of the bicycle co-op. He said the next FFC meeting is scheduled on February 27, 2017.

Pierce County Regional Council: Councilmember Lewis said he shared an email from the Pierce County Regional Council (PCRC) about the annual dinner on February 16, 2017 at Bates Technical College and invited all to attend. He asked Planning & Building Supervisor Jason Sullivan to provide a summary of items from the PCRC meeting on January 19, 2017. Mr. Sullivan described applications filed by the City of Bonney Lake, and applications from other jurisdictions that Bonney Lake has commented on. A Sumner School District application to bring Lakeridge Middle School into the Urban Growth Area (UGA) was supported by Bonney Lake and the PCRC also recommended it for passage by the Pierce County Council. He said the PCRC also recommended that the County Council pass Bonney Lake's applications to annex the Ponderosa Heights and Country Highlands areas. He said an application to identify Tehaleh as a potential incorporation area was opposed by Bonney Lake; the Growth Management Coordinating Committee recommended denial but the PCRC recommended that it move forward to the County Council with additional language. He said there was strong opposition from cities in East Pierce County. Councilmember Lewis noted that a potential incorporation area (POI), which is proposed for Tehaleh, has never before been done in Washington State.

Growth Management Policy Board: Councilmember Evans said he virtually attended the February 2, 2017 Growth Management Policy Board meeting. The Board heard updates on 2017 legislative briefings, the regional centers framework, a 'taking stock' report, budget, work programs, and small cities. He said the Board will review Bonney Lake's request to transition from a small city to a larger city in March 2017.

Community News: Mayor Johnson said he learned of a 13-year-old Bonney Lake resident named Brynna Nixon who won her age group in the National Punt, Pass & Kick competition. He said he is working to get in contact with Brynna's family to congratulate her on the accomplishment.

D. Review of Draft Minutes: January 17, 2017 Workshop, January 24, 2017 Meeting, January 31, 2017 Special Meeting.

The minutes were forwarded to the February 14, 2017 Meeting for action with minor corrections from Councilmembers Lewis and Watson.

E. Discussion: AB17-06 – Resolution 2575 – Authorizing the Mayor to Sign the Agreement and Memorandum of Understanding with Pierce County for the Kelly Creek Vista and Delany Annexation Areas

and

F. Discussion: AB17-07 – Ordinance D17-07 – Annexing the Kelly Creek Vista and Delany Potential Annexation Areas into the City of Bonney Lake.

Mr. Sullivan explained the process to annex two urban growth areas into the City limits, which started in 2015. He said if there is 60% or more common boundary, an area can annex by an interlocal agreement between the City and County rather than by petition or election. He said the County and City have worked out an agreement at the staff level that includes a memorandum of understanding (MOU) for transfer of government services, and a separate annexation agreement. He said the County Council has approved the MOU and Annexation Agreement, authorizing approval by the County Executive. He said the County will sign these as soon as Bonney Lake approves the items. He said a Public Hearing will be held at the Bonney Lake Council Meeting on March 14, 2017 at 6:00 p.m. Once the process is complete and all parties have signed the agreements, the City Council can pass an ordinance officially annexing the area, which goes into effect 45 days later.

The proposed Resolution 2575 and Ordinance D17-07 were forwarded to the March 14, 2017 Council Meeting for a Public Hearing and possible action.

G. Discussion: AB17-13 – Resolution 2577 – Contract for Police Department Fence & Gates.

City Administrator Morrison said this project was not budgeted for 2017. They initially thought it could be completed as a professional service agreement, but staff determined that it must go through the small works roster process. He said a budget amendment and request for proposals must be completed, then the item will be brought back to Council for action.

Police Chief Powers described the risk of attacks against police officers, incidents of threats against Bonney Lake Officers, break-ins at the impound lot, and safety concerns with the road that runs behind the Police Department. She said improving safety at the Public Safety Building will limit access by non-staff to the parking and other areas behind the building and improve officer and staff safety. Councilmember Watson said the issue has been discussed in the past and he supports moving it forward, noting that the City Administrator believes the project can be completed with available funds. Councilmember Evans said online maps show the driveway behind the building as a regular road, which is a safety concern. Councilmember

Swatman said safety behind the building is an issue that needs to be addressed and questioned why it was not budgeted previously. He noted that a portion of the City property is to be used for a future road and should not be cut off. He said it is important to do the project right, with new electrical lines and setup that will accommodate improvements like card-readers.

Deputy Mayor McKibbin asked for clarification on the proposed costs. Chief Powers said the proposal is about \$42,000. City Administrator Morrison said since the project must be done as a public work project, it requires prevailing wages, a request for bids, and other items. He said they will review the specifications before putting it back out to bid, and eventually this will return to the Council as a contract for approval. He said the yard could be used to store other items beyond Police vehicles. Chief Powers said the project should free up space in the existing gravel parking lot.

Proposed Resolution 2577 was forwarded to a future Council Meeting for action, after bids are received and updates are made.

IV. EXECUTIVE/CLOSED SESSION: None.

V. ADJOURNMENT:

At 6:40 p.m., the Workshop was adjourned by common consensus of the Council.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the February 7, 2017 Workshop: None.

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

CITY COUNCIL MEETING

**February 14, 2017
6:00 P.M.**

DRAFT MINUTES



www.ci.bonney-lake.wa.us

Location: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

- I. CALL TO ORDER** – Mayor Neil Johnson, Jr. called the Meeting to order at 6:00 p.m.
- A. Flag Salute: Mayor Johnson led the audience in the Pledge of Allegiance.
 - B. Roll Call: Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Councilmember Justin Evans, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember James Rackley, Councilmember Dan Swatman, and Councilmember Tom Watson. Deputy Mayor Randy McKibbin was absent.

**Councilmember Rackley moved to excuse Deputy Mayor McKibbin.
Councilmember Lewis seconded the motion.**

**Motion to excuse Deputy Mayor
McKibbin approved. 6 – 0.**

Staff members in attendance were City Administrator Don Morrison, Administrative Services Director/City Clerk Harwood Edvalson, Chief Financial Officer Cherie Gibson, Assistant Police Chief James Keller, Public Services Director John Vodopich, City Attorney Kathleen Haggard, Special Projects and Facilities Manager Gary Leaf, and Administrative Specialist II Renee Cameron.

- C. Agenda Modifications: None.
- D. Announcements, Appointments and Presentations:
 - 1. Announcements: None.
 - 2. Appointments: None.
 - 3. Presentations:
 - a. **Proclamation:** Career and Technical Education Month – Sumner School District.

Mayor Johnson read the Career and Technical Education Month Proclamation. Kimber-Lee Hoeye, a senior student at Bonney Lake High School spoke about how the Career and Technical Education and the

Family, Career and Community Leaders of America provided her with leadership skills and ways to take advantage of opportunities in preparing to enter the workforce.

b. **Presentation:** Arts Commission Report.

Arts Commissioner Suzy Fontaine provided the Council with a report regarding the Arts Commission. She introduced the new Arts Commission Chair Carrie Maez and Vice Chair Glory Cancro. She summarized her PowerPoint Presentation of the opportunities the Arts Commission were provided in 2016. She stated that Larry Anderson, the artist of the Boy and the Bird sculpture, will be receiving the Medal of Arts Award for 2017, and shared with Council a review of the Gift Art Brochure that Valerie Foucart is working on. She summarized the 2017 Work Plan Objectives that the Arts Commission are considering. Mayor Johnson said he loves the Commission's creativity and uplifting projects. Carrie Maez provided a summary of the Commission's expenses, and presented a Certificate of Appreciation to Suzy Fontaine on behalf of the Commissioners for all Ms. Fontaine does in supporting the Arts Commission.

c. **Presentation:** Parks Commission Report.

Parks Commission Chair Jim Bouchard provided the Council with the Parks Commission Report, which included recommendations for the Fennel Creek Trail, Midtown Park, and Beautify Bonney Lake inclusions. He advised that former student commissioner Nick Thiel is working to organize students through the Bonney Lake Honor Society to take on a service project to address concerns in the Brookside area behind Lowes. He addressed cleanliness and maintenance of Allan Yorke Park, the Commission's participation in City events, joint meetings with other City Commissions and the Historical Society, review of the designs for Allan Yorke Park, summer events sponsored by the City, the Commissioner concern about multiple signage for City parks, proposals for a rental business for non-motorized water activities at Allan Yorke Park, the Commission's recommendation regarding Allan Yorke Park's Master Plan to include topographic and wetland studies, a potential ban on fireworks, and participating in future Ad Hoc Committee meetings after passage of the Sumner school bond vote. Mayor Johnson thanked the Commission for engaging in so many issues for consideration.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None

B. Citizen Comments:

Marilee Hill-Anderson, Sumner/Bonney Lake Communities for Families Coalition, spoke and provided the Council with a Save The Date flyer for the upcoming March 7, 2017 24th Annual Sumner / Bonney Lake Communities for Families Coalition Community Summit / SERVE BIG. She said she is excited to have Council able to attend, as the Council has cancelled the Council Workshop on March 7th so Council can attend. She discussed many of the topics that they will discuss including homelessness, making the YMCA more accessible, and celebrating recovery and support groups.

Roger Watt, 12029 225th Avenue Ct E, Bonney Lake, spoke stating he was representing the Eastown Sewer Development LLC (LLC), and wanted to address an email he stated he sent to the City/Council. He stated the LLC is seeking the City's assistance regarding the Eastown sewer development. He stated the LLC would like the Council to consider the actions it took during the Fennel Creek sewer development, and believes the laws have changed regarding requirements since the LLC entered into the agreement with the City. He discussed concerns regarding the cost of ongoing state and federal expenses. The LLC would like to work with the City to explore whether and how to continue the LLC, dissolving the LLC and have the City refund the LLC's money, have the City to take over management of the LLC, or dissolve the LLC and not incur additional expenses. Mayor Johnson thanked Mr. Watt for his comments.

- C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Councilmember Swatman advised the Finance Committee was cancelled.
- B. Community Development Committee: Councilmember Lewis advised the Committee met on February 7, 2017. An issue of discussion and concern was the amount of copper in the system from old pipes, and the different opportunities to place the new Public Works Center. He said they forwarded one item on to tonight's Consent Agenda.
- C. Public Safety Committee: Councilmember Watson said the Public Safety Committee will meet on February 28th.
- D. Other Reports: Councilmember Lewis reminded Council that the Pierce County Regional Council Annual Dinner is this Thursday, February 16th.

IV. CONSENT AGENDA:

- A. **Approval of Minutes**: January 17, 2017 Workshop, January 24, 2017 Meeting, January 31, 2017 Special Meeting

- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable wire transfer #2016123101 for 2016 p-card purchases in the amount of \$15,420.23; Accounts Payable wire transfer #2016122001 for p-card purchases in the amount of \$38,684.83; Accounts Payable wire transfer #2017010101 for 2017 p-card purchases in the amount of \$320.00; Accounts Payable check/vouchers #75632-75633 in the amount of \$500.00; Accounts Payable checks/vouchers #75634-75700 (including wire transfer #'s 19859928, 20161215, 20161229, 20161501, 20170104, and 20170115) in the amount of \$880,441.45 for 2016 expenses; Accounts Payable check/vouchers #75701 in the amount of \$427.25; Accounts Payable check/vouchers #75702-75760 in the amount of \$841,292.32; Accounts Payable check/vouchers #75761-75762 in the amount of \$371.47; Accounts Payable check/vouchers #75764 in the amount of \$27,282.09; and VOIDS Check #74707 – replaced with check #75763.
- C. **Approval of Payroll:** January 16th – 31st for checks 33297-33313 including Direct Deposits and Electronic Transfers is \$627,864.65.
- D. **AB17-02 – Resolution 2573** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Adopting The Planning Commission Work Plan For 2017 – 2018.
- E. **AB17-10** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington To Accept As Complete The Lakeridge 2 Booster Pump Station Project With Western Engineering Constructors Inc.

**Councilmember Watson moved to approve the Consent Agenda.
Councilmember Rackley seconded the motion.**

Consent Agenda approved 6 - 0.

- V. **FINANCE COMMITTEE ISSUES:** None.
- VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.
- VII. **ECONOMIC DEVELOPMENT COMMITTEE ISSUES:** None.
- VIII. **PUBLIC SAFETY COMMITTEE ISSUES:** None.
- IX. **FULL COUNCIL ISSUES:** None.
- X. **EXECUTIVE/CLOSED SESSION:** None.

XI. ADJOURNMENT:

Mayor Johnson adjourned the Council Meeting at 6:41 p.m.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the February 14, 2017 Meeting.

- Park Commission Chair Jim Bouchard – *Annual Activity Report – 2016.*
- Marilee Hill-Anderson – *Save the Date Flyer for the March 7, 2017 24th Annual Summer / Bonney Lake Communities for Families Coalition Community Summit – SERVE BIG.*

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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Public Services Department Jason Sullivan – Planning & Building Supervisor	Meeting/Workshop Date: February 21, 2017	Agenda Bill Number: AB17-09
Agenda Item Type: Discussion	Ordinance/Resolution Number: D17-09	Councilmember Sponsor: Donn Lewis

Agenda Subject: Floodplains Code Amendments

Full Title/Motion: An Ordinance of the City of Bonney Lake, Washington, amending Chapter 16.26 of the Bonney Lake Municipal Code updating the City’s Floodplains Code as required by the Federal Emergency Management Agency in order for the City and its residents to remain eligible for National Flood Insurance Program.

Administrative Recommendation: Approve

Background Summary: Ordinance D17-09 amends the City’s Floodplains Code codified in Chapter 16.26 of the Bonney Lake Municipal Code (BLMC). The primary purpose of Ordinance D17-09 is to adopt the new Flood Insurance Study (FIS) and new Flood Insurance Rate Map (FIRM) for Pierce County, Washington. There are also a number of housekeeping items included in Ordinance D17-09.

Attachments: Ordinance D17-09, Planning Commission Recommendation, Briefing Memo, DNS, and Department of Commerce Approval

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	Chair/Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
Forward to:	Consent Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Commission/Board Review:	Planning Commission – February 15, 2017		
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: <i>John P. Vodopich, AICP</i>	Mayor:	Date Reviewed by City Attorney: (if applicable):

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ORDINANCE D17-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 16.26 OF THE BONNEY LAKE MUNICIPAL CODE UPDATING THE CITY'S FLOODPLAINS CODE AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN ORDER FOR THE CITY AND ITS RESIDENTS TO REMAIN ELIGIBLE FOR NATIONAL FLOOD INSURANCE PROGRAM.

WHEREAS, on September 7, 2016, the Federal Emergency Management Agency (FEMA) sent the City of Bonney Lake correspondence relating to the new countywide Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) that will become effective for all communities in Pierce County on March 7, 2017; and

WHEREAS, the City “is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3 (d and e) of the . . . NFIP regulations”; and

WHEREAS, the Department of Ecology provided the City with a checklist for the City to use to ensure and document compliance with the NFIP and State of Washington floodplain regulations; and

WHEREAS, the Implementation Measure C-Action-1 of the City’s comprehensive plan, *Bonney Lake 2035*, directs the City to review changes in law and make necessary changes to the development regulations and comprehensive plan to ensure consistency; and

WHEREAS, the Implementation Measure ES-Action-1(2) of the City’s comprehensive plan, *Bonney Lake 2035*, directs the City to remain an active participant in the National Flood Insurance Program to ensure the availability of federally sponsored flood insurance for City residents; and

WHEREAS, on December 7, 2016, the City of Bonney Lake Planning Commission held a public hearing to consider the amendments to the City’s development regulations contained in this Ordinance, as required by BLMC 14.140.080; and

WHEREAS, the City complied with all applicable notice, timing and comment provisions in scheduling and carrying out the above-referenced hearing; and

WHEREAS, at the above-referenced hearing, the City of Bonney Lake Planning Commission determined that the amendments to the City’s development code contained in this

Ordinance are consistent with *Bonney Lake 2035*, other BLMC development regulations, and with the laws of the State of Washington; and

WHEREAS, under the State Environmental Policy Act (SEPA) the adoption of this Ordinance is a non-project action as defined by WAC 197-11-704(2)(b) and Community Development Director acting as the SEPA Responsible Official and the SEPA Official issued a Determination of Non-Significance (DNS) on February 12, 2017 utilizing the optional DNS method provided in WAC 197-11-355. The public comment period was provided from January 18, 2017 until February 11, 2017; and

WHEREAS, pursuant to RCW 36.70A.106(3)(b) the City requested expedited review of this Ordinance from the Department of Commerce. The Department of Commerce review period concluded on February 7, 2017;

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

Section 1. Section 16.26.010, "Purpose" of the Bonney Lake Municipal Code and the corresponding portion Ordinance No. 1301 § 5 is hereby amended to read as follows:

16.26.010 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard areas;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard areas so as to minimize future flood blight areas;
- G. To ensure that those who occupy the areas of special flood hazard areas assume responsibility for their actions.

Section 2. Section 16.26.020, “Definitions” of the Bonney Lake Municipal Code and the corresponding portion Ordinance No. 1301 § 5 is hereby amended to read as follows:

16.26.020 Definitions

Unless specifically defined below, terms or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common use and to give this chapter its most reasonable application.

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a floodplain variance.

“Area of special flood hazard” means land in the flood plain within the City of Bonney Lake subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year, and is also referred to as the “100-year flood.” Base flood is designated on Flood Insurance Rate Maps by the letters A ~~or V~~.

“Base flood elevation” or “BFE” means the elevation of the base flood as designated on the Flood Insurance Rate Maps or as ascertained by the local administrator.

“Basement” means any area of the building having its floor sub-grade, or below ground level, on all sides; provided, that below-grade crawlspace construction that is in accordance with the requirements of this chapter will not be considered basements.

“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, tree removal/clearing, excavation or drilling operations or storage of equipment or materials located within the special flood hazard area.

“Elevated building” means, for insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Elevation certificate” means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management, and determine the proper insurance premium rate with Section B completed by community officials.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed before the effective date of the adopted floodplain management regulations; including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland ~~or tidal~~ waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards ~~areas~~ and the risk premium zones applicable to the City of Bonney Lake ~~community~~.

“Flood Insurance Study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

“Floodproofing” means the construction techniques that prevent or provide resistance to damage from flooding while allowing water to enter the structure.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Local administrator” means the Public Services Department Director ~~director of planning and community development~~ or designee.

“Lowest floor” means the lowest floor of the lowest enclosed area, including the basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at BLMC 16.26.060(F)(1)(b), specifically provided adequate flood ventilation openings exist.

“Manufactured home” means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a recreational vehicle.

“Manufactured home park or subdivision” means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

“Mean sea level” means the arithmetic mean of hourly heights of the sea observed over a 19-year period. This gives the 0.0 datum point given in the North American Vertical Datum of 1988 (NAVD-88).

“New construction” means structures for which the start of construction commenced on or after the effective date of this chapter.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed on or after the effective date of adopted this chapter; including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

“Recreational vehicle” means a vehicle:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~“Special flood hazard area” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.~~

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. In relation to this term:

1. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.
2. Permanent construction includes neither land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
3. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure for which the cost of restoring the structure to its before-damaged condition would equal or exceed ~~50~~ fifty-percent (50%) of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds ~~50~~ fifty-percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the

building commences, whether or not that alteration affects the external dimensions of the structure.

3. The term excludes:

- a. Any project for improvement of a structure to correct violations of state or local health, sanitary, or safety code specifications that were previously identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

Section 3. Section 16.26.030, “General Provisions” of the Bonney Lake Municipal Code and Ordinance No. 1523 § 5 is hereby amended to read as follows:

16.26.030 General provisions.

- A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards ~~areas~~ within the jurisdiction of the city of Bonney Lake.
- B. Basis for Establishing Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Pierce County, Washington and Incorporated Areas the City of Bonney Lake” dated March 7, 2017 ~~November 1979~~, and any subsequent revisions, with an accompanying Flood Insurance Rate Map (FIRM) dated March 7, 2017 ~~May 1, 1980~~, and any subsequent revisions, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at the office of the ~~city clerk~~ Public Services Department located at 9002 Main St. E., Bonney Lake, WA. The best available information for flood hazard area identification as outlined in BLMC 16.26.040(D) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under that section.
- C. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements shall constitute a misdemeanor, punishable in accordance with Chapter 1.16 BLMC, including violations of conditions and safeguards established in connection with conditions. Nothing shall prevent the

city from taking such other lawful action as is necessary to prevent or remedy any violation.

- D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazards areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee of the city, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made in accordance with this chapter.

Section 4. Section 16.26.040, “Administration” of the Bonney Lake Municipal Code and the corresponding portion Ordinance No. 1301 § 5 is hereby amended to read as follows:

16.26.040 Administration.

- A. Development Permit Required. A development permit shall be obtained before construction or development begins within any special flood hazard area established in BLMC 16.26.030(B). The permit shall be for all structures including manufactured homes, as set forth in BLMC 16.26.020, Definitions, and for all development including fill and other activities.
- B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the city and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage

facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor of all structures shown on a current elevation certificate, including the basement;
 2. Elevation in relation to mean sea level to which any structure has been floodproofed;
 3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in BLMC 16.26.060(F)(2);
 4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
 5. Biological assessment or consultation as required under the Endangered Species Act.
- C. The local administrator is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
1. Duties and Responsibilities of the Local Administrator. Duties of the local administrator or designee shall include, but not be limited to:
 2. Permit Review.
 - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of BLMC 16.26.060(H)(1) are met.
- D. Use of Other Base Flood Data (~~In A and V Zones~~). When base flood elevation data has not been provided (in an A Zone ~~or V Zones~~) in accordance with BLMC 16.26.030(B), Basis for Establishing Special Flood Hazard Areas, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available

from a federal, state or other source, in order to administer BLMC 16.26.060(F), Specific Standards, and BLMC 16.26.060(H), Floodways.

E. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or required as in BLMC 16.20.040(D) ~~subsection D of this section~~, obtain and record the actual as-built elevation in relation to mean sea level of the lowest floor, including the basement, of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in BLMC 16.20.040(D) ~~subsection D of this section~~:
 - a. Obtain and record the elevation in relation to mean sea level to which the structure was floodproofed.
 - b. Maintain the floodproofing certifications required in BLMC 16.20.040(B)(3) ~~subsection (B)(3) of this section~~.
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

F. Alteration of Watercourses.

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

G. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of special flood hazards areas, specifically where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in BLMC 16.26.050. ~~Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).~~

Section 5. Section 16.26.050, “Floodplain variances” of the Bonney Lake Municipal Code and the corresponding portion Ordinance No. 1301 § 5 is hereby amended to read as follows:

16.26.050 Floodplain variances.

- A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases. ~~A floodplain variance is a Type 2 or 3 permit.~~
- B. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- C. ~~Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~
- D. Variances shall only be issued upon:
 - 1. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. A showing of good and sufficient cause;
 - 3. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 4. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - 5. A favorable biological assessment ~~or consultation~~ as required under the Endangered Species Act.
- E. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

- F. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except ~~subsection BLMC 16.26.050(B) of this section~~, and otherwise complies with BLMC 16.26.060(A), (C) and (D), general standards.
- G. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation.

Section 6. Section 16.26.060, “General standards for flood hazard reduction” of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 740 § 2 is hereby amended to read as follows:

16.26.060 General standards for flood hazard reduction.

In all special flood hazards areas, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

2. Water wells shall be located where it is not subject to ponding and is not in a floodway, except as provided in Chapter 86.16 RCW. ~~on high ground that is not in the floodway.~~
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision and Multifamily Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments that contain at least 50 lots or five acres, whichever is less.
5. Density calculations shall not include floodways or special flood hazard areas.

E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study (FIS), Flood Insurance Rate Maps (FIRM), or from another authoritative source (BLMC 16.26.040(D)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

F. Specific Standards. In all areas of special flood hazards ~~areas~~ where base flood elevation data has been provided as set forth in BLMC 16.26.030(B), Basis for Establishing Special Flood Hazard Areas, or BLMC 16.26.040(D), Use of Other Base Flood Data, the following criteria apply:

1. Residential Construction.

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE).
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in BLMC 16.26.040(E)(2).

- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in ~~subsection~~ BLMC 16.26.060(F)(1)(b) of this section.
 - e. Nonresidential buildings that are floodproofed will have flood insurance premiums based on rates that are one foot below the floodproofed level.
3. Below-grade crawlspaces. Below-grade crawlspaces are allowed if, in addition to the above requirements, the following requirements are met:
- a. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 3 of Bulletin 11-01.
 - b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point; this is illustrated and shown as L in Figure 3. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas. Also see the section Guidance for Pre-Engineered Crawlspaces on page 7 of this Bulletin 11-01.
 - c. Adequate drainage must be supplied that removes floodwaters from the interior areas of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.
 - d. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.
 - e. Ductwork shall either be placed above the BFE or sealed to prevent the entry of floodwaters.
 - f. Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the interior elevation at or above the lowest adjacent exterior grade. For additional information refer to FEMA Technical Bulletin 11.

4. **Manufactured Homes.** All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 5. **Recreational Vehicles.** Recreational vehicles placed on sites are required to either:
 - a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - c. Meet the requirements of ~~subsection~~ BLMC 16.26.060(F)(3) ~~of this section~~ and the elevation and anchoring requirements for manufactured homes.
- G. **AE and A1 – A30 Zones with Base Flood Elevations but No Floodways.** In areas with base flood elevations, but a regulatory floodway is not designated, no new construction, substantial improvements, fill, or other development shall be permitted within Zones A1 – A30 and AE ~~on the community's FIRM~~, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the affected floodplain ~~the community~~.
- H. **Floodways.** ~~(Also See Chapter 86.16 RCW).~~ Designated floodways are located within areas of special flood hazard areas established in BLMC 16.26.030(B) ~~are areas designated as floodways~~. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:
1. Encroachments are prohibited. This includes fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
 2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 - a. Repairs, reconstruction, or improvements to a structure that do not increase the ground floor area.

- b. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty-percent (50) percent of the market value of the structure either:
 - i. Before the repair or reconstruction is started; or
 - ii. If the structure has been damaged, and is being restored, before the damage occurred.
 - iii. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by the local code enforcement official and are the minimum necessary to assure safe living conditions, or ~~to structures~~
 - iv. Structures identified as historic places, ~~may be excluded in the 50 percent.~~
- 3. If ~~subsection~~ BLMC 16.26.060(H)(1) ~~of this section~~ is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of BLMC 16.26.060 ~~this section, provisions for flood hazard reduction.~~

Section 7. Section 16.26.070, “Critical Facility” of the Bonney Lake Municipal Code and the corresponding portion Ordinance No. 1301 § 5 is hereby amended to read as follows:

16.26.070 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of ~~the areas of special flood hazard area (SFHA, also called the 100-year floodplain).~~ Construction of new critical facilities shall be permissible within areas of special flood hazard ~~the SFHA~~ if no feasible alternative site is available. Critical facilities constructed within areas of special flood hazard ~~the SFHA~~ shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Section 8. Section 16.26.080, “Requirements for below-grade crawlspaces” of the Bonney Lake Municipal Code and the corresponding portion Ordinance No. 1301 § 5 and Ordinance No. 1523 § 7 are hereby repealed.

Section 9. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state

or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 10. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force on March 7, 2017 pursuant to BLMC 2.04.800.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2017.

Neil Johnson, Mayor

AUTHENTICATED:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney



Memo

Date : February 15, 2017
To : Mayor and City Council
From : David Baus, Planning Commission Vice-Chair
Re : **Ordinance D17-09.**

On February 15, 2017, the Planning Commission conducted a Public Hearing on Ordinance D17-09, which will amend the City’s Floodplains Code codified in Chapter 16.26 of the Bonney Lake Municipal Code (BLMC). The primary purpose of Ordinance D17-09 is to adopt the new Flood Insurance Study and new Flood Insurance Rate Map for Pierce County, Washington. The draft ordinance also makes a number of housekeeping changes to the City’s Floodplains Code to include:

- Adding missing definitions for “Areas of Special Flood Hazard”
- Changing the term “Special Flood Hazard Area” to “Areas of Special Flood Hazard” throughout the Floodplain Code
- Adopting the standard in WAC 173-160-171 to provide greater protection for water wells.
- Relocating the existing standards for crawl spaces from BLMC 16.26.080 to BLMC 16.26.060.
- Other minor grammatical changes.

The Planning Commission voted 6-0-0 to recommend that the City Council adopt Ordinance D17-09.

As required by BLMC 14.40.100, the Planning Commission adopts the following findings of fact in support of its recommendation:

1. On February 15, 2017, the City of Bonney Lake Planning Commission held a public hearing to consider the amendments to the City’s development regulations contained in this Ordinance, as required by BLMC 14.140.080.
2. The City complied with all applicable notice, timing and comment provisions in scheduling and carrying out the above-referenced hearing.

3. At the above-referenced hearing, the City of Bonney Lake Planning Commission determined that the amendments to the City's development code contained in this Ordinance are consistent with other BLMC development regulations and with the laws of the State of Washington.
4. Under the State Environmental Policy Act (SEPA) the adoption of this Ordinance is a non-project action as defined by WAC 197-11-704(2)(b) and Community Development Director acting as the SEPA Responsible Official and the SEPA Official issued a Determination of Non-Significance (DNS) on February 12, 2017 utilizing the optional DNS method provided in WAC 197-11-355. The public comment period was provided from January 18, 2017 until February 11, 2017.
5. Pursuant to RCW 36.70A.106(3)(b) the City requested expedited review of this Ordinance from the Department of Commerce. The Department of Commerce review period concluded on February 7, 2017.
6. The amendments to the City's development regulations contained in this Ordinance are essential to remaining part of the National Flood Insurance Program as directed by Implementation Measure ES-Action-1 of *Bonney Lake 2035*, as provided below:

***ES-Action-1: Critical Area Regulations.** Remain an active participant in the National Flood Insurance Program to ensure the availability of federally sponsored flood insurance for City residents. (Pg. 9-10)*



Planning and Building Division Briefing Memorandum

Date: February 7, 2017
To: Planning Commission
From: Jason Sullivan – Planning and Building Supervisor
Re: **Ordinance D17-09 – Floodplains Code Amendments**

PURPOSE:

The purpose of this memorandum is to facilitate the public hearing for Ordinance D17-09, which will amend the City's Floodplains Code codified in Chapter 16.26 of the Bonney Lake Municipal Code (BLMC). The primary purpose of Ordinance D17-09 is to adopt the new Flood Insurance Study (FIS) and new Flood Insurance Rate Map (FIRM) for Pierce County, Washington. There are also a number of housekeeping items included in Ordinance D17-09. This item is scheduled for the February 21, 2017 City Council Workshop and the February 28, 2017 City Council Meeting under AB17-09 as the City is required to adopt the new FIS and FIRM by March 7, 2017.

SUGGESTED MOTION: *"I move to recommend that the City Council adopt Ordinance D17-09 amending the City's Floodplains Code."*

ATTACHMENTS:

1. Ordinance D17-09
2. FEMA Letter of Final Determination
3. Planning Commission Recommendation Memo

BACKGROUND:

As a participating jurisdiction in the National Flood Insurance Program (NFIP), the City of Bonney Lake is required to maintain floodplain regulations that meet the requirements of the NFIP as established by the Federal Emergency Management Agency (FEMA). The City is currently relying

on the *Flood Insurance Study for the City of Bonney Lake* dated November 1979 and the associated FIRMs dated May 1, 1980. FEMA has been working for the last decade to update these over thirty year old documents. The new mapping was created using much more accurate data than the existing FIRMs, as well as more modern methods of flood prediction. There was an extensive federal process for adoption of new floodplain mapping. This process involved a period of study and analysis, a period for the public collection of comments, community meetings, publications in local newspapers and the Federal Register, an appeal period, and an adoption period. The overall timeline for adoption of a new FIRM and FIS is provided below.



FEMA issued the Letter of Final Determination for the new FIS and FIRMs for Pierce County on September 7, 2016 (Attachment 2) starting the 6-month adoption period.

DISCUSSION:

The City must adopt these new documents by reference in the City’s Floodplains Code in order for the City and its residents to remain eligible for the NFIP. The draft ordinance also makes a number of housekeeping changes to the City’s Floodplains Code to include:

- Adding missing definitions for “Areas of Special Flood Hazard”
- Changing the term “Special Flood Hazard Area” to “Areas of Special Flood Hazard” throughout the Floodplain Code
- Adopting the standard in WAC 173-160-171 to provide greater protection for water wells.
- Relocating the existing standards for crawl spaces from BLMC 16.26.080 to BLMC 16.26.060.
- Other minor grammatical changes.

The expected benefits of the use of the new FIRMs are numerous:

- A reduction in the amount of area of the City classified as flood hazard area.
- Qualifies the City for participation in the NFIP, which allows the sale of FEMA-backed flood insurance and allows the City to receive federal disaster aid and community block grants.

- The ability to use Geographical Information System (GIS) digital mapping to verify if properties are located within a flood hazard area instead of the old paper maps.

While the City staff is looking forward to the adoption of the FIS and FIRMs because of the many benefits it will provide, there is also a downside if the City fails to meet the adoption date. Failure to adopt will result in suspension from the NFIP. For communities that are suspended, sanctions would be levied by FEMA with the following impacts:

- Property owners will not be able to purchase NFIP flood insurance policies and existing policies will not be renewed.
- Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by Federal agencies such as the Department of Housing and Urban Development, the Environmental Protection Agency, and the Small Business Administration.
- Federal Mortgage insurance or loan guarantees will not be provided in identified flood hazard areas such as those written by the Federal Housing Administration and the Department of Veteran Affairs.
- Federal disaster assistance will not be provided to repair public infrastructure or insurable buildings located in identified flood hazard areas that have been damaged by floods.

Remaining active in the NFIP is specifically identified as an Implementation Measure in *Bonney Lake 2035*, as provided below:

ES-Action-1: Critical Area Regulations. Remain an active participant in the National Flood Insurance Program to ensure the availability of federally sponsored flood insurance for City residents. (Pg. 9-10)

The FIS and FIRMs can be downloaded by visiting www.msc.fema.gov under Pending Products.

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**STATE ENVIRONMENTAL POLICY ACT
THRESHOLD DETERMINATION OF NON-SIGNIFICANCE**

Description of proposal: Ordinance D17-09 will amend the City's Floodplains Code codified in Chapter 16.26 of the Bonney Lake Municipal Code (BLMC) to adopt to the new Flood Insurance Rate Maps and Flood Insurance Study to ensure consistency with floodplain management criteria for flood-prone areas codified in Title 44 Code of Federal Regulations (CFR) Section 60.3.

Applicant: City of Bonney Lake

Location: City-wide

Lead agency: City of Bonney Lake

The City of Bonney Lake has determined that the above described project does not have probable significant adverse environmental impacts on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The City of Bonney Lake as the lead agency has also determine that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under Chapter 36.70A RCW and in other applicable local, state, or federal laws or rules as provided by RCW 43.21C.240 and WAC 197-11-158. Therefore, the City of Bonney Lake will not require mitigation measures under SEPA.

This DNS is issued under WAC 197-11-340 and WAC 197-11-355. The City of Bonney Lake will not take final action on this proposal until February 27, 2017. The City utilized the optional DNS method and the comment period was provided from January 18, 2014 until February 11, 2017.

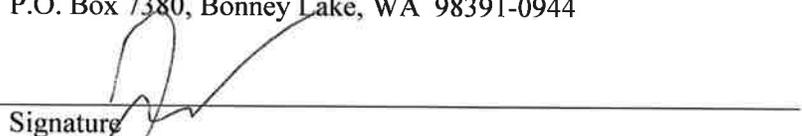
Responsible official John P. Vodopich, AICP

Position/title Public Services Department Director

Phone 253 447-4345

Address P.O. Box 7380, Bonney Lake, WA 98391-0944

February 12, 2017
Date

Signature 

APPEAL: This SEPA determination may be appealed by filling a written appeal with the City of Bonney Lake Community Development Department. Such appeal must be filled within fifteen days of the end of the comment period and shall be consistent with the requirements of BLMC 14.120.020. The last day to filing such an appeal will be 5:00PM on February 27, 2017

Please contact Jason Sullivan, Planning and Building Supervisor, at (253) 447-4355 or email him at sullivanj@ci.bonney-lake.wa.us to read or ask about the procedures for SEPA appeals.

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Jason Sullivan

From: COM GMU Review Team <reviewteam@commerce.wa.gov>
Sent: Tuesday, February 7, 2017 6:42 AM
To: Jason Sullivan
Cc: Andersen, Dave (COM)
Subject: 23320, City of Bonney Lake, Expedited Review Granted, DevRegs

Dear Mr. Sullivan:

The City of Bonney Lake has been granted expedited review for the: Proposed Ordinance D17-09 amends the City's Floodplain Code (Chapter 16.26 BLMC) in order to adopt the new FEMA Flood Insurance Study and Flood Insurance Rate Map. This proposal was submitted for the required state agency review under RCW 36.70A.106.

As of receipt of this email, the City of Bonney Lake has met the Growth Management Act notice to state agency requirements in RCW 36.70A.106 for this submittal. For the purpose of documentation, please keep this email as confirmation.

If you have any questions, please contact reviewteam@commerce.wa.gov

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