

**COUNCIL WORKSHOP**

November 5, 2002  
5:30 p.m.



*The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.*

**MINUTES**

*"Where Dreams Can Soar"*

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**Call to Order**

Mayor Robert Young called the workshop to order at 5:35 p.m. In attendance with Mayor Young were Deputy Mayor Dan Swatman, Council Member Stephen Bricker, Council Member Phil DeLeo, Council Member Neil Johnson, Council Member Dave King, Council Member Maureen Palecek and Council Member Jim Rackley. Staff members attending were Finance Director John Weidenfeller, Planning & Community Development Director Bob Leedy, Associate Planner Shannon Mayfield, Public Works Director Seth Boettcher, Assistant Public Works Director Gary Leaf, Judge James Helbling (arrived after roll call), Court Administrator Kathy Seymour (arrived after roll call), Deputy City Attorney Jeff Ganson, Lt. Mike Strozyk, and City Clerk Gayle Butcher.

**Agenda Items**

1. Open Discussion

Mayor Young asked Council whether the City should participate in a more proactive community role, specifically, 1) funds for a New Years Eve fireworks display (location suggestions were Lake Tapps, Allan Yorke Park, Wal-Mart Parking Lot, Putting Green), 2) Sponsoring Bonney Lake Days, 3) Christmas Tree Lighting Ceremony, 4) Adult classes in the evening at the Public Safety Building. Council consensus was given for items 2, 3 and 4. Council was not opposed to the New Years Eve fireworks, Council wanted a little more time to think about the location and would individually let Mayor Young know.

Council Member DeLeo asked about the status on the Skate Park. Assistant Public Works Director Leaf said he and Denny Bryan are working on a Groundbreaking Ceremony and that the contractor had just signed the contract, with \$24,000 sales tax savings factored into it. He said he might bring a change order through for the remaining \$7,000 sales tax shortfall.

Council Member Bricker asked about roadway maintenance. Public Works Director Boettcher said that winter is the best time to take care of blackberry bushes and roadside brush. Council Member DeLeo asked who was responsible for large brush growing in the joints of the Jersey wall at 192<sup>nd</sup> and Public Works Director Boettcher said the city was responsible. Council Member DeLeo also asked about the sinkhole in front of City Hall and Director Boettcher said he would check into the situation.

2. Jan Wolcot to Discuss Parks

Mr. Wolcot briefed the Council on Pierce County Council's recent passage of the "2<sup>nd</sup>" real estate excise tax (REET) funding for parks within Pierce County. The REET is from the sale of property in unincorporated Pierce County. He highlighted the proposal for a Buckley/Bonney Lake regional park and reviewed the planning stages. During the first year,

he is asking for input from each jurisdiction to study, explore and decide for what type of park they want, such as open space, trails, or athletic facility. The first year funding is \$15,000 to pay for a facilitator. Council consensus was reached to support the study, and then determine whether to provide some partnership funding. Council Members King, DeLeo, and Rackley expressed interest in attending the study groups. Council Member King urged that the Park Boards of Bonney Lake and Buckley discuss the regional park/partnership proposal.

3. Draft Minutes: October 15, 2002 and October 22, 2002

There were no corrections to the minutes.

### **Old Business**

- 1.) Discuss Public hearing testimony 4% Garbage Rates & Budget/Revenues and Ordinance No. 970

Council Member Rackley asked if the City could absorb the pass-through increase by delaying the pass-through increase to the citizens for 2 months. Finance Director John Weidenfeller explained collection wouldn't be reflected on the bills until January or February. Assistant Public Works Director Leaf noted he had just completed a projection and that delaying the pass-through increase might work. Finance Director John Weidenfeller disagreed and did not believe there were sufficient funds to pay the January garbage bill. It was decided that further discussion on the budget's bottom line impact would occur at the next workshop.

- 2.) 2002 Comp Plan Amendments Discussion

Associate Planner Shannon Mayfield provided the following updates to Council on the Year 2002 Comprehensive Plan Amendments in response to questions/concerns raised at the 10/29/02 joint City Council/Planning Agency meeting:

**UGA5 – FENNEL CORRIDOR:** Staff is expecting a comment letter to be submitted from the Washington State Department of Fish & Wildlife on the Environmental Checklist/DNS, but the letter has not arrived as of the date of the meeting.

**UGA8 – SUMNER SCHOOL DISTRICT:** Bill Noland, Deputy Superintendent for the Sumner School District, provided a "primer" on the School Site Acquisition process for City Council. In addition to general information on the process itself, he provided information specific to the Lakeridge Junior High properties and the School District's plans to acquire property in the southern part of the city to build a new elementary school. Mr. Noland's "primer" was provided to Council in their boxes earlier in the week.

At the 10/29/02 joint City Council/Planning Agency meeting, some members of Council expressed an interest in possibly zoning the northern school district parcel for R-2 Medium-Density zoning rather than R-1 Low-Density zoning. They speculated that a denser zoning district might make the county more amendable to approving the UGA amendment application. While the suggestion is a valid consideration, staff does not believe the northern school district parcel is the best place in the city for medium-density zoning. The adjacent

neighborhoods, in the city and county, are zoned for low-density residential and an R-2 zoned area for 25 acres may be considered "spot zoning" to some degree. When the City performs a complete residential land use inventory to assess our current densities by zone in the coming months, other areas in the city may be identified for more appropriate medium/high density zones.

The Sumner School District is neutral on the issue. They acknowledge that R-2 zoning might increase the marketability of the property, but they are also sensitive to the concerns of the surrounding neighbors, many of whom expressed concern at the 10/2/02 Planning Commission hearing about increased density and maintaining a greenbelt/buffer between their neighborhood and future potential development. Staff maintains their recommendation for R-1 Low-Density zoning for the northern parcel, and Public Facilities zoning for the Lakeridge Junior High parcel.

Dave King questioned staff about the advantage for the city in approving this particular UGA amendment area. Staff agreed that the UGA8 area would not contribute towards squaring up the city boundaries, but Council previously expressed an interest in applying for a UGA boundary amendment for the entire western portion of Lake Tapps. Should the city pursue that larger area during the next Pierce Co. Comp Plan Amendment Cycle (2-3 years), the Sumner School District amendment area is a piece of the larger area that will already be complete. There was related discussion about the City's obligation to provide sewer service/capacity to the west Lake Tapps area.

Council asked Mary Urback, attorney for the Sumner School District, why the School District applied for this UGA amendment. Ms. Urback referenced the "primer" prepared by Mr. Noland, and explained again that the school district has a need to purchase property in the southern portion of the city to build a new elementary school to accommodate the growing population near Panorama Heights, Willowbrook, Falling Water etc. The School District intends to keep operating Lakeridge Junior High (will be zoned Public Facilities), but believes the northern parcel of school property (approx. 25 acres) will be assessed with a higher value if zoned for residential development in the City of Bonney Lake. Their intent is to eventually surplus that northern parcel and sell the property, pending the School Board's approval. Funds from the sale can then be used to purchase property in an area where there is an expressed need for a new elementary school. Ms. Urback also reminded Council that many of the city's school age children attend Lakeridge Junior High yet it is currently located outside the city limits.

### **UGA3 – FALLING WATER:**

Staff mentioned they had obtained the 1997 Hearing Examiner decision granting preliminary plat approval for the Falling Water development. The decision includes testimony evidencing the city's involvement in the decision, with both Michael Rorick and Seth Boettcher appearing to provide testimony. Seth's testimony included the following statement, "The goal is to maintain a high water quality. Bonney Lake will work with the applicant to bring the site within an urban growth area, so that it can be served by sewers." A statement from Jeff Clayton, geohydrologist, also mentioned the importance of sewers, "The development is very close to the springs and the preferred alternative was for sewers." (Hearing Examiner Decision on Request for Reconsideration, 4/28/97, Pg. 5) Copies of the complete HE decision will be made available to Council if they are interested.

Staff provided a general correction about the total number of potential lots for this UGA amendment area. At the 10/29/02 joint meeting, staff mentioned 2,100 lots for buildout in the UGA3-Falling Water amendment area. Although that is the number staff feels is much more realistic for buildout – given environmental constraints and other factors – the actual full buildout calculations put the number of lots over 2,700. For the purposes of comprehensive planning and comprehensive plan applications to Pierce Co., the City is required to provide evidence that it can service an area at full buildout – 2,700+ lots. *Full buildout* assumes that every large lot will subdivide to the maximum potential possible under the zoning code. Many of the existing lots are large (5+ acres) and used for farming. The likelihood of every lot subdividing to the maximum extent possible within a 20-yr. period is very slim. Therefore, staff has been using the 2,100 figure as a more realistic picture of the development potential in this area within 20 years.

Staff met with Bill Diamond, Larson & Associates, and Pat Healy, Lodestar LLC, on 11/4/02 to clarify the answers to many questions raised by Council at the 10/29/02 joint meeting.

**Traffic Mitigation:** The Hearing Examiner preliminary plat decision listed 4 off-site areas for mitigation. Out of the 4, only one was located in the City of Bonney Lake (South Prairie Rd from SR 410-214<sup>th</sup> Ave. E.). The developer was given an option that if they elected in writing to construct bypass corridor from Rhodes Lake to McCutcheon – then the related costs would be credited against those initial 4 off-site mitigation areas. It was anticipated that the bypass corridor would greatly exceed the original off-site mitigation requirements costs so the assumption was that they would not have to mitigate in any of the other 4 areas. There was no impact recognized for Angeline Rd., or any other north/south connection.

In 1998, the developer officially elected to contribute towards bypass corridor rather than the 4 off-site intersection/road improvements. In addition to the bypass corridor, the developer is still required to do the following:

- 1.) 96<sup>th</sup> and Hwy 162. CreekrIDGE Glenn Phase I widened a right turn lane (channelization) on 96<sup>th</sup> so you can turn onto 162. This additional mitigation will require a signal.
- 2.) Frontage improvements on Rhodes Lake Rd.

The developer and Pierce Co. are negotiating how to tie in bypass corridor to Rhodes Lake Rd. Both parties will be meeting 11/14/02 and expect Tom Ballard, Pierce Co. Engineer, will make a decision on how best to integrate the two roads – using one of the 3 proposed design plans prepared by the developer. The county saw that improving Rhodes Lake Rd. would be cost prohibitive given the construction constraints (mainly due to slope/grade of road). Building the bypass corridor, as a major arterial appeared to be the best alternative to mitigate traffic impacts.

The developer will begin building the first leg of the road from Rhodes Lake Rd. to the storm retention pond – just outside the recharge area – when they begin construction on Phase 2, Division 1.

Prior to recording of Phase 1, the developer was to have the environmental portion of the bypass completed. However, the developer applied for major plan amendment to delay the SEPA process for rest of the route (beyond storm retention pond). They are envisioning a road similar to the new parkway built in Lakeland Hills, including a possible bridge over the Puyallup River. Consequently, the County wants to ensure the environmental review process is not carried out in a piecemeal fashion now that they are planning on a much larger project

than originally envisioned. After the 11/14/02 meeting between the developer and Pierce Co., their construction plans for Division 1 will be submitted at the same time they're waiting on their major amendment hearing (8-9 weeks).

The developer for Falling Water is working closely with the developer for Cascadia. Cascadia supports the corridor because they would be required to move traffic west as well. Pierce Co. Engineering envisions a connection from Cascadia to the new bypass at some point.

Council questioned what the City's obligation would be in terms of the bypass corridor after annexation. Staff indicated that the City would have to assume maintenance for the road upon annexation, but would have to do additional research to determine the City's obligation to complete the construction of the corridor.

***Stormwater management:*** The storm retention pond is located outside the aquifer recharge area, so all road runoff/contaminants will be transported outside the recharge area. The applicant for Falling Water hired Associated Earth Science engineer to prepare a brochure for best practices for maintaining entire development. They will supply the city with a copy of the brochure. The Best Practices brochure will inform residents how to protect water quality through lawn maintenance, amongst other things. The Best Practices guidelines will be imposed upon the homeowners through CC&Rs, and thereby recorded with the title so there is an enforcement provision (at least through a homeowners association).

***Sewer capacity/septic drainfield:*** The developer plans to build Phase 2, Division 1 first (within recharge area), then one phase within Division 3 (outside recharge area). Phases 5-6 are also in the recharge area, but they are view lots so there is more value in building later (i.e. after a phase in Division 3). They plan to begin construction on Phase 2, Division 1 in 2003, with approximately 100 lots/year pending demand. The community drainfield for the subdivision is also located outside aquifer recharge area. The developer plans to install drylines throughout the entire subdivision, with the intention of switching to sewers as soon as they become available. If the area is annexed within a year after the UGA amendment is approved (assuming approval by both the city/county), there will likely only be one built phase (Phase 2, Division 1 – 114 lots) within the aquifer recharge area using the community drainfield. The developer plans to underutilize the community drainfield system and is investigating how to integrate the drylines into the drainfield. While Pierce Co. staff approves the installation of drylines (according to applicant), they would require the city to inspect the lines to ensure they were installed to city standards. There was continued discussion about the City's ability/obligation to provide sewer capacity to this amendment area, and the implications for other areas within the city should the majority of the City's capacity be used for just the Falling Water/Creekridge Glen area.

**CUGA AMENDMENT:** Staff informed Council that as noted in the minutes from a meeting with Pierce Co. Advanced Planning held on 9/30/02 (provided in the comp plan binders), Chip Vincent, head of Advanced Planning at Pierce Co., indicated the County's interest in having the area referred to as the "CUGA" by City staff, becoming part of the City's UGA instead. The "CUGA" is the large area south of 410/S. Prairie Rd. – western border is just west of 189<sup>th</sup> Ave. E., 214<sup>th</sup> Ave. E. is eastern border – extends south to border of Cascadia. Currently, cities can annex properties within a County Urban Growth Area. However, Mr. Vincent indicated that a Countywide Planning Policy (CWPP) Amendment was introduced last year revising that policy. The amendment failed because the City of Tacoma did not

support the amendment. However, the County plans another attempt at getting the amendment approved. If the amendment is approved, cities will no longer be able to annex within a *county* urban growth area. For that reason, amongst others, the County would like to see the City of Bonney Lake apply for an urban growth boundary amendment to convert the "CUGA" area into part of the City's UGA. Mr. Vincent offered to give the city a two-month extension to apply for the UGA amendment, as well as assistance with the application itself. Mr. Vincent expressed that if the City indicated a willingness to take a substantial area of existing urban density into its UGA, the county might look more favorably upon the 6 proposed UGA amendment areas that consist largely of vacant or underdeveloped land. Staff reminded Council that the County's 1995-2000 Buildable Lands Report indicates the County is at 38% land capacity and should not be more than 25%. Given that number, the county will be looking closely at UGA amendments from all jurisdictions in relation to how much additional capacity the amendment would be adding. Staff also reminded Council that should they decide not to apply for a UGA amendment for the "CUGA" area this year, and should the county change their comp plan amendment cycle to a 3 year cycle instead of 2 years, the City could not consider applying until 2005. Similarly, if the CWPP amendment is approved limiting cities to annexing within their own UGA rather than a CUGA, annexation within this area could not occur until 2005-2006 at the earliest.

A recess was called at 7:20 p.m. and Mayor Young reconvened the workshop at 7:38 p.m.

3.) Discuss area-wide zoning for Lake Debra Jane

Council consensus to move Ordinance No. 964 forward.

4.) Discuss Annexation Area 5

A very brief discussion related to Ordinance Nos. 963 and 965 was held. Planning would correct the agenda bill to clarify which ordinance makes Annexation Area 5 effective and which one implements the zoning. It is anticipated the ordinances would be on the November 26, 2002 agenda, dependent upon the election certification.

5.) Wetland Inventory/Mapping/Staff Comments/Wetlands Ordinance No. 931

Planning and Community Development Director Bob Leedy presented a brief report on the progress of illustrating examples of buffers. Majority consensus of the Council was to pursue an informal study of buffers; Council Member Bricker and Council Member King were not in favor. Deputy Mayor Swatman noted that the Planning Commission members wanted larger buffer standards in comparison to buffers permitted recently allowed within the Willowbrook and Springhaven developments.

6.) Sidewalks in new development-requested by Council Member Bricker

Council Member Bricker said that trucks were parking on newly installed sidewalks during home construction and he believes the City needs to have a deposit or bond mechanism in place to make sure the sidewalks are repaired. Public Works Director Boettcher said that inspectors do look for problems and Planning and Community Development Director Bob Leedy said that a certificate of occupancy did not need to be issued until corrections were made. In concluding the discussion, Deputy City Attorney Jeff Ganson said he would draft an ordinance to condition the certificate of occupancy rules **to include a \$1,000 deposit.**

7.) City Hall Space Needs

Planning and Community Development Director Bob Leedy said that an appraisal firm had been selected from the Small Works Roster and he was optimistic that by the end of December, Public Works Administration and Planning and Community Development Departments would begin moving into the Juarez Building.

8.) Ordinance No. 968- Accessory Dwelling Unit (ADU) connection charges

Council's discussions centered on how to assign a dollar value to connection charges, i.e., base the charges on an equitable share of the system or per resident. Majority of the Council recommended the ordinance moves forward, Council Members DeLeo, Bricker and Johnson were opposed until the Accessory Dwelling Unit building code was amended.

9.) Resolution No. 1001 (Mountain Creek Developer Agreement)

Public Works Director Boettcher reviewed the language amendment as requested. The resolution moves forward.

**New Business**

1. Motion to authorize licensing for 1997 Taurus

Motion by Council Member Rackley, second by Council Member Bricker, to authorize the Finance Director to prepare a pre-write.

Motion Carried Unanimously

2. Resolution No. 1044, AFSCME Contract Amendment

Council consensus was to move the resolution forward.

3. Proposed Garbage Rate Increases Ordinance No. 970

4. Ad Valorem Property Tax Ordinance No. 942 and Property Tax Levy Capacity "Banking" Ordinance No. 943

Deputy Mayor Swatman, Council Members Rackley, Bricker, DeLeo and Johnson expressed concern with the proposed property tax reduction because of the many issues facing the city, such as road improvements, Locust signal, property acquisitions, etc. All believed that each property owner would rather spend the \$20.00 annual savings to road improvements. Council Member King said he appreciates the gesture, but he concurred with Council Member Johnson that reducing the utility bill, possibly garbage charges would be more meaningful to the citizens.

5. Executive Session

Mayor Young called for a 10-minute recess prior an Executive Session at 8:50 p.m. to discuss property acquisition, potential litigation and labor negotiations for about 25 minutes. At 9:25

p.m. it was announced another 15 minutes would be needed. At 9:40 p.m. it was announced another 5 minutes would be needed. At 9:45 p.m. it was announced another 5 minutes would be needed. Mayor Young reconvened the workshop at 9:50 p.m.

Motion by Council Member Bricker, second by Council Member Palecek, to suspend the rules and adopt Resolution No. 1047, which authorizes the city attorney to pursue litigation.

Motion Carried Unanimously

Motion by Council Member DeLeo, second by Council Member Palecek, to suspend the rules and authorize the Mayor to sign a letter of intent to the Pierce County Health Department related to fluoride.

Motion Carried 5-2 with Council Member Bricker and Deputy Mayor Swatman dissenting.

Motion by Council Member King to table the budget discussions/presentations due to the time and that Council had just received its preliminary budget. Mayor Young asked whether Council would hear the Court budget overview, as it should take no longer than 30 minutes. Council Member King offered his apologies to Judge Helbling, but could not support starting the budget presentation. Second by Council Member Bricker.

Motion Carried Unanimously

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Bob Young, Mayor

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Gayle Butcher, City Clerk