

CITY COUNCIL WORKSHOP

*November 18, 2008
5:30 p.m.*

MINUTES



“Where Dreams Can Soar”

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.

Website: www.ci.bonney-lake.wa.us

Audio Time Stamp ↓

Call to Order:

Mayor Neil Johnson called the Workshop to order at 5:30 p.m.

Roll Call: [A1.3]

City Clerk Edvalson called the roll. In addition to Mayor Neil Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton and Councilmember James Rackley. Councilmember Dave King arrived at 5:37 p.m.

[Staff Members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Director of Planning and Community Development John Vodopich, Chief Financial Officer Al Juarez, Police Sergeant Kelly Maras, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

Agenda Items:

5:30:49

1. **Public Comments:** Proposed 2008 Comprehensive Plan Amendments: Downtown Designations, Hulburt Property Change of Land-use Designation, Land-use and Zoning for Properties Adjacent to Lowe’s, Land-use Change of properties north of Junction 192, Land-use change and rezone of Inlet Island, Land-use change and rezoning of Church Lake Tracts, and rezone of Cedar Grove.

Mayor Johnson said the public comments would be conducted like a public hearing, and would start with those who signed up to speak.

Don Wilson, 4617 North Island Dr. E., said he is one of four speakers representing a majority of residents from Inlet Island who are in favor of rezoning the island from R-2 residential to R-1 zoning. He said the community organized two meetings after the October 21, 2008 Council Workshop to discuss the rezone issue. Citizens also went house-to house to provide information and seek support from residents.

He said more residents would have attended the Planning Commission meeting in September 2008 if there had been better notification other than a small sign that was often laying face-down in the ditch. He submitted two letters to the Council, including 245 signatures from full-time residents, which represent 170 residences and 54% of all residents on the island. He said 243 of the 245 residents who signed the petition were in favor of rezoning the island to R-1. He said the community is deeply frustrated by increasing density and oppose the Planning Commission's recommendation to leave the R-2 zoning.

Charles Kirkdoffer, 4922 North Island Dr. E., also spoke on behalf of the group of Inlet Island Residents. He said he and his family are forty-year residents of Inlet Island. He said the island was zoned R-2 originally, when the island was mostly summer residences and modular homes. He said the mobile and manufactured homes are now being replaced by single and multi-family homes. He said families in duplexes are more transient and not as involved with the community. He described safety and access issues on the island, with an antique fire engine and a two-lane causeway for road access. He said services are at least four miles away and the nearest bus stop is three miles away. He said adding more people to individual lots causes parking problems, and the streets are narrow with little or no shoulder. He said there is no public park nearby, and children often play and walk in the street. He said multi-family residences should be located near commercial services, and asked the council to consider all the issues before voting.

Melissa Johnson, 4912 North Vista Dr. E., was the third speaker for the Inlet Island group. She spoke about two key reasons to vote yes on the rezone: character and safety. She said at one time the community was mostly summer residents, but now it is full time residents and families. She said there has been an explosion of multifamily units, which does not fit the vision of those living on the island. She said home prices are not enhanced by three-story complexes and units that are not taken care of. She also spoke of safety, and said with overcrowding, the island is an accident waiting to happen. She said there are no street lights or sidewalks. The Planning Commission indicated the island has a fire station; she said the fire station is nonoperational and East Pierce Fire Department confirmed their response time to the island is about six minutes. She said families have reclaimed their community and turned it around from high drug traffic in the past. She said adding multifamily units results in higher renter turnover and a return of these issues. She said the island has the potential to be a highly desirable location, and hoped the Mayor and Council will hear the citizen's request to vote yes on the rezone.

James Chaney, 4711 North Island Dr. E., said he is the last person speaking on behalf of the large group of island residents. He said a lot of positive changes can be made and there is a common bond and vision of how the island can evolve. He said rezoning the island to R-1 can be a turning point, but changes will take some time. He said the city needs organization and flow, and multifamily housing should be located near services while single-family homes should not be next to commercial. He said R-2 and R-3 zoning should be reserved to the Highway 410 corridor. He said the community was not adequately informed about the rezone issue by the Planning Commission. He said a notice was posted on the City website and local newspaper, and a small sign was placed on the island, which repeatedly ended up in the ditch. He said a small group of residents attended the Planning Commission minutes to voice their concerns, but the Commissioners' behavior was demeaning to the citizens. He said the Planning Commission should base its decisions on more than numbers. He said when listening to the audio recordings of those minutes, he can hear members whispering and not listening to the citizen speakers. He said he hopes the Council will think carefully and share the vision of the community. He added he does not want to get rid of those in duplexes, but to make change to have increased density in a specific part of the City. He thanked the Council and Mayor for giving him time to speak.

Councilmember Decker said he was pleased to see so many people at the workshop, and it makes him proud to be there. He said citizens should be aware of how he voted in March, and said he wants to see people coming to tell the Council what they want.

Mike Penman, 20505 71st St E, said he has lived in the area for about twenty years. He said he is tired to see what has happened in his neighborhood, and near his house there is a house, duplex and mobile home all on one lot. He said people park their cars on the street and he and Councilmember Decker witnessed a near-accident there. He said if density increases it will be like downtown Seattle. He said you can't put four families on a lot with no road, water, power, gas, or phone service updates. He said the biggest complaint he hears is about not being able to build mother-in-law units (accessory dwelling units) if the area is rezoned to R-1. He said that is not realistic, and they just want to be able to rent space and make money. He said if R-2 zoning is kept, we will need a larger Police force and emergency response, bigger roads and more space. He thanked the Council for their time. Deputy Mayor Swatman noted that Mr. Penman is a resident in the Church Lake area. Councilmember Decker confirmed that he and Mr. Penman saw a near-accident due to a vehicle parked partially in the road. He said something needs to be done about traffic in Church Lake and Inlet Island as well as the zoning.

Craig Sarver, 20231 Church Lake Dr E, spoke for the Church Lake Homeowner's Association. He said residents in Ward 5 strongly support the rezone from R-2 to R-1. He said the infrastructure is insufficient to support density, and the City does not have funds to build up sewer, water and roads in the current economy. He said there are not many vacant lots left in the area, and growth projections seem to expect existing single-family homes to become multifamily homes. He said the projections also do not take Lake Tapps shoreline issues into account. He said traffic impacts are already felt, and noted he has had three cars run into his yard in the past year and a half. He said home values drop when they are surrounded by duplexes. He said though he knows the City must deal with state mandates, it should serve the citizens, not politicians. He also noted crime statistics, and though property crime is down, drug crime, violent crime and other crime is up 19% overall. He said some people want to build ADUs but that can be addressed by the Council. He said he spoke to those in his neighborhood, and only two did not sign the form authorizing him to speak in favor of the rezone on behalf of residents. He submitted the signature pages to the record, and thanked the Council for their attention.

Les McCluggage, 19624 96th St E, spoke in favor of C-1 zoning in Cedar Grove. He said he and his neighbors were approached with an offer to buy their properties last year for a commercial development, but the deal fell through. He said the area has changed a lot since his family bought the property. He said the homes are surrounded by commercial zoning all around it, and there are seven lanes of traffic on 410. He said there is no opposition to C-1 zoning from what he has seen, besides one resident on 94th St., and he is willing to move away from the busy area if he got a good offer. He said it is dangerous to access the properties between 410 and Old Buckley Highway. He thanked the Council for listening.

Don Hallstone, 20636 Church Lake Dr E, said he has lived in the area for 25 years, and agreed with what the other speakers have said. He said he feels frustrated about notification issues. He said he got a notice that the lot next to his is being short platted and there is nothing he can do about it at this point. He said he called the department

twice about the short plat, but did not get a response until several days after he wrote a letter. Mayor Johnson asked Mr. Hallstone to contact Director Vodopich with information, as the delayed response is unacceptable.

Tammy Schneider, 20312 70th St E, agreed with the previous speakers. She spoke about the character of the Church Lake neighborhood. She said when she moved to the area, everyone knew their neighbors and could deal with problems within the community. She said with population growth, there are more people and more traffic, and she doesn't know if people causing trouble live there or not. She said construction makes it hard to get around on area streets, and is worried about how long a home construction project can go on. She spoke in favor of R-1 zoning, and that she speaks for everyone she has talked with about the issue except for Councilmember Decker, who is in favor of R-2 zoning.

Linda Kent, 20103 Church Lake Dr E, spoke in favor of R-1 zoning in Church Lake. She has strong concerns about infrastructure and traffic, and development in the surrounding area is already impacting Church Lake. She said the streets are unsafe for pedestrians, and children walk on the road to get to the park. She said she has had two cars crash on her property already. She also said the City should focus on cohesive neighborhoods, not a hodgepodge, and strong neighborhoods will feed a larger sense of community in the City. She questioned whether multifamily homes on the lakeshore could be affordable housing, and how they might affect the shoreline. She also said it was unrealistic to expect single-family homes to suddenly become duplexes and bring higher density numbers. City Administrator Morrison said the City has applied for grant funding for sidewalks in the area, but has not received results yet.

Councilmember Decker said he knows about the traffic accidents at Ms. Kent's home, and suggested that speed bumps be installed on Church Lake Drive. He said he is not in favor of R-2 or R-1 zoning, but wants the best value for the people and to get their input. He said mother-in-law apartments are controlled by the property owner, not a landlord living far away. He said the Council should consider whether people want to be able to build ADUs in R-1 zoning areas. He said he hears what the citizens are saying and is happy to see them at the Workshop.

Steve Boerstler, 9301 185th Ave Pl E, spoke about the Hulburt Rezone. He said there is a problem with notification, as citizens don't know what is happening until it is too late. He said he received notification when his water was going to be shut off for four hours, but received nothing about the rezone. He also spoke for the Angeline Heights Homeowner's Association. He said the HOA met with Mr. Hulburt on Sunday and worked out a compromise agreement that will work for all parties. Councilmember Rackley attended the meeting, and said he was working with the Planning Department to figure out the next steps.

Dan Kosage, 20506 Church Lake Dr E, said there are duplexes near his home. He said he does not have statistics, but believes problems like noise pollution and undesirable behavior on the lake and at night originate from duplexes. He said long-term residents tend to care more about their neighborhood than short-term residents. He said Allan Yorke Park has been more family friendly since the old apartment building was torn down, and worries if the new buildings are not maintained it could be a problem again.

Mike Latsis, 6908 Vandermark Rd E, said he spoke for most residents on Vandermark Rd. He said condominiums and other multifamily homes create more traffic and taxes the City's infrastructure. He encouraged the City to look at all the additional costs of adding density to the area, not just the increased tax revenues it might bring. He said he moved to the area to get away from high density and problems like crime and drugs. He asked how the City would pay for lighting and sidewalks in the area, when it can't handle those issues with the current density. He said he hopes the City has a grand plan and put high density homes in a specific area. He said the negatives of multifamily housing far outweigh the positives and everyone he has spoken to is in favor of R-1 zoning in Church Lake.

6:37:49

2. **Public Hearing:** AB08-223 – D08-223 – Ordinance Setting Property Tax Levy for 2009 and Revenue Sources For Biennial Budget And Possible Increases In Property Tax Revenues.

The public hearing regarding D08-223 was opened at 6:38 p.m. Seeing no speakers, the public hearing was closed at 6:38 p.m.

At 6:38 p.m., Councilmember Bowen moved to take a five minute break. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

The meeting was brought back to order at 6:48 p.m.

6:49:00

3. **Public Hearing:** Final Hearing on Proposed Biennial Budget for 2009-2010.

The public hearing on the Proposed Biennial Budget for 2009-2010 was opened at 6:49 p.m.

Melissa Johnson, 4912 North Vista Dr E, said she has reviewed the proposed budget. She said she is very impressed that in the current economic times, when many cities are laying off staff, the City has no projected layoffs in the budget.

Mayor Johnson said staff worked very hard and put together a great document that a layperson can read and understand. He congratulated all those who worked on it. Councilmember King also said the budget has a lot of information citizens can use, and get a sense of how the growth of the City affects the budget and vice versa.

Councilmember King said many of those at the meeting spoke about sidewalks, and noted the City has a plan for sidewalks, but doesn't have the money to do it all now. He said the City is prioritizing sidewalk installation and taking advantage of grants.

Seeing no further speakers, the public hearing was closed at 6:52 p.m.

6:52:16

4. **Council Discussion:** Proposed 2008 Comprehensive Plan Amendments: Downtown Designations, Hulburt Property Change of Land-use Designation, Land-use and Zoning for Properties Adjacent to Lowe's, Land-use Change of properties north of Junction 192, Land-use change and rezone of Inlet Island, Land-use change and rezoning of Church Lake Tracts, and rezone of Cedar Grove.

Councilmember Rackley said the Angeline Heights HOA and Mr. Hulburt have come to an agreement and will propose an amendment to the re-zone when that occurs. Director Vodopich said the Hulburt rezone is a site-specific rezone that will go to the Hearing Examiner before coming to the Council for a decision. Deputy Mayor Swatman said including an agreement between the property owner and the HOA with the rezone would be extremely difficult. The City Attorney said it would be a private agreement and he is not clear on whether that could affect the Hearing Examiner or Council's decisions. He said he will continue to research the issue.

Councilmembers discussed the Cedar Grove rezone options. Director Vodopich explained the original proposal was to change the area to Commercial zoning. He said during the Planning Commission's review, they changed their recommendation to rezoning the area to R-3. Councilmembers discussed future uses, streets and access issues. Councilmembers Bowen, Carter and Decker spoke in favor of zoning the area along Highway 410 as commercial, with R-3 zoning in the rest of the proposed area (North of 94th St E). Councilmember Rackley noted there is a steep drop to 410 in this area, which is problematic for access. He spoke in favor of zoning the entire area R-3. Councilmember King also spoke in favor of R-3 zoning. He said the area is adjacent to public transit access, which is good for R-3 zoning, and access issues make commercial development on the site problematic. The City Administrator confirmed that C-2 zoning allows for multifamily residential use along with commercial use. Councilmember Hamilton said he leans to high-density (R-3) residential zoning because he also supports R-1 zoning for Inlet Island and Church Lake. He said the City should leave as much high-density zoning as possible in case someone challenges these changes. He also said commercial zoning in Cedar Grove would discourage development in Eastown.

Councilmember Bowen said he represents Eastown residents. He said some property owners are suspicious that the City will zone other areas commercial and kill projects in Eastown. He said he is a friend and ally of the property owners, but he is also a Councilmember who must work for the betterment of the City. He said he feels C-2 zoning is in the best interests of the City over the long run. He said C-2 zoning doesn't imply big box stores, and businesses with apartments on the second floor could be built. He reiterated that Eastown property owners are conflicted and suspicious of this issue. Councilmember Hamilton said he does not support R-3 zoning in Cedar Grove to benefit Eastown. He said more commercial development in Cedar Grove would cause more traffic issues in an already busy area. He said the road widening should come to Eastown soon, and commercial development should happen in Eastown. Councilmember Rackley said Cedar Grove is a perfect place for apartments due to its location. He said he would be willing to consider mixed-use but the City needs high-density areas.

The City Attorney said these changes will come before the council as a group of individual ordinances compiled into a single motion. Councilmembers discussed how individual ordinances could be amended or removed from consideration. Director Vodopich reminded Councilmembers that the Growth Management Act allows changes to the Comprehensive Plan once per year, and if an item is removed from the group it cannot be reconsidered until next year's group of amendments. Deputy Mayor Swatman said there are still many questions, and suggested the ordinances be considered at the December 9, 2008 Meeting instead of at the November 25th Meeting. Councilmember King said the Council needs to think of the future of the city when considering each individual land use change. He said the City needs affordable housing and apartments

along with single-family homes and commercial areas. Councilmember Carter said her Ward includes Cedar Grove and the Downtown area, and is going through a lot of changes. She said she looks forward to a safe Downtown with transit options, sidewalks and street lights. She said she takes everyone's input very seriously.

Les McCluggage asked to speak again, and said he has had a license for a home business at his property since 2003. He said he was called in on a lawsuit for his neighbor, who is now selling his property. Mayor Johnson asked Mr. McCluggage to talk with him after the workshop to discuss his other concerns.

Consensus of the Council was to consider the Comprehensive Plan Amendment ordinances at the December 9, 2008 Meeting.

7:45:52

5. **Review of Council Minutes:** October 21, 2008 Council Workshop, October 28, 2008 Council Meeting and the November 4, 2008 Council Workshop.

By consensus of the Council, the minutes were forwarded to the November 25, 2008 Council meeting for action with no corrections.

7:46:15

6. **Council Open Discussion:**

Proposed Budget

Deputy Mayor asked Councilmembers for their thoughts on the budget. He said the City is in a good position but the budget would be spending some City savings. He said the City should review the budget carefully, and he will discuss the budget at next week's Finance Committee meeting. He said the sewer and water funds the Council discussed two weeks prior are the same fund, but managed separately. He said the City should look for innovative solutions to problems. Councilmember Decker agreed that there are many issues with future funding, and noted that sales tax revenues are projected to drop. He said he is concerned about the Downtown stormwater pond and Interim Justice Center, and said the City should hold onto its savings. Councilmember Bowen spoke in favor of the proposed budget, and said it is always better to be lucky than skillful, and when he votes for the budget he will be praying for luck. Councilmember Carter said she agrees that the City needs to take a conservative approach. She said the budget looks good to her so far, with projects and staff being retained. Councilmember Hamilton said he supports most of what is in the budget. He said all expenditures must be scrutinized, and staff will need to answer additional questions about spending, savings, and alternatives. He said he is glad the budget does not include the loss of any personnel. He added that if the City's finances are in jeopardy in the future, he would have no problem fulfilling his role and laying off staff if necessary.

Mayor Johnson said he and staff are focused on reviewing expenditures, and nothing will go unnoticed. He said the budget can be adjusted midstream if necessary. He thanked the Council for their support and praised the City staff for their work.

Regional Stormwater Pond

Councilmember Carter asked for an update on the Downtown Regional Stormwater project. Director Grigsby said crews are hauling out dirt and helping on grading. Weather-permitting, the next step is to run a pipeline through, and then extend the stormwater main down Main Street.

At 8:06 p.m., Mayor Johnson recessed the meeting for a five-minute break, immediately after which the Council would adjourn to an executive session.

8:06:13

7. **Executive Session:**

Pursuant to RCW 42.30.110(1)(b) and RCW 42.30.110(1)(i) the City Council adjourned to an Executive Session at 8:10 p.m. to discuss potential litigation, acquisition of property, and enforcement actions for sixty minutes. The Council meeting reconvened at 9:11 p.m.

9:11:55

8. **Adjournment.**

At 9:11 p.m., Councilmember Bowen moved to adjourn the meeting. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council meeting of November 18, 2008:

- Bonney Lake Citizen – *Letters to Mayor and Council dated November 14, 2008 and November 17, 2008 re: “Rezone of Inlet Island to R-1” (signature pages attached)* – Don Wilson.
- Bonney Lake Citizen – *Signature pages titled “I authorize Church Lake Maintenance Company representatives to speak on my behalf at the Nov. 18 Bonney Lake City Council public hearing regarding changing the Church Lake Tracts from R-2 to R-1 zoning. I want R-1 zoning.”* – Craig Sarver