ORDINANCE NO. 1508

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING PORTIONS OF CHAPTER 10.16 AND SECTION 15.08.040 OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO THE REGULATION OF RECREATIONAL VEHICLES.

WHEREAS, RCW 35A.21.312(3) prohibits the City from adopting "... an ordinance that has the effect, directly or indirectly, of preventing the entry or requiring the removal of a recreational vehicle used as a primary residence in manufactured/mobile home communities;" and

WHEREAS, BLMC 15.08.040 only allows recreational vehicles to be used as a temporary shelter subject to the approval of a temporary permit; and

WHEREAS, bringing the City's regulation of recreational vehicles into compliance with RCW 35A.21.312(3) was identified as a mandatory action in the City's 2014 Land Use Audit conducted by the Washington Cities Insurance Association; and

WHEREAS, the Community Development Director acting as the SEPA Responsible Official determined that the proposed amendment is categorically exempt from the SEPA pursuant to WAC197-11-800(19)(b); and

WHEREAS, pursuant to the Growth Management Act - Chapter 36.70A RCW this Ordinance was provided to the Department of Commerce for 60-day review and comment by the Department and other State agencies; and

WHEREAS, expedited review was requested and granted by the Department of Commerce and the review period concluded on January 29, 2015; and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held by the Planning Commission on February 18, 2015;

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

Section 1. Section 10.16.010, "Definitions" of the Bonney Lake Municipal Code and the corresponding portions of Ordinance Nos. 1385 § 1 is hereby amended to read as follows:

10.16.010 Definitions.

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:
A. “Boat” means any water vessel designed to carry persons and/or property upon water, propelled by engine, oars or sail.

B. “Manufactured/mobile home community” means any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

C. “Recreational vehicle” means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

D. “Trailer” means a unit without its own motive power, designed to carry property, designed to be towed by a motor vehicle, including semi-trailer.

E. “Recreational vehicle park/campground” means any tract of land in a public facilities district per Chapter 18.34 BLMC and divided into lots or spaces, under the ownership or management of one person, firm or corporation for the purpose of locating three or more recreational vehicles for nightly or short-term use. Said campground shall have an on-site caretaker.

Section 2. Section 10.16.020, “Parking of recreational vehicles – Prohibited where and when” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance Nos. 1390 § 1 is hereby amended to read as follows:

10.16.020 Parking of boats, recreational vehicles, and trailers—Prohibited where and when.

A. It is unlawful to park or stand any trailer, recreational vehicle or boat, or use or occupy same while so parked or standing, on any tract of ground except as provided in this section: chapter; and

A. Trailers or recreational vehicles may stand or be parked for an indefinite period in a manufactured/mobile home community provided that the following conditions are meet:

1. The trailer or recreational vehicle is connected to sewer or a Pierce County Health Department approved septic system, water, and electricity; and

2. The trailer or recreational vehicle contains at least one internal toilet and at least one internal shower; provided, that if this requirement is not met, a manufactured/mobile home community must provide toilets and showers in lieu of having the facilities within the trailer or recreational vehicle.
B. No trailer, recreational vehicle or boat shall stand or be parked on any street, right-of-way, alley or public place in Bonney Lake for a period exceeding 24 hours, and shall not stand or be parked for any period of time between sunset and sunrise in any city park or upon any other city-owned property, excluding a street or right-of-way, unless that area is posted granting permission to so use or as specified in Chapter 12.12 BLMC.

C. It is provided that a trailer, recreational vehicle or boat may stand or be parked and used or occupied on the premises of any occupied dwelling with the permission of the lawful occupant thereof or in a recreational vehicle park/campground for a period not to exceed two weeks within a six month period; provided, that such use or occupancy does not create a public health hazard or nuisance.

D. After a building permit for a single family home has been issued and the residence is in the process of being constructed, a trailer or recreational vehicle may stand or be parked for the temporary use by the owner of such property as a residence upon approval of a temporary permit subject to the requirements on BLMC 14.100.020 and the following requirements:

1. The trailer or recreational vehicle remains mobile; and
2. The minimum setback requirements for the zoning district in which the unit is to be located are met; and
3. The unit is connected to sewer or a Pierce County Health Department approved septic system, water, and electricity.

E. It is provided further, that unused and unoccupied trailers, recreational vehicles, or boats may stand or be parked on private property if parked on a hard, drivable, impervious surface, which does not exceed the current maximum allowable impervious surface lot coverage limitations for the zone in which the property is located. If such trailer, recreational vehicle or boat stands or is parked along the side of or in the rear of a residence, it must be adequately screened from adjoining properties and from the view of the right-of-way in accordance with Chapter 8.20 BLMC.

F. The provisions of this chapter shall not apply to unoccupied trailers, recreational vehicles, or boats that stand or are parked in sales lots, or within public or private garages.

Section 3. Section 15.08.040, “Travel trailers, campers, motor homes and temporary shelters—Temporary permit” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance Nos. 1137 is hereby amended to read as follows:

15.08.040 Travel trailers, campers, and motor homes and temporary shelters—Temporary permit.
Travel trailers, campers, motor homes and other similarly temporary shelters are regulated under the City of Bonney Lake's Recreational Vehicle Code – see Chapter 10.16 BLMC. May be occupied in excess of 14 days only with a temporary permit (Type 1 permit—see Chapter 14.30 BLMC). A temporary permit shall not be approved unless:

A. The minimum setback requirements for the zoning district in which the unit is to be located are met; and

B. The unit is connected to sewer or a septic tank, as approved by the Pierce County health department, water and electricity.

Section 4. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force effect.

Section 5. Effective Date. This ordinance shall take effect five (5) days after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL this 24th day of February, 2015.

[Signature]
Neil Johnson, Jr., Mayor

AUTHENTICATED:

[Signature]
Harwood T. Edvalson, MMC City Clerk

APPROVED AS TO FORM:

[Signature]
Kathleen Haggard, City Attorney

Passed: 2/24/2015
Valid: 2/24/2015
Published: 3/4/2015
Effective Date: 3/9/2015
This Ordinance totals 4 page(s)
November 10, 2014

Woody Edvalson
City of Bonney Lake
PO BOX 7380
Bonney Lake, WA 98391-0944

RE: 2014 Annual Review & Audit

Dear Woody:

This letter is a follow-up to the visit I made last month to perform the 2014 Annual Review and Audit. Following the terms of the WCIA Membership COMPACT, I visited to conduct a review of your Land Use Liability practices as well as to provide you with other information as part of the Annual Review. I’d like to thank you, Jason, John, Ryan and Don for setting aside a portion of the day to meet with me.

2013 AUDIT RESULTS

I was happy to verify that the City had complied with the mandatory requirements generated from the 2013 Cyber Liability Audit. Therefore the City is considered to be in compliance with the terms of the WCIA COMPACT.

2014 AUDIT RESULTS

As you know, this year’s audit focused on Land Use. The Audit resulted in three mandatory requirements being generated, which will be monitored for compliance in 2015. Please be aware that failure to comply with the mandatory requirements may result in a financial penalty.

MANDATORY REQUIREMENTS

Q1.20 Does your code and practices comply with the current legislative enactments governing manufactured housing/recreational vehicles?
Q1.23 Does your code and practices comply with the current legislative enactments governing daycares?

Q1.24 Do your code and practices comply with the current legislative enactments governing wireless facilities?

Both a municipality’s code provisions and its practices should be in conformity with the various grants of authority and limitations found in constitutional and statutory provisions as well as numerous court and growth management board decisions. It is crucial that all administrative land use decisions are backed by appropriate documentation that supports an analysis of the criteria identified in a municipality’s development code.

In addition to the mandatory requirements, the following are recommendations:

Q1.27 When a claim is filed, a lawsuit is initiated or a public record request is made, does the city have a process to identify and preserve all documents, including electronic documents, that may be relevant to the issues set forth in that claim or lawsuit?

I have recommended that the city develop a written procedure addressing this issue.

Q2.3a Is your city’s code of ethics consistent with the provisions of this statute?

I have recommended that the city adopt a section in the municipal code addressing ethics. I will provide you with some sample language from other cities.

AUTO PHYSICAL DAMAGE AND PROPERTY PROGRAMS

I provided current copies of your auto and property schedules for review. Please let WCIA know if there are changes you wish to make, or the changes can be made “on line” at the WCIA Web Site.

COMPACT STATUS & TRAINING REQUIREMENTS

To date you have complied with all portions of the COMPACT Requirements.

Congratulations!

Member Services Coordinator, Maria Orozco will be periodically sending out announcements regarding the various trainings that will be scheduled throughout the year. Please feel free to call her if you have any questions or wish to schedule additional training.
SUMMARY

This completes the summary of my recent visit. It was great to see you again and I encourage you to contact me with any risk management concerns you may have.

Sincerely,

Debi Sellers

Debbi Sellers, RPLU
Senior Risk Management Representative
Washington Cities Insurance Authority
debbis@wciapool.org
February 18, 2015
Mayor and City Council
Grant Sulham, Planning Commission Chair
Ordinance D15-04

RCW 35A.21.312 was originally enacted by the Washington State Legislature in 2004 under Senate Bill 6593 to protect the consumers' rights to choose among a number of housing construction alternatives without restraint of trade or discrimination by local governments. In enacting RCW 35A.21.312, the legislature found that manufactured housing plays a vital role in meeting the housing needs of the nation and provides a significant resource for affordable homeownership and rental housing accessible to all Americans.

Subsequently, in 2009 the Washington State Legislature passed Engrossed House Bill 1227 extending some of the protection to recreational vehicles within manufactured/mobile home communities. The bill amended RCW 35A.21.312 by prohibiting cities from enacting local laws that would directly or indirectly prevent the use of recreational vehicle as a primary residence in manufactured/mobile home communities. The amendments did allow cities to adopt local ordinances to:

- Imposes fire, safety, or other regulations related to recreational vehicles.
- Requires utility hookups in manufactured/mobile home communities to meet state or federal building code standards for manufactured/mobile home communities or recreational vehicle parks.
- Require that a recreational vehicle must contain at least one internal toilet and at least one internal shower and if the requirement is not met, a manufactured/ mobile home community must provide toilets and showers.

The City of Bonney Lake’s current regulations in BLMC 10.16.020 and BLMC 15.08.040 prohibit a trailer or recreational vehicle from being occupied over 14 days without the approval of a temporary permit. If an individual obtains a temporary permit, pursuant to Chapter 14.100 BLMC, a trailer or
recreational vehicle may be occupied for a maximum of two years. The initial approval of the temporary permit is limited to one year, but may be extended for the second year pursuant to BLMC 14.100.020.C. These regulations have the effect of directly preventing a trailer or recreational vehicle from being used as a primary residence within an existing manufactured/mobile home communities in violation of RCW 35A.21.312(3).

The Planning Commission finds that the proposed amendment in Ordinance D15-04 will ensure consistency between the state law and the Bonney Lake Municipal Code.

On February 18, 2015, the Planning Commission held a public hearing on Ordinance D15-04 which amendments the City’s RV regulations and voted 6-0-0 to recommend that the City Council approve Ordinance D15-04.
City of Bonney Lake, Washington

City Council Agenda Bill (AB)

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<td>February 24, 2015</td>
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**Agenda Subject:** Amendment to the regulation of recreational vehicles

**Full Title/Motion:** An ordinance of the City Council of the City Of Bonney Lake, Pierce County, Washington, amending portions of Chapter 10.16 and Section 15.08.040 of the Bonney Lake Municipal Code related to the regulation of recreational vehicles.

**Administrative Recommendation:**

**Background Summary:** The City of Bonney Lake’s current regulations in BLMC 10.16.020 and BLMC 15.08.040 prohibit a trailer or recreational vehicle from being occupied over 14 days without the approval of a temporary permit. If an individual obtains a temporary permit, pursuant to Chapter 14.100 BLMC, a trailer or recreational vehicle may be occupied for a maximum of two years. The initial approval of the temporary permit is limited to one year, but may be extended for the second year pursuant to BLMC 14.100.020.C.

These regulations have the effect of directly preventing a trailer or recreational vehicle from being used as a primary residence within an existing manufactured/mobile home communities in violation of RCW 35A.21.312(3), by limiting the trailer or recreational vehicle to being occupied for a period of one or two years anywhere in the City. The proposed amendment would bring the City into compliance with state law.

Addressing the prohibitions against using recreational vehicles as a primary resident in manufactured/mobile home communities was identified as a mandatory change in the City’s recent Land Use Liability audit completed by the Washington Cities Insurance Authority (WCIA). Progress toward addressing this mandatory change will be monitored and failure to comply with the mandatory requirements may result in a financial penalty pursuant to the WCIA Membership Compact.

**Attachments:** Ordinance D15-04, Land Use Audit Letter, Planning Recommendation Memo

**BUDGET INFORMATION**

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**Budget Explanation:**

**COMMITTEE, BOARD & COMMISSION REVIEW**

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Forward to: Consent Agenda: Yes

**Commission/Board Review:** Planning Commission – February 18, 2015

**Hearing Examiner Review:**
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### APPROVALS

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<tr>
<td>John P. Vodopich, AICP</td>
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