

**PLANNING
COMMISSION MEETING**

**December 06, 2023
6:00 p.m.**

AGENDA



"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.

www.ci.bonney-lake.wa.us

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

The public is invited to attend Planning Commission Meetings in person, via conference call or over the internet. The information for attending is provided below.

Planning Commission Meetings attendance options:

In-Person: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake

By phone: 408-740-7256 (Meeting ID: 215 767 540#)

By internet: Chrome- <https://bluejeans.com/215767540> **Your microphone will be turned off when attending online until the start of the public commenting section and when your name is called, will be then turned on.**

I. CALL TO ORDER: Commissioner Grant Sulham, Chair

P.3 **II. ROLL CALL:** Commissioner Grant Sulham, Commissioner Jessica Bennion, Commissioner Brad Doll, Commissioner Kerri Hubler, Commissioner Craig Sarver, Commissioner Debbie Strous-Boyd, and Commissioner Jeffery Wilkins.

III. NEXT MEETING POLL (January 03, 2023)

IV. APPROVAL OF MINUTES: (November 15, 2023)

V. PUBLIC COMMENTS AND CONCERNS:

Public comments can be made in-person, by phone or virtually during this portion of the meeting. Comments are limited to 5 minutes. Those planning to comment via phone or virtually will need to sign up prior to the meeting in order to comment. When signing up, please provide your name, your screen name, and phone number (for callers), and if your comments are for general public comments or for the public hearings and which hearing, either by email to spietzk@cobl.us or by phone at 253-447-3108. Virtual and call in registrations need to be received by 5:00 p.m. the day of the meeting. During the meeting, your name will be called when it is your turn. Your microphone will be activated, and you will be able to comment. Those physically appearing at the Planning Commission meeting to speak during citizen comments do not need to sign up but will be asked to state their name and address for the meeting record.

VI. PUBLIC HEARING:

P.5 A. Ordinance D23-141 - 2023 Code Maintenance Amendments

VII. OLD / CONTINUING BUSINESS:

VIII. NEW BUSINESS

- P. 57 A. Angeline Road/Veterans Memorial Drive Intersection Improvement Breifing
- P. 61 B. West Tapps Highway/Church Lake Road intersection Improvement Alternative Breifing

IX. FOR THE GOOD OF THE ORDER

- A. Correspondence
- B. Staff Comments
- C. Commissioner Comments

X. ADJOURNMENT

Next Scheduled Meeting: January 03, 2023

**PLANNING COMMISSION
MEETING**

**November 15, 2023
6:00 p.m.**

DRAFT MINUTES



“Where Dreams Can Soar”

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

Audio starts at:
06:04:00

- I. Call to Order:** The meeting was called to order at 6:04 p.m.
- II. Roll Call:** Planning Commissioners in attendance were Chair Grant Sulham, Vice-Chair Craig Sarver, Commissioner Jessica Bennion, Commissioner Brad Doll, Commissioner Kerri Hubler, Commissioner Debbie Strous-Boyd, and Commissioner Jeffery Wilkins. Commissioner Hubler was not in attendance.

Motion was made by Chair Sulham and seconded by Commissioner Wilkins to excuse the absence of Commissioner Hubler from tonight’s meeting.

Motion approved 6 – 0.

City staff members in attendance were Planning and Building Supervisor Jason Sullivan and Planning Commission Clerk Kennedy Spietz.

Audio starts at:
06:05:00

III. Next Meeting Poll:

By common consent, Commissioners agreed to hold the next Planning Commission Meeting on December 06, 2023.

Audio starts at:
06:04:35

IV. Approval of Minutes:

Motion was made by Commissioner Bennion and seconded by Commissioner Doll to approve the minutes from the November 01, 2023, Meeting, with minor corrections.

Motion approved 6 - 0.

Audio starts at:
06:05:00

- V. Public Comments and Concerns: None.** *For efficient use of city resources, comments will be a short summary and not verbatim. Video recordings will be uploaded to the city’s YouTube channel and an audio recording to the state digital archives if needing a complete review of comments.*

Audio starts at:
06:05:27

VI. Public Hearing: None.

Audio starts at:
06:06:00

VII. Old / Continuing Business: None.

Audio starts at:
06:06:43

VIII. New Business

A. 2023 Code Maintenance Amendments

Introduced by Planning and Building Supervisor Sullivan. Planning and Building Supervisor Sullivan gave an overview of the 2023 Code Maintenance Amendments.

Commissioners discussed and shared their concerns, including:

- Commissioner Wilkins made a few corrections to the grammar.
- Commissioners Bennion and Sarver asked who is responsible for the enforcement of the Parking Enforcement Officer.
- Commissioner Strous-Boyd made a correction to the grammar.

The Commission agreed to forward to the December 06, 2023, Planning Commission Meeting.

IX. For the Good of the Order

Audio starts at:
06:26:43

A. Correspondence: None.

Audio starts at:
06:26:54

B. Staff Comments:

Planning and Building Supervisor Sullivan stated the January 03, 2023, Planning Commission Meeting is when the election of Officers will take place.

Planning and Building Supervisor Sullivan stated the joint Council and Planning Commission Meeting is January 16, 2023, at 6p.m.

Audio starts at:
06:33:05

C. Commissioner Comments:

Chair Sulham reminded the Planning Commissioners of the gift exchange at the December 06, 2023, meeting.

X. Adjournment

Motion was made by Commissioner Doll and seconded by Commissioner Sarver to adjourn the meeting.

Motion approved 6 – 0.

Meeting adjourned at 6:37 p.m.



Kennedy Spietz, Planning Commission Clerk



Planning Commission Agenda Item

Meeting Date: December 6, 2023

Memo Date: November 28, 2023

Staff Contact: Jason Sullivan – Planning and Building Supervisor

Action Type: Public Hearing

Agenda Title: Ord. 23-141 2023 Code Maintenance Package

PURPOSE:

The Planning Commission will conduct a Public Hearing to take testimony and make a recommendation to the City Council regarding Ordinance D23-141, which will make routine housekeeping amendments to the Bonney Lake Municipal Code.

ATTACHMENTS:

- A. Draft Ordinance D23-141 – 2023 Code Maintenance Package
- B. Staff Report
 - 1. Amendment Matrix
 - 2. Public Hearing Notice
 - 3. Department of Commerce Submittal Confirmation
- C. Planning Commission Recommendation Memo

SUGGESTED MOTION:

I move to recommend the City council approve Ordinance D23-141 making routine housekeeping amendments to the Bonney Lake Municipal Code

DISCUSSION:

Ordinance D23-141 will provide an annual update to the development code. The goal of this process is to keep information current, incorporate legislative revisions, address inconsistencies, correct minor errors, and improve confusing or ineffective provisions or standards.

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ORDINANCE NO. D23-141

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, MAKING ROUTINE HOUSEKEEPING AMENDMENTS TO THE FOLLOWING SECTIONS OF THE BONNEY LAKE MUNICIPAL CODE 10.36.015 MODIFYING THE PROHIBITED PARKING ZONE; 10.36.020 MODIFYING THE RESTRICTED PARKING ZONE; 10.36.060 RELATED TO THE APPOINTMENT OF THE PARKING ENFORCEMENT OFFICER; 12.08.010 RELATED TO PERMITS FOR WORKING WITHIN THE PUBLIC RIGHT-OF-WAY; 12.08.110 RELATED TO THE ENFORCEMENT OF CITY'S RIGHT-OF-WAY CODE; 12.12.051 RELATED TO BOAT LAUNCH AND PARKING FEES AND ENFORCEMENT; AND 12.12.053 RELATED TO THE DISPOSITION OF COLLECTED PARKING FEES; 13.12.130 RELATED TO MANDATORY SEWER CONNECTION AND EXEMPTIONS; 14.130.120 RELATED TO CODE ENFORCEMENT APPEALS; 14.130.140 RELATED TO THE COLLECTION OF CIVIL PENALTIES; 14.130.160 RELATED TO UNFIT DWELLING UNITS; 14.140.040 RELATED TO SEPA REVIEW, SCHEDULING HEARINGS, AND PROVIDING NOTICE FOR COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENTS; 15.28.020 RELATED TO THE DEFINITIONS FOR THE SIGN CODE; 15.28.060 RELATED TO THE REGULATION OF TEMPORARY SIGNS; 16.02.110 RELATED TO SEPA FEES; 16.06.020 RELATED TO SEPA ENVIRONMENTAL DOCUMENT AVAILABILITY AND COST; 16.60.030 RELATED TO DEFINITIONS FOR THE URBAN FORESTRY CODE; AND REPEALING CHAPTER 9.14 OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO POLICE ENFORCEMENT OF THE DEVELOPMENT CODE; AND REPEALING SECTION 13.04.040 RELATED TO SEWER CONNECTIONS AND EXEMPTIONS PROVIDING FOR SEVERABILITY AND CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City routinely review its code for clarity and seeks to periodically bring forward housekeeping changes; and

WHEREAS, this ordinance contains minor amendments to improve the clarity and effectiveness of the City's existing code; and

WHEREAS, these amendments are necessary to keep the regulations current, incorporating legislative revisions, addressing inconsistencies, correcting minor errors, and improving confusing or ineffective provisions or standards; and

WHEREAS, the Public Services Director acting as the SEPA Responsible Official determined that the proposed amendment is categorically exempt from threshold determination pursuant to WAC 197-11-800(19)(b); and

WHEREAS, the City provided public notice of the hearing as required by BLMC 14.40.140; and

WHEREAS, the Planning Commission held a public hearing on December 6, 2023 as required by BLMC 14.10.090.C and recommend that the City Council approve the amendments contained in this ordinance; and

WHEREAS, pursuant to RCW 36.70A.106 the City submitted this Ordinance to the Department of Commerce. The Department of Commerce review period concluded

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

Section 1. Findings of facts and conclusions. The findings of fact and conclusions attached as Attachment A and the analysis contained in staff report attached as Attachment B are adopted in full by the City Council in support of its decision. The recitals listed above in this Ordinance are further adopted as legislative findings.

Section 2. Section 10.36.015 of the Bonney Lake Municipal Code is hereby amended to read as follows:

10.36.015 Prohibited parking zones.

Parking shall be prohibited:

- A. On both the east and west sides of 186th Ave. E. between 90th St. E. and 88th St. E.
- B. In the triangular area north of 96th St. E., east of 198th Ave. Pl. E., and west of 198th Ave. E.
- C. On both the east and west sides of Sky Island Dr. E. between 97th St. E. and 104th St. E.
- D. On the south side of Bonney Lake Blvd. E. between West Tapps Hwy. E. and 192nd Ave. E.
- E. On the east side of West Tapps Hwy. E. between 67th St. E. and 76th St. Ct. E.
- F. On both sides of West Tapps Hwy. E. between 76th St. Ct. E. and Church Lake Rd. E.
- G. On both sides of 76th St. Ct. E. ~~from~~ between West Tapps Hwy. E. and ~~the terminus~~

202nd Ave. E.

H. On both sides of 100th St. E. between 204th Ave. E. and the terminus.

Section 3. Section 10.36.020 of the Bonney Lake Municipal Code is hereby amended to read as follows:

10.36.020 Restricted parking zones.

Parking without a city-issued permit is prohibited in the following zones:

A. Bonney Lake High School.

1. Both sides of 200th Ave. Ct. from South Prairie Road to 104th St. E.
2. Both sides of 201st Ave. E.
3. Both sides of 201st Ave. Ct. E.
4. Both sides of 201st Ave. Pl.
5. Both sides of 199th Ave. E.
6. Both sides of 199th Ave. Ct. E.
7. Both sides of 198th Ave. E., north of 104th St. E.
8. Both sides of 99th St. Ct. E.
9. Both sides of 100th St. E.
10. Both sides of 100th St. Ct. E.
11. Both sides of 101st St. E.
12. Both sides of 102nd St. E.
13. Both sides of 103rd St. E.
14. Both sides of 104th St. E., west of 198th Ave. E.
15. Both sides of 105th St. E., west of 198th Ave. E.
16. Both sides of 105th St. Ct. E., west of 198th Ave. E.
17. Both sides of 106th St. E., west of 198th Ave. E.

18. Both sides of 106th St. Ct. E., west of 198th Ave. E.
19. Both sides of 107th St. E., west of 198th Ave. E.
20. Both sides of 108th St. E., west of 198th Ave. E.
21. Both sides of 108th St. Ct. E., west of 198th Ave. E.
22. Both sides of 109th St. E., west of 198th Ave. E.
23. Both sides of 109th St. Ct. E., west of 198th Ave. E.
24. Both sides of 110th St. E., west of 198th Ave. E.
25. Both sides of 111th St. E., west of 198th Ave. E.
26. Both sides of 112th St. E., west of 198th Ave. E.
27. Both sides of 113th St. E., west of 198th Ave. E.
28. Both sides of 188th Ave. E.
29. Both sides of 188th Ave. Ct. E.
30. Both sides of 189th Ave. E.
31. Both sides of 190th Ave. E.
32. Both sides of 191st Ave. Ct. E.
33. Both sides of 192nd Ave. E.
34. Both sides of 196th Ave. E.
35. Both sides of Wildflower Ct. E.
36. Both sides of Wilderness Ct. E.
37. Both sides of Springwood Dr. E.
38. Both sides of Springwood Dr. E. from 196th to Meadowlark.
39. Both sides of Meadowlark.

B. Allan Yorke Park.

1. Both sides of 194th Ave. E., south of Bonney Lake Blvd. E. and north of 76th St. E.

2. Both sides of 193rd Ave. E., south of Bonney Lake Blvd. E. to terminus.
3. Both sides of 193rd Ave. E., north of Bonney Lake Blvd. E. to 68th St. E.
4. Both sides of Church Lake Dr. E. from West Tapps Hwy. E. to 72nd St. E.
5. Both sides of 76th St. E. east and west of 194th Ave. E. and terminus.
6. Both sides of 202nd Ave. E. from 76th St. Ct. E. to 78th St. Ct. E.
7. Both sides of 75th St. E from 194th Ave. E. to 193rd Ave. E.
8. Both sides of 77th St. Ct. E. from 202nd Ave. E. to 204th Ave. E.
9. On both sides of 76th St. Ct. E. from 202nd Ave. E. to the terminus.

Section 4. Section 10.36.060.A of the Bonney Lake Municipal Code is hereby amended to read as follows:

- A. Parking Enforcement Officer. The ~~mayor~~ Police Chief shall designate one or more employees of the ~~city~~ Police Department to serve as a parking enforcement officer. Said officer(s) shall be given a limited commission by the ~~mayor~~ Police Chief and be under the supervision of ~~an appointed official deemed by the mayor~~ the Police Chief or designee, ~~most appropriate to assist in the supervision of parking enforcement duties. For the purposes of this section, the parking enforcement officer shall not be a uniformed law enforcement officer as defined in, or for the purpose of, Chapter 41.26 RCW, or pertinent provisions of the Bonney Lake Municipal Code; but shall be a noncivil service city employee performing a special limited function consistent with the meaning and intent of this chapter.~~ This section shall not relieve or limit fully commissioned police officers of the city from performing parking enforcement duties as may be assigned.

Section 5. Section 12.08.010 of the Bonney Lake Municipal Code is hereby amended to read as follows:

12.08.010 Permit.

~~Any~~ No person, firm, corporation, joint stock company, partnership, association or otherwise, whether of a private or governmental nature, and excepting therefrom only the city itself by its duly authorized agents or employees, shall, ~~perform any work prior to causing any excavation to be made~~ over, along, under or across any street public right-of-way within the incorporated limits of the city as presently or hereafter constituted, ~~apply for a~~ prior to obtaining a permit for said work ~~to do said excavation prior to the time of excavation, and shall supply to the appropriate agency of the city information sufficient to show the nature, purpose and location of the excavations.~~ Work is defined as activity which digs up, breaks, excavates, tunnels,

undermines the public right-of-way, the placement of earth or other excavated material obstructing or interfering with the free use of the public right-of-way, and/or the removal of trees located within the public right-of-way. Work shall also include any activity that disturbs or impedes the follow of traffic, pedestrians, or bicyclist within the public right-of-way.

Section 6. Section 12.08.110 of the Bonney Lake Municipal Code and the is hereby amended to read as follows:

12.08.110 Penalties-Enforcement.

A. In the event that work is commenced without a permit required by this chapter, the city may order such unauthorized work to cease and may cause the right-of-way to be restored to its original condition at the expense of the person or entity performing the work. Except, that in those cases where emergency repairs are required, work may start immediately without prior approval from the city. Permits covering the emergency repairs shall be applied for as soon as the extent of the repair is determined. ~~Any person, firm, corporation or otherwise who fails and refuses to comply with the terms of this chapter by failing or refusing to obtain a permit and pay the fees as herein set shall be guilty of a misdemeanor.~~

B. Violations of this chapter shall be enforced through the provisions of Chapter 14.130 BLMC.

Section 7. Section 12.12.051 of the Bonney Lake Municipal Code and the is hereby amended to read as follows:

12.12.051 Boat launch facilities – and Parking fees established.

The following ~~parking~~ fees shall be charged by the city for use of the boat launch facilities and parking at Allan Yorke Park:

A. A resident combined boat launching and parking pass (“resident pass”) shall be available at the Public Safety Building. The cost of the resident pass shall be set by resolution of the city council ~~\$30.00 plus tax per vehicle per year~~. Residency will be verified through current Washington State driver’s license or other acceptable proof of residency. The resident parking pass shall not be transferable. The resident pass will expire on December 31st of each year. The resident pass shall be displayed on the vehicle while parking at the boat launch.

B. The administrative fee for replacement of a pass shall be set by resolution of the city council ~~is \$100.00~~. No refunds will be given for lost, stolen, or unused passes.

~~BC.~~ A fee as set by resolution of the city council ~~of \$17.00 plus tax~~, paid electronically, ~~will~~ shall be required per day of boat trailer parking at the to utilize the boat launch facilities for any vehicle ~~not displaying a~~ without a valid resident pass.

D. Between May 1st and October 1st of the calendar year vehicle parking to include boat trailer parking shall pay a fee as set by resolution of the city council; provided, however, that vehicles with a boat trailer displaying a resident pass shall be exempt from this requirement.

~~CE.~~ Any person failing to pay the daily parking fee or display a valid pass shall be deemed to have committed a civil infraction and for each such violation shall be subject to a civil penalty in the amount of \$41.00 plus court costs, if any. Failure to respond to a notice of infraction within 15 days shall result in an additional penalty of \$25.00. The infraction form shall comply with all applicable portions of RCW 46.63.060. Violations of this section are subject to citation and/or impoundment by the parking enforcement officer as provided below:

1. Towing, impoundment, and redemption procedures shall be consistent with Chapter 46.55 RCW and Chapter 10.32 BLMC.
2. The citation shall carry a fine of \$250.00 plus court costs and statutory assessments, if any. Failure to respond to a notice of infraction within 30 days from the date issued or 33 days from the date the notice is mailed shall result in an additional penalty of \$25.00. The infraction form issued to violators shall comply with all applicable portions of RCW 46.63.060. The hearing requirements contained in RCW 46.63.070 through 46.63.151 shall apply to violations of this chapter and are hereby incorporated by reference.

~~DE.~~ The mayor is authorized to promulgate policies and procedures necessary for the implementation of this section and the administration of the boat launch program.

Section 8. Section 12.12.053 of the Bonney Lake Municipal Code and the is hereby amended to read as follows:

12.12.053 Administration of program Disposition of parking fees.

Parking fees collected under BLMC 12.12.051.D shall be placed in the park capital improvement project fund and utilized for improvements identified on the adopted park capital improvement plan. Any unexpended funds at the end of a budget period shall not be transferred to the general fund or otherwise lapse, but funds shall be carried forward from year to year until expended for a purpose set forth above.

Section 9. Section 13.12.130 of the Bonney Lake Municipal Code and the is hereby amended to read as follows:

BLMC 13.12.130 Sewer Connections mandatory.

- A. Sewer Connections Mandatory. All new development must connect to the public sewer system unless an exception or special provision in this section has been met.
- B. Exception for Residential Development ~~Single Family Residential and Duplex~~. Where a public sanitary sewer is over 200 feet from the closest property line of a lot of record (as measured along centerline of right-of-way or easement from end of sewer main to intersection of right-of-way centerline and extension of the nearest property line), a private wastewater disposal system may be installed in conjunction with the construction of an individual detached single-family home, ~~or duplex, triplex, or fourplex~~; provided that if the Tacoma-Pierce County health department has issued a permit for the private wastewater disposal system.
- C. Limits on Use of Private Wastewater Disposal Systems. Where a private wastewater disposal system predates the enactment of this section or has been permitted pursuant to subsection B of this section, the private wastewater disposal system may be used so long as it is functioning properly; provided, that:
1. When a gravity public sewer main with a side sewer connection has been installed in any street, alley, or right-of-way abutting the property line, the property must connect to the public sewer at the time of sale or substantial improvement as defined in BLMC 16.20.030; and
 2. When a public sewer main has been installed to or across the property line, the property must connect to the public sewer if the private wastewater disposal system fails or requires replacement;
 3. If a property is not connected to the public sewer at the time a connection is required under this section, the city shall levy penalties in an amount equivalent to such charges that would be levied if said property were connected, pursuant to RCW 35.67.190.
- D. Special Conditions for Easttown Subarea. Properties within the Easttown subarea that are within the area served by Lift Station 23 may continue to use existing private wastewater disposal systems for existing or changed uses and may install new private wastewater disposal systems in conjunction with changes of use or new construction. The Tacoma-Pierce County health department must issue a permit for all private wastewater disposal systems. Applicants for development approvals or permits, including but not limited to site plan approvals, building permits, tenant improvements, and certificates of occupancy,

shall, at the time of permitting, execute an agreement with the city containing the following provisions:

1. A covenant, which shall run with the land and bind future owners of the property, to connect to public sewer service within one year of when sewer service becomes available. For purposes of this section, sewer service is available when an active public sewer main reaches the property line or is within 250 feet of the property line;
 2. An agreement that system development charges and related charges, latecomer fees, and monthly sewer fees shall be due at the time public sewer service becomes available, and that unpaid charges will become a lien on the property;
 3. An agreement to install public sewer infrastructure required by then current Bonney Lake Municipal Code, including dry lines located in a public sewer easement, at the time of temporary septic system construction;
 4. An agreement that if future construction increases the sewer capacity required by the property, additional system development charges shall be paid;
 5. A requirement to decommission the private wastewater disposal system at the time of sewer connection.
- E. Short Plats. Shorts plats of 4 or fewer lots may install new private wastewater disposal systems on each individual lot; provided that the Tacoma-Pierce County health department issue a permit for all private wastewater disposal systems and complies with the following:
1. The applicant shall prepare civil plans, which must be approved by the City, for the sewer extension that would have been required to serve the short plat and install dry lines consistent with the approved civil plans within and along the frontage of said short plat prior to obtaining final short plat approval. This provision does not require an applicant to prepare plans for any required regional lift stations.
 2. Community septic systems shall not be utilized or accepted by the city.
 3. Place the following notices on the face of the final short plat:
 - a. Property owners shall be required to connect to the public sewer service when the property is sold and/or the septic system fails, if the sewer services is available at that time.
 - b. Property owners shall be responsible for system development charges, related charges, and latecomer fees at the time connection is made to the public sewer service. Any unpaid charges will become a lien on the property.

c. Property owners shall be charged the monthly base charge starting when the sewer services are available regardless of whether a connection to the sewer services is made.

d. Property owners shall decommission the private wastewater disposal system at their own expense at the time of sewer connection.

F. Financial Hardship. When connection to the sewer system becomes mandatory, an applicant may apply to the city to pay the sewer SDC and/or the Eastown Utility Latecomer on an installment payment plan. The application shall state that paying the SDC and/or the Eastown Utility Latecomer poses a financial hardship. The city may permit the applicant to pay the charge in monthly or annual installments (not both) for a period of not more than five years and such payment plan may be recorded against the property. An interest rate, as determined by the city's chief financial officer based on the current rate of return the city would receive otherwise, will be charged on the balance owing to the city. If the property is sold prior to full payment of the entire obligation, the entire remaining balance of the sewer SDC and/or the Eastown Utility Latecomer, plus interest, shall be due and payable at the time of sale. Any past-due installments and any remaining balance that are not paid at the sale will become a lien on the property. Payment plans shall not be allowed if payment of the sewer SDC and/or the Eastown Utility Latecomer becomes mandatory in accordance with subsection (C)(1) of this section.

Section 10. Section 14.130.120 of the Bonney Lake Municipal Code is hereby amended to read as follows:

14.130.120 Appeal.

- A. Civil penalties and notices of violation may be appealed to the hearing examiner. ~~Refer to BLMC 14.120.020 for the appeal deadline, procedure, and fee.~~ The appeal of a notice of violation may contest that a violation occurred and/or the corrective action ordered. Failure to appeal the notice of violation waives the right to contest that a violation occurred or the corrective action ordered during an appeal of the civil penalty.
- B. The person cited in the notice of violation and/or the notice of civil penalty or any person having any record title or legal interest in the building, structure, premise, personal property, or land where the violation is alleged to exist may appeal a notice of violation and/or the notice of civil penalty.
- C. The appeal shall be filed with the Public Services Department utilizing the online code enforcement appeals form no later than 4:00 p.m. on the fifteenth day from the date of service. The date of service is determined pursuant to BLMC 14.130.050.

D. The written appeal shall state the name and address of the appellant and shall explain how the appellant is authorized by BLMC 14.130.120.B to file the appeal and shall list grounds for the appeal, including any alleged error of fact or law in the notice of violation and/or notice of civil penalty.

E. Appeals that do not meet the filing requirements set forth in this section may be rejected and need not be forwarded to the hearing examiner and/or processed. Any party who has an appeal rejected under this section may bring a motion to the city's hearing examiner to re-instate the appeal upon the basis that the appeal complied with the filing requirements. Such motion must be brought within 15 days of the date of notice of the city's rejection and refusal to process the appeal.

F. The hearing examiner shall conduct a hearing consistent with Chapter 2.18 BLMC and shall:

1. Prepare findings regarding whether a preponderance of evidence shows that the violation occurred and the required corrective action is reasonable;
2. Accordingly affirm, vacate, or modify the particulars of the notice of violation; and
3. Affirm, vacate, or modify the assessment of civil penalties. The hearing examiner may reduce civil penalties based on the following considerations:
 - a. Whether the violation was a first violation;
 - b. Whether the violator showed due diligence in correcting the violation;
 - c. Whether the penalty is more than necessary to:
 - i. Neutralize any profit enjoyed by the violator as a result of the violation;
 - ii. Make the public whole for environmental or other damages suffered as a result of the violation;
 - iii. Recompense the city for the costs of enforcement; and
 - iv. Other relevant factors.

~~C. Repealed by Ord. 1610.~~

~~D. Repealed by Ord. 1610.~~

G. Any appeal of the hearing examiner's determination must be filed with superior court pursuant to Chapter 36.70C RCW.

H. This section identifies final decisions appealable to superior court. In lieu of superior court, some appeals of final decisions are required by state law to be filed in other forums. The appellant bears the responsibility of filing an appeal in the proper forum and no assurances are made as to the accuracy of the forums designated by this section.

Section 11. Section 14.130.140 of the Bonney Lake Municipal Code is hereby amended to read as follows:

14.130.140 Collection.

A. A monetary penalty constitutes a personal obligation of the person to whom the notice of civil penalty is directed. Assessed penalties shall be paid to the city within 15 days from the date of service of the notice of civil penalty. The city may take all legal means to collect penalties.

B. The city attorney may negotiate a settlement, compromise, or otherwise dispose of an issued monetary penalty when to do so would be in the best interest of the city.

Section 12. Section 14.130.160 of the Bonney Lake Municipal Code is hereby amended to read as follows:

14.130.160 Abatement by the city – Unfit dwellings, buildings, and structures.

A. The city of Bonney Lake finds that there exist in its territorial limits unfit dwellings, buildings, and structures as defined in RCW 35.80.010.

B. The hearing examiner may determine that a dwelling, building, structure, or premises is unfit for human habitation or other use if conditions exist in such dwelling, building, structure, or premises which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, structure, or premises, the occupants of neighboring dwellings, or other residents of the city of Bonney Lake. A dwelling, building, structure, or premises is dangerous or injurious when, among other situations, it is vacant for an extended period and persistently or repeatedly becomes unprotected or unsecured, or is currently or frequently occupied by unauthorized persons for illegal purposes, or the owner or occupant(s) of the structure have not provided minimum safeguards to protect or warn occupants in the event of fire, or contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it presents a danger of structural collapse or fire spread to adjacent properties.

C. The hearing examiner shall serve as the public officer as defined in RCW 35.80.020, except that the code official shall provide all administrative functions such as preliminary investigations and the serving of notices. The code official shall have the power to investigate the dwelling and other property conditions in the city and to enter upon

premises, with consent of the occupant, for the purpose of making examinations when the code official has reasonable grounds for believing they are unfit for human habitation, or for other use; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and the code official shall obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

- D. Except for the code official's functions listed in subsection C of this section, the hearing examiner shall have all the powers and follow all the procedures identified for the board or officers in RCW 35.80.030.
- E. In determining the fitness of a premises, the hearing examiner shall reference Chapter 8.20 BLMC and the building codes adopted pursuant to Chapter 15.04 BLMC, or any other pertinent provision of the development code, in accordance with RCW 35.80.030(1)(d) and (e).
- F. The ~~city council~~ appellate hearing examiner shall serve as the appeals commission identified in RCW 35.80.030(1)(g), complying with the procedures stated therein.
- G. In accordance with RCW 35.80.030(1)(h), the cost of abatement by the city shall be assessed against the real property upon which such cost was incurred, which assessment the county treasurer shall enter upon the tax rolls against the property for the current year. If the city sells any materials from the premises as provided in RCW 35.80.030(1)(h), it shall do so in accordance with Chapter 2.70 BLMC. The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.
- H. Any person affected by an order issued by the ~~city council~~ appellate hearing examiner pursuant to subsection F of this section may petition to the superior court as provided in RCW 35.80.030(2)

Section 13. Section 14.140.040 of the Bonney Lake Municipal Code is hereby amended to read as follows:

14.140.040 ~~Threshold determination~~ SEPA, scheduling of hearing, and notice.

Once a proposed amendment to the comprehensive plan or a development regulation has been drafted, the director(s) shall:

- A. ~~Perform a threshold determination regarding the proposal in accordance with Chapter 197-11 WAC, Part Three~~ Ensure compliance with the city's SEPA Code adopted as Title 16 Division I BLMC.
- B. ~~If a determination of significance (DS) is issued, determine the scope of the environmental~~

impact statement (EIS) and prepare the draft EIS;

~~CB.~~ Schedule a public hearing before the planning commission for a date that conforms to the following notice requirement; and

~~DC.~~ Publish between ~~15-10~~ and 30 days before the hearing a notice of hearing in the official newspaper (see Chapter 1.20 BLMC); provided, that:

~~1.~~ If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the director(s) will reconsider the DNS.

~~2.~~ If WAC 197-11-340(2) applies (that is, city cannot take final action until 15 days after issuing a DNS), the director(s) shall also send the notice of hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).

~~3.~~ If a DEIS has been prepared, the notice shall state that comments on the DEIS will be accepted until and at the hearing.

~~4D.~~ The director(s) may publicize a given legislative proposal more broadly or by additional means than stated herein if desired to gather more public input. Minor errors in amendment procedures, such as unintended inaccuracies in any public notice, shall not invalidate an amendment proceeding.

Section 14. Section 15.28.020 of the Bonney Lake Municipal Code is hereby amended to read as follows:

15.28.020 Definitions.

For the purposes of this chapter, the following terms shall have the meaning ascribed to them below:

A. "A" Definitions

1. "Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

2. "Air-activated graphics" means a sign, all or any part of which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

3. "Ambient light" means surrounding or environmental light that is everywhere equally intense and has no directionality.

4. "Animated sign" means any sign depicting action, motion, light, or color changes

through electrical or mechanical means.

5. “Awning” means a shelter projecting from and supported by the exterior wall of a building, constructed of nonrigid materials on a supporting framework (compare “marquee”).

6. “Awning sign” means a sign painted on, printed on, or attached flat against the surface of an awning.

B. “B” Definitions

1. “Balloon signs” means a sign that is an air-inflated object, which may be of various shapes, made of flexible fabric equipped with a portable blower motor that provides a constant flow of air and is restrained in place with a cord, rope, or cable.

2. “Banner sign” means a sign made of fabric or any nonrigid material.

3. “Blade sign” means a temporary sign constructed of cloth, canvas, plastic fabric, or similar light-weight, nonrigid material and supported by a single vertical pole. Blade signs are also referred to as feather banners or teardrop signs.

C. “C” Definitions

1. “Changeable copy sign (automatic)” means a sign on which the copy changes automatically on a lamp-bank or through mechanical means, e.g., electrical or electronic time and temperature units.

2. “Copy” means the graphic content or message of a sign.

D. “D” Definitions

1. “Digital sign” means a changeable copy sign that uses a matrix of illumination elements, such as light emitting diodes (LED), liquid crystal display (LCD), plasma display, individual light bulbs, or other digital or analog electronic media to display or project copy which can be modified by electronic processes.

2. “Directory sign” means a monument sign that identifies two or more tenants located within a multiple-building complex or multitenant building.

E. “E” Definitions

1. “Electronic message center” means an electronically activated sign whose message content contains words, symbols, figures, and/or images and may be changed by means of electronic programming.

F. “F” Definitions

1. “Facade” means the entire building front including the parapet.
2. “Face of sign” means the area of a sign on which the copy is placed.
3. “Festoon” means a string of ribbons, tinsel, flags, or pinwheels.
4. “Flashing sign” means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light (compare “animated sign,” “changeable copy sign (automatic)”).
5. “Frontage” means the length of the property line of any one premises along a public right-of-way on which it borders.
6. “Frontage, building” means where the main entrance is located on a facade which is visible from a public or private street, parking lot, or highway.

G. “G” Definitions

1. “Government sign” means any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction; official public notices such as notice of land use action signs or signs relating to an emergency; temporary signs posted at City posting locates; or for direction to any school, hospital, historical site, or public service, property, or facility.

H. “H” Definitions

1. “Height (of a sign)” means the vertical distance from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

I. “I” Definitions

1. “Interactive sign” means an electronic or animated sign that reacts to the behavior or electronic signals of drivers.

J. “J” Definitions

Reserved

K. “K” Definitions

Reserved

L. "L" Definitions

Reserved

M. "M" Definitions

1. 1. "Maintenance" means the cleaning, painting, minor repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
2. 2. "Marquee" means a permanent structure attached to, supported by, and projecting from a building and providing protection from the weather elements, but does not include a projection of the roof of the building. For the purposes of this chapter, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, shall also be considered a marquee.
3. 3. "Marquee sign" means any sign which forms part of or is integrated into a marquee and/or is attached to a marquee.
4. 4. "Message," pertaining to electronic signs, means a text message, image, or combination thereof meant to be comprehended as a whole by the viewer. Each sentence or simple concept shall be deemed a separate message. A message can either be a static display or a display which, not fitting onto the screen all at once, is broken into parts which appear sequentially, appearing on or scrolling across the screen. Electronic signs are capable of changeable messages.
5. 5. "Monument sign" means a ground-mounted sign which is attached to the ground by means of a wide base of solid appearance.
6. 6. "Multiple-building complex" means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business which shares the same lot, access and/or parking facilities.
7. 7. "Multiple-tenant building" means a single structure housing more than one retail business, office or commercial venture but not including residential apartment buildings.

N. "N" Definitions

1. 1. "Nit" means a luminance unit equal to one candle per square meter measured perpendicular to the rays from the source.

O. "O" Definitions

1. "Off-premises sign" means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."
2. "On-premises sign" means a sign which pertains to the use of the premises on which it is located.
3. "Owner" means a person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

P. "P" Definitions

1. "Parapet" means the extension of a false front or wall above a roofline.
2. "Party" means any individual, corporation, association, firm, partnership, or other legal entity.
3. "Permanent sign" means a sign that is made of durable materials such as metal, heavy plastic, concrete, or wood, or a sign painted on a structure, which is intended for long-term or indefinite use, including but not limited to monument, projecting, and wall signs.
4. "Point of purchase display" means advertising of a retail item, accompanying its display, e.g., an advertisement on a product dispenser.
5. "Pole sign" means a permanent sign mounted on a pole or pole-type structure.
6. "Projecting sign" means a sign, other than a wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Q. "Q" Definitions

Reserved

R. "R" Definitions

1. "Readerboard" means a sign face, illuminated or nonilluminated, which is designed to hold readily changeable sign graphics allowing frequent changes of copy.
2. "Roof sign" means any sign erected over the roofline or on the roof of a building.

3. “Roofline” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

S. “S” Definitions

1. “Sandwich board sign” means a temporary sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.
2. “Searchlight” means an apparatus containing a light and reflector on a swivel, for projecting a strong, far-reaching beam in any direction.
3. “Sign” means any medium, including structural and component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. The scope of the term “sign” does not depend on the content of the message or image conveyed.
4. “Sign, area of” means for:
 - a. Projecting and monument signs, the entire area of a sign, on which graphics, letters, figures, symbols, trademarks and/or written copy is to be placed, excluding sign structure, architectural embellishments, and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the graphics, letters, figures, symbols, trademarks, and/or written copy.
 - b. Wall, canopy, or awning signs, the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message; provided, however, that individual letters, numbers, or symbols using a wall, canopy, or awning as background have sign area calculated by measuring the perimeter enclosing each letter, number, or symbol.

T. “T” Definitions

1. “Temporary sign” means a sign designed for short-term uses that is moveable and not permanently affixed to the ground or to a structure or building.

U. “U” Definitions

1. “Under-canopy sign” means a sign suspended beneath a canopy, ceiling, roof, or marquee.

V. “V” Definitions

1. “Video” means a high-resolution, high-frames-per-second motion picture display.

W. “W” Definitions

1. “Wall sign” means a sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs.
2. “Window sign” means a sign installed inside a window and intended to be viewed from the outside.

X. “X” Definitions

Reserved

Y. “Y” Definitions

1. “Yard sign” means a temporary sign made of plastic that is attached to the ground with wire or wooden stakes.

Z. “Z” Definitions

Reserved

Section 15. Section 15.28.060 of the Bonney Lake Municipal Code is hereby amended to read as follows:

15.28.060 Temporary signs.

Temporary signs shall comply with the following provisions:

- A. The maximum size of a temporary sign shall be 16 square feet.
- B. Temporary signs shall be made of weather-resistant materials and shall be firmly anchored to the ground or structure or able to stand freely without toppling or blowing over. Signs and parts of signs that are blown or carried away from their intended location may be collected and disposed of as litter.
- C. Temporary signs shall be maintained in good repair.
- D. Temporary signs associated with a temporary use permit or special event shall be removed within 48 hours of the conclusion of the event or use with which they are associated.
- E. Sandwich board signs shall be taken out of view during nonbusiness hours.
- F. Temporary signs shall not be used as the only sign advertising an on-premises commercial, office, or retail use for longer than 60 consecutive days. After that time, a permanent sign shall be required.

- G. Temporary signs placed alongside public rights-of-way must be set back as provided below:
1. A minimum of 10 feet from the paved edge of SR 410 and South Prairie Road for safety; provided, that the distance may be reduced to five feet if a vertical curb separates the frontage from the paved portion of the SR 410 and South Prairie Road.
 2. A minimum of five feet from the paved edge of all other streets.
- H. No more than four signs are allowed per parcel or parcel frontage.
- I. Temporary signs shall not be:
1. Placed in such a manner as to harm immature or newly planted landscaping; or
 2. Attached to any public owned improvements or infrastructure within the public right-of-way; or
 3. Placed within the SR 410 right-of-way between the western edge of Veteran's Memorial Boulevard/181st Avenue East and the western city limits; or
 4. Placed within the flow line of a city drainage swale located with the public right-of-way.
- J. Temporary signs placed on public property or public right-of-way in violation of this chapter are subject to removal and destruction by the city without notice.

Section 16. Section 16.02.110 of the Bonney Lake Municipal Code is hereby amended to read as follows:

16.02.110 Fees.

- A. Threshold Determination. For every environmental checklist the city will review when it is lead agency, the city shall collect a fee in accordance with Chapter 3.68 BLMC from the proponent of the proposal prior to undertaking the threshold determination. The time periods required for making a threshold determination shall not begin to run until payment of the fee.
- B. Environmental Impact Statement.
1. When the city is the lead agency for a proposal requiring an EIS and the SEPA official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The SEPA official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise

ensure payment of such costs.

2. The SEPA official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals.
 3. If a proposal is modified so that an EIS is no longer required, the SEPA official shall refund any fees collected under this section which remain after incurred costs are paid.
- E. The city shall collect the fee as established in ~~BLMC 3.68.050~~ Chapter 3.68 BLMC from the applicant to cover the cost of complying with the public notice requirements of the SEPA code.
- F. Unless the project is a cross-jurisdictional project with applications for development in Bonney Lake, the city shall not collect a fee for performing its duties as a consulting agency.
- G. The city shall collect fees, as established in Chapter ~~3.90~~ 3.44 BLMC, from any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.56 RCW.

Section 17. Section 16.06.020 of the Bonney Lake Municipal Code is hereby amended to read as follows:

16.06.020 Environmental document availability and cost.

- A. The city shall retain all documents required by Chapter 197-11 WAC and make them available in accordance with Chapters 42.17 and 42.56 RCW.
- B. The city shall make copies of any environmental document available in accordance with Chapters 42.17A and 42.56 RCW upon payment of the fees required pursuant to Chapter ~~3.90~~ 3.44 BLMC; provided, that no charge shall be levied for circulation of documents to other agencies as required by the SEPA code and/or Chapter 197-11 WAC.

Section 18. Section 16.60.030 of the Bonney Lake Municipal Code is hereby amended to read as follows:

16.60.030 Definitions.

For the purposes of the urban forestry code the following terms shall have the meaning as provided below:

1. “Arborist” means a professional with academic and field expertise in urban forestry. This may include arborists certified by the International Society of Arboriculture or members of the Society of American Foresters, American Society of Consulting Foresters or American Society of Consulting Arborists.
2. “Caliper” means trunk diameter measured six inches above the root ball.
3. “Critical root zone (CRZ)” means either the drip line or an area extending one foot beyond the trunk for each inch of DBH, whichever is greater.
4. “Clearing” means the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means.
5. “Development” means the construction of detached house or accessory dwelling unit, project which requires design review or site plan approval, or divisions of land.
6. “Grading” means any excavation, filling or combination thereof.
7. “Groundcover” means low growing, spreading plants whose primary function is covering the soil. Groundcovers may include herbaceous or woody plants and ornamental grasses.
8. “Diameter breast height (DBH)” means trunk diameter measured 54 inches above the ground adjacent to the tree.
9. “Drip line” means the circle that can be drawn on the ground below a tree, directly under its outermost branch tips.
10. “Exceptional tree” means a tree 30 inches or greater at DBH, excluding cottonwood trees (*Populus trichocarpa*), white alder (*Alnus rhombifolia*), ~~and~~ red alder (*Alnus rubra*), and arborvitae (*Thuja*) genus located outside of undevelopable critical areas and Class 2 landslide hazardous areas.
11. “Heritage tree” means any tree designated by the city council under Chapter 16.66 BLMC.
12. “Landscaping” means trees, shrubs, and groundcover installed or retained to satisfy the requirements of Chapter 16.68 BLMC.
13. “Land disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, excavation, and mining. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity. Stormwater facility maintenance is not considered “land disturbing activity” if conducted according to established standards

and procedures.

14. “Low impact development (LID)” means a stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.
15. “Nonsignificant tree” means a tree not classified as an exceptional, significant, or heritage tree.
16. “Noxious plant” means all plant species listed by the Pierce County noxious weed control board as noxious, invasive, or of concern.
17. “Open space tract” means a lot that has been preserved as open space and/or park tract as part of a division of land and does not contain any undevelopable critical areas.
18. “Removal” means causing a tree to die by cutting down, digging up, topping, girdling, excessive pruning, root destruction, denial of water, poisoning, or other means.
19. “Root ball” means the main mass of roots at the base of the trunk of a tree.
20. “Shrub” means a plant listed as a shrub in the American Standard for Nursery Stock, Sunset Western Garden Book, or similar authority.
21. “Significant tree” means a tree at least six inches but less than 30 inches at DBH, excluding cottonwood trees (*Populus trichocarpa*), white alder (*Alnus rhombifolia*), ~~and~~ red alder (*Alnus rubra*), and arborvitae (*Thuja*) genus located outside of undevelopable critical areas and Class 2 landslide hazardous areas.
22. “Street tree” means a tree located within the right-of-way of a public or private street.
23. “Suitable planting soil” shall be soil that consists of either:
 - a. Imported planting media, such as two-way topsoil; or
 - b. Existing on-site soils, if determined to be acceptable by a licensed landscaping architect consistent with the following requirements:
 - i. Prior to reusing existing soils, a soil test shall be conducted, and amendments shall be administered consistent with soil test results and recommendations.
 - ii. Soil samples should be taken from each major planting area, or as approved by the director.

- iii. Tests shall be performed by an approved laboratory.
 - iv. Tests performed shall include, but are not limited to, macronutrient levels (K, P, Ca, and Mg), pH, lime requirements, organic matter content, and soil texture (percent silt, sand, and clay).
24. “Tree” means a large, woody plant having one or several self-supporting stems or trunks and numerous branches and a potential minimum height of 15 feet.
 25. “Tree board” means the Bonney Lake planning commission.
 26. “Tree grove” means a group of eight or more trees regardless of DBH that form a continuous canopy.
 27. “Tree plan” means the city of Bonney Lake street tree master plan.
 28. “Tree, Small Species” means a tree with a mature height of thirty feet (30') or less.
 29. “Tree, Medium Species” means a tree with a mature height between thirty feet (30') and fifty feet (50').
 30. “Tree, Large Species” means a tree with a mature height of fifty feet (50') or more.
 - ~~28~~31. “Vegetation” means living plant material including shrubs, groundcover, and nonsignificant trees, but excluding significant and exceptional trees.
 - ~~29~~32. “Vehicle overhang” means the length of a vehicle which extends two feet beyond the center front axle of the vehicle signified as distance “A” as illustrated in the figure below:
 - ~~30~~33. “Vehicular use area” means all areas used for parking spaces, driveways, interior roadways and travel lanes, loading areas, fleet vehicle storage areas, and all other areas used and/or accessible for vehicular circulation to include areas blocked by removal bollards or similar device.
 - ~~31~~34. “Windfirm” means trees able to withstand strong winds; to resist windthrow, windrocking and major breakage due to wind.
 - ~~32~~35. “Working day” means all calendar days except for Saturdays, Sundays, holidays established by BLMC 2.32.010(A) through (C), and the days between December 25th and January 1st.
 - ~~33~~34. “Xeriscaping” means a process of landscaping that reduces or eliminates the need for supplemental water from irrigation by selecting plants whose natural requirements are appropriate to the local climate are emphasized and care is taken to avoid losing water to evaporation and runoff.

Section 19. Repealer. The previously codified provisions of Chapter 9.14 of the Bonney Lake Municipal Code entitled “Sewer connections and exemptions” and the corresponding portion of Ordinance 1444 § 1 are each hereby repealed.

Section 20. Repealer. The previously codified provisions of Section 13.04.040 of the Bonney Lake Municipal Code entitled “Development Code” and the corresponding portion of Ordinance 588 § 15 and Ordinance 1702 § 1 are each hereby repealed.

Section 21. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 22. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 23. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 24. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this ___ day of _____, 20__.

APPROVED by the Mayor this ___ day of _____, 20__.

Michael McCullough, Mayor

AUTHENTICATED:

Sadie A. Schaneman, CMC, City Clerk

AB _____
Passed:
Valid:
Published:
Effective Date:
This Ordinance totals _____ page(s)

FINDINGS OF FACT AND CONCLUSIONS

Having considered in detail both the oral and documentary evidence received concerning the update to the City of Bonney Lake Municipal Code, the Bonney Lake City Council now makes and adopts the following Findings of Fact and Conclusions:

FINDINGS OF FACT

Public Participation

- 1) The Bonney Lake Planning Commission held a public meeting to discuss the amendments on November 15, 2023.
- 2) The Bonney Lake Planning Commission held a public hearing December 6, 2023 and recommended that the City Council adopted the proposed amendments.
- 3) The City issued an official notice of the public hearing on November 15, 2023, which is twenty (21) days prior to the hearing.
- 4) The notice of public hearing provided a comment period, which concluded on December 6, 2023.
- 5) Notice of the hearing was also published in the newspaper on November 15, 2023 as required by BLMC 14.140.040(D).

State Environmental Policy Act

- 6) The amendments to the City's Development Code update ordinance are considered a non-project action as defined in WAC 197-11-704(2)(b) under the State Environmental Policy Act (SEPA).
- 7) Pursuant to WAC 197-11-926, the City of Bonney Lake was designated as the lead agency for the SEPA review of the proposed amendments contained in this ordinance.
- 8) The Public Services Director acting as the SEPA Responsible Official determined that the proposed amendment is categorically exempt from threshold determination pursuant to WAC 197-11-800(19)(b).

State Agency Review

- 9) Development regulations are defined as the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development

ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto pursuant to RCW 36.70A.030.

- 10) The City submitted the required notice of intent to adopt the proposed ordinance to the Department of Commerce as required by RCW 36.70A.106 on November 28, 2032.
- 11) The City has requested expedited review as authorized by RCW 36.70A.106(3)(b), which was _____ by the Department of Commerce on _____.
- 12) The Department of Commerce’s review period concluded on _____.

CONCLUSIONS

Based upon the above findings the City Council adopts the following conclusions:

- 1) Notice of the public hearings for this matter has been conducted in accordance with City of Bonney Lake rules and regulations governing such matters for both the Planning Commission and the City Council. (FINDINGS 1 – 5)
- 2) The City complied with the requirements to the State Environment Policy Act (Chapter 43.21C) and the implementing regulations found in Chapter 197-11 WAC. (FINDINGS 6 – 8).
- 3) The City complied with the requirements of RCW 36.170.106 to notify the Department of Commerce of the City’s intent to adopt an amendment to the City’s development regulations (FINDINGS 9 – 12).



Staff Report

PLANNING AND BUILDING DIVISION
PUBLIC SERVICES DEPARTMENT

DATE: November 28, 2023
TO: City Council
FROM: Jason Sullivan – Planning & Building Supervisor
SUBJECT: 2023 Annual Code Maintenance Package

PROJECT OVERVIEW:

The “2023 Annual Code Maintenance Amendments” is the continuation of an annual process that will be used by staff to improve the clarity and effectiveness of the Bonney Lake Municipal Code.

The goal of this process is to keep information current, incorporate legislative revisions, address inconsistencies, correct minor errors, and improve confusing or ineffective provisions or standards. Proposed amendments included in the ordinance address issues that have been the subject of a code interpretation issued by the Director or those identified by staff, customers of the Public Services Department, the Planning Commission, the City Council, and/or the public. A list of the specific amendments and the reason for each of the amendments is further discussed in Attachment B-1.

BACKGROUND

A. Site Characteristics:

This is not a site-specific proposal and would apply to all properties within the City of Bonney Lake when applicable.

B. Surrounding Properties

The proposed amendments are amending the City’s Municipal Code and are not a site-specific proposal. Therefore, there are no surrounding properties.

C. Environmental Review:

SEPA

The Public Services Director acting as the SEPA Responsible Official determined that the proposed



Staff Report

PLANNING AND BUILDING DIVISION
PUBLIC SERVICES DEPARTMENT

amendment is categorically exempt from threshold determination pursuant to WAC 197-11-800(19)(b).

Shoreline

The proposed amendments would apply with all areas regulated by the Shoreline Code (Title 16 – Article III BLMC). The amendments would not supersede the requirements of the Shoreline Code, which establishes specific requirements for properties within the shoreline jurisdiction.¹

Critical Areas

The proposed amendments would apply with all areas regulated by the Critical Areas Code (Title 16 – Article II BLMC). The amendments would not supersede the requirements of the Critical Areas Code, which establishes specific requirements for properties within the shoreline jurisdiction.

D. Processing Background:

The City held an open public meeting to discuss the proposed amendments with the Planning Commission on November 15, 2023. The City issued an official notice of the public hearing on November 15, 2023, at the required posting locations and in the local newspaper² a minimum of fifteen (15) days prior to the hearing along with the required public comment period. A public hearing is scheduled to be held on December 6, 2023.

The City submitted the required notice of intent for an expedited review to adopt the proposed ordinance to the Department of Commerce as required by RCW 36.70A.106 on November 28, 2023.³

ANALYSIS

A. Development Regulations Amendment (BLMC 14.140.090.B)

The approval criterion for amendments to a development regulation is consistency with the comprehensive plan and the laws of the State of Washington.

¹ Areas subject to the Shoreline Code are all properties within 200 feet of Lake Tapps and the portion of Fennel Creek below Victor Falls.

² See Attachment B-2

³ See Attachment B-2



Staff Report

PLANNING AND BUILDING DIVISION
PUBLIC SERVICES DEPARTMENT

1. Comprehensive Plan (Bonney Lake 2035)

As the proposed amendments are meant to address inconsistencies or errors in the existing development regulations there is not a comprehensive plan policy specifically related to these amendments. As the amendments are minor in nature, the changes would not be contrary to any of the comprehensive plan policies.

2. State Law

The City's authority to adopt proposed amendments is provided for in RCW 35A.63.100, which provides that the legislative body may adopt regulations that it deems necessary to effectuate the goals and objectives of the comprehensive plan. As discussed above, the proposed amendments are minor and not contrary to the City's comprehensive plan.

The proposed amendment BLMC 10.36.060 to require the parking enforcement officer to be employed by the Police Department is required to comply with a change in State Law in 2021. This change required that a person with a limited commission receive the same training as a police officer and be employed by the Police Department.

The proposed amendment to BLMC 14.140.040 is to update the code to ensure compliance with RCW 35A.63.070, which establishes that the notice must be provide a minimum of 10 days prior to the Planning Commission Hearing

CONCLUSION

The proposed amendments are consistent with the criteria to amend the development regulations established in BLMC 14.140.090.B.

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2023 Development Code Maintenance Amendments

Description and Justification

November 8, 2023

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
1	Prohibited Parking Zones	10.36.015	Staff	The amendment would modify the current prohibited parking zone, by reducing the prohibited parking zone on 76 th St. Ct. E. to the area between West Tapps Highway and 202 nd Ave. E.	In conversation with the neighbor, the citizens requested that the no parking zone be reduced to the area between 76 th St. Ct. E and 202 nd Ave. E. The area between 202 nd Ave. E. and the terminus of 76 th St. Ct. E would be change to a restricted parking zone allowing parking by permit, which is captured in amendment number 2.
2	Restricted Parking Zones	10.36.020	Staff	The amendment would at the portion of 76th St. Ct. E. between 202 nd Ave. E. and the terminus of the roadway to the restricted parking zone for Zone B (i.e Allan Yorke Park).	The is the second part of the request as discussed above. Parking along this portion of 76 th St. Ct. E. would be allowed by permit only.
3	Parking Enforcement Officer	10.36.060	Staff	The amendment will clarify that the parking enforcement officer is required to be an employee within the Police Department.	The change is required to comply with Engrossed Second Substitute Senate Bill 5051 enacted by the State Legislature in 2021. This change required that a person with a limited commission receive the same training as a police officer and be employed by the Polie Department.

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
4	Right-of-way Permits	12.08.010	Staff	Clarifying that a right-of-way permit is required when a private party does work within the public right-of-way or impedes the follow of traffic, pedestrians, or bicyclist. The amendment also adds a definition of work.	When private parties do work or impedes the follow of traffic, pedestrians, or bicyclist within the right-of-way the City needs to ensure that appropriate traffic controls plans have been approved and implement. This is also needed to ensure that the party performing the work has insurance coverage to protect the City from damage to the City's improvements or in case of injury to motorist, pedestrians, and bicyclist.
5	Right-of-permit Enforcement	12.08.110	Staff	Clarifies that violations of the City's right-of-way are enforced through the City's Code Enforcement provisions.	Currently the only enforcement is to charge someone if there is violation the code with a misdemeanor. This amendment would provide for other enforcement mechanism that are not criminal to ensure compliance.
6	Allan Yorke Park Boat Launch and Parking Fees	12.12.051	Staff	Would update the fees for both parking and use of the boat launch facility at Allan Yorke Park. The amendment also updates the violation section to be consistent with state law.	The amendment is necessary to implement the Allan Yorke Parking fee approved by the City Council on November 28, 2023. This change is also necessary to reflect that fees are set by City Council resolution.

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
7	Disposition of AYP Parking Fees	12.12.053	Staff	The amendment would direct parking fees collected at AYP to the park capital improvement fund.	The amendment would direct the newly established parking fee for AYP to be directed to fund capital improvements in the City's parks. Any citation written for non-payment of the parking fee by the Police Department would still be deposited in the general fund. The amendment would not change how boat launch fees are currently dispersed.
8	Sewer Connections	13.12.130	Staff Recommended	Updates the exemptions to the City's general requirement that properties connect to sewer exemption within the Sewer Code.	In June of 2023, the City Council approved an expanded list of exemptions. These amendments were made to Section 13.04.040 in the City's Water Code. This section in the Water Code was a carbon code to Section 13.12.130 in the Sewer Code. However, the amendments were not made to Section 13.12.130 creating an inconsistency in the code. Staff is not sure way regulations related to the sewer copied in the Water Code. There is no change to the regulations previously approved by the City Council. The amendment simply updates the Sewer Code with the previously approved exemptions and repeals the sewer related requirements from the Water Code.

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
9	Code Enforcement Appeals	14.130.120	City Attorney	Clarifies the requirements to file an appeal of a notice of violation or a notice of civil penalty and allows for the administrative dismissal of appeals that do not comply with the filing requirements.	The amendment will clarify that an appeal must include the grounds of the appeal including any alleged error of fact or law. The amendment allows the City to administratively dismiss appeals that don't include grounds of the appeal. The City is current expending significant amount of time and general fund dollars to file motions to dismiss with the Hearing Examiner for appeals that do not include the grounds for which the appeal is filed. The provision would allow someone to appeal the administrative dismissal to the Hearing Examiner.
10	Collection of Civil Penalties	14.130.140	City Attorney	Adds a provision to allow the City Attorney to prepare a settlement agreement that alters the amount of a civil penalty.	As the goal of code enforcement is to obtain compliance and not to collect monetary fees, there are times when it would be in the best interest of the City and the property owner to reduce or waive the civil penalty. Currently, the only way to modify a civil penalty is to appeal the civil penalty to the Hearing Examiner, which can be time consuming and costly. This provision would allow for an administrative adjustment to the civil penalty during the course of working collaboratively to resolve a code enforcement issue. The ability to appeal to the Hearing Examiner would remain in place.

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
11	Unfit Buildings	14.130.160	Staff Recommended	Identifies the Appellant Hearing Examiner instead of the City Council as the appeals body to hear appeals of the Hearing Examiner declaring a structure unfit for human habitation.	In June of 2023, the City Council amended Chapter 2.18 BLMC creating the office of the Appellant Hearing Examiner and specifically identifying the Appellant Hearing Examiner as the party to hear appeals related to unfit dwelling units. The amendment corrects this inconsistency in the code.
12	Comprehensive Plan Amendments and Development Regulations SEPA and Notice Requirements.	14.140.040	Staff Recommended	Clarifies the City will comply with the newly adopted SEPA Code and that public hearing notices must be published in the newspaper a minimum of 10 days prior to the hearing.	The amendment is to update the code to ensure compliance with RCW 35A.63.070, which establishes that the notice must be provide a minimum of 10 days prior to the Planning Commission Hearing.
13	Governmental Signs	15.28.020	Staff Recommended	Expands the definition of governmental sign to include temporary signs posted by the City at City posting locations.	The amendment is intended to clarify that temporary signs installed by the City for City sponsored events at the banner posting locations along SR-410 are considered governmental signs.

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
14	Temporary Signs	15.28.060	Council Initiated	The amendment would prohibit temporary signs within the SR-410 right-of-way between Veterans Memorial Drive and the City Limits, within the flow line of a stormwater ditch, and attachment of temporary signs to the publicly owned improvements within the right-of-way. Clarifies that temporary signs are subject to destruction without notice.	The amendment establishes additional time, place, and manner restrictions on temporary signs by excluding certain areas due to safety concerns related to the lack of sidewalks, no parking, and high vehicle speeds. Additionally, the amendment is prohibiting signs that could damage city infrastructure, cause street flooding, and/or giving the appearance that the sign was installed by or on behalf of the City.
15	SEPA Fees	16.02.110	Staff Recommended	The reference was changed to Chapter 3.68 BLMC instead of BLMC 3.68.050.	Updates to the code to reflect that fees are set by resolution instead of in the BLMC. The current version of BLMC 3.68.030 states that fees are established buy resolution of the City Council.
16	Environmental document availability and cost	16.06.020	Staff Recommended	The reference was changed to Chapter 3.44 BLMC instead of Chapter 3.90.	BLMC 3.44.010 establishes how fees are calculated for the publication of public records. These specific fees are also shown on the Master Fee Resolution adopted by the City Council. Chapter 3.90 BLMC was repealed when the City Council adopted the Master Fee Resolution.

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
17	Urban Forestry Definitions	16.64.050	Staff Recommended	Updates the definition of tree to excluded arborvitae. The amendment also clarifies that the exceptions the definition trees do not apply in critical areas. Finally the amendment would establish a definition of small, medium and large species trees.	As arborvitae are technically trees, they would fall under the regulations of the urban forestry code. However, the intent of the code was never to regulate arborvitae, the amendment simply clarifies that for regulatory purposes arborvitae are not trees. The other amendments do not change or alter the City's tree regulations. BLMC 16.60.040.C already provides the exemption for specific trees in the urban forestry do not apply in critical areas as vegetation (e.g. trees) removal in critical areas is governed by the Critical Areas Code. The intent of the amendment is to provide clarity in the definition section related to this existing standard. The other proposed definitions are simply meant to add clarity.
18	Police Enforcement of Development Code	9.14.010	Staff Recommended	Repeals the provision of the code that identifies the Police Department as the enforcement agency to the Development Code.	Clarifies that the Police Department does not performing the City's code enforcement function.

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NOTICE OF PUBLIC HEARING

The public has the right to review the contents of the official file for the proposal, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. The most current application materials are available for public review by clicking on the ordinance number (in bold) provided in this notice, or by requesting a link from the staff contact listed in this notice. Comments may be emailed to the staff contact identified in the notice, mailed to the attention of the staff contact to P.O. Box 7380, Bonney Lake, WA 98391, or delivered to the Public Services Department located at 9002 Main Street East, Suite 300, Bonney Lake, WA 98391. Comments will be accepted if filed with the Public Services Department on or before 5PM on 12/6/2023.

Application Submittal:	N/A	Application Complete:	N/A
Notice Date:	11/15/2023	Comment Due Date:	12/6/2023
Project:	<p>Ord. D23-141 will update the City of Bonney Lake Municipal Code to keep information current, incorporate legislative revisions, address inconsistencies, correct minor errors, and improve confusing or ineffective provisions or standards. A complete list of amendments is available on the 2023 Proposed Amendment Matrix.</p>		
Project Name:	2023 Annual Code Maintenance Package		
Environmental Review:	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 the SEPA Responsible Official has determined that the proposed amendment is categorically exempt from review under SEPA pursuant to WAC 197-11-800(6)(c).		
Public Hearing:	<p>NOTICE IS HEREBY GIVEN that the City of Bonney Lake Planning Commission will convene a Public Hearing at 6:00 on 12/6/2023 or soon thereafter, in the City Council Chambers at the Bonney Lake Justice and Municipal Building, 9002 Main Street E., Bonney Lake, Washington to receive public testimony on the proposed amendment.</p> <p>The public can also call in to the Planning Commission Meeting at 408-740-7256 (Meeting ID: 215 767 540#).</p>		
Other Applications:	Not applicable.		
Staff Contact:	Jason Sullivan, Planning and Building Supervisor, Email: sullivanj@cobl.us Phone: (253) 447-4355		
Documentation Available:	Draft Ordinance D23-141 – 2023 Annual Code Maintenance Package and Proposed Amendment Matrix.		

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Classified Proof

Client	3100013000 - City of Bonney Lake- LEGAL ADS	Phone	(253) 862-8602		
Address	9002 Main St E, Suite 300	E-Mail	besawk@ci.bonney-lake.wa.us		
	Bonney Lake, WA, 98391	Fax			
Order#	987376	Requested By	KANDICE BESAW	Order Price	\$177.30
Classification	3030 - Legal Notices	PO #	NOPH	Tax 1	\$0.00
Start Date	11/15/2023	Created By	8280	Tax 2	\$0.00
End Date	11/22/2023	Creation Date	11/10/2023, 03:25:52 pm	Total Net	\$177.30
Run Dates	2			Payment	\$0.00
Publication(s)	Enumclaw Courier Herald				
Sales Rep	9470 - Jennifer Tribbett	Phone	(360) 802-8212		
		E-Mail	jtribbett@courierherald.com		
		Fax			

**CITY OF
BONNEY LAKE
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that, the City of Bonney Lake Planning Commission will convene a Public Hearing at 6:00pm on Wednesday, December 6, 2023 or soon thereafter, in the City Council Chambers at the Bonney Lake Justice and Municipal Building, 9002 Main Street E., Bonney Lake, Washington to consider Ordinance D23-141 related to the ordinance for the annual code maintenance package.

The public can also call in to the Planning Commission Meeting at 408-740-7256 (Meeting ID: 215 767 540#).

Project Name: 2023 Annual Code Maintenance Package

Applicant: City of Bonney Lake

Project Description: Ordinance D23-141 will update the development code to keep information current, incorporate legislative revisions, address inconsistencies, correct minor errors, and improve confusing or ineffective provisions or standards. A complete list of amendments is available on the 2023 Proposed Amendment Matrix.

Lead Agency: City of Bonney Lake

Environmental Determination: 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 Public Service Di-

rector acting as the SEPA Responsible Official determined that the proposed amendment is categorically exempt from review under SEPA pursuant to WAC 197-11-800(19)(b).

Public Comment: The public has the right to review the draft ordinance, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. Written comments will be accepted if filed with the Public Services Department at 21719 96th Street E., Buckley, WA 98321, if filed on or before 5:00 p.m. on December 6, 2023.

Staff Contact: Jason Sullivan

Phone: (253) 447-4355

Email Address:

sullivanj@cobl.us

#987376

11/15/23, 11/22/23

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STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

11/28/2023

Mr. Jason Sullivan
Planning and Building Supervisor
City of Bonney Lake
9002 Main Street East
Post Office Box 7380
Bonney Lake, WA 98391-0944

Sent Via Electronic Mail

Re: City of Bonney Lake--2023-S-6651--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Mr. Sullivan:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Ord. D23-141 will update the City of Bonney Lake Municipal Code to keep information current, incorporate legislative revisions, address inconsistencies, correct minor errors, and improve confusing or ineffective provisions or standards. A complete list of amendments is available on the 2023 Proposed Amendment Matrix.

We received your submittal on 11/28/2023 and processed it with the Submittal ID 2023-S-6651. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 01/27/2024.

You requested expedited review under [RCW 36.70A.106\(3\)\(b\)](#). We have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Keri Sallee, (360) 725-3064.

Sincerely,

Review Team

Page: 1 of 2



Memo

Date : December 6, 2023
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D23-141**

On December 6, 2023, the Planning Commission conducted a Public Hearing on Ordinance D23-141 related to the 2023 Annual Code Maintenance Amendments. A list of the amendments and reason for the amendments are contained in the table attached to this memo. The Planning Commission voted X-X-X to recommend that the City Council _____ Ordinance D23-141

As required by BLMC 14.40.100, the Planning Commission has reviewed and adopts the findings of facts and conclusions included as Attachment A to Ordinance D23-141

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Planning Commission Agenda Item

Meeting Date: November 30, 2023

Memo Date: December 6, 2023

Staff Contact: Jason Sullivan – Planning and Building Supervisor

Action Type: Discussion

Agenda Title: Veteran’s Memorial Drive and Angeline Rd E Intersection Control Evaluation

PURPOSE:

This is a study session to receive a briefing and discuss improvements proposed at the Veterans Memorial Drive and Angeline Rd. E. intersection.

ATTACHMENTS:

- A. [Intersection Control Evaluation Angeline Road at Veterans Memorial Drive](#)
(Due to the length of the document, it can be downloaded by clicking on the link above)
- B. Community Invite

SUGGESTED MOTION:

None at this time.

DISCUSSION:

The City has secured the services of SCJ Alliance Consulting Services to evaluate the Veterans Memorial Drive and Angeline Rd. E. intersection. The purpose of the study was to assess a range of improvement alternatives in greater detail including the originally proposed traffic signal and a roundabout. The proposed improvements evaluated in the study are intended to improve traffic flow and provide pedestrian and bicycle access. Based on the analysis, the City applied for and received a grant from the Puget Sound Regional Council in the amount of \$519,000 to fund the design of the intersection improvements beginning 2025. The grant covers approximately 87% of the cost to design the improvements. The improvements include the construction of a roundabout at the intersection of Angeline Road and Veterans Memorial Drive, a multi-use path on the northside of the Veteran’s Memorial Drive from Locust Avenue East to the Fennel Creek Trail and stormwater detention and treatment facilities. Construction of the improvements would not occur until after 2026.

Prior to the meeting, the City did provide notice to the community that the Planning Commission would receive a briefing on the proposed improvements. Notice was provided utilizing the City's website and social media. The City also emailed and mailed out the attached Community Invite. The mailing was sent to all property owners within 650 feet of the Veterans Memorial Drive and Angeline Rd. E. intersection. Following the presentation by the consultant, both the Planning Commission and members of the public in attendance at the meeting will be able to ask questions.

Proposed Intersection Improvements

You're Invited! Public Meeting



December 6, 2023
6:00 PM

City of Bonney Lake
Justice & Municipal Center
9002 Main Street E
Bonney Lake, WA 98391

The presentation will be made during the City of Bonney Lake's Planning Commission normal meeting.

Contact Us:

If you have questions or comments about any of these projects, contact:
planningbuilding@cobl.us

Project Details

The City of Bonney Lake is working to identify proposed improvements to two intersections within the City to meet current and future traffic and pedestrian demands. The public meeting will focus on the following intersections:

- Angeline Road and Veterans Memorial Dr./Old Sumner-Buckley Hwy. E.
- Church Lake Road E and West Tapps Highway E

Join the Bonney Lake Planning Commission to hear a presentation on these proposed intersection improvements. Following the presentation there will be an opportunity for the public to provide input on these potential intersection improvements.

Angeline Road and Veterans Memorial Dr./Old Sumner-Buckley Hwy. E.

The proposed improvements are intended to improve traffic flow and pedestrian and bicycle access through the construction of a roundabout at the intersection of Angeline Road and Veterans Memorial Drive, a multi-use path on the northside of the Veteran's Memorial Drive from Locust Avenue East to the Fennel Creek Trail and stormwater detention and treatment facilities.

The City recently secured a grant to fund the design of the improvements beginning in 2025. Construction funds have not been secured.

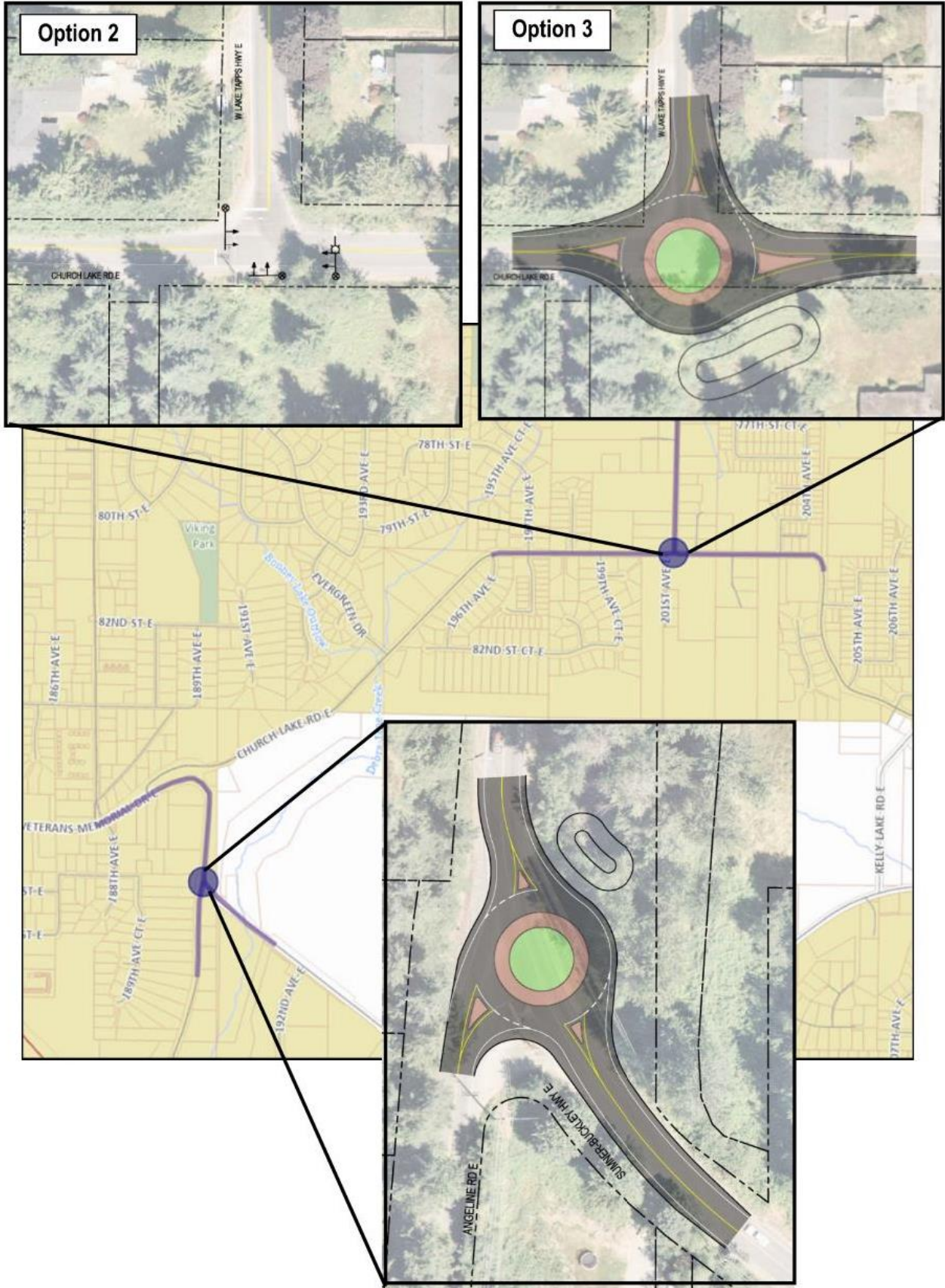
Church Lake Road E and West Tapps Hwy E.

The City is currently evaluating intersection improvement options to improve traffic flow and sight distance. Options include:

- Option 1: Reconstructing the roadway to improve sight distance without the addition of any intersection controls; or
- Option 2: Reconstructing the roadway and construction of a traffic signal without left-turn pockets; or
- Option 3: Reconstructing the roadway and construction of a roundabout.

Design of the preferred option is scheduled to commence in the second half of 2024 or early 2025.

Vicinity Map





Planning Commission Agenda Item

Meeting Date: November 30, 2023

Memo Date: December 6, 2023

Staff Contact: Jason Sullivan – Planning and Building Supervisor

Action Type: Discussion/Recommendation

Agenda Title: West Tapps Highway and Church Lake Road East Intersection Control Evaluation

PURPOSE:

This is a study session to receive a briefing, discuss, and make a recommendation regarding the proposed traffic control improvements at the West Tapps Highway and Church Lake Road East intersection.

ATTACHMENTS:

- A. [Intersection Control Evaluation Church Lake Road E at W Tapps Highway](#)
(Due to the length of the document, it can be downloaded by clicking on the link above)
- B. Public Comment
- C. Community Invite

SUGGESTED MOTION:

I move to recommend that the City Council proceed with Option ___ as discussed in the Church Lake Road and West Tapps Highway intersection study.

DISCUSSION:

The City has secured the services of SCJ Alliance Consulting Services to evaluate the Church Lake Road East and West Tapps Highway intersection. The purpose of the study is to assess a range of improvement alternatives in greater detail including the construction of proposed traffic signal or a round-about. The following options were evaluated to improve traffic flow at this intersection:

- **Option 1:** Reconstructing the roadway to improve sight distance without the addition of any intersection controls; or

- **Option 2:** Reconstructing the roadway and construction of a traffic signal without left-turn pockets; or
- **Option 3:** Reconstructing the roadway and construction of a roundabout.

The staff is requesting that the Planning Commission make a recommendation to the City Council regarding one of the proposed options. At this time a preferred alternative has not been selected. Design of the selected of the improvements would commence in late 2024 or early 2025.

Prior to the meeting, the City did provide notice to the community that the Planning Commission would receive a briefing on the proposed improvements. Notice was provided utilizing the City's website and social media. The City also emailed and mailed out the attached Community Invite. The mailing was sent to all property owners within 650 feet of the Lake Road East and West Tapps Highway intersection. The City did receive one email from a resident regarding options identified in the study. Following the presentation by the consultant, both the Planning Commission and members of the public in attendance at the meeting will be able to ask questions.

Jason Sullivan

From: Mettie Brasel
Sent: Monday, November 27, 2023 9:38 AM
To: Jason Sullivan
Subject: FW: Church lake-West Tapps Hwy intersection proposal

-----Original Message-----

From: Bob Petersen <rmp959@yahoo.com>
Sent: Monday, November 20, 2023 6:31 PM
To: planningbuilding <planningbuilding@ci.bonney-lake.wa.us>
Subject: Church lake-West Tapps Hwy intersection proposal

I live very close to the subject intersection. Of the 3 proposed options for the intersection, number 2 is the most logical. Every evening we have a backup of cars in front of our house trying to get through the intersection.

Option 1 improves safety but does not alleviate congestion on West Tapps.

Option 2 would also improve safety and allow traffic to go through the intersection quicker.

Option 3 is the worst choice. While a traffic circle might allow cars to flow around more, the downside is not acceptable. Since the city chooses not to patrol West Tapps for speeding, a traffic circle would let cars to essentially get a running start. Thus the amount of speeders would increase. West Tapps is only 25mph, but the number of cars exceeding that limit is crazy. Cars use West Tapps as a means to avoid the highway and drive as such at all hours of the day. Also given there are no sidewalks or minimal shoulders, pedestrians are in constant danger from the speeders.

Regards
Bob P.
Sent from my iPhone

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Proposed Intersection Improvements

You're Invited! Public Meeting



December 6, 2023
6:00 PM

City of Bonney Lake
Justice & Municipal Center
9002 Main Street E
Bonney Lake, WA 98391

The presentation will be made during the City of Bonney Lake's Planning Commission normal meeting.

Contact Us:

If you have questions or comments about any of these projects, contact:
planningbuilding@cobl.us

Project Details

The City of Bonney Lake is working to identify proposed improvements to two intersections within the City to meet current and future traffic and pedestrian demands. The public meeting will focus on the following intersections:

- Angeline Road and Veterans Memorial Dr./Old Sumner-Buckley Hwy. E.
- Church Lake Road E and West Tapps Highway E

Join the Bonney Lake Planning Commission to hear a presentation on these proposed intersection improvements. Following the presentation there will be an opportunity for the public to provide input on these potential intersection improvements.

Angeline Road and Veterans Memorial Dr./Old Sumner-Buckley Hwy. E.

The proposed improvements are intended to improve traffic flow and pedestrian and bicycle access through the construction of a roundabout at the intersection of Angeline Road and Veterans Memorial Drive, a multi-use path on the northside of the Veteran's Memorial Drive from Locust Avenue East to the Fennel Creek Trail and stormwater detention and treatment facilities.

The City recently secured a grant to fund the design of the improvements beginning in 2025. Construction funds have not been secured.

Church Lake Road E and West Tapps Hwy E.

The City is currently evaluating intersection improvement options to improve traffic flow and sight distance. Options include:

- Option 1: Reconstructing the roadway to improve sight distance without the addition of any intersection controls; or
- Option 2: Reconstructing the roadway and construction of a traffic signal without left-turn pockets; or
- Option 3: Reconstructing the roadway and construction of a roundabout.

Design of the preferred option is scheduled to commence in the second half of 2024 or early 2025.

Vicinity Map

