

**CITY COUNCIL
WORKSHOP**

**July 7, 2009
5:30 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.

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

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

I. Call to Order:

Mayor Neil Johnson @ Bonney Lake City Hall - 19306 Bonney Lake Blvd.

II. Roll Call:

Elected Officials: Mayor Neil Johnson, Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember James Rackley.

Expected Staff Members: City Administrator Don Morrison, Public Works Director Dan Grigsby, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Police Chief Mike Mitchell, Community Services Director Gary Leaf, City Attorney Jim Dionne and Administrative Services Director/City Clerk Harwood Edvalson.

III. Agenda Items:

- A. Presentation and Discussion: AB09-107 - Comprehensive Sewer System Plan (CSSP) Update. (60 Mins.)
- B. Council Open Discussion (20 Mins.)
- C. Review of Minutes (5 Mins.)
- D. Discussion: Draft Ordinance D09-99 Updating the Critical Areas Code to allow Reasonable Use of properties mostly or entirely covered by wetland and / or buffer and allow for vegetative enhancement of wetland buffers. (60 Mins.)
- E. Presentation and Discussion: AB09-106 - Utility Latecomers Agreements (60 Mins.)

IV. Executive Session:

Executive Session: Pursuant to RCW 42.30.110, the City Council may meet in executive session. The topic(s) and duration will be announced prior to the executive session.

V. Adjournment:

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

THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA

To: Dan Grigsby, Public Works Director

Date: March 10, 2009

From: Angie Sanchez Virnoche, FCS GROUP

RE Sewer Utility System Development Charge (SDC) Update

The purpose of this memorandum is to summarize the methodology, key inputs and conclusions of the sewer utility SDC update conducted for the City of Bonney Lake (City)

Introduction

SDCs are sources of funding used by utilities to support capital needs. SDCs are imposed on new customers connecting to the system as a condition of service. SDCs reflect capital contribution to system capacity; they do not reflect requirements for local facilities or costs of physical connection, each of which should be separately imposed. The underlying premise of the SDC is that new customers should pay for a pro rata share of the cost of providing system capacity, and through this mechanism offset growth-related costs that would not have been necessary in absence of customer base growth. Cities in Washington State are allowed to impose connection charges under RCW 35.92.025 which states:

“Cities and towns are authorized to charge property owners seeking to connect to the water or sewerage system of the city or town as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the legislative body of the city or town shall determine proper in order that such property owners shall bear their equitable share of the cost of such system. The equitable share may include interest charges applied from the date of construction of the water or sewer system until the connection, or for a period not to exceed ten years, at a rate commensurate with the rate of interest applicable to the city or town at the time of construction or major rehabilitation of the water or sewer system, or at the time of installation of the water or sewer lines to which the property owner is seeking to connect but not to exceed ten percent per year: PROVIDED, That the aggregate amount of interest shall not exceed the equitable share of the cost of the system allocated to such property owners. Connection charges collected shall be considered revenue of such system

General Overview

The purpose of the SDC is twofold: (1) to provide a funding source for capital construction; and (2) to recover an equitable portion of investment in the system from new customers. In the absence of this charge, growth-related costs would be borne by existing customers to a large extent. The SDC calculated for the City can be defined in three parts:

1. **Existing facilities cost basis.** This is the existing cost of sewer system assets of general benefit to all customers. The assets are not depreciated, in order to fully recover the cost of future capacity already borne by existing customers. In our analysis we have removed and excluded treatment assets, addressing those through a separate analysis. In order not to overstate the existing asset value, those assets that are identified as being replaced by a future project on the CIP list have not been included in the existing facilities. State law allows recovery of up to ten years' worth of interest on existing assets built to serve growth, at the

Bonney Lake Sewer SDC Update

interest rate prevailing at the time of construction. We have included this interest provision using the Bond Buyer index for municipal revenue bonds.

2. **Future facilities cost basis.** This is the total cost of planned future improvements less treatment projects. Our analysis includes future projects planned using 6-year timeframe. The future costs are represented in current dollars to establish an initial charge. The charge will be escalated annually using the Seattle-Tacoma-Bremerton, WA Consumer Price Index to remain consistent with changing costs. Those future projects that purely replace a project (100% renewal/replacement) have been excluded from the future cost basis.
3. **Treatment cost basis.** This is the cost of sewer treatment. Treatment asset costs, both existing and future, were separated from the rest of the utility's existing and future cost bases in order to better allocate these costs to the customers requiring these costs to be incurred. This approach avoids charging new customers for treatment infrastructure and assets serving existing customers while at the same time, allocates the cost of new treatment expansion costs incurred to serve growth to future customers. This method avoids dilution of the benefits of less expensive treatment costs over the entire utility customer base and recovers the higher cost of new treatment plant expansion equitably from future customers.

Analysis

Existing Cost Basis

The original cost of plant in service as of 2007 was developed by completing an inventory of all physical assets and then determining each asset's original cost from either existing documentation or from estimation based on similar projects. Bills-of-sales and City records were used where they existed. Original costs for assets that were not supported by existing documentation were calculated based on the year they were brought in service, costs of similar projects, and adjustments based on the Engineering News Record (ENR) Construction Cost Index. Total original cost of the utility's existing assets as of year-end 2007 is \$49.5 million. This value excludes any existing assets planned to be replaced in the future 6-year CIP. In addition, the value excludes all existing sewer treatment facility assets (\$15.3 million) along with the interest costs associated with the treatment facility assets (\$6.4 million). The sewer treatment cost component is calculated as a separate cost basis.

The addition of allowable interest was determined by using the detailed existing asset listing that identified the original cost and year acquired. For each year, we first determined applicable age (the minimum between the actual age and 10 years), and interest rate at the time of construction (bond buyer's revenue bond index history was used for this purpose). The applicable age and interest rates were then applied to each yearly net asset value. The aggregate interest cost eligible for recovery is \$13.6 million (does not include sewer treatment asset interest).

In recognition of the fact that some infrastructure has been or will be paid for by debt proceeds, and that debt will be repaid by rate revenues, it is advisable to deduct debt outstanding from the SDC cost basis so that new customers do not fully pay for this portion of costs through the SDC, and then comparably bear the cost through their ongoing rates. Net debt principal outstanding is deducted if the existing cash balances of the utility are not sufficient to meet outstanding principal. The outstanding debt principal net of ending cash balances of \$2.4 million is deducted from the existing cost basis.

Bonney Lake Sewer SDC Update

The net existing cost basis accounting for each of the items discussed above total \$45.3 million for the 6-year period. The existing cost basis will be equally proportioned between both the existing and future period (6-year) customers.

Future Cost Basis

The total future cost basis is based on the future project needs identified in 6-year capital improvement program (CIP). The total 6-year CIP is \$20.6 million. The future facilities exclude \$4.6 million related to sewer treatment costs. The sewer treatment cost is calculated as a separate component.

Each capital item listed identified if the project related to addressing capacity increasing needs or repair/replacement needs. The difficulty in allocating project costs in this manner is that replacement of aging infrastructure is typically accompanied by capacity and service enhancements. For this project, only those projects which purely replace a facility without upgrades have been deducted (100% repair/replacement related). Under the calculation methodology used, all projects are pro rated between existing and future customers, with the majority of cost allocated to existing customers. The deduction of "pure" replacement projects is approximately \$1.5 million for the 6-year time period. This is not the total \$8.5 million identified as 100% replacement since some of these projects that are replacing existing assets have already been deducted from the existing customer cost component.

The total future cost basis for the 6-year time period is \$14.5 million. The future cost basis will also be equally proportioned between the both the existing and future period (6-year) customers.

Customer Base

The existing customer base of the City is 6,089 per residential equivalent (RE) at year end 2007. The 6-year customer growth of the system is projected to be 1,384 for a 2013 total of 7,473 REs. Both of the existing and future cost bases will be divided by the total 2013 RUs to calculate the charge.

A summary of the existing and future cost basis (without sewer treatment costs) is calculated below.

	6 Year Period (2013)
Existing Cost Basis	\$45,316,823
Future Cost Basis	\$14,510,400
Total REs	7,473
Existing \$/RE	\$6,064
Future \$/RE	\$1,942
Total \$/RE w/o Sewer Treatment	\$8,006

Bonney Lake Sewer SDC Update

Sewer Treatment Cost Basis

\$19.9 million in sewer treatment asset costs, both existing and future, were deducted from the rest of the utility's existing and future cost bases in order to better allocate these cost to the customers that are requiring these costs to be incurred. Sewer treatment costs were identified as follows;

- ✓ 1986 Sewer Treatment Plant Expansion \$4.5 million (plus \$3.5 million of interest).
- ✓ 2002 Wastewater Treatment Plant Expansion costs of \$10.8 million (plus \$2.9 million of interest).
- ✓ 2011 Summer Wastewater Treatment Plant Expansion \$4.6 million

The sewer treatment costs were calculated using only the 2011 sewer treatment plant expansion since the existing sewer treatment assets are at capacity. The capacity was valued by calculating the cost for each residential equivalent (RE) of capacity. The Total Summer Wastewater Treatment Plant Expansion is 1.51 million gallons per day. Of this total, Bonney Lake's share is 50% or 755,000 gallons. The sewer capacity factor is 275 gallons per day/RE. The additional treatment capacity related to the 2011 expansion is 2,745 RUs (755,000/275 gpd). The treatment cost value per unit of capacity is \$1,663 per RE.

The three components: 1) existing cost basis, 2) future cost basis and 3) sewer treatment cost basis comprise the total sewer SDC for the City.

	6 Year Period (2013)
Existing Cost Basis \$/RE	\$6,064
Future Cost Basis \$/RE	\$1,942
Sewer Treatment Cost Basis \$/RE	\$1,663
Total \$/RE with Sewer Treatment	\$9,669

The existing sewer SDC of the City is \$9,099. The proposed SDC of \$9,669 is calculated based on system planning information and capital costs from the most Comprehensive Sewer System Plan. Applying the annual CPI adjustments from the City's Municipal Code of 3.65% in 2008 and 3.43% in 2009 brings the proposed 2009 sewer SDC to \$10,366 a difference of \$1,267 per RE.



Agenda Placeholder

--For the Council Workshop of July 7, 2009

ITEM A.

Presentation and Discussion: AB09-107 – Comprehensive Sewer System Plan (CSSP) Update.

Due to the large size of the Draft Comprehensive Sewer System Plan (February 2009), this item is not included in the Agenda Packet. A copy of the Draft Plan is available to view at Bonney Lake City Hall, 19306 Bonney Lake Blvd, Bonney Lake, WA, during normal business hours. The plan will also be made available online at:

http://www.ci.bonney-lake.wa.us/section_business/community_development/comprehensive_plans.shtml#utilities

CITY COUNCIL WORKSHOP

June 16, 2009
5:30 p.m.



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

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

DRAFT MINUTES

"Where Dreams Can Soar"

Audio Time Stamp ↓

Call to Order:

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

Roll Call: [A1.3]

Administrative Services Director/City Clerk Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember David King and Councilmember James Rackley.

[Staff Members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Utilities Engineer Doug Budzynski, City Engineer John Woodcock, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

5:30:20

1. **Council Open Discussion.**

Locust Ave Speed Bumps

Councilmember Rackley said the speed bumps on Locust Avenue were put in many years ago, and asked if they were still necessary. Police Chief Mitchell said the combination of speed bumps, speed zone signs and flashing lights on Locust Avenue are effective in slowing down traffic. Public Works Director Grigsby added that the speed bump has become smaller over the years as it has worn down.

Off Leash Dog Park

Deputy Mayor Swatman suggested a group of interested citizens, Park Board Commissioners and Planning Commissioners could create an interest group to consider options and issues for off leash dog parks. He said the City could pass out information at summer events. Councilmembers discussed available sites, such as the recently purchased Moriarty Property. Councilmember King said one suggested temporary use for the property was a community garden. Community Services Director Leaf said the City eventually plans to develop the property for other uses but in the meantime it could be temporarily used for the purposes discussed.

Councilmember Bowen also suggested the City consider using part of the land for a community garden, which is very popular in other cities. Councilmember King suggested the City survey residents at upcoming events to see what kind of interest people have in a dog park or garden option. Mayor Johnson said information would be provided at the City's information stand at Bonney Lake Days and other events.

Ball Park Well

Deputy Mayor Swatman asked if the City could do more to inform water customers about the Ball Park Well water quality. Councilmembers noted that the City's 2008

water quality report shows the water from this well exceeds all quality standards, and is higher quality than bottled water, but customers often complain about the taste and smell of water from this well.

Garbage Fee Ordinance

Deputy Mayor Swatman asked the Council about having exceptions for some customers for special circumstances. City Administrator Morrison said the City's garbage ordinance requires universal service, and staff is compiling a list of customers who do not have active service for the Finance Committee to review. Councilmembers discussed possible exceptions for 'snow birds' who live out of town for several months each year, senior discounts, or alternatives for those who do not create much garbage. City Administrator Morrison said he and Director Leaf met with D.M. Disposal and discussed rates, senior discounts, etc. He said D.M. offers a 'micro' can which is 10 gallons. He said part of the garbage service rates help pay for public services like community refuse pick up, the city-wide spring clean up event, and other costs. He said the company encourages recycling by providing a free container. Also, D.M. Disposal estimates that the cost of hauling garbage yourself to the Prairie Ridge Transfer Station is still more costly than the 10 gallon can service charge.

Fennel Creek Tour

Deputy Mayor Swatman said he went on a tour of the Fennel Creek area with the Chamber of Commerce. He said it's important to connect the city's natural beauty with commerce and tourism, and consider open land as an asset.

Sumner Treatment Plant Mitigation

Deputy Mayor Swatman said after flooding this year it is likely some mitigation measures will be needed at the Sumner Sewer Treatment Plant, such as dredging, dikes or levies. He said it is likely that cities in the area will be asked to pay for these projects and the City should watch this closely.

River Task Force

Councilmember Carter said the Pierce County Conservation District held their first river task force meeting on June 11, 2009. She said the group meets midday on weekdays and the City may want to ask them to change the time so a councilmember could attend.

City Staff

Councilmember Decker asked if the Council could be supplied with a list of all City employees with seniority, to get an idea of how many staff members each department has. The City Administrator said a report can be run that lists all employees and their dates of hire, though seniority considerations vary between the two unions.

Downtown Regional Storm Pond

Councilmember Hamilton asked if the Downtown Regional Storm Pond project is complete; Director Grigsby confirmed that it is complete and was finished at or under budget. City Administrator Morrison confirmed that the project used stormwater funds and the balance was paid through the Civic Center bond as part of the downtown improvements. He said he would send more information on what portion of the project was paid by stormwater funds to Councilmembers. Deputy Mayor Swatman asked about residents around Downtown hooking into the new stormwater system. Director Grigsby said the City does not intend to create a stormwater benefit district, as the

regional storm pond is the City's investment in the downtown area. He said as pipes along Old Sumner Buckley Highway are hooked into the regional stormwater system, stormwater ponds in the area can be deactivated and put to other uses.

Weed Abatement

Councilmember Hamilton asked if the City is spraying weeds in the city, and whether residents can opt out. Public Works Director Grigsby said the City is doing weed abatement spraying now, and all residents were notified and told how to opt out. He said no one submitted the form to opt out this year, though a couple of residents put signs in their yards asking not to be sprayed, so they were skipped.

Boat Launch

Councilmember Hamilton asked if the boat launch is set on a timer or if it has sensors; Community Services Director Leaf confirmed it uses sensors to raise and lower the bollards, and not a timer.

Noise Complaints

Councilmember Hamilton asked about noise complaints about boats on Lake Tapps. Police Chief Mitchell said complaints come in every year but the current noise ordinance is not enforceable as the noise from boats does not exceed the decibel level in a given location for the required time period. He said officers can enforce 'modified exhaust' laws but it is still difficult to enforce noise issues on the lake.

Boat Launch Passes

Deputy Mayor Swatman asked whether boat launch passes could be active for a year from the date purchased, rather than for the calendar year. CFO Juarez said currently pass cards are active through the calendar year so they can be used each boating season. He said he is open to ideas and his staff has already implemented some ideas provided by Councilmembers.

Interim Justice Center Update

Councilmember Rackley asked about the status of the IJC design and construction. Community Development Director Vodopich said the building department is doing a second review of plans. City Administrator Morrison said the City hopes to advertise the construction bid in three to four weeks. Construction will begin in 2009 though the project may not be complete in 2009 as was originally scheduled.

6:16:53

2. **Review of Council Minutes:** June 2, 2009 Council Workshop and June 9, 2009 Council Meeting.

The minutes were moved forward to the July 14, 2009 Meeting for approval with no corrections.

At 6:17 p.m. Councilmember Bowen moved for a five minute break. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

The workshop was brought back to order at 6:24 p.m.

6:24:28

3. **Discussion:** Review of City's Long-range Financial Model.

City Administrator Morrison explained the handouts provided to Council. They show revised six-year financial models based on very conservative projections for revenues. He said the City saw signs of the coming recession 18 months ago and by being frugal, saved about two million dollars of reserve funds. Sales taxes took a significant dip in the last quarter and permits and fees continue to decline. CFO Juarez explained the key points of the six-year models. He said the first sheet uses very conservative projections, while the second is somewhat more optimistic. The sheet uses the unaudited revenues and expenditures for the first part of 2009 and projects out based on those figures. This year the budget planned to spend down \$1.2 million in reserve funds. He said when debt service expenses are factored in, \$1.6 million in reserve funds will be spent in 2009. City Administrator Morrison said the City should consider options to reduce expenditures so more drastic measures are not needed a couple years into the future. Mayor Johnson said both unions and administrative staff will meet on June 17, 2009 to discuss options such as furloughs. He said all employees are aware of the financial situation, and he wants to do whatever he can to avoid laying off employees.

CFO Juarez next described the Option B six-year model, which assumes all departments will save an additional 7% each year and factors in other potential savings such as 6 days of furloughs for each employee in 2009. Councilmembers discussed options, and how growing populations in the area could affect services in coming years. Councilmembers expressed concern about deciding appropriate actions to adjust the budget given the uncertain economic conditions.

Deputy Mayor Swatman noted that on both projections the City will run into deficits by 2011 or 2012. He said the City needs to make several changes and said these changes should not be put off. Councilmember Rackley suggested the Council wait until the autumn of 2009 before considering any drastic changes, as the financial situation will be more clear by that time. Councilmembers thanked the City Administrator and CFO for their work on these models. Councilmember Hamilton said he felt the administration is doing a good job overall. He said the actions taken so far seem appropriate and does not want the City to overreact as some other cities have done. Councilmember King agreed and thanked staff for their diligence in finding opportunities to save money. Mayor Johnson suggested the Council wait to make any specific recommendations about the budget until after he has met with the unions, and they have had a chance to meet with their members. He said he would provide updated timelines and information to Council regularly in the meantime, and continue discussions at a future workshop.

The workshop was recessed for a six minute break at 7:23 p.m. and was brought back to order at 7:32 p.m.

7:32:59

4. **Discussion:** AB09-51 – Ordinance D09-51 – Sewer Schedule 'A' Update.

Director Grigsby said the intent of the proposed ordinance is to update the 23-year-old Schedule A, and also to revise and clarify language in the code. He said the rate is based on 2005, and the rate is adjusted by the Consumer Price Index (CPI) and is currently \$9,099. He said the city's consultants from FCS Group will present more information on suggested rates for multifamily, etc. at a future workshop. The proposed ordinance clarifies system development charges and calculations. Utilities Engineer Doug Budzynski said he inserted optional language that would allow developers of non-

residential buildings to make SDC payments over a 12-month period. This would give developers more time and he did not believe the City would lose money by developers abandoning a project before paying the full amount. Deputy Mayor Swatman noted that a monthly payment option would require a process within the Finance Department to collect payments with tax, etc.

Director Grigsby explained the comparison of SDC rates at various cities. He said the city's rate is higher than most other cities in the state, but factors such as rapid population growth, an expanding system, and the need to replace aging pipes affect the costs. For example, he said Sumner is not projected to grow as rapidly and does not need updates to their infrastructure as soon. Mr. Budzynski also noted that the SDC rates on the list may not be direct comparisons for total costs. For example, he said in Lakeland the charge for initial hook up is \$900, but a monthly capacity charge that lasts for 15 years is added, which makes the actual connection cost about \$8,500. Mayor Johnson asked if monthly customer sewer fees help pay for this type of project. Director Grigsby said customer fees do not go into CIP project funds and there is no infrastructure renewal component in the current rate structure. He said currently SDC charges for development funds all these projects. He said the FCS Group consultants will present an option to begin an incremental build up in sewer rates to replace these funds in the future.

Director Grigsby said other issues including multifamily rates are being researched. The consultants are ready to present their information on Operations and Management funds and SDCs at an upcoming workshop. After that, any comments will be incorporated into the draft ordinances and presented to Council for approval. Mayor Johnson asked to place the presentations on the agenda for the July 7, 2009 Workshop.

The Workshop was recessed for a five minute break at 8:23 p.m. The Workshop was called back to order at 8:30 p.m.

8:31:11

5. **Discussion:** AB09-98 – Transportation Impact Fees.

Director Grigsby described the City's TIF history, explaining how the City did not collect TIF until 2003. The TIF rates stayed the same from 2003 until 2006 when the City developed its 20 Year Transportation Plan, set a new TIF rate, and set it to increase annually through a CPI adjustment. He said the current rate is \$3,995. He explained the various attachments provided, including the top ten Transportation Improvement Projects, excerpts from the Municipal Code, the full TIP list, etc. He noted that the TIF and SDC funds helped the City complete a number of important projects that could not have been completed otherwise. City Engineer John Woodcock provided more information on specific TIP projects and how they impact the City.

Director Grigsby said based on current calculations of the City's 20-year TIP list, the City could justify a TIF of \$6,347 per trip. He said the data shows that the current rate of \$3,995 is justified and could be higher. He said if multiple projects were taken off the list and not replaced, such as 200th St E, 198th St E, and 192nd, some of the fees might have to be refunded to developers, and this still would not significantly reduce the justifiable TIF rate below current rates. Councilmembers discussed the listed projects and data and consensus was the current rate structure is sound and justifiable, and did not recommend reducing TIF rates. Councilmember Hamilton said the City has implemented an incentive program for Downtown development and permit extensions

to help developers, and suggested the City wait before implementing further cuts to development fees. Mayor Johnson noted a vehicle and vessel licensing business has moved into a vacant space Downtown and was able to take advantage of the Downtown incentive ordinance. The cost of their improvements to the building fell below the threshold, so they did not have to pay additional fees. City Engineer Woodcock said developments can do their own traffic study if they feel the calculations are not realistic for their business. He said several banks have done their own traffic studies and were able to secure lower TIF rates. He added that no fee is charged if there is no change of use for a property. If the new business has a higher traffic use, they would pay the difference.

Councilmember Bowen said he is not comfortable with the presented figures and feels the model may be flawed. He said people may drive less as budgets get tight and gas prices increase, changing the traffic impacts in the City. Councilmember King said the calculations are based on a trusted national standard and no one can say how much transportation will change in 20 years. Director Grigsby noted that the City must update the TIP every six years to meet state requirements so it will be adjusted as needed.

6. **Executive Session:** None.

9:35:46

7. **Adjournment:**

**At 9:35 p.m., Councilmember Rackley moved to adjourn the workshop.
Councilmember Decker seconded the motion.**

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of June 16, 2009:

- City of Bonney Lake – *Financial Planning Model, 2009-2014 (Original revised version and Option B)* – Chief Financial Officer Al Juarez.

Signatures:

Director Authorization JPV	Mayor NJ	Date City Attorney Reviewed
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Regulatory reform applies; that is, per RCW 36.70B.140, the city must issue a determination of completeness, etc.		X	X	X	X	X
Non-SEPA-exempt (SEPA threshold determination required)			X		X	X
Public hearing required				X	X	X
Hearing examiner recommends to city council <u>City Council decision after recommendation from hearing examiner or planning commission</u>						X

The above table, applied to permits issued pursuant to the Bonney Lake development code, results in the following list of permits by type. When a process shows two permit types, the procedure for the higher-numbered permit shall apply whenever the permit requires environmental review under the State Environmental Policy Act (SEPA).

	Type					
	1	2	3	4	5	6
Accessory dwelling units (ADU) permits	X	-	-	-	-	-
Administrative wireless communication facility (WCF) permits	X	-	-	-	-	-
Boundary line adjustments	X	-	-	-	-	-
Building permits, SEPA-exempt	X	-		-	-	-
Land clearing permits	X	-	-	-	-	-
Lot combinations	X	-	-	-	-	-
Sensitive area permits, SEPA-exempt	X	-		-	-	-
Sign permits	X	-	-	-	-	-
Sign variances	X	-	-	-	-	-
Temporary permits	X	-	-	-	-	-
Short plats, SEPA-exempt	-	X		-	-	-
Final plats		X				
Building permits, non-SEPA-exempt			X			
Sensitive area permits, non-SEPA-exempt	-		X	-	-	-
Shoreline letters of exemption	-		X	-	-	-
Short plats, non-SEPA-exempt			X			
Site plan approvals	-		X	-	-	-

Conditional use permits, SEPA-exempt	-	-	-	X	-	-
Variances	-	-	-	X	-	-
Shoreline substantial development permits, and variances	-	-	-	-	X	-
Preliminary plats	-	-	-	-	-	X
Site-specific rezones and comprehensive plan amendments	-	-	-	-	-	X

	Type					
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
<u>Accessory Dwelling Unit (ADU) permit</u>	X					
<u>Administrative Wireless Communication Facility (WCF) permit</u>	X					
<u>Annexation</u>						X
<u>Boundary Line Adjustments (BLA)</u>	X					
<u>Building permit</u>	X		X			
<u>Civil engineering permit</u>	X		X			
<u>Conditional Use Permit (CUP)</u>				X		
<u>Critical area variance</u>					X	
<u>Grade/Fill permit (not shoreline)</u>	X		X			
<u>Land clearing & tree removal permit</u>	X					
<u>Lot combinations</u>	X					
<u>Minor critical area permit</u>	X					
<u>Minor modification to a plat</u>	X					
<u>Planned Unit Development (PUD)</u>						X
<u>Shoreline Letters of Exemption (SSDE)</u>		X	X			
<u>Shoreline Substantial Development Permit (SSDP), Shoreline Conditional Use Permit (SCUP), and/or Shoreline Variances (SVAR)</u>					X	
<u>Sign permit (all types of sign permits)</u>	X					
<u>Site plan review</u>		X	X			
<u>Site-specific rezones and comprehensive plan amendments</u>						X
<u>Subdivisions (long plats)</u>						

<u>Final plats</u>		<u>X</u>			
<u>Plat extensions</u>				<u>X</u>	
<u>Plat alterations or vacations</u>					<u>X</u>
<u>Preliminary plats (long plats, long subdivisions)</u>					<u>X</u>
<u>Subdivisions (short plat – SPT)</u>		<u>X</u>	<u>X</u>		
<u>Temporary permit</u>	<u>X</u>				
<u>Variance (zoning, public works, etc.)</u>				<u>X</u>	

Section 3. BLMC § 14.110.010, Procedure, and the corresponding portion of Ordinance 998 are hereby amended to read as follows:

14.110.010 Procedure.

A. ~~Unless otherwise specified in this code, a variance is a Type 4 permit.~~ The purpose of variances is, under certain circumstances as set forth in the variance criteria, to grant flexibility in the administration of any the provisions of this development code, BLMC Titles ~~14~~ 16 through 19; provided, that a variance cannot be granted from:

1. Administrative provisions including procedures and fees;
2. The lists of permitted or conditional uses pertaining to zoning districts;
3. The maximum residential density pertaining to zoning districts;
4. ~~The provisions of BLMC Title 15; or~~
5. ~~The provisions of Chapters 16.04 (SEPA), 16.08 (see shoreline variances), or 16.20 BLMC~~

B. ~~Variances shall be Type 4 permits (see Chapter 14.60 BLMC).~~

C. ~~See the following for exceptions or additions regarding to the approval criteria contained in this Section:~~

1. BLMC 16.08.060 (shoreline variances);
2. BLMC 16.20.145 (critical areas code);
3. BLMC 17.20.040(F) (extension of cul-de-sacs);
4. BLMC 17.24.100 (plat standards);
5. BLMC 18.32.050 (adult entertainment separation requirements);
6. BLMC 18.34.050(F) (height of water tanks in the PF zone).

~~D~~ C. ~~Except as provided above~~ Unless another Section of the BLMC provides additional or separate criteria, a variance shall not be granted unless all the following criteria are met:

1. The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan;
2. The variance does not constitute a grant of special privilege which would be inconsistent with the permitted uses, or other properties in the vicinity and zone in which the subject property is located;
3. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, and such variance will provide use rights and privileges permitted to other properties in the vicinity, located in the

same zone as the subject property and developed under the same land use regulations as the subject property requesting the variance;

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;

5. Alternative development concepts in compliance with the existing code have been evaluated and undue hardship would result if such adherence to code provision is required;

6. The variance granted is the minimum necessary to accommodate the permitted uses proposed by the application; and

7. The basis for the variance request is not the result of deliberate actions of the applicant or property owner.

Section 4. BLMC § 16.13.020, When a clearing permit is required – Exempt trees, and the corresponding portion of Ordinances 1230 and 1171 are hereby amended to read as follows:

16.13.020 When a clearing permit is required – Exempt trees.

A. A clearing permit is required for the clearing of more than four tenths of an acre of land, whatever the groundcover, ~~or~~ .

B. A Land Clearing & Tree Removal Permit is required for removal, topping, or killing of any tree other than the following, which are exempt; provided, that these exemptions shall not apply in areas protected by the critical areas code; Chapters 16.20 through 16.30 BLMC:

A1. Trees on nonsubdividable lots (see BLMC 16.12.010, Definitions) containing a single-family residence (see BLMC 18.04.190 for definition);

~~B2.~~ Trees in utility public rights-of-way and easements;

~~C3.~~ Trees less than six inches in diameter measured 54 inches above grade;

~~D4.~~ Trees that are likely to fall in a windstorm and that due to their size and location threaten to injure people or cause major property damage;

~~E5.~~ Trees that are dead or dying;

~~F6.~~ Trees whose roots are damaging foundations or pavements;

~~G7.~~ Nuisance trees as defined in Chapter 8.40 BLMC;

~~H8.~~ Trees grown for sale at commercial nurseries or tree farms;

~~I9.~~ Trees harvested under a forest practices permit administered by the Department of Natural Resources, where the land is replanted, not converted to urban use. See also BLMC 16.13.080;

J10. In addition to the above, five percent of the tax parcel's nonexempt trees, rounded to the nearest whole number, may be removed per calendar year without a permit;

~~K11.~~ For exemptions in subsections 4, 5, and 6 ~~D, E, and F~~ of this subsection ~~section~~, to ensure the removal is not a violation, the owner shall provide the director(s) with an arborist report documenting qualification for said exemption in advance of the removal. ~~If the owner does not do so, and a violation is investigated, and the owner still does not provide an arborist report documenting qualification for an exemption, said~~ Failure to do so shall constitute prima facie evidence of a

violation of this title and a need to replace the removed trees in accordance with BLMC [16.13.120](#).

Section 5. BLMC § 16.20.030, Definitions, and the corresponding portion of Ordinance 1070 are hereby amended to read as follows:

16.20.030 Definitions.

“100-year flood” means a flood having a one percent chance of being equaled or exceeded in any given year.

“Alter” means to change a critical area or its buffer, including grading, filling, dredging, clearing, construction, compaction, excavation, and pollution.

“Anadromous” refers to fish that spawn and rear in freshwater and mature in saltwater.

“Applicant” means a person who applies for a development permit from the city.

“Aquifer” means a geological formation capable of yielding water to a well or spring.

“Best management practices” means ~~actions known to protect soil, water quality, vegetation, and critical areas.~~ those practices which provide the best available and reasonable physical, structural, managerial, or behavioral activity to reduce or eliminate pollutant loads and/or concentrations leaving the site.

“Buffer” means an area contiguous to and required for protection of a critical area.

“Channel migration zone” means the lateral extent of likely movement of a stream or river during the next 100 years as evidenced by movement over the past 100 years.

“Conservation easement” means a legal agreement that the property owner enters into to restrict uses of the land in a manner that conserves natural functions.

“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, as discussed in WAC 365-190-080(2). Within such areas, pollutants seeping into the ground are likely to contaminate the water supply.

“Critical area” means those areas listed in BLMC [16.20.060](#).

“Critical Areas Variance” means the process through which an applicant may gain flexibility in the application of specific regulations of the critical areas code to a specific proposal, when all the criteria for a critical areas variance have been met.

“Development” means any land use or action that alters a critical area or its buffer, including city approvals that establish patterns of use such as subdivisions, short subdivisions, rezones, and conditional use permits.

“Fish habitat” means habitat used by fish at any life stage at any time of the year.

“Floodplain” means the land area subject to inundation by a 100-year flood.

“Floodway” means the watercourse channel and adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water elevation more than one foot.

“Functions and values” means the benefits conferred by critical areas, including water quality protection, fish and wildlife habitat, flood storage and conveyance, groundwater recharge, erosion control, and protection from hazards. “Hazardous substance” means a liquid, solid, or gas that exhibits any of the properties described in WAC 173-303-090 or 173-303-100.

“Historic” means existing before the area was altered by human activity.

“Impact” means to adversely affect a natural system or increase the hazard which a natural system poses to human life and property.

“Impervious” refers to a hard surface area that retards the entry of water into the soil.

“Lowest floor” excludes unfinished enclosures usable only for parking, building access, or storage.

“Minor work” means work that is exempt from review under the State Environmental Policy Act, such as planting wetland-compatible indigenous plants, the removal of invasive or noxious weeds, or pruning trees, all using hand labor or hand-held equipment.

“Mitigation” means a requirement to replace or enhance critical areas destroyed or impacted by proposed land disturbances.

“Monitoring” means assessing the performance of mitigation measures by collection and analysis of data on changes in natural systems.

“Ordinary high water mark” means that mark on the bed or bank below which inundation is so common in ordinary years that the soil and/or vegetation are distinct from that of the abutting upland.

~~“Person” means any person, organization, or other group.~~

“Primary association” means a relationship between a species and a habitat area whereby the species regularly uses or otherwise needs the habitat area to thrive.

“Rill” means a small, steep-sided channel caused by erosion.

“Riparian habitat” means stream-side areas that influence the aquatic ecosystem by providing shade, debris, or insects and provide habitat for riparian wildlife.

“Species” means a group of animals commonly classified by the scientific community as a species or subspecies.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the structure’s market value before the improvement, or, if the structure was damaged, before the damage occurred.

“Watercourse” means flowing waters of the state, perennial or intermittent, excluding artificial waterways such as ditches or canals not created by human alteration of a natural watercourse.

“Wetland mitigation bank” means a site where wetlands are restored, created, or enhanced to mitigate in advance authorized impacts to similar resources.

Section 6. BLMC § 16.20.080, Review Process, and the corresponding portion of Ordinance 1070 are hereby amended to read as follows:

- A. The director(s)’s general sequence for administering this critical areas code shall be per the following table, which shows questions the director(s) shall answer, and actions he or she shall take depending on the answer.

Step 1	<u>Is Does the development proposal in-a contain critical areas or its critical area buffers?</u> The director(s) shall check maps, review the environmental checklist, visit the site, and/or require scientific determinations as necessary to make this determination.	
	Yes	No

	Go to step 2.	Go to step 4.
Step 2	Is the development proposal exempt per BLMC 16.20.070?	
	Yes	No
	Go to step 4.	Require a critical area report. Do not issue determination of completeness until critical area report is received. Reference critical area report in any public notice.
Step 3	Does the proposal, with conditions of approval as necessary, conform to BLMC 16.20.130, Substantive requirements, <u>the substantive requirements for the critical area type, e.g. wetlands, the permit type processing requirements, and the rest of Bonney Lake Municipal Code</u>?	
	Yes	No
	Go to step 4.	Go to step 4.
Step 4	Document the review process in a manner appropriate to, and filed with, the permit(s) required for the proposed development, and act on the permit application in accordance with the findings. <u>Approval or disapproval and notices of decision shall be issued as required by the appropriate permit type.</u>	

Section 7. BLMC § 16.20.090, Critical area reports, and the corresponding portion of Ordinance 1070 are hereby amended to read as follows:

16.20.090 Critical area reports.

~~Unless waived by the director(s)~~ Critical area reports shall be prepared for nonexempt proposed developments located within critical areas or their buffers. ~~Said~~ In addition to information required in specific critical area chapters, the critical area reports shall:

A. Be prepared by qualified ~~professionals~~ experts as defined in WAC 365-195-905(4). The following list shows the type of critical area report and the related professional discipline:

1. Wetlands: wetland biologist.
2. Critical aquifer recharge areas: hydro-geologist, geologist, or engineer.
3. Floodplains: hydrologist or engineer.
4. Geologically hazardous areas: engineer or geologist.
5. Fish and wildlife habitats: biologist.

B. Incorporate best available science.

C. Cover a study area large enough to understand relationships with important off-site factors and identify any nearby critical area whose buffer extends onto the project site.

D. Contain the following: ~~unless waived by the director(s)~~:

1. Name and contact information of the applicant, description of the proposed development, and identification of required permits;

2. Site plan drawn to scale of no less than 1"=100' showing critical areas, buffers, existing structures, and proposed structures, clearing, grading, and stormwater management;
3. Characterization of critical areas and buffers;
4. Assessment of the probable impact of the development proposal on ~~to~~ critical areas;
5. Analysis of site development alternatives;
6. Description of efforts to avoid, minimize, and mitigate impacts to critical areas pursuant to BLMC 16.20.130(E) ("sequencing");
7. Mitigation plans as needed, in accordance with BLMC 16.20.110;
8. Evaluation of compliance with this critical areas code's substantive requirements applicable to the proposed development;
9. Financial guarantees to ensure compliance, such as a performance bond or deposit, if necessary;
10. Additional information as required in the chapter corresponding to the type of critical area;
11. Documentation of who prepared the report and when, with fieldwork and data sheets;
12. Statement specifying the accuracy of the report and assumptions relied upon; and
13. Additional information as required by the community development director(s).
14. Temporary and permanent erosion control plans.

Section 8. BLMC § 16.20.140, Variances, and the corresponding portion of Ordinance 1070 are hereby amended to read as follows:

16.20.140 Variances. Buffer width averaging and minor work.

The city may ~~grant variances from this critical area code's substantive regulations in accordance with Chapter 14.110 BLMC if the criteria in subsection A or B of this section are met~~ permit activity within critical areas in one of the following ways:

~~A. The variance conforms with the variance criteria stated in BLMC 14.110.010(D) plus the variance:~~

- ~~1. Conforms with the purpose of this critical areas code;~~
- ~~2. Does not impact anadromous fish habitat; and~~
- ~~3. Is justifiable in light of the best available science.~~

~~B. Reasonable use (conformance with the BLMC 14.110.010(D) criteria not required).~~

- ~~1. The application of this critical areas code would otherwise deny all reasonable economic use of the property;~~
- ~~2. The city does not offer to compensate the owner for the denial of reasonable economic use;~~
- ~~3. No other reasonable economic use of the property or development design has less impact on the critical area;~~
- ~~4. The proposal does not pose an unreasonable threat to the public health, safety, or welfare;~~
- ~~5. The proposal conforms with other applicable regulations;~~
- ~~6. Impacts to critical areas are mitigated; and~~

~~7. The application is sufficiently documented (for example, critical area report, mitigation plan, permit applications, and environmental documents) to make a determination regarding these criteria. (Ord. 1070 § 2, 2004).~~

A. A buffer width averaging may be granted in accordance with BLMC 16.20.130(G);

B. Native plants in critical areas may be installed, provided that:

1. Installation of plants on potential landslide hazard areas shall be in accordance with chapters 16.20 and 16.28, BLMC, and may require a geotechnical report that addresses existing slope stability and a provide a statement that the proposed planting activity will not likely undermine existing stability.
2. Installation of native plants in wetlands or wetland buffers shall be in accordance with Chapters 16.20 and 16.22 BLMC and may require biologists' or other experts' reports stating the appropriateness of the proposed plants for the proposed location.

C. Planting within wetlands or their buffers may be used as a future mitigation for other work on or adjacent to the wetland if the following criteria are met:

1. The required wetland report identifies the long-term benefits to the wetland system;
2. The proposed work improves the function and value of a wetland, a buffer, or its system as a natural ecosystem; and
3. The proposed work is carefully monitored with documentation as required in 16.20.110.

Section 10. A new Section BLMC § 16.20.145, Critical Areas Variances, is hereby added to read as follows:

16.20.145 Critical Areas Variances

A. An applicant for a development approval may submit a request for a critical areas variance in accordance with BLMC Chapter 14.60 to the hearing examiner. A critical areas variance is a type 5 permit. Development may be allowed which is consistent with the purpose of this Title; provided, the hearing examiner, after public hearing, enters the following written findings, upon which the applicant shall have the burden of proof:

1. The provisions of this Title would deny all reasonable use of the property,
2. There is no other reasonable use with less impact on the critical area or its buffer than the use proposed by the applicant,
3. The variance is the minimum necessary to allow a reasonable use of the property,

4. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the property.
5. The proposal conforms with all other applicable regulations and code provisions;
6. The applicant has proposed all reasonably possible mitigation pursuant to BLMC 16.20.130(E)(3), or has shown that no mitigation is reasonably possible;
7. The need for the variance is not the result of the applicant's deliberate actions;
8. The variance would not impact anadromous fish habitat; and
9. The application is sufficiently documented (for example, critical area report, mitigation plan, permit applications, and environmental documents) for the Director or designee to make a determination regarding these criteria.

B. If the Community Development Director or designee finds that impact to a critical area or its buffer would be reduced by encroaching into a zoning setback, the zoning setback up to half the minimum required may be reduced through the critical area variance process.

C. The hearing examiner shall impose all conditions necessary to minimize the impact on the critical area and its buffer and further the purpose and goals of this title. Full mitigation shall be required under the city's environmental protection regulations adopted pursuant to SEPA.

Section 11. BLMC § 16.26.050, Records, and the corresponding portion of Ordinance 1070 are hereby amended to read as follows:

16.26.050 Records.

The director(s) shall record:

- A. The as-built elevation above mean sea level of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether the structure contains a basement;
- B. Certificates of floodproofing and flood elevation; and
- C. Permits and critical areas variances issued in accordance with this chapter.

Section 12. The title of BLMC 14.70 shall be amended to read as follows:

**Chapter 14.70
TYPE 5 PERMITS
(SHORELINE PERMITS AND CRITICAL AREAS VARIANCES)**

Section 13. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 14. If any portion of the code that this Ordinance amends is amended by another Ordinance of the City, the City Clerk is authorized to modify this Ordinance before codification.

Section 15. This Ordinance shall take effect ninety (90) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2009.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:



Memo

Date : July 7, 2009
To : Mayor and City Council
From : Randy McKibbon, Chair, Bonney Lake Planning Commission
CC :
Re : **Critical Areas Variance**

BACKGROUND

City Council initiated the review of the wetland regulations through adoption of the 2009 Planning Commission workplan. The Planning Commission proceeded to review BLMC Title 16.

The Planning Commission recommends the updated version of Titles 14 and 16 attached to this document:

FINDINGS:

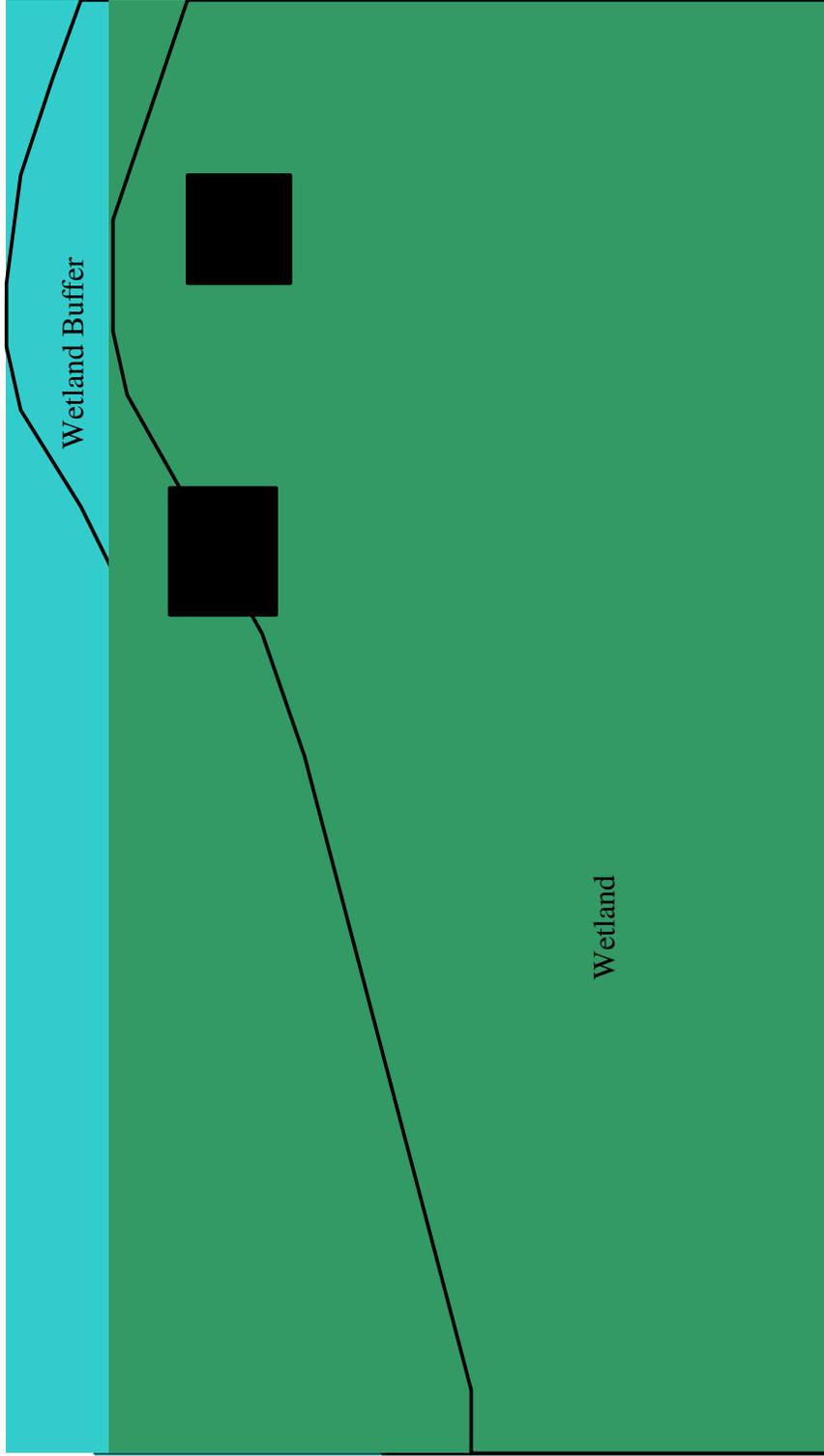
1. A Notice of Public Hearing was published in the Bonney Lake Courier Herald on March 17, 2009.
2. The Planning Commission held a public hearing on April 1, 2009 to receive testimony concerning the change to BLMC. There was one citizen at the hearing, Ms. Marian Betzer, who also provided written comments. Ms. Betzer's comments were considered and some of her comments were incorporated into the draft ordinance before you.
3. An environmental determination of non-significance was issued on June 12, 2009. The significance of specific projects will be considered upon application, but the changing of the code in and of itself does not affect the environment significantly.
4. The Washington State Department of Community, Trade and Economic Development has completed their required review and provided comments. Their comments were incorporated into the draft ordinance and are reflected in the draft before you.
5. The suggested changes to the critical areas ordinance reflect discussion amongst the Commissioners about the need to allow some reasonable use to property owners whose land is covered with significant amount of critical area or buffer.

6. The attached ordinance will provide a process for property owners, based on critical areas reports financed by the property owner and the SEPA process, to have some economically viable use of their property that would otherwise be prohibited by the critical areas code.
7. The Planning Commissioners voted 5 to 0 to recommend the attached draft ordinance.

RECOMMENDATION:

The Bonney Lake Planning Commission therefore recommends to the City Council that the attached draft of the updated critical areas code be adopted.

Wetland – Scenarios



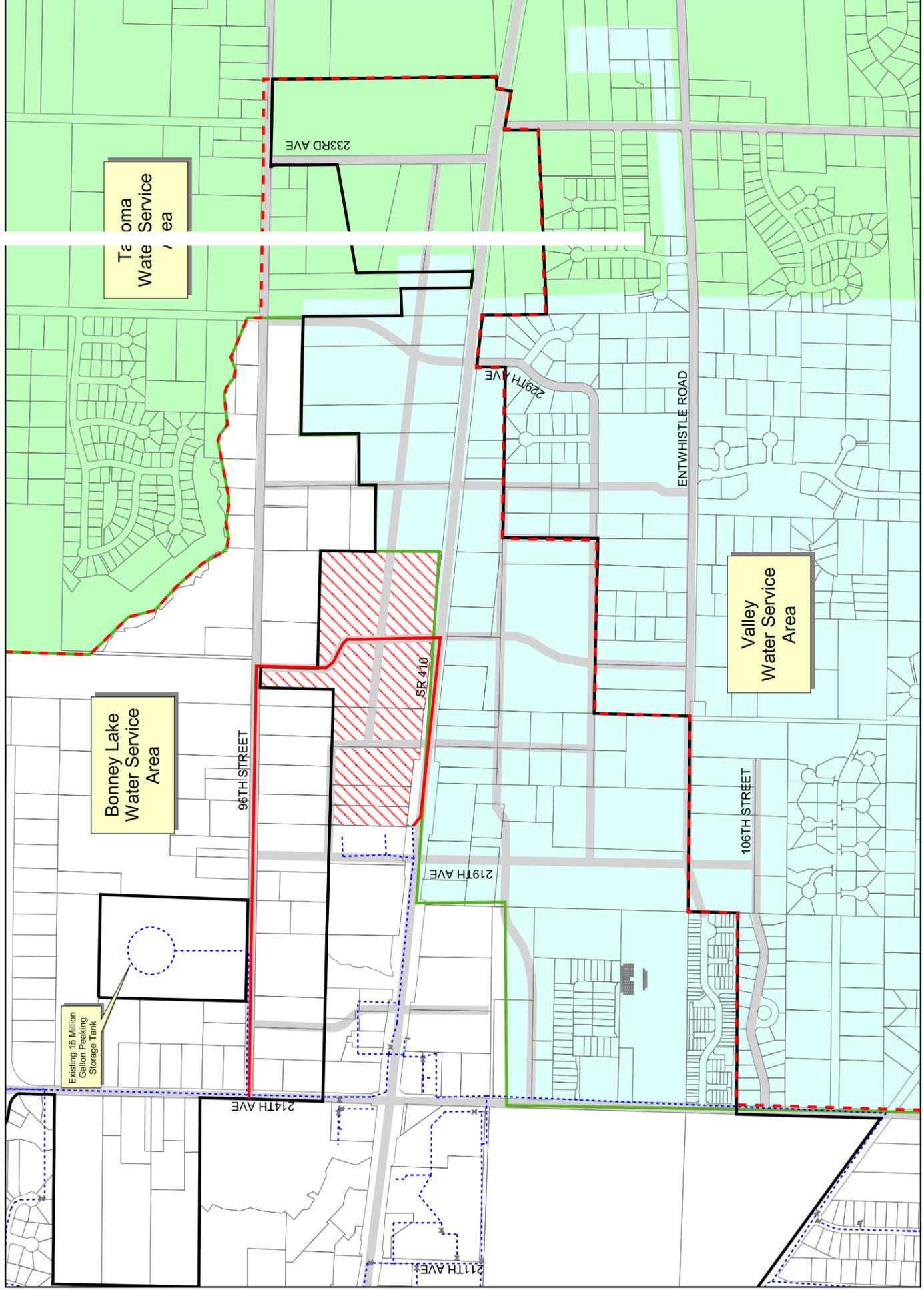
Critical Areas Variance

Buffer Averaging and Zoning or C.A. Variance

Zoning or C.A. Variance

Site Plan

PROPOSED EASTOWN WATER LID



LEGEND

- Bonney Lake City Limits
- Bonney Lake Proposed Modified Water Service Area
- Existing Bonney Lake Water System
- Future and Existing Eastown Roads
- Proposed 16" Water Main
- Bonney Lake Water Service Area
- Tacoma Water Service Area
- Valley Water Service Area
- Water ULID Area

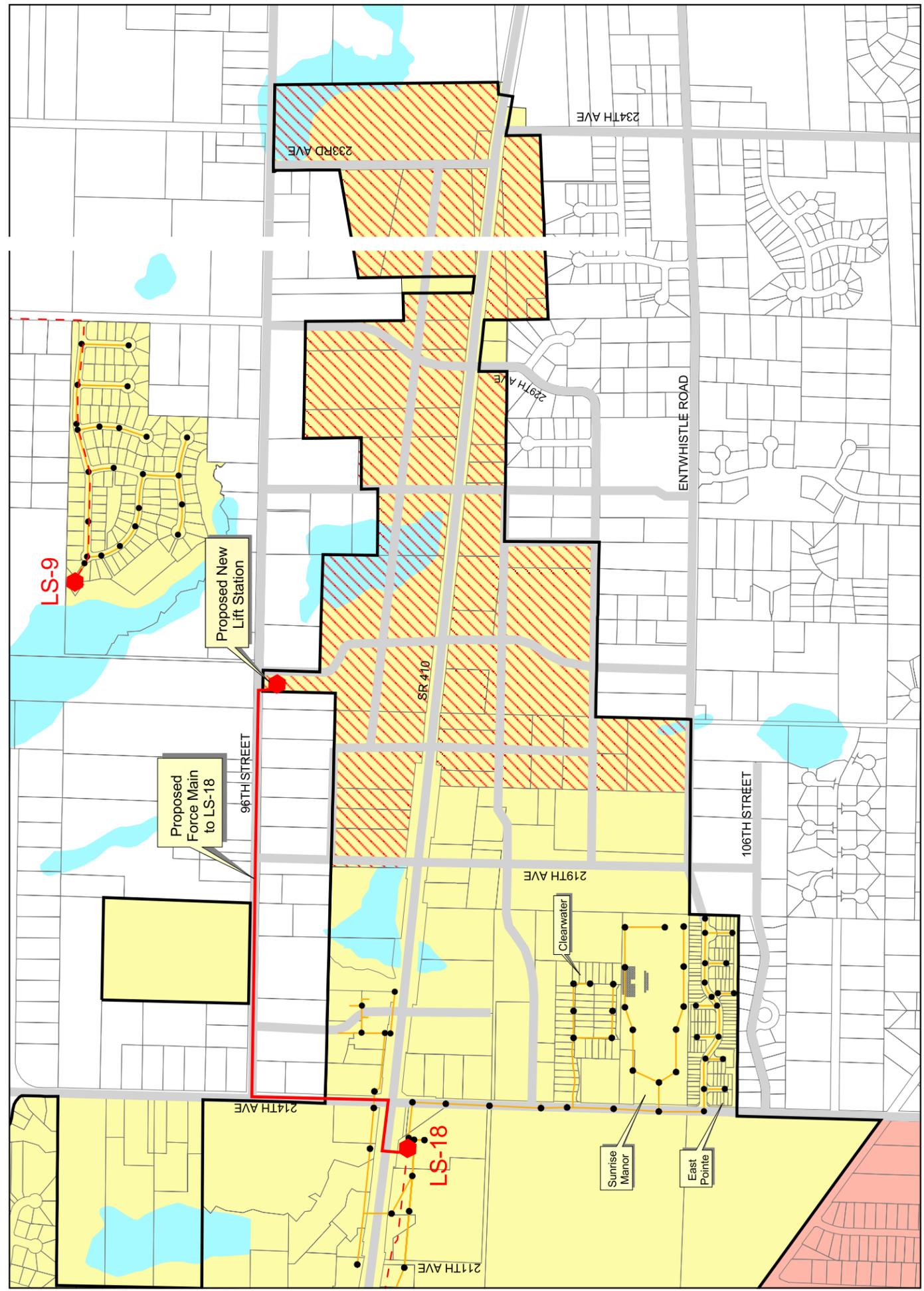


Scale
400 0 400 800 Feet



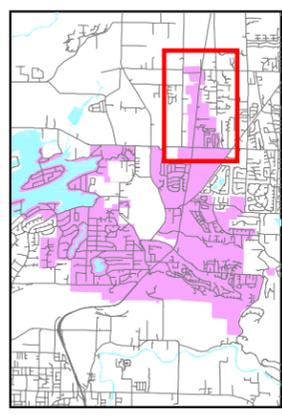
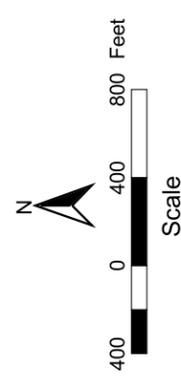
April 10, 2006

PROPOSED EASTOWN SEWER LID Option A



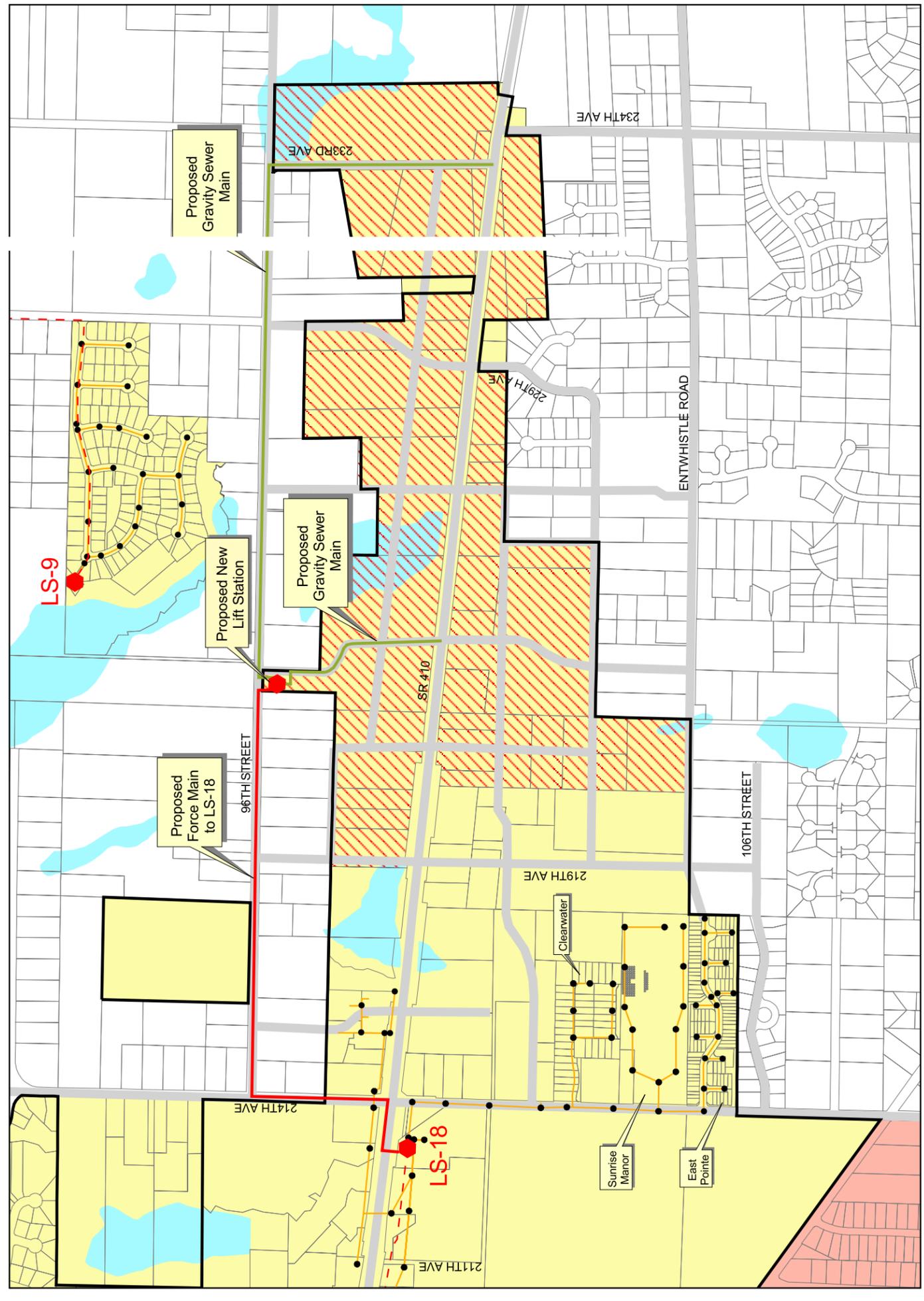
LEGEND

- Lift Station
- Bonney Lake City Limits
- Existing Gravity Sewer and Manhole
- Existing Force Main
- Proposed 6" Force Main
- Future and Existing Eastown Roads
- Core Sewer Service Area
- South Sewer Service Area
- Wetland
- Proposed Sewer ULID Area



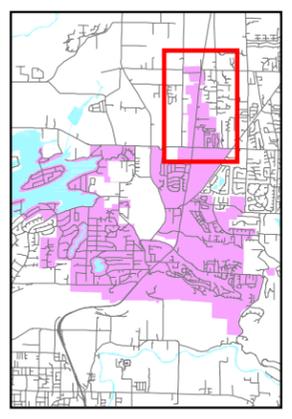
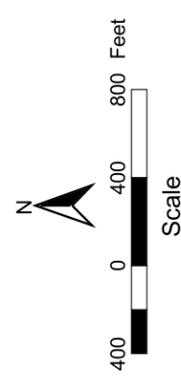
April 10, 2006

PROPOSED EASTOWN SEWER LID Option B



LEGEND

- Lift Station
- Bonney Lake City Limits
- Existing Gravity Sewer and Manhole
- Existing Force Main
- Proposed 6" Force Main
- Proposed 8" Gravity Sewer Main
- Future and Existing Eastown Roads
- Core Sewer Service Area
- South Sewer Service Area
- Wetland
- Proposed Sewer ULID Area



April 10, 2006

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1513

Chapter 230, Laws of 2009

61st Legislature
2009 Regular Session

WATER OR SEWER FACILITIES--CONSTRUCTION FINANCING

EFFECTIVE DATE: 07/26/09

Passed by the House March 3, 2009
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2009
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved April 25, 2009, 11:46 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1513** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 27, 2009

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1513

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Representative Haler

Read first time 01/22/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to municipal participation in financing the
2 construction of water or sewer facilities; and amending RCW 35.91.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.91.020 and 2006 c 88 s 2 are each amended to read
5 as follows:

6 (1)(a) Except as provided under subsection (2) of this section, the
7 governing body of any city, town, county, water-sewer district, or
8 drainage district, hereinafter referred to as a "municipality" may
9 contract with owners of real estate for the construction of storm,
10 sanitary, or combination sewers, pumping stations, and disposal plants,
11 water mains, hydrants, reservoirs, or appurtenances, hereinafter called
12 "water or sewer facilities," within their boundaries or (except for
13 counties) within ten miles from their corporate limits connecting with
14 the public water or sewerage system to serve the area in which the real
15 estate of such owners is located, and to provide for a period of not to
16 exceed fifteen years for the reimbursement of such owners and their
17 assigns by any owner of real estate who did not contribute to the
18 original cost of such water or sewer facilities and who subsequently
19 tap onto or use the same of a fair pro rata share of the cost of the

1 construction of said water or sewer facilities, including not only
2 those directly connected thereto, but also users connected to laterals
3 or branches connecting thereto, subject to such reasonable rules and
4 regulations as the governing body of such municipality may provide or
5 contract, and notwithstanding the provisions of any other law.

6 (b) If authorized by ordinance or contract, a municipality may
7 participate in financing the development of water or sewer facilities
8 development projects authorized by, and in accordance with, (a) of this
9 subsection. Unless otherwise provided by ordinance or contract:

10 (i) Municipalities that contribute to the financing of water or
11 sewer facilities projects under this section have the same rights to
12 reimbursement as owners of real estate who make contributions as
13 authorized under this section; and

14 (ii) If the projects are jointly financed by a combination of
15 municipal funding and private funding by real estate owners, the amount
16 of reimbursement received by each participant in the financing must be
17 a pro rata share.

18 (c) A municipality seeking reimbursement from an owner of real
19 estate under this section is limited to the dollar amount authorized
20 under this chapter and may not collect any additional reimbursement,
21 assessment, charge, or fee for the infrastructure or facilities that
22 were constructed under the applicable ordinance, contract, or
23 agreement. This does not prevent the collection of amounts for
24 services or infrastructure that are additional expenditures not subject
25 to such ordinance, contract, or agreement.

26 (2)(a) The contract may provide for an extension of the
27 fifteen-year reimbursement period for a time not to exceed the duration
28 of any moratorium, phasing ordinance, concurrency designation, or other
29 governmental action that prevents making applications for, or the
30 approval of, any new development within the benefit area for a period
31 of six months or more.

32 (b) Upon the extension of the reimbursement period pursuant to (a)
33 of this subsection, the contract must specify the duration of the
34 contract extension and must be filed and recorded with the county
35 auditor. Property owners who are subject to the reimbursement
36 obligations under subsection (1) of this section shall be notified by
37 the contracting municipality of the extension filed under this
38 subsection.

1 (3) Each contract shall include a provision requiring that every
2 two years from the date the contract is executed a property owner
3 entitled to reimbursement under this section provide the contracting
4 municipality with information regarding the current contract name,
5 address, and telephone number of the person, company, or partnership
6 that originally entered into the contract. If the property owner fails
7 to comply with the notification requirements of this subsection within
8 sixty days of the specified time, then the contracting municipality may
9 collect any reimbursement funds owed to the property owner under the
10 contract. Such funds must be deposited in the capital fund of the
11 municipality.

12 (4) To the extent it may require in the performance of such
13 contract, such municipality may install said water or sewer facilities
14 in and along the county streets in the area to be served as hereinabove
15 provided, subject to such reasonable requirements as to the manner of
16 occupancy of such streets as the county may by resolution provide. The
17 provisions of such contract shall not be effective as to any owner of
18 real estate not a party thereto unless such contract has been recorded
19 in the office of the county auditor of the county in which the real
20 estate of such owner is located prior to the time such owner taps into
21 or connects to said water or sewer facilities.

Passed by the House March 3, 2009.

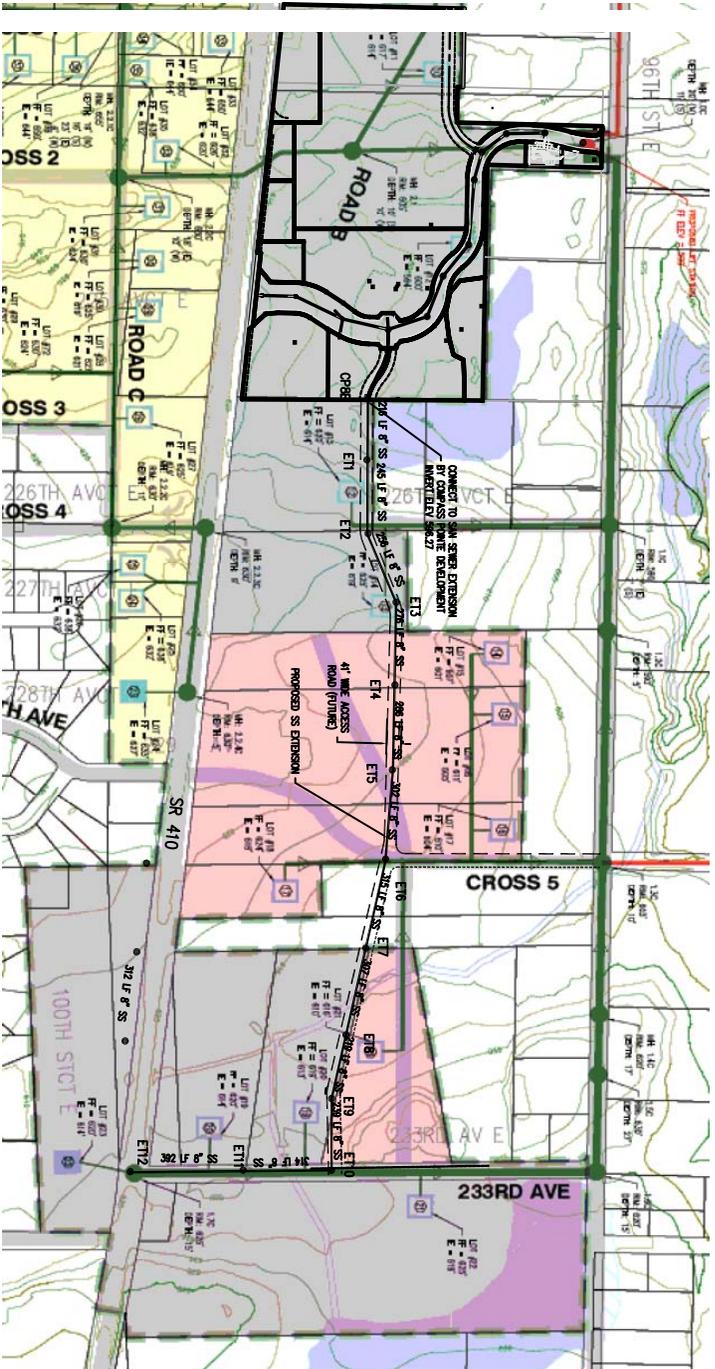
Passed by the Senate April 10, 2009.

Approved by the Governor April 25, 2009.

Filed in Office of Secretary of State April 27, 2009.

EAST TOWN SEWER

CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON.



EAST TOWN SANITARY SEWER RELOCATION
EAST TO 233RD AVE
PIPE DIA. (INCHES) 8

CHUB	INVERT ELEV	SCHE	SOLE	NOVA	NOVA	DEPTH
C998	610.0	0.50%	216	597.25	597.25	12.75
ET1	620.0	0.50%	245	598.48	598.38	21.63
ET2	620.0	0.50%	256	599.65	599.56	23.46
ET3	620.0	0.50%	276	600.94	600.84	19.17
ET4	620.0	0.50%	288	602.27	602.17	19.84
ET5	622.0	0.50%	302	603.68	603.58	11.43
ET6	615.0	1.00%	315	606.73	606.63	5.38
ET7	612.0	0.75%	307	604.93	604.83	3.17
ET8	618.0	0.50%	219	609.92	609.82	6.18
ET9	622.0	0.50%	238	611.02	610.92	11.08
ET10	620.0	0.50%	314	612.49	612.39	7.81
ET11	620.0	0.50%	382	614.35	614.25	5.75
ET12	620.0	0.50%				

EAST TOWN SEWER EXTENSION

SCALE: 1" = 20' HORIZONTAL
CONTOUR INTERVAL: 5 FEET
DATTUM: CITY OF BONNEY LAKE COMPREHENSIVE PLAN



PRELIMINARY SEWER PLAN, BONNEY LAKE, WA
EAST TOWN DEVELOPMENT GROUP
 OWNER: AUBURN COMMERCIAL CONSTRUCTION, ATTN: BOB STOBIE
 CONTACT: AUBURN COMMERCIAL DEVELOPMENT
 3240 "B" STREET NW, UNIT A, AUBURN, WA 98001

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 28301 163rd Ave SE, Kent, WA 98042 Ph: 253-431-6596 Fax: 253-433-1982

NO.	REVISIONS	DATE