

**CITY COUNCIL
WORKSHOP**

**December 15, 2009
5:30 p.m.**

AGENDA

City of



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.

"Where Dreams Can Soar"

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 Jim Rackley.

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

III. Agenda Items:

- A. Continued Public Hearing: AB09-192 - Resolution 1991 - WSU Forest Development Agreement.
- B. AB09-196 - A Motion of the City Council Waiving the Provisions of Bonney Lake Municipal Code 2.04.710 to Allow Immediate Discussion of Public Testimony Following the Close of the Public Hearing.
- C. Discussion Following Public Hearing: AB09-168 - Ordinance D09-168 - An Ordinance of the City Council of the City of Bonney Lake Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest.
- D. Discussion Following Public Hearing: AB09-192 - Resolution 1991 - A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, to Approve the WSU Development Agreement. (See Public Hearing Attachments, above.)
- E. Action: AB09-197 - A Motion of the Bonney Lake City Council Nominating an Elected Official to the Zoo/Trek Authority Board for the At-large Position #2 Vacancy.
- F. Council Open Discussion
- G. Review of Council Minutes: November 24, 2009 Meeting, December 1, 2009 Workshop, December 5, 2009 Special Meeting and December 8, 2009 Meeting.

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.

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> CD / John P. Vodopich, AICP	<u>Workshop / Meeting Date:</u> 15 Dec 2009	<u>Agenda Bill Number:</u> AB09-192
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 1991	<u>Councilmember Sponsor:</u>

Agenda Subject: WSU Development Agreement

Proposed Motion: A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, to approve the WSU Development Agreement

Administrative Recommendation: Discuss and take action on the WSU Development Agreement.

Background Summary: A Development Agreement which will outline the requirements for the future development of the WSU property is being proposed in conjunction with the City Council consideration of the proposed WSU Comprehensive Plan Amendment.

A public hearing on the Development Agreement was held on December 8, 2009 and continued to the December 15, 2009 workshop.

Council action on the Development Agreement and Comprehensive Plan Amendment is proposed for the December 15, 2009 Council workshop.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: -

Commission/Board Review Date: -

Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): December 1 & 15, 2009 **Public Hearing Date(s):** December 8 & 15, 2009

Meeting Date(s): December 8, 2009 **Tabled To Date:**

Signatures:

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed On-going
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RESOLUTION NO. 1991

**A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,
WASHINGTON, AUTHORIZING THE MAYOR TO SIGN THE WSU
PROPERTY DEVELOPMENT AGREEMENT**

WHEREAS, Chapter 36.70B authorizes local governments to enter into development agreements that set forth the “development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement”; and

WHEREAS, the City desires to enter into a development agreement with Washington State University (WSU) and Weyerhaeuser (WY), the owners of real property known as the WSU Forest; and

WHEREAS, RCW 36.70B.200 requires development agreements to be approved by ordinance or resolution after a public hearing; and

WHEREAS, a public hearing was held on December 8 and 15, 2009.

NOW, THEREFORE, it is hereby resolved that the Mayor shall have authority to sign and execute the WSU Property Development Agreement on behalf of the City after WSU/WY has executed the Agreement.

PASSED by the City Council this 15th day of December, 2009.

Mayor Neil Johnson, Jr.

AUTHENTICATED:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

WSU DEVELOPMENT AGREEMENT

December 815, 2009

RECITALS

A. Development Agreements Authorized.

1. The Washington State Legislature has found that lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers, and discourage commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. RCW 36.70B.170.
2. The City is a municipal corporation under the laws of the State of Washington with authority to enact laws and enter into agreements to promote the health, safety and welfare of its citizens, including the approval of land use plans and development.
3. The City is authorized by state law to enter into a development agreement that will set forth the requirements for future development of the WSU Property. RCW 36.70B.170.
4. The coordination of land use decision-making involving relatively large properties such as the WSU Property provides unique opportunities for the benefit of the City and the existing and future residents of the City and the Property.

B. Planning Concept and Value.

1. The City is planning under the Growth Management Act, chapter 36.70A RCW.
2. Washington State University (WSU) intends to sell the Property to generate revenue to support its educational mission, a benefit to the state of Washington.
3. There are advantages to the City in entering into this Agreement, including, but not limited to:
 - 3.1 Dedication of 47.4 acres of property to the City. In addition, two Ponds and their surrounding infiltration areas will be dedicated to the City. Preliminary design indicates that these two pond areas will total 7-10 additional acres. The infiltration areas are expected to be suitable for various recreational uses depending on the time of year and will be connected either to the City Property or to the Perimeter trail.
 - 3.2 The opportunity for the provision of public parks and trails in an area of the City in which there is a deficit in these public facilities.
 - 3.3 The opportunity for a public service use such as a YMCA or a similar Community Recreation Center (CRC).
 - 3.4 The opportunity for medical offices located in a rapidly growing area of the City.

- 3.5 Achieving appropriate urban densities.
 - 3.6 Providing reasonably priced housing.
 - 3.7 Increasing the range of housing choices in the City.
 - 3.8 Providing commercial development in the heart of Midtown, Bonney Lake's commercial "center of gravity."
 - 3.9 Establishing a new connector road from South Prairie Road E. to SR 410, providing access for the commercial/medical, City, and YMCA or similar Community Recreation Center (CRC) uses, an alternative to the congested South Prairie Road E./SR 410 intersection.
 - 3.10 Creating the opportunity to place buildings in the Commercial/Medical area so that they "back up" to other buildings and not the street or other "public places," rather than the typical strip development currently seen along SR 410.
4. There are advantages to WSU and Weyerhaeuser Real Estate Development Company (WY) in entering into this Agreement, including, but not limited to:
 - 4.1 Greater predictability for the build out of redevelopment of the WSU Property.
 - 4.2 Flexibility in design and development as described in this Agreement.
 - 4.3 The assurances of vesting that are contained in this Agreement in exchange for the commitments by WSU and WY to the mitigation measures described herein.
 5. All of the parties enter this Agreement knowingly and voluntarily, with full advice of their respective legal counsel, accepting all obligations created herein, in order to secure the benefits to be derived respectively by each party.
 6. RCW 36.70B.170 requires that development agreements set forth the development standards and other provisions that will apply to, and govern and vest the development, use, and mitigation of the development of the real property for the duration of the development agreement. It also requires that the development agreement be consistent with applicable development regulations adopted by a local government planning under the GMA. The parties intend this Agreement to define the development standards and mitigation, as defined in RCW 36.70B.170(3), that will apply to the WSU Property for the term of this Agreement.
- C. Public Process.

Pursuant to RCW 36.70B.200, this Agreement was subject to a public hearing before the City Council, which was duly advertised in the *Courier Herald* on December 1, 2009 and

held on December 8, 2009. The City Council reviewed and took official action adopting this Agreement on December 15, 2009.

AGREEMENT

1. PROJECT ELEMENTS

1.1 Project Location and Parties.

The Property subject to this Agreement, referred to as the "WSU Property" or the "Property" consists of 149.1 acres of land lying south of SR 410 between South Prairie Road E. and 214th Avenue E. in the City of Bonney Lake. Washington State University is the fee owner of the WSU Property. Weyerhaeuser Company held a reversionary interest in the WSU Property which it transferred to Weyerhaeuser Real Estate Development Company ("WY"). The Quadrant Corporation, as the agent for WSU and WY, is the applicant for the WSU Property. The legal description of the WSU Property is provided as Attachment 1 and a vicinity map is provided as Attachment 2.

1.2 General Project Elements.

The plan for the WSU Property is composed of the following elements as shown on the site plan provided as Attachment 3:

1.2.1 City Property: 47.4 acres of land comprised of:

40 acres for passive or active uses as decided by the City.

5.4 acres of perimeter buffer/trail.

2.0 acres for a triangle park at 214th Avenue E. and South Prairie Road E.

In addition, two Ponds and their surrounding infiltration areas will be dedicated to the City. Preliminary design indicates that these two pond areas will total 7-10 additional acres. The infiltration areas are expected to be suitable for various recreational uses depending on the time of year and will be connected either to the City Property or to the Perimeter.

1.2.2 Commercial/Medical: 35 acres for:

Commercial/retail uses.

Medical offices.

It is expected that the commercial/medical area will be developed in two phases. Phase 1 will consist of 60,000 square feet of medical office building and associated parking and infrastructure. Phase 2 will include build out of the commercial/medical area.

WSU and WY have entered into a purchase and sale agreement with Bonney Lake MOB Investors, LLC ("MOB") for approximately 4.75 acres in the southeast portion of the Commercial/Medical area for Phase 1. The sale of the property must close within 30 days of the City's approval of engineering plans for necessary infrastructure so that the MOB may begin construction and occupy its facility by June, 2011. The target closing date is June 30, 2010. The sale is contingent upon the execution of the Agreement and the City's approval of the Comprehensive Plan Amendments and rezones referenced in this Agreement.

1.2.3 Residential: 64.7 acres comprised of:

61.7 acres of single family detached, medium, and moderately high density residences.

3.0 acres of privately owned and maintained neighborhood parks and open space.

This area includes two Ponds and their surrounding infiltration areas which will be dedicated to the City.

1.2.4 New Connector Road - 204th Avenue E.: 2.0 acres

A new connector road from South Prairie Road E. to SR 410.

1.3 Permitted Residential Land Uses.

1.3.1 Single Family Detached. Single Family Detached Dwelling units will consist of detached single family homes with fee simple ownership with or without garages. To authorize this use, the City will amend the current R-3 zoning Code to add an Overlay that allows single family detached dwellings as described in Section 1.2.3 of this Agreement and shown in Attachment 8.

1.3.2 Moderately High Density. Moderately High Density dwelling units will consist of small and/or "cottage" homes, duplexes, townhomes, condominiums, or apartments or a combination thereof.

1.3.3 Fire Protection. All residential uses shall comply with the recommendations contained in the August 17, 2009 letter from East Pierce Fire & Rescue, Attachment 9.

1.3.4 Minimum Density. The minimum density for residential uses will be 10 units per net acre averaged over the 61.7 acres. An individual residential project must have no fewer than 6 units per net acre and no greater than 20 units per net acre. The applicant for each residential project must, prior to submitting an application for preliminary plat approval, conduct a

pre-application conference with the City. The applicant must demonstrate to the City's satisfaction how its proposed project will allow the residential uses on the 61.7 acres to accomplish a minimum average density of 10 units per net acre.

- 1.3.5 CC&Rs. The permitted uses in the WSU Property may be restricted by CC&Rs which will be recorded separately for the residential divisions of the WSU Property, provided the CC&Rs shall not conflict with the conditions of this Agreement or the applicable zoning. Restrictions provided in the CC&Rs will be enforced by a Homeowner's Association or other private parties or subassociations in accordance with the terms and conditions of the CC&Rs. The City will have no authority nor obligation to enforce restrictions provided in the CC&Rs.

2. DEFINITIONS

- 2.1 "Agreement" means this Development Agreement.
- 2.2 "BLMC" means the Bonney Lake Municipal Code in effect on the date of adoption of this Agreement by the Bonney Lake City Council, _____, 2009.
- 2.3 "CAO" means the City's critical areas regulations, chapters 16.20-16.30 BLMC, in effect on the effective date of this Agreement, _____, 2009.
- 2.4 "CC&Rs" means a declaration of covenants, conditions, and restrictions.
- 2.5 "City" means the City of Bonney Lake.
- 2.6 "City Property" means the 40 acres shown on Attachment 3 as "City" and "City/YMCA." This acreage does not include the 7.4 acres contained in the Perimeter Buffer and Triangle Park, which, as provided in § 6.3, will be dedicated to the City as the Residential area builds out.
- 2.7 "Commercial/Medical" means the 35 acres shown on Attachment 3 as "Commercial/Medical."
- 2.8 "DEIS" means the WSU Site Project Draft Environmental Impact Statement dated August 2009.
- 2.9 "EIS" means collectively the DEIS and the FEIS.
- 2.10 "Expiration of Use Restriction" means the earlier of January 1, 2025 or the issuance of final building permits for all of the property in the Commercial/Medical area (also referred to as "build out of the Commercial/Medical area").
- 2.11 "FEIS " mean the WSU Site Project Final Environmental Impact Statement dated November 24, 2009.

- 2.12 "GMA" means the Growth Management Act.
- 2.13 "MDD" means master drainage design.
- 2.14 "Mandate" means a directive from the State or Federal government with which the City is required to comply and under which the City has no discretion.
- 2.15 "Net Acre" refers to the total acreage within a lot or parcel after critical areas, critical area buffers, streets, stormwater facilities, utility tracts and public parks that will exist upon completion of development are deducted from the lot or parcel. Refer to BLMC 18.04.140.N.
- 2.16 "Pond" means a visually integrated, irregularly shaped, landscaped facility, the sole purpose of which is to retain and treat Stormwater.
- 2.17 "Proposed Actions" means the proposed actions identified in the FEIS.
- 2.18 "Quadrant" means The Quadrant Corporation.
- 2.19 "Residential area" means the area shown on Attachment 3 as "Single Family/Multi-Family Housing."
- 2.20 "Shared Stormwater Facilities" means stormwater facilities located on the City Property and serving the City and Commercial/Medical properties, portions of the Residential area and the portions of the existing retail center that currently discharge stormwater onto the WSU Property.
- 2.21 "TIA" means the Transportation Impact Study, Appendix C to the DEIS.
- 2.22 "TIF" means the City's Traffic Impact Fee Program.
- 2.23 "TIP" means the City's 2009-2015 Six-Year Transportation Improvement Program.
- 2.24 "WSU" means Washington State University.
- 2.25 "WSU Property" or "Property" means the real property legally described in Attachment 1 and depicted on Attachment 2.
- 2.26 "WY" means Weyerhaeuser Real Estate Development Company.

3. DEDICATION OF PROPERTY TO CITY

- 3.1 Dedication of Property/Limitation on Uses. WSU and WY will convey to the City the City Property subject to the following restrictions:
 - 3.1.1 Until the time specified in Section 2.10 of this Agreement, uses of the City Property will be limited to City/public uses and community recreation or

public service uses, such as a YMCA or similar Community Recreation Center (CRC).

3.2 If the City elects to develop any portion of the City Property for athletic fields, it will permit developers of the Commercial/Medical and/or Residential properties to excavate soil from the area of the athletic fields, if needed, for structural fill on the Commercial/Medical and/or Residential properties so long as the developers replace the material removed with existing topsoil from their properties and rough grade the affected area of the City Property to a grade which is mutually acceptable to the developers and the City.

3.3 Timing of Property Transfer. WSU/WY will transfer the City Property to the City's ownership upon expiration of the appeals periods, and the resolution of any appeals to the satisfaction of WSU/WY, for the 2009 Comprehensive Plan Amendment and rezone changing the future land use and zoning maps to accommodate the Project, execution of this Agreement, and a mutually acceptable change to the zoning code to accommodate the planned residential development passage of an Ordinance adopting the R-3 Overlay as shown in Attachment 8 and applying it to the Residential area, as discussed in Paragraph 1.3.1 of this Agreement.

3.4 Credit Against Park Impact Fees.

3.4.1 The City's Comprehensive Plan identifies a deficit in the level of service for community parks. To address this deficit, the Comprehensive Plan calls for 1-2 new community parks dispersed throughout the City, each with an acreage of 20 to 30 acres, or one large park of 40 to 50 acres in south or central Bonney Lake. Dedication of the City Property for recreational purposes shall qualify WSU/WY for a credit against future parks impact fees.

3.4.2 The Parks Element of the Comprehensive Plan values community park property at \$50,000/acre. Using this number, the value of the Property dedicated to the City for recreational uses, including the YMCA Property but not including the perimeter trail or Triangle Park, is two million dollars (\$2,000,000). The City's current parks impact is \$2,974.00/residential unit. Accordingly, the value of the dedicated property is equivalent to the impact fee for 672 residences, more than the projected number of dwelling units for the Project. The parties agree that dedication of the City Property fully satisfies the parks impact fees that would otherwise be payable by developers of the WSU Property and that no parks impact fees will be due.

4. YMCA OR SIMILAR COMMUNITY RECREATION FACILITIES

4.1 After the conveyance of the City Property to the City as provided in § 3, the City may take steps to allow the YMCA or a similar Community Recreation Center (CRC) to develop and/or operate a new facility of approximately 60,000 square feet of building area on the western portion of the City Property as shown on Attachment

3. The decision to allow a YMCA or CRC development or operation on the City Property is totally within the discretion of the City, and not in any way limited by this Agreement.
- 4.2 The owners of the properties on which the YMCA or a similar Community Recreation Center (CRC) and adjacent Commercial/Medical uses will be located will enter into cross easements for parking, utilities, and construction easements which are mutually beneficial.
- 4.3 The property on which the YMCA or similar Community Recreation Center (CRC) may be located will be subject to the easements described in § 5.

5. EASEMENTS

The City and Commercial/Medical properties will provide for construction easements and easements for the conveyance of water, sewer, stormwater, and other required utilities to, and between, the various other commercial/medical, residential, and public use areas of the site that will be constructed and require services.

6. DEVELOPMENT STANDARDS AND MITIGATION MEASURES

6.1 Standards for Critical Areas.

- 6.1.1 Classification of Critical Areas. One wetland, Wetland A, is located in the northwestern portion of the Property, west of an existing commercial development. The wetland is surrounded by infiltration ponds, which were sized and constructed to receive the stormwater for the commercial development east of the site. Wetland A is hydrologically isolated from other regulated water bodies. Wetland A is rated as a Category III wetland under the *Washington State Wetland Rating System for Western Washington* and BLMC 16.22.020.
- 6.1.2 Sequencing. BLMC 16.20.130.E is used to ensure that the proposed impacts to wetlands are truly necessary. This section requires that the following sequence be followed: Avoid the impact altogether by not taking the proposed action; minimize the impact by limiting the action's magnitude or changing the project design, location, or timing; or mitigate (compensate for) the impact on natural system functions and values by enhancing or replacing other natural systems and ensuring that the mitigation serves its purpose over time. The DEIS and FEIS evaluated sequencing and determined that avoiding Wetland A effectively takes nine acres of potentially valuable commercial/medical space away. This area calculation includes both the required wetland and buffer area (approximately 1.6 acres), the need to realign roads and other infrastructure, and resulting areas that would be too small to develop successfully. Consequently, the parties concur that it would not be feasible to avoid Wetland A. Similarly, minimizing the impact, while reducing the

area of impact, would still render the Commercial/Medical area economically infeasible.

6.1.3 Mitigation.

6.1.3.1 The City's technical consultant has determined opportunities for onsite mitigation are both very limited and technically challenging. Onsite mitigation would provide limited functions.

6.1.3.2 WSU/WY may use a thirty-seven acre parcel on the east side of Fennel Creek, which is owned by the City, for off-site wetlands mitigation. WSU/WY shall compensate the City for the fair market value of any land used for mitigation, with the City retaining ownership of the land.

6.2 Stormwater Design and Construction Standards.

6.2.1 Master Drainage Design ("MDD"). With the goal of creating a master stormwater system that will serve the entire WSU Property, WSU/WY or their agent shall prepare a comprehensive MDD for the City's review. A conceptual plan of the MDD is attached to this Agreement as Attachment 4. The MDD shall make provision for three Ponds, one on the City Property and two on the Residential Property, both of which shall be connected to the City Property or Perimeter Trail via open space (infiltration areas which are expected to be suitable for various recreational uses depending on the time of year), which shall be dedicated to the City upon completion of the Ponds. The Pond on the City Property shall be no larger than four acres in size. The MDD shall also provide for an excavated infiltration area for shared stormwater along the south and western portions of the City Property, which shall be suitable for various recreational uses depending on the time of year.

To ensure that the design makes adequate provisions for stormwater, the design will assume that 28 acres of the City Property will be developed with athletic fields and 5.4 acres with a 60,000 square foot building (as depicted on Attachment 5, Site Plan Concept B). Provided that the MDD is submitted to the City no later than December 31, 2009, and provided that the City's reasonable requests for modifications or follow-up information are complied with, the City shall endeavor to approve the MDD by April 15, 2010. The approved MDD shall provide for stormwater management and infiltration for buildout of the Commercial/Medical area; Residential area; the portions of the existing retail center that currently discharge stormwater onto the WSU Property; and up to 28 acres of athletic fields on the City Property. No further stormwater review of individual projects within the Commercial/Medical area, Residential area will be required. Additional stormwater review of the City Property will be required if uses that will generate stormwater in excess of that assumed in the approved MDD are proposed.

- 6.2.2 Applicable Standards. The MDD and all stormwater facilities constructed thereunder shall be vested to and comply with the drainage provisions set forth in the 2009 version of Chapter 15.13 BLMC as well as the Pierce County Stormwater Management and Site Development Manual - 2008, adopted by reference by BLMC 15.13.040, provided, that the City may impose subsequently-adopted storm-water regulations if necessary to address imminent public health and safety standards or to comply with a mandate under the Clean Water Act.

The MDD will be executed under the assumption that the volume of water on the City Property and Residential property shall not exceed, in a 100 year storm event, a twelve acre pond and an eight acre pond, respectively, with the ponds having the with a maximum design water depth of six feet same design water depth. All Stormwater volumes exceeding this depth will be managed on the Residential Property in addition to the portion of the stormwater from the Residential area that is managed by the two Ponds in the Residential area described in Section 1.2.3 of this Agreement.

6.2.3 Pond Construction.

6.2.3.1 Ponds for water quality or retention/detention of stormwater must be designed to eliminate the requirement for safety fencing.

6.2.3.2 Stormwater Ponds must be designed to be aesthetically pleasing and visually integrate into the environment. Options to satisfy this requirement include the following:

6.2.3.2.1 Ponds designed as natural features with water-tolerant plantings.

6.2.3.2.2 Ponds designed with irregular shapes.

6.2.3.2.3 Provision of evergreen and deciduous trees and other plantings in the stormwater tract.

6.2.3.2.4 Provision of soft-surface pedestrian trails which connect to sidewalks along nearby roadways, or to trails on the Property.

6.2.3.2.5 Other design options as mutually agreed to by the City and the developer.

6.2.4 Shared Stormwater Facilities.

6.2.4.1 These facilities will be appropriately sized to serve the areas identified for the City Property, Commercial/Medical uses,

portions of the Residential area, and the portions of the existing retail center that currently discharge stormwater onto the WSU Property.

6.2.4.2. The stormwater facilities approved under the MDD will be constructed in phases by the commercial/medical, residential, and City developments, as capacity for stormwater management to serve these developments is needed.

6.2.5 Stormwater Facility Minimization Strategies and Low Impact Development (LID) Techniques.

The parties wish to minimize the land area devoted to Stormwater Facilities. Therefore, in developing the MDD, WSU/WY or their agent will consider the following means of minimizing the size of Stormwater Facilities, where feasible and cost effective:

6.2.5.1 Designing any ball fields or other active recreation use of the City Property to infiltrate stormwater generated from that recreation use on that portion of the City Property.

6.2.5.2 Where suitable soil conditions exist within a depth of eight feet of finished grade, infiltrating stormwater from roofs in the Commercial/Medical area on the commercial/medical property and from roofs in the Residential area on the Residential area. Any reduction in the volume of non-infiltrated Stormwater shall be attributed to reducing the size of the Stormwater facilities on the City Property and Residential Area, in equal part to each.

~~6.2.5.3 Where suitable soil conditions exist within a depth of eight feet of finished grade, infiltrating stormwater from roofs in the Residential area. Any reduction in the volume of non-infiltrated Stormwater shall be attributed to reducing the size of the Stormwater facilities on the Residential Area.~~

6.2.5.43 Designing the Shared Stormwater Facilities so that they can serve multiple uses. For example, it is expected that portions of the Shared Stormwater Facilities will be dry in the summer and early fall months and could be used for various recreational activities.

6.2.5.54 Providing stormwater storage above the design elevation of the presettling basin facility.

6.2.5.65 Designing bio-retention swales within the right of way for 204th Avenue E.

6.2.5.76 Using other mutually acceptable low impact development (LID) techniques, system design assumptions, and criteria that would serve to minimize the size of Stormwater Facilities.

6.2.5.7 Sixty percent of any reduction in the volume of non-infiltrated Stormwater from these strategies shall be attributed to reducing the volume of stormwater on the City Property, and 40% shall be attributed Residential Area.

6.2.6 Ownership of Stormwater Facilities. Upon completion of construction of the stormwater facilities, said facilities shall be dedicated to the City for purposes of ownership and maintenance.

6.3 Perimeter Buffer and Perimeter Loop Trail.

As shown on Attachment 3, a 50-foot wide buffer around the north, east, and south sides of the Residential area and a two-acre park at the intersection of South Prairie Road E. and 214th Avenue E. will be dedicated to the City as the Residential area is built out. Each residential project that contains any portion of the perimeter buffer or Triangle Park will be conditioned upon dedication of the portion of the perimeter buffer or triangle park contained within the plat. As part of project construction, developer will grade and landscape the perimeter buffer and construct a soft surface trail within that portion of the perimeter buffer or triangle park. The area to be dedicated shall be credited toward the open space required by BLMC 18.80.080. The following requirements apply:

6.3.1 Perimeter buffers and the triangle park shall be placed in separate tracts to be dedicated to the City, and shall be shown on the final plat map and final engineering plans for the various divisions or phases of the Residential area.

6.3.2 Prior to any site clearing and grading activities adjacent to the triangle park, construction fencing shall be placed on the site to identify the boundaries of the triangle park adjacent to the construction activities. Such fencing shall remain in place until all clearing and grading activities are completed.

6.3.3 The developer(s) of the Residential area adjacent to the City Property will provide for a connection of the Perimeter Loop Trail to existing or planned trails in the City Property.

6.4 Water Service.

All water service will be provided by the City. Each developer of the commercial/medical, YMCA or similar Community Recreation Center (CRC), City, and residential uses shall be responsible for all costs of extending required water service facilities to serve its property, including the payment of System

Development Charges (SDC's), but may enter into latecomer agreements as authorized by law and approved by the City.

6.5 Sewer Service and Sewer Extension.

6.5.1 Sewer service will be provided by the City on a 'first come first served' basis (i.e., as capacity is available). Each developer of the commercial/medical, YMCA or similar Community Recreation Center (CRC), City, and residential uses shall be responsible for all costs of extending required sewer facilities to serve its property, including the payment of System Development Charges (SDC's) but may enter into latecomer agreements as authorized by law and approved by the City.

6.5.2 Preliminary analysis indicates that sewer can be provided to the Property from South Prairie Road E. or 214th Avenue E. The City will support the means of serving the Property with sewer that is most cost-effective to the developer consistent with the City's Sewer Comprehensive plan.

6.5.3 Section 503.2 of the 2008 City of Bonney Lake Development Policies and Public Works Design Standards requires that proposed sanitary sewer systems be designed and sized to serve tributary areas and be extended to "far" property line(s) in order to provide access to future development if future extensions of the system are deemed probable by the City. Because of the topography, it is not probable that sewer will be extended on the north side of South Prairie Road E. Sewer facilities shall be extended from the current termination point on S. 200th Avenue E. to the planned Connector Road. Extension of sewer facilities along the remainder of the frontage of South Prairie Road E. shall not be required. Sewer facilities shall be extended along 214th Avenue E if required by the City.

6.6 Transportation. WSU/WY recognizes its obligation to provide mitigation for the transportation impacts of its development proposal. Transportation mitigation was extensively studied during the SEPA process. Engineers for WSU/WY reviewed the impact of the project on 36 intersections, three access scenarios for the Connector Road and SR 410, and full build-out with or without the planned extension of the 198th corridor. Transportation mitigation measures outlined in the Final Environmental Impact Statement (pages 1-7 through 1-9; 1-13 through 1-20; and 3-2 through 3-3) are hereby adopted by reference as obligations of WSU/WY under this Agreement, unless inconsistent with this Agreement. See Attachment 5. Table 1-3 of the FEIS states that the Applicant's proportionate share of mitigation measures beyond Phase 1 shall be addressed in the Development Agreement. ~~At this time, it is too early to determine the appropriate proportionate share of the mitigation projects identified in the FEIS. Proportionate share of the projects shall be determined through updated Traffic Impact Analyses assessing the impacts based on traffic conditions at the time of each development application, as set forth in the FEIS. Each developer for any project beyond Phase 1, as defined in the FEIS, shall satisfy traffic mitigation obligations by paying transportation impact fees (TIF) at the rates in effect at the time of building permit issuance. In addition,~~

each project shall pay a TIF surcharge in an amount that represents that project's proportionate share of the projects outlined in the following table, the scope of which is set forth in the 2010-15 Transportation Improvement Plan (TIP):

2015 Mitigation (Full-Build) Summary

Intersection (I/S)	With 198th Extension			Without 198th Extension			Planned upgrade
	Site Trips thru I/S	Total Enter- ing Trips	% Site Traffic of Total Enter- ing Traffic	Site Trips thru I/S	Total Enter- ing Trips	% Site Traffic of Total Enter- ing Traffic	
SR 410/Sumner- Buckley Highway	575	6,440	8.9%	515	6,190	8.3%	Install new signal and additional turn lanes
SR 410/Main St.	615	5,290	11.6%	615	5,905	10.4%	Construct signal modifications and provide additional WB, NB and WB left turn lanes
SR 410/214 th Avenue E	735	4,775	15.4%	725	5,650	12.8%	Construct intersection improvements and TIP Project B-3 from SR 410 to 101 st .
Church Lake Road E./ W Tapps Hwy	55	1,015	5.4%	55	1,015	5.4%	Install signal and turn lanes.
Sumner Buckley Hwy/ Angeline Road	70	2,210	3.2%	70	2,210	3.2%	Install signal and turn lanes.
Sumner Buckley Hwy/ Church Lake Road	70	2,195	3.2%	70	2,195	3.2%	Install traffic signal.

The TIF surcharge shall be paid as a component of the TIF at building permit issuance. The surcharge shall be calculated by multiplying a fraction (the numerator of which is that project's total entering trips at the affected intersections listed in the above Table and the denominator of which is the total entering traffic) by the projected cost of the

improvement in the TIP at the time of building permit issuance. (The above Table illustrates how the TIF surcharge would have been calculated at the time the FEIS was issued, but the percentages may change when the above formula is applied.)

6.6.1 The Connector Road (204th Avenue E.)

- 6.6.1.1 204th Avenue E. shall be designed and constructed consistent with Attachment 6.
- 6.6.1.2 The City will provide a single comprehensive engineering design approval for 204th Avenue E., consistent with City Development Standards, between SR 410 and South Prairie Road E.
- 6.6.1.3 204th Avenue E. and signal improvements will be constructed in phases by the commercial and medical developments as warranted by traffic studies.
- 6.6.1.4 If the City agrees with traffic engineering studies demonstrating that a traffic signal is warranted at the intersection of 204th Avenue E. and SR 410, and that construction of 204th Avenue E. and associated traffic signals will improve operations in the immediate vicinity of the SR 410 and South Prairie Road E. intersection, the City will support traffic signals at the intersections of 204th Avenue E. with SR 410 and South Prairie Road E., and City representatives as appropriate will assist in efforts to persuade WSDOT to grant approval for a new traffic signal on SR 410 at 204th Avenue E. If approval for the traffic signal is obtained, the City will in its next Comprehensive Plan Amendment cycle, amend the transportation element and update the TIF list to add 25% of the project costs. The City will provide WSU and WY a credit against future transportation impact fees, and WSU/WY shall be responsible for allocating the credit to individual developers within the Project. Each developer of the Property shall be responsible for impact fees in effect at the time of building permit issuance. If the developer is using a credit allocated to it by WSU/WY, it must provide the City with evidence of the allocation.

If the City assumes responsibility for S. Prairie Road E., the City will include the signal at 204th Avenue E./South Prairie Road E in the City Capital Facilities Plan, TIP, and TIF List. The capacity the signal provides that will not be used by the Project shall be considered a system improvement that will be eligible for impact fee credits.

6.6.2 Residential access. At the time of preliminary plat applications, the applicant for each plat that proposes a new access on 214th Avenue E. and/or South Prairie Road E. shall provide a limited scope traffic engineering analysis of the proposed access point(s). The analysis will address intersection spacing and level of service at the driveway(s). The applicant for the preliminary plat adjacent to the northern boundary of the residential area shall construct a road to the northern boundary of its property to allow a potential future vehicular connection to 211th. At a minimum, pedestrian access will be provided from the residential area to 211th.

6.6.3 Access to City Property. WSU/WY shall ~~build a public street~~ grant the City an easement 30 feet in width from the Connector Road (204th Avenue E) to the northwest corner of the City Property and design the placement of the Pond to accommodate access to the City Property ~~via this public street.~~

6.7 Tree preservation. No trees may be removed from the Property without first obtaining a clearing permit from the City, which shall be issued according to BLMC Chapter 16.13. Tree retention requirements for the commercial area shall be met by the transfer of the City Property, Perimeter Trail, and Triangle Park and the design of the Connector Road. If requested by the City, WSU/WY shall replant the infiltration area on the City Property.

Without infringing upon full development of the residential area at the maximum density allowed in the zone, the City may require developers of residential projects to retain non-exempt trees in accordance with the community character element of the Comprehensive Plan. The grove of Western Red Cedar trees located in the northeast portion of the Residential area adjacent to the Pond shall be retained in its natural condition, unless the City consents to removal of the trees. The portions of the Residential area that will be used for Stormwater infiltration and retention shall be retained if an arborist mutually agreed-upon by the Parties indicates the trees would survive.

7. Interim Existing Trail Use. As shown on Attachment 7, several old trails exist on the WSU Property that are not currently in use because of safety considerations. Following conveyance of the 40 acre City Property to the City as outlined in § 3, or sooner if mutually agreed-upon between the Parties, WSU and WY will make the existing trails ("Trails") available for temporary recreational use by the general public, free of charge to recreational users. This temporary use is conditioned on the following terms:

7.1 The Trails shall be used by individuals or schools for sports training, walking, running, or other similar pedestrian recreational use (the "Use") and for no other purpose without the prior written consent of WSU and WY.

7.2 The City will accept the Trails and adjacent areas in their existing condition when turned over to the City, and shall maintain the Trails and adjacent areas

in good and safe condition, appearance, and cleanliness, free of dangerous trees or other vegetation. The City shall pick up and dispose of litter and other trash at least monthly.

- 7.3 The City shall provide law enforcement services for the Trails.
- 7.4 The City shall not undertake or permit any activity or other use on the Trails or surrounding property that would constitute a nuisance.
- 7.5 It is anticipated that the Recreational Land Use Statute, RCW 4.24.210, shall protect both the City and WSU/WY from liability for unintentional injuries to recreational users of the trails. Nevertheless, the City shall defend, indemnify and hold WSU and WY harmless from any and all liabilities or claims by others for bodily or personal injury, death, or property damage arising or resulting from use of the Trails by the City or the public, including without limitation bodily and personal injury, death or property damage arising from the use of the trails by the City or the public and any activities thereon, and including claims made by City employees engaged in work connected to the City's Use.
- 7.6 Use by the City and the public shall not interfere with the use of the WSU Property by WSU and WY or with development of the WSU Property.
- 7.7 WSU and WY may from time to time close all or any portion of the Trails to facilitate site exploration, development, and construction, with advance notice to the City.
- 7.8 The Use shall end on the earlier of the date of approval of engineering plans for the portion of WSU Property on which the Trails are located or January 1, 2035 (the "Use Term"), unless terminated earlier as provided in this Agreement.
- 7.9 The City will be solely responsible for utilities, garbage collection or disposal, safety measures, or security it deems necessary for the Use described herein and acknowledges that neither WSU nor WY will provide services, support, utilities, garbage collection or disposal, safety measures, or security of any kind.
- 7.10 The indemnity obligations of the City undertaken under the terms of this Agreement shall survive the termination of the Use Term.
- ~~7.11 WSU and WY may terminate the City's use hereunder for convenience at any time upon giving the City one year's prior written notice.~~
- ~~7.12~~7.11 At the expiration of the Use Term, the City shall quietly yield and surrender the Trails to WSU.

8. VESTING OF DEVELOPMENT STANDARDS

- 8.1 Except as set forth in Section 8.2, development on the Property shall be governed by development standards in effect at the time of application for land use approvals or development permits. The City shall also apply impact fees at the rates in effect at the time of building permit issuance, and application review fees;

and building codes in effect at the time of building permit application. application
or issuance.

8.2 For the duration of the Agreement, all development on the Property shall vest to and be governed by the following development standards as they exist on the date this Agreement was executed, _____, 2009. These standards shall be implemented through plats, building and grading permits and other permits and approvals from the City. During the term of this Agreement the City shall neither modify nor impose new or additional conditions beyond those set forth in this Agreement, nor apply subsequently adopted ordinances or other regulations which exceed or are inconsistent with the standards vested under the Agreement, except when necessary to address imminent public health and safety hazards or comply with a mandate from the state or federal government, or upon mutual agreement between the parties.

8.2.1 Chapter 15.13, BLMC Stormwater Management and Pierce County Stormwater Management and Site Development Manual - 2008, adopted by reference by BLMC 15.13.040.

8.2.2 Title 16 BLMC, Environmental Protection.

8.2.3 Title 17 BLMC, Subdivisions

8.2.4 Title 18 BLMC, Zoning, except for any amendments specifically referred to in § 1.3.1

8.2.5 Title 19 BLMC, Concurrency Management

8.2.5 Public Works Design Standards

Except as otherwise specifically provided, the uses permitted and standards stated herein shall remain in effect for purposes of issuing approvals of applications submitted prior to expiration of the Agreement which are within its scope as originally approved.

9. FURTHER SEPA REVIEW

9.1 The EIS analyzed adoption of Comprehensive Plan and Code amendments and development of the Property at the non-project and project levels. The proposed actions and impacts analyzed in the EIS include buildout of residential and non-residential uses at the densities and intensities pursuant to the development standards and mitigation measures approved in this Agreement. The City intends that the EIS will satisfy SEPA requirements for implementing approvals and permits for all other anticipated actions in the built out of the Property except as provided in § 9.2.

9.2 The following transportation issues will require additional SEPA review:

9.2.1 Site specific residential access to 214th Avenue E. and/or South Prairie Road E. were not analyzed. Additional SEPA review for such residential access shall be conducted by the plat applicant(s) pursuant to § 6.6.2.

9.2.2 Phasing of construction of 204th Avenue E. and signal improvements. These improvements will be constructed in phases by the commercial and medical developments as warranted by traffic studies.

~~9.2.3 The traffic assessment required by § 6.6.5.1.~~

9.3 The proposed actions described in the EIS include a series of permits which would issue over a period of time in a manner required to implement the overall project. If a subsequent permit or application falls within the "Proposed Actions" as analyzed in the EIS, unless otherwise necessitated by WAC 197-11-600, no threshold determination is required. The existing environmental documents, and the mitigation measured identified therein, may be used to meet the City's responsibilities under SEPA. This provision is consistent with WAC 197-11-600(2), which allows environmental documents that have previously been prepared to be used to evaluate proposed actions, alternatives, or environmental impacts.

9.4 In the event that subsequent permits do not fall within the scope of the alternatives examined in the EIS, the City may require Supplemental Environmental Review. If a Supplemental or Addendum Environmental Impact Statement is prepared, it will not include an analysis of actions, alternatives, or impacts that are addressed by an alternative or a combination of the alternatives in the previously prepared EIS. The SEIS/Addendum would include substantial changes and/or new information indicating probable significant adverse impacts that have not been analyzed. If an SEIS discloses that additional mitigation is required for treatment of probable, significant, adverse impacts not previously disclosed, the applicable development standards may be modified to incorporate additional mitigation.

10. OTHER REQUIRED PERMITS

Approval of this Agreement does not limit the responsibility of the parties or any developer to obtain any required permit or license from the State or other regulatory body.

11. HOMEOWNERS ASSOCIATION; COVENANTS, CONDITIONS, AND RESTRICTIONS.

A homeowners association may be established for the Residential area. The association shall be responsible for the long-term ownership and maintenance of common properties and facilities within the Residential area.

An owners association and CC&Rs may also be developed for the Commercial/Medical area.

12. GENERAL PROVISIONS

12.1 Recording. This Development Agreement will be recorded with the Pierce County Auditor.

- 12.2 Effective Date. This Agreement shall become effective upon its execution by all of the parties.
- 12.3 Term. This Agreement permit shall terminate 15 years after its effective date. The City Council may grant a one-time extension, extending the Agreement an additional 5 years. Prior to granting the extension the City Council will assess compliance with the conditions of this Agreement and may modify or impose new standards deemed necessary for the public health or safety. A permit extension shall be granted based on a finding by the City Council that WSU and WY continue to implement the overall project approved in this Agreement.
- 12.4 Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws and regulations of the State of Washington.
- 12.5 Binding on Successors. This Agreement shall be binding upon and inure to the benefit of the successors, successors in title, and assigns of WSU, WY, and the City.
- 12.6 Assignment. The parties acknowledge that development of the Property may involve sale and assignment of portions of the Property to other persons who will own, develop and/or occupy portions of the Property and buildings thereon. WSU and WY shall have the right to assign and transfer any or all their interests, rights or obligations under this Agreement to other parties acquiring an interest or a stake in all or any portion of the Property. Consent by the City shall not be required for any transfer rights pursuant to this Agreement.
- 12.7 Interpretation. The parties intend this Agreement to be interpreted to the full extent authorized by law as an exercise of the City's authority to enter into such an agreements, and this Agreement shall be construed to reserve to the City only that police power authority which is prohibited by law from being subject to a mutual agreement with consideration.
- 12.8 Severability. If any material provision of this Agreement is determined by a court of law to be unenforceable or invalid, then the remainder of the Agreement shall remain in full force and effect. Further, as to those material provisions held by a court of law to be unenforceable, the parties shall confer and agree to amend the Agreement to implement the mutual intent of the parties to the maximum extent allowed by law.
- 12.9 Authority. Each party represents that it has the respective power and authority to execute this Agreement.
- 12.10 Amendment. This Agreement shall not be amended without the express written approval of the parties. The City Council must approve all amendments to this Agreement by ordinance or resolution, and only after notice to the public and a public hearing.

- 12.11 Attachments. Attachments 1-9 are incorporated herein by this reference as if fully set forth. In the event of any conflict or inconsistency between the Attachments and the main body of this Agreement, the main body shall control.
- 12.12 Headings. The headings in this Agreement are inserted for reference only and shall not be construed to expand, limit or otherwise modify the terms and conditions of this Agreement.
- 12.13 Integration. This Agreement represents the entire Agreement of the parties with respect to the subject matter hereof. There are no other Agreements, oral or written, except as expressly set forth herein.
- 12.14 Construction. This Agreement has been reviewed and revised by legal counsel for all parties, and no presumption or rule that ambiguity shall be construed against the party drafting the document shall apply to the interpretation or enforcement of this Agreement.

**WEYERHAEUSER REAL ESTATE
DEVELOPMENT COMPANY**

By: _____

Its: _____

WASHINGTON STATE UNIVERSITY

By: _____

Its: _____

The City of Bonney Lake

By: _____

Neil Johnson, Jr.

Its: Mayor

Attachments:

1. Legal
2. Vicinity Map
3. Site plan
4. MDD Conceptual Plan
5. Standards for Connector Road
6. Excerpts from FEIS
7. Trails that exist on the WSU Property
8. R-3 Overlay Zone
9. August 17, 2009 letter from East Pierce Fire & Rescue.

Acknowledgments

Attachment 1
Legal Description

**Attachment 1
Legal Description**

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER LYING NORTH AND EAST OF THE CENTERLINE OF THE COUNTY ROAD (SOUTH PRAIRIE ROAD) AS LOCATED THEREON;

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;

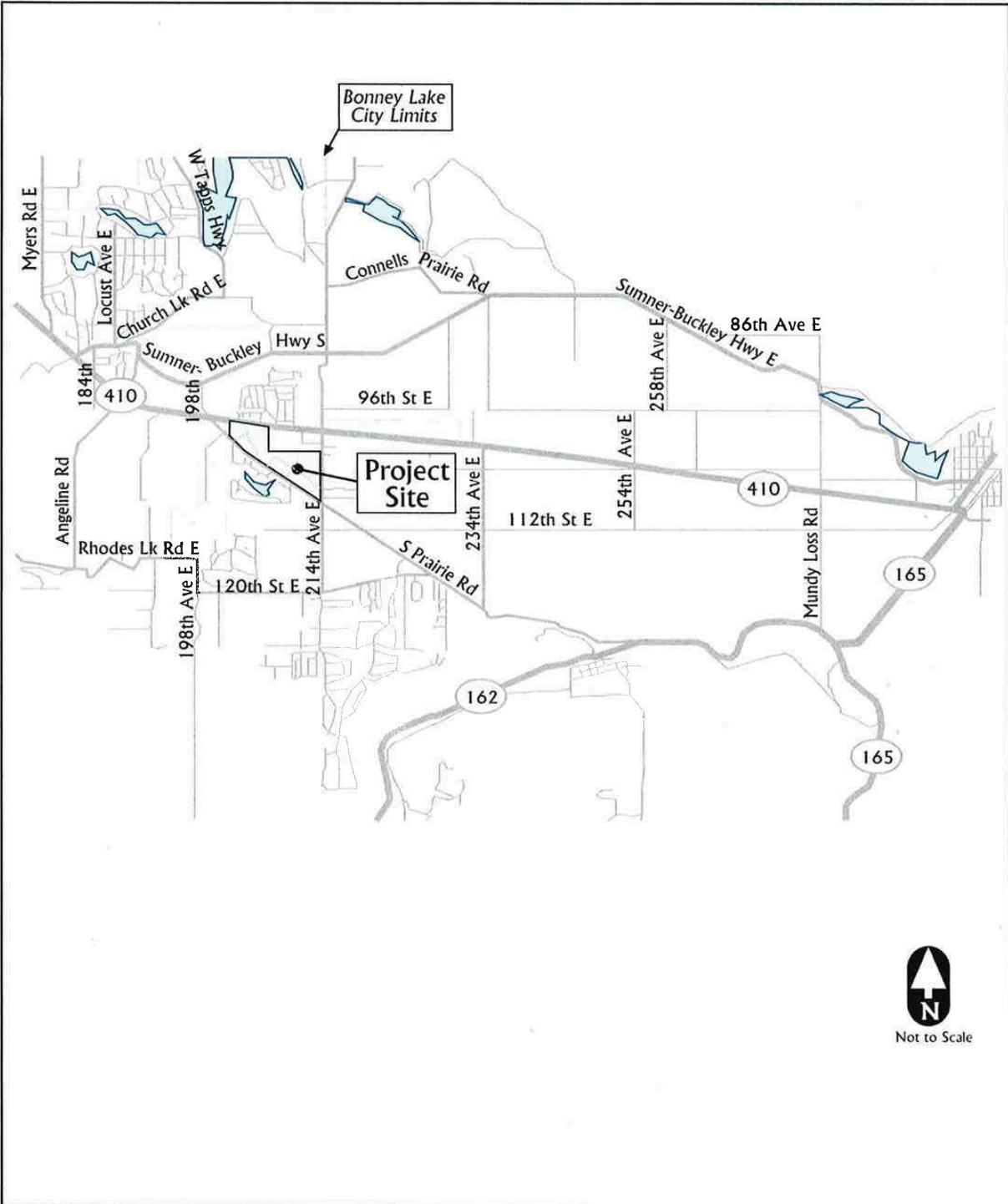
THAT PORTION OF THE FRACTIONAL EAST HALF OF THE NORTHWEST QUARTER, INCLUDED WITHIN GOVERNMENT LOT 3 AND THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER, LYING SOUTH OF THE CENTERLINE OF PRIMARY STATE HIGHWAY NO. 5, AS THE SAME IS DESCRIBED IN AN EASEMENT FROM WEYERHAEUSER TIMBER COMPANY TO THE STATE OF WASHINGTON, DATED OCTOBER 12, 1939 AND RECORDED UNDER RECORDING NUMBER 1251911, AND NORTH AND EAST OF THE CENTERLINE OF THE COUNTY ROAD (SOUTH PRAIRIE ROAD) AS LOCATED THEREON;

AND THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER LYING NORTH AND EAST OF THE CENTERLINE OF THE COUNTY ROAD (SOUTH PRAIRIE ROAD) AS LOCATED THEREON;

ALL IN SECTION 3, TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M., IN PIERCE COUNTY, WASHINGTON;
EXCEPT THOSE PORTIONS CONVEYED TO PIERCE COUNTY UNDER RECORDING NUMBER 200203270756.

Attachment 2

Vicinity Map



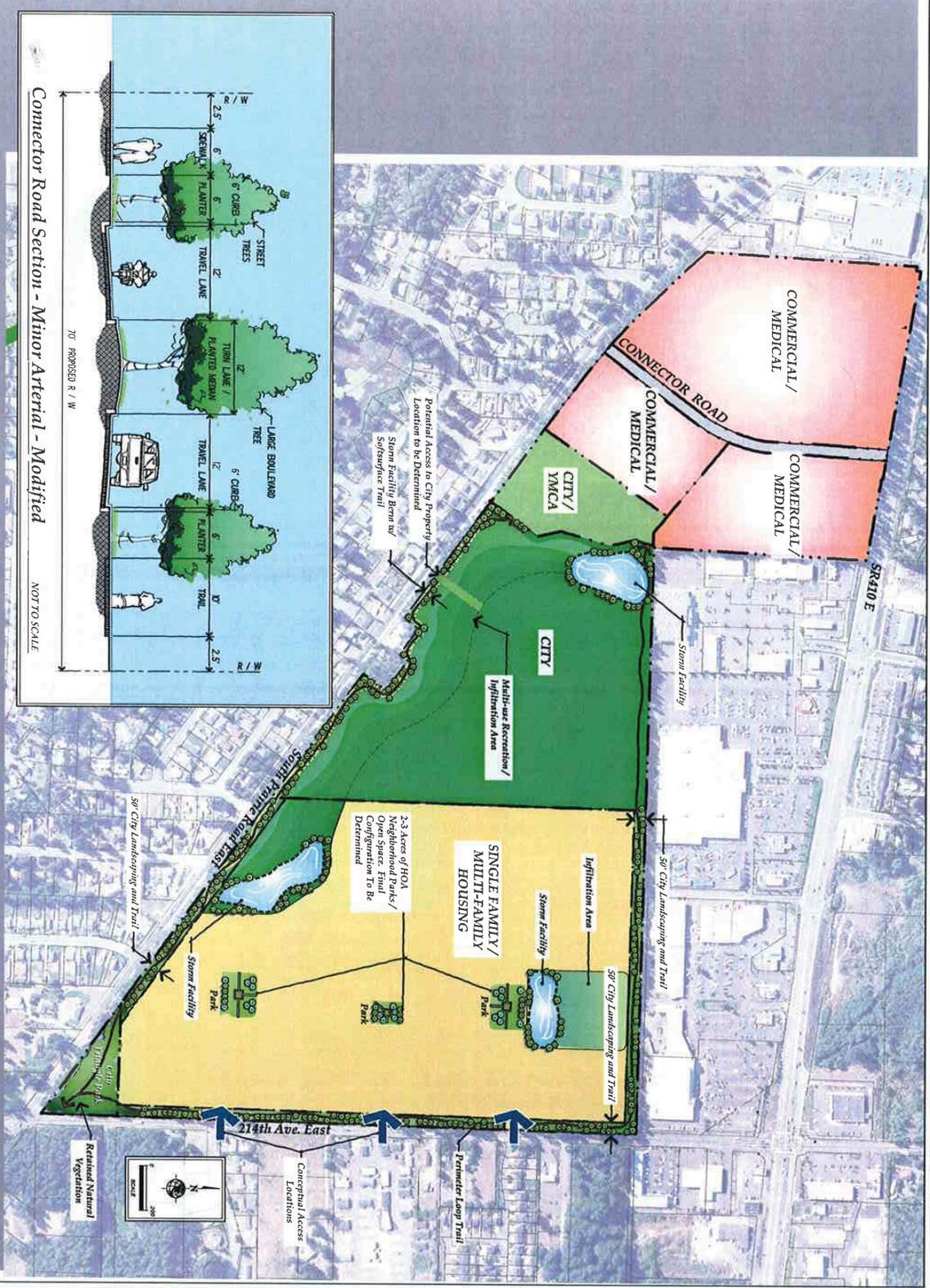
	WSU Site Project	Attachment 2
		Vicinity Map

Attachment 3

Site Plan

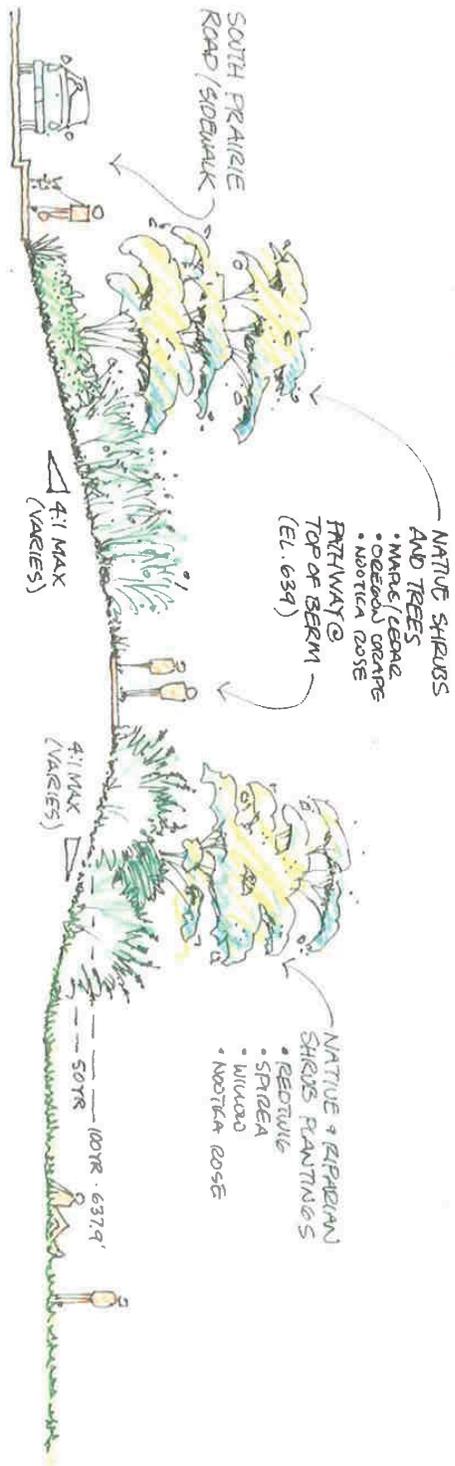
MASTER LAND USE PLAN

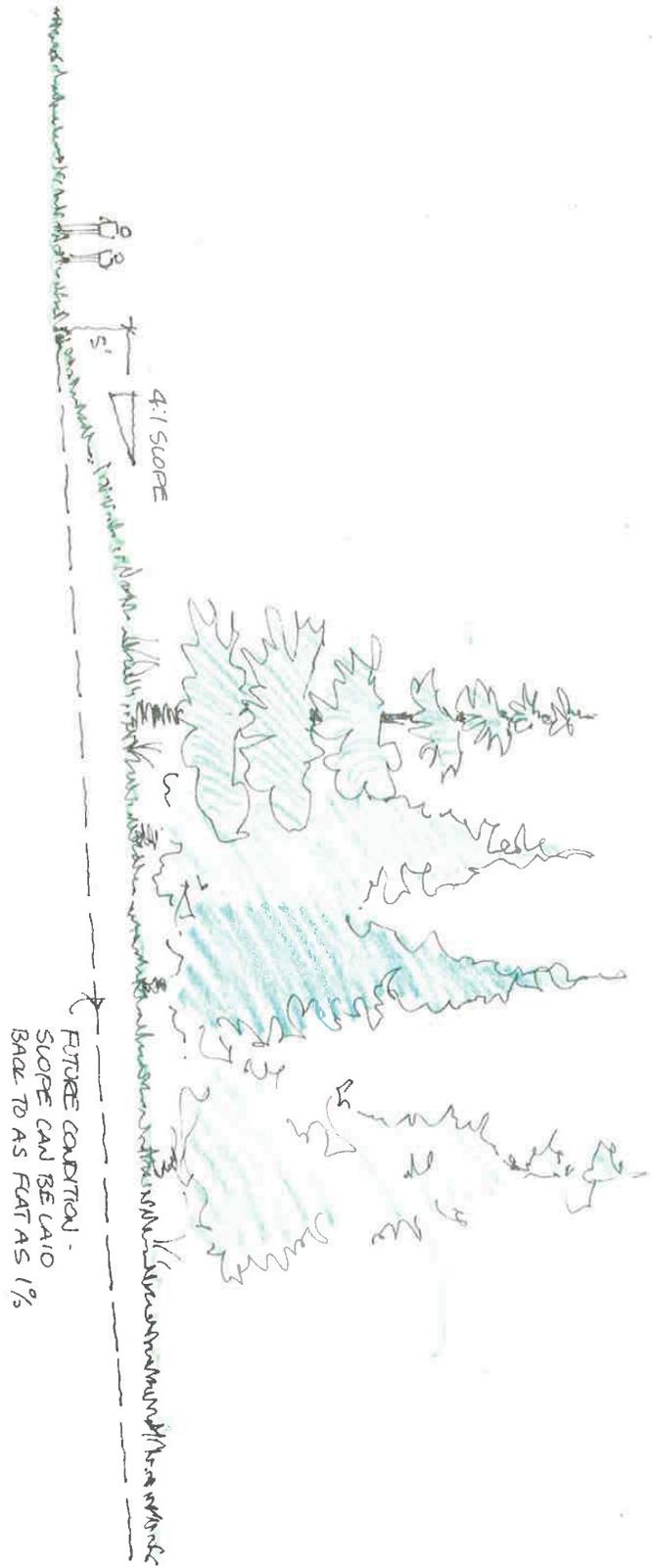
August 27, 2009



Attachment 4
Master Drainage Design Conceptual Plan

WSU/BOUNDEY LAKE SITE
 SECTION @ BERM 1/8" = 1'-0"
 SE GROUP 7/30/09





WSU/BONNEY LAKE SITE
SECTION @ INFILTRATION AREA / ROAD EDGE GRAVING
 1/8" = 1'-0"

SE GROUP 7/30/09



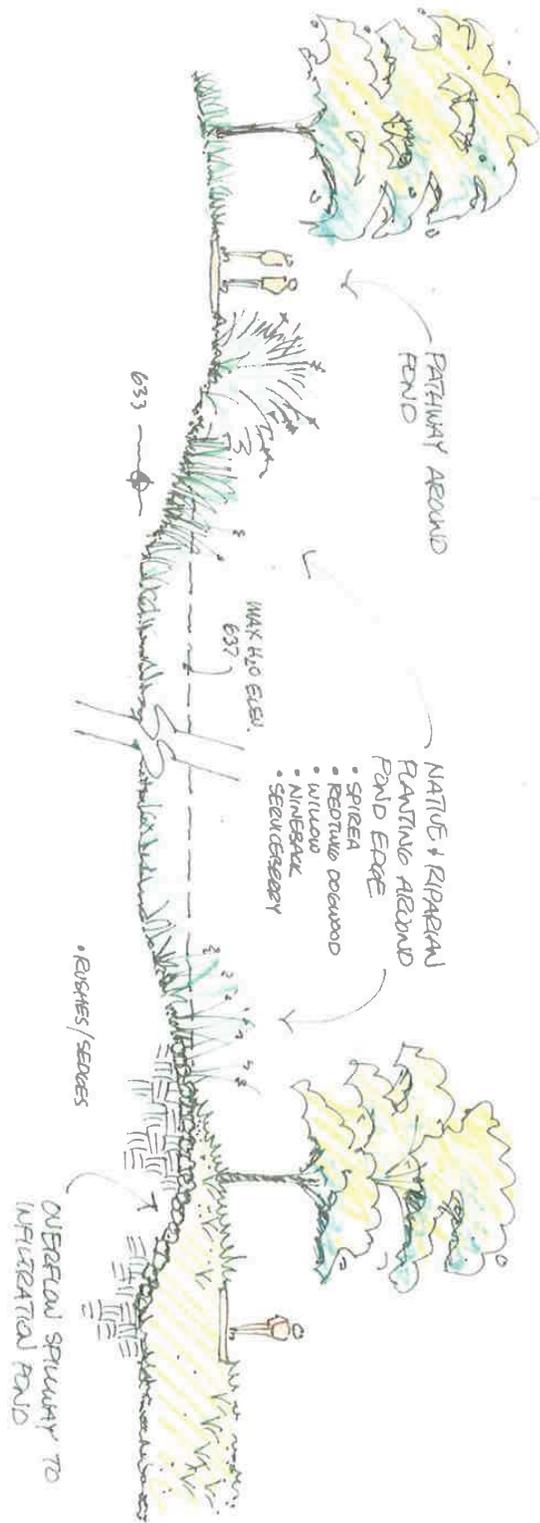
WSU/BONNEY LAKE SITE
 SITE PLAN CONCEPT A. / PASSIVE PARK
 (1"=200')

SE GROUP 7/30/09



WSU/BONNEY LAKE SITE
 SITE PLAN CONCEPT B. / SPORTS PARK
 1"=200'

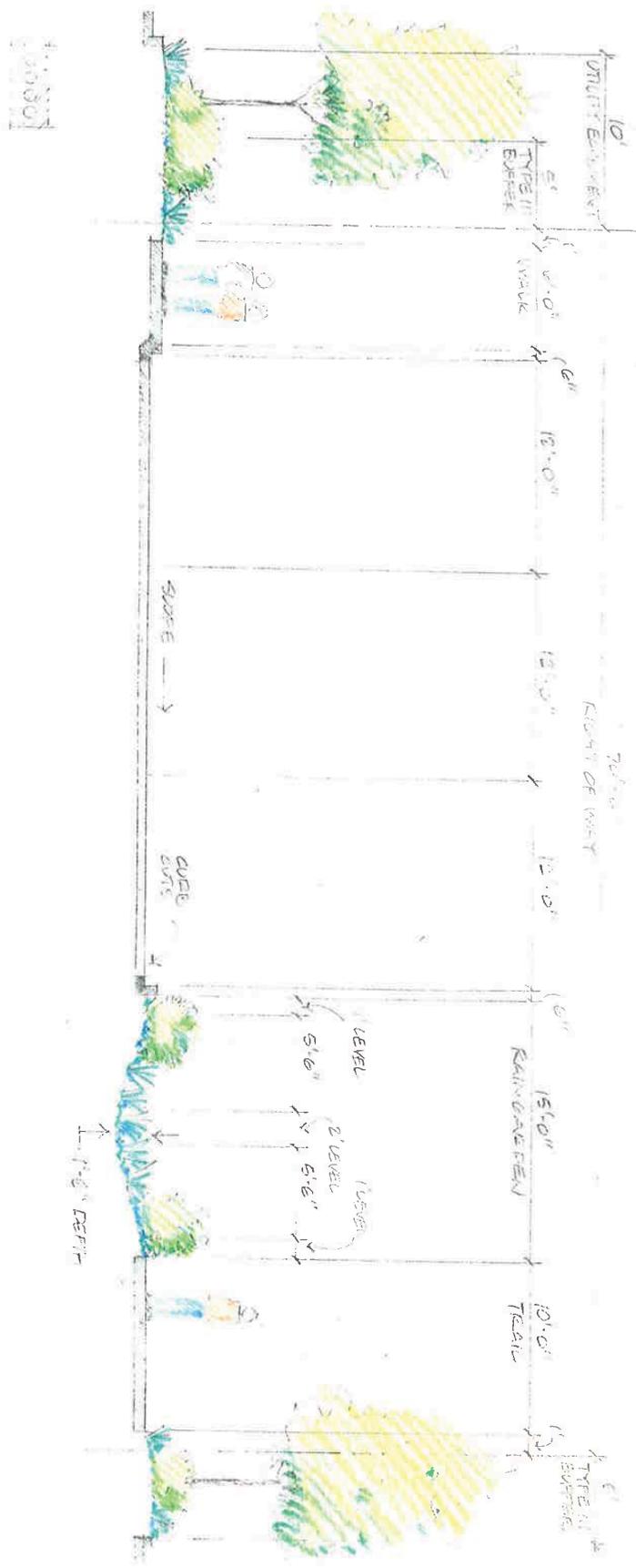
SE GROUP / 7/30/09



WSU/BONNEY LAKE SITE
 SECTION @ PRE. SETTLING POND 1/8" = 1' - 0"

SE GROUP 7/30/09

Attachment 5
Standards for Connector Road



COLLECTOR ROAD SECTION
 WED - BUNNEY LAKE SITE

0/21/04
 3/10/07

SB APPROX

Attachment 6
Excerpts from FEIS

Proposed Action	Alternative 1	Alternative 2	Alternative 3
<p>dedicated to the City (consisting of approximately 34.6 acres in natural forest area and approximately 7.4 acres in perimeter buffer/triangle park).</p> <p>It is assumed that approximately 34.6 acres of land would be conveyed to the City in its natural forested condition, and would include the opportunity for a potential community park and active recreational uses (i.e. ball fields, playground, etc.) to be developed as a separate action by the City in the future. A one mile soft surface would also be provided within the perimeter buffer that would be dedicated to the City.</p>	<p>open space that would be dedicated to the City of Bonney Lake. As under the Proposed Action, the 29.5 acres of open space could be used by the City for a community park and active recreational uses. A one mile soft surface would be provided but a portion of the trail would be in an easement over private land.</p>	<p>privately-owned area could be landscaped or potentially available for limited-access recreational use. The existing onsite trail would be closed.</p>	
<ul style="list-style-type: none"> The Proposed Action would also include two acres of neighborhood parks and one acre of private open space owned by the future Homeowner's Association. 	<ul style="list-style-type: none"> Alternative 1 would also include 3.1 acres of private open space, 5.9 acres of neighborhood parks and 2.8 acres of perimeter buffer to be owned by the future Homeowners Association. 	<ul style="list-style-type: none"> No private open space or neighborhood parks would be provided under Alternative 2. 	<ul style="list-style-type: none"> No private open space or neighborhood parks would be provided under Alternative 3.
<ul style="list-style-type: none"> New parks and open space would fulfill the demand of new onsite residents and provide additional recreation opportunities for the community. 	<ul style="list-style-type: none"> New parks and open space under Alternative 1 would fulfill the demand of onsite residents and the community, although at a lower level than the Proposed Action. 	<ul style="list-style-type: none"> No additional demand would be generated by Alternative 2 and the proposed park would provide recreation opportunities for the community. 	<ul style="list-style-type: none"> No additional demand would be generated by Alternative 3 and the no additional park space would be developed for community use.
<p>Transportation</p>			
<ul style="list-style-type: none"> Development under the Proposed Action would generate 19,105 daily vehicle trips and 1,705 PM peak hour trips at full buildout in 2015. 	<ul style="list-style-type: none"> Development under Alternative 1 would generate 14,110 daily vehicle trips and 1,415 PM peak hour trips at full buildout in 2015. 	<ul style="list-style-type: none"> Development under Alternative 2 would generate 8,450 daily vehicle trips and 555 PM peak hour trips at full buildout. 	<ul style="list-style-type: none"> Under Alternative 3, no development would occur and no vehicle trips would be generated by the site.

Proposed Action	Alternative 1	Alternative 2	Alternative 3
<ul style="list-style-type: none"> At 2011, 11 intersections would operate at LOS E/F during the PM peak hour and would require additional baseline improvements. At full buildout in 2015 (and with the 198th Avenue E Extension), 21 intersections would operate at LOS E/F during the PM peak hour and would require additional baseline improvements. At full buildout and with additional baseline improvements, 4 intersections would operate at LOS F <p>Development at full buildout without the 198th Avenue E Extension would result in 3 intersections operating at LOS F with additional baseline improvements.</p>	<ul style="list-style-type: none"> All intersections operating at LOS E/F under the Proposed Action at full buildout would also operate at LOS E/F under Alternative 1 with the exception of Intersections #6 and #28. 	<ul style="list-style-type: none"> All intersections operating at LOS E/F under Alternative 1 at full buildout would also operate at LOS E/F under Alternative 2 with the exception of Intersections #1 and #27. 	<ul style="list-style-type: none"> Under Alternative 3, no development would occur and no changes to the existing LOS levels at area intersections would occur from the site.
<ul style="list-style-type: none"> Based on Pierce County standards, development at 2011 would result in significant traffic impact at one unsignalized intersection. Development at full buildout (2015) would result in a significant traffic impact at two signalized intersections. <p>Development at full buildout without the 198th Avenue E Extension would result in a significant traffic impact at three signalized intersections and one unsignalized intersection.</p>	<ul style="list-style-type: none"> Similar to the Proposed Action, development under Alternative 1 would result in a significant traffic impact at two signalized intersections. 	<ul style="list-style-type: none"> Under Alternative 2, no significant impacts would occur at signalized or unsignalized intersections in Pierce County. 	<ul style="list-style-type: none"> Under Alternative 3, no development would occur and no impacts would occur at Pierce County intersections.
<ul style="list-style-type: none"> Development at 2011 would include one site access point and associated intersection. Development at full buildout would include six site access points and associated intersections. 	<ul style="list-style-type: none"> Site access improvements would be similar to the Proposed Action; however, additional residential access would be provided onto S Prairie Road E and a center turn lane would be required. 	<ul style="list-style-type: none"> Site access improvements would generally be similar to the Proposed Action; however, Alternative 2 would include only five access points. <p>Development would also include</p>	<ul style="list-style-type: none"> Under Alternative 3, no development would occur and no site access improvements would be provided <p>The north-south roadway between SR-410 and S Prairie Road E would</p>

Proposed Action	Alternative 1	Alternative 2	Alternative 3
<p>Development would also include the construction of a new north-south roadway between SR-410 and S Prairie Road E.</p>	<p>Development would also include the construction of a new north-south roadway between SR-410 and S Prairie Road E.</p>	<p>the construction of a new north-south roadway between SR-410 and S Prairie Road E.</p>	<p>not be developed.</p>
<ul style="list-style-type: none"> A 270-foot storage lane would be required on SR-410 for westbound left turns at Intersection #37. A 55-foot storage lane would be required on S Prairie Road E for eastbound left turns at Intersection #38. 	<ul style="list-style-type: none"> A 325-foot storage lane would be required on SR-410 at Intersection #37 and a 55-foot storage lane would be required on S Prairie Road E at Intersection #38. 	<ul style="list-style-type: none"> A 185-foot storage lane would be required on SR-410 at Intersection #37 and a 55-foot storage lane would be required on S Prairie Road E at Intersection #38. 	<ul style="list-style-type: none"> Under Alternative 3, no development would occur and storage lanes on SR-410 or S Prairie Road E would be required.

- C. 5.4 acres of perimeter buffer around the residential portion of the site with approximately one mile of soft surface trail in the north, south, and east perimeter buffers. This area would be dedicated at the time of residential development; construction and dedication would likely occur in phases.
 - D. Two acres of triangle park.
2. In addition, approximately three acres of private recreational space would be included in the residential area of the site. This area would include:
- A. Two privately-owned neighborhood parks totaling approximately two acres;
 - B. One acre of private open space.

Significant Unavoidable Adverse Impacts

If the City property area were not identified by the City of Bonney Lake as a community park, the City's existing LOS deficit in community park area would increase. No other significant unavoidable adverse impacts are anticipated with the proposed mitigation measures.

Transportation

Mitigation Measures

Phase 1 Development Scenario

Offsite Mitigation – City of Bonney Lake Intersections

The City of Bonney Lake has adopted Level of Service (LOS) D for all roadways and intersections. Analysis in the TIA (**Appendix C**) indicates that the city intersections listed below will fall below this level of service by 2011 with or without project traffic.

SR 410/Sumner-Buckley Highway

The decline in LOS at this intersection is primarily attributable to the large amount of pipeline project traffic and background growth predicted to be in place by 2011. Phase 1 of the proposed WSU project will increase traffic volumes through this intersection by 60 trips, or approximately 1%. Other than paying the City of Bonney Lake transportation impact fee, no further improvements will be required.

SR 410/Main St. (184th Avenue E)

This project will account for only 1% of the total traffic volumes through this intersection and will not have a measurable impact. This intersection is included in the City's Traffic Impact Fee (TIF) program and rate schedule, and future planned improvements included in the TIF program will improve the service levels to a LOS D condition.

SR 410/214th Avenue E.

This intersection will decline to LOS E with Phase 1 project traffic. Improvements at this intersection are included in the City of Bonney Lake's 2009-2015 Six-Year Transportation Improvement Program. The project will account for 2% of the total entering traffic through this intersection. The City is currently collecting impact fees that will assist in the overall funding to make significant improvements at this location to improve the overall LOS conditions. Impacts at this location will be mitigated by payment of transportation impact fees.

SR 410/Myers Road E

This intersection will operate at LOS F by 2011 without the addition of project traffic. Phase 1 of the proposed WSU project will increase traffic volumes through this intersection by approximately 1% and will not have a measurable impact.

Sumner-Buckley Highway/198th Avenue E

This intersection is included in the City's Traffic Impact Fee program and rate schedule and future planned improvements will improve the LOS to an acceptable condition. Phase 1 project trips will account for approximately 1.5% of the total entering trips for this intersection. Impacts will be mitigated by payment of traffic impact fees.

South Prairie Road E/ 202nd Avenue E (Pierce County intersection)

This intersection will operate at LOS E for the northbound approach without the addition of Phase 1 traffic. Phase 1 of the project will represent approximately 7.5% of the total entering traffic volume at the intersection. As part of the site access improvements at the new north-south public roadway onto South Prairie Road, the median space constructed to provide for left turns into the project site will also provide left-in and refuge area for left turns out of the 202nd Avenue E. With this improvement in place, the intersection will operate at LOS C. No further mitigation is required at this intersection.

**Table 1-2
WSU Project 2011 Mitigation (Phase 1) Summary**

Intersection	Project-Generated Trips through Intersection	Total Entering Trips	% Site Traffic of Total Entering Traffic	Mitigation Strategy
SR 410/Sumner-Buckley Highway	60	5,105	1.2%	Pay transportation impact fee
SR 410/Main Street	60	5,590	1.1%	Pay transportation impact fee
SR 410/214 th Avenue E	70	4,355	1.6%	Pay transportation impact fee
SR 410/Myers Road E	60	4,175	1.4%	None
Sumner-Buckley Hwy/198 th Avenue E	20	1,340	1.5%	Pay transportation impact fee
South Prairie Road E/202 nd Ave E	106	1,405	7.5%	Construct median as part of site access improvements for new north-south roadway.

Site Access and Frontage Improvements

- Phase 1 of the WSU project is responsible to construct a median refuge lane on South Prairie Road for eastbound left-turns into the site.
- Currently a full urban section exists along the full project frontage on South Prairie Road E. In the event additional frontage improvements are required, the project is responsible to install frontage improvements along the Phase 1 frontage of South Prairie Road. All improvements on South Prairie Road must be approved and permitted by Pierce County.

City of Bonney Lake Transportation Impact Fee

A City-wide Traffic Study, dated April 2006, identified system-wide impacts created as a direct result of new development. The applicant shall be responsible to mitigate off-site traffic impacts created by the new PM Peak hour trips generated by the new development. The applicant shall pay the appropriate impact fee rate adopted at the time of building permit issuance, per the City of Bonney Lake Transportation Impact Fee Ordinance.

2015 Full Build Mitigation

Given the certainty of the Phase 1 development plan, the mitigation can be more definitive and specific to the proposed action. However, because of the many variables associated with development of the full-build plan, it is recommended that potential mitigation measures be listed and quantified, but with less certainty that these specific measures will address the full impact of the development phase. In addition, while mitigation required of the Applicant must be proportional to the adverse impacts of the proposal, the City is legally prohibited from granting development approvals unless transportation improvements that maintain LOS at impacted intersections are concurrent with development. RCW 36.70A.070(6)(b).

It is required that for each development phase beyond Phase 1, the project proponent will update the TIA. The updated TIA will be used to determine whether the impacts of the proposed development phase are adequately addressed by the EIS. If the impacts were not adequately addressed in the EIS, the TIA will be used to identify appropriate mitigation measures and network strategies. As a pre-condition of receiving any approvals beyond Phase 1, the Applicant shall enter into a development agreement with the City that sets forth the Applicant's traffic mitigation obligations for the remainder of the build-out. The development agreement shall utilize information from the EIS and updated TIAs. The development agreement shall set forth the Applicant's proportionate share of traffic mitigation for each of the intersections identified in the EIS and updated TIAs pursuant to WAC 197-11-660(1)(d).

In negotiating the Applicant's proportionate share of traffic mitigation for the development agreement, the City and the Applicant shall consider various ways in which the Applicant may meet these obligations; for example, payment of SEPA mitigation fees; payment of impact fees; construction of various projects, with a street latecomer agreement or impact fee credit if appropriate; or concentration of mitigation obligations into a single designated project. If the Applicant and the City cannot agree on terms for traffic mitigation to be included within the development agreement, they may submit proposed terms to the Hearing Examiner, who shall determine the appropriate mitigation language after reviewing the proposals and considering oral and written arguments from each side. The Hearing Examiner's decision shall be final and binding.

2015 Offsite Mitigation – Bonney Lake Intersections

SR410/Sumner-Buckley Highway

The SR 410/Sumner-Buckley intersection will operate at LOS F by 2015 without the project. With the 198th extension in place, project traffic will account for approximately 9% of the entering traffic volumes; without the extension, it will account for 8% of entering traffic. Analysis in the TIA indicates that with provision of a second westbound left-turn lane and separate southbound left, through and right-turn lanes the intersection would operate at LOS E with the 198th extension in place and LOS D without the extension in place. Improvements to this intersection are included on the City's current Six-Year Transportation Improvement Program and are a mitigation obligation of the Cascadia project. Construction of this project as mitigation may enable the Applicant to claim an impact fee credit.

SR 410/Main Street (184th Avenue E)

Analysis in the TIA indicates that with construction of an additional eastbound through lane, this intersection would operate at a LOS E with project traffic and the 198th connection in place, or at LOS D without the connection. Signal modifications and channelization improvements at the intersection are listed in the current City TIF schedule. Project traffic accounts for approximately 12% of entering volumes at the intersection if the 198th connection is in place, or 10% without the connection. Construction of this project as mitigation may enable the Applicant to claim an impact fee credit.

SR 410/214th Avenue E

With the 198th extension in place, project traffic would represent 15% of the entering traffic volumes at the SR 410/214th Avenue intersection. If the 198th extension has not been constructed, project traffic would represent 10% of the entering volumes. Improvements at the intersection are included in the City of Bonney Lake's 2009-2015 Six-Year Transportation Improvement Program. The City is currently collecting impact fees that will assist in the overall funding of the intersection improvements. Construction of this project as mitigation may enable the Applicant to claim an impact fee credit.

SR 410/Myers Road E

At full-build, project traffic would amount to 8% of the entering traffic of the SR 410/Myers Road intersection. The intersection will operate at LOS F for the southbound movement. Plans are in place to restrict left turns from Myers Road onto SR 410, which will mitigate the poor intersection LOS. Therefore, no other specific mitigation will be required.

Sumner-Buckley Hwy/198th Avenue E

This intersection will operate at LOS F by 2015 without the project. Project traffic would account for 4.1% of the entering traffic volumes at the intersection. This intersection is listed on the City's impact fee project list and includes the provision for a signal system to improve LOS conditions. Construction of this project as mitigation may enable the Applicant to claim an impact fee credit.

Church Lake Road E/ W Tapps Hwy

Project traffic will account for 5.4% of the intersection volumes in 2015. The intersection is included on the City's impact fee schedule and the 2009-2015 Six-Year Transportation Improvement Program and includes the provision for a signal system and additional turn lanes to improve LOS conditions. Construction of this project as mitigation may enable the Applicant to claim an impact fee credit.

Sumner Buckley Hwy/ Angeline Road

This intersection will operate at LOS F in 2015 without the addition of project traffic. Project traffic will represent approximately 3% of the volumes at the intersection. The City is currently collecting impact fees that will assist in the overall funding of the intersection improvements. Planned improvements include the installation of a signal system which will improve LOS conditions to acceptable levels. Construction of this project as mitigation may enable the Applicant to claim an impact fee credit.

Sumner Buckley Hwy/ Church Lake Road

This intersection will operate at LOS F for the northbound approach in 2015 without the addition of project traffic. Installation of a traffic signal will mitigate the LOS condition to an acceptable level. Full-build of the proposed WSU project will increase traffic volumes through this intersection by approximately 3% of the total entering traffic volumes at the intersection.

Sumner Buckley Hwy/Main Street

Full build project traffic would account for approximately 2% of the total entering traffic volumes at the intersection. No mitigation is required at this intersection.

SR 410/ South Prairie Road

This intersection will operate at LOS E by 2015. Without the 198th connector in place, full-build project traffic would account for 11.7% of the total traffic volumes at the intersection. With the connector in place, this would be reduced to 7.4%. The SR 410/South Prairie Road intersection has recently been rebuilt to its ultimate configuration, so no further mitigation is required at this intersection.

South Prairie Road/202nd Avenue E (Pierce County Intersection)

This intersection will operate at LOS F in 2015 without improvements. As part of site access improvements for Phase 1 of the project, the applicant will install a median refuge lane onto South Prairie Road for northbound left-turns at the intersection. With this improvement in place, the intersection will operate at a LOS C.

Table 1-3 below summarizes the potential mitigation for full-build of the WSU Bonney Lake Project.

**Table 1-3
WSU Project 2015 Mitigation (Full-Build) Summary**

Intersection	With 198 th Extension			Without 198 th Extension			Planned upgrade, Applicant's proportionate share of which to be addressed in development agreement
	Site Trips thru I/S	Total Entering Trips	% Site Traffic of Total Entering Traffic	Site Trips thru I/S	Total Entering Trips	% Site Traffic of Total Entering Traffic	
SR 410/Sumner-Buckley Highway	575	6,440	8.9%	515	6,190	8.3%	<ul style="list-style-type: none"> Install new signal and additional turn lanes
SR 410/Main St.	615	5,290	11.6%	615	5,905	10.4%	<ul style="list-style-type: none"> Construct signal modifications and provide additional WB, NB and WB left-turn lanes.

Intersection	With 198 th Extension			Without 198 th Extension			Planned upgrade, Applicant's proportionate share of which to be addressed in development agreement
	Site Trips thru I/S	Total Entering Trips	% Site Traffic of Total Entering Traffic	Site Trips thru I/S	Total Entering Trips	% Site Traffic of Total Entering Traffic	
SR 410/214 th Avenue E	735	4,775	15.4%	725	5,650	12.8%	• Construct intersection improvement.
SR 410/Myers Road E	515	6,385	8.1%	515	6,385	8.1%	• No further mitigation required.
Sumner-Buckley Hwy/198 th Avenue E	70	1,700	4.1%	70	1,700	4.1%	• Install new signal.
Church Lake Road E/ W Tapps Hwy	55	1,015	5.4%	55	1,015	5.4%	• Construct traffic signal and additional turn lanes.
Sumner Buckley Hwy/ Angeline Road	70	2,210	3.2%	70	2,210	3.2%	• Install signal system.
Sumner Buckley Hwy/ Church Lake Road	70	2,195	3.2%	70	2,195	3.2%	• Install traffic signal.
Sumner Buckley Hwy/Main St.	35	1,845	1.9%	35	1,845	1.9%	• No mitigation required.
SR 410/ South Prairie Road	770	6,560	11.7%	470	6,310	7.4%	• No mitigation required.
South Prairie Road/ 202 nd Ave E	455	1,830	24.9	305	1,830	16.7	• Construct median refuge lane for northbound left turns.

Site Access and Frontage Improvements

The project is responsible to:

Construct proposed north/south collector from South Prairie Road to SR 410. Final intersection control and design layout at SR 410 will be approved by WSDOT.

- Install complete frontage improvements along the full frontage on SR 410, South Prairie Road, and 214th Avenue E. All frontage improvements on SR 410 and 214th Avenue E. must be permitted and approved by the City of Bonney Lake and by Pierce County for the portion of 214th Avenue outside city limits. Currently a full urban section exists along the full project frontage on South Prairie Road E. Any additional improvements on South Prairie Road must be approved and permitted by Pierce County.
- Driveway locations and number of access points onto 214th Avenue E will be reviewed and approved at the time of each development phase.

City of Bonney Lake Transportation Impact Fee

A City-wide Traffic Study, dated April 2006, identified system-wide impacts created as a direct result of new development. The applicant shall be responsible to mitigate off-site traffic impacts created by the new PM peak hour trips generated by the new development. The applicant shall

pay the appropriate impact fee rate adopted at the time of building permit issuance, per the City of Bonney Lake Transportation Impact Fee Ordinance.

Additional Traffic Analysis and Development Agreement

As each new development phase beyond Phase 1 is proposed, the project proponent will update the TIA and assess the impacts based on traffic conditions at the time of the development application. The updated TIA will be used to determine whether the impacts of the proposed development phase are adequately addressed by the EIS. If the impacts were not addressed in the EIS, the TIA will be used to identify appropriate mitigation measures and network strategies. Prior to receiving any approvals beyond Phase 1, the Applicant shall enter into a development agreement with the City that sets forth the Applicant's traffic mitigation obligations for the remainder of the build-out. The development agreement shall be based upon the EIS, but shall incorporate new information or findings from updated TIAs. The development agreement shall set forth the Applicant's proportionate share of traffic mitigation for each of the intersections identified in the EIS or updated TIAs pursuant to WAC 197-11-660(1)(d). In negotiating the Applicant's proportionate share of traffic mitigation for the development agreement, the City and the Applicant shall consider various ways in which the Applicant may meet these obligations; for example, payment of SEPA mitigation fees; payment of impact fees; construction of various projects, with a street latecomer agreement or impact fee credit if appropriate; or concentration of mitigation obligations into a single designated project. If the Applicant and the City cannot agree on terms for traffic mitigation to be included within the development agreement, they may submit proposed terms to the Hearing Examiner, who shall determine the appropriate mitigation language after reviewing the proposals and considering oral and written arguments from each side. The Hearing Examiner's decision shall be final and binding.

Other Agency Mitigation

The TIA has provided a thorough analysis of Pierce County intersections, but Pierce County will determine the actual mitigation and requirements for the project in its right-of-way.

Mitigation Measures Identified Subsequent to Draft EIS Issuance

Subsequent to the issuance of the Draft EIS, the applicant, the City of Bonney Lake, and Pierce County met to discuss Pierce County's transportation comments on the Draft EIS. Based on these discussions, the following additional mitigation measures were agreed upon by the applicant, the City of Bonney Lake, and Pierce County and would be in lieu of construction of off-site project mitigation or proportional share contributions toward Pierce County intersections identified in the Draft EIS.

1. To mitigate for off-site traffic impacts to Pierce County roadways, the applicant has agreed to voluntarily pay to the County an amount equivalent to 35% of the County's prevailing Traffic Impact Fee for Transportation Service Area 5 (the Bonney Lake Plateau area). Payment to the County will be made prior to issuance of each building permit, with the applicable amount determined at the time of payment using the land use rates as established per Title 4A of the Pierce County Code (as may be amended), but factored by the above listed 35%. Such monies collected by the County shall be earmarked and expended on roadway capacity improvement projects in Transportation

Service Area 5 that serve the development in such a manner as to facilitate the expenditures in as efficient and timely manner as practical.

2. The applicant agrees to review the access plan and to provide acceptable site access design requirements for each respective jurisdiction. These improvements may include but not be limited to left-turn channelization, right-turn deceleration lanes and egress lanes to accommodate the projected traffic levels. The applicant will update the site specific traffic study to assess proper traffic lane requirements for each site access as the project progresses through its development plan. The applicant will also be required to install specific frontage improvements outlined by each respective jurisdiction.

Significant Unavoidable Adverse Impacts

There would be no significant unavoidable adverse transportation impacts as part of development evaluated under the Proposed Actions or alternatives. Transportation improvements identified above are expected to mitigate project traffic impacts to the vicinity arterial roadway and intersection network, meeting local and State level of service and concurrency standards.

Transportation

Pierce County Roadway Findings and Mitigation

Subsequent to the issuance of the Draft EIS, the applicant, the City of Bonney Lake, and Pierce County met to discuss Pierce County's transportation comments on the Draft EIS (refer to **Chapter 4, Letter 3** for a copy of the letter). Based on discussions at this meeting, the applicant, the City of Bonney Lake, and Pierce County agreed on the following findings and additional mitigation measures for inclusion in this Final EIS; additional mitigation measures would be in lieu of construction of off-site project mitigation or proportional share contributions toward Pierce County intersections identified in the Draft EIS.

Findings: System-Wide Impacts

Based on the transportation models used, roughly 35% of the new vehicle trips generated by the WSU Bonney Lake site will utilize existing County roadways and intersections that are adjacent to the site as well as other primary regional corridors serving the Bonney Lake, Sumner and south plateau areas of the County. This site generated traffic will have an impact on the County roadway system. Various transportation improvements have been identified to address future deficiencies as a result of new development and regional growth within this area of the County as part of the County-wide Transportation Impact Fee program. In order to mitigate the off-site impacts of this proposal on the County roadways, the applicant will provide a voluntary contribution of an equivalent percentage of the Transportation Impact Fees typically collected by the County for like development within the County jurisdiction.

Mitigation Measure

The following measure is proposed to mitigate the above referenced system-wide impact:

1. To mitigate for off-site traffic impacts to Pierce County roadways, the applicant has agreed to voluntarily pay to the County an amount equivalent to 35% of the County's prevailing Traffic Impact Fee for Transportation Service Area 5 (the Bonney Lake Plateau area). Payment to the County will be made prior to issuance of each building permit, with the applicable amount determined at the time of payment using the land use rates as established per Title 4A of the Pierce County Code (as may be amended), but factored by the above listed 35%. Such monies collected by the County shall be earmarked and expended on roadway capacity improvement projects in Transportation Service Area 5 that serve the development in such a manner as to facilitate the expenditures in as efficient and timely manner as practical.

Findings: Site Frontage

The WSU Bonney Lake site will have site ingress and egress on South Prairie Road and 214th Avenue. The site is projected to have multiple site access points on both roadways and the exact location of these site accesses will be defined as the project development plan evolves. Currently, the entire site frontage along South Prairie Road and a portion of 214th Avenue is under Pierce County jurisdiction and as such will require approval and acceptance of the site

access design and permitting requirements. All other site entries within the City of Bonney Lake will follow City design requirements.

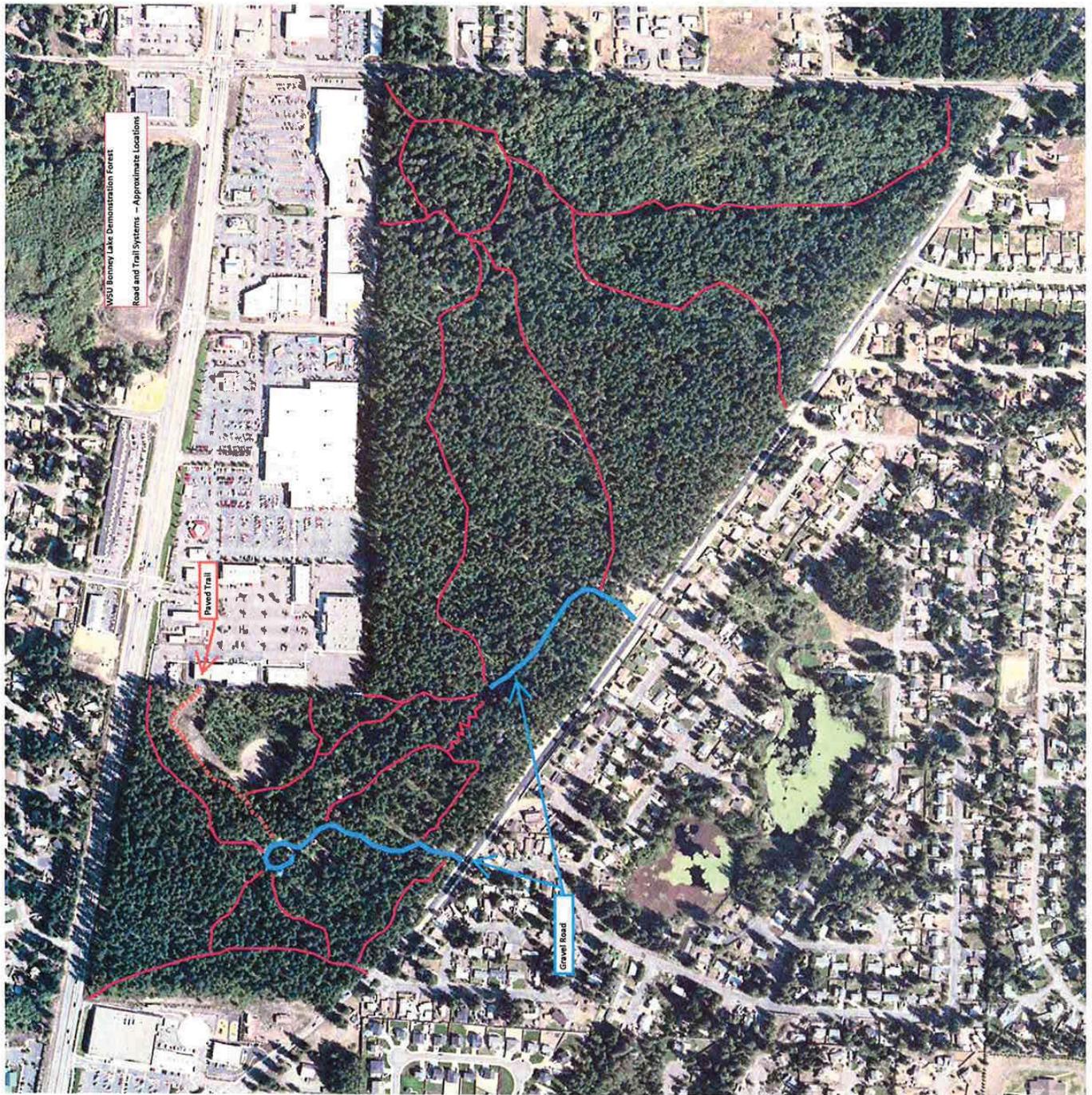
Mitigation Measure

The following measure is proposed to mitigate the above referenced site frontage impact:

2. The applicant agrees to review the access plan and to provide acceptable site access design requirements for each respective jurisdiction. These improvements may include but not be limited to left-turn channelization, right-turn deceleration lanes and egress lanes to accommodate the projected traffic levels. The applicant will update the site specific traffic study to assess proper traffic lane requirements for each site access as the project progresses through its development plan. The applicant will also be required to install specific frontage improvements outlined by each respective jurisdiction.

Attachment 7

Trails that exist on the WSU Property



Attachment 8

Bonney Lake Municipal Code Chapter 18.19

**R-3 HIGH DENSITY RESIDENTIAL DISTRICT
MID-TOWN OVERLAY**

Sections:

- 18.19.010 General intent
- 18.19.020 Allowed Uses
- 18.19.030 Setback and bulk regulations
- 18.19.040 Fire Safety requirements

18.19.010 General intent.

The Mid-Town Overlay is intended to provide limited variations from the existing R-3 zoning Code, to allow for a mix of attached and detached residences, duplexes, townhomes, condominiums, or apartments or a combination thereof, to accommodate appropriate urban densities, and to encourage clustered development in an area of the City that is particularly suitable for innovative residential development techniques. Unless otherwise provided in this Chapter, all regulations governing the R-3 zone shall apply.

18.19.020 Allowed Uses.

All uses shall be the same as those permitted in the R-3 zone, except that single family detached residences shall also be permitted. If an Applicant desires to construct single-family detached dwellings, the Applicant must undergo the design review process set forth in BLMC Chapter 14.95.

18.19.030 Setback and bulk regulations.

The following bulk regulations shall apply subject to the provisions for yard projections included in BLMC 18.22.080:

- A. Minimum lot area shall be determined by yard setbacks, parking, landscaping and open space requirements.
- B. Density shall be a minimum of 10 and a maximum of 20 units per net acre for residential uses, exclusive of public rights-of-way. "Net acre" is defined in BLMC 18.04.140.
- C. Minimum lot width: 30 feet for detached single family uses; and 20 feet for all other uses.
- D. Minimum front setback: 10 feet from the right-of-way without a garage, and 15 feet with a garage.
- E. Minimum side yard setback: five feet. Exception: attached dwellings may have zero side yard.
- F. Minimum rear setback is 15 feet; provided, that a separated garage may be built within 10 feet of the rear property line.
- G. Minimum setback to a single-family residential zone: 20 feet. Exception: Buildings taller than 35 feet shall increase the setback by one foot from any single-family residential zone for every one foot of building height increase over 35 feet. For example, a

proposed building of 50 feet shall be set back at least 35 feet from any single-family zone (20 feet plus 15 extra feet for the height increase over 35 feet).

H. Maximum height: 35 feet; provided, that the director(s), with the concurrence of the fire chief of Pierce County Fire Protection District No. 22, may approve buildings up to four stories tall if adequate provision is made for fire protection.

I. Maximum impervious surface: 80 percent.

18.19.040 Fire safety requirements.

All residences shall be protected by an approved automatic fire sprinkler system or other fire safety measures as deemed necessary by the fire marshal and consistent with fire codes in effect at the time of building permit application.

Attachment 9

August 17, 2009 letter from East Pierce Fire & Rescue



MEMORANDUM

DATE: AUGUST 17, 2009
TO: HEATHER STINSON - PLANNING
CITY OF BONNEY LAKE
FROM: BARRY M. BARQUEST, FIRE MARSHAL
SUBJECT: SEPA COMMENTS—COMMERCIAL- MULTI FAMILY WSU FOREST RE-ZONING—
PLN-2009-01184

I have reviewed the information submitted for the proposed project located on South Prairie Road. I have the following comments:

1. The minimum design fire flow for main extensions and on-site water supplies in multi-family residential developments shall be 2,500 gallons per minute with a minimum duration of 2 hours. Actual fire flow requirements for building permit approval/acquisition shall be accordance with International Fire Code, Appendix B, Fire Flow Requirements for Buildings.
2. Provide proof of water availability prior to the issuance of building permits for the proposed development.
3. Fire hydrants and mains capable of providing the required fire flow shall be provided throughout the site. A minimum of one fire hydrant shall be provided for every 1,250 gallons per minute of required fire flow or fraction thereof. The maximum spacing between fire hydrants shall not exceed 300 feet. Fire hydrant location shall be approved by the Fire Marshal and the City Engineer.
4. A minimum of 3 feet of clear space shall be maintained in all directions around all fire hydrants, fire department connections and fire sprinkler system post indicators valves.
5. Provide approved fire apparatus access roads to within 150 feet of any point on the exterior of the first floor of all buildings. Fire apparatus access roads shall be in accordance with IFC Sec. 503. For the purposes of Sec. 503.2.3, all-weather driving capabilities shall be interpreted to mean paved.
6. Turning radius requirements for our apparatus has been attached to this document for your reference.
7. Provide looped access through the site. Where required, dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved fire apparatus turn-around.

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8. Fire apparatus access roads and fire hydrants shall be installed and in service prior to the start of construction above the foundation and/or the accumulation of combustible materials on the site.
9. Provide documentation indicating on-site access roads are designed to accommodate the turning radius and maneuvering characteristics of delivery vehicles and fire apparatus.
10. The fire apparatus access road shall be designed and constructed in accordance with the City of Bonney Lake Public Works Design Standards.
11. Security gates on fire apparatus access roads shall be equipped for both manual and automatic operation and shall be designed and installed in accordance with the East Pierce Fire & Rescue requirements for security gates.
12. Provide approved signage prohibiting parking along the curbs throughout the site to maintain a minimum of 20 feet of unobstructed emergency fire apparatus access. Contact Barry M. Barquest, Fire Marshal, for specific locations.
13. Maximum building height shall not exceed 35 feet. Approval of heights to 50 feet may be allowed with the approval of the Director of Planning and Community Development and the Fire Marshal provided adequate steps are taken to address fire protection and life safety considerations.
14. Construction Trailers. Trailers and job shacks shall not be parked in 20' fire access roads or fire lanes. Twenty foot Fire lanes shall remain unobstructed. Trailers and job shacks shall not be parked at dead-end required turn arounds or hammer heads.
15. Construction trailers and job shacks shall be equipped with 2A-10:BC fire extinguishers with current inspection tags.
16. Construction Trailers and job shacks shall follow all requirements as set forth by Labor and Industry.
17. All group A, B, F, M, R and S occupancies in excess of 8,000 square feet and all group H, Division 4 occupancies in excess of 3,000 square feet shall be protected throughout by an approved automatic fire sprinkler system. A separate permit and plan review submittal is required for the installation of the automatic fire sprinkler system.
18. The Seismic bracing in regard to force and displacement required for fire sprinkler systems bracing shall follow in its entirety the NFPA 13, 2007 edition, the International Building Code 2006 edition and subsequent editions Section 1621 and ASCE7-05. In addition, the International Building Code Section 1705 shall also apply where applicable. A Quality Assurance report shall be provided to the fire department and building department. In addition, all structural and seismic calculations shall be provided to the building department for review. All sprigs 4 feet or more shall be protected against lateral movement. NFPA 13
19. All group A, B, F, M, R and S occupancies in excess of 8,000 square feet and all group H, Division 4 occupancies in excess of 3,000 square feet shall be protected by an approved fire alarm system. A separate permit and plan review submittal is required for the installation of the fire alarm system.
20. All group R occupancies with the exception of detached one and two family dwellings and certain town-houses shall be protected throughout by an approved automatic fire sprinkler system. A separate permit and plan review submittal is required for the installation of the automatic fire sprinkler system.

1 cont.

21. All group R occupancies with the exception of detached one and two family dwellings and certain town-houses shall be protected by an approved fire alarm system. A separate permit and plan review submittal is required for the installation of the fire alarm system.
22. Dumpsters and trash containers having an individual capacity of 1.5 cubic yards or more shall not be placed within 5 feet of combustible walls, openings or combustible roof eave lines.
23. The natural gas meter, regulator and associated piping shall be protected by bollards or other approved devices meeting the requirements of IFC Sec. 312.1, if installed in an area where they may be susceptible to vehicular damage.
24. All lots shall be addressed in accordance with the standard adopted by the City of Bonney Lake, Planning and Community Development Department.

1 cont.

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> ASD / H. Edvalson	<u>Workshop / Meeting Date:</u> 15 Dec 2009	<u>Agenda Bill Number:</u> AB09-196
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: AB09-196

Proposed Motion: AB09-196 - A Motion of the City Council Waiving the provisions of Bonney Lake Municipal Code 2.04.710 to allow immediate discussion of public testimony following the close of the public hearing.

Administrative Recommendation: Waive the Council Rules and Procedures associated with BLMC 2.04.710 for the balance of this meeting.

Background Summary: The City Council's Meeting Rules and Procedures provide that Council discussion of public testimony following a public hearing will normally take place at the next following workshop. If the Council wishes to discuss the public testimony received on the WSU Forest Comprehensive Plan Amendment and Rezone and the WSU Forest Development Agreement, it would be appropriate to waive this provision by motion.

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
		None.	

Budget Explanation:

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: -
 Commission/Board Review Date: -
 Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): 12/15/09	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization H. T. Edvalson	Mayor N. L. Johnson	Date City Attorney Reviewed 12/09/09
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**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> CD / Heather Stinson	<u>Workshop / Meeting Date:</u> 15 Dec 2009	<u>Agenda Bill Number:</u> AB09-168
<u>Ordinance Number:</u> D09-168	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: WSU Forest Comprehensive Plan Amendment and Rezone

Proposed Motion: An Ordinance of the City Council of the City of Bonney Lake Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest

Administrative Recommendation: Discuss and take action on the proposed comprehensive plan amendment and rezone.

Background Summary: WSU / Weyerhaeuser applied for a change in land-use designation of the WSU Demonstration Forest by the April 30, 2009 amendment application deadline. The current land use designation of the Forest is Conservation / Open Space and the zoning is Public Facilities. The application and recommendation is that the land use designation be changed to a combination of Commercial, Public Facilities and High Density Residential with the corresponding zoning designations. EIS mitigation conditions for the project include the dedication of 47 acres of land to the City - that area designated as Public Facilities - as well as a Public road connecting South Prairie and SR 410.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: -

Commission/Board Review Date: Planning Commission -04 Nov 2009

Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): November 17 & December 1 & December 15, 2009 **Public Hearing Date(s):** 2nd and 16th September 2009

Meeting Date(s): November 24 & December 8, 2009 **Tabled To Date:**

Signatures:

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed
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ORDINANCE NO. D09-168

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,
PIERCE COUNTY, WASHINGTON, AMENDING THE COMPREHENSIVE
PLAN LAND USE DESIGNATION AND ZONING FOR TAX PARCEL NOS.
0519032005, 0519031000, 0519034002, ALSO KNOWN AS THE WSU FOREST.**

WHEREAS, on April 30, 2009 the City received an application from Washington State University for a Comprehensive Plan Amendment of the WSU Forest to change the Future Land Use designation from Conservation / Open space to a combination of Commercial, Public Facilities and High Density Residential; and

WHEREAS, on April 30, 2009 the City received an application from Washington State University for a Rezone of the WSU Forest from all Public Facilities to a combination of Commercial (C-2), Public Facilities (PF), and High Density Residential (R-3); and

WHEREAS, the application date met the application deadline requirements of BLMC 14.140.020(B); and

WHEREAS, development on the Property shall be governed by the terms of a Development Agreement entered into between the City and WSU/WY pursuant to Chapter 36.70B RCW; and

WHEREAS, a notice of public hearing was issued on August 19, 2009 which meets the noticing requirements of BLMC 14.140.040; and

WHEREAS, the Planning Commission conducted a public hearing on September 2, 2009 that was left open until September 16, 2009, and the City Council conducted additional public hearings on November 24 and December 8; and

WHEREAS, at the November 4, 2009 Planning Commission meeting the Planning Commission recommended that the land use designation for the WSU Forest be changed from Conservation / Open Space to a combination of Commercial, Public Facilities and High Density Residential; and

WHEREAS, at the November 4, 2009 Planning Commission meeting the Planning Commission recommended that the zoning designation of the WSU Forest be changed from all Public Facilities to a combination of Commercial (C-2), Public Facilities (PF) and High Density Residential (R-3) implementing the new zoning designations; and

WHEREAS, the State Environmental Protection Act (SEPA) has been complied with via a Determination of Significance issued on June 14, 2005, a Scoping meeting held July 6, 2005, a Draft Environmental Impact Statement issued on August 15, 2009, a 30 day comment period ending on September 16, 2009, a Final Environmental Impact Statement issued in November, 2009 and the end of the 7 day waiting period required by WAC 197-11-160(5); and

WHEREAS, two of the SEPA mitigation measures related to this action are to dedicate the 40 acres of land to remain Public Facilities to the City and to dedicate a trail system around the High Density Residential area to the City; and

WHEREAS, RCW 36.70A.106 requiring a 60 day review by the Washington State Department of Community, Trade and Economic Development has been complied with; and

WHEREAS, this is one of three Comprehensive Plan amendments concurrently coming before the City Council; and

WHEREAS, the criteria for amending the Comprehensive Plan set forth in BLMC § 14.140.090 are: 1) the amendments are consistent with the goals and policies of the Comprehensive Plan, 2) the comprehensive plan would remain internally consistent, 3) the amendments are consistent with the Countywide Planning Policies, 4) the amendments are consistent with the Growth Management Act, and 5) the amendments advance the public health, safety, or welfare and are in the best interest of the residents of Bonney Lake; and

WHEREAS, goal 4-3 of the City's Comprehensive Plan calls for promoting housing diversity and affordability which would be implemented by changing a portion of the WSU Forest to High Density Residential (R-3); and

WHEREAS, policy 4-3a of the City's Comprehensive Plan calls for zoning at least as much land for apartments, manufactured housing, duplexes, small-lot developments, and accessory dwelling units as the city does currently and changing a portion of the WSU Forest to High Density Residential (R-3) would implement this policy; and

WHEREAS, policy 3-1a of the City's Comprehensive Plan calls for allowing a range of development densities and intensities, including small-lot residential development which would be implemented by changing a portion of the WSU Forest to High Density Residential (R-3); and

WHEREAS, policy 3-1b of the City's Comprehensive Plan calls for encouraging compatible infill development and redevelopment in established areas and changing the land use designation and zoning of portions of the WSU Forest to Commercial and High Density residential would implement this policy by developing in an area surrounded by Commercial and Residential development; and

WHEREAS, policy 3-4b of the City's Comprehensive Plan calls for creating some areas of higher residential density in order to accommodate the population projection without excessive outward sprawl which would be implemented by changing a portion of the WSU Forest to High Density Residential (R-3); and

WHEREAS, Goal 6-1 of the City's Comprehensive Plan calls for providing cost-effective parks and recreation facilities as necessary to maintain the level of service standards stated in the Park Element and maintaining Public Facilities zoning on a portion of the WSU Forest in conjunction with the FEIS condition of dedication of this land to the city helps the city implement this goal; and

WHEREAS, Policy 6-1a of the City's Comprehensive Plan calls for providing parks and recreational facilities that enhance the City's natural setting, respect natural resources, and preserve the community character and maintaining 40 acres of Public Facilities zoning as well as

dedication of this land as well as an additional 7 acres of trail and park land around the residential are to the City as an FEIS mitigation condition helps the city implement this goal; and

WHEREAS, Policy 6-1k of the City's Comprehensive Plan calls for concentrating on acquiring park sites before development or improvement of existing parks and dedication of 47 acres of the WSU Forest to the City would implement this policy; and

WHEREAS, goal 6-2 of the City's Comprehensive Plan calls for developing a balance of passive and active recreational facilities and maintaining 40 acres of Public Facilities zoning as well as dedication of this land to the City would help to implement this goal; and

WHEREAS, policy 6-2d of the City's Comprehensive Plan calls for developing a community center which facilitates year-round indoor athletic activities and maintaining 40 acres of Public Facilities zoning as well as dedication of this land to the City would have the potential for implementing this goal; and

WHEREAS, goal 6-4 of the City's Comprehensive Plan calls for cooperating with other organizations and individuals to maximize recreational opportunities and WSU's application asking for the Public Facilities zoning and dedication of 47 acres of the WSU Forest to the City would implement this goal; and

WHEREAS, policy 6-4e of the City's Comprehensive Plan calls for encouraging private parties to help provide recreational facilities through donations, sponsorships, and volunteerism and maintaining Public Facilities zoning on 40 acres of the WSU Forest as well as the dedication of this land implements this policy; and

WHEREAS, policy 6-4h of the City's Comprehensive Plan calls for helping to ensure the continued use of the Demonstration Forest for educational and recreational purposes by adding to its trail network and maintaining Public Facilities Zoning and dedication of this land as well as the pedestrian trail around the proposed High Density Residential area would implement this goal; and

WHEREAS, goal 3-16 of the City's Comprehensive Plan calls for administering development regulations in a manner friendly to job-creating businesses and changing the land use designation and zoning of a portion of the WSU Forest to Commercial (C-2) would be friendly to job-creating businesses; and

WHEREAS, policy 3-16 of the City's Comprehensive Plan calls for providing zoning for employment-generating land uses such as industrial parks, offices, retail businesses, and entertainment centers and changing the land use designation and zoning of a portion of the WSU Forest to Commercial (C-2) would be friendly to job-creating businesses .

WHEREAS, policy 3-16b of the City's Comprehensive Plan calls for helping property owners determine the development potential of their sites and changing the land use designation and zoning of portions of the WSU Forest according to the property owner's application implements this policy; and

WHEREAS, the amendment would not effect the internal consistency of the Comprehensive Plan; and

WHEREAS, this amendment and rezone would not be contrary to Countywide Planning Policies; and

WHEREAS, goals of the Growth Management Act include developing parks and recreation facilities, and maintaining Public Facilities zoning and dedication of 47 acres to the city would help implement this goal; and

WHEREAS, a goal of the Growth Management Act is to encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner and the WSU Forest is in an urban area where adequate facilities exist or can be provided in an efficient manner; and

WHEREAS, a goal of the Growth Management Act is to encourage the availability of affordable housing to all economic segments of the population of this state, promoting a variety of residential densities and housing types and High Density Residential zoning has the potential for providing more housing variety at affordable prices; and

WHEREAS, a goal of the Growth Management Act is to encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognizing regional differences impacting economic development opportunities and Commercial zoning has the potential for meeting these goals; and

WHEREAS a goal of the Growth Management Act is that the property rights of landowners shall be protected from arbitrary and discriminatory actions, and the city's codified application process and criteria prevent arbitrary and discriminatory actions; and

WHEREAS, the public health and safety are addressed through the availability of public utilities such as water and sewer and services such as fire and police. The welfare of citizens is served by the dedication of 47 acres of land to remain public in use, natural in the short term, and recreational in the long term. The welfare of the citizens is also served by the potential for more employment and needed services in the commercial area and more housing choice in the residential area; and

WHEREAS, the criteria for approving this amendment are met.

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

Section 1. The City Comprehensive Plan Future Land Use map is hereby revised as reflected in attachment "A".

Section 2. The City Zoning map is hereby revised as reflected in attachment "B".

Section 3. Effective date. This Ordinance shall take effect concurrently with execution of the Development Agreement by both WSU/WY and the City. The Comprehensive Plan Amendment and rezone are expressly conditioned upon the execution of the Development Agreement by both Parties. Should either Party fail to execute the Development Agreement by December 31, 2009, or should the Development Agreement be declared invalid pursuant to an

appeal under the Land Use Petition Act or GMHB challenge, this Ordinance shall be void and the Comprehensive Plan and zoning map will be automatically restored to their pre-Ordinance form.

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

Neil Johnson, Mayor

ATTEST:

Harwood Edvalson
City Clerk

APPROVED AS TO FORM:

James Dionne
City Attorney

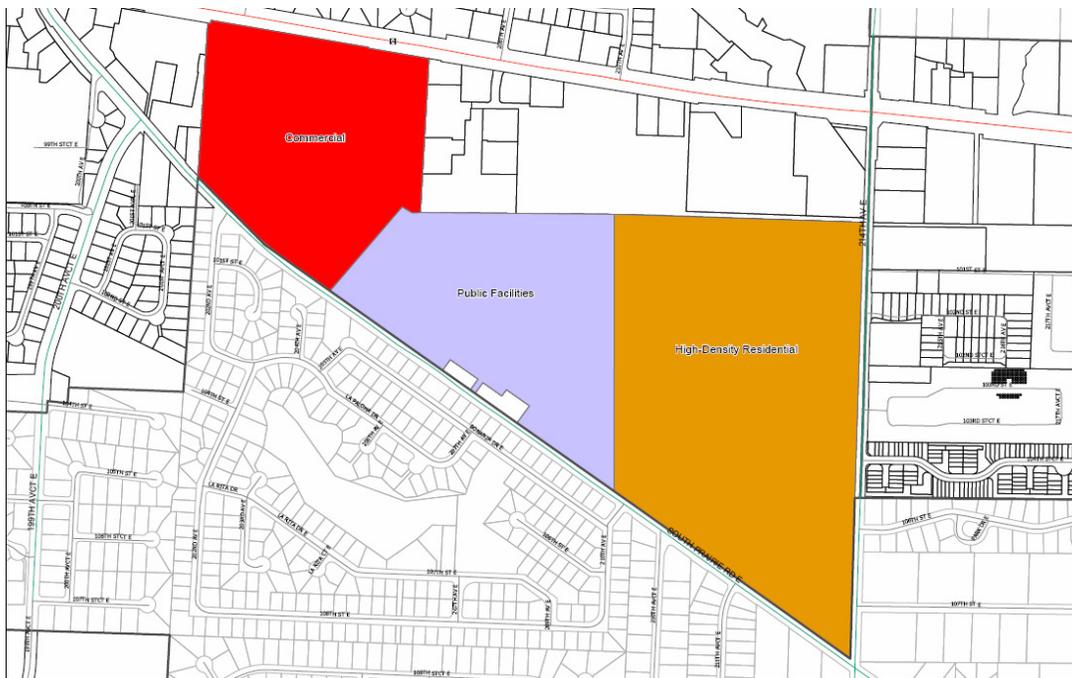
Passed:

Valid:

Published:

Effective Date:

D09-168 Attachment "A"



**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> ASD / H. Edvalson	<u>Workshop / Meeting Date:</u> 15 Dec 2009	<u>Agenda Bill Number:</u> AB09-197
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: AB09-197

Proposed Motion: AB09-197 - A Motion of the Bonney Lake City Council Nominating an Elected Official to the Zoo/Trek Authority Board for the At-large Position #2 Vacancy.

Administrative Recommendation: Appoint someone at the Council's pleasure.

Background Summary: The Zoo/Trek Authority was created to represent sales tax collected throughout Pierce County for the Point Defiance Zoo & Aquarium and Northwest Trek Wildlife Park. The At-large Position #2 must be from a member agency of the Pierce County Regional Council. Already nominated for the vacancy is Edgewood Mayor Jeff Hogan, Fife Councilmember Don Alvshere and Puyallup Councilmember Tami Brouillet. The Council will be able to cast the City's vote for one of the nominees early in 2010.

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
		None.	

Budget Explanation:

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: -
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): 12/15/09	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization H.T. Edvalson	Mayor N.L. Johnson	Date City Attorney Reviewed Review not required.
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CITY COUNCIL MEETING

**November 24, 2009
7:00 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 ↓

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

A. Flag Salute – Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call:

City Clerk Harwood Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

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

C. Announcements, Appointments and Presentations:

1. Announcements:

Mayor Johnson congratulated Information Services Coordinator Chuck McEwen on his recent completion of his Master of Science Degree from the Florida Institute of Technology.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications: None.

7:01:40

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

1. Public Hearing: Proposed Comprehensive Plan Amendments - WSU Forest, Woodyard Property, and Utilities Element.

a. **AB09-168 – Ordinance D09-168** – An Ordinance of the City Council of the City of Bonney Lake Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest.

Mayor Johnson opened the public hearing at 7:01 p.m.

Ron Weigelt, 17701 101st St E, Bonney Lake, lives in Sky Island. He said although development helps the City by creating jobs and tax revenues, forested land and open space is limited and the WSU forest is a unique property that should be preserved. He said he would like to see the parcel saved for public use and parks to preserve as much of the area as possible.

Jen Aalgaard, 407 14th Ave SE, Puyallup, spoke on behalf of Glenn Kasman, from MultiCare's Good Samaritan Hospital. She spoke in support of the proposed amendment and said Good Samaritan plans to participate in the development of a medical office on the Southwest portion of the site. She said the offices will provide jobs, business and tax revenues and services to residents as the City grows.

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, described how the Growth Management Act requires cities to manage growth by identifying and protecting land by reducing sprawl, protecting open space and the environment. She said one goal in the City of Bonney Lake Comprehensive Plan is to enhance the city's small town character, and to preserve scenic views. She said the city should balance the commercial value of the site with its value as open space in the center of the city. She suggested that special zoning could be put in place to protect as much of the land as possible.

Fred Jacobsen, 9100 189th Ave Ct E, Bonney Lake, read aloud a letter written by Dennis Tompkins, who was unable to attend the hearing. The letter spoke in favor of saving trees on the WSU site and was submitted to the Council for the record.

Ray Frey, 12356 Northup Way, Suite 119, Bellevue, spoke on behalf of the Easttown development and property owners. He said the city plans for big box retail to be developed in Easttown. He said though the current plan is to build medical offices and smaller retail, the site could be developed for a big box retailer. He said the City can guide development in specific areas through regulations and suggested that Easttown is the appropriate place for large retailers and industrial uses.

Brad Doll, 20212 101st St E, Bonney Lake, lives across from the WSU forest. He voiced concern that developers will clear-cut trees on the residentially zoned portion if the amendment passes but will not start construction for many years. He suggested the City set a timeline between when developers can begin cutting trees and when they will complete construction, so residents do not have to look at dead stumps for years.

Betsy Schultz, 12319 234th Ave Ext E, Bonney Lake, spoke against the proposed amendment. She said zoning changes should add value to citizens and do no harm. She said the area is not open for residents to walk through and there is no guarantee that specific types of businesses will be built on the site. She asked the City to give citizens more time to seek conservation funding or grants to try and save the property.

David Schultz, 12319 234th Ave Ext E, Bonney Lake, spoke in opposition of the amendment. He used to walk and bike in the WSU forest, and said the forest is irreplaceable. He asked the City to leave the site forested and live up to its 'Tree City' title. He said development can occur elsewhere in the city and developing the WSU site will not benefit anyone.

Tim Turner, 1706 S Meridian, Puyallup, is the CEO of Woodcreek Healthcare and spoke in favor of the amendment. He said the rezone will allow construction of a new building with much-needed Class A office space. The building would offer expanded primary care and specialty services to Bonney Lake residents, and would provide employment opportunities for residents. He said the rezone also offers new housing and recreation facilities for the City.

Mark Aversa, 1419 18th Ave Ct SE, Puyallup, is the Medical Director for Sound Family Medicine and spoke in favor of the proposed amendment. He said he shares space with Woodcreek Pediatrics and they have run out of space in their current facility. He said a new medical building will provide one-stop shopping for medical services in Bonney Lake and will help integrate and improve care for residents.

Bob Ecklund, 1614 S Mildred St, Tacoma, is the President and CEO of the YMCA of Pierce and Kitsap Counties, and spoke in favor of the amendment. He said a 2008 survey of residents in and around Bonney Lake showed extremely strong interest in a recreation facility including a pool in Bonney Lake. He said the proposed site development plan includes a location for a recreation center, complimented by open space trails. He said the YMCA envisions building a 30,000-50,000 square foot facility in Bonney Lake, with fundraising starting in 2015 and a goal to open a facility in 2018.

Mark McKullor, 10210 NE Pts Dr, Kirkland, spoke in favor of the proposed amendment. He said his real estate investment trust is working with six medical groups to develop a medical building plan for the WSU site. He said the groups are working to align their plans to increase services to the area, but need assurances of the rezone and plan approvals before moving forward. He said delaying the proposed amendment could jeopardize completion of the medical office project.

Pete Lymberis, P.O. Box 130, Bellevue, spoke on behalf of Quadrant Homes, who applied for the Comprehensive Plan amendment. He said he is working with the City on a developer's agreement that outlines rules of development for the site. He said the proposed development plan includes 47 acres public land, medical offices and high-density residential units. The site would provide open space and trails, a site for a new recreation center, and increased tax revenues and job opportunities for the City. He said the planned stormwater ponds will provide additional sites for trails or fields, and stormwater will not be released downstream. He assured the Council that Quadrant will not clear-cut the site with no plans for immediate development. He said if the amendment is adopted, the City would still

approve each step of development to ensure it complies with the Comprehensive Plan and developer's agreement.

The public hearing was continued to the December 8, 2009 Meeting at 7:00 p.m.

- b. **AB09-170 – Ordinance D09-170** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Amending the Comprehensive Plan Land Use Designation of the Woodyard Property, Parcel No. 4910000330.

Mayor Johnson opened the public hearing at 7:40 p.m.

Wendi Woodyard, 9606 192nd Ave E, Bonney Lake, submitted the application for this Comprehensive Plan amendment. She said she lives in Bonney Lake and owns the 'Dinners Done Right' in the city. She said if the amendment is approved, she does not plan to sell the property. She hopes to move her business to the site with a building that blends well with the surrounding area. She thanked the Council for considering the amendment.

Seeing no further speakers, Mayor Johnson closed the public hearing at 7:41 p.m.

- c. **AB09-171 – Ordinance D09-171** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adopting the 2009 Comprehensive Sewer Plan, the 2008 Comprehensive Water Plan, and Amending the Utilities Element of the Comprehensive Plan Referencing these Plans.

Mayor Johnson opened the public hearing at 7:42 p.m.

Public Works Director Grigsby said the plans constitute several years of work each, and provide a plan for the city's future utility needs.

Seeing no speakers, Mayor Johnson closed the public hearing at 7: 42 p.m.

- 2. **AB09-174 – Ordinance D09-174** – Proposed Mid-biennial Budget Modifications.

Mayor Johnson opened the public hearing at 7:42 p.m. Seeing no speakers, the public hearing was closed at 7:43 p.m.

B. Citizen Comments:

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said Arcadia Publishing has approached the Bonney Lake Historical Society to work on a photo history book for Bonney Lake. The publisher has created photo histories for several communities in the area. She asked anyone who has original or high-quality photos from around the

city from 1980 or prior to contact a member of the Historical Society. She said the publisher contacted the City after seeing the historical note on the City's website.

At 7:45 p.m. Councilmember Bowen moved for a five-minute break. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Mayor Johnson brought the meeting back to order at 7:54 p.m.

C. Correspondence: None.

7:54:58

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed proposed Resolutions 1974 (solid waste contract renewal), 1987 (purchasing street lights), 1988 (sewer main repair design), 1989 (Court equipment reimbursement agreement), and 1990 (leasing services), as well as proposed Ordinances D09-182 (banking levy capacity) and D09-187 (ad valorem taxes). The committee also reviewed funding options for the Eastown sewer system.

B. Community Development Committee: Councilmember Rackley said the committee met on November 16, 2009 and discussed Eastown sewer options, proposed Resolution 1985, and proposed Ordinance D09-181 which were forwarded to the Consent Agenda.

C. Public Safety Committee: Councilmember King said the committee's next meeting is scheduled on Monday, December 7, 2009.

D. Other Reports:

Food Bank Donations: Mayor Johnson said D.M. Disposal donated a refrigerated truck to the Bread for Life food bank, which is associated with the Bonney Lake Food Bank. The Food Bank now has two refrigerated vehicles for transporting donated food. Councilmember Bowen said both trucks are 18' long.

Sewer Subcommittee: Deputy Mayor Swatman said the subcommittee met with Sumner councilmembers on November 19, 2009 in Sumner. The group discussed options to expand the Sumner Wastewater Treatment Plant. He said Sumner has less need for expanded capacity than Bonney Lake. He said the Mayor is also working with other groups on the plateau on other options for sewer treatment options.

Rainier Cable Commission: Councilmember Rackley attended the RCC meeting on November 18, 2009. He said they approved the 2010 budget and he was elected Vice Chair for the Commission.

Elections: Councilmember Decker congratulated Randy McKibbin, Dan Swatman, Donn Lewis and Neil Johnson on their success in the 2009 local elections.

8:01:11

IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** October 20, 2009 Workshop, October 27, 2009 Meeting, and November 10, 2009 Meeting Minutes.
- B. **Approval of Payroll:** Payroll for November 1-15, 2009 for checks 28615-28639 including Direct Deposits and Electronic Transfers in the amount of \$ 374,053.85.
- C. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #57228 for Utility Refund in the amount of \$1,498.16; Accounts Payable checks/vouchers #57229 thru 57287 (including wire #11172009) in the amount of \$642,848.04; Accounts Payable checks/vouchers #57288 thru 57326 (including wire #27673994) in the amount of \$195,058.92.
- D. **AB09-181 – Ordinance 1335** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 12.04 of the Bonney Lake Municipal Code and Ordinance Nos. 589, 589B, 798, 949, and 1261, Relating to Public Works Design Standards.
- E. **AB09-180 – Resolution 1985** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding the City of Bonney Lake Downtown Improvements Private Utilities Conversion Contract to Transportation Systems, Inc.
- F. **AB09-186 – Resolution 1989** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing an Agreement with the Washington State Administrative Office of the Courts.

**Councilmember Rackley made a motion to approve the Consent Agenda.
Councilmember Decker seconded the motion.**

Motion approved 7 – 0.

8:01:23

V. FINANCE COMMITTEE ISSUES:

- A. **AB09-182 – Ordinance 1336** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington Preserving Levy Capacity for Future Use Pursuant to RCW 84.55.092.

Deputy Mayer Swatman moved to approve Ordinance 1336. Councilmember King seconded the motion.

Chief Financial Officer Al Juarez said this ordinance is common practice and is also known as ‘banking levy capacity.’ He explained that the ordinance allows the City to roll excess levy capacity forward to use for future needs. The City must follow specific RCWs to access the funds. Councilmember Decker asked if the citizens vote on how excess funds are used. Councilmember King said though the City is not required to hold a vote of the people to access these funds, the Council could choose to bring it forward as a referendum to the people.

Motion approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

8:04:23

VIII. FULL COUNCIL ISSUES:

A. AB09-187 – Ordinance 1337 – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Setting the Amount of the Annual Ad Valorem Tax Levy Necessary for the Fiscal Year 2010 for the Purposes Set Forth Below.

Councilmember King moved to approve Ordinance 1337. Councilmember Decker seconded the motion.

Mayor Johnson said the proposed ordinance implements a reduction in property taxes to 99.152% of 2009 taxes. He noted that many other cities are not decreasing their tax rates due to budget issues, though the implicit price deflator used to calculate taxes decreased. Deputy Mayor Swatman said the ordinance will result in a small decrease in people’s taxes, and every bit helps.

Motion approved 7 – 0.

IX. EXECUTIVE SESSION: None.

8:05:33

X. ADJOURNMENT:

At 8:05 p.m. Councilmember Decker moved to adjourn the meeting. Councilmember King seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of November 24, 2009:

WSU Forest Public Hearing Submittals:

- Bonney Lake Citizen – *Letter regarding WSU Forest* – Dennis Tompkins.
- Bonney Lake Citizen – *Email re: WSU* – Laurie Carter for Elizabeth Olsen.

- Washington State University – *Letter re: WSU Forest Comprehensive Plan Amendment and Rezone* – Pete Lymberis for Mel Taylor, Executive Director of Real Estate Operations & External Relations, WSU.
- City of Bonney Lake – *News Articles: “Weyerhaeuser under pressure for more change,” “Barking up the Tree of Weyerhaeuser’s Future,” “Weyerhaeuser freezes 401k Payments,” “Weyerhaeuser news release offers a surprise,” “Weyerhaeuser may lose tax credit,” “Weyerhaeuser breaks even in third quarter.”* – Mayor Neil Johnson.
- Bonney Lake Citizen – *Re: WSU Forest – City Council Public Hearing – 11-24-2009* – Fred Jacobsen.
- Woodcreek Healthcare – *Testimony Presented to the City Council of Bonney Lake, Washington, November 24, 2009* – Timothy Turner, CEO.
- Bonney Lake Citizen – *Email re: WSU Forest Development Plan* – Laurie Carter for Marian Betzer.

CITY COUNCIL WORKSHOP

December 1, 2009
5:30 p.m.

DRAFT MINUTES

City of



“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

I. Call to Order:

Mayor Neil Johnson, Jr. called the workshop to order at 5:32 p.m.

II. 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 Dave King and Councilmember James Rackley.

[Staff Members in attendance were City Administrator Don Morrison, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Assistant City Attorney Kathleen Haggard, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis. City Attorney James Dionne arrived at 6:43 p.m.]

III. Agenda Items:

5:33:10

A. Council Open Discussion:

Lakewood Officers Memorial: Mayor Johnson said he has contacted the City of Lakewood to offer condolences for the four officers who were killed on November 29, 2009. He asked those in attendance to observe a moment of silence for Sergeant Mark Renninger and Officers Greg Richards, Tina Griswold and Ronald Owens. Police Chief Mitchell said the BLPD has teamed with Applebee’s restaurant for a fundraising event on Saturday, December 12, 2009. On this day, 15% of all proceeds from food sales will be donated to the officers’ families. In addition, a Bonney Lake officer who runs a coffee roasting company has offered to create a special coffee package. He will donate \$4.50 per pound of coffee to the fundraising effort. More information will be made available soon. Mayor Johnson said State Representative Chris Hurst said he wants to toughen state laws. The Mayor will keep councilmembers informed of any updates.

Interim Judge Appointed: Mayor Johnson announced that he has appointed Jim Helbling to a 4-year term as Municipal Court Judge. He said the position opening was advertised, but staff learned that a judge must be appointed by December 1, 2009 and there has not been time to review applicants. Mr. Helbling, who served as Bonney Lake’s Municipal Court Judge in the past, agreed to step in until the applicants can be reviewed and a new judge can be appointed. Mr. Helbling was sworn in at the City of South Prairie this evening, and will be sworn in at the Bonney Lake Council Meeting on December 8, 2009. Mayor Johnson said a panel (that will include a member of the Council) will be set up to review applications within the next couple of weeks. He confirmed that Judge Douglas Haake will continue to serve as the city’s Judge through December 2009.

Fund Balances: Councilmember Rackley asked if information is available on the available fund balances for traffic impact fees (TIF) and system development charges (SDC). City Administrator Morrison said he would provide information shortly, but is still researching TIF fund balances.

Water Agreements: Deputy Mayor Swatman said he has been working with residents living off 214th Ave E who are interested in revising an old water developer agreement with the city. Assistant City Attorney Haggard said she worked with Public Works on a letter that was sent to the property owners. She said the existing agreement does not prevent the residents from digging small, exempt wells and disconnecting from the community well. If the residents are still using the existing community well when a city water line becomes available to the property, they would be required to hook up and pay appropriate fees. If they are on private wells, they would not. She said the parties could rescind the agreement through mutual action if desired. Mayor Johnson asked the Community Development Committee to review this issue in more depth.

Dog Park Interest Group: Deputy Mayor Swatman said he attended a meeting for those interested in developing a dog park in Bonney Lake. Six new people attended the meeting, and the group is working to bring something forward through the Park Board for review.

Community Meetings: Deputy Mayor Swatman reminded Council about plans to hold several community meetings or 'town halls' in early 2010. The schedule has not yet been set.

Zero-Based Budget: Deputy Mayor Swatman asked whether there were updates on doing a zero-based budget. City Administrator Morrison said he and Chief Financial Officer Juarez are working on this item and it would be a good topic for discussion at the Council Retreat in early 2010.

Sewer Plant Tour: Councilmember Hamilton said the Council is attending a tour of a sewer membrane plant in Lacey on Saturday, December 5, 2009. The public is invited to attend but must transport themselves to the site.

Appliance Rebate: Councilmember King said he has heard there may be a new stimulus package to let people turn in old appliances in exchange for rebates for new appliances. He said the city already has rebate programs in place for high efficiency washing machines and toilets. He said the program could cause a small spike in sales, and might help reduce water consumption.

Eastown Sewer Updates: Councilmember Bowen asked for an update on the Eastown sewer system. Public Works Director Grigsby said he is meeting with the city's bonding attorney during the week of December 14, and will work with the CFO and City Administrator to research financing options and costs. He said if the sewer system is funded with municipal funds, more stringent regulations apply for rates, bonding, and labor. Because of this, the developer has put the design plans for the lift station on hold. He said the 30% design has been submitted and he is waiting for comments from the design consultants.

Agenda Modifications: Deputy Mayor Swatman said staff requested the agenda be modified with the following changes: Item D. (AB09-170) moved to Item F., Item E. (AB09-171) moved to item G., Item F. (AB09-190) moved to Item E, Item G. (AB09-191) deleted, and Item H. (AB09-192) moved to Item D. Council consensus was to modify the agenda as requested.

5:59:52

B. **Review of Draft Council Minutes:** November 17, 2009 Council Workshop.

The minutes were forwarded to the December 8, 2009 Meeting for approval with no corrections.

6:00:24

C. **Discussion Pursuant to Public Hearing on 11/24/09:** AB09-168 – Ordinance D09-168 - Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest.

Community Development Director John Vodopich said the Public Hearing for the WSU Forest application will continue through the December 8, 2009 Council Meeting. He suggested the Council hold a public hearing on the proposed developer agreement with WSU at the same meeting. Assistant City Attorney Haggard said there is no legal requirement for the Council to consider the development agreement at the same time as the Comprehensive Plan amendment, but it would be in the interest of both parties to review them concurrently.

6:02:56

D. (Originally Item H.) **Presentation/Discussion:** AB09-192 – Resolution 1991 – WSU Forest Development Agreement.

Community Development Director Vodopich provided copies of a presentation and draft development agreement to the Council. A public hearing for the agreement is scheduled on December 8, 2009 at 7:00 p.m., and a revised draft of the agreement will be available when the agenda packet is published. He described the elements of the agreement, including its authority and procedure, project elements, rezone, property transfer restrictions, wetlands mitigation and drainage, utility service, transportation mitigation, parks and trail areas.

Assistant City Attorney Haggard said a development agreement is designed to address a large, complex project with mixed uses. It allows the government to negotiate with the development so both sides benefit. In this case, the developer would gain certainty about the development to help sell their project, and the city would gain public land and access to the site. Councilmembers discussed proposed changes to the zoning code for R-3 or a new R-4 zone, and raised concern about revising zoning codes for this specific development. This discussion was deferred, since it is the topic of the next item on the agenda.

Councilmembers discussed the planned recreation center or YMCA. Councilmember Hamilton suggested the agreement should not reference a specific agency (such as the YMCA) but refer to a more generic recreation center to provide more flexibility. Deputy Mayor Swatman questioned whether the type of facility should be limited to a recreation center, and suggested the city may want to use the site for another project like a fire station.

Councilmembers discussed possible uses for the proposed 47 acres of property that would be dedicated to the city. The draft agreement allows the city to rezone up to 15 acres after commercial permits are issued or after 2025, whichever comes first. Deputy Mayor Swatman questioned why the property should be restricted in perpetuity, noting the city could never use the site for another purpose with these restrictions. He said the agreement should be flexible to allow different uses in the future if the Council desires. Councilmember Hamilton spoke in favor of restricting use on the city property to save the open space. He said the Growth Management Act gives cities few opportunities to save open space in urban areas, and the only way the city can preserve this site is by owning and preserving it. Councilmember Carter said the proposed use would help the city's trail and community parks, but if athletic fields are installed there will be few trees left on the site. She said all the residents who spoke at the Public Hearing spoke in favor of saving the trees, not for more ball fields. Councilmember Decker said the city used to be full of trees, and this is one of the last places left. He said the city should treat the site like Central Park in New York and preserve the site forever, regardless of the value of the land. Councilmember Bowen suggested the city could include a clause that if the property were ever sold or developed, any proceeds must be dedicated to open spaces. Deputy Mayor Swatman agreed that the site is critical and should be protected, but he does not want to limit a future council's options. As an example, he suggested a future Council might have the opportunity to swap the WSU land for other open space that becomes available in the city, but could not with the draft agreement's restrictions.

Director Vodopich also explained how the agreement proposes that park impact fees be waived, since the value of the land to be granted to the city far exceeds the fees. Allison Moss, the attorney for the developer, explained that they used the open space property value from the city's Comprehensive Plan Parks Element for their calculations.

At 6:58 p.m., the workshop was recessed for a 10-minute recess. The workshop returned to order at 7:11 p.m.

Director Vodopich said the agreement proposes that the developer would purchase part of the city's Fennel Creek trail property for wetland mitigation. He said the city's consultants feel there is enough land on the Fennel Creek site to accommodate the separate mitigation plans for both the city and the developer.

Councilmembers discussed proposed stormwater plans, including ponds and infiltration areas, at length. Councilmembers Carter and Hamilton asked how much of the city's land would be used for infiltration and ponds and how much could remain forested. Director Vodopich said of the original 47.4 acres the proposal would transfer to the city, 34.6 acres are reserved for recreational use. Of those, 12 acres would be developed for stormwater ponds and infiltration, leaving up to 22.6 acres of forested land. Councilmember Carter clarified that the trees must be cut in order to develop acreage for infiltration purposes.

Water and sewer utilities were also discussed, and Councilmembers noted the mains will eventually require upgrades to service the WSU site and Eastown in the future. Director Vodopich briefly discussed transportation options and mitigation. He said the developer proposed a light on SR410 but the Department

of Transportation will only support a right-in, right-out access along 410 for the commercial area. Development of the site would require extending the third land on SR410 and improvements to South Prairie Road.

Councilmembers discussed how the agreement opens the site to public use of existing trails. It also proposes the construction of trails in the residential portion of the project, which would be transferred to the city. Councilmember Carter asked how opening existing trails for public use would affect public safety. Police Chief Mitchell said it should actually improve safety, allowing Police easier access and keeping people from hiding or having parties in the forest.

The Council invited Pete Lymberis from Quadrant Homes to speak. He explained that Washington State University holds the deed to the site, but Weyerhaeuser Corporation has a reversionary right that came into play when WSU stopped using the site for research. The two entities are working together to sell the property for the best use. Quadrant Homes, a subsidiary of Weyerhaeuser, has stepped in to assist in the process. The WSU Office of Business & Public Affairs is working to monetize the site in the best possible way.

The Council discussed the timeline for development, noting the economic downturn and lack of residential building projects. Mayor Johnson said the YMCA anticipates that they could complete construction by 2018 or earlier if a site were designated. The proposed medical complex on the commercial site could be completed by then as well, he said, and the rest of the site might remain forested for some time. He said he felt the proposed project is positive for the city and agreed that it is very important to preserve trees and open spaces. Director Vodopich said the proposed development agreement would last 15 years, with an option for a five-year extension if approved by the Council.

Councilmember Bowen expressed concern from Easttown residents that the proposed commercial site could be used for a big box retail store. He said Easttown is planned for big box retail development, and opening this site for development could be problematic for Easttown.

Mayor Johnson thanked the Council for their input. City Attorney Dionne said his office would work with Community Development staff to revise the agreement and provide a draft for the public hearing on December 8, 2009. He said this might delay printing of the agenda packet until late Friday afternoon, however. Councilmembers said the Clerk's office could publish agenda packets later than usual on Friday to accommodate inclusion of this item for the public.

Councilmembers discussed whether the development agreement could be ready for a vote by the end of the year. City Attorney Dionne said he would work to get a finished product to the Council in time, but wants to ensure due diligence is done and that the Council does not feel rushed. Assistant City Attorney Haggard said the goal is for the Council to consider the Comprehensive Plan amendment and the development agreement concurrently, but their office is reviewing alternatives such as conditions in the agreement or a delayed effective date for the Comprehensive Plan amendment. The item was continued to the December 8, 2009 Meeting for a public hearing.

At 8:47 p.m. the Workshop was recessed for a short break. The Workshop was brought back to order at 9:00 p.m.

9:00:17

- E. (Originally Item F.) **Discussion:** AB09-190 – Consider Changes to Zoning Code – R-3 and Possible R-4 Zones.

Community Services Director Vodopich said the Planning Commission discussed proposed changes to the R-3 high-density residential zoning code. The Commission recommended denial of the revisions. He asked the Council to discuss whether they would consider revising the R-3 code or developing a new zoning code called ‘R-4’ during 2010. He noted that the draft WSU developer agreement states that land will not be dedicated to the city until the zoning of the residential portion of the site is changed to either revised R-3 or R-4 zoning.

Councilmember King said he is not comfortable with the proposed amendments in either form, as they allow small houses to be built within 5’ of each other. He said if a new zoning type is created it should be much more specific and not allow cheap residential units to be packed in. Councilmember Carter agreed and pointed to fire code concerns and problems in other neighborhoods that allow minimal setbacks. Councilmember King said it is worth delaying dedication of property to the city if it gives the Council time to develop zoning amendments that are appropriate and safe. Council consensus was to review options for creating a new R-4 zoning code in 2010, and to not amend R-3 zoning at this time.

9:17:07

- F. (Originally Item D.) **Discussion Pursuant to Public Hearing on 11/24/09:** AB09-170 – Ordinance D09-170 – Woodyard Comprehensive Plan Amendment.

Deputy Mayor Swatman said he does not support this proposed amendment. He said if multiple residents in that area came together to ask for an area-wide rezone he would be more willing to consider it than a single parcel rezone.

Councilmember Carter said she also does not support the rezone, noting the city’s plans to widen 192nd St in the future and concerns about access to area businesses. The item was forwarded to the December 15, 2009 Workshop for action.

9:25:45

- G. (Originally Item E.) **Discussion Pursuant to Public Hearing on 11/24/09:** AB09-171 – Ordinance D09-171 – Utilities Element Comprehensive Plan Amendment.

Community Development Director Vodopich said this amendment is required to incorporate the new versions of the Sewer and Water Comprehensive Plans. There were no comments from citizens during the Public Hearing. Deputy Mayor Swatman said he is concerned that the incorporated plans use past economic data and the current economy is much different. He said the Council should have this in mind when considering future projects and proposals. Public Works Director Grigsby said the plans have a 20-year timeline, so they provide a wider view of future needs. He said the plans provide direction and identify potential projects, and are updated every few years so they are still valid. The item was forwarded to the December 15, 2009 Workshop for action.

- H. (~~Originally Item G.) **Discussion:** AB09-191 – Ordinance D09-191 – Comprehensive Plan Amendment Updating the Transportation Element. This item was removed from the agenda (see agenda modification, above).~~

9:28:58

I. Discussion Pursuant to Public Hearing on 11/24/09: AB09-174 – Ordinance D09-174 – Mid-Biennial Budget Modifications.

City Administrator Morrison provided a list of items that were removed or frozen in the budget amendment. He asked Councilmembers to notify him if they would like any projects to be added to or removed from this list as soon as possible, and he will incorporate any amendments into the final draft for review later in the month. He noted that the proposed budget eliminates the Council’s discretionary fund and sets aside funds for a potential special election in 2010. The proposed ordinance was forwarded to the December 15, 2009 Workshop for action.

9:30:52

J. Discussion Continued from 11/17/09 Workshop: AB09-79 – Ordinance D09-79 – Park Rules and Regulations.

Councilmember King said the Public Safety Committee reviewed the proposed ordinance in depth and recommends its passage. Councilmember Carter said legislation is pending review at the State level related to influencing children about alcohol, and she had suggested an amendment to the ordinance to disallow beer gardens in city parks. Councilmember King said he does not support her proposed amendment, but said any councilmember can propose an amendment when the item comes up for review at the meeting. The proposed ordinance was moved forward to the December 8, 2009 Meeting for action.

IV. Executive Session: None.

V. 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 December 1, 2009:

- City of Bonney Lake – *WSU Development Agreement Key Points Presentation* – Community Services Director John Vodopich.
- City of Bonney Lake – *Draft WSU Development Agreement* – Community Services Director John Vodopich.

**CITY COUNCIL
SPECIAL MEETING**

**December 5, 2009
9:00 A.M.**

DRAFT MINUTES



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

"Where Dreams Can Soar"

- I. CALL TO ORDER** – The Council met at 9:05 a.m. outside the Bonney Lake Senior Center to travel together to the LOTT Alliance Martin Way Reclaimed Water Plant located at 1621 Martin Way East, Lacey, WA.
- A. Attendance:
Elected officials attending were Mayor Neil Johnson, Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Mark Hamilton, and Councilmember Jim Rackley. Councilmember-elect and current Planning Commissioner Donn Lewis was also in attendance.

[Staff members in attendance were Public Works Director Dan Grigsby, Assistant Public Works Director Charles Simpson and Administrative Services Director/ City Clerk Harwood Edvalson.]

Joining the group at the Martin Way Reclaimed Water Plant were Planning Commissioner Winona Jacobsen and Park Board Commissioner Fred Jacobsen.

II. Tour:

- A. At 9:50 a.m., Community Relations and Environmental Policy Director Karla Fowler and Operations Supervisor Ben McConkey with LOTT Alliance gave the assembled group from the City of Bonney Lake a tour of the Martin Way Reclaimed Water Plant. The Council's primary interest in the tour was to see membrane bioreactor technology at work. The LOTT Alliance plant treats its effluent to a tertiary stage, producing Class A reclaimed water which can be used for irrigation, a variety of commercial and industrial uses, and environmental benefits such as streamflow augmentation, wetland enhancement and groundwater recharge.

Following the tour of the reclaimed water plant, the Bonney Lake group was given a tour of the Hawks Prairie Reclaimed Water Ponds and recharge site. The ponds were an early requirement of WA State Department of Ecology, but are no longer required for the recharge process. They do, however, provide a wildlife habitat and open space recreation area for the community with walking trails and wildlife viewing. The reclaimed water is recharged into the underlying aquifer through trickle recharge into a series of prepared recharge basins.

At the conclusion of the Hawks Prairie pond and recharge site tour, the Council traveled back to the City of Bonney Lake, arriving at the Senior Center at approximately 12:35 p.m.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

CITY COUNCIL MEETING

**December 8, 2009
7:00 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 ↓

I. CALL TO ORDER – Deputy Mayor Dan Swatman called the meeting to order at 7:02 p.m.

A. Flag Salute – Deputy Mayor Swatman led the audience in the Pledge of Allegiance.

B. Roll Call:

City Clerk Harwood Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley. Mayor Neil Johnson, Jr. arrived at 7:04 p.m.

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

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments:

- a. **AB09-193** – A Motion of the Bonney Lake City Council Confirming the Mayor's Appointment of James Helbling as Municipal Court Judge.

City Clerk Harwood Edvalson administered the oath of office to Judge Helbling. Mayor Johnson and the Council congratulated Judge Helbling on his appointment.

3. Presentations: None.

D. Agenda Modifications: None.

7:08:35

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

1. Continued from November 24, 2009: **AB09-168 - Ordinance D09-168** – An Ordinance of the City Council of the City of Bonney Lake Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest.

Mayor Johnson noted this is a continuation of the public hearing held on November 24, 2009. City Attorney Dionne said citizens who spoke at the previous hearing were told they could also speak at the continued hearing.

Mayor Johnson opened the public hearing at 7:10 p.m.

The Council noted that they have received a number of e-mails to be added to the Public Hearing record; City Clerk Edvalson confirmed that they will be included in the record.

Larry Ingraham, 18023 Hwy 99, Suite 1, Lynwood, Managing Member of Emerald Properties, submitted a letter regarding the proposed ordinance to the City Clerk. He read his letter aloud to the Council.

Betsy Schultz, 12319 234th Ave Ext E, Buckley, said she lives near the forest and said many people are interested in the WSU forest. She said the land use review process has been going on a long time. She said many people could not attend the hearing due to other events and the busy time of year. She said most people oppose the rezone and asked the Council not to rush to any decisions.

Fred Jacobsen, 9100 189th Ave Ct E, Bonney Lake, spoke against the proposed land use and zoning change. He said the Council has to make a big decision whether to provide instant commercial gratification or long term quality of life and benefit to the citizens. He said if the proposed ordinance is approved, he hopes the City will use techniques to save as much of the forest as possible.

Roger Watt, 12029 225th Ave Ct E, Bonney Lake, also lives near the forest and spoke against the proposed ordinance. He said the City has leverage, and reminded the Council that no property taxes have been paid on the property for at least 6 years. He said WSU used the site for educational purposes and the City could similarly take on the property for civic, recreational and educational uses. He said when he did work on his property, he was required to save 25% of existing trees. He said if the same requirement is placed on the WSU site, that would mean 37 acres of forested land must be saved. He also said he was surprised to hear the Council say a big box store like Costco could build on the WSU property. He said the City planned for big box stores in Eastown, and said property owners should get better notification from the City about this new plan.

Mayor Johnson clarified that the City has no information on Costco building on the WSU site, but has heard rumors that they are looking at several sites around the City. He said the City has taken no action or received firm plans, but will notify citizens as soon as more information is available. Councilmember Rackley confirmed that no property taxes have been paid on the WSU site for about 60 years. Deputy Mayor Swatman encouraged Eastown property owners to make their voices heard if they are concerned about the WSU forest property development.

Jeff Lueders, 12925 195th Ave Ct E, Bonney Lake, first thanked the Police Chief and his department for their service. He said he has lived in several cities and facilities for youth and adult recreation are an important factor in great

communities. H said he hoped as much of the forest as possible is preserved, but if it is developed he hopes the site will include a recreation facility. He said the City has great parks but needs larger recreation facilities like those in Auburn, Kent and Puyallup. He said the City can do this while preserving natural areas for hiking and biking as well.

Councilmembers discussed whether to leave the hearing open to allow people to get their statements in the public record. Several Councilmembers said they had received many emails from citizens but were unsure if they had been forwarded to the City Clerk to be part of the record.

Councilmember Carter moved to extend the Public Hearing until 9:00 p.m. to allow Councilmembers to forward e-mail Public Hearing submittals to the City Clerk. Councilmember Decker seconded the motion.

Councilmember Bowen moved to amend the motion to close the hearing at Midnight. Councilmember Hamilton seconded the motion.

Councilmember Bowen said this extension gives Councilmembers time after the meeting adjourns to forward emails to the City Clerk.

Motion to amend the main motion approved 5 – 2. Deputy Mayor Swatman and Councilmember King voted no.

Motion to extend the Public Hearing approved 6 – 1. Councilmember King voted no.

2. **AB09-192 – Resolution 1991** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, to Approve the WSU Development Agreement.

Mayor Johnson opened the public hearing at 7:45 p.m.

Pete Lymberis, P.O. Box 130, Bellevue, spoke on behalf of Quadrant Homes and thanked the Council, Mayor, Planning Commission and city staff for their efforts during the entire process. He said the development agreement is very close to meeting everyone's goals and he looks forward to finalizing the last few details in the coming days. Deputy Mayor Swatman confirmed that the agreement is not ready to be executed in its current version.

Cheryle Noble asked if the development agreement will be available for public comment after additional revisions are made, and before the Council makes a decision. Mayor Johnson said the revised version would be available on Friday in the December 15, 2009 Workshop agenda packet. She also asked about Section 7 of the agreement, which appears to allow WSU and Weyerhaeuser to terminate the City's use of trails at any time, surrender trails, or revert the land

back to WSU after 2035. City Attorney Dionne explained that the agreement allows the City to use trails on the planned residential area until it is developed. In addition, the City is not allowed to compete by using land for commercial uses for 15 years after the agreement is signed, through 2035. He clarified that the property dedicated to the City in this draft agreement would not revert back to Weyerhaeuser or WSU; these sections refer to the developer's land only.

Deputy Mayor Swatman asked about references in the agreement to a stop light on SR 410. City Attorney Dionne said the draft agreement states that the developer's engineer and the City's engineer must agree that a light would increase mobility on SR 410. He said this portion of the agreement is not likely to change in the upcoming revisions.

William Klein, 19109 122nd St Ct E, Bonney Lake, is a long-term Bonney Lake resident and member of the Sumner Soccer board. He said regardless of the City's decision on zoning for the WSU forest, the City needs fields and green space. He said teams have nowhere to play and no lighted fields.

Larry Ingraham, 18023 Hwy 99, Suite 1, Lynwood, said the City's 'gift' of land is not free, and the development agreement is still being revised. He said Eastown property owners are concerned, and all citizens need to get more information on the proposed agreement before the Council makes a decision.

Community Development Director Vodopich said the proposed Comprehensive Plan amendments were due in April 2009, and came before the Planning Commission in July. He said the Planning Commission held the first public hearings on these Comprehensive Plan amendments in August or September. Director Vodopich explained that the City provided public notification through published notices in city's official newspaper and posting notices online, at City Hall, the Post Office, the Library, and on four large signs around the WSU forest site. Mayor Johnson noted that the review and public hearing process is similar to that used for other developer agreements, such as the Greenwood development agreement.

Betsy Schultz said Bonney Lake residents are currently suing Quadrant Homes for shoddy construction. She said the City has more leverage and should not be pressured by WSU and Weyerhaeuser. She asked the Council to postpone a decision on the entire forest. She suggested the City allow construction of medical facilities on part of the forest, and take more time to consider development of the rest of the forest. She added that the proposed infiltration areas cannot be used for sports fields since they will be wet in winter. She suggested the City partner with area schools to create and maintain new sports facilities.

Fred Jacobsen submitted a letter from Dennis Tompkins to be included in the public record, and read portions of the letter aloud. He added that the City has a chance to preserve the forest for people to enjoy for years, like Central Park in New York or Point Defiance Park in Tacoma.

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said this issue came before the Planning Commission, of which she is a member, in July 2009. She questioned why the site was not presented as a Planned Unit Development instead of in this piecemeal way. She said the Council can revise the current Public Facilities zoning to allow construction of a medical facility today and allow that development to begin. She said this would allow more time to consider options for residential development, saving forested areas, or developing recreation facilities.

Roger Watt, Sandy Straight, Jeff Lueders, Andy Gomen, Chriss Streuli, and Jacob Klein were listed on the sign-in sheet to speak on this issue, but chose not to speak.

City Attorney Dionne recommended the Public Hearing remain open until the December 15, 2009 workshop to allow citizens the chance to comment on the revised Development Agreement, when it becomes available.

Councilmember Decker moved to extend the public hearing to the December 15, 2009 Workshop at 5:30 p.m. Councilmember King seconded the motion.

Motion approved 7 – 0.

B. Citizen Comments:

Wendy Woodyard, 9606 192nd Ave E, Bonney Lake, spoke about the proposed Woodyard Comprehensive Plan amendment. She said she has lived on the property for over 10 years and it is no longer a good site for residential use. She said they deal with the headlights from passing cars, noise from trucks going to Wal-Mart, and traffic noise from SR 410. She said a commercial business would provide a buffer between the larger commercial area and residences and make it a nicer place to live.

Andy Gomen, 19006 Bonney Lake Blvd, Bonney Lake, thanked all who supported him during the 2009 elections, where he ran for the Ward 1 Council seat. He thanked department heads for meeting with him and said he had a great time meeting people and learning about the City. He welcomed the two new councilmembers and wished luck to Mayor Johnson and to Dan Swatman in the Ward 1 Council position.

Fred Jacobsen congratulated Bonney Lake for the great success of the Papa John's pizza fundraiser for the murdered Lakewood Police Officers. He said the restaurant had to stop taking orders because they were running out of food. He said the fundraiser continues tomorrow, and Applebee's 'Dining to Donate' fundraiser is December 12, 2009. He added that Applebee's is holding a separate fundraiser for the Bonney Lake Senior Center and Food Bank on December 17 to 19, 2009.

Councilmember King added that the Bonney Lake Police Guild is running another fundraiser, selling coffee from Officer Vince Sainati's coffee roasting company. All profits, \$4.50 per bag, will go to the Lakewood Officer's fund.

At 8:16 p.m., Councilmember Bowen moved for a five-minute break. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

The meeting was brought back to order at 8:25 p.m.

- C. Correspondence: None.

8:25:11

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed proposed Resolutions 1986 and 1992, which are on the agenda. The committee also discussed minutes, budget, and water conservation rebate programs.
- B. Community Development Committee: Councilmember Rackley said the committee met on December 7, 2009 and discussed proposed Resolution 1984 which is on the Consent Agenda. Assistant Public Works Director Charles Simpson discussed the bid process and assured the committee that the City notified all Bonney Lake auto shops about the advertisement to bid.
- C. Public Safety Committee: Councilmember King said the Committee met on December 7, 2009 and discussed 2010 goals and boating concerns on Lake Tapps. The committee recommends that an advisory committee be created, including lakeside residents and boat owners. The advisory committee will discuss and provide recommendations to deal with boating noise and excessive speed on the lake. Mayor Johnson said he will work with the Public Safety Committee on this idea.
- D. Other Reports:
- Marian Betzer Recognition: Councilmember Carter noted that Marian Betzer was recognized by the Evergreen Council for her work on the Fennel Creek Trail. The event was written up in a December 3, 2009 News Tribune article.
- Special Council Meeting: Deputy Mayor Swatman thanked staff for coordinating the City Council's tour of the MBR plant in Lacey on Saturday, December 5, 2009. He said it was a very informative meeting and offered good options for Bonney Lake's sewer treatment in the future.

8:30:54

IV. CONSENT AGENDA:

- A. **Approval of Minutes**: November 17, 2009 Council Workshop.
- B. **Approval of Payroll**: Payroll for November 16-30, 2009 for checks 28640-28669 including Direct Deposits and Electronic Transfers in the amount of \$ 541,323.88.
- C. **Accounts Payable Checks/Vouchers**: Accounts Payable checks/vouchers #57327 thru 57382 (including wire #'s 111709, 9403111, 12012009 & 12172009) in the

amount of \$1,404,555.14; Accounts Payable check/voucher #57383 for an Accounts Receivable refund in the amount of \$50.00.

- D. **AB09-79 – Ordinance 1338** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 12.12 of the Bonney Lake Municipal Code and the Corresponding Portions of Ordinance Nos. 1232, 1150, 1037, 1015, 826, 669, 661, and 454 Relating to Park Regulations.
- E. **AB09-157 – Resolution 1974** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Amendment to the Agreement with DM Disposal for the Collection and Disposal of Solid Waste, Recyclables and Yard Waste.
- F. **AB09-178 – Resolution 1984** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding a Police Department Fleet Maintenance Agreement to Mobile Oil & Service.
- G. **AB09-184 – Resolution 1987** – A Resolution of the City of Bonney Lake City Council, Pierce County, Washington to Approve the PSE Intolight Authorization Letter to Purchase and Install Nine Street Lights During the Downtown Improvement Project.
- H. **AB09-189 – Resolution 1986** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the City to Accept a \$175,855 Custom Grant from Puget Sound Energy and a \$85,200 Energy Efficiency Community Development Block Grant from the Washington State Department of Commerce.
- I. **AB09-194 – Resolution 1992** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the City to Accept a \$29,100 Grant from the Washington State Department of Commerce for the 2011 Major Comprehensive Plan Update.

**Councilmember Rackley moved to approve the Consent Agenda.
Councilmember Hamilton seconded the motion.**

Motion approved 7 – 0.

8:31:03

V. FINANCE COMMITTEE ISSUES:

- A. **AB09-185 – Resolution 1988** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contract with Parametrix for the Design of SR 410 Sewer Main Repair - Phase 4.

Councilmember Decker moved to approve Resolution 1988. Councilmember Hamilton seconded the motion.

Public Works Director Grigsby said a portion of the line in Sumner failed and the City has since completed Phase 1 and 2 of the replacement project. Phase 3 is in progress currently. Deputy Mayor Swatman said there are no signs this portion of the sewer main is in danger of imminent failure, and asked why the City should move forward with this project now instead of waiting. Public Works Director Grigsby

said video taken of the line from 2006 showed signs that the line is deteriorating, but not in immediate danger. He said Public Works Trust Fund loan monies are available for Phase 4 of the project, since recent projects have come in far below estimates. The line would be prepared through either slip-lining or in situ form, and should extend the life of the sewer main for 30 to 50 years. Councilmember Carter noted that if this project also comes in below estimates, the City could save money by doing the project now rather than waiting 5-10 years when prices have risen.

Motion approved 7 – 0.

- B. **AB09-188 – Resolution 1990** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Coldwell Banker Commercial/Offenbecher for Leasing Agent Services for the Interim Justice Center.

Councilmember Decker moved to approve Resolution 1988. Deputy Mayor Swatman seconded the motion.

City Administrator Morrison confirmed that the agreement does not lock the City into a long-term contract. The agreement runs until 6 months after the Interim Justice Center opens. The agreement includes a 6% charge for leasing services. Mayor Johnson said this is one more important step in the IJC project.

Motion approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

8:41:52

- A. **AB09-174 – Ordinance 1339** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adopting the Mid-biennial Budget Amendment for Budget Years 2009 and 2010.

Councilmember Decker moved to approve Ordinance 1339. Councilmember Carter seconded the motion.

Mayor Johnson said mid-biennial budget amendments are standard and staff members have put a lot of work into these adjustments.

Motion approved 7 – 0.

IX. EXECUTIVE SESSION: None.

8:42:30

X. ADJOURNMENT:

At 8:42 p.m. Councilmember King moved to adjourn the meeting. Councilmember Carter seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of December 8, 2009:

Public Hearing Submittals – WSU Comprehensive Plan Amendment & Development Agreement

- Bonney Lake Citizen – *Email re: WSU Demonstration Forest Public Hearing* – Aaron, Mashae, Camden, Kendra and Brenden Myers.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest Public Hearing* – Melissa Johnson.
- Bonney Lake Citizen – *Letter re: WSU Forest Development Plan* – Cheryle Noble.
- Bonney Lake Citizen – *E-mail re: Support of Sports Field and Complex* – Cheryl Achi.
- Bonney Lake Citizen – *E-mail re: Rezoning of WSU Demonstration Forest* – Sheyrl & Brian Pringle.
- Bonney Lake Citizen – *E-mail re: Soccer fields in Bonney Lake* – Rachel Schaut.
- Bonney Lake Citizen – *E-mail re: WSU Rezone & development agreement* – Velina Wong; (also presented at hearing by Larry Ingraham of Emerald Properties).
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest Public Hearing* – Margit Lewis.
- Bonney Lake Citizen – *E-mail re: Presentation at Dec. 8 Council Meeting* – Dennis Tompkins.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – William Klein.
- Bonney Lake Citizen – *E-mail re: WSU Development* – Betsy Schultz.
- Bonney Lake Citizen – *E-mail re: WSU Forestry Land – Sports Complex* – David Babbitt.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest – public comments* – Chris LaValley.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Rick & Julianne Schoder.
- Bonney Lake Citizen – *E-mail re: Support of youth sports fields* – Noelle Miller.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Stan Penner.
- Bonney Lake Citizen – *E-mail re: Support for sports complex at the rezoned WSU Demonstration Forest* – Shar Leuders.
- Bonney Lake Citizen – *E-mail re: Use Designations and Zoning Public Hearing for WSU Demonstration Forest* – Shelly Scott.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Tanya Morefield.
- Bonney Lake Citizen – *E-mail re: Sports complex* – Joel Strasler.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Tom Watson.
- Bonney Lake Citizen – *E-mail re: WSU Forest Development Agreement* – Fred Jacobsen.
- Bonney Lake Citizen – *E-mail re: Sports Fields in the Bonney Lake Summer area* – Nick Terrana.
- Bonney Lake Citizen – *E-mail re: Use Designations and Zoning Public Hearing for the WSU Demonstration Forest* – Jay Penney.
- Bonney Lake Citizen – *E-mail re: WSU Property rezoning* – Dan Adams.

- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest land use hearing* – Janine and Lance DeLarme.
- Bonney Lake Citizen – *E-mail re: Use Designations and Zoning Public Hearing for the WSU Demonstration Forest* – Ronald Blain.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Ruth Landers.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Matthew E. Goecks, SPC.
- Bonney Lake Citizen – *E-mail re: WSU land behind Albertsons* – Mike Falk.
- Bonney Lake Citizen – *E-mail re: Action Needed: Support for fields!* – Linda Lawless & Paul LaStayo.
- Bonney Lake Citizen – *E-mail re: WSU Forest* – Andy Seppi.
- Bonney Lake Citizen – *E-mail re: land re-zoning* – Daren Davis.
- Bonney Lake Citizen – *E-mail re: Sports Complex* – Andrea Maiuri.
- Bonney Lake Citizen – *E-mail re: WSU forest* – Bob and Sherry Lestiko.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Paul King.
- Emerald Properties – *Proposed Ordinance D09-168 and Proposed Resolution 1991* –Larry Ingraham, CCIM, Managing Member.