

CITY COUNCIL WORKSHOP

**February 2, 2010
5:30 p.m.**

AGENDA



*"Where Dreams Can
Soar"*

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

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

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

I. Call to Order:

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

II. Roll Call:

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin 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. Presentation: Public Officials Training - Washington Cities Insurance Authority - Lisa Roberts, Deputy Director
- B. Council Open Discussion
- C. Review of Draft Council Minutes: January 19, 2010 Workshop and January 26, 2010 Meeting.
- D. Discussion: AB10-18 - Ordinance D10-18 - An Ordinance of the City of Bonney Lake, Pierce County, Washington, Relating to an Interim Zoning Ordinance to Regulate Cottage Housing.
- E. Discussion: AB10-19 - Ordinance D10-19 - An Ordinance of the City of Bonney Lake, Pierce County, Washington, Updating the Downtown Design Standards Boundary Map.
- F. Discussion: AB10-20 - Ordinance D10-20 - An Ordinance of the City of Bonney Lake, Pierce County, Washington, Updating the Critical Areas Ordinance to Require Arborist's Reports when Trees are Removed, Topped or Trimmed in Critical Areas.

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 COUNCIL &
PLANNING COMMISSION
COMBINED WORKSHOP**

**January 19, 2010
5:30 p.m.**

DRAFT MINUTES



"Where Dreams Can Soar"

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I. Call to Order:

Mayor Neil Johnson, Jr. called the workshop to order at 5:31 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 Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley.

Planning Commissioners attending were Chairperson Grant Sulham, Commissioner David Eck, Commissioner Brandon Frederick and Commissioner Winona Jacobsen. Vice-Chairperson Katrina Minton-Davis was absent.

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

III. Agenda Items:

5:32:18

A. Combined Presentation: AB10-31 - Shoreline Master Plan.

Planning Manager Heather Stinson presented information on the Shoreline Management Act and the City's Shoreline Master Plan (SMP) update process. The Council approved hiring of a consultant in 2009, who is currently working on an inventory and analysis. The City is now seeking volunteers to serve on a SMP Citizens Advisory Committee, which will meet during 2010-2012. Planning Manager Stinson described areas in Bonney Lake that fall under the SMP, including the Lake Tapps shoreline and a portion of Fennel Creek at Victor Falls. The City's Critical Areas Ordinance protects Fennel Creek in the City limits, but most of the creek does not meet the flow level criteria to fall under the SMP's jurisdiction.

The Council invited Kim Van Zwalenburg from the Department of Ecology to speak. Ms. Van Zwalenburg introduced Sarah Lukas, who will be working with the City and advisory committee in the future. Ms. Zwalenburg explained how 'ordinary high water mark' is determined per the Revised Code of Washington. She said though Lake Tapps is a reservoir, not a natural lake, the State deals with other reservoirs that are protected under the Shoreline Management Act. She confirmed that Bonney Lake must coordinate its SMP with other jurisdictions on the lake, though the agencies' plans do not need to be identical. Ms. Van Zwalenburg explained that the SMP does not address boat speeds on the lake or septic systems in properties along the lake; these issues must be handled through other channels.

Planning Manager Stinson said the City's next steps are setting up the citizen's advisory committee and reviewing the consultant's analysis and inventory report once it is complete. She said she hopes the committee will include at least one Councilmember and one Planning Commissioner if possible, and will hold its first meeting in June 2010. She said information on the advisory committee has been published online and in the newspaper, and letters were sent to the presidents of each Homeowners Association along the shoreline. Deputy Mayor Swatman said the City needs to work hard to get citizens involved in the process.

6:00:21

- B. Motion of the Bonney Lake City Council and Planning Commission to Close the Combined Portion of the Meeting and Continue with the City Council Workshop.

Deputy Mayor Swatman moved to close the combined portion of the meeting and continue with the City Council Workshop. Councilmember Rackley seconded the motion.

Motion approved 11 – 0.

At 6:01 p.m., the Mayor called for a 10-minute break. The Workshop resumed at 6:11 p.m.

6:11:40

- C. **Presentation:** AB10-30 – Resolution 2009 – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign the 2010 Lake Tapps Area Water Resources Agreement.

Public Works Director Grigsby introduced Tom Pors, who was hired through the City Attorney's office to negotiate with Cascade Water Alliance (CWA) on behalf of the City. The 'Four Cities' of Bonney Lake, Auburn, Sumner and Buckley have been in negotiations with CWA since early 2009. The result of this process is the proposed resolution and water acquisition options and pricing for the Four Cities. In their initial proposal with the Tribes, CWA estimated it would need 100 to 150 cfs of water. New projections showed they would need about 20 cfs less. Instead of simply giving up that water, CWA agreed to set aside 10 cfs of water for the Four Cities to use. The options for the cities to purchase this water and water rights are outlined in the proposed Water Resources Agreement.

Director Grigsby provided the Council with an explanation of the water acquisition options and costs under the proposed agreement. First, the City will have the option to purchase 2 MGDs of water that CWA previously purchased from Tacoma Public Utilities. CWA negotiated their price with TPU in 2005, and CWA's proposed cost to Bonney Lake is about half of what the City had negotiated with TPU per Resolution 1841, which the Council approved in 2008 but which the TPU board never signed. The City must purchase water from CWA by 2018 per the agreement.

The proposed resolution also gives the Four Cities the option to purchase water rights from CWA in the White River water basin, east of Lake Tapps. Because the Department of Ecology has closed the White River basin to any new water rights, the only way the City can acquire rights at this time is to purchase them from CWA. The agreement states that the City must purchase the water rights by 2030. Director Grigsby noted that the cost to purchase the water rights does not include the potential added costs to the City to purchase land, drill for water, and test water sources. He

said the City may have to drill several wells, and there is no guarantee a good water source will be located after water rights are purchased.

Mr. Pors explained that the Four Cities and CWA worked together to anticipate any requirements from the Department of Ecology in the water rights process, and the agreement seems workable and a bona fide opportunity for the City. He has already drafted a groundwater rights application that can be filed once the agreement is complete. The cities can coordinate with each other to accelerate the Department of Ecology review process if they wish. The agreement states that the cities will not oppose CWA as it moves forward. The City does not, however, guarantee right-of-ways or franchises, so CWA would still need to go through City processes as usual.

Councilmembers asked if the agreement requires the City to sit on the CWA Board. Mr. Pors said it does not, but it does give the City the opportunity to sit on an advisory group that will have at least two meetings per year with CWA. Director Grigsby said the City could only get voting rights by joining the association, but the advisory group offers a forum to express concerns and talk about issues with CWA.

Councilmembers expressed support for the proposed agreement. Councilmember Hamilton said it helps meet the City's long-term goals for water supply. Director Grigsby said each of the Four Cities has slightly different needs, with Sumner more interested in purchasing the TPU water, Buckley most interested in water rights, and Auburn and Bonney Lake interested in a combination of the two. He added that the water acquisition costs in the proposed agreement are beneficial to the City. The water purchase rates are lower, and unlike the agreement the City negotiated with TPU in 2008, the City would not be required to pay maintenance fees and CWA would only charge for water the City actually uses. Proposed Resolution 2009 was forwarded to the January 26, 2010 Meeting for action.

6:43:09

D. Council Open Discussion:

YMCA Presentation: Mayor Johnson said he has tentatively scheduled a presentation on the YMCA from Bob Ecklund on March 2, 2010. The Mayor asked Councilmembers to send ideas and questions to him prior to the workshop so Mr. Ecklund can provide information and answer questions.

Bonney Lake High School Youth Forum: Mayor Johnson said the Youth Forum is Monday, February 11, 2010 from around 7:00 a.m. to 12:30 p.m. Department Directors will serve as facilitators, and Councilmembers are invited to attend as well.

Corliss Property Tree Clearing: Mayor Johnson said he received a letter from Canyon Creek Properties on January 15, 2010 regarding the cutting and reforestation of the Corliss property outside the City limits. He said all the trees lie outside Bonney Lake's city limits but he wanted people to be aware since it will be visible to people driving along SR 410. The plan includes planting 400 trees per acre, and all the work will be done by the end of 2010. Trees will be taken to lumber mills on trucks via SR 410. They will not use roads in Bonney Lake such as Myers Road, however. He asked the Council to remind citizens that Bonney Lake has worked hard to protect the trees on the hillside over the years.

Cascadia Updates: Councilmember Hamilton asked for updates on the Cascadia bankruptcy and plans for future development. He expressed concern that part of the

project could be split out to not include employment. City Attorney Dionne said the existing development agreement and restrictions from Pierce County will apply regardless of whether the property or project is sold to another developer. He said a bankruptcy court judge does not have the power to amend the agreement or trump Pierce County land use restrictions, but could potentially void the entire developer agreement. Mr. Dionne said he doubts a developer would want the agreement to be voided, as it would force them to start the process over from the beginning. He said he would send future updates on Cascadia to the Council.

Lake Bonney Conservation Association: Councilmember Carter attended the Conservation Association's meeting on January 18, 2010. The group plans to finish planting at Ken Simmons Park on February 14, 2010 in conjunction with an Eagle Scout project. Members asked if the lake monitor could be moved or changed, as a fallen tree has made it difficult to do readings. She suggested that the City should recognize citizens who volunteer to monitor the water in Lake Bonney and Lake Debra Jane. Finally, members of the association asked the City to consider restricting parking to one side of the street where 183rd St E and 184th St E connect.

Historic Society: Councilmember Carter said the Historic Society is still seeking photographs for a historic photo book on Bonney Lake. Specifically they are looking for scenic photos of the area from the 1970s or earlier, including images of Mt. Rainier. She said she has sent a copy of the City of Sumner's historic preservation code to Councilmembers for consideration.

Recycling: Councilmember Carter asked if the City recycles scrap metal such as old road signs. Director Grigsby said the City reuses or recycles old street signs, along with scrap metal, equipment, etc. Chief Financial Officer Juarez said he would research revenues from recycling metal and report back to the Council. Councilmember Carter said the City should let citizens know about these efforts.

Permitting & Development Agreements: Councilmember Rackley encouraged Councilmembers to read the articles in the recent AWC CityWise newsletter, including those on same-day permits and public-private partnerships.

Sign Code: Mayor Johnson said Code Enforcement Officer Denney Bryan is working on an information sheet about the City's sign code, which will be delivered to City businesses. He said the City is working to be proactive to inform businesses about City regulations before taking enforcement action.

Councilmember Carter said there are several wooden signs around the City, and asked staff to save them if they are taken down as they may have historic value.

Finance Committee: Deputy Mayor Swatman said the Finance Committee plans to consider options to accept credit cards for payments at the Utility counter. He asked Councilmembers to send questions to him. He asked Councilmembers if they are interested in membership in the National League of Cities (NLC). Councilmember Carter expressed interest in NLC's Prescription Discount card program. City Administrator Morrison said the cards offer a 20% discount for those who do not have insurance coverage for prescriptions. NLC membership costs \$1487 per year. Mayor Johnson said he would ask Auburn Mayor Pete Lewis about that City's experience with the program when they speak later in the week.

Pancake Breakfast Costs: Deputy Mayor Swatman asked about expenses for the upcoming Pancake Breakfast on January 30, 2010. City Administrator Morrison said the City will purchase supplies, exempt staff will do most of the work, and the Senior Center Cook will work at this event and another event at the Center the same day.

Boat Launch Passes: Deputy Mayor Swatman said he in talking with people about options to annex into the City, many people say they would like to take advantage of the reduced price boat launch pass for residents. He said as the City considers annexing and increasing the population, it may need to consider ways to limit access to the lake, changing the boat launch pass process, etc.

Public Defenders: Deputy Mayor Swatman asked how Court staff determine who is eligible for a public defender. City Attorney Dionne said qualification is based on income, but generally the process to determine indigency has been rather liberal and flexible. Mayor Johnson said Judge Helbling will be working on this issue, as the number of people requesting a public defender has risen sharply, and the service is costly for the City. City Administrator Morrison noted that the City plans to advertise a request for proposals for Public Defender services soon.

Sidewalks: Deputy Mayor Swatman asked whether commercial developments are required to install sidewalks, citing Fred Meyer, Windermere, and other businesses that do not have sidewalks on the SR 410 frontage. Public Works Director Grigsby said the frontage at those sites was built before those facilities were built. These businesses are part of a larger development, and while they have to install sidewalks and street lights for their site, they are not responsible to do so for the entire commercial development. He said at 214th Ave E and SR 410, for example, if another building is installed, the developer will have to install sidewalks and lights. Otherwise this will be completed when the intersection is improved.

Copper Pipes: Deputy Mayor Swatman asked if the Council would like to consider options to ban copper pipes in new construction to reduce copper leaching from pipes into the sewer system. Director Grigsby said the high price of copper has caused a reduction in its use. The allowed copper levels have also been lowered, however, so more treatment is required before water can be released from the treatment plant.

Budget: Deputy Mayor Swatman said he challenged the Council at the January 12th meeting to carefully consider every new contract or purchase before approval. He said the Council should carefully study projects that affect utility rates, in particular, to ensure they are effective.

Pet Licenses: Councilmember Hamilton said the January Bonney Lake Reporter included an article on pet licensing. He said it is important for the City to emphasize pet license renewal, since license fees help subsidize animal control services.

Eastown Sewer Service: Deputy Mayor Swatman asked for Council input on the City's role in Eastown sewer system development. Mayor Johnson said Director Grigsby has done a lot of research on Utility Latecomers Agreements, but the private developer has expressed concerns. Mayor Johnson said he will meet with the developer to discuss their specific concerns later in the week. After this meeting, he will ask the Council for direction on whether to pursue a Utility Latecomers

Agreement, let the private developer work on a private latecomer agreement, or to do nothing. He said he wants to remove any obstacles to getting a sewer system in Eastown, but wants to see a decision on how to move forward soon. He asked the Council to think about the options and plan to discuss them at the next Workshop.

7:42:31

- E. **Review of Draft Council Minutes:** January 5, 2010 Workshop and January 12, 2010 Meeting Minutes.

Councilmember Carter asked that the January 5, 2010 minutes be amended to “He suggested the workplan be tabled to a future workshop after the new Commissioners are appointed and after the Council Retreat ~~in January~~.” The corrected minutes were moved forward to the January 26, 2010 Meeting for approval.

7:43:43

- F. **Discussion:** Proposed Agenda for Council Retreat on February 27, 2010.

Councilmembers asked that the Planning Commission work plan be included under Open Discussion items. City Administrator Morrison suggested the Council Chamber features discussion be pulled, and instead make this the topic of a design charette with the Council and Court staff on another date.

Councilmembers discussed the meeting cost and location. City Administrator Morrison said estimated cost for a conference room and meals at the proposed venue, Washington National Golf Club in Auburn, is \$742. He said this is comparable to what the City spent for the 2009 Retreat, which was held at the Windermere offices in Bonney Lake, with food brought in. Councilmembers Carter, Rackley and Lewis spoke in favor of holding the retreat at a business in Bonney Lake. Mayor Johnson said the main issue is finding an appropriate space where Council can be comfortable and hear each other, not in a loud restaurant. He asked staff to research options at local restaurants such as Andre’s and Zato Grill to see if they have appropriate space and availability.

IV. Executive Session: None.

7:54:10

V. Adjournment:

At 7:54 p.m. Councilmember Rackley moved to adjourn the workshop. Councilmember Lewis seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of January 19, 2010:

- City of Bonney Lake – “Introduction to Shoreline Management” Powerpoint Presentation – Planning Manager Heather Stinson.
- City of Bonney Lake – “4 MGD Water Acquisition Cost Alternatives” – Public Works Director Dan Grigsby.

CITY COUNCIL MEETING

**January 26, 2010
7:00 P.M.**



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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 7:02 p.m.

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

B. Roll Call:

Records & Information Specialist Susan Duis called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis and Councilmember Jim Rackley. Councilmember Randy McKibbin was absent.

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

**Councilmember Decker moved to excuse Councilmember McKibbin.
Councilmember Lewis seconded the motion.**

Motion approved 6 – 0.

By Council consensus, Presentations Item E., Ordinance D10-21, was moved to Full Council Issues, Item B. for action at the current meeting. Mayor Johnson explained that the item was not included as an action item on the agenda due to an administrative error in preparing the agenda.

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. **Proclamation:** Pierce County Reads – Representatives from Pierce County Libraries.

Clare Murphy from Pierce County Library introduced Bonney Lake Managing Librarian Lynne Zeiher and Senior Librarian Lauren Murphy. They are replacing Clare, who now works at the Library System headquarters. Ms. Zeiher read the proclamation for Pierce County READS 2010 aloud, which Mayor Johnson signed. She said this year's book is Ruth Reichl's "Garlic and Sapphires." She invited citizens to

take part in the various events during Pierce County READS, including one at the Bonney Lake Branch on January 30, 2010 at 2:00 p.m.

Councilmembers asked how the Interim Justice Center and Downtown road construction projects are affecting the library. Lauren Murphy said they face some challenges with parking and construction vehicles, but the City is working with library staff on these issues.

- b. **Recommendation:** Planning Commission Chairman Grant Sulham - AB10-18 – Ordinance D10-18 – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Relating to an Interim Zoning Ordinance to Regulate Cottage Housing.

Planning Commission Chair Grant Sulham said in the past, the Chair regularly updated Council on Commission business, and he plans to resume the practice. Councilmembers thanked him and suggested he bring updates to Council Workshops so items can be discussed in depth.

Commissioner Sulham said the Commission voted 5 – 1 in favor of recommending approval of the proposed Ordinance D10-18, which creates an interim zoning code for cottage developments. He said the Commission researched the concept and toured several cottage developments in the area. He said the dissenting commissioner was concerned about adding another layer of housing regulations.

Councilmembers discussed the proposed ordinance, including the square footage for cottages, minimum setbacks, and the length of the interim ordinance. Commissioner Sulham said cottage housing is normally targeted at single adults, such as ‘empty-nesters’, childless professionals, and seniors, and are not intended to be starter homes. Deputy Mayor Swatman questioned whether there was a market for this type of expensive niche housing in Bonney Lake, and said he wanted to be sure only high-quality developments are allowed in the City. The item was forwarded to the February 2, 2010 Council Workshop for discussion.

- c. **Recommendation:** Planning Commission Chairman Grant Sulham - AB10-19 – Ordinance D10-19 – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Updating the Downtown Design Standards Boundary Map.

Commissioner Sulham said the proposed ordinance clarifies the Downtown boundaries. He said some area property owners were unsure whether their properties are in the official Downtown area, and one owner, Linda Youngberg, did not realize that a portion of her property is included on the Downtown area map. Commissioners voted unanimously to recommend approval of the proposed ordinance.

Planning Manager Stinson said the Comprehensive Plan includes a general ‘downtown area’ map with no street names or specific boundaries. The Downtown Design Standards adopted by Ordinance

1250 in 2007 do include a detailed map that defines the Downtown area. She said this map included part of Ms. Youngberg's property when it was originally adopted. Proposed Ordinance D10-19 was forwarded to the February 2, 2010 Council Workshop for discussion.

- d. **Recommendation:** Planning Commission Chairman Grant Sulham - AB10-20 – Ordinance D10-20 – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Updating the Critical Areas to Require Arborist's Reports when Trees are Removed, Topped or Trimmed in Critical Areas.

Commissioner Sulham said the proposed ordinance was developed to offer a way to prevent property owners from improperly removing trees in critical areas. The commission voted 6 to 1 to recommend approval of the proposed ordinance, which requires property owners to submit an arborist report before cutting trees in critical areas. Commissioner Sulham said the dissenting vote came from a commissioner who was concerned about owners having to go through this process to cut down a tree that grows on a previously cleared site. Planning Manager Stinson said she will remove 'interim ordinance' language, which was included in error. She said the City's municipal code includes provisions for mitigating tree clearing. Proposed Ordinance D10-20 requires owners to submit an arborist report to cut trees in critical areas, just as they would need geologist reports for steep slopes or wetland reports for wetlands on the property. Proposed Ordinance D10-20 was forwarded to the February 2, 2010 Workshop for discussion.

- e. ~~**Recommendation:** Planning Commission Chairman Grant Sulham – AB10-21 – Ordinance D10-21 – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Adding a New Chapter 18.19 to Title 18 of the Bonney Lake Municipal Code, Creating a High Density Residential Overlay Zone and Applying it to the Residentially Zoned Portion of the WSU Forest. Moved to Full Council Issues, Item B.~~

D. Agenda Modifications: None.

7:35:27

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Linda Youngberg, 8507 82nd St E, Bonney Lake, addressed proposed Ordinance D10-19. She described her experience with the Downtown plan and map as it relates to her property. She said she was surprised to learn her property was included on the map, but was not allowed to speak at the September 16, 2009 Planning Commission Meeting. She said she submitted a letter to be read into the record in October, but she said it was not read aloud and is unsure whether it was distributed to the Planning Commissioners. She also attended the Planning Commission meeting on October 21, 2009 but arrived after the public comment period and was not allowed to speak. She

read portions of the email she sent in October 2009 aloud, and presented a copy for the record. She said the City did not include her property before, and she would like it to be removed from the 'Downtown' designation. She said the City is welcome to make an offer on her property if it would like the site to serve as a gateway for the Downtown area. Mayor Johnson thanked Ms. Youngberg for her comments and said the item will be discussed at the February 2, 2010 Workshop and probably will be considered for action at the February 9, 2010 Council Meeting.

Raymond Frey, Halsen-Frey, Greenwood Partners, Eastown LLC, spoke on proposed Ordinance D10-18. He said the Planning Commission and staff members did a great job drafting the ordinance, basing it on the best parts of other cities' ordinances. He said the draft ordinance includes a requirement that a cottage development cannot be within 1 mile of another development. He said he did not notice this earlier and feels this is too restrictive. He suggested the Council consider restrictions of ½ mile or 1,000 feet instead, to allow more than two or three cottage developments in the entire city. Councilmembers discussed the intention behind cottage developments and the current market.

Councilmembers asked Mr. Frey about the status of the Greenwood development in Downtown. Mr. Frey said they are building units for rental townhomes now, but the units could be converted into condominiums in the future, if the market changes. He said he believes he could get financing for some cottage housing this year, and has already identified potential sites in the City.

Michelle Gunn, 8708 188th Ave E, Bonney Lake, spoke about proposed Ordinance D10-19. She said she attended meetings through 2007 when the City was developing its Downtown Design Standards. She said she was surprised at the time when her property and Ms. Youngberg's property, which is next door, were not included in the 'downtown' map. She said they met with Ms. Stinson and Community Services Director John Vodopich to discuss the issue. She said their properties are not eligible to use the Downtown Stormwater facility due to topography, and they were told they would get no benefit from being included in the Downtown Design standards. She said she was not notified until September 2009 that the map had changed to include part of Ms. Youngberg's property. She said the City should focus on the other end of Downtown and get projects done there before focusing on the other end of Downtown. In response to Councilmember questions, Planning Manager Stinson reiterated that the Downtown Design Standards adopted in 2007 include a map that shows part of Ms. Youngberg's property as being included in the 'Downtown area.'

Lora Butterfield, Chamber of Commerce, said the Chamber had its first luncheon at Swiss Hall, with over 50 attendees. Special Events Coordinator David Wells presented information on 2010 events and sponsorships. Councilmember Rackley also attended. The new Chamber website will be available soon. She said each luncheon in 2010 will focus on a specific issue or topic, with an overall focus on building businesses.

C. Correspondence: None.

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:00 p.m. earlier in the evening and discussed personnel updates and utility billing/lockbox services. Rex Bond from ARC Architects presented information on the proposed Public Works maintenance facility on 96th Street, including general design, costs and funding options.
- B. Community Development Committee: Councilmember Rackley said the committee has not met since the last Council meeting.
- C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council meeting.

D. Other Reports:

Pierce County Regional Council: Councilmember Rackley attended the PCRC meeting last week. Pierce County will receive \$75 million in additional federal stimulus funding; specific requirements for funding will be available in early February, for projects ready to bid by June 1, 2010.

SCADA Sources: Councilmember Rackley met with Public Works staff to discuss SCADA resources and water loss in the City water system. He said this ongoing project researches costs to remedy water loss, and he will provide more information to the Council as it becomes available.

Recycling: Councilmember Carter said staff informed her that the City saved over \$6,000 last year by recycling metal and equipment.

Bonney Lake Restaurants: Councilmember Carter highlighted a recent article in the News Tribune about restaurants in Bonney Lake, with a review of the new Zato Grill.

Prescription Discount Cards: Mayor Johnson spoke with Auburn Mayor Pete Lewis about the National League of Cities prescription discount card program. Mayor Lewis said it is a great program and is sending more information to Mayor Johnson.

Eastown Utilities: Mayor Johnson said he met with the Compass Pointe developers last week and will provide a full report to the Council at the February 2, 2010 Workshop. He said it was a positive meeting overall.

Sumner Sewer Treatment: Mayor Johnson spoke with Sumner Mayor Dave Enslow regarding the Sumner Wastewater Treatment Facility updates. He said Sumner is prepared to start on Phase 1 of the updates. He asked Council to think about costs, particularly if Bonney Lake is asked to pay more than 50%. He said this will be an issue for discussion at the Council Retreat in February. Councilmember Rackley said he spoke with Buckley Mayor Pat Johnson recently, and Buckley is interested in considering sewer treatment facility options with Bonney Lake.

- A. **Approval of Corrected Minutes:** Approval of Corrected Minutes: January 5, 2010 Workshop and January 12, 2010 Meeting Minutes.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #57666 thru 57717 (including wire # 12302009) in the amount of \$271,208.23; Accounts Payable checks/vouchers #57718 thru 57774 (including wire #'s 1152010 & 12152009) in the amount of \$994,690.14; Accounts Payable checks/vouchers #57775 for a Utility Refund in the amount of \$436.61.
- C. **Approval of Payroll:** Payroll for January 1-15th 2010 for checks 28721-28746 including Direct Deposits and Electronic Transfers in the amount of \$ 388,681.45.
- D. **AB10-17 – Resolution 2004** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Amendment and Extension to the Agreement with Pierce County for Emergency Management Services.
- E. ~~**AB10-29**~~ – A Motion of the Bonney Lake City Council Authorizing the City to Submit a Grant Application to the Plum Creek Foundation. *Moved to Finance Committee Issues, Item B.*

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

Consent Agenda approved 6 – 0.

8:16:49

V. FINANCE COMMITTEE ISSUES:

- A. **AB10-12 – Resolution 2001** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the City to Contract with Billing Document Specialists (Caldwell, ID) for Utility Billing and Lock Box Services.

Deputy Mayor Swatman said this item was discussed during Finance Committee earlier in the evening and should be pulled back to Committee for further review.

**Councilmember Rackley moved to table Resolution 2001 to Finance Committee.
Councilmember Decker seconded the motion.**

Motion to table approved 6 – 0.

- B. **AB10-29** – A Motion of the Bonney Lake City Council Authorizing the City to Submit a Grant Application to the Plum Creek Foundation. *Moved from Consent Agenda, Item E.*

Councilmember Rackley moved to approve AB10-29. Councilmember Decker seconded the motion.

Deputy Mayor Swatman said he pulled this item from the Consent Agenda because the agenda packet did not include a Finance Committee review page. He said this item did come before the Committee and was recommended unanimously. Executive

Assistant Brian Hartsell said the grant will supplement \$500 from the Senior Advisory Board with \$2,700 in grant funds to purchase automatic external defibrillators (AEDs) for the Senior Center and shuttle van. The grant does not require a financial obligation from the City, though staff must maintain their training certifications and check the equipment regularly. Deputy Mayor Swatman encouraged the City to consider purchasing AEDs for other City buildings.

Motion approved 6 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

8:20:44

VIII. FULL COUNCIL ISSUES:

- A. AB10-30 – Resolution 2009** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign the 2010 Lake Tapps Area Water Resources Agreement.

Councilmember Lewis moved to approve Resolution 2009. Councilmember Decker seconded the motion.

Mayor Johnson said the ‘Four Cities’ of Auburn, Bonney Lake, Buckley and Sumner worked together with Cascade Water Alliance (CWA) to create the proposed agreement. He said it is very positive item for Bonney Lake and hopes the cities will have a good partnership with CWA in the future. Deputy Mayor Swatman said the agreement includes two options for the City to acquire water: to purchase water from CWA from Tacoma Public Utilities (TPU) at a low price, or to purchase water rights in the White River Basin from CWA. The City would have to drill for and treat water it accessed from the White River Basin at an additional cost. He said this is a good option for the City, with lower fees to purchase TPU water and an option for new water source rights. Director Grigsby said the City’s agreement with TPU is from 2005 and includes an annual fee once the City starts purchasing water. The CWA agreement does not include these fees.

Director Grigsby said several small changes would probably be made to the draft agreement before the Mayor signs the final version. He said these changes will not affect Bonney Lake substantively, and the only major change affects the City of Buckley. Mayor Johnson assured the Council that if he finds any substantive changes affecting Bonney Lake appear in the final version, he will bring the agreement back to the Council for further review. Councilmember Carter noted that this version of the draft letter and agreement have been amended in several sections since the Council reviewed the item on January 19, 2010.

Motion approved 6 – 0.

- B. AB10-21 – Ordinance 1342** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Adding a New Chapter 18.19 to Title 18 of the Bonney Lake Municipal Code, Creating a High Density Residential Overlay Zone and Applying it to the Residentially Zoned Portion of the WSU Forest. *Moved from Presentations, Item E.*

Councilmember Decker moved to approve Ordinance 1342. Councilmember Hamilton seconded the motion.

Planning Manager Stinson said the proposed ordinance follows up with the WSU Development Agreement the Council approved on December 22, 2009 (Resolution 1991). The Planning Commission unanimously voted against recommending changes to R-3 zoning, and suggested consideration of a zoning overlay instead. Councilmember Carter said the description of the area covered by the overlay remains incomplete, and only includes the area south of SR 410 and east of South Prairie Rd, with no western delineation. She expressed concern about fire safety requirements and setbacks of only 10’ to 15’. Planning Manager Stinson confirmed that setbacks in other parts of the City are 20’.

**Motion approved 5 – 1.
Councilmember Carter voted no.**

IX. EXECUTIVE SESSION: None.

8:32:

X. ADJOURNMENT:

At 8:32 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Lewis seconded the motion.

Motion approved 6 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of January 26, 2010:

- Bonney Lake Citizen – *Email: “FW: Downtown,” October 6, 2009* – Linda Youngberg.



Memo

Date : October 7, 2009
To : Mayor and City Council
From : Randy McKibbon, Chair, Bonney Lake Planning Commission
CC :
Re : **Cottage Development**

BACKGROUND

A developer approached the City Council asking them to consider adopting Cottage Development regulations. City Council initiated the review of the Cottage Development Ordinance through adoption of the 2009 Planning Commission workplan. The Planning Commission proceeded to review Cottage Development ordinances from other jurisdictions, view plans and photographs from established cottage developments and visited several cottage developments that have been built in Snoqualmie and the City of Shoreline.

The Cottage Development that the Commission was most impressed with was designed by the Cottage Company. The Cottage Company's owner, Linda Pruitt, recommended the Kirkland Cottage Development Code and the draft before the City Council is largely based on Kirkland's code with some changes that the Commission thought were more appropriate for Bonney Lake.

The ordinance is drafted as an "interim" zoning ordinance to give the flexibility of expiring the code if developments were built based on the code that were not desirable in the city.

The Planning Commission recommends the Cottage Ordinance attached to this memo.

FINDINGS:

1. A Notice of Public Hearing was published in the Bonney Lake Courier Herald on September 1, 2009.
2. The Planning Commission held a public hearing on September 16, 2009 to receive testimony concerning the rezone. Public comment constituted a recommendation to approve from a developer and a concern by one citizen about developing cottages on Inlet Island.

3. An environmental determination of non-significance was issued on September 16, 2009. It was not appealed.
4. The Washington State Department of Community, Trade and Economic Development has completed their required review and had no comments.
5. The City's legal department recommended that this ordinance not be "interim" because interim codes are more difficult to administer.
6. The Planning Commissioners voted ____ to recommend the attached draft ordinance.

RECOMMENDATION:

The Bonney Lake Planning Commission therefore recommends to the City Council that the attached draft of the Cottage Ordinance

ORDINANCE NO. D10-18

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, RELATING TO AN INTERIM ZONING ORDINANCE TO REGULATE COTTAGE HOUSING

WHEREAS, The purpose of this interim zoning ordinance is to assess the viability of cottage housing in Bonney Lake; and

WHEREAS, the City of Bonney Lake desires to adopt provisions for Cottage Housing; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on September 16, 2009; and

WHEREAS, the Planning Commission conducted a public hearing on September 16, 2009; and

WHEREAS, the Planning Commission issued a recommendation for passage of this Ordinance on October 7, 2009; and

WHEREAS, a letter informing the state department of community trade and economic development was mailed on September 16, 2009, more than 60 days ago informing it about the possible adoption of this ordinance;

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

Section 1. BLMC Chapter 18.14.020 is hereby amended to read as follows:

18.14.020 Uses permitted outright.

The following uses may be permitted in an R-1 zone, subject to off-street parking requirements, bulk regulations and other provisions and exceptions set forth in this code:

- A. Residential Uses.
 - 1. Single-family residences, detached;
 - 2. Cottage Developments; provided the requirements of BLMC 18.39 are met.
- B. Educational Uses.
 - 1. Elementary school.
- C. Cultural, Religious, Recreational, and Entertainment Uses.
 - 1. Parks, opens space and trails;
 - 2. Churches of less than 250 seats; provided the requirements of BLMC 18.22.040 are met.
- D. Resource Management Uses.

- 1. Agriculture and orchards;
- 2. Forestry and tree farms;
- 3. Raising of livestock, small animals and fowl; provided the requirements of BLMC [18.22.060](#) are met.
- E. Transportation, Communication, Utilities.
 - 1. Public utility facility; provided, the requirements of BLMC [18.22.050](#) are met;
- F. Wireless communications facilities are permitted as principal or accessory uses provided the requirements of Chapter [18.50](#) BLMC are met.

Section 2. BLMC Chapter 16.14 Landscaping, is hereby amended to read as follows:

16.14.020 When landscaping is required.

In any zone, this chapter shall apply at the time of any land or cottage development or change of land use other than single-family residences or duplexes. (Ord. 1171 § 1, 2005).

16.14.090 Street frontages.

A. For subdivisions, four- to nine-lot short plats, cottage developments, and commercial developments, the proponent shall install street trees and Type III buffer along all street frontages.

B. The director(s) shall determine street tree species. Trees under power lines shall be of a species whose height at maturity is compatible with such location.

C. Street trees shall be at least two-inch caliper and shall be planted at least every 30 feet on center where practical.

D. Shrubs planted along street frontage shall be of species that when mature are less than 36 inches tall.

E. In pedestrian-oriented zones the director(s) may specify alternative street frontage buffers appropriate to the design guidelines for such areas.

F. See BLMC [16.14.140](#) for vision clearance triangle. (Ord. 1171 § 1, 2005).

Section 3. BLMC 14.20.010 Classification of Permits is hereby amended to read as follows

14.20.010 Classification.

Permits shall be classified according to which procedures apply. In the following table an “X” means that procedure (row) pertains to that type of permit (column).

	Type					
	1	2	3	4	5	6
Regulatory reform applies; that is, per RCW 36.70B.140, the city must issue a determination of completeness, etc.		X	X	X	X	X
Non-SEPA-exempt (SEPA threshold determination required)			X		X	X

Public hearing required				X	X	X
Hearing examiner recommends to city council						X

The above table, applied to permits issued pursuant to the Bonney Lake development code, results in the following list of permits by type.

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

Plat extensions				X		
Plat alterations or vacations						X
Preliminary plats (long plats, long subdivisions)						X
Subdivisions (short plat — SPT)		X	X			
Temporary permit	X					
Variance (zoning, public works, etc.)				X		

Section 4. BLMC Chapter 18.04 is amended to read as follows:

18.04.010 “A”.

“Abandonment” means to:

- A. Cease operation for a period of 60 or more consecutive days;
- B. Reduce the effective radiated power of an antenna by 75 percent for 60 or more consecutive days;
- C. Relocate an antenna at a point less than 80 percent of the height of an antenna support structure; or
- D. Reduce the number of transmissions from an antenna by 75 percent for 60 or more consecutive days.

“Accessory building” is a building secondary to the primary building on the premises upon the lot and not attached thereto.

“Accessory dwelling unit” is a second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate structure on the same lot as the primary dwelling for use as a complete, independent living facility with provision within the accessory unit for cooking, eating, sanitation, sleeping and entry separate from that of the main dwelling. Such a dwelling is an accessory use to the main dwelling. Accessory units are also commonly known as “mother-in-law” units, ~~or “carriage house.”~~

18.04.030 “C”.

“Camouflaged” means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure or new structure, tower, or mount within trees so as to be significantly screened from view or camouflaged to appear as a non-antenna structure (i.e., tree, flagpole with flag, etc.)

“Carriage House” means a commonly owned guest room, not to exceed 800 square feet in gross floor area, located in a community building in a cottage housing development that may contain sleeping and bathroom facilities.

“Cell site” or “site” means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory

buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.

“City center and view corridor area” means an area defined by the boundaries of the city center and the view corridor for Mt. Rainier along SR 410 from approximately 500 feet northwest of the intersection with Sumner/Buckley Highway (Bonney Lake Main Street to the dip in SR 410 just west of Angeline Road undercrossing (the point where Mt. Rainier disappears from view).

“Co-location” means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.

“Community Building” means a commonly owned structure designed for community use within a cottage or multi-family development.

“Community Space” means a room or set of rooms within a community building.

“Conditional use” means a use permitted in one or more classifications as defined by this title but which use because of characteristics peculiar to it, or because of size, technological processes, or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demand upon public facilities, required a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zones or zones, and to assure that such use shall not be harmful to the public interest.

“Conditional use permit” or “CUP” means the documented evidence of authority granted by the hearing examiner to locate a conditional use at a particular location.

“Condominium” means a multiple-family dwelling and its accessory uses and grounds in which each dwelling unit is individually owned, and all or any part of the dwelling structure, accessory uses and grounds are owned cooperatively by the owners of said dwelling units, and maintenance functions are performed by required subscriptions from said owners.

“Convalescent home,” see “Nursing home”.

“Cottage Development” or “Cottage Housing Development” means a development with detached, single-family dwelling units arranged in a cluster with other cottages on a common lot facing a common open space according to the requirements of BLMC Chapter 18.39.

“COW” means “cell on wheels.”

Section 5. A new Chapter 18.39 BLMC, Cottage Housing Development, is hereby added to read as follows:

Chapter 18.39

COTTAGE HOUSING DEVELOPMENT

Sections:

[18.39.010](#) User Guide

18.39.020 Voluntary Provisions and Intent

[18.39.030](#) Parameters for Cottages and Carriage Units

[18.39.040](#) Community Buildings and Community Space in Cottage Developments

[18.39.050](#) Design Standards and Guidelines

18.39.060 Review Process

[18.39.070](#) Additional Standards

18.39.010 User Guide

This chapter provides standards for alternative types of housing in single-family zones. If you are interested in proposing cottages or you wish to participate in the City's decision on a project including these types of housing units, you should read this chapter.

18.39.020 Voluntary Provisions and Intent

The provisions of this chapter are available as alternatives to the development of typical detached single-family homes. These standards are intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.

18.39.030 Parameters for Cottages and Carriage Units

	Cottage	Carriage
Max Unit Size ¹	1,500 square feet ²	800 square feet
Density	2 times the maximum number of detached dwelling units allowed in the underlying zone ^{3,4}	
Development Size	Min. 4 units Max. 12 units	A carriage house may be included when a cottage housing development. ⁵
Review Process	Type 3	
Location	Developments containing cottage homes may not be located closer than one mile to another cottage development measured from the closest property line.	
Minimum Lot Size	Beyond density restrictions, there is no required minimum lot size for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)	
Parking Requirements	Units under 700 square feet: 1 space per unit	
	Units between 700 – 1,000 square feet: 1.5 spaces per unit	

	Units over 1,000 square feet: 2 spaces per unit. Must be provided on the subject property.	
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' Other: 10'	Allowed when included in a cottage project.
Lot coverage (all impervious surfaces) ⁶	50%	Allowed when included in a cottage project.
Garages	Cottage developments must include one enclosed parking space per cottage/ preferably built within a common building or buildings	
Refuse Containers	At least one and not more than two accessory buildings shall be constructed within each Cottage Development large enough to accommodate garbage and recycling bins for each unit in the development. This building is encouraged to be attached to a garage.	
Height		
Dwelling Units	25' (R-1) maximum (where minimum roof slope of 6:12 for all parts of the roof above 18' are provided). Otherwise, 18'	
Garages	Must be enclosed, One story, not to exceed 18', minimum interior length of 20 ft.	
Tree Retention	Standards contained in BLMC Chapter 16.13 for Tree Retention and replacement shall apply to development approved under this chapter. Existing native trees are encouraged to be retained in perimeter landscaping buffers.	
Common Open Space	Minimum 400 square feet per unit required	
Community Buildings	Community buildings are encouraged, not to exceed height of cottages within the development	
Attached Covered Porches	Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 8' on all sides.	
Development Options	Condominium Rental or Ownership	
Accessory Dwelling Units (ADUs)	Not permitted	

¹ A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space may not be converted to habitable space.

² Maximum size for a cottage is 1,500 square feet.

- ³ Existing detached dwelling units may remain on the subject property and will be counted as units.
- ⁴ When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction.
- ⁵ Carriage units may be included within a cottage housing proposal to be reviewed through a Type 3 process;
- ⁶ Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

18.39.040 Community Buildings and Community Space in Cottage Developments

Community buildings and community space are encouraged in cottage developments.

- A. Community buildings or space shall be clearly incidental in use and size to the dwelling units.
- B. Building height for community buildings shall be no more than one story. Where the community space is located above another common structure, such as a detached garage or storage building, standard building heights apply.
- C. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

18.39.050 Design Standards and Guidelines

A. Orientation of Dwelling Units

Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to “turn its back” on the surrounding neighborhood.

1. Each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space.
2. Each dwelling unit abutting a public right-of-way (not including alleys) shall have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way, or a Type I landscaping strip as defined by BLMC 16.14.060. If a dwelling unit abuts more than one public right-of-way, the City shall determine to which right-of-way the inviting facade shall be oriented.

B. Required Common Open Space

Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

1. Each area of common open space shall be in one contiguous and usable piece with a minimum dimension of 20 feet on all sides.
2. Land located between dwelling units and an abutting right-of-way or access easement greater than 21 feet in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.
3. Required common open space may be divided into no more than two separate areas per cluster of dwelling units.
4. Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
5. Fences with a maximum height of 24” are permitted to separate the private and public open space areas, otherwise, fences may not be located within the required open space.
6. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.
7. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:
 - a. The open space shall be located so that it will be surrounded by cottages on at least two sides;
 - b. At least 75 percent of the units in the development shall abut a common open space. A cottage is considered to “abut” an area of open space if there is no structure between the unit and the open space.
 - c. Common open space shall have no slope.
 - d. Utility boxes shall not be located in the common open space.

8. Surface water management facilities shall be limited within common open space areas. Low Impact Development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for a variety of activities. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.

C. Private open space.

Each dwelling unit shall provide a minimum of 400 square feet of private front yard space.

1. Examples include lawn area, courtyards and patios.
2. No dimension of a private open space area used to satisfy the minimum square footage requirement shall be less than nine feet.

D. Landscaping

Along property lines not adjacent to a street, cottage developments shall include Type I landscaping buffers in accordance with BLMC 16.14.060

E. Shared Detached Garages and Surface Parking Design

Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

1. Shared detached garage structures may not exceed four garage doors per building, and a total of 1,200 square feet.
2. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
3. Shared detached garage structures and surface parking areas must be screened from public streets and adjacent residential uses by landscaping or architectural screening.
4. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
5. Surface parking areas may not be located in clusters of more than four spaces. Clusters must be separated by a distance of at least 20 feet.

F. Low Impact Development

The proposed site design shall incorporate the use of low impact development (LID) strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

1. Preservation of natural hydrology.
2. Reduced impervious surfaces.
3. Treatment of stormwater in numerous small, decentralized structures.
4. Use of natural topography for drainageways and storage areas.
5. Preservation of portions of the site in undisturbed, natural conditions.
6. Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

G. Carriage Units within Cottage Projects

Carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

H. Variation in Unit Sizes, Building and Site Design

Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.

1. Projects should include a mix of unit sizes within a single development.
2. Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

I. Pedestrian Flow through Development

Pedestrian connections should link all buildings to the public right-of-way, common open space and parking areas.

18.39.060 Review Process

A. Approval Process – Cottage Housing Development

1. The City will process an application for cottage development through a Type 3 process, BLMC 14.50.

2. Neighborhood Meeting

- a. Applicants for cottage developments submitted under this ordinance shall schedule and host a neighborhood meeting. The neighborhood meeting shall be held within thirty (30) days following submittal of the proposal.
- b. The purpose of the neighborhood meeting shall be to inform nearby property owners of the proposed development.
- c. The applicant shall mail written notice of the neighborhood meeting to all property owners within 600 feet of the proposed project and shall publish notice in at least one (1) local newspaper at least ten (10) days prior to the meeting. Any alleged failure of any property owner to actually receive the notice of neighborhood meeting shall not invalidate the proceedings.
- d. At the neighborhood meeting, the applicant shall present the proposed development to interested residents and solicit their comments. Within thirty (30) days of the neighborhood meeting, the applicant shall submit a narrative to the City, summarizing and addressing comments received at the meeting. The applicant may submit revisions to the proposal based on neighborhood comments.

3. Lapse of Approval

Unless otherwise specified in the decision granting Type 3 approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the Type 3 approval within one year after the final decision granting the approval or that decision becomes void. The applicant must substantially complete construction consistent with the Type 3 approval and complete all conditions listed in the Type 3 approval decision within three years after the final decision on the Type 3 approval or the decision becomes void. "Final decision" means the final decision of the Community Development Director.

4. Extensions

The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (A)(3) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (A)(3) of this section. The letter of application must be submitted to the Community Development

Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the Type 3 approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (A)(3) of this section.

B. Approval Process – Carriage Units

1. Developments containing carriage units that are part of a cottage project shall also be reviewed through a Type 3 process.
2. The lapse of approval and extension provisions in subsections (A)(3) and (A)(4) of this section also apply to carriage unit development approved under the Type 3 process.

C. Approval Process – Requests for Modifications to Standards

1. Minor Modifications

Applicants may request minor modifications to the general parameters and design standards set forth in this chapter. The Community Development Director may modify the requirements if all of the following criteria are met:

- a. The site is constrained due to unusual shape, topography, easements or sensitive areas.
- b. The modification is consistent with the objectives of this chapter.
- c. The modification will not result in a development that is less compatible with neighboring land uses.

D. Review Criteria

1. The applicant must demonstrate that:
 - a. The proposal is compatible with and is not larger in scale than surrounding development with respect to size of units, building heights, roof forms, setbacks between adjacent buildings and between buildings and perimeter property lines, number of parking spaces, parking location and screening, access and lot coverage.
 - b. Any proposed modifications to provisions of this chapter are important to the success of the proposal as an alternative housing project and are necessary to meet the intent of these regulations.

18.39.070 Additional Standards

- A. Impact fees under BLMC Chapter 19 for the proposed project shall be assessed at the rates for multifamily dwelling units.

B. The City's approval of a cottage housing development does not constitute approval of a subdivision or short plat. An applicant wishing to subdivide in connection with a development under this chapter shall seek approval to do so concurrently with the approval process under this chapter. To the extent there is a conflict between the standards set forth in Title 17 of the Bonney Lake Municipal Code, the standards set forth in this chapter shall control. A lot that has existing cottage development may not be subdivided unless all of the requirements of the Zoning Code and Title 17 of the Bonney Lake Municipal Code are met.

Section 7. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 8. This Ordinance shall be effective for eighteen (18) months and thereafter may be renewed for one or more six (6) month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 9. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

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

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

ORDINANCE NO. D10-19

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, UPDATING THE DOWNTOWN DESIGN STANDARDS BOUNDARY MAP

WHEREAS, The purpose of updating the Downtown boundary map is to improve administration and project review; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on September 16, 2009; and

WHEREAS, the Planning Commission conducted a public hearing on September 16, 2009; and

WHEREAS, the Planning Commission issued a recommendation for passage of this Ordinance on October 21, 2009; and

WHEREAS, a letter informing the state department of community trade and economic development was mailed on September 16, 2009, more than 60 days ago informing it about the possible adoption of this ordinance;

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

Section 1). Figure 1 of the Downtown Design Standards is hereby replaced with the attached map.

Section 2). If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 3). This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

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

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

**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> 02 Feb 2010	<u>Agenda Bill Number:</u> AB10-20
<u>Ordinance Number:</u> D10-20	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Ordinance requiring arborist's reports for cutting trees on steep slopes

Proposed Motion: Updating the Critical areas ordinance to require arborist's reports when trees are removed, topped or trimmed in critical areas.

Administrative Recommendation: Approve the ordinance as recommended by the Commission.

Background Summary: City Council asked the Planning Commission to review BLMC in regards to illegal tree cutting in areas with significant views. During their review, the Planning Commissioners concluded that the current BLMC adequately addresses tree cutting through regulating critical areas, tree cutting and permitting and it was the general opinion of the Commissioners that the issue is better resolved through education of the public. The one changed proposed by the Commissioners is requiring arborist's reports when trees are cut in critical areas. The attached ordinance reflects this proposed change to BLMC.

The provision for making the ordinance effective for 18 months that was in the version of the ordinance the City Council saw on January 26th has been removed from the attached version.

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

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: -
Commission/Board Review Date: Planning Commission -21 Oct 2009
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s):	Public Hearing Date(s): 04 Nov 2009
Meeting Date(s): 26 Jan 2010	Tabled To Date:

Signatures:

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed
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ORDINANCE NO. D10-20

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, UPDATING THE CRITICAL AREAS ORDINANCE TO REQUIRE ARBORIST'S REPORTS WHEN TREES ARE REMOVED, TOPPED OR TRIMMED IN CRITICAL AREAS

WHEREAS, The purpose of this ordinance is to further protect critical areas by requiring arborist's reports for the removal, topping or trimming of trees in critical areas; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on October 14, 2009; and

WHEREAS, the Planning Commission conducted a public hearing on November 4, 2009; and

WHEREAS, the Planning Commission issued a recommendation for passage of this Ordinance on October 21, 2009; and

WHEREAS, a letter informing the state department of community trade and economic development was mailed on October 14, 2009, more than 60 days ago informing it about the possible adoption of this ordinance;

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

Section 1. BLMC Chapter 16.20.090 is hereby amended to read as follows:

16.20.090 Critical area reports.

Unless waived by the director(s), critical area reports shall be prepared for nonexempt proposed developments located within critical areas or their buffers. Said critical area reports shall:

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

1. Wetlands: wetland biologist.
2. Critical aquifer recharge areas: hydrogeologist, geologist, or engineer.
3. Floodplains: hydrologist or engineer.
4. Geologically hazardous areas: engineer or geologist.
5. Fish and wildlife habitats: biologist.
6. Tree removal in critical areas: certified arborist

B. Incorporate best available science.

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

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

1. Name and contact information of the applicant, description of the proposed development, and identification of required permits;
2. Site plan drawn to scale showing critical areas, buffers, existing structures, and proposed structures, clearing, grading, and stormwater management;
3. Characterization of critical areas and buffers;
4. Assessment of the probable impact to critical areas;
5. Analysis of site development alternatives;
6. Description of efforts to avoid, minimize, and mitigate impacts to critical areas pursuant to BLMC [16.20.130\(E\)](#) ("sequencing");
7. Mitigation plans as needed, in accordance with BLMC [16.20.110](#);
8. Evaluation of compliance with this critical areas code's substantive requirements applicable to the proposed development;
9. Financial guarantees to ensure compliance, such as a performance bond or deposit, if necessary;
10. Additional information as required in the chapter corresponding to the type of critical area;
11. Documentation of who prepared the report and when, with fieldwork and data sheets;
12. Statement specifying the accuracy of the report and assumptions relied upon; and
13. Additional information as required by the director(s). (Ord. 1070 § 2, 2004).

Section 4. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 5. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2010.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date: