

CITY COUNCIL WORKSHOP

**September 21, 2010
5:30 p.m.**

AGENDA



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.

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

Page

I. Call to Order:

Mayor Neil Johnson

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. Council Open Discussion

3-12

B. Review of Council Minutes: September 7, 2010 Council Workshop; and September 14, 2010 Council Meeting.

13-23

C. Discussion: AB10-149 – Ordinance D10-149 - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Bonney Lake Municipal Code Chapter 18.04, 18.36 And 18.37 To Clarify Uses Allowed In The Downtown Core And Downtown Mixed Zones

25-28

D. Discussion: AB10-152 – Ordinance D10-152 - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending The Bonney Lake Downtown Design Standards As Referenced In BLMC 18.35 To Exempt Accessory Buildings Associated With Existing Single Family Uses From The Standards

IV. Executive Session:

Executive Session: Pursuant to RCW 42.30.110(c), The City Council may hold an executive session to consider the minimum price at which real estate will be offered for lease. The anticipated length will be announced prior to the session.

V. Adjournment:

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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.

COUNCIL WORKSHOP

September 7, 2010
5:30 p.m.

DRAFT MINUTES



“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

Audio Time
Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd, Bonney Lake.

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 Harwood 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.

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

III. Agenda Items:

5:33:11

A. Council Open Discussion:

Bonney Lake Days: Councilmember Rackley said he spoke to Costco representatives during Bonney Lake Days and that a concern of theirs is the Transportation Impact Fees. He asked Mayor Johnson if Costco has been made aware of the rebate program. Mayor Johnson stated that Costco is fully aware of all the incentives that the City has available and that the City is willing to negotiate further.

Resolution 2058: Councilmember McKibbin asked if Council would be voting on Resolution 2058 – Design of the Eastown Lift Station, at the September 14th Council Meeting. Mayor Johnson said that this resolution is scheduled to be voted on at the next meeting.

Citizen Comprehensive Plan Amendment Requests: Deputy Mayor Swatman asked if citizen Comprehensive Plan Amendment requests are due next year. Director Vodopich confirmed that was the case. Deputy Mayor Swatman expressed concern that if one business in an area petitions for their property to be zoned commercial, the City needs to have all the businesses in the area work together so that others do not come forward after the amendment is done and wish to be added on. He hopes that the City could get the property owners at 192nd to do a similar development agreement as was done with the WSU forest area so the right-of-way agreement, utilities available, and property exchange could be taken care of in one document, and the property owners and the City would all be on the same page. Councilmember Rackley agreed that it is a good idea but said he would like the City to purchase the

right of way needed by the city before zoning is changed. Deputy Mayor Swatman stated it is his understanding that citizens in that area are planning on bringing this Comprehensive Plan Amendment forward and wanted to make sure that they do it as a group, not one property at a time. Councilmember Carter said the property owners have attended a Planning Commission meeting on this issue. She stated that Director Grigsby has maps for the Eastown area that show everything present and planned for in the area, and that a similar map would be helpful for planning the Midtown area.

2011 – 2012 Budget: Deputy Mayor Swatman said he was quoted in the paper as saying that “it is unreasonable to close the budget gap with cuts alone”. He wanted to make it clear that he is not in favor of using the fund balance long term, and wants to have a balanced budget by end of 2012. Deputy Mayor Swatman thanked the Administration and Mayor for being willing to hear from council before the Mayor submits his budget. Councilmember Hamilton said he is encouraged that the Mayor plans to work out a budget where the Fund Balance does not go below \$3.5 million. Councilmember Lewis said he agrees with the other councilmembers in a balanced budget by 2012. He does not want to see a scenario where we are spending more than we bring in consecutively every year. Councilmember McKibbin stated that he feels the City would need to exhaust the fund balance before the Council should consider raising taxes.

Reed Property: Councilmember Carter stated that she liked using the Reed property for the Special Budget Meeting. She asked if the City could use the different properties in this manor more often and for outside groups. She said she wants to see the Council getting creative with ideas for increased revenue to the City. Mayor Johnson said the property is not ready to be rented. Staff is working on the required upgrades to make the property safe and usable, but it will take time. Mayor Johnson stated that they are looking at all the properties that the City currently has and ways to use them that is in the best interest of the City.

Councilmember Hamilton asked if the City still has regular meetings with Cascade Water Alliance. Mayor Johnson stated that Director Grigsby and himself stay in contact with CWA. Councilmember Hamilton said it is important to continue to talk about the long-term plan of the City to use the Reed Property as a trailhead for the Fennel Creek Trail. In addition, he said a few citizens have voiced concerns that CWA is discouraging recreational use of the road by putting up fences and full time security. At this time, he has not heard of anyone who has been asked to leave. He would like to see this concern brought up in a discussion with CWA to ensure that they are in line with the long-term plan of the City. Mayor Johnson stated that CWA’s concerns relate to liability, security, vandalism and garbage in the lake. He feels there will probably need to be a hold harmless agreement between CWA and the City of Bonney Lake, City of Buckley and Pierce County.

Councilmember Decker said he is happy that the City has moved forward with the purchase of the Reed Property, which was opposed by past administrations. Deputy Mayor Swatman requested a copy of the timeline for obtaining the water rights for the Reed property. Mayor Johnson said more information on this will be provided to Council.

Sumner School District: Councilmember Carter reported that Lakeridge Middle School will have a ribbon cutting ceremony at 4:30p.m. on Wednesday, October 13th and an open house afterwards with a 6:00p.m. dedication ceremony. She asked that

everyone vote for Bonney Lake High School for “Game of the Week” on KING 5 News.

192nd Safe Routes to School: Councilmember Lewis commended Director Grigsby and his staff for their work on the 192nd Avenue sidewalk for the Safe Routes to School project. He said parents commented on how much more convenient and safe the new sidewalks make the area.

Eastown Tour: Councilmember McKibbin thanked Director Grigsby for taking him, Councilmember Lewis and Deputy Mayor Swatman on the windshield tour of Eastown and the Reed Property.

Police Activity: Councilmember Rackley commended the police department on the increased arrests of drunk drivers recently.

6:03:46

- B. **Review of Council Minutes:** August 17, 2010 Workshop; August 24, 2010 Adjourned Workshop; August 24, 2010 Regular Meeting; and August 31, 2010 Special Meeting.

Councilmember Carter noted that on the August 24, 2010 minutes, p.3, states “prevents” drag boats instead of “governs” drag boats, and asked that this change be made.

6:06:07

- C. **Discussion:** AB10-142 - Resolution 2067 - A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington Authorizing the Mayor to Sign the Eastown Sewer Lift Station 26 Site Utility Easement and Access Agreement with Charlotte Kontos.

Director Grigsby explained the comparable property costs in the area. He stated the short-term cost of providing the easement to the City is only for relocating the utilities and the long-term cost will be maintaining the road.

Councilmember Rackley said that if the City had to start over with this process and try to purchase the property instead of trading for it, a property appraisal would be needed. Deputy Mayor Swatman stated his concern that the value of the trade is not specifically spelled out in the agreement, and he wants to make sure that it will be a benefit to the city in the future. He expressed concern that other property owners would be able to use this agreement to force the City to give them similar concessions. He also said the City is paying too high a price for this easement.

Mayor Johnson asked Director Grigsby to get an estimate of the cost for moving the utilities. Director Grigsby stated this agreement is unique and other property owners would not be able to compare it to their property for future easements. He said the City is getting two separate items from this agreement, an easement and access to the State property. He stated in negotiations like this, the homeowner can request anything they want to close the deal.

Councilmember Lewis said he is concerned about the limit of two years for work to be completed in the agreement. He said he wants to make sure the City will not be held liable if it takes longer than two years. City Attorney Dionne stated if the work is reasonably going to take more than two years then the City should add language to the agreement such as “or such other times as is reasonable under the circumstances”. Councilmember Decker asked Staff to clarify that the County told the City it is unlikely that additional areas will be added to the CUGA in the next

16-18 years. Director Grigsby stated that was correct, however the City’s intent is to continue squaring off the city limits.

Director Grigsby said this easement is needed in order to design the lift station, since it provides access to the site. Councilmember Hamilton expressed concern that the SDC and other fees are waived indefinitely, and would like a termination date to be added. Director Grigsby stated Ms. Kontos could benefit from this agreement in a future utility latecomers agreement. He said he would add a termination date to the waived fees section of the agreement. This item was forwarded to the September 14, 2010 Council Meeting.

6:36:21

D. Discussion: AB10-137 - Finish Appearance of Downtown SR410 Retaining Wall

Director Grigsby stated that when the improvements to SR410 and Sumner-Buckley Hwy E are made, part of the hillside will be removed, requiring a retaining wall. He asked for the Council’s input on the design of the retaining wall. Councilmember Rackley expressed concern about the cost. Councilmember Carter said using the same art we already use at the City Parks would create continuity and could save the City money. Councilmember Lewis expressed his concern about graffiti and vandalism. He said he would like to see the panel with the logo on it lighted. Director Grigsby said that the “Fractured Finn” option would be the easiest to clean up in case of graffiti. He said the funding for this project is contingent on the outcome of the Cascadia bankruptcy proceedings and grant funding.

Council consensus was to use an uneven surface or “Fractured Finn” for all the panels except one, which will have the City logo.

IV. Executive Session: None.

6:52:46

V. Adjournment:

At 6:52p.m. Councilmember Lewis moved to adjourn the Workshop. Councilmember Carter seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to Council at the September 7, 2010 Workshop: None

CITY COUNCIL MEETING

**September 14, 2010
7:00 P.M.**

DRAFT MINUTES



"Where Dreams Can Soar"

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Audio Time
Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:01 p.m.

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

B. Roll Call:

Administrative Services Director/City Clerk Harwood 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 Jim Rackley.

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

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. **Proclamation:** Beautify Bonney Lake Day - September 18, 2010

Mayor Johnson proclaimed Saturday, September 18, 2010 as Beautify Bonney Lake Day, and presented the proclamation to Beautify Bonney Lake board member Lillian McGinnis. She thanked the Mayor, Council and staff for their support and leadership, and presented the City with a certificate of appreciation from BBL. Mayor Johnson encouraged citizens to participate in this year's event.

b. **Planning Commission Recommendation:** AB10-149 - Ordinance D10-149 - Amending the Bonney Lake Municipal Code to Clarify Uses Allowed in the Downtown Core and Downtown Mixed Zones.

Planning Commissioner Chaz Rawlings offered to answer Council questions about the proposed ordinances. Deputy Mayor Swatman asked how the Commission developed its list of allowed uses, and whether it allows flexibility to allow other uses that are not included. Chairperson Grant Sulham said the Commission felt it is better to provide a list of

approved uses to guide staff, rather than using vague language about uses that generally benefit the City. Councilmember McKibbin said the ordinance defers to the Director’s discretion when approving similar uses, but he does not favor this wording. The item was forwarded for discussion at a future Council workshop.

- c. **Planning Commission Recommendation:** AB10-152 - Ordinance D10-152 - An Ordinance Amending the Bonney Lake Municipal Code and Bonney Lake Downtown Design Standards to Exempt Accessory Buildings Associated with Existing Single Family Uses from the Standards.

The item was forwarded for discussion at a future Council workshop.

D. Agenda Modifications:

Deputy Mayor Swatman moved to add AB10-154, setting a public hearing, to the agenda under Finance Committee Issues, Item B. Councilmember Rackley seconded the motion.

Motion to modify the agenda approved 7 – 0.

7:13:01

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

George Brown, 8410 Locust Ave, Bonney Lake, asked when the Council will discuss the ordinances recommended by the Planning Commission. He said he wants to review the ordinance and make comments for the Council. Mayor Johnson said they should appear on the September 21, 2010 Workshop agenda.

Brad Doll, 20212 101st St E, Bonney Lake, is president of the Ponderosa Estates HOA. He said HOA members have asked when the City will start holding town hall style meetings for residents to get information about annexation. He said he would be happy to participate and get information out to residents. Deputy Mayor Swatman asked Mr. Doll to find out from his neighbors what dates and times would work best for them so the City can plan informational meetings.

C. Correspondence: None.

7:16:07

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 personnel updates and the upcoming WCIA Human Resources audit, and forwarded Resolution 2069 and Resolution 2071 to the current agenda. He said he continues to monitor the budget carefully. The committee

also reviewed its minutes and reviewed options for phones in the Interim Justice Center as presented by Information Services Coordinator Chuck McEwen.

- 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 met on September 13th and Deputy Police Chief Powers presented a proposed change to the property crimes ordinance based on new State legislation. Assistant City Attorney Sarah Hale reviewed the City's nuisance code and possible changes. The Committee is using the City of Sumner's dangerous dog ordinance as a template for revisions to the Bonney Lake code. The committee also discussed a proposed helmet law that would require bicyclists and skateboarders to wear helmets. The Committee is working on a proposal to use grant funds to turn a part-time Community Services Officer position into a full-time officer, so she would spend about 20 hours per week on the Washington State Auto Theft task force. Finally, the Church Lake Boating Advisory Committee is working on a proposed boat noise ordinance.

D. Other Reports:

Shoreline Management Master Plan: Councilmember Carter said the Shoreline Management Master Plan Advisory Committee is hosting a public meeting on October 18th at 6:30 p.m. at the Senior Center. She encouraged councilmembers and the public to attend so they can meet committee members and learn more about proposed updates to the plan.

Dog Park Opening: Mayor Johnson said the Viking Dog Park ribbon cutting ceremony has been scheduled for Saturday, September 25, 2010 at 9:00 a.m.

Futures Conservation Grant: Mayor Johnson said the City's application for grant funding is currently ranked 2nd for the Fennel Creek Property project. He said the City applied for \$750,000 and he is hopeful the City will be awarded funds.

Census 2010: Mayor Johnson said the City received a plaque for its participation in the 2010 Census. Councilmember Rackley said the Census Bureau was able to complete the 2010 census under budget, which saved federal funds.

Pierce Transit Update: Mayor Johnson said the Pierce Transit Board voted to increase regular adult transit fares to \$2.00, but did not raise rates for seniors, disabled people and youth. He said he led the push to keep rates for seniors and disabled persons lower, and he will update the Council on any new information.

7:26:41

IV. CONSENT AGENDA:

- A. **Approval of Minutes**: August 17, 2010 Workshop; August 24, 2010 Adjourned Workshop; August 24, 2010 Regular Meeting; and August 31, 2010 Special Meeting.
- B. **Approval of Accounts Payable Checks/Vouchers**: Accounts Payable Checks/Vouchers #59275 thru 59320 (including wire transfer #2010716) in the

amount of \$680,520.81; Accounts Payable checks/vouchers #59321 for a utility refund in the amount of \$70.75; Accounts Payable checks/vouchers #59322 thru 59372 (including wire transfer #s 7022010, 7082010, 8032010, 8042010, 8172010 and 20100816) in the amount of \$151,995.15; Accounts Payable checks/vouchers #59373 thru 59382 (including wire transfer # 6263428) in the amount of \$49,684.70; Accounts Payable checks/vouchers #59383 thru 59384 in the amount of \$10,259.99; Accounts Payable checks/vouchers #59385 thru 59435 (voiding check #59396 and including wire transfer #'s 71152010, 8152010, 8182010 and 9012010) in the amount of \$1,000,518.53; Accounts Payable checks/vouchers #59436 in the amount of \$1,058.70; Accounts Payable checks/vouchers #59437 (replacing check #59396) in the amount of \$373.95; Accounts Payable checks/vouchers #59436, and #59438 thru #59495 in the amount of \$284,130.71.

- C. **Approval of Payroll:** August 16-31 2010 for checks 29257-29302 including Direct Deposits and Electronic Transfers in the amount of \$ 591,497.00.
- D. **AB10-106 - Resolution 2048** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Powercom To Install Network And Cable TV Cabling In The Interim Justice Center For \$10,700.74 Plus Tax.

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

Consent Agenda approved 7 – 0.

7:26:46

V. FINANCE COMMITTEE ISSUES:

- A. **AB10-146 - Resolution 2069** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement With The Town of Wilkeson For Planning Services.

Councilmember Decker moved to approve Resolution 2069. Councilmember Lewis seconded the motion.

Mayor Johnson said this is the City's third interlocal agreement to provide staff services to another city. He said these agreements are a great way to best utilize Bonney Lake staff time while helping other cities meet their staffing needs.

Resolution 2069 approved 7 – 0.

- B. **AB10-154** – A Motion of the City Council of the City of Bonney Lake, Pierce County, Washington, Setting a Public Hearing at 7:00 p.m., or as soon thereafter as possible, During the Regular Council Meeting of September 28, 2010, for the Development Agreement Between the City and MCA Investments, LLC, Bonlak Investors, LLC, and Bonney Lake Capitol Investors, LLC for the Bonney Lake Retail Center. *Added to the agenda during Agenda Modifications, above.*

Deputy Mayor Swatman said the Finance Committee discussed the proposed motion at its meeting earlier in the evening, and unanimously recommended scheduling the Public Hearing. He said the proposed agreement will come forward for Council discussion and action at a future Workshop and Meeting after the hearing.

Motion approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: *None.*

VII. PUBLIC SAFETY COMMITTEE ISSUES: *None.*

7:28:41

VIII. FULL COUNCIL ISSUES:

- A. AB10-125 – Resolution 2058** – A Resolution Of The City Council Of The City of Bonney Lake, Pierce County, Washington, Authorizing A Contract With RH-2 For The Design Of The Eastown Sewer Service Area Study, Eastown Sewer Lift Station Design And Lift Station 18 Improvements.

Councilmember Lewis moved to approve Resolution 2058. Councilmember Rackley seconded the motion.

Mayor Johnson said the Council has been working on the system design for some time. Deputy Mayor Swatman said it is unfortunate that a private group was unable to move forward with the project, which might have been simpler and less expensive overall. He said it is important to extend sewer services to Eastown so it can begin to develop, and the City has stepped in to get it done. He thanked Director Grigsby for his efforts to coordinate sewer development in Eastown, answering questions from Council and residents, and taking care of the details. Councilmember Hamilton said he supports the proposed project, which shows the City's commitment to Eastown. Councilmember Lewis also spoke in support of the project and said he hopes timing works well so the area can start developing as the economy improves.

**Resolution 2058 approved 6 – 1.
Councilmember McKibbin voted no.**

- B. AB10-142 - Resolution 2067** - A Resolution Of The City Council Of The City of Bonney Lake, Pierce County, Washington Authorizing The Mayor To Sign The Eastown Sewer Lift Station 26 Site Utility Easement And Access Agreement With Charlotte Kontos.

Councilmember Decker moved to approve Resolution 2067. Councilmember Rackley seconded the motion.

Councilmember Hamilton moved to amend the agreement language to the version reviewed at the August 24, 2010 Council Meeting. Councilmember Rackley seconded the motion.

Councilmember Rackley said he supports the amendment and asked City Attorney Dionne if he has any concerns with the previous version reviewed by Council. The City Attorney said he has no legal concerns about the agreement, but noted that the Council had expressed concerns about the two year timeline and other language. He said Director Grigsby seems confident that the work will be completed within two years.

Councilmember Hamilton said the changes he had requested are not critical and the prior version of the agreement was already signed by the property owner. Deputy Mayor Swatman suggested the Council wait to act on the resolution at the next Workshop so they can review the proposed language. Councilmember Hamilton said the Council already reviewed this version of the agreement at a previous Workshop and he does not feel it is necessary to delay action for another week.

Amendment approved 7 – 0.

Deputy Mayor Swatman reiterated his interest in tabling the item to the September 21st Workshop for action. Councilmember Lewis said he asked to table the item at the August 24th Workshop, but is now comfortable with approving the agreement as presented. Councilmember Rackley said the Council previously reviewed this version of the agreement, and he is comfortable taking action.

**Resolution 2067 approved as amended 5 – 2.
Councilmember McKibbin and
Deputy Mayor Swatman voted no.**

IX. EXECUTIVE SESSION: *None.*

7:39:56

X. ADJOURNMENT:

At 7:39 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Lewis seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of September 14, 2010:

- City of Bonney Lake Staff –AB10-154 (*Motion to set a Public Hearing on September 28, 2010 at 7:00 p.m. for the Bonney Lake Retail Center Development Agreement*) – Executive Assistant Brian Hartsell.



Memo

Date : June 16, 2010
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
CC :
Re : **Changes to Downtown Core and Downtown Mixed Zoning**

BACKGROUND

In 2009 City Council approved an addition to the Planning Commission Workplan that would update Downtown Core (DC) and Downtown Mixed (DM) Zoning. Initiation of these changes came from staff who expressed a concern about administering the current provisions of these codes.

The two questions posed to the Planning Commission in regards to these zoning designations were the following:

1. Certain buildings that exist in the Downtown triangle and on the east side of Main Street were built as office buildings as opposed to retail and are more easily marketed as such. Downtown Core zoning requires a Conditional Use Permit to allow office uses on the ground floor. Should there be some interim provisions either in the zoning or the non-conforming regulations that allow these buildings to be used as offices without a conditional use permit?
2. The allowed use provisions of the Downtown Core and Downtown Mixed zones are vague. Administratively it's often difficult for staff to know if a use is an allowed, conditional, or non-permitted use.

In regards to the first question, the Planning Commission considered various scenarios, including making office uses an outright allowed use in Downtown Core zoning on the first floor, allowing existing one-story office buildings to have offices without a Conditional Use Permit for a certain period of time, and changing the criteria of Conditional Uses.

The Commissioners took into consideration that large scale remodels of buildings in DC zoning require Design Elements that make the building look like retail on the first floor even if there is an office use. The Commissioners also considered the fact that the non-conforming provisions of BLMC

18.54.050 allow office uses to continue on the first floor if an office use has existed in the space within the last year.

In the end, the Planning Commission voted to maintain the Conditional Use status of offices on the first floor in Downtown Core zoning. The primary reason for this is that the Commissioners thought it still allowed existing office buildings an office use on the first floor but served to encourage retail on the first floor which better fits with the vision of Downtown.

In regards to the second question, the Commissioners voted to adopt a list of allowed uses rather than maintaining the vague language that currently exists or adopt equally vague language in regards to what is an allowed use in Downtown Core and Downtown Mixed zones.

The Commissioners recognize that no list of allowed uses can be complete since all possible uses cannot be anticipated, and in that sense, a list of allowed uses isn't ideal. However, it is easier to administer than basing allowed uses based on language such as "uses that generate high levels of foot traffic" as BLMC states now. Staff find themselves unable to determine whether specific uses fit into this category since almost any business could have foot traffic but most people drive to the business. Is a beauty parlor something that generates high levels of foot traffic if most people drive to get there? What is considered a "high" level of foot traffic as opposed to a "medium" level of foot traffic? Listing the specific uses relieves staff of having to make those judgment calls when a business calls to ask if they can locate in Downtown Core zoning.

Listing the specific uses also provides more of an opportunity to create a Downtown that we would like to see. Each of the uses in our recommend list was voted on. We considered having arcades in the downtown but decided that it didn't fit with the character that we were trying to create there. Having that use specifically left out gives us that opportunity.

In addition to these reasons, we considered the fact that many jurisdictions have tried alternatives to allowed use lists in their zoning codes but have reverted back. The City of Tacoma, for instance, went through a lengthy process in the 90's to adopt performance based zoning that centered on Floor Area Ratios. Everyone involved, staff and developers alike, found this system unworkable. Tacoma now has allowed use lists.

We recognize that an overall zoning use matrix that lists all possible zoning designations would be more efficient than having separate lists in each zone, and we recommend that Council consider doing that. However, we find that an allowed use list is more easily administered than performance based language such as "high levels of foot traffic."

In order to accommodate those potential uses not listed in the code, there is a provision in the attached recommended ordinance that allows the Community Development Director the opportunity to determine if a use is sufficiently similar to those listed to be allowed.

Recommendation:

The Planning Commission recommends that the City Council adopt the attached draft ordinance which adopts allowed use lists for Downtown Mixed and Downtown Core zoning and maintains the requirement for Conditional Uses for offices on the first floor in Downtown Core.

In addition, the Planning Commission recommends that City Council consider changing Title 18 to consolidate all uses into a use matrix that refers to each Section of the Title rather than listing all the uses in each individual section.

ORDINANCE NO. D10-149

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING BONNEY LAKE MUNICIPAL CODE CHAPTER 18.04, 18.36 AND 18.37 TO CLARIFY USES ALLOWED IN THE DOWNTOWN CORE AND DOWNTOWN MIXED ZONES.

WHEREAS, it is necessary to enact a Code provision clarifying the allowed uses in Downtown Core (DC) and Downtown Mixed (DM) zoning; and

WHEREAS, the Planning Commission conducted a public hearing on June 2, 2010 and issued a recommendation for passage of this Ordinance on June 16, 2010; and

WHEREAS, Washington State Department of Commerce has completed their required review and had no comments.

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

Section 1. Section 18.36 of the Bonney Lake Municipal Code is hereby amended to read as follows:

18.36.010 General intent.

The intent of this zone is to implement the retail core portion of the downtown plan which forms a part of the community character element of the comprehensive plan. Uses within this area should enhance the pedestrian scale of the downtown core and allow for a compact walking environment in which all shopping opportunities are easily accessible. It is intended that all uses in this area maintain ground floor visibility to serve patrons on an unannounced or drop-in basis, and conduct a majority of their business face-to-face on the premises with their customers. (Ord. 1250 § 6, 2007; Ord. 1155 § 1, 2005).

18.36.020 Permitted uses.

A. Ground Floor.

~~1. Commercial and cultural activities that generate high levels of foot traffic per square foot of building space, including retail sales, personal services such as shoe repair and beauty shops, eating and drinking establishments, entertainment establishments, banks, and hotels. This does not include medical and professional offices, fitness centers, and auto service uses.~~

1. Antique shops;
2. Automatic Teller Machines (ATM's) with no drive-thru;
3. Bakeries, retail;
4. Banks with no drive-thru;
5. Barber and beauty shops;
6. Bars;
7. Beer and Wine specialty shops;
8. Bookstores;
9. Brewpubs and microbreweries;

- 10. Coffee shops, cafes;
- 11. Dry Cleaners;
- 12. Food markets, delicatessen and meat markets (may sell beer and wine);
- 13. Galleries;
- 14. Hardware stores;
- 15. Horticultural nursery and garden supply, indoor or outdoor;
- 16. Hotels, motels;
- 17. Libraries;
- 18. Massage therapy / spas;
- 19. Mini daycare center;
- 20. Nail salons;
- 21. Pet shop, grooming and supplies;
- 22. Pharmacies;
- 23. Photographic studios, processing and / or supply;
- 24. Printing, copying and mailing services;
- 25. Retail shops;
- 26. Restaurants with no drive-thru;
- 27. Shoe repair;
- 28. Tailor shops;
- 29. Tanning salons;
- 30. Theaters.

B. Upper Floors.

- 1. Uses permitted on the ground floor.
- ~~2. Commercial and cultural activities that generate moderate levels of foot traffic per square foot of building space, including medical and professional offices and fitness centers.~~
- 2. Dancing, music, art, and vocational schools;
- 3. Family day care homes;
- 4. Home occupations, provided the provisions of BLMC 18.22.010 are met;
- 5. Medical-Dental Clinics;
- 6. Medical Offices;
- 7. Professional Offices;
- 8. Religious institutions;
- 9. Schools, colleges and universities or extension classrooms;
- 10. Veterinary clinics with no outdoor kennel space or dog runs;
- ~~11. Dwelling units at any density. (Ord. 1250 § 6, 2007; Ord. 1155 § 1, 2005).~~

C. The Community Development Director or designee shall determine whether existing uses and any proposed new use is a similar use to those listed above for purposes of this chapter.

18.36.030 Conditional uses.

~~A. Ground Floor. Commercial and cultural activities that generate moderate levels of foot traffic per square foot of building space, including medical and professional offices and fitness centers. The size, configuration, location, and design of the use shall be~~

consistent with the goals, policies, and vision of the downtown plan. (Ord. 1250 § 6, 2007; Ord. 1155 § 1, 2005).

1. Uses proposed for the ground floor that are permitted on the upper floors;
2. Bowling Alleys
3. Parking garages as provided in Chapter 18.36.050(C).

18.36.040 Setback and bulk regulations.

A. Structures shall be set back at least 20 feet from any single-family residential zone. 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, up to a maximum setback of 60 feet. For example, a proposed building of 50 feet in the DC zone 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).

B. The maximum height of buildings shall be 50 feet. Exceptions: Taller buildings, up to a maximum of seven stories in height, may be permitted provided the following criteria are met:

1. Project has approval from the fire marshal.
2. More than 80 percent of the required parking is provided within the structure.

For seven-story structures, at least one floor of parking must be partially below grade.

3. Buildings must comply with the design standards plus include one of the following features that effectively reduce the scale of the building and add visual interest:

- a. Step back the facade of one or more of the upper floors by at least 10 feet.

b. Other building modulation technique or use of a curved facade that meets the intent of the standard per the director.

C. All buildings must maintain a minimum 13-foot floor-to-ceiling height on the ground floor. (Ord. 1250 § 6, 2007; Ord. 1155 § 1, 2005).

18.36.050 Off-street parking and loading requirements.

A. Where so indicated in the downtown plan which forms a part of the comprehensive plan, parking shall be to rear of buildings, centralized and shared among businesses where feasible.

B. For off-street parking and loading requirements, see BLMC [18.22.100](#) (Off-street parking and loading requirements) and Chapter [18.31](#) BLMC, Commercial Development Standards. (Ord. 1250 § 6, 2007; Ord. 1155 § 1, 2005).

C. Parking Garages. Parking garages and structures shall comply with the following requirements:

- (1) Driveway openings shall be limited to two per structure and the number of access lanes in each opening shall be limited to two.
- (2) Ground level parked vehicles shall be screened from view from the adjacent rights-of-way or properties by landscaping.
- (3) A safe pedestrian linkage system, such as a marked crosswalk and/or sidewalk, shall be installed between the parking structure and the principal or adjacent uses.
- (4) The upper surface of underground parking structures shall not exceed a height of three and one-half feet above the average grade of the abutting

- public sidewalk and no parking shall be permitted on top of that portion of an underground parking structure which is above the established grade.
- (5) Above ground parking structures shall not front on Main Street, Sumner Buckley Hwy or SR 410 unless they are visually compatible with the principal use structure and the character of development within the Downtown Plan.
 - (6) Parking areas or garages shall be designed to provide for off-street vehicle circulation to adjoining property and parking areas where physically feasible, except that driveways and parking aisles should not cross pedestrian linkages in the downtown core.

Section 2. Section 18.37.010 of the Bonney Lake municipal code shall hereby be amended to read as follows:

18.37.020 Permitted uses.

A. The following uses shall be allowed outright in all cases:

- 1. Medical offices, professional offices, corporate offices, Internet service providers.
- 2. Dance studios, fitness centers, musical instruction, vocational schools.
- 3. Art galleries, photography studios, museums.
- 4. ~~Churches, temples, social service organizations.~~
- 4. Apartments, condominiums, and townhouses at any density.
- ~~6. Uses similar to the above.~~
- 5. Family day care homes;
- 6. Home occupations, provided the provisions of BLMC 18.22.010 are met;
- 7. Medical-Dental Clinics;
- 8. Religious institutions;
- 9. Schools, colleges and universities or extension classrooms;
- 10. Social service organizations;
- 11. Veterinary clinics with no outdoor kennel space;

B. The following shall be allowed only if they occupy 50 percent or less of the development site's gross building floor area: Any use other than those cited in subsection A of this section, which is permitted in the downtown core district on the ground floor, ~~irrespective of which floor the use is on.~~ (Ord. 1250 § 7, 2007; Ord. 1155 § 2, 2005).

Section 3. BLMC 18.04 shall be modified as follows:

18.04.020 "B".

"Bar" means a portion of a full food menu restaurant premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law.

"Beer and wine specialty shop" is a shop that sells beer, strong beer and / or wine for off-premises consumption in bottles, cans, or original containers. May offer samples for purposes of sales promotion.

“Boarding home” is any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include adult family homes or independent senior housing.

“Brewpub” means a restaurant-brewery that has a full food menu and sells at least 50 percent of its beer on the premises. The beer is brewed for sale and consumption in the adjacent restaurant and/or bar. The beer is often dispensed directly from the brewery’s storage tanks.

“Building” means a structure with a foundation, supports or walls and a roof.

“Building, height” of a structure with a flat roof shall be measured from the grade plane to the highest roof surface. The building height for a sloped roof shall be defined as the average height of the highest roof between the roof eave and the roof ridge to the grade plane, regardless of the shape of the roof. For lots within 200 feet of the shoreline, “building height” shall be determined by using WAC 173-27-030(9).

“Bulk regulation” refers to the relationship of the area of a lot, the setback regulations and the portion of a lot which may be covered by building.

18.04.130 “M”.

“Manufactured home” means a structure constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

- A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
- B. Was originally constructed and now has a composition of wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch;
- C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences;
- D. Is built on a permanent chassis and designed solely for the purpose of human habitation.

“Massage therapy/spa” means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.

“Medical-dental clinic” means an establishment for the treatment of outpatients, and providing no overnight care for patients.

“Microbrewery” means a facility that produces beer and sells it to the public by one or more of the following methods: through the traditional three-tier system (brewer to whole-saler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and in some cases, directly to the consumer through carryouts or on-site taproom sales. Microbreweries shall have a production capacity not to exceed 15,000 U.S. barrels per year and shall have a full food menu.

“Mini-day care center” means a person or agency providing care during part of the 24-hour day to 12 or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through 12 children in the family abode of such person or persons.

“Mobile home” means a single-family prefabricated residential unit manufactured according to the standards of the statutes of the state and federal government, capable of being moved upon the public roads and highways, so designed and equipped as to be served by a sanitary sewer or septic tank system, supported by leveling jacks or blocks.

“Mobile home park” is a tract of land used or designated for the use of two or more mobile homes.

“Modification” means the changing of any portion of a facility such as a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.

“Modular home” means any structure other than a mobile or manufactured home designed primarily for human occupancy, which is either entirely or substantially prefabricated or assembled at a place other than a building site and which has been approved pursuant to RCW 43.22.455 and bears the insignia of the Washington State Department of Labor and Industries.

“Mount” means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:

A. Building Mounted. A personal wireless service facility mount fixed to the roof or side of a building.

B. Ground Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.

C. Structure Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, electrical transmission towers, utility poles, and bridges.

18.04.180 “R”.

“Residence” is a building containing dwelling units or rooming units, including single-family mobile homes or two-family houses, multiple dwellings, boarding or roominghouses.

“Residential care facility” means a facility that cares for at least five, but not more than 15, functionally disabled persons.

“Retail shop” means uses principally engaged in retail sale or rental of consumer or household goods, including ancillary repair services. These retail uses are characterized by face-to-face transactions conducted by both the buyer and seller on the business premises. Retail businesses that conduct a majority of their sales (over 50%) via the internet or other means of telecommunications are not considered “retail” for the purposes of this section.

“Retirement homes/homes for the aged” includes any home which is maintained for the purpose of providing board and domiciliary care to three or more persons not related by blood or marriage to the operator.

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:

**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> 14 Sep 2010	<u>Agenda Bill Number:</u> AB10-152
<u>Ordinance Number:</u> D10-152	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Planning Commission recommendation of an amendment to the Downtown Design Standards

Proposed Motion: AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE BONNEY LAKE DOWNTOWN DESIGN STANDARDS AS REFERENCED IN BLMC 18.35 TO EXEMPT ACCESSORY BUILDINGS ASSOCIATED WITH EXISTING SINGLE FAMILY USES FROM THE STANDARDS

Administrative Recommendation:

Background Summary: See attached Planning Commission memo

<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 -16 Jun 2010
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s):	Public Hearing Date(s): 2 Jun 2010
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed
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ORDINANCE NO. D10-152

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE BONNEY LAKE DOWNTOWN DESIGN STANDARDS AS REFERENCED IN BLMC 18.35 TO EXEMPT ACCESSORY BUILDINGS ASSOCIATED WITH EXISTING SINGLE FAMILY USES FROM THE STANDARDS

WHEREAS, it is necessary to enact a Code provision clarifying the applicability of the Downtown Design Standards on accessory buildings in single family zones; and

WHEREAS, the Planning Commission conducted a public hearing on June 2, 2010 and issued a recommendation for passage of this Ordinance on June 16, 2010; and

WHEREAS, Washington State Department of Commerce has completed their required review and had no comments.

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

Section 1. Section A of the Bonney Lake Municipal Downtown Design Standards is hereby amended to read as follows:

A. Introduction

Authorization and Purpose

Design standards are a critical tool to help guide private development in a way that can help realize the community's goals and objectives. Ultimately, the design standards are intended to:

- Provide clear objectives for those embarking on the planning and design of projects in Downtown Bonney Lake.
- Increase awareness of design considerations among the citizens of Bonney Lake.
- To maintain and enhance property values within Downtown Bonney Lake.

What Properties do the Standards Apply to?

The standards apply to properties within the area identified in Figure 1. Unless otherwise noted, the standards apply to new development except accessory buildings for existing single family uses (also see the "When do I need to Comply" section on page 4) on all of these properties. Some standards will apply only to "non-residential" development, while others may only apply to certain streets. In such cases, the applicable location or use is stated clearly in **bold** at the beginning of the standard.

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 _____, 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:



Memo

Date : June 16, 2010
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
CC :
Re : **Changes to Downtown Design Standards**

Background:

In 2009, the Bonney Lake Police Dept. wanted to build a storage building for its boat. Preliminary review of the design of this proposed storage building ended in a determination that it would not meet Downtown Design Standards.

Staff initiated a possible change to the standards that would allow exceptions to the standards for accessory buildings. Because of the Commission's desire to be consistent with the Downtown Plan, we did not think that exempting all accessory buildings, especially those associated with commercial or public uses, from the design standards. Instead, we decided to recommend exemption of only those accessory buildings associated with existing single family residences since these uses are on the periphery of the Downtown.

Recommendation:

The Planning Commission recommends that the City Council adopt the attached draft ordinance.