

CITY COUNCIL WORKSHOP

**October 05, 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.

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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

B. **Review of Council Minutes:** September 21, 2010 Council Workshop, and September 28 Council Meeting.

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.

D. **Discussion: AB10-153 - Resolution 2071** - A Resolution of the City of Bonney Lake, Pierce County, Washington, authorizing the Mayor to sign a Development Agreement with MCA Investments, LLC, Bonlak Investors, LLC, and Bonney Lake Capitol Investors, LLC, for the Bonney Lake Retail Center.

IV. 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.

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

COUNCIL WORKSHOP

*September 21, 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 5:31 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 City Administrator Don Morrison, 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:

A. Council Open Discussion:

Dedication Plaque for Interim Justice Center: City Administrator Morrison submitted to Council several options for a dedication plaque for the Interim Justice Center. He said these plaques are usually bronze and would be placed in the lobby of the Interim Justice Center. Councilmember Rackley stated he wanted to ensure both present and past Councilmembers who have been involved with the Interim Justice Center will be listed on the plaque. Councilmember Decker suggested the past councilmembers return the plaques given them when they completed their terms so the City could place them on the walls around the dedication plaque. Councilmember Hamilton asked about the cost of the plaques. He also said that the font would need to be large enough to read. Councilmember Lewis said he likes having dots between names instead of commas. Council consensus was to get costs and designs for the Gig Harbor and the Hammonton Town Hall sample plaques and return the information to council for a decision.

Midtown Map: Councilmember Carter asked about the progress in the creation of a Midtown map that shows the sewer, roads, sidewalks, easements, and right-of-ways. Director Vodopich said they are working on the map.

Family First Coalition: Councilmember Carter said the Family First Coalition has a meeting on September 27, 2010 at 4:00pm. They also have a fundraiser on November 20, 2010 at the Buckley Eagles Lodge.

Councilmember Carter reported that a dentist at the Rainier School is offering free or at a reduced fee dental care to children that cannot afford to pay.

5:32:04

Bonney Lake YMCA: Councilmember Carter asked for an update on the progress of the YMCA. Mayor Johnson stated that staff is working on a date for a meeting. He said no progress could be made until after the annexation election is complete. Councilmember Carter asked if the projected completion date is still 2017. Mayor Johnson said it is, but added the YMCA would consider moving it forward if the annexation is approved.

National League of Cities Newspaper: Councilmember Carter noted the National Cities newspaper has an article about cities offering citizens prescription drug coverage at a discounted rate. City Administrator Morrison said the city is not currently paying the subscription cost for NLC membership, which is between \$1,500 to \$2,000 a year. Councilmember Carter suggested the other councilmembers read the article and consider joining so that the citizens of Bonney Lake could receive discounts on prescriptions. Councilmember McKibbin asked which budget line the membership would come from. City Administrator Morrison said it would come out of the Council's Budget. Councilmember Carter said in the Kaboom section of the paper several cities received NLC awards for similar services and activities which are currently being offered in the City of Bonney Lake.

5:51:06

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

Councilmember Lewis noted that on the September 14, 2010 minutes, p.1, Chas Rawlings' name was misspelled. The minutes were forwarded to the September 28, 2010 Meeting for action with this correction.

5:52:05

- C. **Discussion:** AB10-149 – Ordinance D10-149 - Updates to Downtown Zoning.

Mayor Johnson said that Chas Rawlings gave the recommendation of the Planning Commission at the September 14, 2010 Council Meeting. City Administrator Morrison stated he submitted a draft ordinance to the Planning Commission, and feels the citizens have a lot of interest in the downtown core zoning. He said he looked at several other cities that use a different approach than what the Planning Commission has recommended. Deputy Mayor Swatman provided City Administrator Morrison's draft ordinance to Council. Deputy Mayor Swatman said if Council has a list of businesses they want in the downtown area, a list should be created. He said he is not confident he knows all the businesses that the City will want in the Downtown in the future, but he does know of uses that would be incompatible with the look and feel wanted for the Downtown area. He asked the City Attorney if there is a way to combine the list and the descriptive language approach to the ordinance. Deputy Mayor Swatman feels the ordinance needs to be easy for developers to use. Director Vodopich said if the Council had a list of business they felt were incompatible with the Downtown area, a list could be created that prohibits those particular types of businesses. City Attorney Dionne stated he recommends using the combination of the list and the proposed language. He said if the City creates a classification system, then it must allow every business that fits within that classification. He feels as long as the zoning does not hinder first amendment rights then the City's approach would be defensible. He advised the language "must be pedestrian friendly" should not be taken out. He said the Council should also create the list of approved and prohibited businesses so Director Vodopich has the criteria to make decisions about businesses in the future. City Attorney Dionne said design standards can be put in place and if a business fits those standards then it would have to be allowed. Councilmember Hamilton asked if the design standards could specify that no

vehicles be allowed in an area. Director Vodopich said the standards could require a parking area, so people have to walk to the businesses.

Councilmember Carter questioned the section on parking garages. She asked whether a business with an elevator must share the elevator with other businesses. Director Vodopich stated that the business would need cross walks within their garage to the elevator.

Councilmember Carter asked about the section requiring a percentage of businesses to be retail. She asked what kind of business would not meet the retail requirements. Deputy Mayor Swatman said they would be considered non-retail, and could go on the second floor. City Attorney Dionne added retail encourages window-shopping. Councilmember Carter said when the Council toured the Greenwood apartments the residents stated it was important to them that the downtown remain a place they could walk to. Residents who live in the downtown area want to be able to continue getting everything they need in this area. Council consensus was to forward the ordinance to the next workshop with the changes that City Attorney Dionne suggested.

6:18:04

D. Discussion: AB10-152 – Ordinance D10-152 – Amendment of Downtown Design Standards.

Director Vodopich said the Police Department requested an exception to be allowed to build a carport for the police boat. The Planning Commission did not allow for the request but decided to allow for accessory dwelling units in the downtown area for existing single-family residences. Deputy Mayor Swatman asked why the council would want to add more accessory buildings in this area. Director Vodopich said the Planning Commission’s thinking is that most of these homes are on the fringe of the downtown core. Councilmember Lewis stated that he is against adding to the downtown core. Council consensus was to take no action on this item.

At 6:21pm Mayor Johnson called a recess until 6:35pm. Mayor Johnson called the meeting to order at 6:38pm

5:33:11

IV. Executive Session: Pursuant to RCW 42.30.110(c), the Council recessed to an executive session with the City Attorney at 6:39 p.m. for 15 minutes to consider the minimum price at which real estate will be offered for lease. The Executive Session was extended at 6:54 p.m. for 10 minutes; was extended at 7:04 p.m. for 5 minutes; was further extended at 7:10 p.m. for 5 minutes; and was extended again at 7:16 p.m. for 5 minutes. The Council returned to Chambers at 7:20 p.m. No action was taken.

6:52:46

V. Adjournment:

At 7:20 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 Council at the September 7, 2010 Workshop:

- Justice Center – *Dedication Plaque Options* – Don Morrison

DRAFT

CITY COUNCIL MEETING

**September 28, 2010
7:00 P.M.**



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

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

DRAFT MINUTES

"Where Dreams Can Soar"

Audio Time
Stamp ↓

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 6:59 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, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Assistant Police Chief Dana Powers, Community Services Director Gary Leaf, 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: None.

D. Agenda Modifications:

Deputy Mayor Swatman moved to add AB10-159 to Finance Committee Issues, Item B. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman said this item was reviewed and forwarded by the Finance Committee during their meeting earlier in the evening.

Motion approved 7 – 0.

7:01:42

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

1. **Public Hearing: AB10-154 - Resolution 2071** - Regarding a Development Agreement Between the City of Bonney Lake and MCA Investments, LLC,

Bonlak Investors, LLC, and Bonney Lake Capitol Investors, LLC for the Bonney Lake Retail Center.

Mayor Johnson opened the public hearing at 7:02 p.m.

David Bowen, 22523 SR 410, Bonney Lake, said he spoke for himself and residents Delores McGruder, Mark & Kathy Klinkinger, Mary Miller, Bob Stobie and Roger Watt. He said they support Resolution 2071 and for development in Eastown. He said they look forward to participating in the City's upcoming review of the Eastown development standards.

Seeing no additional speakers, Mayor Johnson closed the public hearing at 7:03 p.m.

B. Citizen Comments:

David Bowen, 22523 SR 410, Bonney Lake, said sometimes audience members cannot hear the Council proceedings. Mayor Johnson asked those attending to raise their hand if they cannot hear what is being said so the audio system can be adjusted.

C. Correspondence: None.

7:05:02

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 the budget and utility billing code revisions.

B. Community Development Committee: Councilmember Rackley said the committee met on September 20th and discussed the progress of the 192nd St project design and forwarded Resolution 2070 to the current agenda for Council action.

C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council meeting.

D. Other Reports:

Boating Advisory Committee: Councilmember Carter said the Church Lake Boating Advisory Committee held its final meeting and their recommendations were forwarded to the City Attorney's office for review.

Families First Coalition: Councilmember Carter said she and Mayor Johnson attended the Families First Coalition meeting on September 27, 2010. Discussions included the coalition's strategic plan, the upcoming East Pierce Fire & Rescue Open House on October 2nd, and a recent tour of the Rainier State School.

Rainier Communications Commission: Councilmember Rackley said the Rainier Communications Commission met on September 15th and discussed the 2011 budget. City Administrator Morrison said he received calls from Comcast and the RCC regarding the proposed master franchise agreement renewal. He said the renewal agreement will likely come before the Council in the coming months.

Pierce Transit: Mayor Johnson said Pierce Transit will present information at the October 19th Council Workshop about transit services and a proposed tax increase.

7:10:31

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** September 7, 2010 Workshop and September 14, 2010 Meeting.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #59496 thru 59579 (including wire transfer #'s 9112010, 9162010 and 9172010) in the amount of \$594,813.94.
- C. **Approval of Payroll:** Payroll for September 1-15 2010 for Checks 29303-29334 Including Direct Deposits and Electronic Transfers in the amount of \$401,362.62.
- D. **AB10-151 -Resolution 2070** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Amendment No. 1 to the current RH2 contract to design the South Prairie Booster Pump Station.
- E. **AB10-156 – Resolution 2073** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Cerium Networks To Purchase, Configure, And Install A Voice Over Internet Protocol Telephone System For \$53,572.69 Plus Tax.

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

Consent Agenda approved 7 – 0.

7:10:36

V. FINANCE COMMITTEE ISSUES:

- A. **AB10-155 - Resolution 2072** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Allowing the Bonney Lake Police Department to Expand the Hours of the CSO Crime Analyst from a Part Time Employee to a FTE. The CSO Crime Analyst Will Work 20 Hours for the City of Bonney Lake Police Department and 20 Hours for the PATROL Auto Theft Task Force Where Up to \$50,000 Per Year of this Salary Will be Reimbursed by WATPA Grant Funding Source.

Councilmember Decker moved to approve Resolution 2072. Councilmember Lewis seconded the motion.

Mayor Johnson said the Public Safety Committee reviewed and forwarded the proposed resolution. Deputy Mayor Swatman thanked Police Chief Mitchell and others who developed this innovative way to expand services. Assistant Chief Dana Powers said another officer already works on the task force, and the arrangement will benefit both the department and the community.

Resolution 2072 approved 7 – 0.

- B. AB10-159 – A Motion to Authorize the Mayor to Sign a Temporary Construction Easement Agreement with the Erdman Company. *Added during Agenda Modifications.*

Councilmember Rackley moved to approve AB10-159. Councilmember Decker seconded the motion.

Director Vodopich said due to a miscommunication between the City and the construction company, the company thought the easement had already been signed by the Mayor and has removed several trees. He said the tree removal is part of the project and all trees will be replaced. City Administrator Morrison said the Council could consider allowing this kind of easement to be granted administratively, since they are often time-sensitive. Councilmember Rackley said he feels all easements should come before the Council so councilmembers are aware of them.

Councilmember Carter asked whether a different type of tree could be replanted instead of replacing the Douglas Firs, which are prone to laminated root rot. Director Vodopich said the City code requires a tree-to-tree replacement.

Motion approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: *None.*

7:17:02

VII. PUBLIC SAFETY COMMITTEE ISSUES: *None.*

- A. **AB10-140 - Ordinance 1363** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 9.52 And 9.54 Of The Bonney Lake Municipal Code, Relating To Property Crimes.

Councilmember Decker moved to approve Ordinance 1363. Councilmember Lewis seconded the motion.

This item was incorrectly referred to as “AB10-136 – Ordinance D10-136” on the Council agenda and attachments. Councilmember Hamilton said the Public Safety Committee forwarded this item, which keeps the City’s code and rates consistent with others.

Ordinance 1363 approved 7 – 0.

VIII. FULL COUNCIL ISSUES: *None.*

IX. EXECUTIVE SESSION: *None.*

7:17:52

X. ADJOURNMENT:

At 7:17 p.m., Councilmember Lewis moved to adjourn the meeting. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of September 28, 2010:

- City of Bonney Lake Staff – *AB10-159 – A Motion to Authorize the Mayor to Sign a Temporary Construction Easement Agreement with the Erdman Company* – Community Development Director John Vodopich.

DRAFT



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 CHAPTERS 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 ~~its~~ required review and had no comments.

Deleted: their

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

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

Deleted: Section

18.36.010 General intent.

The intent of this zone is to implement the ~~commercial and~~ 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 shopping, dining, and recreational opportunities are easily accessible.~~ (Ord. 1250 § 6, 2007; Ord. 1155 § 1, 2005).

Deleted: all

Deleted: 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.

18.36.020 Permitted uses.

A. Ground Floor. ~~It is intended that ground floor uses maintain downtown's commercial and retail vitality and walkability by promoting browsing and window-shopping and attracting customers on a drop-in basis. Ground floor uses should maintain ground floor visibility and have windows facing the sidewalk to display goods and services for sale. Ground floor levels will ideally contain a mix of retail, personal services, eating and drinking establishments, theater and cultural facilities, and financial institutions.~~

~~Allowable uses are:~~

~~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. Uses on the upper floors should support and enhance the overall activity in the downtown core by including uses allowable on the ground floor as well as residences and uses that attract visitors on an appointment or destination basis. Allowable uses are:

1. Uses permitted on the ground floor, with a conditional use permit.
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 have the authority to determine whether a use is a sufficiently similar use to those listed above for purposes of this chapter, such that the use promotes the intent of the ordinance and should be permitted.

Deleted: existing uses and any

Deleted: proposed new

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). The following uses are allowed on the ground or upper floors in the Downtown Core zone upon the granting of a conditional use permit as provided in BLMC § 18.52.010. In addition to the criteria for a conditional use permit, the size, configuration, location, and design of the use shall be consistent with the goals, policies, and vision of this Chapter.

1. Uses proposed for the ground floor that are allowed on the upper floors under BLMC § 18.36.020;

Deleted: permitted

2. Bowling Alleys

3. Parking garages as provided in Chapter 18.36.050(C).

4. Professional offices that serve customers, such as travel agencies, insurance agencies, accountants, and realtors.

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. For four story structures, at least 40 percent of the required parking is provided within the structure; for five story structures, at least 50 percent of the required parking is provided with the structure; for six story structures, at least 60 percent of the required parking is

provided within the structure; for seven story structures, more than 80 percent of the required parking is provided within the structure.

3. Buildings must comply with the design standards plus include one of the following features that ~~effectively appear to~~ 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 ~~is~~ hereby amended to read as follows:

Deleted: shall
Deleted: be

18.37.020 Permitted uses.

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

Specifying Allowed Uses, updated: 9/28/2010

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 Chapter 18.04 is hereby amended to read as follows:

Deleted: shall be modified

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 or 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 wholesaler 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> Exec / Brian Hartsell	<u>Workshop / Meeting Date:</u> 12 Oct 2010	<u>Agenda Bill Number:</u> AB-10-153
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2071	<u>Councilmember Sponsor:</u>

Agenda Subject: Development Agreement for the Bonney Lake Retail Center

Proposed Motion: A Resolution of the City of Bonney Lake, Pierce County, Washington, authorizing the Mayor to sign a Development Agreement with MCA Investments, LLC, Bonlak Investors, LLC, and Bonney Lake Capitol Investors, LLC, for the Bonney Lake Retail Center.

Administrative Recommendation: Approved proposed resolution 2071.

Background Summary: MCA Investments, LLC, Bonlak Investors, LLC, and Bonney Lake Capitol Investors, LLC own property fronting SR410 next to Mazatlan Restaurant and in front of their new self-storage center. The group is proposing to develop their property into the Bonney Lake Retail Center, wherein space would be provided for two tenants. Their plan stalled when their site plan conflicted with elements of the Eastown Design Standard—primarily the Standard’s prohibition of parking that fronts State Route 410 and the future 216th Ave E. Section 7 of the standard does indicate that “minor variations” are allowable. This resolution proposes the approval of the attached simple development agreement to enact that “minor variation” provision and thereby allow up to two rows of parking to front the two roads. The agreement itself explains and describes the allowance of the minor variation. The proposed site plan and supporting code are included as exhibits to the attached agreement.

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

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 14 Sep 2010
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): **Public Hearing Date(s):** 28 Sep 2010; AB10-153
Meeting Date(s): **Tabled To Date:**

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed 8 Sep 2010--Kathleen Haggard
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DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT (“Agreement”) is made between the City of Bonney Lake, Washington (“City”) and MCA Investments, LLC, Bonlak Investors, LLC, and Bonney Lake Capitol Investors, LLC (“Developers”) (hereinafter collectively referred to as “the Parties”), under the authority of RCW 36.70B.170 et seq.

RECITALS

WHEREAS, the Developers intend to construct a commercial retail center, Bonney Lake Retail Center (“Project”), to be occupied by no more than two tenants over its own property located at 21514 SR 410, Bonney Lake, WA (“Property”); and

WHEREAS, the Project is located in the Eastown combined retail-commercial, warehousing and light manufacturing (C-2/C-3) zone; and

WHEREAS, the City is currently in the process of reviewing the Eastown Development Standard, which is part of the Eastown Subarea Plan and overall Comprehensive Plan, in order to determine whether certain standards such as prohibition of parking along SR410 frontage, should be revised; however, revisions are not expected to be finalized before the end of 2010; and

WHEREAS, the current Eastown Development Standards have a provision in Section 7 that states, “Minor variations may be permitted to allow for topographic constraints, flexibility for coordinated design, and creativity;” and

WHEREAS, the parcel size and position of the Property relative to SR 410, combined with the existing Standard precluding parking spaces adjacent to SR 410, would make it impractical for the Developers to build the proposed Project; and

WHEREAS, under RCW 36.70B.170, cities are authorized to enter into development agreements for real property in order to “set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.”

NOW, THEREFORE, the Parties agree as follows:

- A. The Developers shall be granted a Minor Variation to Section 7.4, Parking, of the Eastown Development Standards. Up to two rows of parking may front SR 410 and/or 216th Ave E, as shown on the Site Plan attached as Exhibit A. All other provisions of Section 7.4 still apply. The Minor Variation does not excuse compliance with zoning and other regulations set forth in the Bonney Lake Municipal Code, or compliance with all other aspects of the Eastown Subarea Plan not affected by the Minor Variation set forth in this Agreement. The Developers must adhere to all City planning and permitting requirements, which are unaffected by this Agreement.

- B. The Bonney Lake Retail Center proposed by the Developers may not be occupied by the ineligible business listed in Bonney Lake Municipal Code Section 19.04.150, attached as Exhibit B to this Agreement. These ineligible businesses are fast food restaurants, sandwich, teriyaki and other related eating establishments, with or without drive-through windows; coffee stands; beauty, nail, or hair salons; adult entertainment establishments; kennels; salvage yards; antique shops; convenience stores; gas stations; bars and taverns; thrift shops; self storage units; second hand or antique stores.
- C. Per RCW 36.70B.190, the City shall record this Agreement with the Pierce County Auditor, and this Agreement shall run with the land and bind the Parties' heirs, successors, and assigns for the duration of the Agreement.
- D. This Agreement shall be in effect from the date of its ratification by resolution after public hearing by the Bonney Lake City Council per RCW 36.70B.200 for a period of ten years.

Landowners & Developers

By: _____
Ward Johnson
MCA Investments, LLC; Westmark Construction, Inc.

By: _____
Carl Hogan
Bonlak Investors, LLC

By: _____
Jeff Hogan
Bonney Lake Capitol Investors, LLC

City of Bonney Lake

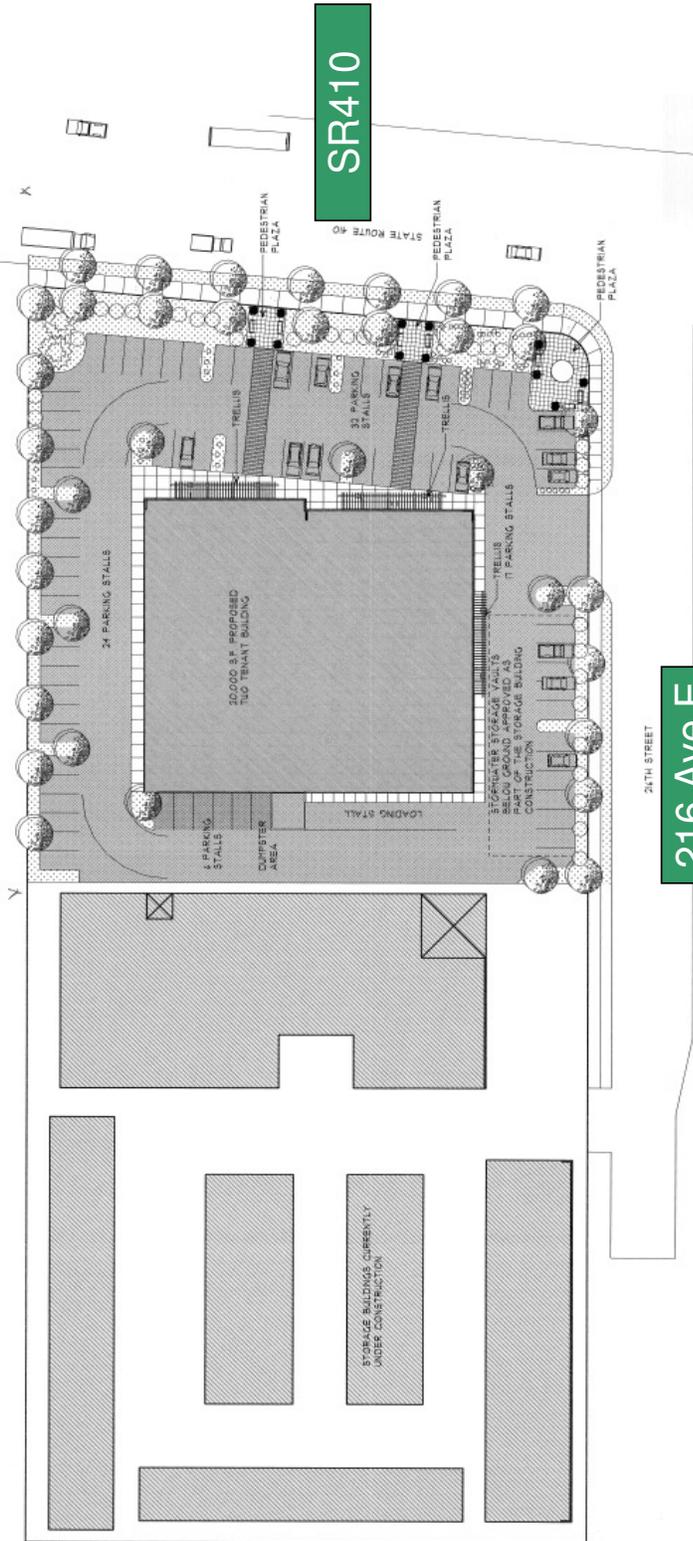
By: _____
Neil Johnson, Jr., Mayor

Bonney Lake Retail Building—Preferred Plan

BONNEY LAKE RETAIL BUILDING

21514 SR 410

JUNE 23, 2010



SCHMATIC SITE PLAN
SCALE 1" = 20'-0"
0' 10' 20' 40'

PROJECT DATA:

SITE AREA:	433 ACRES
PROPOSED BUILDING AREA:	20,000 SF
PARKING PROVIDED:	74 STALLS
BUILDING HEIGHT PROPOSED:	24' - 0"
LEGAL DESCRIPTION:	Section 02 Township N Range 05 Quarter 22, ELY, 240 FT OF WLY, 100 FT OF TRACT FOR OF GOVT LOT 4 LY 5 OF STATE HAY EXC ADJ. R 1/8 CTD 1/8 ST OF SA DOT #7018 S&WDM/21-1950

James Cuernero Architects, INC
7520 Bridgeport Way W.
Lakewood, WA 98459
Phone: 253.951-6000
Fax: 253.951-7239
REGISTERED ARCHITECT
JA 81318
WASHINGTON STATE

Exhibit B—Excerpt from BLMC Chapter 19.04

19.04.150 Traffic impact fee (TIF) funding source adjustments.

A. Traffic Impact Fee Funding Source Adjustment Established – Purpose. The purpose of this policy is to encourage and facilitate certain businesses to locate in designated areas of the city where development is desired, and to recruit into the city those types of businesses deemed beneficial to the city and the community and/or which the city currently lacks in sufficient number or volume. Pursuant to RCW 82.02.060(2) and (4) there is hereby established a funding source adjustment from the traffic impact fee set forth in this chapter for development activity which meets the criteria of subsection C of this section.

B. Application for Traffic Impact Fee Adjustment. Any developer applying for or receiving a building permit which meets the criteria set forth in subsection C of this section may apply to the mayor or designee for an adjustment from the traffic impact fee established pursuant to this chapter. Said application shall be on forms provided by the city and shall be accompanied by all information and data the city deems necessary to process the application. A full and complete application must be filed on or before the date of certificate of occupancy in order to be eligible for a potential adjustment to the TIF.

C. Funding Source Adjustment Criteria. To be eligible for the traffic impact fee adjustment established by this section, the applicant shall be a commercial retail business which locates or establishes a commercial retail business that is not considered to be ineligible pursuant to subsection (C)(5) of this section. Qualified applicants must meet each of the following criteria as applicable:

1. Downtown. The applicant must be a retail business, either new or existing, located within the downtown core (DC) or downtown mixed use (DM) zoning district. Any permitted commercial uses in the DC or DM district are eligible to apply for the TIF adjustment. In order to qualify for a TIF adjustment in the downtown, the retail applicant or underlying developer must redevelop a portion of the downtown core or downtown mixed use zone. Said redevelopment shall include, at a minimum, the demolition of an existing structure on the site of the proposed new construction, and the subsequent construction of a new structure of not less than 10,000 square feet in conformance with the downtown plan and accompanying design guidelines.

2. Easttown Zone. The applicant must be a new retail business located within the Easttown combined retail-commercial, warehousing and light manufacturing zone, and not considered to be an ineligible business under subsection (C)(5) of this section. Based on similar store sales or other reliable data, as determined by the city, the applicant must demonstrate that it is likely to generate to the city of Bonney Lake average annual city of Bonney Lake portion sales and use tax revenue of at least \$15,000 per year over the three-year period commencing from date of certificate of occupancy.

3. Midtown and Other Areas Outside Downtown or Easttown. The applicant must be a new retail business located within a C1, C2, or C3 zoning district, and not considered an ineligible business under subsection (C)(5) of this section. Based on similar store sales or other reliable data, as determined by the city, the applicant must demonstrate that it is likely to generate to the city of

Bonney Lake average annual city of Bonney Lake portion sales and use tax revenue of at least \$15,000 per year over the three-year period commencing from date of certificate of occupancy.

4. Special Criteria for Sit-Down Restaurants. The applicant must be a new otherwise eligible sit-down restaurant in which patrons are typically served by wait-staff and orders are not normally placed at a counter or drive-through window, and which employs 18 or more full-time equivalent (FTE) employees, or which generates to the city of Bonney Lake average annual city of Bonney Lake portion sales and use tax revenue of at least \$25,000 per year over the three-year period commencing from date of certificate of occupancy.

5. Ineligible Businesses. The council finds that there are several types of businesses which are either currently well represented in the city, or otherwise do not have a broad public purpose, and thus no TIF incentive is appropriate. The following business types are hereby expressly excluded from application for the TIF adjustment program in all areas outside of the downtown: fast food restaurants, sandwich, teriyaki and other related eating establishments in which orders are normally placed at a counter or drive-through window; coffee stands; beauty, nail, or hair salons; adult entertainment establishments; kennels; salvage yards; antique shops; convenience stores; gas stations; bars and taverns; thrift shops; self storage units; second hand or antique stores.