

COUNCIL WORKSHOP

**May 17, 2011
5:30 p.m.**

AGENDA

City of



“Where Dreams Can Soar”

*The City of Bonney Lake’s Mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.
Website: www.ci.bonney-lake.wa.us*

*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: Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

Call to Order: Mayor Neil Johnson

Roll Call:

Elected Officials: Mayor Neil Johnson, Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley.

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

Agenda Items

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2. Council Open Discussion.	
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4. Discussion: AB11-57 – Ordinance D-11-57 – Updating Title 14 of the Municipal Code Regarding the Development Code.	p. 15
5. Discussion: AB11-58 – Ordinance D11-58 – Updating the Municipal Code Regarding Impacts between Commercial and Residential Development.	p. 33
6. Executive Session: RCW 42.30.110 – the City Council may adjourn to executive session. Should an executive session be held, the Mayor will announce the general purpose and expected duration of the session.	
7. Adjournment.	

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

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Agenda Placeholder

**For the Council Workshop of
May 17, 2011**

ITEM 1. Presentation/Discussion: Community Forestry
Report – Urban Tree Canopy Assessment.

Copies of the presentation materials will be provided at the Workshop.

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COUNCIL WORKSHOP

**May 3, 2011
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: Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake.

I. Call to Order: Deputy Mayor Dan Swatman called the Workshop to order at 5:30 p.m.

II. Roll Call: [A1.3]

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

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

Deputy Mayor Swatman noted this is the first meeting in the Justice Center. He asked Council to share thoughts and concerns regarding the new setup.

III. Agenda Items:

5:30:44

A. Discussion: AB11-55 - 2011 Stormwater Pollution Prevention Art Contest.

Director Grigsby said this is similar to the calendar contest the City had last year. He asked Council to vote for two entries in each category. He asked Council to turn their votes into him before the Council meeting next week.

5:32:18

B. Council Open Discussion:

Richard Shabro: Councilmember Rackley noted that Richard (Dick) Shabro passed away on April 13, 2011.

Income Analysis: Councilmember Rackley said he will prepare an income analysis for the Wal-Mart shopping center area to discuss at the next Council Workshop.

Pierce County Regional Council: Councilmember Carter noted several items from the Mayor’s Newsletter concerning the City and Pierce County. She said in the past the Council has invited the Pierce County Regional Council to a special meeting after the regular meeting at a local restaurant. Administrator Morrison said he would contact the Regional Council to ask if they are interested in meeting.

Sales Tax: Councilmember Carter asked when the Council would see an updated sales tax report. City Administrator Morrison said the Council would receive a report mid-June.

Pierce County Regional Council: Councilmember Hamilton said he was the only member of the Growth Management Coordinating Committee who voted against the proposed Countywide Planning Policies. The resolution was forwarded to the full Pierce County Regional Council for ratification. He said the proposed policy and amendments put cities at a disadvantage, and he feels there is justification to file an appeal with the Growth Management Hearings Board. He said the intent of the Growth Management Act is that growth should occur in cities, but a vast majority of growth has occurred in the Comprehensive Urban Growth Areas (CUGAs) in the County. He said Bonney Lake is in a unique position since its population is growing, whereas the recent census shows that populations in other cities have decreased.

Councilmember Hamilton said if the Countywide Planning Policies are ratified the affected jurisdictions have 60 days to appeal the decision. He said the City Attorney will need to review the resolution to ensure the City has a case. Councilmember Rackley thanked Councilmember Hamilton for clearly explaining his concerns. He said he would support an appeal to the Growth Management Hearings Board. He said the County has let areas in the County fill in with homes before they allow cities to annex them, but the goal of the Growth Management Act is to push the growth into the cities. He said representatives from Bonney Lake should attend the meeting when the County Council considers the resolution and propose an amendment. Deputy Mayor Swatman said he also supports appealing the resolution. City Administrator Morrison said the policies mainly relate to the CUGA and mostly effect Bonney Lake and Orting. He said the policies are inconsistent with the Multi-County Planning Policies, and he would support an appeal if the City Attorney agrees the City has a case.

Gun Range: Councilmember Lewis said an obstacle for getting a gun range is the permitting through Pierce County. Police Chief Mitchell said he meet with Action Target, a company that sets up gun ranges. He listed several options and costs for a gun range on the city-owned property located on Barkubein Rd, Buckley, WA 98321. Councilmember Rackley asked if outside jurisdictions would still be interested in using the range if the City went with the least expensive option. Chief Mitchell said he has been contacted by several jurisdictions inquiring about the gun range. He said he does not want to pursue this further if the City cannot get the permits from Pierce County. Deputy Mayor Swatman said the next step would be for the administration to decide if they would like to move forward with the project. City Administrator Morrison said the conditional use permit is approximately \$3,000. He said the City would need to put together a business plan before they could move forward with this project. Councilmember McKibbin asked if drug fund money could be used to fund the gun range. Police Chief Mitchell said those funds are currently funding the 800MHz tower.

800 MHz Tower: Police Chief Mitchell stated Pierce County is looking at unifying the entire county under one 911-dispatch umbrella. He said the County is considering a .10% sales tax increase to pay for the new system. He said the citizens of Bonney Lake have already paid for an 800MHz tower, but they would still be subject to the County wide tax. City Administrator Morrison said he met with the County and the City of Puyallup (which the City currently uses for dispatch services) and the impression that he got was that the County is willing to purchase the City's 800MHz tower and add Bonney Lake to the County-wide 911 system. He said the County needs to expand their system to be able to have the Sherriff in radio contact all the way to Mt. Rainer. Councilmember Decker said he is not in favor of partnering with the County for 911 dispatch services.

Public Meetings: Deputy Mayor Swatman stated he would like to see all public meetings held at the Justice Center. He said he wants to use the new space in the most efficient manor. He said he would like all the Councilmembers to be able to pick up their packets and mail at the Justice Center. City Administrator Morrison said the different Boards and Commissions can meet at the Justice Center; it is just a matter of scheduling. He added that the Council Packets could be picked up between 8:30am to 5:00pm Monday through Friday, but Councilmembers could not access the building after hours because the building is designed to be a multi-tenant building and it is not set up with coded locks. He said the chambers are not totally finished yet and it will be difficult to hold recorded meetings until the final items are completed.

Police Photo: Councilmember Hamilton shared a photo that was in the Bonney Lake & Sunner Courier Herald of Bonney Lake Police Officers and a Bonney Lake Police car, advertising St. Elizabeth’s Hospital in Enumclaw. He asked why the Police Department is advertising for an outside agency. Police Chief Mitchell said the photo was taken for a brochure during the Grand Opening of the new hospital. He said he has spoken with the hospital and they will not use the image in the future.

Marijuana Dispensary: City Administrator Morrison said he has received two letters informing the City of intent to build a marijuana dispensary in the City limits of Bonney Lake as soon as it is legal. Councilmember Hamilton said the Public Safety Committee has considered creating an ordinance that places a moratorium on this type of business. He said the City Attorney has said this is not necessary because federal law states that these businesses are illegal.

Special Meeting: Administrative Services Director/City Clerk Edvalson stated the Clerk’s office will advertise the Justice Center Open House as a special meeting because a majority of councilmembers are expected to be at the open house.

6:39:54

C. **Review of Council Minutes:** April 17, 2011 Council Workshop, and April 24, 2011 Council Meeting

Corrected minutes were forwarded to the May 10, 2011 meeting for action.

IV. **Executive Session:** None

7:41:15

V. **Adjournment:**

At 6:41:p.m. Councilmember Lewis moved to adjourn the Workshop. Councilmember Hamilton seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

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CITY COUNCIL MEETING

**May 10, 2011
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.

DRAFT MINUTES

"Where Dreams Can Soar"

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

Audio Time Stamp ↓

Location: Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

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, Police Chief Mike Mitchell, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne, and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations:

Mayor Johnson thanked all who helped with the Justice Center Open House. He said it was a great event.

1. Announcements:

a. **Proclamation:** Public Works Week – May 15-21, 2011.

Mayor Johnson proclaimed the week of May 15-21, 2011 as Public Works Week in the City of Bonney Lake. He thanked the Public Works staff for their work and he has received 'kudos' from many residents recently for their hard work on projects around the City. Director Grigsby said the Public Works Department is hosting tours of the Public Works Shops at 19306 Bonney Lake Blvd on Wednesday, May 18th and Thursday, May 19th from 1:00 p.m. to 3:00 p.m.

2. Appointments: None.

3. Presentations:

a. **Planning Commission Recommendation:** AB11-57 – Ordinance D-11-57 – Updating Title 14 of the Municipal Code Regarding the Development Code.

Community Development Director John Vodopich said the Planning Commission chair was unable to attend the Council Meeting. He said the proposed ordinance would change the definition for development regulation,

bringing it more in line with the State’s definition. The proposed ordinance was forwarded by a 5 to 1 vote of the Planning Commission.

- b. **Planning Commission Recommendation:** AB11-58 – Ordinance D11-58 – Updating the Municipal Code Regarding Impacts between Commercial and Residential Development.

Director Vodopich said this proposed ordinance changes BLMC Chapter 18.22.110 regarding residential uses adjacent to commercial activities, specifically light, glare, and noise impacts. It would also update BLMC Chapter 16.14 regarding landscaping and clarifying which zones allow nightclubs. The Commission voted 6 to 0 to forward the item to the Council.

- D. Agenda Modifications: None.

7:06 p.m.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None.
- B. Citizen Comments:

Harwood Edvalson, 8218 209th Ave Ct E, Bonney Lake, congratulated the Council and Mayor on the Justice Center building. He said he looks forward to serving the public in the great new building.

- C. Correspondence: None.

7:08 p.m.

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and forwarded AB11-54, a grant application, to the current agenda for consideration. The committee also reviewed its minutes, discussed a cable franchise agreement with RCC, reviewed sales tax collections, and discussed reimbursement policies and procedures for Utility Latecomer Agreements. It appears that the State law requires all parties to receive a pro rata share of ULA payments, but staff are researching whether the City could give a larger share to a partner, so their portion could be repaid more quickly.
- B. Community Development Committee: Councilmember Rackley said the committee met on May 4th and forwarded AB11-45, an ordinance regarding truck routes, and Resolution 2121, an agreement with KPG Engineering, to the current agenda.
- C. Public Safety Committee: Councilmember Hamilton said the committee met on May 2nd and discussed the proposed truck route ordinance, which was forwarded with changes back to the CDC. He said residents living near Bonney Lake Blvd and 181st Street East expressed concerns about people driving at high speeds at this corner. Staff are reviewing whether a 2-way stop sign could be installed. Chief Mitchell said he and City Administrator Morrison met with the County Executive to discuss a proposed tax to update the County’s radio systems. The committee expressed

concern about the proposal, since the City has already done a lot of work to update its own system. Councilmember Hamilton said that although participating in the County's program would be voluntary, everyone would still have to pay the tax. He added that Assistant Fire Chief McDonald said the proposed system might benefit East Pierce Fire & Rescue, who could upgrade their communications.

Councilmember Hamilton said the committee also discussed traffic and parking issues related to the Renaissance Fair, to be held at Kelly Farms this summer. He said the property is in the County so the Pierce County Sheriff will handle traffic and safety, but it will impact City residents and traffic as well. EPFR Assistant Chief McDonald reported that his department has worked with the fair at its past location and they did not have any major issues. Councilmember Hamilton said permitting for the event will go through the County. He suggested the City could provide a space for additional parking on its property on 192nd Avenue East, near the site.

The committee also discussed options for a firing range on the Reed Property from Chief Mitchell. He provided cost estimates to install a range, and estimates for how much the City could charge for other jurisdictions to rent the facility.

D. Other Reports:

New Chambers: Councilmember Decker noted that with the new Chambers microphone set up, Councilmember motions may not be picked up by the microphones if they are muted, and therefore not included on the record. Mayor Johnson said he can turn individual microphones on and off and would do so for this meeting when there are Council motions and votes.

Communities for Families: Councilmember Lewis attended the Sumner-Bonney Lake Communities for Families meeting on May 5, 2011. He said Special Events Coordinator David Wells invited the group to attend the Justice Center ribbon cutting ceremony, and gave information on upcoming summer events in the City.

7:20 p.m.

IV. **CONSENT AGENDA:**

- A. **Approval of Corrected Minutes:** April 19, 2011 Council Workshop and April 26, 2011 Council Meeting.
- B. **Approval of Accounts Payable Checks/Vouchers:** #60981 thru 61025 (including wire transfer #'s 4132011, 4152011, 4162011, 7322118 & 35733603) in the amount of \$181,671.37; Accounts Payable checks/vouchers #61026 in the amount of \$463.31 for a Utility Refund; Accounts Payable checks/vouchers #61027 thru 61055 (including wire transfer # 4172011) in the amount of \$524,294.97 for a grand total of \$706,429.65.
- C. **AB11-45 – Ordinance 1388 [D11-45]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adding A New Chapter 10.48 To The Bonney Lake Municipal Code Relating To Truck Routes.

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

City Clerk Edvalson noted that the version of the proposed Ordinance D11-45 included in the Agenda Packet did not include updates that were approved by the Community Development Committee. The correct version had been provided to Councilmembers with their packets on Friday, May 6th.

Councilmember Decker moved that the Council consider the revised version of Ordinance D11-45 for Consent Agenda item C. Councilmember Lewis seconded the motion.

Motion approved 7 – 0.

Consent Agenda approved 7 – 0.

7:22 p.m.

V. FINANCE COMMITTEE ISSUES:

- A. **AB11-54** – A Motion of the Bonney Lake City Council Authorizing the Mayor to Sign the 2011-2013 Local Records Grant Program Application.

Councilmember Decker moved to approve motion AB11-54. Councilmember Lewis seconded the motion.

Motion AB11-54 approved 7 – 0.

7:23 p.m.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB11-56 – Resolution 2121** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With KPG Engineering For The Design Of The West Tapps Sidewalk And Water Main Improvements.

Councilmember Lewis moved to approve Resolution 2121. Councilmember Decker seconded the motion.

Deputy Mayor Swatman, Councilmember Decker, Councilmember Carter and Councilmember Hamilton spoke in support of the proposed project. Deputy Mayor Swatman said he often sees pedestrians walking along the roadside to get to Allan Yorke Park. He said he would like the Council to discuss options to extend access past the Moriarty property at an upcoming Workshop. Councilmember Decker said residents in the area will be happy to see sidewalks being installed.

Director Grigsby noted that the sidewalk project does not go all the way to the end of the city-owned Moriarty property due to a fence line. He noted that the project design phase will happen over the summer, and construction would likely not occur until the fall, so it would not impact summer activities at the park. Councilmember Hamilton said this project shows resident’s tax dollars at work, and is a good visible project. Director Grigsby said the project is only possible because of funds the Council dedicated to sidewalk projects. He noted that the project takes advantage of water main improvements to install sidewalks at the same time.

Resolution 2121 approved 7 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: *None.*

VIII. FULL COUNCIL ISSUES: *None.*

IX. EXECUTIVE SESSION: *None.*

X. ADJOURNMENT:

7:28 p.m.

At 7:28 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items presented to Council at the May 10, 2011 Meeting: *None.*

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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: CD / Heather Stinson	Meeting/Workshop Date: 17 May 2011	Agenda Bill Number: AB11-57
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D11-57	Councilmember Sponsor:

Agenda Subject: Updating process for amending Development Regulations

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Update Of BLMC Title 14 In Regards To The Process For Amending Development Regulations.

Administrative Recommendation:

Background Summary: BLMC currently requires Planning Commission review, a public hearing and review by the State Department of Commerce for any and all amendments to the text of Titles 14-19. The attached ordinance, drafted by City legal staff, limits this process to only those text amendments that meet the state definition of "Development Regulation."
Attachments: Ordinance D11-57, Planning Commission recommendation memo

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	Chair/Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
Forward to:	Consent		
	Agenda:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Commission/Board Review:	6 Apr 2011		
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 10 May 2011	Tabled to Date:

APPROVALS		
Director: <i>John P. Vodopich, AICP</i>	Mayor:	Date Reviewed by City Attorney: (if applicable):



Memo

Date : April 20, 2011
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
CC :
Re : **Changes to municipal code in regards to amending Development Regulations**

Explanation for Proposed Ordinance Amending Title 14 of BLMC
(As drafted by City legal staff)

Washington’s Growth Management Act (Chapter 36.70A of RCW) provides municipalities with a framework for land use planning and the regulation of development. Among other conditions, the GMA requires municipalities to create a comprehensive plan to alleviate the problems associated with uncoordinated and unplanned growth. To implement the comprehensive plan, municipalities must impose “development regulations,” defined as “the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances...” RCW 36.70A.030(7); *see also* WAC 365-196-800(1). Municipalities must adhere to a specific GMA review process for any proposed amendment to the comprehensive plan or a development regulation. *See, e.g.,* RCW 36.70A.106.

Bonney Lake implements its comprehensive plan through development regulations contained in the city’s Development Code (Titles 14-19 of BLMC). However, not all provisions of the Development Code are development regulations as defined by the GMA. *See, e.g.,* Chapter 15.16 of BLMC, Automatic Fire Extinguishing Systems; Chapter 15.32, Street Names and Addresses.

The current language of the City’s code can be interpreted to require all proposed amendments to the Development Code to go through the GMA review process, regardless of whether or not the provision being amended meets the GMA definition of a development regulation. *See, e.g.,* BLMC 14.140.070 – “The city shall comply with RCW 36.70A.106 regarding review by the office of community development of proposed amendments to the comprehensive plan or development code.”

The proposed ordinance corrects this confusion. It clarifies that only a proposed amendment to a provision of the Development Code that meets the GMA definition of a “development regulation” must follow the GMA review process. This leaves discretion with the City to determine whether or

not a proposed amendment is to a “development regulation” as defined under the GMA. Such a determination can only be made on a case-by-case basis, applying the definitions and criteria of the GMA.

For instance, the City recently amended its Sign Code (chapter 15.28 of BLMC). Some amendments to the Sign Code would be considered an amendment to a “development regulation” while other amendments would not. The recent amendments addressed legal definitions and enforcement issues. That type of amendment does not implicate the comprehensive plan and therefore does not meet the GMA definition of a “development regulation.” However, if a proposed amendment altered the allowable size or location of a category of signs, that amendment would meet the GMA definition of a “development regulation” and the City would need to follow the GMA review process.

Recommendation:

The Planning Commission voted 5-1 to recommend that the City Council adopt the attached draft ordinance which revises the review process for municipal code text amendments.

ORDINANCE NO. D11-57
AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,
WASHINGTON, AMENDING TITLE 14 OF BONNEY LAKE MUNICIPAL CODE.

WHEREAS, the City of Bonney Lake wishes to clarify statutory definitions from Chapter 36.70A of RCW as referenced in the Bonney Lake Municipal Code; and

WHEREAS, the City wishes to clarify the amendment process for development regulations as contained in the City's Development Code;

WHEREAS, the Planning Commission conducted a public hearing on April 6, 2011 and issued a recommendation for passage of this Ordinance on April 20, 2011; and

WHEREAS, a Determination of Non-Significance was issued on March 29, 2011 meeting the requirements of the State Environmental Policy Act; and

WHEREAS, Washington State Department of Commerce has completed their required review.

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

Section 1. Section 14.10.030 of the Bonney Lake Municipal Code is hereby amended to read as follows:

14.10.030 Definitions.

In the event of conflict between the following definitions and other definitions given in this development code, the following shall prevail:

A. "Area-wide" describes a land area containing four or more parcels, contiguous or noncontiguous, or comprising 40 or more acres, which area as an integral proposal is considered for a change in zoning or comprehensive plan designation; provided, that the director(s) may deem any proposal to be site-specific if the public interest will be better served by a quasi-judicial process than a legislative process.

B. "BMP" means best management practice.

C. "Building code" means the codes adopted in Chapter 15.04 BLMC, and any amendments thereto.

D. "Building permit" means any permit issued by the building official, including building, plumbing, demolition, mechanical, and grading permits.

E. “Building official” means the city of Bonney Lake building official or designee.

F. “City” means the city of Bonney Lake, Washington.

G. “Comprehensive plan” means the city of Bonney Lake comprehensive plan.

H. “Days” mean calendar days unless otherwise stated.

I. “Design commission” means the city of Bonney Lake design commission.

J. “Development code” means BLMC Titles 14 through 19, including any maps adopted as part thereof.

K. “Development regulation” means a control placed on development or land use activities, as defined in RCW 36.70A.030. A development regulation must be consistent with, and must implement, the city’s comprehensive plan, as described in WAC 365-196-800.

L. “Director(s)” means the director of planning and community development, director of public works, and building official, or the director(s)’s designee.

M. “DNS” means determination of nonsignificance pursuant to SEPA.

N. “DS” means determination of significance pursuant to SEPA.

O. “Legislative actions” means amendments to the city’s comprehensive plan or development code, including area-wide amendments to any associated maps, but excluding adoption of state-adopted building codes.

P. “Premises” means any real property or structure.

Q. “SEPA” means State Environmental Policy Act.

R. “SEPA-exempt” means categorically exempt from SEPA.

S. “Site-specific” means other than “area-wide” as defined above.

T. “Threshold determination” means a decision pursuant to the State Environmental Policy Act (SEPA) as to whether to require an environmental impact statement (EIS).

Section 2. Section 14.10.090 of the Bonney Lake Municipal Code is hereby amended to read as follows:

14.10.090 Planning commission.

The planning commission shall review and make recommendations to the city council on the following applications and subjects:

- A. Amendments to the comprehensive plan and development regulations;
- B. Special planning studies assigned to the planning commission;
- C. Planning fees, policies and procedures;
- D. Area-wide zoning changes, including zoning related to annexations.

Section 3. The following sections of chapter 14.140 of the Bonney Lake Municipal Code are hereby amended to read as follows:

**AMENDMENTS TO THE COMPREHENSIVE PLAN
OR DEVELOPMENT REGULATIONS**

14.140.010 Early and continuous public participation.

The city of Bonney Lake encourages early and continuous public participation in the comprehensive planning and development regulation process. Procedures, timelines, and application forms are available from the planning and community development department.

14.140.020 Initiation of site-specific map amendments.

A. Only the city or someone with ownership interest in a site may, in the latter case upon payment of an application fee per BLMC 3.68.010, initiate a comprehensive plan or development regulation amendment specific to that site (see definition of site-specific), such as a change of land use designation or zoning. Site-specific amendments to the zoning map shall be processed as Type 6 permits without frequency restriction.

B. Noncity-initiated site-specific (see definitions) comprehensive plan amendments shall be processed every other year. Complete applications received by April 30th of an odd-numbered year shall be processed that year as Type 6 permits. The director(s) shall docket such applications in accordance with RCW 36.70A.470(2).

14.140.030 Initiation of text amendments and area-wide map amendments.

All individuals and organizations are encouraged to suggest amendments to the comprehensive plan or a development regulation which are not specific to any site, such as text amendments or area-wide amendments. Such suggestions shall be made in writing to the director(s), who shall docket them in accordance with RCW 36.70A.470(2). At least annually, the director(s) shall review such suggestions and determine whether to advance them to the planning commission and city council, though the city council may decline to consider them. Also, the planning commission and city council may initiate amendments to the comprehensive plan or a development regulation which are not specific to any site.

14.140.035 Scheduling consideration of proposed amendments to the comprehensive plan or a development regulations.

The director(s) shall schedule consideration of all proposed amendments to the comprehensive plan or a development regulation, regardless of who suggested or initiated it. A development regulation may be amended at any time. The comprehensive plan may be amended no more than once per year and any contemplated amendments shall be considered concurrently; provided, that this limitation shall not apply to the circumstances stated in RCW 36.70A.130(2). The city may concurrently amend the comprehensive plan, a development regulation, and/or zoning map.

14.140.040 Threshold determination, scheduling of hearing, and notice.

A. Once a proposed amendment to the comprehensive plan or a development regulation has been drafted, the director(s) shall:

1. Perform a threshold determination regarding the proposal in accordance with WAC 197-11 Part Three;
2. If a determination of significance (DS) is issued, determine the scope of the environmental impact statement (EIS) and prepare the draft EIS;
3. Schedule a public hearing before the planning commission for a date that conforms to the following notice requirement; and
4. Publish between 15 and 30 days before the hearing a notice of hearing in the official newspaper (see Chapter 1.20 BLMC); provided, that:
 - a. If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the director(s) will reconsider the DNS.

b. If WAC 197-11-340(2) applies (that is, city cannot take final action until 15 days after issuing a DNS), the director(s) shall also send the notice of hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).

c. If a DEIS has been prepared the notice shall state that comments on the DEIS will be accepted until and at the hearing.

d. The director(s) may publicize a given legislative proposal more broadly or by additional means than stated herein if desired to gather more public input. Minor errors in amendment procedures, such as unintended inaccuracies in any public notice, shall not invalidate an amendment proceeding. (Ord. 988 § 2, 2003).

14.140.050 Reconsideration of DNS.

Repealed by Ord. 1322.

14.140.060 Director(s) shall forward.

The director(s) shall inform the planning commission and city council of the results of the proposal's environmental review. If a determination of significance was issued, the director(s) shall distribute copies of the draft and final EIS to the planning commission, city council, and other affected agencies.

14.140.070 State review.

The city shall comply with RCW 36.70A.106 regarding review by the state's Department of Commerce of proposed amendments to the comprehensive plan or a development regulation. The Director(s) shall determine whether a proposed amendment to a provision of the development code meets the definition of a development regulation, pursuant to BLMC 14.10.030(K).

14.140.080 Hearing.

The planning commission shall hold a public hearing, which may be at a joint meeting of the planning commission and city council at the discretion of the city council.

14.140.090 Criteria.

A. The comprehensive plan was adopted after extensive deliberation and shall not be amended unless it is demonstrated that:

1. The amendment is consistent with the goals and policies of the comprehensive plan;
2. The comprehensive plan remains internally consistent;
3. The amendment is consistent with the countywide planning policies;
4. The amendment is consistent with the Growth Management Act; and
5. The amendment advances the public health, safety, or welfare and is in the best interest of the residents of Bonney Lake.

B. The approval criterion for amendments to a development regulation shall be consistency with the comprehensive plan and the laws of the state of Washington.

14.140.100 Findings and recommendation.

The planning commission shall adopt written findings and make a recommendation consistent with those findings to the city council.

14.140.110 Council action.

The city council, if it elects to amend the comprehensive plan or a development regulation, shall revise the findings if necessary and adopt said amendments by ordinance.

14.140.120 Appeals.

Amendments of the comprehensive plan or a development regulation may be appealed in accordance with RCW 36.70A.290.

Section 4. Section 14.140.130 of the Bonney Lake Municipal Code is hereby repealed.

Section 5. 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 6. 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 _____, 2011.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective date:

ORDINANCE NO. D11-57
AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,
WASHINGTON, AMENDING TITLE 14 OF BONNEY LAKE MUNICIPAL CODE.

WHEREAS, the City of Bonney Lake wishes to clarify statutory definitions from Chapter 36.70A of RCW as referenced in the Bonney Lake Municipal Code; and

WHEREAS, the City wishes to clarify the amendment process for development regulations as contained in the City's Development Code;

WHEREAS, the Planning Commission conducted a public hearing on April 6, 2011 and issued a recommendation for passage of this Ordinance on April 20, 2011; and

WHEREAS, a Determination of Non-Significance was issued on March 29, 2011 meeting the requirements of the State Environmental Policy Act; and

WHEREAS, Washington State Department of Commerce has completed their required review.

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

Section 1. Section 14.10.030 of the Bonney Lake Municipal Code is hereby amended to read as follows:

14.10.030 Definitions.

In the event of conflict between the following definitions and other definitions given in this development code, the following shall prevail:

A. "Area-wide" describes a land area containing four or more parcels, contiguous or noncontiguous, or comprising 40 or more acres, which area as an integral proposal is considered for a change in zoning or comprehensive plan designation; provided, that the director(s) may deem any proposal to be site-specific if the public interest will be better served by a quasi-judicial process than a legislative process.

B. "BMP" means best management practice.

C. "Building code" means the codes adopted in Chapter 15.04 BLMC, and any amendments thereto.

D. "Building permit" means any permit issued by the building official, including building, plumbing, demolition, mechanical, and grading permits.

E. “Building official” means the city of Bonney Lake building official or designee.

F. “City” means the city of Bonney Lake, Washington.

G. “Comprehensive plan” means the city of Bonney Lake comprehensive plan.

H. “Days” mean calendar days unless otherwise stated.

I. “Design commission” means the city of Bonney Lake design commission.

J. “Development code” means BLMC Titles 14 through 19, including any maps adopted as part thereof.

K. “Development regulation” means a control placed on development or land use activities, as defined in RCW 36.70A.030. A development regulation must be consistent with, and must implement, the city’s comprehensive plan, as described in WAC 365-196-800.

~~K~~ L. “Director(s)” means the director of planning and community development, director of public works, and building official, or the director(s)’s designee.

~~L~~ M. “DNS” means determination of nonsignificance pursuant to SEPA.

~~M~~ N. “DS” means determination of significance pursuant to SEPA.

~~N~~ O. “Legislative actions” means amendments to the city’s comprehensive plan or development code, including area-wide amendments to any associated maps, but excluding adoption of state-adopted building codes.

~~O~~ P. “Premises” means any real property or structure.

~~P~~ Q. “SEPA” means State Environmental Policy Act.

~~Q~~ R. “SEPA-exempt” means categorically exempt from SEPA.

~~R~~ S. “Site-specific” means other than “area-wide” as defined above.

~~S~~ T. “Threshold determination” means a decision pursuant to the State Environmental Policy Act (SEPA) as to whether to require an environmental impact statement (EIS).

Section 2. Section 14.10.090 of the Bonney Lake Municipal Code is hereby amended to read as follows:

14.10.090 Planning commission.

The planning commission shall review and make recommendations to the city council on the following applications and subjects:

A. Amendments to the comprehensive plan and development regulations;

~~B. Amendments to the development code, BLMC Titles 14 through 19;~~

~~€B. Special planning studies assigned to the planning commission;~~

~~ƉC. Planning fees, policies and procedures;~~

~~€D. Area-wide zoning changes, including zoning related to annexations.~~

Section 3. The following sections of chapter 14.140 of the Bonney Lake Municipal Code are hereby amended to read as follows:

**AMENDMENTS TO THE COMPREHENSIVE PLAN
OR DEVELOPMENT REGULATIONS ~~CODE~~**

14.140.010 Early and continuous public participation.

The city of Bonney Lake encourages early and continuous public participation in the comprehensive planning and development regulation process. Procedures, timelines, and application forms are available from the planning and community development department.

14.140.020 Initiation of site-specific map amendments.

A. Only the city or someone with ownership interest in a site may, in the latter case upon payment of an application fee per BLMC 3.68.010, initiate a comprehensive plan or development regulation ~~code~~ amendment specific to that site (see definition of site-specific), such as a change of land use designation or zoning. Site-specific amendments to the zoning map shall be processed as Type 6 permits without frequency restriction.

B. Noncity-initiated site-specific (see definitions) comprehensive plan amendments shall be processed every other year. Complete applications received by April 30th of an odd-numbered year shall be processed that year as Type 6 permits. The director(s) shall docket such applications in accordance with RCW 36.70A.470(2).

14.140.030 Initiation of text amendments and area-wide map amendments.

All individuals and organizations are encouraged to suggest amendments to the comprehensive plan or a development regulation ~~eode~~ which are not specific to any site, such as text amendments or area-wide amendments. Such suggestions shall be made in writing to the director(s), who shall docket them in accordance with RCW 36.70A.470(2). At least annually, the director(s) shall review such suggestions and determine whether to advance them to the planning commission and city council, though the city council may decline to consider them. Also, the planning commission and city council may initiate amendments to the comprehensive plan or a development regulation ~~eode~~ which are not specific to any site.

14.140.035 Scheduling consideration of proposed amendments to the comprehensive plan or a development regulations ~~eode~~.

The director(s) shall schedule consideration of all proposed amendments to the comprehensive plan or a development regulation ~~eode~~, regardless of who suggested or initiated ~~them~~ it. ~~The A~~ A development regulation ~~eode~~ may be amended at any time. The comprehensive plan may be amended no more than once per year and any contemplated amendments shall be considered concurrently; provided, that this limitation shall not apply to the circumstances stated in RCW 36.70A.130(2). The city may concurrently amend the comprehensive plan, a development regulation ~~eode~~, and/or zoning map.

14.140.040 Threshold determination, scheduling of hearing, and notice.

A. Once a proposed amendment to the comprehensive plan or a development regulation ~~eode~~ has been drafted, the director(s) shall:

1. Perform a threshold determination regarding the proposal in accordance with WAC 197-11 Part Three;
2. If a determination of significance (DS) is issued, determine the scope of the environmental impact statement (EIS) and prepare the draft EIS;
3. Schedule a public hearing before the planning commission for a date that conforms to the following notice requirement; and
4. Publish between 15 and 30 days before the hearing a notice of hearing in the official newspaper (see Chapter 1.20 BLMC); provided, that:
 - a. If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the director(s) will reconsider the DNS.

b. If WAC 197-11-340(2) applies (that is, city cannot take final action until 15 days after issuing a DNS), the director(s) shall also send the notice of hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).

c. If a DEIS has been prepared the notice shall state that comments on the DEIS will be accepted until and at the hearing.

d. The director(s) may publicize a given legislative proposal more broadly or by additional means than stated herein if desired to gather more public input. Minor errors in amendment procedures, such as unintended inaccuracies in any public notice, shall not invalidate an amendment proceeding. (Ord. 988 § 2, 2003).

14.140.050 Reconsideration of DNS.

Repealed by Ord. 1322.

14.140.060 Director(s) shall forward.

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14.140.070 State review.

The city shall comply with RCW 36.70A.106 regarding review by the state's Department of Commerce ~~office of community development~~ of proposed amendments to the comprehensive plan or a development regulation code. The Director(s) shall determine whether a proposed amendment to a provision of the development code meets the definition of a development regulation, pursuant to BLMC 14.10.030(K).

14.140.080 Hearing.

The planning commission shall hold a public hearing, which may be at a joint meeting of the planning commission and city council at the discretion of the city council.

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A. The comprehensive plan was adopted after extensive deliberation and shall not be amended unless it is demonstrated that:

1. The amendment is consistent with the goals and policies of the comprehensive plan;
2. The comprehensive plan remains internally consistent;
3. The amendment is consistent with the countywide planning policies;
4. The amendment is consistent with the Growth Management Act; and
5. The amendment advances the public health, safety, or welfare and is in the best interest of the residents of Bonney Lake.

B. The approval criterion for amendments to ~~the~~ a development regulation code shall be consistency with the comprehensive plan and the laws of the state of Washington.

14.140.100 Findings and recommendation.

The planning commission shall adopt written findings and make a recommendation consistent with those findings to the city council.

14.140.110 Council action.

The city council, if it elects to amend the comprehensive plan or a development regulation code, shall revise the findings if necessary and adopt said amendments by ordinance.

14.140.120 Appeals.

Amendments of the comprehensive plan or a development regulation code may be appealed in accordance with RCW 36.70A.290.

Section 4. Section 14.140.130 of the Bonney Lake Municipal Code is hereby repealed.

Section 5. 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 6. 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 _____, 2011.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective date:

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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: CD / Heather Stinson	Meeting/Workshop Date: 17 May 2011	Agenda Bill Number: AB11-58
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D11-58	Councilmember Sponsor:

Agenda Subject: Adding buffering standards between commercial and residential properties.

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Blmc Chapter 18.22 And 18.31 To Provide Performance Standards For Commercial And Residential Zones And Uses Within 500 Feet Of Each Other.

Administrative Recommendation:

Background Summary: Council added two agenda items to the Planning Commission workplan intended to address noise from nightclubs and other high impact commercial uses adjacent to residential properties. The attached ordinance adds some buffering enhancements between these properties.
Attachments: Ordinance D11-58, Planning Commission recommendation memo

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>	Yes	No
Date:	Chair/Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
Forward to:	Consent Agenda:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Commission/Board Review:	6 Apr 2011		
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 10 May 2011	Tabled to Date:

APPROVALS		
Director: <i>John P. Vodopich, AICP</i>	Mayor:	Date Reviewed by City Attorney: (if applicable):



Memo

Date : April 20, 2011
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
CC :
Re : **Buffering nuisances between residential and commercial properties**

In discussion with the Planning Commission in the last few months, we've talked about the possibility of Design Standards for Nightclubs and other commercial uses that may impact adjacent residential uses. When we heard from Council member Carter on her idea of what these might be, she spoke about potential noise and light issues. The possibility of prohibiting outdoor speakers and soundproofing buildings has been part of the discussion.

One of the challenges that the Commission faces is that the way BLMC defines "nightclub," the definition could be interpreted to mean any restaurant or bar that sells liquor:

BLMC 5.17.010(B): "Nightclub" means any for-profit business open to the public:

1. In which at any time between the hours of 10:00 p.m. and 12:00 a.m. liquor is sold to the public; and
2. Which has any assembly space on the premises with a maximum occupancy of 30 or more persons as provided in a certificate of occupancy issued by the city.

There is no zoning designation in the City that lists nightclubs as an allowed use. This fact leaves the code administrator to interpret the code in such a way that allowed uses that also fit the definition of a nightclub must meet the nightclub standards.

The Commission is concerned about limiting outdoor seating or noise generated by restaurants or pubs specifically in the Downtown as the Commissioners see this as an activity that would be consistent with the vision of Downtown.

The attached ordinance addresses some nuisances that may be caused by placing residential and commercial development adjacent to each other, however, the Planning Commission is of the

opinion that there is no way to limit outdoor seating or piped music in a way that won't hamper business unnecessarily. The Planning Commission feels that the noise ordinance should be relied upon to address noise impacts rather than prohibiting outdoor seating or music.

Having said that, the Commission also believes that the landscaping requirements of BLMC 16.14 should be reviewed to allow improved buffering between residential and commercial properties. Currently, landscaping requirements allow for cutting down native vegetation and installing small, immature plantings that may not obscure visibility between commercial and residential developments for many years.

Recommendation:

The Planning Commission voted 6-0 to recommend that the City Council adopt the attached draft ordinance which further limits impacts between residential and commercial developments.

The Planning Commission also recommends that City Council add two items to the Planning Commission workplan:

1. Update of Title 16.14 Landscaping to enhance buffering between commercial and residential properties.
2. Update the definition of "Nightclub" and determine which Zones they should be allowed.

ORDINANCE NO. D11-58

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING BONNEY LAKE MUNICIPAL CODE CHAPTER 18.22 AND 18.31 TO PROVIDE PERFORMANCE STANDARDS FOR COMMERCIAL AND RESIDENTIAL ZONES AND USES WITHIN 500 FEET OF EACH OTHER

WHEREAS, the City Council wishes to protect residential developments from the nuisances of adjacent commercial activity, and

WHEREAS, the Planning Commission conducted a public hearing on April 6, 2011 and issued a recommendation for passage of this Ordinance on April 20, 2011; and

WHEREAS, a Determination of Non-Significance was issued on March 29, 2011 meeting the requirements of the State Environmental Policy Act; and

WHEREAS, Washington State Department of Commerce has completed their required review.

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

Section 1. A new Section 18.22.110 of the Bonney Lake Municipal Code is hereby added to read as follows:

18.22.110 Residential adjacent to Commercial

The following special requirements and performance standards shall apply to all new single-family, duplex, and multi-family residential buildings within 500 feet of a commercial zone or use:

Placement of design elements and mechanical equipment:

- A. To the extent feasible, new residential buildings shall be designed so that windows, doors and outdoor living spaces are minimized on the side of the building facing the commercial zone or use.
- B. To the extent feasible, stand-alone air conditioning units associated with residential buildings shall be placed on the side of the building adjacent to the commercial zone or use.

Section 2. Section 18.31.030 of the Bonney Lake municipal code shall be amended to read as follows:

18.31.030 Performance standards.

The following special requirements and performance standards shall apply to all properties located in the neighborhood commercial; commercial; heavy commercial, warehousing and light industrial; and manufacturing districts.

A. Odor.

1. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site.

B. Radioactivity and Electrical Disturbances.

1. Radioactivity and electrical disturbances shall be limited to measuring, gauging and calibration devices, medical purposes, and the processing and preservation of foods.

2. In no event shall radio activity, when measured at such exterior boundaries of the property, be in excess of 2.7×100^{-11} microcuries per milliliter of air at any moment of time. Radio and television transmitters shall be operated at the regularly assigned wave length (or within the authorized tolerances thereof) as assigned thereto by the appropriate governmental agency. Subject to such exception, all electrical and electronic devices and equipment shall be suitably wired, shielded and controlled so that in operation they shall not emit any electrical impulses or waves which will adversely affect the operation and control of any other electrical or electronic devices or equipment.

C. Vibration.

1. No use except a temporary construction operation shall be permitted which generates inherent and recurrent ground vibration perceptible without instruments at the boundary of the lot in which the use is located.

D. Gases, Fumes and Vapors.

1. The emission of any dust, dirt, fly ash, gases, fumes or vapors dangerous to human health, animal life, vegetation or property, or which can cause any soiling or staining of persons or property

at any point beyond the exterior property lines, is prohibited.

2. No emission of liquid or solid particles from any chimney or other source shall exceed three-tenths grains per cubic foot of the carrying gas at any point beyond the lot line of the use creating the emission.

3. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air in stack at full load.

E. Heat.

1. No use shall produce heat significantly perceptible beyond its exterior property lines.

F. Glare.

1. No use shall produce a strong dazzling light, or a reflection of a strong dazzling light, beyond its exterior property lines.

2. All outdoor lighting associated with a commercial use shall be minimized and focused away from residential zones and uses that are within 500 feet. New commercial buildings proposing drive-thrus or associated driveways shall design the drive-thrus and associated driveways in a way that minimizes headlights shining into residential zones and uses.

G. Storage and Waste Disposal.

1. All materials and waste which might cause fumes, dust, constitute a fire hazard, produce offensive odors, or which may be edible or otherwise attractive to rodents or insects shall be stored in closed containers and in a manner to eliminate or prevent such hazards.

2. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy or heating appliances located and operated on the same lot as the tanks or drums of fuel.

3. All outdoor storage facilities for fuel, raw materials and products, stored outdoors, shall be enclosed by an approved safety fence.

4. No material or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

5. Any facilities processing, storing or disposing of hazardous wastes shall be sited in accordance with the provisions of Chapter 70.105 RCW and shall meet the state's siting criteria and receive a State Hazardous Waste Management Facility Permit.

H. Noise

1. Noise standards shall be consistent with BLMC 9.44, Public Disturbance Noises

Section 3. 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 4. 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 _____, 2011.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

ORDINANCE NO. D11-58

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WHEREAS, the City Council wishes to protect residential developments from the nuisances of adjacent commercial activity, and

WHEREAS, the Planning Commission conducted a public hearing on April 6, 2011 and issued a recommendation for passage of this Ordinance on April 20, 2011; and

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WHEREAS, Washington State Department of Commerce has completed their required review.

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Section 2. Section 18.31.030 of the Bonney Lake municipal code shall be amended to read as follows:

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The following special requirements and performance standards shall apply to all properties located in the neighborhood commercial; commercial; heavy commercial, warehousing and light industrial; and manufacturing districts.

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1. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site.

B. Radioactivity and Electrical Disturbances.

1. Radioactivity and electrical disturbances shall be limited to measuring, gauging and calibration devices, medical purposes, and the processing and preservation of foods.

2. In no event shall radio activity, when measured at such exterior boundaries of the property, be in excess of 2.7×100^{-11} microcuries per milliliter of air at any moment of time. Radio and television transmitters shall be operated at the regularly assigned wave length (or within the authorized tolerances thereof) as assigned thereto by the appropriate governmental agency. Subject to such exception, all electrical and electronic devices and equipment shall be suitably wired, shielded and controlled so that in operation they shall not emit any electrical impulses or waves which will adversely affect the operation and control of any other electrical or electronic devices or equipment.

C. Vibration.

1. No use except a temporary construction operation shall be permitted which generates inherent and recurrent ground vibration perceptible without instruments at the boundary of the lot in which the use is located.

D. Gases, Fumes and Vapors.

1. The emission of any dust, dirt, fly ash, gases, fumes or vapors dangerous to human health, animal life, vegetation or property, or which can cause any soiling or staining of persons or property

at any point beyond the exterior property lines, is prohibited.

2. No emission of liquid or solid particles from any chimney or other source shall exceed three-tenths grains per cubic foot of the carrying gas at any point beyond the lot line of the use creating the emission.

3. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air in stack at full load.

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2. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy or heating appliances located and operated on the same lot as the tanks or drums of fuel.

3. All outdoor storage facilities for fuel, raw materials and products, stored outdoors, shall be enclosed by an approved safety fence.

4. No material or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

5. Any facilities processing, storing or disposing of hazardous wastes shall be sited in accordance with the provisions of Chapter 70.105 RCW and shall meet the state's siting criteria and receive a State Hazardous Waste Management Facility Permit.

H. Noise

1. Noise standards shall be consistent with BLMC 9.44, Public Disturbance Noises

Section 3. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

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