

**CITY COUNCIL WORKSHOP**

**November 6, 2012  
5:30 p.m.**

**AGENDA**



**“Where Dreams Can Soar”**

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

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*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.*

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

**I. Call to Order:** Mayor Neil Johnson

**II. Roll Call:**

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, and Councilmember Tom Watson.

**III. Agenda Items:**

**A. Council Open Discussion.**

Pg. 3 **B. Public Hearing:** AB12-150 – A Public Hearing for Proposed Ordinance D12-148 Establishing Pre-Annexation Zoning for the Falling Water Subdivision on November 6<sup>th</sup> and December 11<sup>th</sup>. (Please see attachments to Agenda Item III.G.b. on Page 53 of Agenda Packet)

Pg. 5 **C. ACTION:** AB12-134 – Motion Setting a Public Hearing on November 13, 2012 at 7:00 p.m. for Proposed Ordinance D12-136 – Annual Ad Valorem Tax Levy for Fiscal Year 2013.

Pg. 7 **D. ACTION:** AB12-156 – Motion Setting a Public Hearing on November 13, 2012 at 7:00 p.m. for Proposed Ordinance D12-157 – 2013-2014 Biennial Budget.

Pg. 9 **E. Review of Draft Minutes:** October 16<sup>th</sup> Workshop, October 23<sup>rd</sup> Meeting, and October 30<sup>th</sup> Special Meeting.

**F. Discussion:** Jail Services Contracts.

Pg. 25 a. AB12-152 – Resolution 2250 – Contract with Okanagan County for Jail Services.

Pg. 37 b. AB12-153 – Resolution 2251 – Contract with City of Fife for Jail Services

**G. Presentation:** Planning Commission Proposed Ordinances.

Pg. 45 a. AB12-147 – Ordinance D12-147 – Amending Chapters 18.04 And 18.08 Of The Bonney Lake Municipal Code And Ordinance Nos. 740 And 746, Relating To Cannabis Collective Gardens And Dispensaries.

Pg. 55 b. AB12-148 – Ordinance D12-148 – Establishing Pre-Annexation Zoning For The Falling Water Subdivision And Identifying The Falling Water Subdivision And The Tehaleh Planned Community As “Proposed UGA” On The City’s Future Land Use Map.

Pg. 65 c. AB12-149 – Ordinance D12-149 – Replacing Chapter 16.14 Of The Bonney Lake Municipal Code, Adopting New Landscaping Standards

**IV. Executive Session:** Pursuant to RCW 42.30.110(b), the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

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

<b>Department/Staff Contact:</b> Community Development / John P. Vodopich, AICP	<b>Meeting/Workshop Date:</b> 6 November 2012	<b>Agenda Bill Number:</b> AB12-150
<b>Agenda Item Type:</b> Public Hearing	<b>Ordinance/Resolution Number:</b> D12-148	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Public Hearing for Pre-Annexation Zoning

**Full Title/Motion:** An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing Pre-Annexation Zoning For The Falling Water Subdivision And Identifying The Falling Water Subdivision And The Tehaleh Planned Community As “Proposed UGA” On The City’s Future Land Use Map.

**Administrative Recommendation:**

**Background Summary:** This is the first of two public hearings at least thirty days apart that are required in order to establish pre-annexation zoning.

**Attachments:** See presentation materials for AB12-148

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a			
<b>Budget Explanation:</b>			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>		<b>Yes No</b>
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:	<b>Consent Agenda:</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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

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

<b>Department/Staff Contact:</b> Fin / Al Juarez	<b>Meeting/Workshop Date:</b> 6 November 2012	<b>Agenda Bill Number:</b> AB12-134
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Set a Public Hearing - Potential Increase in Property Tax Revenue To Be Collected During Fiscal Year 2013.

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing At 7:00 P.M., Or As Soon Thereafter As Possible, During The Regular Council Meeting Of November 13, 2012 To Consider Revenue Sources And Possible Property Tax Increases Before Setting The Ad Valorem Property Tax Rate For 2013.

**Administrative Recommendation:** Set November 13, 2012 as the public hearing date.

**Background Summary:** A public hearing on the revenue sources and possible tax rate increase is part of the biennial budget review process and necessary for adoption of the ad valorem property tax rate to be collected during fiscal year 2013. It is proposed that a hearing on the revenue sources for the coming fiscal year including consideration of possible increases in property tax revenues be held during the Council Meeting of November 13, 2012.

**Attachments:** None

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b> Not Applicable			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	Finance Committee Date: 25 September 2012	<i>Approvals:</i> Chair/Councilmember Deputy Mayor Swatman Councilmember Mark Hamilton Councilmember James Rackley	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
	Forward to: 11/6/12 Workshop	<b>Consent Agenda:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> Al Juarez	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> Standard (if applicable):

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

<b>Department/Staff Contact:</b> Finance / Al Juarez	<b>Meeting/Workshop Date:</b> 6 November 2012	<b>Agenda Bill Number:</b> AB12-156
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Set a Public Hearing associated with the adoption of the 2013-2014 Biennial Budget.

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing At 7:00 P.M., Or As Soon Thereafter As Possible, During The Regular Council Meeting Of November 13, 2012 In Consideration Of Adopting The 2013 - 2014 Biennial Budget.

**Administrative Recommendation:** Set November 13, 2012 as a public hearing date in association with the 2013-2014 Biennial Budget

**Background Summary:** Public hearings are a part of the biennial budget adoption process. It is proposed that a hearing on the preliminary 2013-2014 biennial budget including consideration of possible increases in property tax revenues be held during the regular Council Meeting of November 13, 2012. Public hearings on the final budget will also be held by the City Council at the Bonney Lake Justice Center during their workshops and regular meetings of November 20, November 27 and December 4, 2012. Budget hearings may be continued from day to day until final adoption of the budget. Taxpayers may appear at public hearings and be heard for or against any part of the budget.

**Attachments:** None

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b> Not Applicable			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>											
<b>Council Committee Review:</b>	Other Date:	<i>Approvals:</i> Chair/Councilmember Deputy Mayor Swatman Councilmember Mark Hamilton Councilmember James Rackley	<table style="width: 100%; border: none;"> <tr> <td style="padding: 0 10px;"><b>Yes</b></td> <td style="padding: 0 10px;"><b>No</b></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	<b>Yes</b>	<b>No</b>	<input type="checkbox"/>					
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Forward to: p		<b>Consent</b>	<b>Agenda:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
<b>Commission/Board Review:</b>											
<b>Hearing Examiner Review:</b>											

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> <i>Al Juarez</i>	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> Standard (if applicable):

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**CITY COUNCIL WORKSHOP**

**October 16, 2012  
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](http://www.ci.bonney-lake.wa.us)

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

**I. CALL TO ORDER** – Deputy Mayor Dan Swatman called the workshop to order at 5:34 p.m.

**II. ROLL CALL:**

Administrative Services Director/City Clerk Harwood Edvalson called the roll. Elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, and Councilmember Tom Watson. Mayor Neil Johnson, Jr. arrived at 6:07 p.m. Councilmember Jim Rackley was not in attendance.

**Councilmember Hamilton moved to excuse Councilmember Rackley. Councilmember Lewis seconded the motion.**

**Motion to excuse  
Councilmember Rackley  
approved 6-0.**

Staff members in attendance were City Administrator Don Morrison, City Engineer John Woodcock, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Interim Police Chief Dana Powers, Assistant City Attorney Kathleen Haggard, Facilities and Special Projects Manager Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

**III. AGENDA ITEMS:**

**A. Presentation:** Report on Recycling from DM Disposal.

Mark Gingrich, Operations Manager and Keith Kovalenko, District Manager with DM Disposal, a Waste Connections company (DM) presented their annual report. Mr. Gingrich said DM is a full service recycling company, providing services throughout the South Puget Sound region, including the City of Bonney Lake. Mr. Gingrich summarized DM’s four main goals for 2012 to: Improve Outreach to Minimize Recycling Contamination; Increase Waste Diversion and Increase Recycling Participation; Route Enhancements to Reduce Fuel and Environmental Footprint; and Implement Regular Council Updates. The presentation focused on business and multifamily recycling and to introduce their new Waste Reduction Representative who is focused on ways to increase recycling. Their 2013 recycling plan with the County will include greater investments in education and promotion to residential subscribers. Questions and answers were asked by and provided to the Council.

**B. Presentation: Tehaleh Master Planned Community.**

Representatives of Tehaleh Master Planned Community were unavailable to attend and will plan to reschedule their presentation to another workshop.

**A. Review of Council Minutes:** October 2, 2012 Council Workshop and October 9, 2012 Council Meeting.

The October 2, 2012 Council Workshop and October 9, 2012 Meeting minutes were forwarded to the October 23, 2012 Council Meeting for action, with one minor correction.

**B. Discussion:** AB12-140 – Resolution 2247 – Awarding the Justice Center Tenant Improvement Phase 2 Contract to JB Construction Consulting, Inc.

Facilities and Special Projects Manager Leaf said the City advertised the City of Bonney Lake Justice Center Tenant Improvement Phase 2 Project on September 5, 2012 and opened bids on October 1, 2012. JB Construction Consulting, Inc. was the low bidder for the project at \$404,000 which includes the construction of the improvements, but not the office furniture and partitions. He said that value engineering reduced the bid by \$9,799.62 by removing dimmer switches, and a 15% contingency is included in this cost allocation. He reviewed the information provided in the Cost Summary spreadsheet and advised that the \$22,000 incurred to date was for architectural services. He said that the office furniture and partitions are a separate contract to be purchased under an Intergovernmental Cooperative Purchasing Agreement with Vancouver School District No. 37. City Administrator Morrison provided information regarding how an agreement with Vancouver School District No. 37 allows the City to piggy back onto the school district's furniture purchasing contract. Councilmember McKibbin asked about the possible use of the current copiers and Facilities and Special Projects Manager Leaf provided an explanation of the City's needs. Administrative Services Director/City Clerk Edvalson advised that the per copy cost on new machines would be more cost efficient than the current copiers. Councilmember McKibbin said he heard there was parking behind the library that could possibly be made available for the City's use and Facilities and Special Projects Manager Leaf said that the City would need to have an engineer review it and see if it is a viable option. There was extensive discussion regarding the need for a generator at the Justice Center and a security alarm system.

City Administrator Morrison reviewed his October 16<sup>th</sup> memo to the Council regarding the funding for the tenant improvements. Councilmember Hamilton asked if there was any discussion among Administration regarding postponing the tenant improvements until the budget is balanced. City Administrator Morrison said \$500,000 for the improvements is available from the general fund and with the remain balance not being too large he believes it is feasible to complete the improvements, especially if the City is able to free up the Annex. He said the City is close to getting a balanced budget. Councilmember Hamilton said he is concerned about whether there will be actual cost savings for the City due to the improvements. Councilmember McKibbin asked why the City should keep the Annex. City Administrator Morrison said it is in the overall plan for the future civic center. Deputy Mayor Swatman said he likes the preferred option addressed in the October 16<sup>th</sup> memo to use the utilities to fill the gap. Councilmember Lewis said he would like to see the improvements completed so City staff are centralized and to minimize the amount of time used by City staff commuting to other city offices. Councilmember Hamilton said he wants to make sure public perception is not concerned about authorizing the improvements when the City has been talking about an unbalanced budget. Mayor Johnson said City staff will make sure the public are well informed about the City's needs and how the improvements will actually benefit the City. This item was forwarded to the October 23, 2012 Council Meeting for action.

**At 6:44 p.m., Mayor Johnson called for a 15 minute break. The workshop resumed at 6:59 p.m.**

### **C. Council Open Discussion.**

City of Burlington Theft: Mayor Johnson spoke about the City of Burlington and the recent incident where their City bank account was hacked into and funds stolen. Chief Financial Officer Juarez provided information regarding the City of Bonney Lake's daily banking review process. He said the City's internal control of activity is extensive and City staff take advantage of the bank's fraud protection services. He said the Finance Department has worked with the City's IT staff to make sure the City's system is secure, including with the new utility auto pay system.

John Vodopich 25 Years of Service: Mayor Johnson read an International City/Council Management Association plaque that recognized Community Development Director John Vodopich for his 25 years of local government service.

Local Signage: Councilmember Watson said he would like to see the City make some revisions to the local signage ordinances, especially to allow for home occupation signage on fences. He would also like to allow temporary permit signage for seasonal business purposes and which would be permitted for the same duration of times as the temporary use permit. Community Development Director Vodopich said Councilmember Watson's proposed revisions are reasonable. Assistant City Attorney Kathleen Haggard said the way Chapters 14-18 of the Bonney Lake Municipal Code are worded that it requires any amendments to the development code go to the Planning Commission, though Council could revise this requirement. Councilmember McKibbin said he would like the issue to be discussed by the Planning Commission. Community Development Director Vodopich said these provisions are part of the development code in Title 15, and are not specifically in the sign code. Council agreed that if the Planning Commission is advised to address only these two issues and to strictly adhere to the suggested revisions that Council would approve forwarding these issues to the Planning Commission for review and recommendation. Councilmember Lewis said providing specificity to the Planning Commission will yield quicker results. Councilmember Watson said he spoke with the Code Enforcement Officer, who agreed that the revisions to the code make sense. Council forwarded the matter on to the Planning Commission and requested they bring it promptly back to the Council.

Sumner School District School Board Superintendent Focus Group: Councilmember Lewis said he will be unable to attend the October 23rd Council meeting as he has been asked by the Sumner School District to be a representative of the City to sit on a focus group for the School Board's selection of a new superintendent.

Metropolitan Park District: Deputy Mayor Swatman asked each Councilmember their opinion about having the Council serve as the Board for the proposed Metropolitan Park District (MPD). He said his hope is that the Council will act as the Ex-Officio Board. Councilmember Hamilton said he thinks it would be too messy having a separate Council and Board. Councilmember Lewis said he believes it is the best interest of the City to have the full Council sitting on the MPD Board primarily because of the finances involved, as well as the land use issues. Councilmember Watson said he agrees and believes the City just move forward with the public's vote on the MPD. Councilmember Watson said he thinks having the Council sit as the MPD Board would balance out the public's trust. Deputy Mayor Swatman said voters always have concerns with unknown Board members making financial decisions and he said the public needs to know the board members and trust their decisions. Mayor Johnson agreed

that the Council acting as the Board is the way it should be presented. He said the City needs to educate the public about the park plan options, and also explain that it is a “wish list” and not a guarantee of what park projects will be completed. Councilmember Lewis said the public needs to understand that those funds approved by voters for the MPD would be marked for MPD use only. Councilmember Hamilton asked if the MPD can lend monies to the City of Bonney Lake and said he knows the City can lend to the MPD. Assistant City Attorney Haggard advised there is statutory authority stating the City can lend to the MPD, however, the MPD cannot lend to the City.

Councilmember Minton-Davis said she has heard from a few individuals that a few people have said they don't want to see the Council act as the MPD Board and she hopes Park Board members do not feel that way. Mayor Johnson said he thinks the upcoming joint meeting between the Council and the Park Board will be very beneficial. Councilmember Minton-Davis advised that she will be out of town on October 30<sup>th</sup> so will be unable to attend the joint meeting. Councilmember Lewis said he thinks that as long as the Park Board knows that they are there to do their job regarding the parks aspects and the Planning Commission does their part regarding the planning aspects that their joint meeting can be successful. He said if the Park Board and Planning Commission can do that then Council will know that the work done by the two are thorough and complete and their recommendation come to the Council in harmony. Councilmember Hamilton said this joint meeting needs to conclude with the Park Board and Council leaving the meeting united so that the voters know there is a plan for the MPD that is supported by both the Park Board and the Council. Mayor Johnson said once the MPD is approved by the voters the voters need to know that there will be public hearings to address the issues in the park plans as the projects are presented and what those projects entail.

Milotte Film Festival: Councilmember Hamilton wanted to remind everyone about the Milotte Film Festival to be held at the Justice Center, 9002 Main Street E, on October 20, 2012 from 11:00 a.m. – 4:00 p.m. He said there will be a costume contest for the kids. He said this year's event will include the showing of three Walt Disney films: Seal Island, Bear Country, and Beaver Valley. All three are Milotte films and winners of Hollywood's Academy Award. Each film will be shown twice and all are very family-friendly. Councilmember Hamilton encouraged everyone to come and learn about the life and times of Alfred and Elma Milotte who were two very unique individuals who captured the art of nature.

- D. Discussion:** AB12-145 – Resolution 2248 – Intergovernmental Cooperative Purchasing Agreement between the City of Bonney Lake and Vancouver School District No. 37 (Office Furniture).

Council said they were comfortable with their earlier discussion in Agenda Item D., and this item was forwarded to the October 23, 2012 Council Meeting for action.

- E. Discussion:** AB12-142 – Ordinance D12-142 – Related to Traffic Impact Fees and AB12-143 – Ordinance D12-143 – Related to Water and Sewer System Development Charges.

Community Development Director Vodopich and Assistant City Attorney Haggard presented the proposed ordinances for the Transportation Impact Fees (TIF) and the Water and Sewer System Development Charges (SDC). He said these ordinances would grant a 100% TIF reduction to eligible businesses through a \$500,000 TIF reimbursement account and would propose a reduction for water and sewer development charges of 25% for water, and 20% for

sewer. Assistant City Attorney Haggard provided a legal analysis regarding the two proposed ordinance and authorization. She said these two ordinances propose to provide a limiting tax exchange with the TIF. Mayor Johnson said the threshold the City has discussed would potentially get a new business' fees down to approximately \$100,000, which is what the City would like to offer for the reduction(s) to bring in development.

Councilmember Watson asked if there are any issues or concerns the City could face in the future by allowing these reductions. Mayor Johnson said he is not aware of any and he said the key is for the City to identify the \$500,000 to be earmarked for funding. City Administrator Morrison said the City can utilize half of the funds set aside for the YMCA. Councilmember Lewis said his fear is putting something on the books that is not utilized and said he wants to see these reductions marketed. Councilmember McKibbin said he met with Community Development Director Vodopich and he thinks it will be utilized quicker than Council thinks. The Mayor said the Council may at any time vote to close the fund for any fiscal purpose. This TIF reduction would expire and be of no further effect two years after taking effect, if the City Council votes to close the fund, or when the earmarked funds have been fully exhausted, whichever occurs first. Councilmember Hamilton clarified the percentage and asked if the City can reevaluate the eligible reduction incentive. He said he does not want to see developers just sit on a permit that is eligible for the reduction(s). Community Development Director Vodopich said a developer would have to have an issued building permit and pay the necessary fees. Councilmember Minton-Davis said she is concerned about the amount of time it may take to actually get a building permit issued if they only allow the reduction for a year. Council discussed making both ordinances effective for just one year with the allowance for extensions. Mayor Johnson said most developers have the plans in place and their permits will be processed timely, and an extension is always an option so Council can look at it again in six months to evaluate it. Both amended ordinances were forwarded to the October 23, 2012 Council Meeting for action.

#### IV. ADJOURNMENT:

**At 7:59 p.m., Councilmember Watson moved to adjourn the Council Workshop.  
Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 6-0.**

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Harwood Edvalson, MMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council for the October 16th Workshop:

- Shawn Houy, Master Builders Association of Pierce County - *October 16, 2012 letter regarding Incentive for TIF and Water and Sewer Development Charges Reductions.*

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CITY COUNCIL MEETING

October 23, 2012  
7:00 P.M.

DRAFT MINUTES

City of



“Where Dreams Can Soar”

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

Website: [www.ci.bonney-lake.wa.us](http://www.ci.bonney-lake.wa.us)

**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 7:02 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 Mark Hamilton, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, and Councilmember Tom Watson. Councilmember Donn Lewis and Councilmember Jim Rackley were absent.

**Deputy Mayor Swatman moved to excuse Councilmember Lewis and Councilmember Rackley’s absences. Councilmember Watson seconded the motion.**

**Motion approved 5 – 0.**

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Interim Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, Assistant City Attorney Kathleen Haggard, and Records & Information Specialist Susan Duis.

**C. Announcements, Appointments and Presentations:**

A. Announcements:

a. **Proclamation:** Veterans Day.

Mayor Johnson read the proclamation aloud and presented the proclamation to Robin Wittenberg, Treasurer of the Greater Bonney Lake Veterans Memorial Committee. Ms. Wittenberg thanked the Council and invited all to a ceremony on November 11<sup>th</sup>, when the Memorial Committee will raise the flag at sunrise and lower it at sunset at the planned Veterans Memorial site on Main St E and SR 410.

B. Appointments: None.

C. Presentations: None.

D. Agenda Modifications: None.

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

A. Public Hearings: None.

**B. Citizen Comments:**

Winona Jacobsen, 9100 189<sup>th</sup> Ave Ct E, Bonney Lake, spoke on behalf of the Greater Bonney Lake Historical Society. She thanked the City for providing space in the Justice Center for the first annual Milotte Film Festival, which was held on October 20<sup>th</sup>. She particularly thanked Councilmember and Historical Society member Mark Hamilton. She said Mr. Hamilton first suggested the idea of a film festival, helped through the process of acquiring films to show, and answered questions at the festival. She said a wide range of people attended the film festival, and all enjoyed the films. She presented Councilmember Hamilton the first ever 'Millie Bear Award' for his work to enhance the community and educate the public. Councilmember Hamilton said he wanted to share the award with the entire Historical Society. He thanked the Mayor for supporting the event and assisting the Historical Society.

Lillian McGinnis, 11002 203<sup>rd</sup> Ave E, Bonney Lake, also spoke as a member of the Historical Society. She shared excerpts from the society's minutes from February 2011 to the present as the group worked towards the first annual film festival. She thanked Winona Jacobsen for her work to publish a book on the history of the area in May 2011. She said the film festival was successful due to support from many people. She also thanked Councilmember Hamilton for being a driving force behind the festival, and presented him with a card and gift in appreciation from the Historical Society.

Dan Decker, 20401 70<sup>th</sup> St E, Bonney Lake, asked the Council how much is spent on P-Cards (purchasing cards) each month by City staff. He provided the City Clerk with a written copy of his public disclosure request for information on the reasons for all P-Card expenditures, who authorized each expenditure, and whether each was reviewed. He said a lot of money is being spent that has not been justified.

**C. Correspondence: None.****III. COUNCIL COMMITTEE REPORTS**

A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed personnel updates and upcoming AFSCME union negotiations. The committee reviewed its minutes. The Committee discussed the City's contract with Dionne and Rorick for legal services in lieu of Jim Dionne's upcoming retirement. The Committee discussed the City's banking services contract, and Eastown sewer services. He said a sewer service concept should be ready for the next Council workshop for review. The Committee had no action items.

B. Community Development Committee: Councilmember McKibbin said the committee met on October 16<sup>th</sup> and forwarded one item to the current agenda.

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

**D. Other Reports:**

Pierce County Regional Council: Councilmember Hamilton attended Pierce County Regional Council on Thursday, October 18<sup>th</sup>. The group discussed the second phase of funding distribution for transportation projects in Pierce County. He said Bonney Lake

received funding this year. He provided the Council with a handout that was distributed at the Regional Council meeting outlining the award ranking per capita for agencies in Pierce County. He said Bonney Lake is ranked 13<sup>th</sup> on the list, at about \$20 per capita. He noted that other cities received much more per capita. He said it is important to work to better-distribute federal funding throughout the County. He said the Bonney Lake City Council is considering ordinances to stimulate economic development and to be competitive, and it is difficult to compete when Bonney Lake does not receive its fair share of federal funds. He said he wants to work with the Mayor and staff to make the City fare better in the scoring system that is used to distribute funds. He noted that the City of Sumner does not have to charge impact fees because they have received large amounts of transportation funding. Mayor Johnson said he has spoken with a representative who works on rural transportation funding, and he wants to get small cities working together to be more competitive for funding in the future.

Community Updates: Councilmember Watson said he and Councilmember Lewis attended the Families First Coalition meeting on October 22<sup>nd</sup>. He said Lions 4 Kids has a program to provide eyeglasses to local children. Big Brothers and Big Sisters of Puget Sound is working with Joint Base Lewis-McChord to identify families in the community that may need support. He said there will be a Harvest Party at the Prairie Ridge Recreation Hall on October 28<sup>th</sup>, and a 'Time Machine' fundraiser for the Buckley Youth Center on October 28<sup>th</sup>.

#### IV. CONSENT AGENDA:

- A. **Approval of Minutes:** October 2, 2012 Workshop, October 9, 2012 Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #64703-6478 (including wire transfers (20121003, 20121015, 2012101701) in the amount of \$84,417.41.  
Void Checks: Check #64570 replaced with Check #64758.
- C. **Approval of Payroll:** Payroll for October 1-15th, 2012 for checks #30736-30757 including Direct Deposits and Electronic Transfers in the amount of \$ 422,545.40.
- D. **AB12-140 – Resolution 2247** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The City Of Bonney Lake Justice Center Tenant Improvement Phase 2 Project Contract To JB Construction Consulting, Inc.
- E. **AB12-145 – Resolution 2248** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Intergovernmental Cooperative Purchasing Agreement With Vancouver School District No. 37 For The Purchase Of Office, Printer, Art, Health Supplies And Furniture.
- F. **AB12-144** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The 2012 Chip Seal Project With Doolittle Construction LLC.

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

**Consent Agenda approved 5 – 0.**

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB12-139 – Ordinance 1438 [D12-139]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Attachment A-1 Of Ordinance No. 1400 Relating To The Position Classification And Salary Grades Of Non-Represented Employees.

**Councilmember Hamilton moved to approve Ordinance 1438. Councilmember Watson seconded the motion.**

City Administrator Morrison noted that ordinances must be approved by a majority of the full Council, and since two councilmembers were absent, the upcoming ordinances would need at least four votes in favor to be approved at the current meeting.

Deputy Mayor Swatman said the proposed ordinance was reviewed by the Finance Committee, and represents a compromise between the Committee and City administration to make it clear how positions are laid out. Deputy Mayor Swatman said some positions listed are not currently filled, and there are no plans to fill them at this time. He said these positions should not be filled without the Council's approval.

**Ordinance 1438 approved 5 – 0.**

**VI. COMMUNITY DEVELOPMENT ISSUES:** None.

**VII. PUBLIC SAFETY COMMITTEE ISSUES:** None.

**VIII. FULL COUNCIL ISSUES:**

- A. **AB12-133 – Ordinance 1437 [D12-133]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.08.080(B) Of The Bonney Lake Municipal Code And Section One Of Ordinance No. 1399 Relating To Police Position Exempt From Civil Service.

**Councilmember Hamilton moved to approve Ordinance 1437. Councilmember Watson seconded the motion.**

Mayor Johnson said the proposed ordinance has been discussed at a previous Council Workshop and hoped the Councilmembers' questions had been answered. Deputy Mayor Swatman asked the City Attorney about changes to the language in the ordinance since the Workshop. Assistant City Attorney Haggard said the changes in the current version are not substantive, and were made to remove the word 'grandfathering' (which is not accurate for this ordinance), and to update references to the RCW to ensure any and all procedures that would govern the chapter are referenced appropriately.

Councilmember Watson spoke in favor of the proposed ordinance and said the Police Chief needs assurance that she can retain her job. Deputy Mayor Swatman said he plans to vote against the ordinance. He said the City has an outstanding candidate for Police Chief today, but he feels that the Mayor should have authority to be accountable to the people who voted for him. He said any high-end position in the City needs protection, but that

protection should be provided in an employment agreement, not as this ordinance proposes. He added that the proposed ordinance covers three positions, not just the Chief. He said he has read articles showing that many Police Departments are considering removing all staff from civil service protection, and only one 1<sup>st</sup> Class city in Washington State includes its Police Chief under civil service (he also noted that Bonney Lake is a 2<sup>nd</sup> class city). He said some of the most difficult issues in employment law are ‘soft’ issues like insolence and insubordination, or incompetence and poor performance. He said these cases are more difficult to deal with when they are protected under civil service. He said he does not want to create a buffer to prevent the Mayor from doing his job.

Councilmember Minton-Davis said she was previously undecided about the proposed ordinance, but has done research and now agrees with the Mayor and is in favor of the ordinance. She said the ordinance is for staff who have gone through the ranks, and are already through the probationary period with the City.

**Ordinance 1437 approved 4 – 1.  
Deputy Mayor Swatman voted no.**

- B. **AB12-142 – Ordinance 1439 [D12-142]** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 19.04 Of The Bonney Lake Municipal Code And The Corresponding Portions Of Ordinance No. 1282 Related To Transportation Impact Fees.

The City Clerk presented the Council with a proposed amended version of the ordinance that was different from the item provided in the Agenda Packet. He said the Council would need to make a motion to consider the revised ordinance as presented.

**Councilmember Watson moved to consider the amended ordinance as presented.  
Deputy Mayor Swatman seconded the motion.**

Director Vodopich said minor changes were made to page two of the proposed ordinance, to update language for current zoning designations of Easttown zone (previously “Easttown combined retail commercial”) and the Midtown Core zone (previously “C-3”) which is gone; section 4 special criteria for ... added “which is expected to generate”.

**Deputy Mayor Swatman moved to approve amended Ordinance 1439.  
Councilmember Watson seconded the motion.**

Councilmember Hamilton spoke in support of the ordinance. He said it protects the TIF program and distributes general funds into the program as needed. Deputy Mayor Swatman said it is a targeted and limited time ordinance, and the Council will revisit it again in the future. He said it is a step in the right direction and will hopefully capture new retail investment for the City. Mayor Johnson said the Administration will keep the Council updated on any new economic activity. Director Vodopich said he plans to notify his business contacts the following morning if the ordinance is approved.

**Ordinance 1439 approved 5 – 0.**

- C. **AB12-143 – Ordinance 1440 [D12-143]** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Sections 13.04.070 And 13.12.100 Of The Bonney Lake Municipal Code Relating To Water And Sewer System Development Charges.

**Councilmember Watson moved to approve Ordinance 1440. Deputy Mayor Swatman seconded the motion.**

Mayor Johnson said this ordinance corresponds with the TIF reduction ordinance the Council approved per Ordinance 1439. Councilmember Watson said he supports the ordinance. Councilmember Hamilton said he is apprehensive about the ordinance, but he plans to vote for it. He said he appreciates that it is a temporary ordinance. He said the City must closely monitor revenues to ensure costs do not fall on the rate payers, who should not pay for development. Mayor Johnson said staff will monitor the program closely. Deputy Mayor Swatman said he shares Councilmember Hamilton’s concerns, but noted it is a limited time ordinance and the Council can revise it if it does not work as expected. He said the City is trying to find something that works to spur economic development.

**Ordinance 1440 approved 5 – 0.**

- D. **AB12-150** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting Public Hearings On November 6, 2012 At 5:30 P.M. And On December 11, 2012 At 7:00 P.M., Or As Soon Thereafter As Possible, For Proposed Ordinance D12-148, Establishing Pre-Annexation Zoning For Falling Water Subdivision And Identifying The Falling Water Subdivision And The Tehaleh Planned Community As “Proposed UGA” On The City’s Future Land Use Map.

**Councilmember Watson moved to approve motion AB12-150. Councilmember Hamilton seconded the motion.**

Community Development Director Vodopich said the proposed motion is simply to set public hearings. He said the Planning Commission will present details on the proposed ordinance at the next Council Workshop on November 6<sup>th</sup>.

**Motion AB12-150 approved 5 – 0.**

- IX. **EXECUTIVE SESSION:** None.

- X. **ADJOURNMENT:**

**At 7:47 p.m., Councilmember Watson moved to adjourn the Council Meeting. Deputy Mayor Swatman seconded the motion.**

**Motion to adjourn approved 5 – 0.**

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Harwood Edvalson, MMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the October 23, 2012 Meeting:

- Councilmember Mark Hamilton – *Pierce County Award History Ranked Per Capita.*
- Dan Decker – *“Bonney Lake Facing Big Shorrtfall for 2013” (Public Records Request).*

**SPECIAL CITY COUNCIL /  
PARK BOARD  
JOINT MEETING**

**October 30, 2012  
6:00 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](http://www.ci.bonney-lake.wa.us)*

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

**I. CALL TO ORDER** – Deputy Mayor Dan Swatman called the meeting to order at 6:03 p.m.

**II. ROLL CALL:**

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Dan Swatman, elected officials attending were Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson. Councilmember Minton-Davis was absent. Mayor Johnson arrived at 6:05 p.m.

Park Board Members in attendance were Darren Proctor (Chair), Jaime Trejo, Randi Phelps, Chauntelle Hellner, Todd Haueter, and Terry Reid. Jim Bouchard arrived at 6:07 p.m.

Staff members in attendance were City Administrator Don Morrison, Facilities & Special Projects Manager Gary Leaf, Public Works Director Dan Grigsby, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, and Records & Information Specialist Susan Duis.

**III. AGENDA ITEMS:**

**A. Discussion:** Metropolitan Park District.

Facilities & Special Projects Manager Leaf provided a brief explanation of the Metropolitan Parks District (MPD) and its governing board. He said the MPD can be governed by the City Council, or by separately elected officials. He said, however, the MPD Board cannot be a mix of elected and appointed members.

Councilmembers and Park Board Members discussed whether the City Council should govern an MPD, or if separate elections should be held. Deputy Mayor Swatman said if the sitting City Council serves as the Board, they can still appoint an advisory or ad hoc group to provide recommendations. Manager Leaf said if the Board is made up of Councilmembers initially, it can be changed later to hold separate elections. Mayor Johnson said having the Council serve as the MPD Board will be less expensive, since Commissioners would receive salaries. He said sitting Councilmembers already have experience with budgeting and project planning. He added that after the MPD is created, it will take time before funds will be available through the new taxing district. He said the Council will likely need to loan funds to the MPD at first. He stressed, however, that any funds brought in by the MPD cannot be transferred for another use by the City.

Park Board Chair Proctor said some citizens are uncomfortable with the City Council running the MPD. He said they question the Council's ability to serve on both bodies due to the time commitment. Park Board Member Bouchard said some are also concerned about giving the Council control of MPD funds, although it helps to know that State law does not allow these funds to be redirected. He said another issue is whether the Councilmembers will have a conflict of interest when serving on both bodies.

Councilmembers Lewis and Watson spoke in favor of forming the MPD with the Council as the initial Board of Commissioners. Councilmember Lewis said City staff can support the Council for the MPD, whereas a newly-elected board would have to hire and manage its own staff. He also questioned how many people would run for MPD board positions, given how few people are interested in elected and appointed positions today. Councilmember Rackley also spoke in favor of the Council serving as the MPD Board initially, with a promise to expand later and hold separate elections. Councilmember Hamilton said once the MPD is set up, the board will need to hire someone to run the district. He said if the MPD is later expanded beyond the City limits, it would require the formation of a separately elected Board.

Park Board Member Trejo spoke in favor of holding separate elections for the MPD Board. He said current Councilmembers could run for these positions.

Park Board Member Bouchard said if the MPD is approved in April 2013, new funds will not be available until about a year later. He said the MPD will have to request a loan of funds and/or staff support from the City. Then, as MPD funds come in, the loan would be repaid.

Park Board Member Hellner said she has concerns about the start-up costs, whether an MPD would be sustainable in the long term, and whether MPD funds will be optimized. She said citizens did not receive much background information when they were asked how they want an MPD to be structured. She said the Council and Park Board have already spent a lot of time on this question.

Mayor Johnson asked for the Park Board and Council's opinion on whether citizens would support an MPD in general, especially if they do not have a list of specific projects to consider. He noted that a Park Bond failed at the polls eight years ago; he said people need to understand how the MPD differs from a park bond for this election.

Park Board Member Bouchard said the commissioner positions should be on the ballot at the same time as the MPD issue. He said the City also needs to explain to voters what a Park District actually does. He said there is not a clear list of projects, and some people are concerned that the Council will change its mind about how to spend park funds. He said the City should give the voters an outline of park projects in phases, including trails, a recreation center, and a sports complex. Mayor Johnson said since the MPD Board will decide on projects, it is difficult to commit to a list of projects for the initial ballot issue.

Councilmembers and Park Board Members discussed the proposed timeline to put the formation of an MPD on the April 2013 ballot. Several Park Board and Councilmembers expressed concern that there is not enough time to prepare the ballot issue and educate the public for an April 2013 election. Councilmember Lewis said the ballot issue must be prepared by December, making it a very tight timeline.

The group discussed what needs to be done prior to the proposed April 2013 election. Park Board Chair Proctor said the City needs a plan to explain how MPD funds will be used. He said the City should hire a Parks Director to gather information and work with the public. Councilmember Lewis said citizens need to understand that MPD funds can't be used for anything besides parks and recreation, and also that parks projects take time and can't be completed all at once. He said it is also important for the Council and Park Board to agree and work together. Councilmember Rackley said the City needs to do more to inform citizens. He said it is very difficult to connect with residents and get them involved. Deputy Mayor Swatman said the issue needs a grassroots campaign to educate

the public. Park Board Chair Proctor said he works for the City of Federal Way, and one strategy that works is direct mailings to citizens that live nearby a project. He said educating citizens takes staff time and money but does help increase involvement. He said social media sites, like the Patch blog site, can reach a lot of people.

Park Board Member Trejo said the MPD issue may not be popular with voters in the current down economy. Councilmember Hamilton agreed and said voters will pay attention when they learn that the MPD is a tax district.

Park Board Member Bouchard spoke in favor of placing the MPD issue on the April 2013 ballot. He said this process has been going on for years and he does not want it to be delayed another year or more. Councilmember Rackley said if the ballot issue fails, the Council will be less willing to bring it up for a vote again quickly. Park Board Member Bouchard said interest rates remain very low and the City will get more out of MPD dollars if it acts now, rather than waiting. Councilmember Watson also spoke in favor of holding the election in April 2013. He said the issue still has momentum and it may be better to keep moving forward.

Mayor Johnson reminded the group that Pierce County tried to form a MPD in the early 2000's but failed. He said the City attempted a Park Bond issue in 2004 that narrowly failed. He said trying for a park bond is still an option to consider. Park Board Chair Proctor said he believes Pierce County may be reconsidering the MPD option as well.

Park Board Member Hellner said the Park Board has spent a lot of time discussing the makeup of the MPD Board and other options, but has not had communication from the Council on what needs to be done next. She said she is concerned that the City didn't make the most of the Parks Summit event. She said 70 people attended the first summit but few have participated since then. Park Board Member Reid said the Council needs to provide the Park Board with a better definition of its role and responsibilities. He said he is the newest Park Board Member and still is not clear on his role. Park Board Member Bouchard agreed, and said a lot of time has been spent on park issues without making any progress.

City Administrator Morrison noted that staff drafted a Council resolution for an MPD ballot issue over a year ago, but it was tabled as the Council wanted more time to do ground work. He added that the Council must approve a resolution for a special election no later than January 8, 2013 for it to be on the April ballot.

Mayor Johnson asked the Park Board to have a discussion at their next meeting on whether the MPD issue should be placed on the April 2013 ballot. If the Park Board feels this timeline is realistic, he asked them to draft a strategy and timeline to meet that goal.

**B. Discussion:** Park Board needs from the City Council.

Park Board Chair Proctor asked the Council to consider how much is set aside in the budget for parks. He said a lot of people get a benefit from parks and events, which is a very small share of the budget. He noted that the Council allocated \$1 million for a YMCA but recently passed an ordinance that uses half this amount for economic development incentives. Mayor Johnson said the Council hopes to spur economic development to increase the general fund revenues, and the YMCA funds were set aside but have not yet been used. Councilmember Hamilton said this is an important aspect of the MPD, as Park District funds cannot be re-allocated away from the MPD fund to the

City's general fund. Park Board Chair Proctor noted the Federal Way Community Center is now operating in the black and will use revenues for future maintenance needs.

Several Park Board Members expressed a desire for better communication between the Council and the Park Board. Park Board Member Trejo asked if Council would have a representative to attend Park Board Meetings, and vice versa. Mayor Johnson said it is important to get feedback from the Park Board and it would be great if a member could attend Council meetings and workshops. He also encouraged Park Board Members to communicate with him via email or phone about issues that come up during the year. He said the joint meetings are helpful but members shouldn't wait to communicate with the Council.

Councilmember Lewis said he reads the Park Board minutes every month and Councilmember Watson attends and reports back to the Council to keep them updated. Councilmember Watson said he also shares communications he receives and encouraged members to contact him. Councilmember McKibbin said three current Councilmembers served on the Planning Commission in the past and understand what it is like to serve on an advisory board.

Mayor Johnson said the Council will take time to discuss the expectations of the Park Board and provide feedback. He said if the Park Board has an issue they want to move forward to the Council, they should provide it to the Board's staff representative, Gary Leaf, to bring forward.

Park Board Chair Proctor suggested the Park Board work on a list of projects for the coming year and get input from the Council on issues they want the Park Board to consider. He said currently the agendas are set month-by-month. Councilmember McKibbin said the Planning Commission had a similar issue and now has a 'Work Plan' that it follows and updates during the year.

Councilmembers encouraged Park Board Members to come forward and let the Council know about issues or ideas in the future. Councilmember Hamilton said he is glad the two groups could meet together for a joint meeting.

Mayor Johnson confirmed the next steps for each group. He said the Park Board will consider the April 2013 ballot timeline and strategy. The Council will discuss their expectations for the Park Board. Both groups should think of items to be added to a Park Board work plan. The Park Board's next meeting is scheduled for November 19<sup>th</sup>, and the Council can get an update from the Chair at the November 20<sup>th</sup> Workshop.

#### **IV. ADJOURNMENT:**

**At 7:53 p.m., Councilmember Watson moved to adjourn the Special Joint Meeting. Councilmember Rackley seconded the motion.**

**Motion to adjourn approved unanimously.**

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Harwood Edvalson, MMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the October 30, 2012 Special Joint Meeting: None.



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RESOLUTION NO. 2250

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BONNEY LAKE, WASHINGTON AND THE OKANOGAN COUNTY, WASHINGTON, FOR THE HOUSING OF INMATES IN THE OKANOGAN COUNTY JAIL.

WHEREAS, RCW 39.34, the Interlocal Cooperation Act, and RCW 70.48, the City and County Jails Act, allows local governmental units to make the most efficient use of their powers by enabling them to cooperate and enter into agreements with each other for providing jail services; and

WHEREAS, Bonney Lake wishes to designate the Okanogan County jail as a place of confinement for the incarceration of one or more inmates lawfully committed to the City of Bonney Lake's custody; and

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Agreement as authorized and provided for by RCW 39.34.080 and other Washington law, as amended,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DOES RESOLVE AS FOLLOWS:**

Section 1. The Mayor is hereby authorized to sign the jail services agreement with the County of Okanogan.

PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of November 13, 2012.

\_\_\_\_\_  
Neil Johnson, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathleen Haggard, City Attorney

AFTER RECORDING RETURN TO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AGREEMENT BETWEEN OKANOGAN COUNTY,  
WASHINGTON AND THE CITY OF  
WASHINGTON, FOR THE HOUSING OF INMATES IN  
THE OKANOGAN COUNTY JAIL**

THIS AGREEMENT is made and entered into on this day of **November 13, 2012** by and between the City of **Bonney Lake**, hereinafter referred to as "The City", and the Board of County Commissioners of Okanogan County, Washington, hereinafter referred to as "Okanogan County", each party having been duly organized and now existing under the laws of the State of Washington.

**WITNESSETH:**

WHEREAS, Okanogan County is authorized by law to operate a jail and the City of is authorized by law to operate a jail; and

WHEREAS, the City wishes to designate the Okanogan County jail as a place of confinement for the incarceration of one or more inmates lawfully committed to the City's custody; and

WHEREAS, the Director of the Corrections Facility of Okanogan County is desirous of accepting and keeping in his/her custody such inmate(s) in the Okanogan County jail for a rate of compensation mutually agreed upon by the parties hereto; and

WHEREAS, RCW 39.34.080 and other Washington law, as amended, authorizes any county to contract with any city to perform any governmental service, activity or undertaking which each contracting jurisdiction is authorized by law to perform; and

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Agreement as authorized and provided for by RCW 39.34.080 and other Washington law, as amended,

NOW, THEREFORE, in consideration of the above and foregoing recitals, the payments to be made, the mutual promises and covenants herein contained, and for other good and valuable consideration, the parties hereto agree as follows:

**Section 1. GOVERNING LAW**

The parties hereto agree that, except where expressly otherwise provided, the laws and administrative rules and regulations of the State of Washington shall govern in any matter relating to inmate confinement pursuant to this Agreement.

Section 2. DURATION

This Agreement shall remain full force and effect from the effective date hereto until October 31, 2012, subject to earlier termination as provided by Section 3 herein. This Agreement may be renewed for like successive periods by written addendum under such terms and conditions as the parties may determine. Nothing in this Agreement shall be construed to make it necessary for the City to have inmates housed in Okanogan County continuously.

Section 3. TERMINATION

(a) By either party. This Agreement may be terminated by written notice from either party to the other party and to the State Office of Financial Management as required by RCW 70.48.090 stating the grounds for said termination and specifying plans for accommodating the affected City Inmates, delivered by regular mail to the contact person identified herein, provided that termination shall become effective ninety (90) days after receipt of such notice. Within said ninety (90) days, the City agrees to remove its inmate(s) from the Okanogan County jail.

(b) By the City due to lack of funding. The obligation of the City to pay Okanogan County under the provision of this Agreement beyond the current fiscal year is expressly made contingent upon the appropriation, budgeting, and availability of sufficient funds by and from the City of **Bonney Lake**. In the event that such funds are not budgeted, appropriated or otherwise made available for the purpose of payment under this Agreement at any time after the current fiscal year, then the City shall have the option of terminating the Agreement upon written notice to Okanogan County, except that all services provided to that point shall be compensated at the agreed rate. The termination of this Agreement for this reason will not cause any penalty to be charged to the City.

(c) Compensation Due for Services Rendered. In the event of termination of this Agreement for any reason, the City shall compensate Okanogan County in the same manner, and at the same rates as if this Agreement had not been terminated, should any City inmates remain housed by Okanogan County after notice of such termination.

Section 4. MAILING ADDRESSES

(a) All notices, reports, and correspondence to the respective parties of this Agreement shall be sent to the attention of the following people, except as set forth in (b) below:

Okanogan County:  
Okanogan County Corrections  
Street 149 4<sup>th</sup> Ave N  
City Okanogan, WA 98840  
Contact Person: Noah Stewart

City of Bonney Lake:  
18421 Veterans Memorial Drive E.  
Bonney Lake, WA 98391  
Contact Person: Dana Powers, Interim Chief of Police

(b) Contact Person: Notification related to the Medical, Removal, Escape, or Death clauses herein shall be given by facsimile with a follow up telephone call to:

The Bonney Lake Chief of Police shall serve as Police Department's administrator or responsible official for this Agreement. PHONE NUMBER CONTACT 253-261-5212

#### Section 5. COMPENSATION

(a) Rates. Except as provided in subsection (b), Okanogan County agrees to perform at no transport cost to the City, between the Okanogan County Corrections Facility and the City Jail or such other location as designated by the City in order to transport inmates to and from the City, and to house the City inmates for compensation per day per inmate, at the rate of fifty-two dollars (\$52.00) per day. Annual cost of living increase 100% of WCPI.

(b) Billing and payment. Okanogan County agrees to provide the City with an itemized bill listing all names of inmates who are housed, the case or citation number, the number of days housed including the date and time booked into Okanogan County's jail and the date and time released from Okanogan County's jail, and the dollar amount due for each. Okanogan County agrees to provide said bill on or about the 10th of each month. The City agrees to make payment to Okanogan County on or about thirty (30) days from the date the bill is received.

#### Section 6. RIGHT OF INSPECTION

The City shall have the right to inspect but not the duty of, at all reasonable times, all Okanogan County jails in which inmates of the City are confined in order to determine if such jail maintains standards of confinement acceptable to the City and that such inmates therein are treated equally regardless of race, religion, color, creed or national origin. Okanogan County shall be obligated to manage, maintain and operate its facilities consistent with all applicable federal, state and local laws and regulations.

#### Section 7. INMATE ACCOUNTS

Okanogan County shall establish and maintain an account for each inmate received from the City and shall credit to such account all money which is received and shall make disbursements, debiting such account in accurate amounts for the inmate's personal needs. Disbursements shall be made in limited amounts as are reasonably necessary for personal maintenance. Okanogan County shall be accountable to the City for such inmate funds. At either the termination of this Agreement, the inmate's death, release from incarceration or return to either the City or indefinite release to the court, the inmate's money shall be transferred to the inmate's account in care of the City. If requested by the City, Okanogan County Corrections will return said inmate

reimbursement to the City in the form of a check in the name of each inmate eligible for said reimbursement.

Section 8.      RESPONSIBILITY FOR INMATE'S CUSTODY

(a)      It shall be the responsibility of Okanogan County to confine the inmate or inmates; to provide treatment, including the furnishing of subsistence and all necessary medical and hospital services and supplies; to provide for the inmates' physical needs; to make available to them programs and/or treatment consistent with their individual needs; to retain them in said custody; to supervise them; to maintain proper discipline and control; to make certain that they receive no special privileges and that the sentence and orders of the committing court in the State are faithfully executed; provided that nothing herein contained shall be construed to require Okanogan County, or any of its agents, to provide treatment, facilities or programs for any inmates confined pursuant to this Agreement, which it does not provide for similar inmates not confined pursuant to this Agreement.

(b)      Except as provided in Section 12, it is expressly understood that Okanogan County shall not be authorized to transfer custody of any inmate confined pursuant to this Agreement to any party other than the City, or to release any inmate from custody without written authorization from the committing court.

Section 9.      MEDICAL SERVICES

(a)      Inmates from the City shall receive such medical, psychiatric and dental treatment as may be necessary to safeguard their health while housed in the Okanogan County jail. Okanogan County shall provide or arrange for the providing of such medical, psychiatric, and dental services., the City shall pay directly or reimburse Okanogan County for all costs associated with the delivery of medical services, or any emergency and/or major medical service, provided to the City inmates.

(b)      Okanogan County shall keep an adequate record of all such services. The City will be able to review at its request any medical or dental services of major consequence, in accordance with applicable law, including but not limited to HIPPA. Okanogan County will report to the City any medical or dental services of a major consequence as soon as is practical.

(c)      Should medical or dental services require hospitalization, the City agrees to compensate Okanogan County dollar for dollar any amount expended or cost incurred in providing the same; provided that, except in emergencies, the City will be notified either by phone or fax prior to the inmate's transfer to a hospital and nothing herein shall preclude the City from retaking the ill or injured inmates.

Section 10.      DISCIPLINE

Okanogan County shall have physical control over and power to execute disciplinary authority over all inmates of the City. However, nothing contained herein shall be construed to authorize or permit the imposition of a type of discipline prohibited by state or federal law or the imposition of a type of discipline that would not be imposed on an inmate who is not confined pursuant to this contract.

Section 11. RECORDS AND REPORTS

(a) Before or at the time of delivery of each inmate, the City shall forward to Okanogan County a copy of all inmate records pertaining to the inmate's present incarceration at the \_\_\_\_\_ or \_\_\_\_\_ Jail. If additional information is requested regarding a particular inmate, the parties shall mutually cooperate to provide any additional information.

(b) Okanogan County shall keep all necessary and pertinent records concerning such inmates in the manner mutually agreed upon by the parties hereto. During an inmate's confinement in Okanogan County, the City shall, upon request, be entitled to receive and be furnished with copies of any report or record associated with said inmate's incarceration.

Section 12. REMOVAL FROM THE JAIL

Except for eligible inmates for correctional work details and under the direct supervision of a corrections officer, an inmate of the City legally confined in Okanogan County shall not be removed therefrom by any person without written authorization from the City or by order of any court having jurisdiction. Okanogan County agrees that no early releases or alternatives to incarceration, including furloughs, passes, home detention, or Work Release shall be granted to any inmate housed pursuant to this Agreement without written authorization by the committing court. This paragraph shall not apply to an emergency necessitating the immediate removal of the inmate for medical, dental, psychiatric treatment or other catastrophic condition presenting an eminent danger to the safety of the inmate or to the inmates or personnel of Okanogan County. In the event of any such emergency removal, Okanogan County shall inform the City of the whereabouts of the inmate or inmates so removed, at the earliest practicable time, and shall exercise all reasonable care for the safe keeping and custody of such inmate or inmates.

Section 13. ESCAPES

In the event any City inmate shall escape from Okanogan County's custody, Okanogan County will use all reasonable means to recapture the inmate. The escape shall be reported immediately to the City. Okanogan County shall have the primary responsibility for and authority to direct the pursuit and retaking of the inmate or inmates within its own territory. Any cost in connection therewith shall be chargeable to and borne by Okanogan County; however, Okanogan County shall not be required to expend unreasonable amounts to pursue and return inmates from other states or other counties.

Section 14. DEATH OF AN INMATE

(a) In the event of the death of a City inmate, the Okanogan County coroner shall be notified. The City shall receive copies of any records made at or in connection with such notification. Okanogan County will investigate any death within its facility and will allow the City to join in on the investigation.

(b) Okanogan County shall immediately notify the City of the death of a City inmate, furnish information as requested and, subject to the authority of the Okanogan County

coroner, follow the instructions of the City with regard to the disposition of the body. Written notice shall be provided within three calendar days of receipt by the City of notice of such death. All expenses relative to any necessary preparation of the body and shipment charges shall be paid by the City. With the City's consent, Okanogan County may arrange for burial and all matters related or incidental thereto, and all such expenses shall be paid by the City. The provisions of this paragraph shall govern only the relations between or among the parties hereto and shall not affect the liability of any relative or other person for the disposition of the deceased or for any expenses connected therewith.

(c) The City shall receive a certified copy of the death certificate for any of its inmates who have died while in Okanogan County custody.

#### Section 15. RETAKING OF INMATES

In the event the confinement of any City inmate is terminated for any reason by either party, retaking of inmates shall be coordinated in the same manner and at the same rates as if this Agreement had not been terminated, or in a manner as agreed in writing by the parties.

#### Section 16. HOLD HARMLESS AND INDEMNIFICATION

(a) The City shall defend, indemnify and hold harmless Okanogan County, its officers, agents and employees from any claim, cost, judgment or damages, including attorneys' fees, arising from any City action or proceeding involving the confinement of any inmates from the City in Okanogan County: provided that this subsection shall not apply to any such claim, cost, judgment or damage that arises out of or in any way results from any allegations of any intentional, willful or negligent act or omission on the part of Okanogan County or any officer, agent or employee thereof.

(b) Okanogan County shall defend, indemnify and hold harmless the City, its officers, agents and employees from any claim, cost, judgments or damages, including attorneys' fees, including third party claims, arising out of any action or omission of Okanogan County, its officers, agents, independent contractors, or employees while City inmates are in the custody of Okanogan County, or for any wrongful release of inmates placed in their custody, or for any claim by its employees, agents or independent contractors that may be asserted against the City in performing this Agreement.

(c) An inmate shall become the responsibility of Okanogan County at the point that the inmate(s) is booked into Okanogan County jail or when the inmate(s) has been released to the care, custody and control of Okanogan County, including without limitation the point at which Okanogan County, or its agents, picks up inmates or transports inmates as in Section 5, whichever occurs first. Okanogan County shall hold the City harmless under the terms of this section for all claims arising out of the detention of the inmate(s). Accordingly, Okanogan County shall be held harmless by the City under the terms of this Agreement, for claims arising out of the arrest of the inmate(s), or arising out of any situation occurring prior to the time that Okanogan County assumes responsibility for the inmate(s).

(d) The County and City hereby waive, as to each other only, their immunity from suit under industrial insurance, Title 51 RCW. This waiver of immunity was mutually negotiated by the parties hereto.

(e) The provisions of this section shall survive any termination or expiration of this Agreement.

Section 17. INSURANCE

(a) Each party agrees to provide the other with evidence of insurance coverage, in the form of a certificate of insurance from a solvent insurance provider and/or a letter confirming coverage from a solvent self insurance pool, which is sufficient to address the insurance and indemnification obligations set forth in this Agreement.

(b) Each party shall obtain and maintain coverage in minimum liability limits of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate for its liability exposures, including comprehensive general liability, errors and omissions, auto liability and police professional liability. The insurance policy shall provide coverage for those events that occur during the term of the policy, despite when the claim is made. For the purpose of this paragraph, membership in a self insurance risk pool that provides coverage with limits that are no less than the policy, and limits identified above shall satisfy the requirements of this.

Section 18. RIGHT TO REFUSE INMATE(S)

(a) Okanogan County shall have the right to refuse to accept any inmate from the City when, in the opinion of Okanogan County, its inmate census is at capacity or so near capacity that there is a substantial risk that, through usual operation of the jail, the reasonable operational capacity limits of the jail might be reached or exceeded.

(b) Okanogan County shall further have the right to refuse to accept any inmate from the City who, in the judgment of Okanogan County, has a current illness or injury which may adversely affect the operations of the Okanogan County jail, has a history of serious medical problems, presents a substantial risk of escape, or presents a substantial risk of injury to other persons or property.

Section 19. MISCELLANEOUS

In providing services under this contract, Okanogan County is an independent contractor and neither it nor its officers, agents or employees are employees of the City for any purpose, including responsibility for any federal or state tax, industrial insurance or Social Security liability. Neither shall the provision of services under this contract give rise to any claim of career service or civil service rights, which may accrue, to an employee of the City under any applicable law, rule or regulation.

Section 20. FINANCING

There shall be no financing of any joint or cooperative undertaking pursuant to this Interlocal Agreement. There shall be no budget maintained for any joint or cooperative undertaking pursuant to this Agreement.

Section 21. PROPERTY

This Interlocal Agreement does not provide for the acquisition, holding or disposal of real or personal property.

Section 22. JOINT ADMINISTRATIVE BOARD

No separate legal or administrative entity is created by this Agreement. To the extent necessary, this Interlocal Agreement shall be administered by the City Administrator for the City of Bonney Lake, or his/her designee, and the Chairman of the Okanogan County Board of Commissioners, or his/her designee.

Section 23. SEVERABILITY

Any provision of this Agreement that is declared invalid or illegal shall in no way affect or invalidate any other provision.

Section 24. MODIFICATIONS

No changes or additions to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and executed by both parties.

Section 25. ENTIRE AGREEMENT

Unless otherwise agreed in writing executed by both parties, on and after **November 13, 2012**, and so long as this Agreement remains in effect, this document constitutes the entire Agreement between the City and the County under which the County houses City Inmates, and no other oral or written agreements between the parties shall affect this Agreement.

Section 26. ASSIGNMENT

This Agreement, or any interest herein, or claim hereunder, shall not be assigned or transferred in whole or in part by the County to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of County stated herein.

DATED at Okanogan, Washington this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

CITY OF BONNEY LAKE

BOARD OF COUNTY COMMISSIONERS  
OKANOGAN, WASHINGTON

By: \_\_\_\_\_  
Neil Johnson, Mayor

\_\_\_\_\_  
Andrew Lampe, Chairman

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Jim DeTro, Vice-Chair

By: \_\_\_\_\_  
Woody Edvalson, City Clerk

\_\_\_\_\_  
Don Hover, Member

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Kathleen Haggard, City Attorney

\_\_\_\_\_  
Lalena Johns, Clerk of the Board

OKANOGAN COUNTY SHERIFF

By: \_\_\_\_\_  
Frank Rogers, Sheriff

APPROVED AS TO FORM:

\_\_\_\_\_  
Steve Bozarth, Civil Deputy



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RESOLUTION NO. 2250

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BONNEY LAKE, WASHINGTON AND THE CITY OF FIFE, WASHINGTON, FOR THE HOUSING OF INMATES IN THE CITY OF FIFE JAIL.

WHEREAS, RCW 39.34, the Interlocal Cooperation Act, and RCW 70.48, the City and County Jails Act, allows local governmental units to make the most efficient use of their powers by enabling them to cooperate and enter into agreements with each other for providing jail services; and

WHEREAS, Bonney Lake wishes to designate the City of Fife jail as a place of confinement for the incarceration of one or more inmates lawfully committed to the City of Bonney Lake's custody; and

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Agreement as authorized and provided for by RCW 39.34.080 and other Washington law, as amended,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DOES RESOLVE AS FOLLOWS:**

Section 1. The Mayor is hereby authorized to sign the jail services agreement with the City of Fife.

PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of November 13, 2012.

\_\_\_\_\_  
Neil Johnson, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathleen Haggard, City Attorney

**JAIL SERVICES AGREEMENT**  
**Between**  
**City of Fife and City of Bonney Lake**

1. **Date and Parties.** This Agreement, for reference purposes only, is dated the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and is entered into by and between the City of Fife, hereinafter referred to as "FIFE", and the City of Bonney Lake, hereinafter referred to as "BONNEY LAKE", under and pursuant to the provisions of Chapter 70.48.090 of the Revised Code of Washington. This Agreement supersedes any prior agreements entered into between the parties herein with regard to the terms and provisions set forth below.

2. **Authority.** This agreement is entered into by the parties hereto under the authority of the Interlocal Cooperation Act, Chapter 39.34 RCW, and the Cities and Counties Jails Act, Chapter 70.48 RCW. Fife is authorized to execute this agreement by the terms of Fife Resolution Number 726. Bonney Lake is authorized to enter into this agreement by action taken by its governing body on the **13** day of **November, 2012.**

3. **General Recitals.** Fife currently owns and operates a jail (the "Jail"). In order to assist other jurisdictions with their jail needs Fife is willing to house Bonney Lake prisoners upon the terms and conditions set forth herein.

4. **Services to be Provided.** Fife will furnish its facilities and personnel for the confinement of Bonney Lake prisoners in the same manner and to the same extent as Fife furnishes said services for confinement of its own prisoners. The Jail shall be operated in accordance with the Standards of Operating Procedures (SOP) enacted by Fife. A copy of the SOP will be made available to Bonney Lake upon request. A prisoner shall become the responsibility of Fife at the point that the prisoner is booked into the Jail.

5. **Prisoner Release.** Fife will not release a prisoner from the Fife jail, except at the end of the commitment term provided in the commitment order received at the time of booking, unless he is released to a Bonney Lake police officer, or unless a court order is received mandating the release. Fife may utilize the prisoner on work details where the prisoner remains under the direct supervision of a corrections officer. Fife may remove the prisoner for medical, dental, or mental health care services, under the provisions of Paragraph 8, or in the case of an emergency condition presenting an imminent danger to the safety of the prisoner, prison population, or Fife personnel. In the event of such emergency removal Fife shall inform Bonney Lake of the prisoner's location at the earliest practicable time, and shall exercise all reasonable care for the safe keeping and custody of the prisoner. Provided, however, if the prisoner requires hospitalization, then Fife may request that Bonney Lake provide security for the prisoner during the time of hospitalization.

6. **Term.** The term shall commence on the date of this Agreement, and shall continue in effect for subsequent calendar year terms provided that either party may terminate this Agreement by giving 90 days written notice to the other party. Provided further that the failure of any party to perform its obligations under this Agreement, said failure amounting to a substantial breach of the terms and conditions contained herein, shall constitute grounds for the

withdrawal from this Agreement by any party adversely affected by said breach. Early termination shall not affect either party's obligations regarding payment for services, accounting, and defense and indemnity, for services provided, and obligations incurred prior to the termination date.

7. **Amendments.** This agreement may be amended in writing at any time by mutual consent of the parties hereto and such amendments shall take effect immediately. In the event of any conflict between the provisions of this agreement and the provisions of the amendment, the provisions of the amendment shall control.

8. **Bed Space Availability.** Fife provides Jail space on a space-available basis. This agreement does not provide for guaranteed bed space. Fife shall have sole and unfettered discretion in determining whether or not space is available. No prisoner may be housed in the Fife jail for a longer period of time than is authorized by state law. Fife reserves the right to refuse to accept a prisoner, or to continue to house a prisoner if the prisoner, in the opinion of Fife personnel, has an illness or injury which may adversely affect Jail operations, presents a substantial risk of escape, or is a threat to the safety or general welfare of Fife personnel or other prisoners. If Fife requests that a prisoner be removed then Bonney Lake shall remove the prisoner within one hour after being notified that the prisoner must be removed.

9. **Health Care.**

A. Fife will be responsible for arranging for such medical, mental and dental treatment for prisoners as may be necessary to safeguard the prisoners' health while housed in the Jail. Fife does not have medical health care workers on staff, thus, Fife will arrange for all medical health care services to be provided by contract with an outside agency. Pursuant to RCW 70.48.130, Bonney Lake shall be responsible for all medical, dental or mental health costs incurred by or on behalf of a Bonney Lake prisoner, including but not limited to prescriptions, appliances, supplies, emergency transport, hospitalization and health care professional service charges.

B. If Fife becomes aware that a Bonney Lake prisoner is in need of medical health care requiring the assistance of a medical health care services provider, then Fife shall make reasonable effort to notify Bonney Lake prior to obtaining said service. If Bonney Lake is contacted and does not authorize Fife to obtain the service, then Bonney Lake shall within one hour pick up the prisoner from the Jail. Provided, in the case of emergency, Fife may notify Bonney Lake after the service has been provided.

C. Upon payment to Fife by Bonney Lake for the prisoner's health care expense, Fife will assign to Bonney Lake, if requested by Bonney Lake, any and all right to reimbursement for medical expenses authorized under RCW 70.48.130.

D. Fife shall keep adequate record of all services provided under the terms of this paragraph and will allow Bonney Lake to review those records upon request.

10. **Cost for Services.**

A. Bonney Lake shall pay to Fife, within 30 days of being invoiced by Fife, the cost for housing and providing health care to a Bonney Lake prisoner. The cost for housing a Bonney Lake prisoner shall be \$65.00 per day, or any portion thereof. A day shall be a calendar

day. This rate may be increased from time to time by Fife providing written notice to Bonney Lake at least 90 days before the effective date of the proposed increase.

B. Bonney Lake shall pay to Fife, within 30 days of being invoiced by Fife, a portion of the booking fee authorized by RCW 70.48.390. The Bonney Lake portion of the booking fee shall be \$20.00.

C. The daily rate or the portion of the booking fee charged to Bonney Lake may be increased from time to time by Fife upon providing written notice to Bonney Lake at least 90 days before the effective date of the proposed increase.

11. **Accounting.** Fife shall provide a monthly summary to the appropriate officers of Bonney Lake, setting forth in detail the number of prisoner days and number of bookings for which Bonney Lake was responsible in the preceding month, including the prisoners and the costs incurred for each prisoner pursuant to the terms of this agreement. Bonney Lake, upon reasonable notice and during regular business hours, shall have the right to review all books of accounts, dockets, and records of Fife pertaining to the confinement of Bonney Lake prisoners.

12. **Defense and Indemnity Agreement.**

A. Fife agrees to indemnify and hold Bonney Lake harmless, including attorneys fees and other costs of defense, from any and all claims, of whatsoever kind or nature, arising from acts or omissions of Fife, its officers, or employees in operating the Jail, provided said claim does not arise out of or in any way result from any intentional, willful or negligent act or omission on the part of Bonney Lake or any officer, agent or employee thereof.

B. Bonney Lake agrees to indemnify and hold Fife harmless, including attorneys fees and other costs of defense, from any and all claims, of whatsoever kind or nature, arising from acts or omissions of Bonney Lake, its officers, or employees, including, but not limited to claims alleging false imprisonment for any Bonney Lake prisoner, unless said claim for false imprisonment arises for imprisonment after Fife has been directed by Bonney Lake to release a Bonney Lake prisoner and Fife fails to do so.

13. **Insurance.** Each party shall provide the other, upon request, with evidence of insurance coverage, in the form of a certificate of insurance from a solvent insurance provider and/or letter confirming coverage from a solvent insurance pool, which is sufficient to address the insurance and indemnification obligations set forth in this Agreement. Each party shall maintain coverage with minimum liability limits of two million dollars (\$2,000,000.00) per occurrence and two million dollars (\$2,000,000.00) in the aggregate for its liability, errors and omissions, motor vehicle liability and police professional liability. The insurance policy, or insurance pool agreement shall provide for coverage on a "per occurrence" basis.

14. **Remedies.** No waiver of any right under this agreement shall be effective unless made in writing by the authorized representative of the parties to be bound thereby. Failure to assist upon full performance on any one or several occasions does not constitute consent to or waiver of any later non-performance, nor does payment of a billing or continued performance after notice of a deficiency in performance constitute an acquiescence thereto.

Disputes shall be referred to the Fife City Manager and Bonney Lake's Chief Executive Officer for mediation and/or settlement. If not resolved by them within sixty (60) days, either

party may apply to the presiding Judge of the Superior Court of Pierce County, Washington, for appointment of a conciliator. The Conciliator shall assume the functions of an arbitrator of the dispute after a reasonable effort at conciliation fails, should the amount involved in the dispute and application of the principle at issue in future years entail expenditures or appropriations of One Hundred Thousand Dollars (\$100,000) or less. Each party shall pay one-half (1/2) of a conciliator's fee and expenses.

15. **Written Notices.** All Notices required by this Agreement shall be considered properly delivered (1) when personally delivered, or (2) when transmitted by facsimile showing date and time of transmittal, or (3) on the day following mailing, postage prepaid, certified mail, return receipt requested, or (4) one (1) day after depositing in overnight carrier, e.g. Federal Express to:

FIFE: City Manager Dave Zabell  
City of Fife  
5411 23<sup>rd</sup> Street East  
Fife, WA 98424

With a copy to: Chief Brad Blackburn  
City of Fife Police Department  
3737 Pacific Highway East  
Fife, WA 98424

Loren D. Combs  
VSI Law Group  
3600 Port of Tacoma Road, Suite 311  
Tacoma, WA 98424

BONNEY LAKE: Mayor Neil Johnson  
City of Bonney Lake  
19306 Bonney Lake Blvd  
PO Box 7380  
Bonney Lake, WA 98391-0944

With a copy to: Dana Powers  
Chief of Police  
City of Bonney Lake Police Department  
18421 Veterans Memorial Drive E.  
Bonney Lake, WA 98391

16. **Entire Agreement.** This agreement constitutes the entire agreement between the parties and represents the entire understanding of the parties hereto. It supersedes any oral representations that are inconsistent with or modify its terms and conditions.

17. **Invalid Provisions.** Should any provisions of this agreement be held invalid, the remainder of the agreement shall remain in effect.

18. **Governing Law.** Except where expressly provided otherwise, the laws and administrative rules of the State of Washington shall govern in any matter relating to a prisoner's

confinement pursuant to this Agreement. Jurisdiction and venue shall be in Pierce County Superior Court.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the \_\_\_\_ day of \_\_\_\_\_, 2012.

City of Fife

City of Bonney Lake

By: \_\_\_\_\_  
David K. Zabell, City Manager

By: \_\_\_\_\_  
Neil Johnson, Mayor

Attest:

Attest:

\_\_\_\_\_  
Carol Etgen, City Clerk

\_\_\_\_\_  
Harwood T. Edvalson, City Clerk

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Gregory F. Amann, Assistant City Attorney

\_\_\_\_\_  
Kathleen Haggard, City Attorney

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

<b>Department/Staff Contact:</b> Community Development / John P. Vodopich, AICP	<b>Meeting/Workshop Date:</b> 6 November 2012	<b>Agenda Bill Number:</b> AB12-147
<b>Agenda Item Type:</b> Presentation	<b>Ordinance/Resolution Number:</b> D12-147	<b>Councilmember Sponsor:</b>

**Agenda Subject:** An Ordinance Relating To Cannabis Collective Gardens And Dispensaries

**Full Title/Motion:** An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 18.04 And 18.08 Of The Bonney Lake Municipal Code And Ordinance Nos. 740 And 746, Relating To Cannabis Collective Gardens And Dispensaries.

**Administrative Recommendation:**

**Background Summary:** On September 11, 2012, the City Council referred the matter of cannabis collective gardens and dispensaries to the Planning Commission for consideration. Legal staff prepared a draft Ordinance for review and the Planning Commission held a public hearing on the draft Ordinance. At the conclusion of the Public Hearing the Planning Commission voted to recommend that the City Council adopt the Ordinance as drafted.

**Attachments:** Draft Ordinance D12-147, Planning Commission recommendation memorandum and October 17, 2012 Draft Planning Commission meeting minutes

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a			
<b>Budget Explanation:</b>			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>		<b>Yes No</b>
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:		<b>Consent Agenda:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Commission/Board Review:</b>	Planning Commission		
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> JPV	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> August 6, 2012 (if applicable):

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**ORDINANCE NO. D12-147**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTERS 18.04 AND 18.08 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 740 AND 746, RELATING TO CANNABIS COLLECTIVE GARDENS AND DISPENSARIES.**

WHEREAS, in 1998 the voters of Washington State approved Initiative 692, codified as Chapter 69.51A RCW, creating a limited defense to state marijuana charges for qualifying patients and designated providers of medical marijuana; and

WHEREAS, in 2011, the Legislature adopted Chapter 181, Laws of 2011 (hereinafter “Chapter 181”), purporting to authorize medical marijuana dispensaries and collective gardens; and

WHEREAS, the Governor vetoed significant portions of Chapter 181, including those pertaining to purported legalization of dispensaries, but leaving intact provisions purporting to authorize collective gardens; and

WHEREAS, cannabis remains a controlled substance under the federal Controlled Substances Act, 21 U.S.C. Ch. 13; and

WHEREAS, the United States Department of Justice, including the United States Attorney for the Western District of Washington, continues to maintain that cannabis is illegal to cultivate, produce, manufacture, possess, distribute or dispense under federal law; and

WHEREAS, it appears to the Council that establishment of collective gardens would violate federal law, notwithstanding Chapter 181; and

WHEREAS, such federal preemption of state and local laws purporting to allow marijuana cultivation and distribution has been recognized by courts in other jurisdictions, *e.g.*, *Pack v Superior Court*, 199 Cal. App. 4<sup>th</sup> 1070 (2011); and

WHEREAS, on August 23, 2011, the Council adopted Ordinance No. 1396, enacting a temporary moratorium on the establishment, maintenance or continuation of medical marijuana collective gardens, in accordance with RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, on February 28, 2012, the Council adopted Ordinance No. 1418, extending such moratorium by six months; and

WHEREAS, public hearings were held with respect to both Ordinance No 1396 and Ordinance No. 1418; and

WHEREAS, the law with respect to collective gardens has not been significantly clarified, and the Council continues to be concerned that collective gardens, as contemplated under Chapter 181, violate clear federal law, and would also pose significant public health, safety and welfare problems; and

WHEREAS, BLMC 18.02.030(C) provides that “all land uses and development authorized by this title shall be in conformance with the Bonney Lake Municipal Code, as well as any other local, state or federal law;” and

WHEREAS, based upon the findings set forth herein, the Council deems it to be in the public interest to disallow collective gardens and dispensaries within the City;

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

**Section 1.** The recitals set forth above are hereby adopted as the Bonney Lake City Council’s findings in support of the zoning regulations imposed by this Ordinance.

**Section 2.** BLMC section 18.04.030 and the corresponding portions of Ordinance Nos. 740 § 2 and 746 § 19 are hereby amended to read as follows:

**18.04.030 “C”.**

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

“Cannabis” means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this definition, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term “cannabis” includes cannabis products and useable cannabis.

“Cannabis collective garden” means a garden where “qualifying patients” as described in RCW 69.51A.085 may engage in the production, processing, and/or delivery of cannabis for medical use.

“Cannabis Dispensary” means any facility or location where cannabis is grown, produced, manufactured or made available to and/or distributed.

“Cell site” or “site” means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.

“City center and view corridor area” means an area defined by the boundaries of the city center and the view corridor for Mt. Rainier along SR 410 from approximately 500 feet

northwest of the intersection with Sumner/Buckley Highway (Bonney Lake Main Street to the dip in SR 410 just west of Angeline Road undercrossing (the point where Mt. Rainier disappears from view).

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

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

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

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

“Convalescent home,” see “Nursing home”.

“COW” means “cell on wheels.”

**Section 3.** A new BLMC section 18.08.030 is hereby added to read as follows:

**18.08.030 Cannabis collective gardens and dispensaries.**

Notwithstanding any other provision of the Bonney Lake Municipal Code, cannabis collective gardens and cannabis dispensaries are prohibited in all zoning districts.

**Section 4.** This Ordinance concerning powers vested solely in the Council, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law.

**PASSED by the City Council and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2012.**

\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

---

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:



# Memo

**Date** : October 17, 2012  
**To** : Mayor and City Council  
**From** : Grant Sulham, Planning Commission Chair  
**Re** : Proposed amendments relating to cannabis collective gardens and dispensaries.

---

On September 11, 2012, the City Council referred the matter of cannabis collective gardens and dispensaries to the Planning Commission for consideration.

Legal staff prepared a draft Ordinance for review and the Planning Commission held a public hearing on the draft Ordinance on October 17<sup>th</sup>. No public testimony was received at the public hearing; one e-mail in support of medical marijuana was received.

**Recommendation:**

At the conclusion of the Public Hearing on October 17, 2012, the Planning Commission voted 3-1-0 to recommend that the City Council adopt the draft Ordinance which would make certain amendments to the Bonney Lake Municipal Code relating to cannabis collective gardens and dispensaries.



Community Development Department

## Planning Commission Minutes

October 17, 2012 Regular Scheduled Meeting  
City of Bonney Lake Council Chambers

DRAFTED

The meeting was called to order at 5:34 P.M.

### **Planning Commission Present**

Grant Sulham, **Chair**  
L. Winona Jacobsen, **Vice-Chair**  
Brandon Frederick (absent)  
Richards Rawlings  
Brad Doll  
Dennis Poulsen  
Dave Baus (absent)

### **City Staff Present**

John Vodopich, Community Development Director  
Debbie McDonald, Commission Clerk

A poll determined that a majority of Commissioners would be available for the regular scheduled meeting on November 7, 2012.

**MOTION WAS MADE BY COMMISSIONER RAWLINGS AND SECONDED BY COMMISSIONER DOLL TO EXCUSE COMMISSIONER FREDERICK AND COMMISSIONER BAUS FROM BEING ABSENT AT TONIGHT'S MEETING.**

**MOTION APPROVED 4-0**

### **I. APPROVAL OF MINUTES:**

**MOTION WAS MADE BY VICE-CHAIR JACOBSEN AND SECONDED BY COMMISSIONER RAWLINGS TO APPROVE THE MINUTES FROM THE OCTOBER 3, 2012 MEETING.**

**MOTION APPROVED 4-0**

### **II. PUBLIC HEARING:**

*Amendments to the Cannabis Collective Gardens and Dispensaries*

Chair Sulham opened the Public Hearing at 5:38.

Mr. Vodopich presented the amendments to the Planning Commission and read into the record Ms. Dahlstrom's email.

Chair Sulham closed the Public Hearing at 5:40 with no public comment.

**III. PUBLIC COMMENT AND CONCERNS: NONE**

**IV. NEW BUSINESS:**

*Vote on Amendments to the Cannabis Collective Gardens and Dispensaries*

Mr. Vodopich presented the recommendation memo for City Council will change to include the one comment and vote.

**MOTION WAS MADE BY COMMISSIONER POULSEN AND SECONDED BY COMMISSIONER RAWLINGS TO APPROVE THE RECOMMENDATION MEMO WITH THE ADDITION OF COMMENTS AND VOTE.**

Vice-Chair Jacobsen commented that she was able to find some good information on medical marijuana on the MRSC website. She is concerned that that medical marijuana is not an allowed use and there is not referendum process. Would like to see an extension and what the state has to say on this.

Commissioner Doll likes that Bonney Lake is a dry town and feels that those needing medical marijuana can go outside the City to get it.

Vice-Chair Jacobsen responded if you are suffering from cancer you may not be able to drive out of town to get it.

Commissioner Doll commented that he liked Ms. Dahlstrom's idea of having the state regulate it. He worries about teenagers getting a hold of it.

Commissioner Rawlings stated that if someone is in need of marijuana they are going get it whether it is legal or illegal. He does not want to see it in the City.

Mr. Vodopich mentioned that if there is a change in the State or Federal law this can be revisited.

Hearing no more Commissioner comments Chair Sulham called for a vote.

**MOTION APPROVED 3-1  
Vice-Chair Jacobsen voted no**

Chair Sulham asked Vice-Chair Jacobsen the reason for her "no" vote.

Vice-Chair Jacobsen is concerned about the medical part and there is no referendum available.

Mr. Vodopich will check on the referendum and will include the minutes as back ground information for City Council.

M: Everyone/Planning/Planning Commission/Minutes/2012/October 17, 2012.doc

V. **OLD/CONTINUING BUSINESS:** NONE

VI. **FOR THE GOOD OF THE ORDER:**

**Correspondence** – NONE

**Staff Comments** – Mr. Vodopich mentioned that Jason Sullivan will start next Monday, October 22. He will be attending the next Planning Commission meeting in November. He also gave an update on the City Council meeting and his meeting with Red Robin. Home Occupation signs will be added to the Planning Commission work plan. There is a contradiction with the Temporary Use permit a business can be there for a year but only have a banner up for two weeks. The tenant improvement will go through in one phase and not divided up into separate phases.

**Commissioner Comments** – Vice-Chair Jacobsen commented reminded Commissioners of the Milotte Film Festival this Saturday from 11-4. There will be a children's costume contest with prizes.

VI. **ADJOURNMENT:**

**MOTION WAS MADE BY COMMISSIONER RAWLINGS AND SECONDED BY COMMISSIONER DOLL TO ADJOURN.**

**MOTION APPROVED 4-0**

The meeting ended at 6:00 P.M.

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Debbie McDonald, Planning Commission Clerk

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

<b>Department/Staff Contact:</b> Community Development / John P. Vodopich, AICP	<b>Meeting/Workshop Date:</b> 6 November 2012	<b>Agenda Bill Number:</b> AB12-148
<b>Agenda Item Type:</b> Presentation	<b>Ordinance/Resolution Number:</b> D12-148	<b>Councilmember Sponsor:</b>

**Agenda Subject:** An Ordinance Establishing Pre-Annexation Zoning For The Falling Water Subdivision And Identifying The Falling Water Subdivision And The Tehaleh Planned Community As “Proposed UGA” On The City’s Future Land Use Map.

**Full Title/Motion:** An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing Pre-Annexation Zoning For The Falling Water Subdivision And Identifying The Falling Water Subdivision And The Tehaleh Planned Community As “Proposed UGA” On The City’s Future Land Use Map.

**Administrative Recommendation:** Approve

**Background Summary:** In June 2011, an item was added to the Planning Commission work plan that involved updating the Comprehensive Plan Future Land Use Map to identify the Falling Water subdivision and the Tehaleh Planned Community as “proposed UGA’s”.

The Planning Commission has recommended that the City Council adopt the draft Ordinance which would identify the Falling Water subdivision, the Tehaleh planned community, and three additional areas that would have created ‘island’s’ as “Proposed UGA” on Comprehensive Plan’s Future Land Use Map and that the Falling Water subdivision be pre-assigned the Single Family Residential land use designation and Residential (R-1) zoning.

**Attachments:** Draft Ordinance and Map, Planning Commission recommendation memorandum, and October 3, 2012 minutes

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a			

**Budget Explanation:**

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>		<b>Yes No</b>
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:		<b>Consent Agenda:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Commission/Board Review:</b>	Planning Commission		
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> <i>JPV</i>	<b>Mayor:</b>	<b>Date Reviewed</b> <b>by City Attorney:</b> August 28, 2012 (if applicable):

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**ORDINANCE NO. D12-148**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ESTABLISHING PRE-ANNEXATION ZONING FOR THE FALLING WATER SUBDIVISION AND IDENTIFYING THE FALLING WATER SUBDIVISION AND THE TEHALEH PLANNED COMMUNITY AS “PROPOSED UGA” ON THE CITY’S FUTURE LAND USE MAP.**

**WHEREAS**, RCW 35A.14.330 and .340 gives cities authority to establish pre-annexation land-use planning and zoning for areas that the city reasonably expects to annex in the future; and

**WHEREAS**, SEPA has been complied with via a Determination of Non-Significance issued on August 21, 2012; and

**WHEREAS**, at the October 3, 2012 Planning Commission meeting the Planning Commission recommended the following:

1. That the City Council identify the Falling Water subdivision and the Tehaleh planned community as “Proposed UGA” on Comprehensive Plan’s Future Land Use Map; and
2. That the City Council pre-assign the Single Family Residential land use designation and Residential (R-1) zoning to the Falling Water subdivision; and

**WHEREAS**, the City Council has held two public hearings at least thirty days apart, on November 6, 2012 and December 11, 2012 respectively, and has published notice of the time and place of these hearings in the newspaper of general circulation within the City and the area intended to be annexed; and

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

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

**WHEREAS**, these criteria have been met.

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

**Section 1.** The City Comprehensive Plan’s Future Land Use Map (Figure 3-4) is hereby revised to show the Tehaleh planned community, as identified in attachment “A” as “Proposed UGA”.

**Section 2.** The City Comprehensive Plan’s Future Land Use Map (Figure 3-4) is hereby revised to show the Falling Water subdivision and adjacent areas, as identified in attachment “A” as “Proposed UGA” and designated as “Single Family Residential”. In a subsequent Ordinance providing for annexation, the City shall apply the Residential (R-1) zone, Chapter 18.14 BLMC, to the area referenced in this Section.

**Section 2.** This Ordinance concerns powers vested solely in the Council, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law

**PASSED** by the City Council and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**Neil Johnson,**  
Mayor

ATTEST:

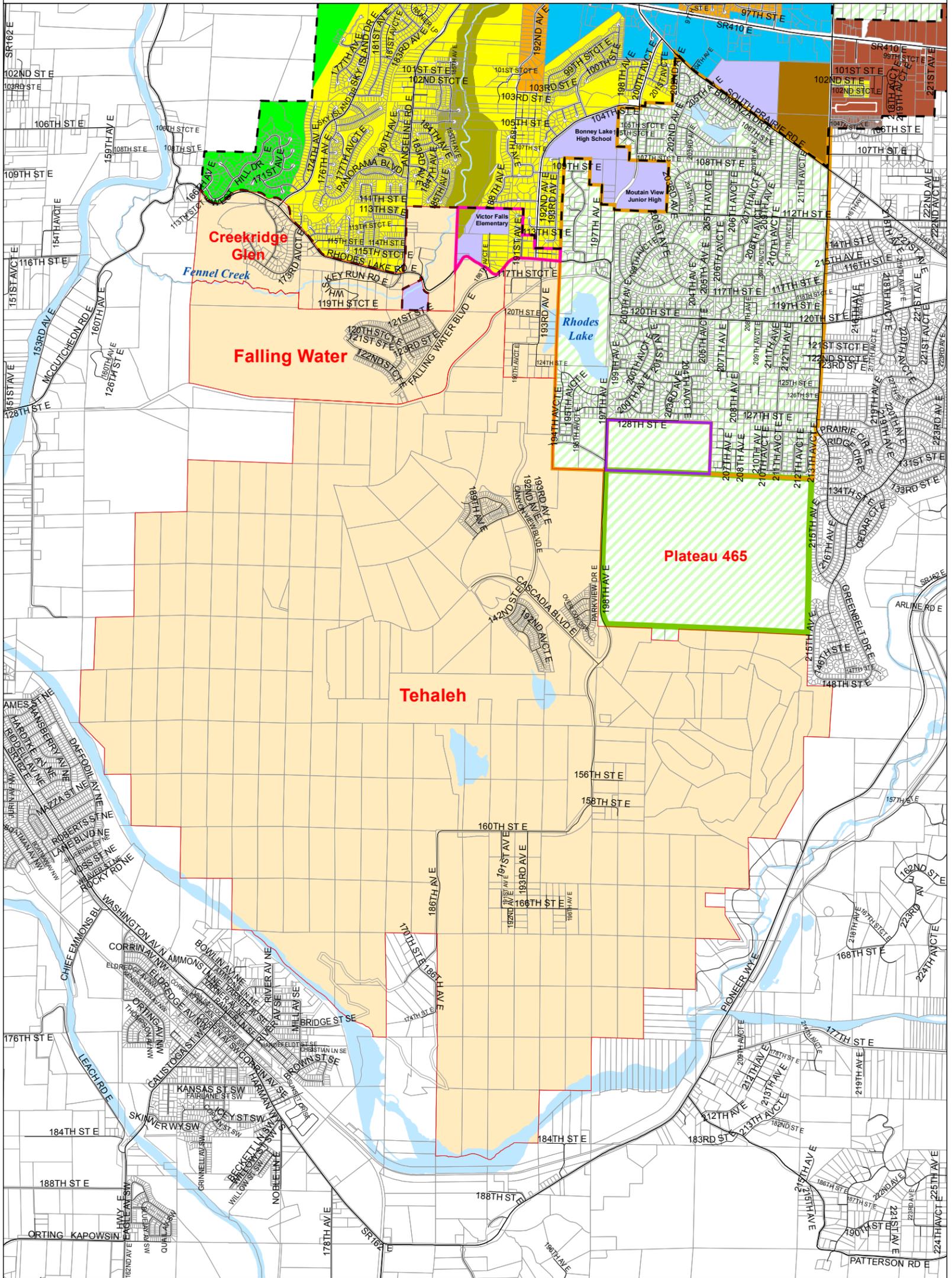
\_\_\_\_\_  
Harwood Edvalson  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James Dionne  
City Attorney

# Attachment A

## Proposed UGA - Planning Commission Recommendation October 3, 2012

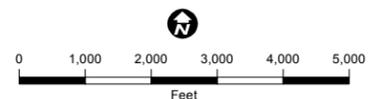


### Future Land Use Plan

- Fennel Creek
- Tax Parcels
- Bonney Lake City Limits
- Bonney Lake Urban Growth Area (UGA)
- Future Public Facility
- Future Medium-Density Residential
- Planned Community District
- Proposed UGA
- Pending Proposed UGA
- Commercial
- Easttown
- Retail Mixed Use
- Midtown
- Mixed
- Single Family Residential
- Medium-Density Residential
- High-Density Residential
- Conservation / Open Space
- Fennel Creek Corridor
- Public Facility

#### Community Development Department

This Future Land Use map was compiled and integrated from the most current and accurate sources generally available at the time of publication. Information portrayed on this map is approximate and not intended to serve as legal record. Original survey notes, legal descriptions and on-site investigation should be utilized to determine exact property boundaries and locations of other features. Please contact the Bonney Lake Community Development Department for an interpretation of future land use boundaries when in question.



October 15, 2012

Path: H:\Planning\Future Land Use\attachment\_a\_proposed\_uga.mxd



# Memo

**Date** : October 3, 2012  
**To** : Mayor and City Council  
**From** : Grant Sulham, Planning Commission Chair  
**Re** : **Update to the Future Land Use Map - “Proposed UGA”**

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In June 2011, an item was added to the Planning Commission work plan that involved updating the Comprehensive Plan Future Land Use Map to identify the Falling Water subdivision and the Tehaleh Planned Community as “proposed UGA’s”.

This ordinance was drafted by Planning Staff and reviewed by legal staff. The Planning Commission held a public hearing on the draft Ordinance on September 5, 2012 and left the written record open until September 19, 2012. No public testimony was received at the public hearing and no written comments were submitted on the draft Ordinance.

**Recommendation:**

At the October 3, 2012 meeting, the Planning Commission voted 4-1-0 to recommend that the City Council adopt the draft Ordinance which would identify the Falling Water subdivision, the Tehaleh planned community, and three additional areas that would have created ‘island’s’ as “Proposed UGA” on Comprehensive Plan’s Future Land Use Map and that the Falling Water subdivision be pre-assigned the Single Family Residential land use designation and Residential (R-1) zoning.



Community Development Department

## Planning Commission Minutes

October 3, 2012 Regular Scheduled Meeting  
City of Bonney Lake Council Chambers

DRAFTED

The meeting was called to order at 5:30 P.M.

### **Planning Commission Present**

Grant Sulham, **Chair**  
L. Winona Jacobsen, **Vice-Chair**  
Brandon Frederick (absent)  
Richards Rawlings  
Brad Doll  
Dennis Poulsen  
Dave Baus

### **City Staff Present**

John Vodopich, Community Development Director  
Debbie McDonald, Commission Clerk

A poll determined that a majority of Commissioners would be available for the regular scheduled meeting on October 17, 2012.

**MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY VICE-CHAIR JACOBSEN TO EXCUSE COMMISSIONER FREDERICK FROM BEING ABSENT AT TONIGHT'S MEETING.**

**MOTION APPROVED 5-0**

### **I. APPROVAL OF MINUTES:**

**MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY VICE-CHAIR JACOBSEN TO APPROVE THE MINUTES FROM THE SEPTEMBER 19, 2012 MEETING.**

**MOTION APPROVED 4-0**

**Commissioner Rawlings obtained**

### **II. PUBLIC COMMENT AND CONCERNS:**

J.J. McCament, 708 Broadway, Suite 150, Tacoma, WA. 98402: Ms. McCament works for Tehaleh housing development. She would like to invite Commissioners for a personal tour of the property.

### **III. NEW BUSINESS: NONE**

**IV. OLD/CONTINUING BUSINESS:**

*Vote on Proposed UGA Ordinance*

Mr. Vodopich presented the recommendation memo and asked if they had any questions.

**MOTION WAS MADE BY COMMISSIONER RAWLINGS AND SECONDED BY COMMISSIONER DOLL TO APPROVE THE RECOMMENDATION MEMO OF THE PROPOSED UGA ORDINANCE AS WRITTEN.**

Chair Sulham open the floor for discussion.

Vice-Chair Jacobsen asked if the City wanted to annex Tehaleh but they decided to incorporate instead which would take precedence.

Mr. Vodopich will have to research which takes precedence. Again wanted to remind Commissioners this is just pre-planning to have the area on the map.

Commissioner Rawlings asked if there was any timeline for the annexation.

Vice-Chair Jacobsen commented she is worried about the traffic flow and the need for another way off the hill.

Mr. Vodopich answered there is a timeline on the Tehaleh project as certain phases are completed so must the traffic improvements be completed.

Vice-Chair Jacobsen asked about the tiny little area that was not included in the proposed future map.

Mr. Vodopich responded that area is not part of the Tehaleh or Falling Water developments. A recommendation could be made to add that area to the future's map.

**MOTION WAS MADE BY VICE-CHAIR JACOBSEN AND SECONDED BY COMMISSIONER RAWLINGS TO AMMEND THE MOTION TO INCLUDE THE ADDITION OF THE RECTANGLE AREA, 117<sup>th</sup>, 120<sup>th</sup>, 122<sup>nd</sup> AND JUST SOUTH OF FALLING WATER TO THE FUTURE LAND USE MAP.**

Commissioner Poulsen asked if changing the boundary lines will require the process to start all over again and need another Public Hearing.

Mr. Vodopich answered it does not have to come back to the Planning Commission and citizens will have a chance at City Council meetings to make public comments.

Vice-Chair Jacobsen stated this is just a proposal.

Commissioner Poulsen responded that he felt this was a change and not giving the citizens in the new added areas a chance to comment.

Mr. Vodopich responded that City Council can change the proposed map and hold the Public Hearing.

Commissioner Poulsen asked how long are we going to delay this. He is voting “no” anyway.

Vice-Chair Jacobsen asked Commissioner Poulsen why he was voting “no”.

Commissioner Poulsen responded that the Government is dragging their feet and this is a bunch of bologna.

Vice-Chair Jacobsen reminded Commissioner Poulsen that the City is not obligated to annex the area into the City.

Hearing no further discussion Chair Sulham called for a vote on the amended motion.

**MOTION APPROVED 4-1  
Commissioner Poulsen voted No**

Mr. Vodopich asked Commissioner Poulsen what he would like listed on the recommendation memo to City Council as his reasoning to voting no.

Commissioner Poulsen stated he already commented earlier to why he voted “no”.

**V. FOR THE GOOD OF THE ORDER:**

**Correspondence – NONE**

**Staff Comments –** Mr. Vodopich mentioned that Jason Sullivan has accepted the position as Senior Planner and will start October 22. Mr. Sullivan will attend his first Planning Commission meeting on November 7<sup>th</sup>. The T.I. bid for the Justice Center came in a little high; it will be up to City Council if they want to piece meal the project or do it all at once. The Mayor announced last night that the City was trying to find a location for the Historical Society to use.

**Commissioner Comments –**

Vice-Chair Jacobsen commented on how successful the Naches Trail tour was, with about 32 people attending. Highlight of the tour was being able to show them where the first wagon train crossed. This was their turn to host the tour and were able to show them new things. Also thanked Al Catanzaro for his work on the map.

**VI. ADJOURNMENT:**

**MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY COMMISSIONER RAWLINGS TO ADJOURN.**

**MOTION APPROVED 6-0**

The meeting ended at 6:07 P.M.

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Debbie McDonald, Planning Commission Clerk

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

<b>Department/Staff Contact:</b> Community Development / John P. Vodopich, AICP	<b>Meeting/Workshop Date:</b> 6 November 2012	<b>Agenda Bill Number:</b> AB12-149
<b>Agenda Item Type:</b> Presentation	<b>Ordinance/Resolution Number:</b> D12-149	<b>Councilmember Sponsor:</b>

**Agenda Subject:** An Ordinance Adopting New Landscaping Standards

**Full Title/Motion:** An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Replacing Chapter 16.14 Of The Bonney Lake Municipal Code, Adopting New Landscaping Standards.

**Administrative Recommendation:**

**Background Summary:** In June 2011, an item was added to the Planning Commission work plan that involved the updating of Chapter 16.14 of the Municipal Code to enhance landscape buffering between incompatible uses.

This ordinance was drafted by Planning Staff and review included the City of Ferndale landscaping standards. The Pierce County Master Builders Association commented on the draft and their suggestions have been incorporated into the draft recommended for approval.

**Attachments:** Draft Ordinance D12-149; Planning Commission recommendation memorandum and June 6<sup>th</sup> Planning Commission minutes

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a			
<b>Budget Explanation:</b>			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>		<b>Yes No</b>
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:		<b>Consent Agenda:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Commission/Board Review:</b>	Planning Commission		
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> JPV	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> (if applicable):

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**ORDINANCE NO. D12-149**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,  
WASHINGTON, REPLACING CHAPTER 16.14 OF THE BONNEY LAKE  
MUNICIPAL CODE, ADOPTING NEW LANDSCAPING STANDARDS**

WHEREAS, the City Council wishes to address noise and other nuisances between commercial and residential property; and

WHEREAS, while the existing landscaping code attempts to buffer incompatible uses, City Council wishes to enhance these buffer requirements.

NOW, THEREFORE, the City Council of the City of Bonney Lake do hereby ordain as follows:

**Section 1.** Chapter 16.14 of the Bonney Lake Municipal Code is hereby replaced with the following:

**Chapter 16.14  
LANDSCAPING**

Sections:

- [16.14.010](#) Administrative provisions.
- [16.14.020](#) Purpose of landscape standards.
- [16.14.030](#) Applicability.
- 16.14.040 General Requirements
- 16.14.050 Buffering.
- [16.14.060](#) Required plant materials.
- [16.14.070](#) Description of landscape standards.
- [16.14.080](#) General provisions.
- [16.14.090](#) Installation and maintenance.
- [16.14.100](#) Irrigation.
- [16.14.110](#) Landscape plans.
- [16.14.120](#) Plant materials standards.
- [16.14.130](#) Credit for preservation of existing vegetation.
- [16.14.140](#) Preservation of existing vegetation.
- [16.14.150](#) Street frontages.
- [16.14.160](#) Vision clearance area landscaping.
- [16.14.170](#) Parking lot landscape standards.
- 16.14.180 Landscape Maintenance

**16.14.010 Administrative provisions.**

See Chapter [16.12](#) BLMC.

**16.14.020 Purpose of landscape standards.**

Landscape standards are designed to:

- A. Improve the appearance and visual character of the community.
- B. Promote compatibility between all land uses by reducing the visual, noise, and lighting impacts of development on adjacent properties.
- C. Unify development, and enhance and define public and private spaces on a site.
- D. Reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties.
- E. Reduce the area of impervious surfaces.
- F. Reduce the level of carbon dioxide in areas of heavy vehicle use and return pure oxygen to the atmosphere.
- G. Encourage safe and efficient on-site circulation.
- H. Encourage the retention and use of existing vegetation.
- I. Provide shade as a means of mitigating heat and exposure in parking lots and other paved areas.
- J. Encourage efficient water use and conservation.
- K. Encourage a pedestrian-oriented street environment.

**16.14.030 Applicability.**

The landscape standards reflected in Tables 16.14A and 16.14B establish minimum landscape requirements that apply to all developments, except:

- A. Minor building alterations.
- B. Site improvements for improved public access.
- C. Change of use not affecting exterior of building.
- D. Construction of one detached single-family home or duplex.
- E. Short plats.

**16.14.040 General requirements.**

A. All portions of development sites not used for buildings, parking, driveways, walkways, outdoor storage, plazas, stormwater ponds, or similar improvements shall either remain in their native state or be landscaped in accordance with the purpose of this chapter.

B. Required landscaping elements shall be designed by a licensed landscape architect.

C. The type, quantity, and arrangement of installed plants shall be appropriate to the size and purpose of the landscape area.

D. Nonvegetative material such as gravel, mulch, and bark may supplement but not substitute for plantings.

E. Based on site-specific factors such as topography and micro-climate, the director(s) may waive or amend specific landscaping requirements as necessary to achieve the purpose of this chapter.

F. The director(s) may require berms or similar artificial topographical features.

G. Planting beds shall not be located over impervious surfaces.

**Table 16.14A Site Specific Buffering Requirements**

	<b>L-1 Basic</b>	<b>L-2 Low Screen</b>	<b>L-3 High Screen</b>	<b>L-4 High Wall</b>	<b>L-5 Partial Screen Fence</b>	<b>L-6 Full Screen Fence</b>
In setback areas of multiple-family development (except as otherwise noted)	X					
Multiple-family parking (where parking areas abut interior property line or right-of-way)		X				
Recycling and garbage areas in residential zones			X*			X*
Property lines within 75 feet of delivery and loading areas on commercially zoned lots abutting residential zones				X		
Street frontage of commercial development where frontage is not occupied by parking, except those properties in the Downtown subject to Design Standards as set forth in BLMC 18.35.	X					

Outdoor merchandise display areas of greater than 300 square feet in Commercial zones, excluding plant merchandise displays		X*	X*	X*	X*	X*
Garbage and recycle screening in Commercial zones						X
Parking area landscaping along a public or private right-of-way		X				
Parking area driveway or primary circulation route landscaping		X				
Parking and loading areas for institutional and commercial uses adjacent to residentially zoned property			X*	X*		
Campground or recreational vehicle park street frontage screening			X			
Manufactured home park property boundaries			X*	X*		
Electrical substation unless fully enclosed within a building			X			
Telecommunication or satellite relay station unless fully enclosed within a building			X			
Pump station, wellhead, tank-style reservoir, and other water or sewer facilities unless fully enclosed within a building			X			
Vehicle or equipment storage yard in Commercial zones			X*		X*	
Interior property lines for essential public facility sites			X*	X*	X*	X*

\* Specific standard required is subject to administrative review.

**16.14.050 Buffering.**

Buffering between zones is required based on the provisions of Table 16.14B.

A. Buffering requirements between zones is the requirement of each developing or redeveloping property.

1. Cooperative Agreements. Developers are encouraged to enter into cooperative agreements with adjacent properties to develop a single buffer with joint responsibility for maintenance. This eliminates the need for double buffering.
2. Cooperative Buffering. It is the intent of this code to require cooperative buffering to maximize benefit and equitably burden each property owner where cooperative agreements are not achieved. Where cooperative buffering would create an alleyway or “no man’s land” between walls, fences, or linear plantings, an

alternative landscape standard shall be applied so as to accentuate the benefits of a barrier without creating the negative effects of an isolated alleyway.

B. Wetlands/Open Space. Where wetlands, riparian areas, and other open space create an effective buffer that is consistent with the purpose of this chapter, the buffering requirement may be increased or reduced by the Director or designee in keeping with the substantive requirements found in 16.22.040 D and E.

C. Residential Buffers. Where buffers required by Table 16.14B occur on residential plats, the buffer shall be on a separate parcel or tract and shall be owned and maintained by a homeowners' association.

D. Large Retail Buffers.

1. For retail establishments with buffers along interior property lines that exceed 12 feet in width, as required by the City of Bonney Lake design guidelines, the L-3 and L-4 planting requirements shall be modified to require two rows of trees within the required landscape buffer. Tree rows shall be staggered.

2. For retail establishments with buffers along interior property lines that exceed 20 feet in width, as required by the City of Bonney Lake design guidelines, the L-3 and L-4 planting requirements shall be modified to require two rows of trees and a four-foot high berm within the required landscape buffer. Tree rows shall be staggered.

<b>Table 16.14B Zone Buffering Requirements</b>				
	<b>RC-5, R-1, R-2</b>	<b>R-3</b>	<b>C-1</b>	<b>PF, C-2, E, MC, DM or DC</b>
<b>RC-5, R-1, R-2</b>		L-2 L-3	L-2 L-3	L-3, L-4
<b>R-3</b>	L-2 L-3			L-3
<b>C-1</b>	L-2 L-3	L-2 L-3		L-3
<b>PF, C-2, E, MC, DM or DC</b>	L-3, L-4	L-3	L-3	

**16.14.060 Required plant materials.**

Plants used within required landscape areas shall be locally hardy, noninvasive plants with a mature size and growth habit appropriate to the location and use. The City of Bonney Lake maintains a plant materials list to aid in the selection of plant materials. Plants shall be selected from this list.

**16.14.070 Description of landscape standards.**

A. Basic Landscape Standard (L-1). A landscape treatment to enhance the appearance of street frontages and yard areas. A linear effect is not the goal, but a visually pleasing, park-like effect should be achieved. The minimum width shall be consistent with the setback area unless otherwise specified herein.

1. Required Plant Materials. Basic landscape standard (L-1) requires the installation and maintenance of all of the following:
  - a. One tree per 30 linear feet as measured along the front lot line.
  - b. Six shrubs per 30 linear feet as measured along the front lot line.
  - c. The use of turf as ground cover is discouraged. Drought-tolerant, low-maintenance vegetative ground cover is encouraged.
  - d. Living plant materials covering a minimum of 70 percent of the required landscape area within five years of planting. The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design.
2. Exceptions to Required Plant Materials. An exception to the requirement in subsection (A)(1)(a) of this section shall be granted if, excluding any required parking area landscaping, the landscape area required to comply with the L-1 basic landscape standard is located entirely within 15 feet of a building.

B. Low Screen Landscape Standard (L-2). A landscape treatment to enhance the visual appearance of linear spaces while allowing high visibility and an open effect. Low screen landscape areas shall be a minimum of seven feet wide unless otherwise specified herein.

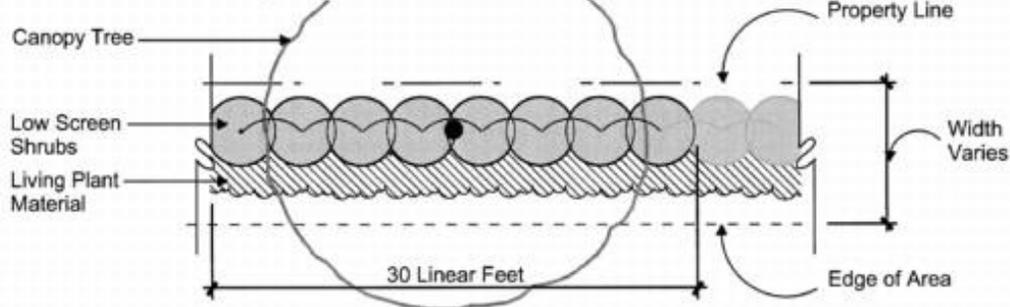
1. Required Plant Materials. Low screen landscape standard (L-2) requires the installation and maintenance of all of the following:
  - a. Low shrubs to form a continuous screen at least 24 inches high within five years and maintained at a height not to exceed 42 inches.
  - b. One canopy tree per 30 linear feet as measured along the street lot line.

- c. Living plant materials covering a minimum of 70 percent of the required landscape area within five years of planting.
- d. The use of turf as ground cover is discouraged. Drought-tolerant, low-maintenance vegetative ground cover is encouraged.

## Low Screen Landscape (L-2)

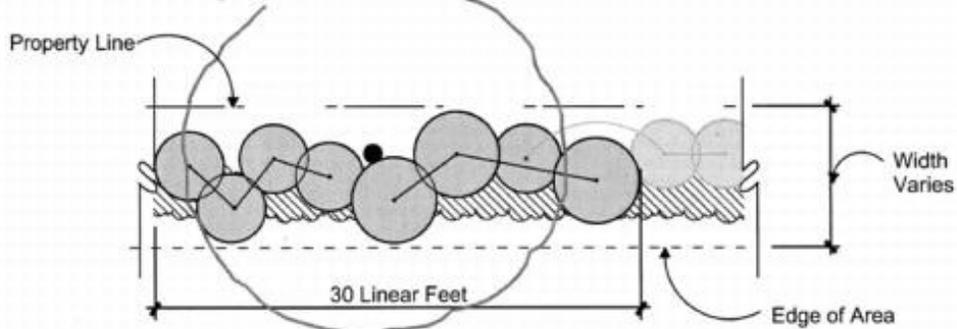
**GENERIC PLAN:**

**Version A - Formal Arrangement**



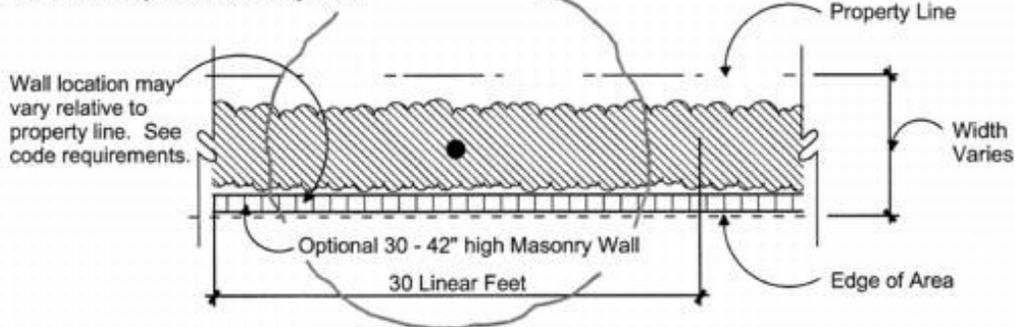
**GENERIC PLAN:**

**Version B - Informal Arrangement**



**GENERIC PLAN:**

**Version C - Optional Masonry Wall**



**Required Plant Materials**

- Low Screen Shrubs (3 gallon minimum) to form continuous screen at least 24 inches tall in 3 years; maximum 42 inches in height.
- 1 canopy tree per 30 linear feet as measured along the property line.
- Living plant material covering a minimum of 70 percent of the required landscaped area within 3 years.

**Plan Label Requirements** for all required trees, shrubs and living plant material:

- Scientific Name and Common Name
- Quantity, Size, and Spacing



e. A masonry wall or a berm between 30 and 42 inches high shall be permitted as a substitute for the required low shrubs, but the trees and other plant materials are still required. When applied along street frontage, the masonry wall is to be placed farthest from the street with the required landscaping in between the wall and street. When applied along an abutting property, the masonry wall may be placed along the interior lot line.

C. High Screen Landscape Standard (L-3). A landscape treatment to create a living visual barrier and insert a psychological separation. A high screen landscape area shall have a minimum width of seven feet unless otherwise specified herein.

1. Required Plant Materials. High screen landscape standard (L-3) requires the installation and maintenance of all of the following:

a. Evergreen shrubs that are in at least five-gallon containers at the time of planting to form a continuous screen, at least six feet high, within five years of planting.

b. One tree per 30 linear feet as measured along interior lot lines. Evergreens or canopy trees may be used as appropriate to provide the desired screening.

c. Living plant materials covering a minimum of 70 percent of the required landscape area within five years of planting.

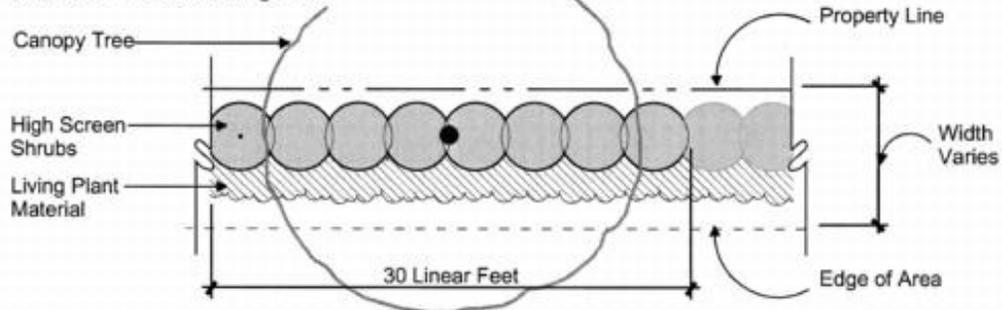
d. The use of turf as ground cover is discouraged. Drought-tolerant, low-maintenance vegetative ground cover is encouraged.

e. A masonry wall at least six feet high shall be permitted as a substitute for the shrubs but the trees and other plant materials are still required. When this landscape standard is applied along street frontage, the screen or wall is to be placed farthest from the street with the required landscaping in between the wall and street. When along a street frontage, vines shall be planted a maximum of eight feet on center on the streetward side of the wall. When applied along an abutting property, the masonry wall may be placed along the interior lot line.

## High Screen Landscape (L-3)

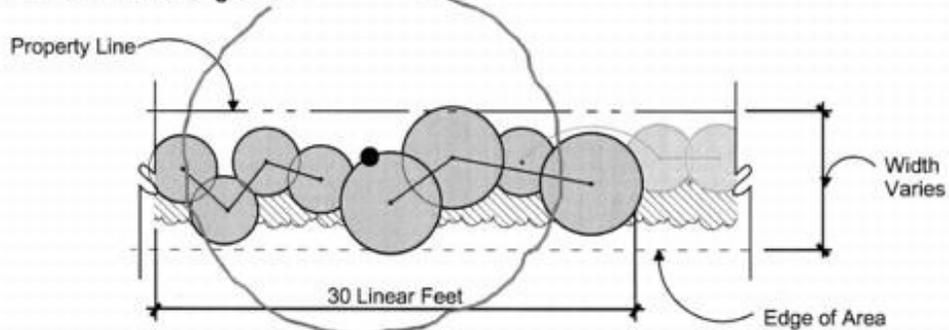
**GENERIC PLAN:**

**Version A - Formal Arrangement**



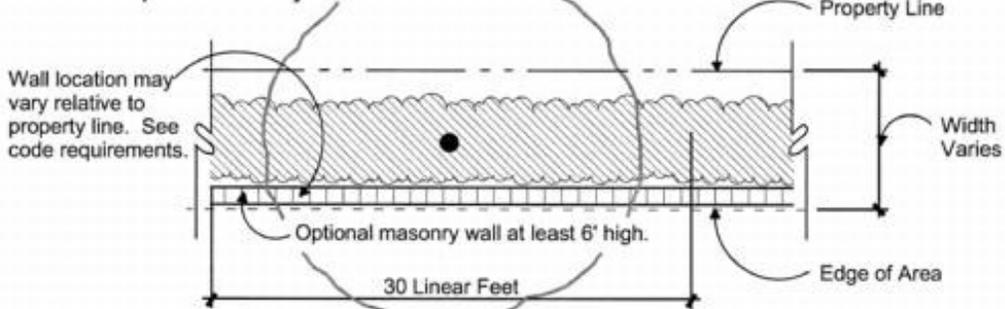
**GENERIC PLAN:**

**Version B - Informal Arrangement**



**GENERIC PLAN:**

**Version C - Optional Masonry Wall**



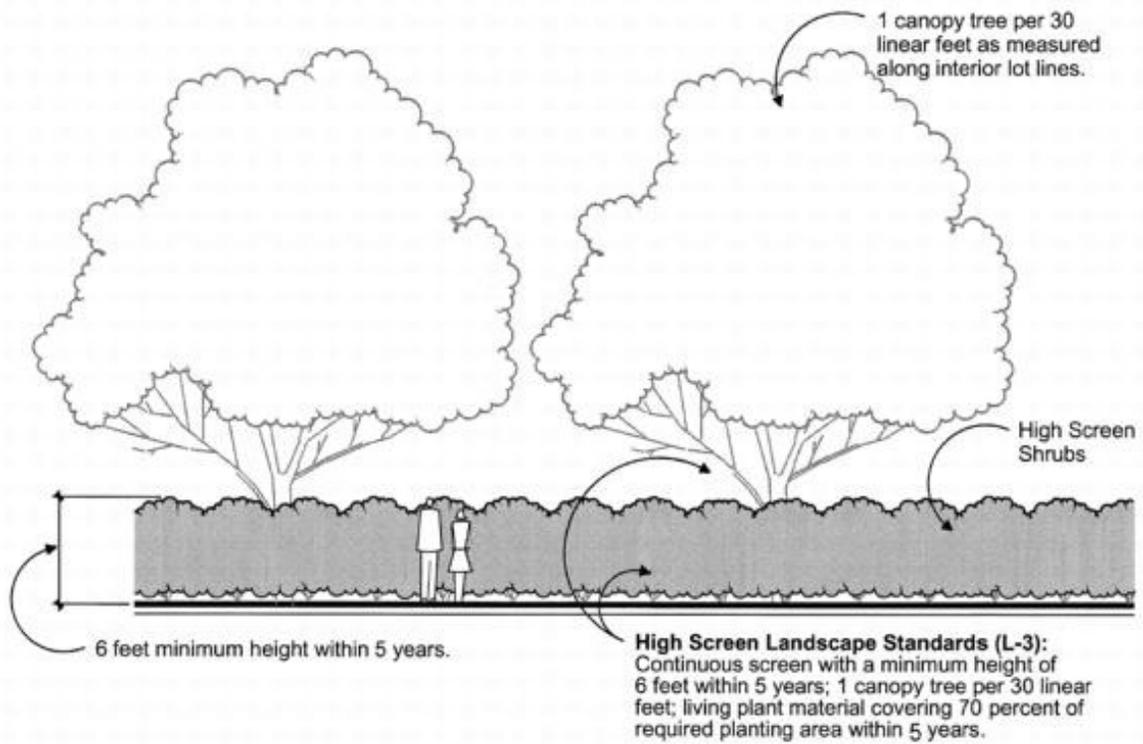
**Required Plant Materials**

- HighScreen Shrubs (5 gallon minimum) to form continuous screen at least 6 feet tall within 5 years.
- 1 canopy tree per 30 linear feet as measured along interior lot lines.
- Living plant material covering a minimum of 70 percent of the required landscaped area within 5 years.

**Plan Label Requirements** for all required trees, shrubs and living plant material:

- Scientific Name and Common Name
- Quantity, Size, and Spacing

## High Screen Landscape (L-3) (Continued)



**View along Interior Lot Line**

D. High Wall Landscape Standard (L-4). A landscape treatment to create a visual separation that provides noise buffering and added security and privacy. A high wall landscape area shall have a minimum width of seven feet unless otherwise specified herein.

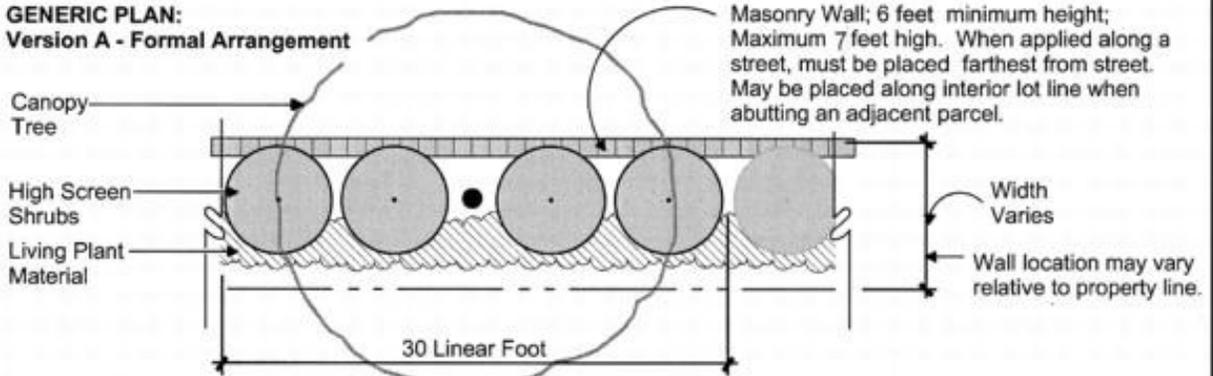
1. Required Materials. High wall landscape standard (L-4) requires the installation and maintenance of all of the following:

- a. Masonry wall at least six feet high with a maximum height of eight feet. When applied along street lot lines, the wall shall be placed farthest from the street with the required landscaping in between the wall and the street. When along a street frontage, vines shall be planted a maximum of eight feet on center on the streetward side of the wall. When abutting an adjacent parcel, the wall may be placed along the interior lot line.
- b. One tree per 30 linear feet as measured along interior lot lines. Evergreens or canopy trees may be used as appropriate to provide the desired screening.
- c. Four high shrubs or vines are required per 30 linear feet of wall.

# High Wall Landscape (L-4)

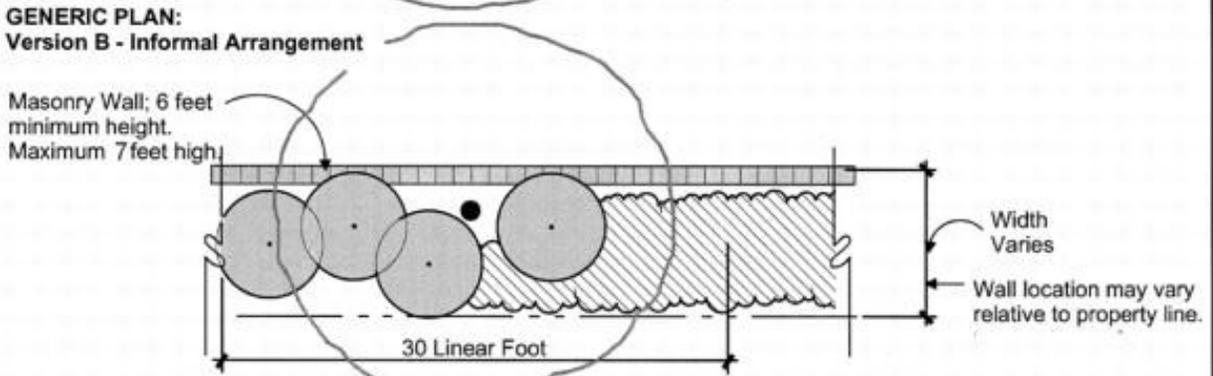
**GENERIC PLAN:**

**Version A - Formal Arrangement**

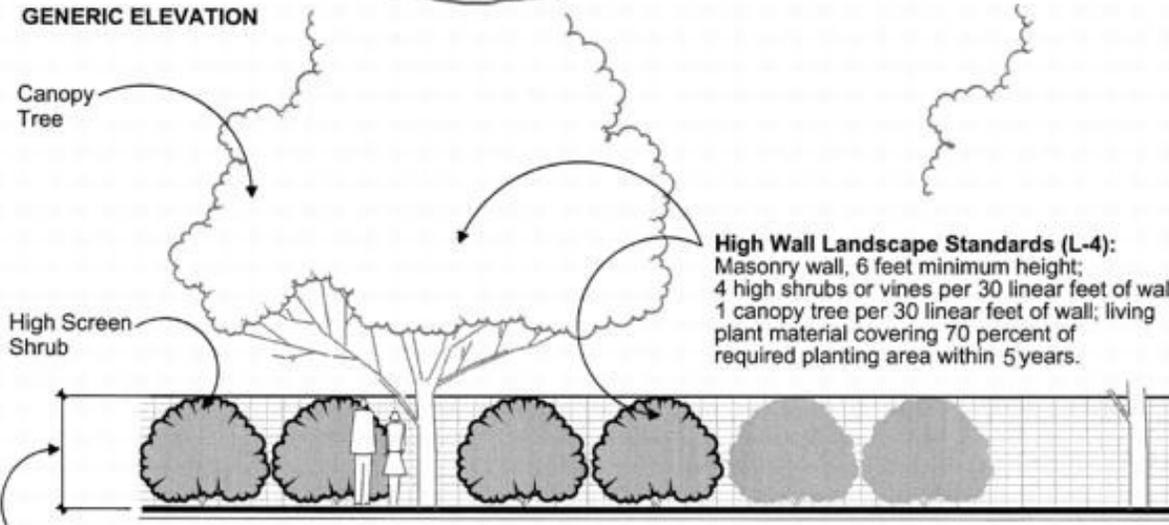


**GENERIC PLAN:**

**Version B - Informal Arrangement**



**GENERIC ELEVATION**



**High Wall Landscape Standards (L-4):**  
 Masonry wall, 6 feet minimum height;  
 4 high shrubs or vines per 30 linear feet of wall;  
 1 canopy tree per 30 linear feet of wall; living  
 plant material covering 70 percent of  
 required planting area within 5 years.

- Plan Label Requirements** for all required trees, shrubs and living plant material:
- Scientific Name and Common Name
  - Quantity, Size, and Spacing

d. Living plant material must cover a minimum of 70 percent of the required landscape area within five years of planting.

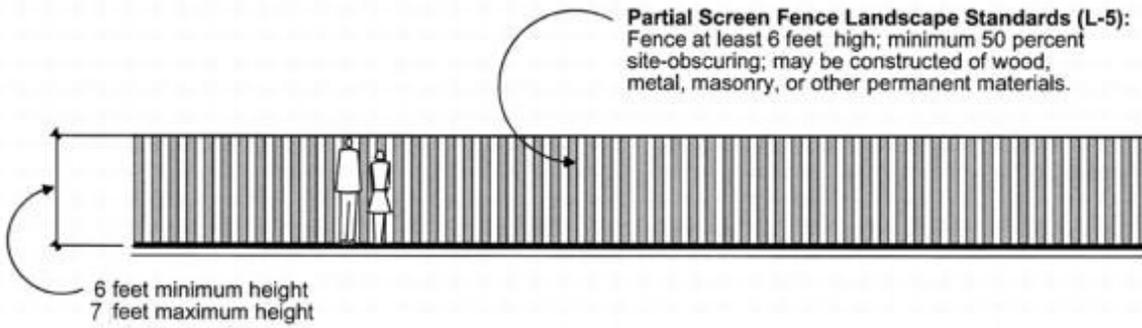
e. The use of turf as ground cover is discouraged. Drought-tolerant, low-maintenance vegetative ground cover is encouraged.

E. Partial Screen Fence Landscape Standard (L-5). A landscape treatment to create a psychological definition of separate spaces while allowing some visibility for security purposes. A partial screen fence landscape area shall have a minimum width as necessary to allow for maintenance of the fence unless otherwise specified herein.

## Partial Screen Fence Landscape (L-5)

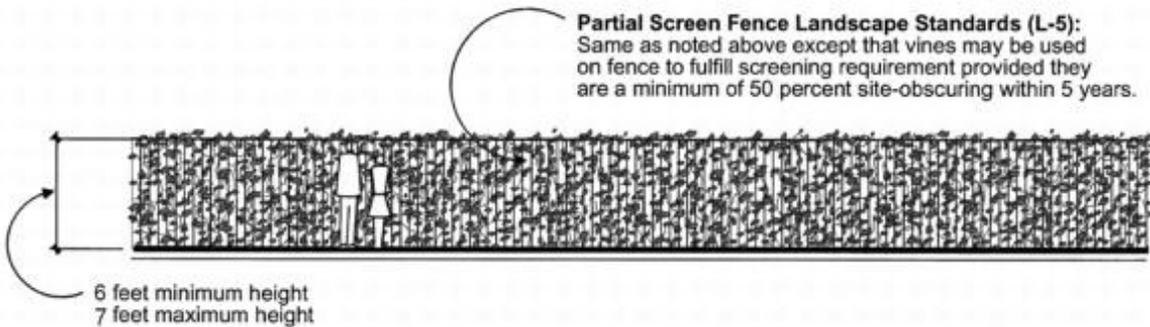
### GENERIC ELEVATION:

#### Version A: Minimum Fence Requirement



### GENERIC ELEVATION:

#### Version B: Optional Vine Screening



1. Required Materials. Partial screen fence landscape standard (L-5) requires the installation and maintenance of fences at least six feet high that are at least 50 percent site-obscuring, such as a dark colored, vinyl coated chain link fence.. Vines are permitted on fences to fulfill the requirement for a screening fence provided they would be 50 percent site-obscuring within five years of planting. Fences may be made of wood, metal, masonry, or other permanent materials.

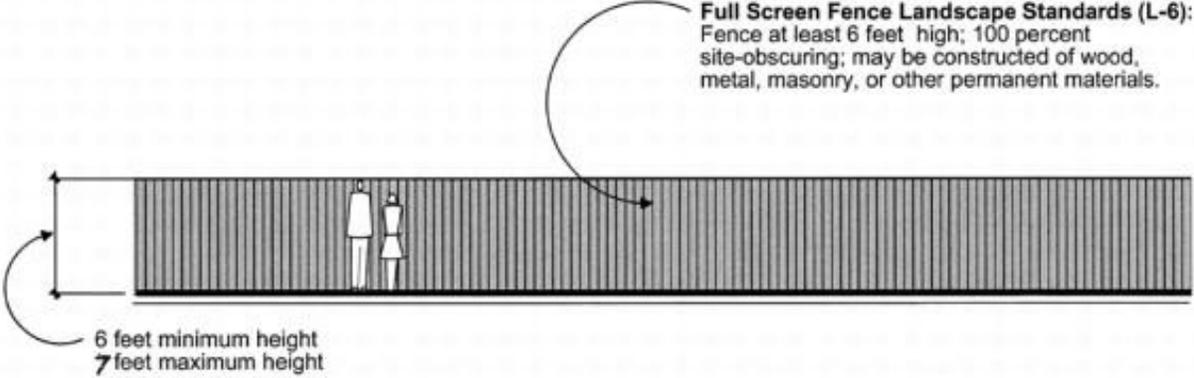
F. Full Screen Fence Landscape Standard (L-6). A landscape treatment to create a complete visual break between separate spaces. A full screen fence landscape area shall have a minimum width as necessary to allow for maintenance of the fence unless otherwise specified herein.

1. Required Materials. Full screen fence landscape standard (L-6) requires the installation and maintenance of fences at least six feet high with a maximum height of seven feet that are 100 percent site-obscuring. Fences may be made of wood, metal, masonry or other permanent materials.

# Full Screen Fence Landscape (L-6)

**GENERIC ELEVATION:  
Version A: Minimum Fence Requirement**

**Full Screen Fence Landscape Standards (L-6):**  
Fence at least 6 feet high; 100 percent site-obscuring; may be constructed of wood, metal, masonry, or other permanent materials.



**16.14.080 General provisions.**

Rain gardens, fully landscaped infiltration basins, vegetated swales and other water quality features may be counted as required landscape areas, provided the required planting standard can be substantially achieved. Landscaping design that encourages rainwater retention and infiltration is encouraged.

The use of native plants is encouraged. Flexibility in interpreting planting standards shall be applied where necessary to accommodate the unique growth habits of native plants and the limits on availability of appropriately sized native plant specimens.

Drought-tolerant plantings are encouraged. Water conservation is a primary purpose of this code. However, if any planting used for required landscaping is not drought tolerant, an irrigation system shall be installed to ensure plant survival. (see BLMC 16.14.090)

Outdoor art, street furniture, and landscape architectural elements are encouraged.

**16.14.090 Installation**

Plants shall be installed using best landscaping practices. Prior to planting, soils shall be made conducive to healthy growth. Newly planted trees shall be properly staked. Plants shall be manually irrigated if necessary until they are established.

**16.14.100 Irrigation.**

An automatically controlled irrigation system shall be provided for all plant materials used to meet these landscape standards. The use of drought-tolerant plant species may preclude the need for irrigation. Drip irrigation and low-gallon systems are encouraged for nonturf areas. The irrigation systems shall not provide water to unplanted areas, or to areas where existing native plants have been preserved. The irrigation systems shall be maintained and operated in a manner that promotes the health and appearance of the plant material while minimizing water use and avoiding excessive runoff. It is a primary purpose of this code to minimize the need for irrigation, and to minimize waste of water through improperly designed and operated irrigation systems. A separate water connection will be required for landscape irrigation systems.

**16.14.110 Landscape plans.**

If a proposed land development or change of land use requires landscaping per this chapter, the permit application pertaining to said proposal shall include a landscaping plan containing the following.

- A. A conceptual landscaping plan showing existing and proposed shrubs and trees as masses, to be submitted during preapplication review.

B. A scaled plan showing existing property lines, ground elevations, streets, buildings, fences, walls, curbs, plants with species names, and similar elements.

C. Three copies of the proposed landscape plan, drawn to scale, showing proposed and retained property lines, ground elevations, streets, buildings, fences, walls, curbs, plants (with species names and numbers of each), irrigation, and other elements affecting the landscape.

D. As appropriate, cross sections of proposed berms or mounds.

E. If required by the director(s), a tree survey indicating the location, species, and diameter of existing trees, or stands of trees, greater than six inches in diameter, with notes as to which trees will be retained. The trees to be retained shall be noted on the grading plan by dripline boundary.

F. If irrigation is installed, an as-built irrigation drawing to be submitted prior to the issuance of the certificate of occupancy or release of the performance bond.

**16.14.120 Plant materials standards.**

A. Shrubs and Ground Cover. All required plant materials shall be of sufficient size and number to meet the required 70 percent coverage standard within 5 years according to the type of landscape standard being addressed. Mulch is not a substitute for ground cover plants.

All required shrubs shall be in at least three-gallon containers prior to planting, unless otherwise specified herein. All required ground cover shall be in at least one-gallon containers prior to planting, unless otherwise specified herein.

B. Trees. Except where one or the other is specified elsewhere in this code, trees may be either deciduous or evergreen varieties. Required canopy trees at the time of planting must have a minimum diameter of two inches DBH. Required evergreen trees at the time of planting must be a minimum of six feet in height.

**16.14.130 Credit for preservation of existing vegetation.**

Variable credit shall be allowed for preservation of mature trees and groves of small trees. No credit shall be provided for the preservation of existing invasive species, such as Himalayan Blackberry. The Director or designee shall determine the value of the preserved vegetation based on visual impact and area required for preservation. Approved preservation shall relieve the contractor/developer from installing landscaping in relation to the area preserved and the visual impact of the preserved vegetation.

**16.14.140 Preservation of existing vegetation.**

A. Preservation of existing vegetation shall be consistent with BLMC 16.13.

**16.14.150 Street frontages.**

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

B. Trees under power lines shall be of a species whose height at maturity is compatible with such location. Street trees shall be consistent with the City's Street Tree Master Plan.

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

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

E. Where the Downtown, Midtown and Eastown subarea plans and design standards specify alternative landscaping requirements, the individual plans shall prevail.

**16.14.160 Vision clearance area landscaping.**

Within vision clearance triangles (see BLMC [16.12.010](#), Definitions), no plants nor structures shall be allowed which substantially impair vision at a height between three feet and eight feet above the street grade. See also public works road approach standards.

**16.14.170 Parking lot landscape standards.**

A. Applicability of Parking Area Landscape Standards.

1. General Provisions. Subject to any exceptions herein, the standards in this code apply to all parking areas, including carports, which provide for six or more spaces except for the following:

- a. A parking area for a single-family dwelling, accessory dwelling, or duplex.
- b. A legal nonconforming parking area. See subsection (A)(2) of this section.

2. Provisions Applicable to Legal Nonconforming Parking Areas. Parking areas with legal nonconforming landscaping are subject to the following parking area landscape standards:

- a. When a new building is constructed on a site with a preexisting parking lot, the parking area landscape standards herein shall apply to a portion of the parking area sufficient to meet the minimum required parking for the new

building and to any additional parking area proposed by the applicant to serve the building.

b. When a building is expanded, the parking area landscape standards herein shall apply to a portion of the parking area that is sufficient to meet the minimum required parking spaces for the expanded area of the building and to any additional parking area proposed by the applicant to serve the expanded area of the building.

c. When a legal nonconforming parking area is physically expanded in size (not simply re-stripped to increase, decrease, or reconfigure the number of parking spaces), the parking area landscape standards herein shall apply only to the expanded portion of the parking area.

d. When a legal nonconforming gravel parking area is paved, the parking area landscape standards herein shall apply only to the paved portion of the parking area.

B. General Parking Area Landscape Standards. Canopy trees shall be required at the minimum rate of one tree for every 3,000 square feet of paved vehicular use areas on the site and shall be distributed throughout the paved area. Trees shall be planted in a landscaped area such that the tree trunk is at least three feet from any outside curb edge or paved area. Vehicular use areas include parking spaces, driveways, interior roadways, loading areas, and fleet vehicle storage areas. Large-scale coniferous trees may be substituted for required canopy trees at a maximum rate of 10 percent of the overall required number of trees. Parking area screening requirements may be achieved through a combination of change of grade and use of plant materials. The use of berms or drainage swales is acceptable, as is lowering the grade of the parking area. Rain gardens, fully landscaped infiltration basins, vegetated swales and other water quality features may be counted as required landscape areas provided the required planting standard can be substantially achieved. Landscaping design that encourages rainwater retention and infiltration is encouraged.

C. Parking Area Landscaping Along Street and Driveway Entrances.

1. Parking areas within 25 feet of a street, except an alley, shall provide a landscape strip between the street and the parking areas as follows:

a. In all areas except those where other standards are specified, a landscape strip at least seven feet in width shall be provided.

b. Landscape strips along a street may be pierced by pedestrian and vehicular accessways. Landscape strips along a street shall be landscaped as per Table 16.14A.

2. Parking area driveway entrances, except those entering from alleys, shall be provided with a landscape strip at least seven feet in width, measured from the outside edges of six-inch wide curbs. These landscape strips shall be at least the length of a full parking space, or such distance necessary to heighten entryway visibility and improve parking area circulation. Entrance driveway landscape strips shall be landscaped according to the low screen landscape standard (L-2) except the height of the low screen within vision clearance areas shall not exceed 24 inches.

D. Perimeter Parking Area Landscaping.

1. Along the perimeter of the parking area, a landscape strip, at least seven feet in width, measured from the outside edge of a six-inch wide curb, shall be provided. The landscape strip may be pierced by pedestrian and vehicular accessways.

Where abutting lots share parking and/or loading areas, the perimeter of these shared areas shall be considered the outside of the parking area. Perimeter landscaping shall not be required along the interior lot lines of the lots that are sharing parking and/or loading areas.

2. All parking areas shall provide perimeter landscaping according to low screen landscape standard (L-2), except as otherwise specified in Table 16.14A.

E. Interior Parking Area Landscaping.

1. In addition to the landscaping required in subsections (C) and (D) of this section, landscaping shall be provided within the interior of surface parking areas for 50 or more motor vehicles so as to:

- a. Improve the visual qualities of these areas.
- b. Delineate and define circulation movements of motorists and pedestrians.
- c. Improve air quality.
- d. Encourage energy conservation by reducing solar heat gain.

2. Parking area landscaping shall be provided according to Table 16.14C, Interior Parking Area Landscaping.

**Table 16.14C Interior Parking Area Landscaping**

<b>Total Number of Spaces in Parking Area</b>	<b>Minimum Interior Parking Area Landscape Area</b>
50 to 99 spaces	15 square feet per parking space
100 or more spaces	22 square feet per parking space

3. A continuous landscape strip or raised pedestrian path shall be provided between every six rows of parking. The landscape strip or pedestrian path shall be a minimum of seven feet in width, measured from the outside edge of a six-inch wide curb.

4. Planting islands shall be provided at the ends of each parking row and at intervals within parking rows so that no parking stall is more than 45 feet from a planting island, or no more than 10 parking spaces may be allowed in a row without the installation of a planting island. Planting islands shall be at least seven feet in width, as measured from the outside edge of a six-inch wide curb, and a minimum area of 140 square feet. Each of these islands shall provide at least one canopy tree. Low maintenance vegetative ground cover shall be planted at a spacing of 12 inches on center within the planter bed. Mulch shall be installed to suppress weeds, but shall not substitute for vegetative ground cover.

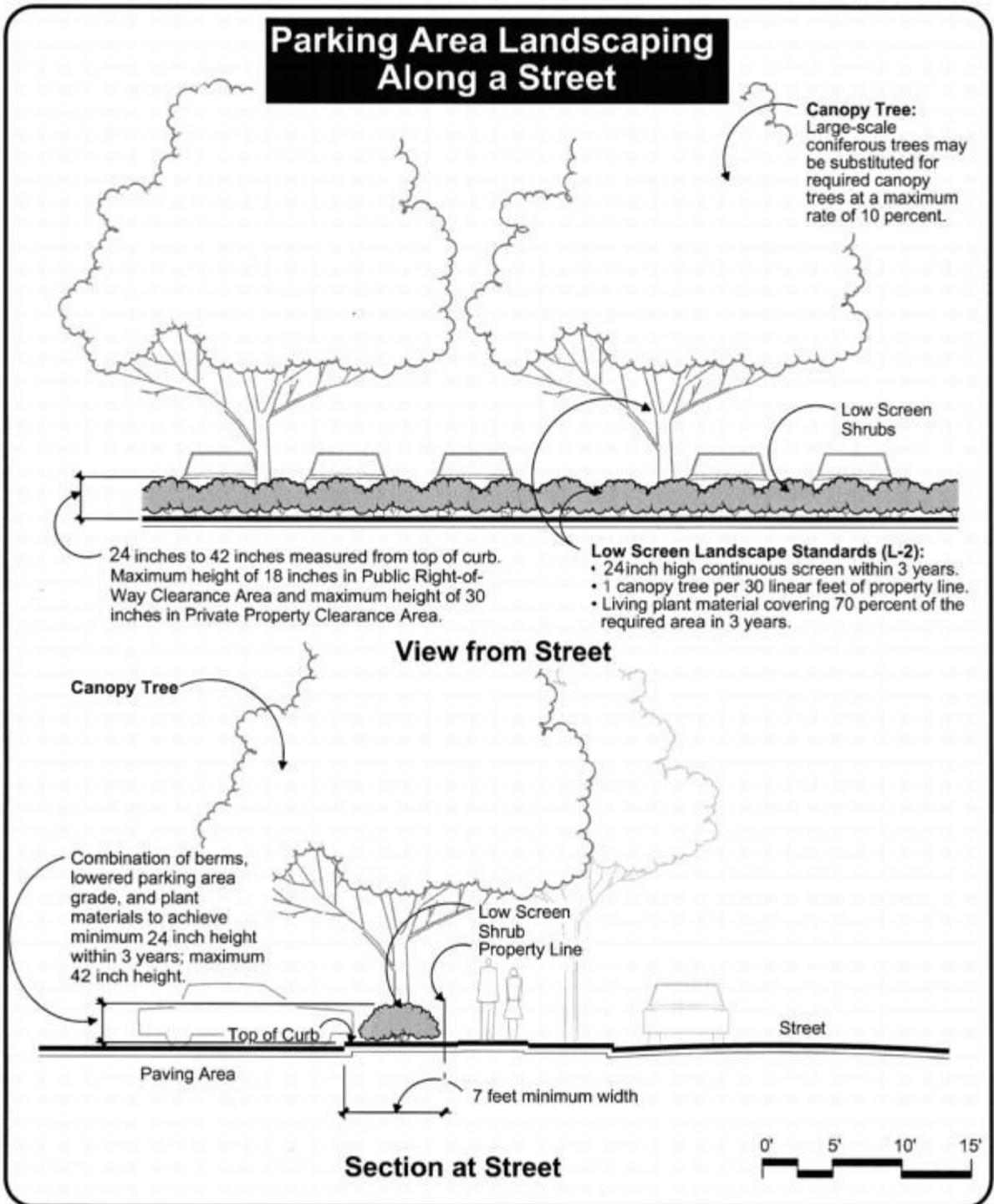
**16.14.180 Landscaping maintenance.**

A. Whenever landscaping was required as a condition of development approval under the provisions of this chapter, the current property owner must continue to maintain shrubs, trees, and other plants in the landscaping and planting areas in a healthy growing condition by:

1. Replacing dead or dying trees, shrubs, and other plants;
2. Maintaining the landscaped area reasonably free of noxious weeds and trash;
3. Pruning or removing trees or shrubs to avoid the creation of a safety hazard or nuisance.

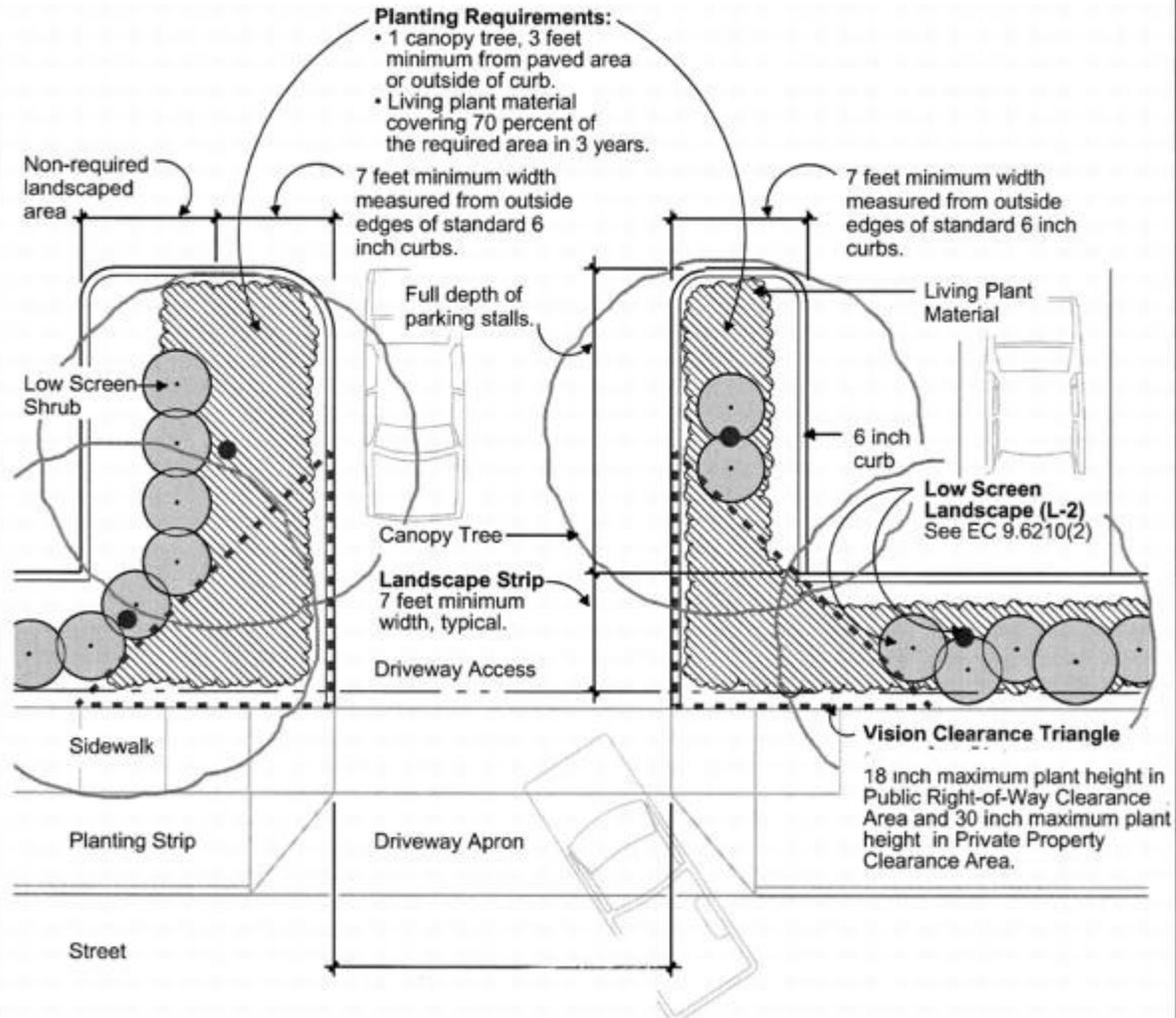
B. Failure to maintain landscaping according to this section shall constitute a civil violation and shall subject the violator to the enforcement procedures of Chapter [14.130](#) BLMC. The property owner shall be entitled to 60 days' advance notice of the violation prior to penalties accruing. The property owner may assert as a defense to a code

## Parking Area Landscaping Along a Street



enforcement action any unusual weather patterns, plant disease, or other factors affecting plant viability beyond the property owner's control.

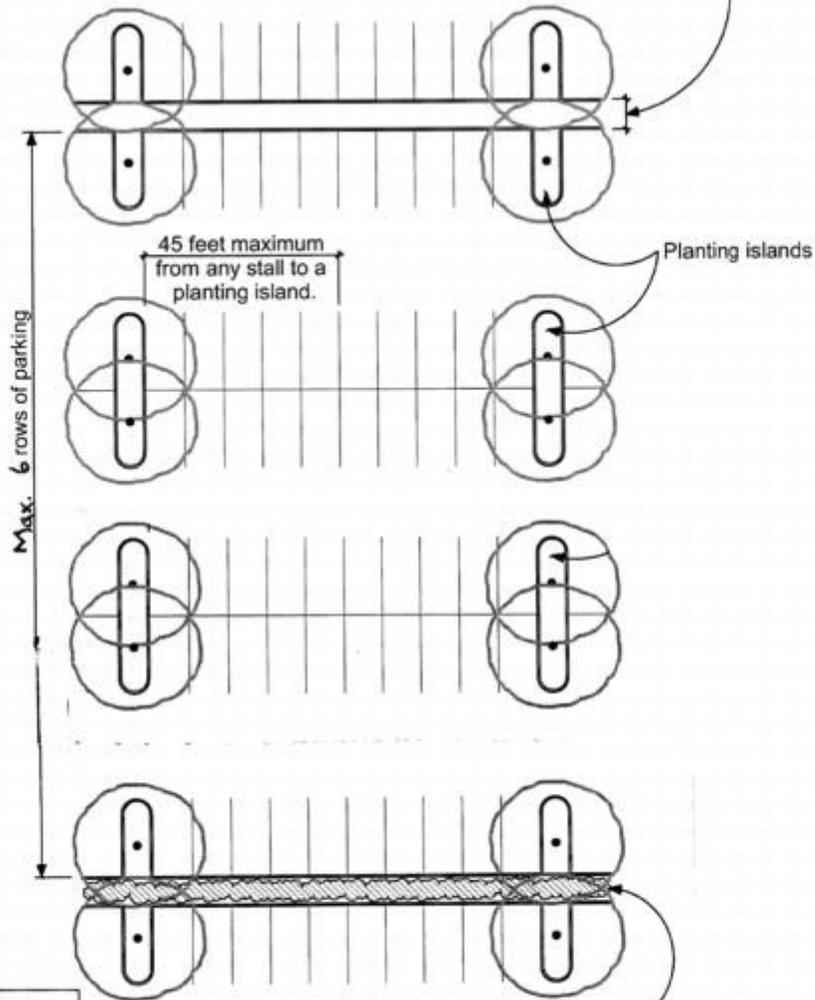
# Parking Area Landscaping Along a Driveway Entrance



# Interior Parking Area Landscaping

Planting required within surface parking areas for 50 or more vehicles.

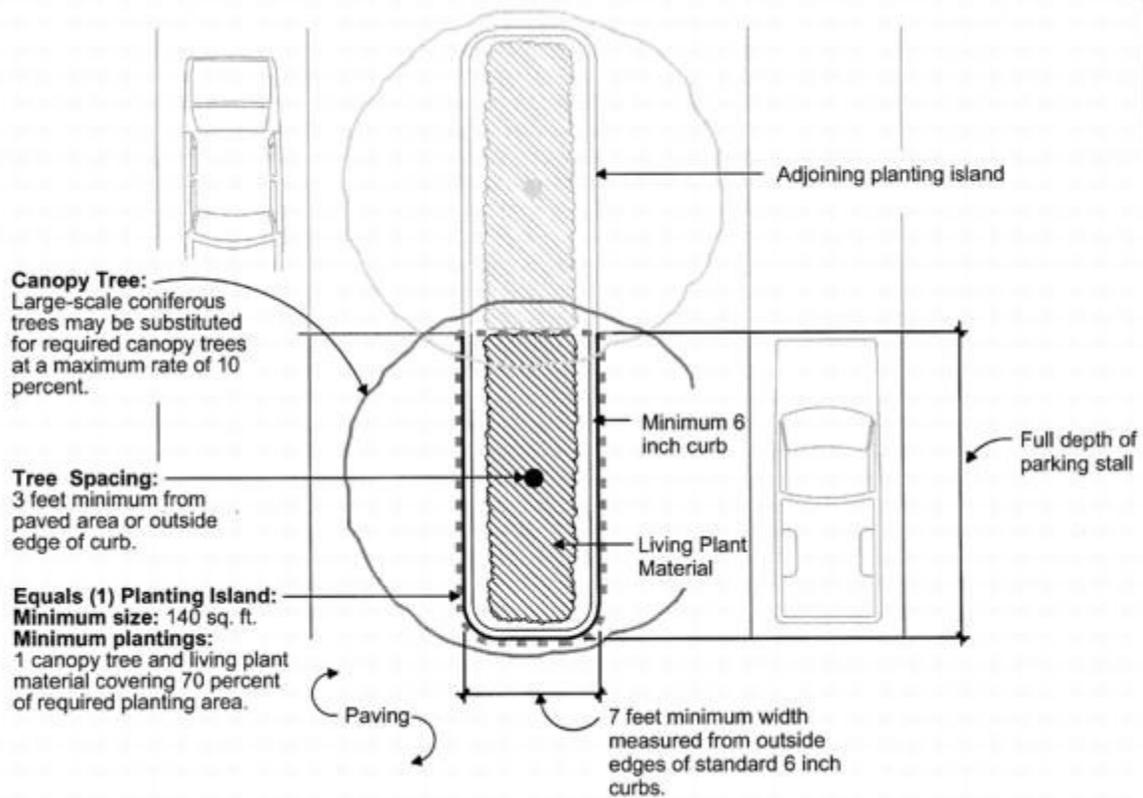
The landscape strip or pedestrian path shall be a minimum of 7 feet in width, measured from the outside edge of a 6 inch wide curb.



Canopy trees are required at the rate of 1 per 3,000 square feet of paved area.

The landscape strip must meet requirements of Low Screen Landscape L-2.

## Parking Area Interior Planting Islands



Planting islands shall be provided at the ends of each parking row and at intervals within parking rows so that no parking stall is more than 45 feet from a planting island.

**Section 2.** This Ordinance shall take effect thirty (30) days after its passage, approval, and publication as required by law.

**PASSED** by the City Council and approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2012.

---

Neil Johnson, Mayor

ATTEST:

---

Harwood Edvalson  
City Clerk

APPROVED AS TO FORM:

---

James Dionne  
City Attorney

Passed:

Valid:

Published:

Effective Date:



# Memo

**Date** : July 11, 2012  
**To** : Mayor and City Council  
**From** : Grant Sulham, Planning Commission Chair  
**Re** : **Revision to the Landscaping Standards, Chapter 16.14**

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In June 2011, an item was added to the Planning Commission work plan that involved the updating of Chapter 16.14 of the Municipal Code to enhance landscape buffering between incompatible uses.

This ordinance was drafted by Planning Staff and review included the City of Ferndale landscaping standards. The Pierce County Master Builders Association commented on the draft and their suggestions have been incorporated into the draft recommended for approval.

**Recommendation:**

At the June 6, 2012 meeting, the Planning Commission voted 6-0-0 to recommend that the City Council adopt the attached draft ordinance which amends Chapter 16.14 related to landscaping standards.



Community Development Department

## Planning Commission Minutes

June 6, 2012 Regular Scheduled Meeting

APPROVED

.City of Bonney Lake Council Chambers

The meeting was called to order at 5:40 P.M.

### **Planning Commission Present**

Grant Sulham, **Chair**

L. Winona Jacobsen, **Vice-Chair**

David Eck

Brandon Frederick

Richards Rawlings

Brad Doll

Dennis Poulsen

### **City Staff Present**

Heather Stinson, Planning Manager

Debbie McDonald, Commission Clerk

A poll determined that a majority of Commissioners would be available for the rescheduled meeting on July 11, 2012 since the regular scheduled meeting would have been on July 4, 2012.

### **I. APPROVAL OF MINUTES:**

**MOTION WAS MADE BY COMMISSIONER ECK AND SECONDED BY COMMISSIONER DOLL TO APPROVE THE MINUTES FROM THE MAY 2, 2012 MEETING.**

**MOTION APPROVED 6-0**

### **II. PUBLIC COMMENT AND CONCERNS: NONE**

### **III. NEW BUSINESS: NONE**

### **IV. OLD/CONTINUING BUSINESS:**

#### *Planning Commission By-Laws*

Ms. Stinson presented the Commissioners with a clean copy of the by-laws with corrections made.

**MOTION WAS MADE BY COMMISSIONER JACOBSEN AND SECONDED BY COMMISSIONER ECK TO APPROVE THE BY-LAWS AS WRITTEN.**

**MOTION APPROVED 6-0**

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City of Bonney Lake  
253.862.8602 ♦ Fax: 253.862.8538

P.O. Box 7380 ♦ 19306 Main Street East  
Bonney Lake, WA 98391-0944

*Landscaping Ordinance*

Ms. Stinson discussed the corrections made to the Landscaping Ordinance.

**MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY COMMISSIONER JACOBSEN TO APPROVE THE LANDSCAPING ORDINANCE AS WRITTEN.**

Chair Sulham open the floor for discussion.

Commissioner Rawlings commented that in section 16.14.050 part A-2, using the phrasing “double buffering”. Would like it to be called “Cooperative Buffering”.

**MOTION WAS MADE BY COMMISSIONER RAWLINGS AND SECONDED BY COMMISSIONER POULSEN TO AMEND THE MOTION TO CHANGE “DOUBLE BUFFERING”, TO “COOPERATIVE BUFFERING”.**

**MOTION APPROVED 6-0**

**MOTION TO APPROVE LANDSCAPE ORDINANCE WITH AMENDMENT.**

**MOTION APPROVED 6-0**

**VI. FOR THE GOOD OF THE ORDER**

**Correspondence – NONE**

**Staff Comments –** Ms. Stinson discussed the work plan and not having items to work on until Fall.

Vice-Chair Jacobsen would like to be able to start reviewing some of the items that are in the work plan for the fourth quarter ahead of time.

**MOTION WAS MADE BY COMMISSIONER RAWLINGS AND SECONDED BY COMMISSIONER FREDERICK TO CANCEL THE PLANNING COMMISSION MEETING FOR JUNE 20, 2012.**

**MOTION APPROVED 6-0**

**MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY COMMISSIONER RAWLINGS CANCEL THE JULY 4, 2012 PLANNING COMMISSION MEETING AND RESCHEDULE THE MEETING FOR JULY 11, 2012.**

**MOTION APPROVED 6-0**

**Commissioner Comments – NONE**

**VII. ADJOURNMENT:**

**MOTION WAS MADE BY COMMISSIONER ECK AND SECONDED BY COMMISSIONER DOLL TO ADJOURN.**

**MOTION APPROVED 6-0**

The meeting ended at 6:05 P.M.

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Debbie McDonald, Planning Commission Clerk