

CITY COUNCIL MEETING

January 28, 2014  
7:00 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)

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

**I. CALL TO ORDER** – Mayor Neil Johnson, Jr.

- A. Flag Salute
- B. Roll Call: 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.
- C. Announcements, Appointments and Presentations:
  - 1. Announcements: None.
  - 2. Appointments:
    - a. **AB14-14** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Confirming The Mayor’s Appointment Of Debbie Strous-Boyd To Planning Commissioner Position #4 For A Term Ending April 6, 2015.
  - 3. Presentations: None.
- D. Agenda Modifications

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

- A. Public Hearings:
  - 1. **AB14-07** – A Public Hearing Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Consider The Easttown Southern Sewer Utility Latecomer Agreement Cost Allocation Preliminary Fee Assessment For The Shepard-Morris Property (Pierce County Parcel No. 0519022007).
- B. Citizen Comments:

*Citizens are encouraged to attend and participate at all Council Meetings. You may address the Mayor and City Council on matters of City business, or over which the City has authority, for up to 5 minutes. Sign-up is not required. When recognized by the Mayor, please state your name and address for the official record. Designated representatives recognized by the chair who are speaking on behalf of a group may have a total of 10 minutes to speak. Each citizen is allowed to speak only once during Citizen Comments.*
- C. Correspondence

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**III. COUNCIL COMMITTEE REPORTS:**

- A. Finance Committee

- B. Community Development Committee
- C. Economic Development Committee
- D. Public Safety Committee
- E. Other Reports

#### IV. **CONSENT AGENDA:**

*The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.*

- p. 27 A. **Approval of Minutes:** January 7, 2014 Joint Planning Commission/City Council Workshop and January 14, 2014 Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #67817-67834 (including wire transfer #'s 20140103, 20140104 and 20140105) in the amount of \$120,237.57.  
Accounts Payable checks/vouchers #67835-67838 in the amount of \$447,824.00.  
Accounts Payable checks/vouchers #67839-67903 (including wire transfer #'s 12564121, and 116201401) in the amount of \$503,257.22.  
Accounts Payable checks/vouchers #67904-67923 in the amount of \$63,771.60.  
Accounts Payable checks/vouchers #67924-67942 in the amount of \$1,949.12 for utility refunds.  
Accounts Payable wire transfer #2014011701 for P-Cards in the amount of \$41,274.59.
- C. **Approval of Payroll:** Payroll for January 1st-15th, 2014 for checks #31553-31573 including Direct Deposits and Electronic Transfers is \$ 449,651.85.  
Payroll for January 22nd, 2014 for checks #31574 – #31608 for uniform allowance is \$28,613.53.
- p. 37 D. **AB14-04 – Resolution 2353** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement With Jeff Estep For The Water Main Extension Along 213th Avenue Court East.
- p. 49 E. **AB14-08 – Resolution 2355** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding A Professional Services Agreement To GC Systems For The 2014 Valve Rebuilds.
- p. 63 F. **AB14-16 – Resolution 2357** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The SR 410 Intersection Signalization Right Of Way Acquisition Services Agreement To Universal Field Services.
- p. 77 G. **AB14-10** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Fennel Creek Trail & 192 Ave Sidewalks – Phase 2 Project With Pivetta Brothers Construction, Inc.
- p. 89 H. **AB14-11** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Angeline Road & Church Lake Road Resurfacing Project With Miles Resources, LLC.

p. 101 I. **AB14-12** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Locust Avenue Extension Water Main Replacement Project With Northwest Cascade, Inc.

p. 113 J. **AB14-15** – Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Tacoma Point Onsite Generation Upgrade With TMG Services.

**V. FINANCE COMMITTEE ISSUES:** None.

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

**VII. ECONOMIC DEVELOPMENT COMMITTEE ISSUES:** None.

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

**IX. FULL COUNCIL ISSUES:**

p. 121 A. **AB14-02 – Resolution 2297** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Expressing The Intent To Adopt An Update Of The Shoreline Master Program And Authorizing The Submittal Of The Proposed Shoreline Master Program To The Washington State Department Of Ecology.

**X. EXECUTIVE SESSION:**

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

**XI. ADJOURNMENT**

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

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



City 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> January 28, 2014	<b>Agenda Bill Number:</b> AB14-14
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Ratifying the Mayor's appointment of Debbie Strous-Boyd to the Planning Commission.

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying The Mayor's Appointment Of Debbie Strous-Boyd To The Planning Commission With A Term Expiring April 6, 2015.

**Administrative Recommendation:** Approve

**Background Summary:** Mayor Johnson invites the City Council to ratify the appointment of Debbie Strous-Boyd to the Planning Commission to the remaining term of the vacant position 4. Ms. Strous-Boyd currently serves as the Chair of the Design Commission and is willing and able to serve on both Commissions. There is no prohibition on serving on both Commissions. Ms. Strous-Boyd is a twelve year resident of the City and has a degree in Urban Studies.  
**Attachments:** Planning Commission Application - Debbie Strous-Boyd

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a			
<b>Budget Explanation:</b> No budget impact.			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>	<b>Yes</b>	<b>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):     January 28, 2014	Tabled to Date:

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



CITY OF



# APPLICATION FOR MEMBERSHIP

Planning Commission

CITY BOARD OR COMMISSION

(Please Print)

NAME Debbie Strous-Boyd DATE December 5, 2013

ADDRESS 18300 - 107th Street Court East HM. PHONE [REDACTED]

Bonney Lake, WA ZIP 98391 WK. PHONE [REDACTED]

City Resident? NO  YES  How Long? 12 years Registered Voter? YES  NO

Name of Employer The Boeing Company

Employer Address P. O. Box 3707, Seattle, WA 98124

Education Background BA UofW Urban Studies; Certificate in GIS; MBA City University

Professional Experience Urban planner for City of Tacoma (2+ years)

Project Manager for The Boeing Company (15+ years)

Organization Affiliations Bonney Lake Design Commission Chair (current)

Why Are You Seeking Appointment? I am a planning geek! Always interested in the Municipal Codes, their application and the process for developing communities. I have enjoyed leading the Design Commission and looking for greater involvement in our Community.

General Remarks Thank you for considering my application!

*Deborah M. Strous-Boyd*

SIGNATURE

19306 Bonney Lake Blvd • P.O. Box 7380 • Bonney Lake, WA 98391-0944  
Phone (253) 862-8602 • Fax (253) 862-8538



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

<b>Department/Staff Contact:</b> PW / DAN GRIGSBY	<b>Meeting/Workshop Date:</b> 28 January 2014	<b>Agenda Bill Number:</b> AB14-07
<b>Agenda Item Type:</b> Public Hearing	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b> Deputy Mayor Swatman

**Agenda Subject:** Public Hearing On the Eastown Southern Sewer ULA Cost Allocation

**Full Title/Motion:** A Public Hearing Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Consider The Eastown Southern Sewer Utility Latecomer Agreement Cost Allocation Preliminary Fee Assessment For The Shepard-Morris Property (Pierce County Parcel No. 0519022007).

**Administrative Recommendation:** Recommend Approval

**Background Summary:** The City Council passed Resolution 2322 on 26 November 2013 that established the Eastown Southern Sewer Development Contract and Utility Latecomer Agreement (ULA). Payment by Mr. Kahne of \$346,041 was received in a timely manner. Subsequently, property owners that will be assessed a latecomer fee were notified of the preliminary amount of this fee. A request for a public hearing on this fee was received from Mr. Ed Morris challenging the fairness of this fee for the parcel owned by the Shepard-Morris families. The attached documents explain the method used to assess a Latecomer Fee to the various parcels benefitting from construction of this sewer line.

**Attachments:** Facsimile used to submit the request for hearing by Mr. Morris received on 24 December 2013 at 5:50 PM; Benefitting Parcel Map; Summary of ULA Estimated Costs; Summary of ULA Costs Allocated to Benefitting Parcels; Summary of BLMC requirement to extend utility lines across parcels when development occurs.

<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>	Other	Approvals:	Yes No
	Date:	Chair/Councilmember	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember	<input type="checkbox"/> <input type="checkbox"/>
	Forward to:	<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):	20 August & 3 September 2013	Public Hearing Date(s):	10SEP2013 & 28JAN2014
Meeting Date(s):	26 November 2013	Tabled to Date:	

<b>APPROVALS</b>		
<b>Director:</b> <i>Dan Grigsby, P.E.</i>	<b>Mayor:</b> <i>Neil Johnson Jr.</i>	<b>Date Reviewed by City Attorney:</b> (if applicable):

# FAX

TO DAN GRIGSBY  
PUBLIC WORKS DIRECTOR,  
BONNEY LAKE

FROM: ED  
MORRIS

FAX: 253-826-1921  
253 -862-8538 CITY CLERK

FAX: 425 -255-  
1619

PHONE:

PHONE:

SUBJECT:

DATE: December 24, 2013

COMMENTS:

DEAR DAN,

HERE IS A NOTICE OF APPEAL FOR THE LATECOMMER FEE ASSESSMENT.

Ed Morris

**NOTICE OF APPEAL / REQUEST FOR HEARING**

December 24, 2013

City of Bonney Lake  
19306 Bonney Lake Blvd.  
P.O. Box 7380  
Bonney Lake, WA 98391-8850

Re: *Appeal of Sewer Latecomer Fee Assessment*

To Whom It May Concern:

We are one of the owners of the property commonly known as Tax Parcel No. 0519022007 and pursuant to BLMC 13.16.050(I)(2) we appeal City Council Resolution Number 2322 (a copy of which we have not received) and the Preliminary Notification of Sewer Latecomer Fee Assessment dated December 5, 2013, a copy of which is attached as Exhibit "A", and hereby request a hearing.

Neither BLMC 13.16.050 nor the Preliminary Notification specify any information to be provided in support of this request for hearing nor are any fees associated with this request. However, we submit the following information for your convenience:

**A. IDENTITY OF PETITIONER:**

**1. Petitioners:**

Edwin W Morris Jr.  
17301 159<sup>th</sup> Ave. S.E.  
Renton, WA 98058

Chester Morris  
1943 S. Sheridan Ave.  
Tacoma, WA 98405

City of Bonney Lake  
December 24, 2013  
Page 2

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**2. Petitioners' Attorneys:**

Mark R. Roberts  
Roberts Johns & Hemphill PLLC  
7525 Pioneer Way Suite 202  
Gig Harbor, Washington 98335  
(253) 858-8606

**B. IDENTITY OF DECISION MAKER AND DECISION:**

**1. Jurisdiction Whose Decision is at Issue:**

City of Bonney Lake  
19306 Bonney Lake Blvd.  
P.O. Box 7380  
Bonney Lake, WA 98391-8850

**2. Decision-Maker:**

City of Bonney Lake  
19306 Bonney Lake Blvd.  
P.O. Box 7380  
Bonney Lake, WA 98391-8850

**3. Decision:**

This request for hearing relates to City Council Resolution Number 2322 and the Preliminary Notification of Sewer Latecomer Fee Assessment dated December 5, 2013 attached hereto as Exhibit "A".

**C. FACTS DEMONSTRATING THAT THE PETITIONERS HAVE STANDING TO REVIEW UNDER BLMC 13.16.050(1)(2):**

1. Petitioners are owners of the property commonly known as Tax Parcel No. 0519022007, which is subject to the Sewer Latecomer Fee Assessment.

City of Bonney Lake  
December 24, 2013  
Page 3

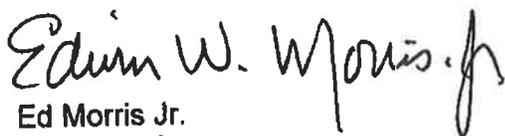
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D. PURPOSE OF REQUEST FOR HEARING:

1. Petitioners request this hearing because the cost allocation approved by the City Council is manifestly unfair and unreasonable and it should not be imposed against Petitioner's property. In addition, it is unconstitutional.

If you have any questions regarding this request, please call me.

Sincerely,



Ed Morris Jr.  
edwmorrisjr@msn.com

17301 159<sup>th</sup> Ave. S.E.  
Renton, WA 98058  
206-459-7402

Encls.



December 5, 2013

To: Eastown Property Owners (Certified Mail)

Subject: Preliminary Notification of Sewer Latecomer Fee Assessment

Dear Property Owner;

The City Council passed Resolution Number 2322 on November 26, 2013. This resolution established a Sewer Utility Latecomer Agreement (ULA). This agreement resulted in both the City of Bonney Lake and the Kahne Properties, LLC, funding extension of the City sewer system into Easttown. Both the City and LLC will be reimbursed for their costs, using a Latecomer Fee, as each parcel being served by this new sewer system connects to it. This fee will be adjusted annually each January by the Engineering News Record Construction Cost Index (CCI) for the Seattle Area.

The parcels that will benefit from this sewer system are shown on the Assessment Reimbursement Area map, Enclosure (1). The amount of the Latecomer Fee assessed to each parcel owner in this area is calculated as shown on Enclosure (2). This fee is preliminary until actual construction costs are determined. The formula used to calculate this fee is as follows:

Latecomer Fee = Parcel Square Footage X Total Project Cost per square foot

- Parcel Net Square Footage = Pierce County Assessor parcel square footage
- Total Project Cost includes design, pre-construction, and construction costs (currently estimated at \$362,227).
- Total Project Cost per square foot = Total Project Cost / Total net square footage in the assessment reimbursement area (currently estimated at \$0.193/s.f.)

If you have any questions about how this calculation was made for your parcel(s), please contact me so I can answer them. Should my explanations be insufficient, you do have the right to appeal the assessment to the City Council pursuant to the process outlined in BLMC 13.16.050, enclosure (3).

Respectfully,

DANIEL L. GRIGSBY, P.E.  
Public Works Director

Enclosures:

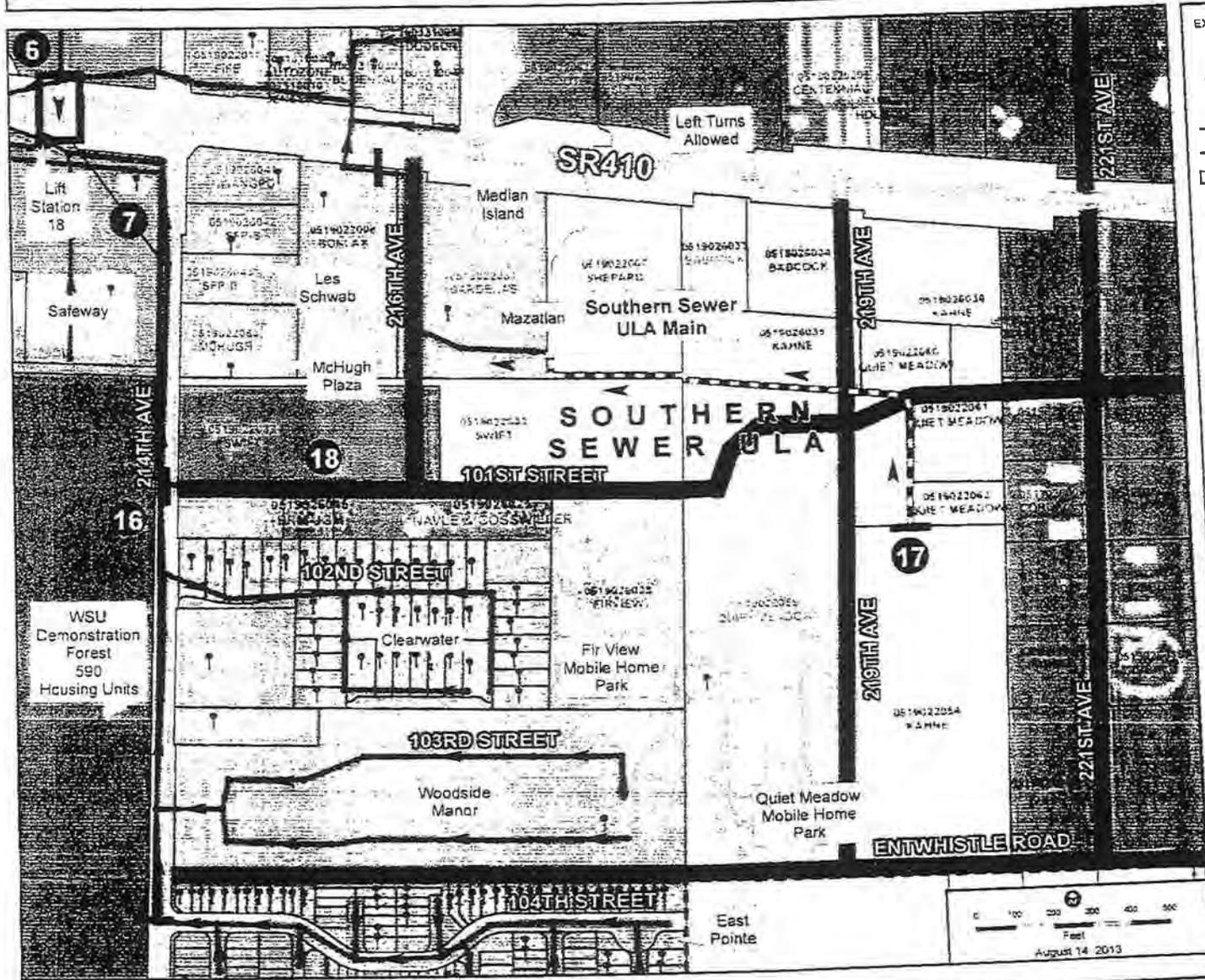
- (1) Assessment Reimbursement Area Map
- (2) Eastown Sewer Latecomer Fee Calculations
- (3) Bonney Lake Municipal Code (BLMC) 13.16.050

Public Works Center  
19306 Bonney Lake Blvd.  
P.O. Box 7380  
Bonney Lake, WA 98391-8850

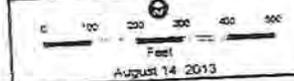
Phone: (253) 447-4347  
FAX: (253) 826-1921  
grigsbyd@ci.bonney-lake.wa.us  
www.ci.bonney-lake.wa.us

# EASTOWN SOUTHERN UTILITY LATECOMERS AGREEMENT (ULA) PROPERTIES

*Overlaid on Eastown Future Sewer Projects and Roads Base Map*



- EXISTING SEWER SERVICE**
- Existing Bonney Lake Sewer Customer
  - Manhole
  - Lift Station
  - Sewer Force Main
  - Sewer Gravity Main
  - Tax Parcel
- Bonney Lake Sewer Service Currently Provided to Existing Lift Station 18**
- Easttown Southern Sewer ULA (Utility Latecomers Agreement)**  
 No Bonney Lake Sewer Service. Currently Available: Future Existing Lift Station 18 Service
- Easttown Northern Sewer ULA (Utility Latecomers Agreement)**  
 No Bonney Lake Sewer Service. Currently Available: Future Lift Station 25 Service
- No Bonney Lake Sewer Service. Currently Available; Future Rebuild/Expanded Lift Station 18 Service**
- No Development Planned: Existing Septic System will be used in the Future
- FUTURE SEWER PROJECTS**
- Easttown Sewer ULA Main
  - ⑫ Future Sewer Project Number
  - SR410 Highway Crossing
  - Project Start/Stop
  - Manhole
  - ▶ Flow Direction
  - Gravity Main
  - Force Main
- FUTURE ROADS BASE MAP**
- Future Public Road
  - Future Private Road
  - Paved Road
  - Building
  - Bonney Lake City Limits



12/24/2013 TUE 17:50 [JOB NO. 6914] 006

## EASTOWN SOUTHERN SEWER UTILITY LATECOMER AGREEMENT (ULA)

### Latecomer Fee - Preliminary Assessment Roll

Number of Properties	Map ID	TAX PARCEL	Parcel Size Acres	Preliminary Latecomer Fee \$	Preliminary Latecomer Fee Paid (+ 5%)	Parcel Owner
<b>Benefitting Service Area Parcels</b>						
1	34	0519022007	4.73	\$39,790	\$41,779	SHEPARD JAMES H & OLIVA I TTEE ET AL
2	35	0519022033	4.02	\$33,817	\$35,508	SWIFT WARREN G & PATRICIA E
3	37	0519026033	1.58	\$13,291	\$13,956	BABCOCK AARON L & ARDIS E
4	38	0519026034	1.35	\$11,356	\$11,924	BABCOCK AARON L & ARDIS E
5	39	0519026036	2.89	\$24,310	\$25,526	KAHNE & KAHNE PROPERTIES LLC ( Note 4)
6	41	0519022080	1.15	\$9,674	\$10,158	CHAN BILL & SANDY
7	42	0519022059	14.06	\$118,275	\$124,188	CHAN BILL L & SANDY
8	43	0519022061	1.86	\$15,647	\$16,429	CHAN BILL & SANDY
9	44	0519022052	0.65	\$5,468	\$5,741	CHAN BILL & SANDY
10	45	0519022054	9.00	\$75,710	\$79,495	KAHNE & KAHNE PROPERTIES LLC ( Note 4)
11	40	0519026035	1.77	\$14,889	\$15,633	KAHNE & KAHNE PROPERTIES LLC ( Note 4)
			<b>43.06</b>	<b>\$362,227</b>	<b>\$380,338</b>	
				Notes 1 and 2	Note 3	
<b>Total ULA COST =</b>				<b>\$362,227</b>		<b>Preliminary Assessment Rate = \$/Acre</b>
				<b>\$8,412</b>		<b>Preliminary Assessment Rate = \$/square foot</b>
				<b>\$0.193</b>		

43,360  
sf per acre

**NOTE:**

1. Preliminary costs are based on estimates and will be adjusted with actual costs. When all actual costs are determined, the Initial Latecomer Fee amount will be set. Costs depend on scope of work and actual design/construction costs...To Be Determined (TBD) !

2. Initial Latecomer Fee Assessment amount will be updated each January with a CCI adjustment = Current Latecomer Fee

3. Latecomer Fee Paid = Current Latecomer Fee + 5% City Administrative Fee (BLMC 13.16.050 F)

4. KAHNE Latecomer Fee Summary:

Total Latecomer Fees due from all parcels =	\$362,227	
Total Latecomer Fee Due from KAHNE parcels =	\$114,909	
Net Latecomer Fee Payments due from other property owners =	\$247,318	
Preliminary Amount contributed by KAHNE to establish ULA (75%) =	\$271,671	(Includes KAHNE Latecomer Fee Payments)
Preliminary Amount contributed by CITY to establish ULA (25%) =	\$90,557	
Total ULA Cost =	\$362,228	

12/24/2013 TUE 17:50 [JOB NO. 6914] 007

## City of Bonney Lake Municipal Code (BLMC)

### Utility Latecomer Agreement Assessment

#### **13.16.050 Allowable costs – Cost recovery methodology.**

The following general guidance shall govern the cost recovery methodology for calculating the amount of the latecomer fee assessed to all benefitting properties covered by the latecomer agreement; provided, that the city council may approve additional or different terms in any particular latecomer agreement:

- A. The cost of extension of utility lines across the developer's property within public or private roadways may be required in both north-south and east-west roadways in order to complete the utility grid identified in the utility comprehensive plan. Construction of the utility grid(s) is the expected duty of the applicant and will not be cost recoverable through a latecomer agreement, except for beneficiaries directly across the road or adjacent to the utility extension.
- B. Pipe size upgrades shall be required consistent with the future sizing identified in the utility comprehensive plan. Pipe size upgrades will be reimbursed by the city to the developer only when a planned capital improvement is contemplated within three years of the execution of a developer extension agreement.
- C. Any developments or short plats that are connecting to a utility where a latecomer agreement applies shall pay the latecomer fees at final plat. Latecomer fees paid at final plat will be exempt from administration fees.
- D. All lots of record identified in the latecomer agreement will pay the applicable latecomer fee when their building permit is issued or, for existing buildings, when the utility connection is made.
- E. The city's administration fee for a latecomer agreement shall be five percent of the direct construction cost and shall be charged to each latecomer.
- F. Extension of the sewer, storm water and water systems or addition of new facilities shall be designed according to the adopted water, sanitary sewer, and stormwater comprehensive plans or per the public works director's direction when unique site conditions exist.
- G. The public works director or designee will make recommendations to the city council as to an appropriate pro rata share for latecomer fee assessment.
- H. Recoverable costs may include all costs reasonably associated with this extension. These costs include but are not limited to both direct construction costs and pre-construction costs deemed appropriate by the city to establish complete cost compilation and assessment of costs on a fair, pro rata share of the extension, subject to such rules and regulations adopted by the city.

Recoverable costs may include the cost of acquiring utility easements or rights-of-way only if said easement or ROW would not have been a required developer contribution under city development codes. If the developer would have been required to dedicate the easement or ROW as a condition to project approval, then the value of those contributions may not be included as a recoverable cost under a utility latecomer agreement.

I. An assessment reimbursement area shall be formulated by the city based upon a determination by the city of which parcels adjacent to the utility extension would require similar utility improvements upon development. Properties benefitting from the utility extension will be identified at the time the latecomer agreement is established. The latecomer fee will be assessed to and remain with each parcel. The terms of this agreement shall run with the land and bind subsequent owners of the properties affected.

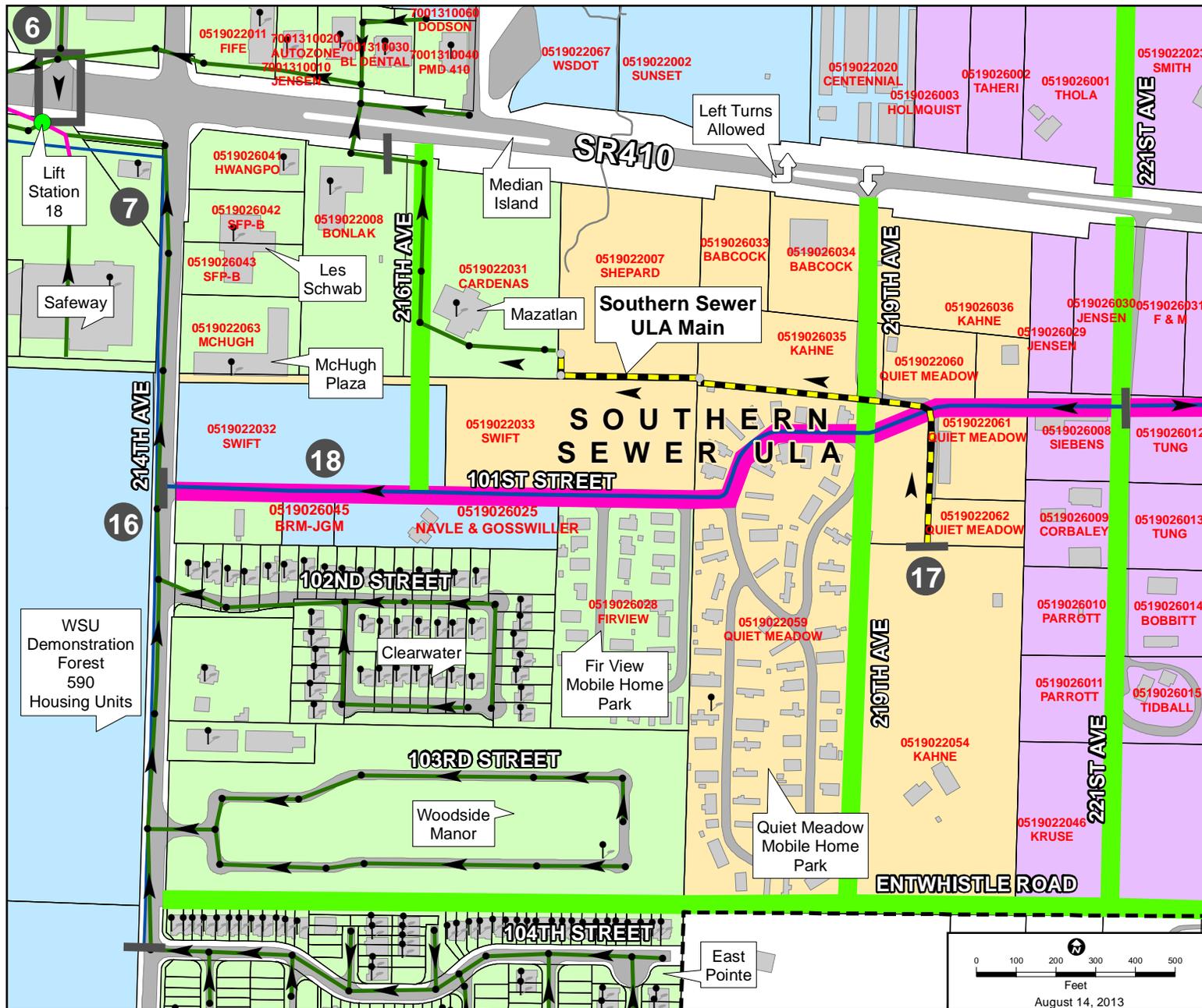
1. The public works director shall prepare and recommend to the city council the method of cost allocation to be used for each latecomer agreement. This allocation of pro-rata share costs will normally be based on total square feet of each benefitting parcel utilizing the parcel square footage identified in the Pierce County assessor's records. Other equitable methods of pro-rata cost allocation may be considered and approved by the city council.

2. The preliminary determination of benefitting area boundaries and assessments, along with a description of the property owners' rights and options, shall be forwarded by certified mail to the property owners of record within the proposed assessment area. If any property owner requests a hearing in writing within 20 days of the mailing of the preliminary determination, a hearing shall be held before the legislative body, notice of which shall be given to all affected property owners. Subsequent to all requested hearings and execution of the latecomer agreement, the city council's ruling is determinative and final.

3. The utility latecomer agreement must be recorded in the Pierce County auditor's office within 30 days of the final execution of the agreement. If the utility latecomer agreement is so filed, it shall be binding on owners of record within the assessment area who are not party to the latecomer agreement contract. (Ord. 1425 § 2, 2012; Ord. 1386 § 1, 2011; Ord. 1327 § 1, 2009; Ord. 898 § 5, 2001).

# EASTOWN SOUTHERN UTILITY LATECOMERS AGREEMENT (ULA) PROPERTIES

Overlaid on Easttown Future Sewer Projects and Roads Base Map



- EXISTING SEWER SERVICE**
- 1 Existing Bonney Lake Sewer Customer
  - Manhole
  - Lift Station
  - Sewer Force Main
  - Sewer Gravity Main
  - Tax Parcel
  - Bonney Lake Sewer Service Currently Provided to Existing Lift Station 18
  - Easttown Southern Sewer ULA (Utility Latecomers Agreement) No Bonney Lake Sewer Service Currently Available; Future Existing Lift Station 18 Service
  - Easttown Northern Sewer ULA (Utility Latecomers Agreement) No Bonney Lake Sewer Service Currently Available; Future Lift Station 26 Service
  - No Bonney Lake Sewer Service Currently Available; Future Rebuilt/Expanded Lift Station 18 Service
  - No Development Planned; Existing Septic System will be used in the Future
- FUTURE SEWER PROJECTS**
- Easttown Sewer ULA Main
  - 12 Future Sewer Project Number
  - SR410 Highway Crossing
  - Project Start/Stop
  - Manhole
  - ▶ Flow Direction
  - Gravity Main
  - Force Main
- FUTURE ROADS BASE MAP**
- Future Public Road
  - Future Private Road
  - Paved Road
  - Building
  - Bonney Lake City Limits

<b>EASTOWN - SOUTHERN SEWER ULA - ULA &amp; Latecomer Fee Cost Basis</b>					
		<u>Pipe Length</u>		<u>ULA Preliminary Cost Estimate</u>	<u>ULA Actual Cost</u>
<b><u>Easement Acquisition</u></b>				<b>\$150,000</b>	<b>TBD</b>
<b><u>Design</u></b>					
Design - Consultant TBD (15% of Engineers Estimate)				<b>\$37,353</b>	
Gravity sewer line - Shepard/Morris Parcel		424	29%	\$10,672	TBD
Gravity sewer lines - Kahne Parcel		385	26%	<b>\$9,691</b>	TBD
Gravity sewer line - Chan Parcels (x4)		675	45%	\$16,990	TBD
<b>Total Engineer's Estimate for Construction</b>		<b>1,484</b>			
<b><u>Construction</u></b>				<b>\$249,245</b>	
Gravity sewer line - Shepard/Morris Parcel		424	29%	\$71,232	TBD
Gravity sewer lines - Kahne Parcel		385	26%	<b>\$64,680</b>	TBD
Gravity sewer line - Chan Parcels (x4)		675	45%	\$113,333	TBD
		<b>1,484</b>			
<b>Total ULA Project Cost</b>				<b>\$436,598</b>	<b>TBD</b>
<b>Minus Kahne Parcel Design &amp; Construction</b>				<b>\$74,371</b>	
<b>NET ULA COST =</b>				<b>\$362,227</b>	<b>TBD</b>
<b>Developer/City Cost Share of NET ULA COST:</b>					
<b>KAHNE Cost Sharing Contribution to ULA (75%)</b>				<b>\$271,671</b>	
<b>City Cost Sharing Contribution to ULA (25%)</b>				<b>\$90,557</b>	
				<b>\$362,227</b>	
<b>Kahne Parcel Cost (No Cost Sharing)</b>				<b>\$74,371</b>	
<b>Kahne Total Contribution to ULA =</b>				<b>\$346,041</b>	

## EASTOWN - SOUTHERN SEWER ULA - PRELIMINARY Construction Cost Summary

3-Jul-2013

<u>Parcel No.</u>	<u>Parcel Owner</u>	<u>Street</u>	<u>Length</u>	<u>Unit Cost</u>	<u>Cost</u>
0519022007	Shepard-Morris E-W line	N/A	361	\$168	\$60,648
0519022059	Shepard-Morris N-S Line	N/A	63	\$168	\$10,584
0519026035	Kahne E-W Line	N/A	385	\$168	\$64,680
0519022059	Chan E-W line	N/A	60	\$168	\$10,080
0519022060	Chan E-W line	~ 99 St Ct. E.	180	\$168	\$30,240
0519022060	Chan N-S line	220 Ave. E.	0	\$168	\$0
0519022061	Chan N-S line	220 Ave. E.	217.3	\$168	\$36,506
0519022062	Chan N-S line	220 Ave. E.	217.3	\$168	\$36,506
<b>TOTAL =</b>			<b>1,484</b>		<b>\$249,245</b>

**Notes:**

1. Unit costs from Eastown Sewer Line Engineers Estimate = \$168 per LF.

<u>Parcel Owner</u>	<u>Street</u>	<u>Length</u>			
Shepard-Morris E-W line	N/A	424	168	<b>\$71,232</b>	<b>28.6%</b>
Kahne E-W Line	N/A	385	168	<b>\$64,680</b>	<b>26.0%</b>
Chan E-W line	N/A	675	168	<b>\$113,333</b>	<b>45.5%</b>
<b>TOTAL</b>		<b>1,484</b>		<b>\$249,245</b>	<b>100.0%</b>

## EASTOWN - SOUTHERN SEWER ULA - Preliminary Engineers Estimate

3-Jul-13

Bid		SCHEDULE A	Engineers Estimate			
No.	Units	Description	Qty	Unit Price	Total	
A1	LS	Mobilization (5% max of Schedule A)	1	\$ 8,912.70	\$ 8,912.70	
A2	LS	Demobilization (2% max of Schedule A)	1	\$ 3,565.08	\$ 3,565.08	
A3	LS	Construction Survey and As-builts	1	\$ 3,500.00	\$ 3,500.00	
A5	AC	Seeding, Fertilizing, and Mulching	0.5	\$ 4,000.00	\$ 2,000.00	
A6	LS	Sedimentation and Erosion Control	1	\$ 4,500.00	\$ 4,500.00	
A7	LS	Shoring and Trench Safety Systems	1	\$ 5,000.00	\$ 5,000.00	
A8	TN	Selected Backfill for Sewer Main Trench	1,187	\$ 20.00	\$ 23,744.00	
A9	TN	Backfill for Sewer Pipe Zone	297	\$ 25.00	\$ 7,420.00	
A10	LF	8-inch Diameter PVC Gravity Sewer Main	1,484	\$ 35.00	\$ 51,940.00	
A11	AC	Clear and Grub	0.5	\$ 7,500.00	\$ 3,750.00	
A12	TN	Embankment construction w/compaction	3,000	\$ 10.00	\$ 30,000.00	
A13	EA	Connection to Existing System	1	\$ 5,000.00	\$ 5,000.00	
A14	LS	Dewatering	1	\$ 2,000.00	\$ 2,000.00	
A15	LF	Schedule A Storm Sewer Pipe 18 In. Diam.	55	\$ 80.00	\$ 4,400.00	
A16	LS	Minor Change	1	\$ 5,000.00	\$ 5,000.00	
A17	EA	48-inch Manhole	6	\$ 5,000.00	\$ 30,000.00	
Construction Cost: Schedule A .....					\$ 190,731.78	
Contingency (20%) .....					\$ 38,146.36	
sub-Total .....					\$ 228,878.14	
0.088	WSST @ 8.8%.....					\$20,141.28
<b>Total Cost - Including WSST.....</b>					<b>\$ 249,019</b>	

**Cost per LF (No road restoration or construction included) =** **\$168**

**DESIGN Cost (15%) =** **\$37,353**

# EASTOWN SOUTHERN SEWER UTILITY LATECOMER AGREEMENT (ULA)

## Latecomer Fee - Preliminary Assessment Roll

Number of Properties	Map ID	TAX PARCEL	Parcel Size Acres	Preliminary Latecomer Fee \$	Preliminary Latecomer Fee Paid (+ 5%)	Parcel Owner
<b>Benefitting Service Area Parcels</b>						
1	34	0519022007	4.73	\$39,790	\$41,779	SHEPARD JAMES H & OLIVA I TTEE ET AL
2	35	0519022033	4.02	\$33,817	\$35,508	SWIFT WARREN G & PATRICIA E
3	37	0519026033	1.58	\$13,291	\$13,956	BABCOCK AARON L & ARDIS E
4	38	0519026034	1.35	\$11,356	\$11,924	BABCOCK AARON L & ARDIS E
5	39	0519026036	2.89	\$24,310	\$25,526	KAHNE & KAHNE PROPERTIES LLC ( Note 4)
6	41	0519022060	1.15	\$9,674	\$10,158	CHAN BILL & SANDY
7	42	0519022059	14.06	\$118,275	\$124,188	CHAN BILL L & SANDY
8	43	0519022061	1.86	\$15,647	\$16,429	CHAN BILL & SANDY
9	44	0519022062	0.65	\$5,468	\$5,741	CHAN BILL & SANDY
10	45	0519022054	9.00	\$75,710	\$79,495	KAHNE & KAHNE PROPERTIES LLC ( Note 4)
11	40	0519026035	1.77	\$14,889	\$15,633	KAHNE & KAHNE PROPERTIES LLC ( Note 4)
			<b>43.06</b>	<b>\$362,227</b>	<b>\$380,338</b>	
				Notes 1 and 2	Note 3	
<b>Total ULA COST =</b>				<b>\$362,227</b>		
				<b>\$8,412</b>		<b>Preliminary Assessment Rate = \$/Acre</b>
				<b>\$0.193</b>		<b>Preliminary Assessment Rate = \$/square foot</b>

43,560  
s.f. per acre

**NOTE:**

1. Preliminary costs are based on estimates and will be adjusted with actual costs. When all actual costs are determined, the Initial Latecomer Fee amount will be set. Costs depend on scope of work and actual design/construction costs...To Be Determined (TBD) !

2. Initial Latecomer Fee Assessment amount will be updated each January with a CCI adjustment = Current Latecomer Fee

3. Latecomer Fee Paid = Current Latecomer Fee + 5% City Administrative Fee (BLMC 13.16.050 F)

4. KAHNE Latecomer Fee Summary:

Total Latecomer Fees due from all parcels =	\$362,227
Total Latecomer Fee Due from KAHNE parcels =	\$114,909
Net Latecomer Fee Payments due from other property owners =	\$247,318

Preliminary Amount contributed by KAHNE to establish ULA (75%) =	\$271,671	(Includes KAHNE Latecomer Fee Payments)
Preliminary Amount contributed by CITY to establish ULA (25%) =	\$90,557	
Total ULA Cost =	\$362,228	

# City of Bonney Lake Municipal Code

## **12.04.010 Documents adopted by reference.**

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There are adopted the following documents as standards for new construction of public works projects within the city:

A. 2012 Standard Specifications for Road, Bridge and Municipal Construction, published by the Washington State Department of Transportation and the American Public Works Association, Washington State Chapter, and any subsequent revisions; and

B. [City of Bonney Lake Development Policies and Public Works Design Standards](#), updated March 2012. (Ord. 1421 § 1, 2012; Ord. 1335 § 1, 2009; Ord. 1261 § 1, 2007; Ord. 1126 § 1, 2005; Ord. 949 § 1, 2002; Ord. 798 § 1, 1998; Ord. 589B § 1, 1993; Ord. 589 § 2, 1987).

### **Excerpt from Development Policies and Public Works Design Standards:**

#### **SECTION 500 – SANITARY SEWER STANDARDS 503 DESIGN STANDARDS**

The design of sanitary sewer systems shall be dependent on local site conditions. The design elements of sanitary sewer systems shall conform to minimum City Standards set forth herein.

1. The sewage facilities shall be constructed in conformance with standards herein and current amendments thereto, and other applicable standards as allowed by the City.

**2. If future extensions of the system are deemed probable by the City, the proposed systems shall be designed and sized to service tributary areas and also be extended to “far” property line(s) so as to provide access to future development. Easements shall be provided to facilitate same.**

# City of Bonney Lake Comprehensive Plan

[http://www.ci.bonney-lake.wa.us/section\\_business/community\\_development/comprehensive\\_plans.shtml#eastown](http://www.ci.bonney-lake.wa.us/section_business/community_development/comprehensive_plans.shtml#eastown)

## Chapter 7-1 Utilities Element

### Sewer

The City hereby adopts the City of Bonney Lake Comprehensive Sewer System Plan, prepared by RH2 and dated February, 2009, as part of this Utilities Element. Copies are available at City Hall or the City Hall Annex.

1

## Chapter 10 - Eastown Subarea Plan Element

[http://www.ci.bonney-lake.wa.us/section\\_business/community\\_development/comprehensive\\_plans.shtml#eastown](http://www.ci.bonney-lake.wa.us/section_business/community_development/comprehensive_plans.shtml#eastown)

- [Download the Eastown Subarea Plan \(1.3 M\)](#)

The Eastown Subarea Plan Element includes goals and policies, development standards, and circulation, water and sewer systems in Eastown. The Eastown Plan was originally adopted in 2005 per [Ordinance 1177](#), and was last updated in 2011 by Ordinance 1406.

## EASTOWN SUBAREA PLAN

### ***6.3 Sewer System Requirements for New Development***

***New development proposals west of 219th Avenue will be conditioned to require extension of the proposed sewer system across the property allowing connection by adjacent property owners. Some properties may be required to install sewer mains in both the north-south and east-west directions in compliance with the Eastown Future Sewer System plan. New development proposals east of 219th Avenue will be conditioned to install the proposed sewer lift station and force main, as well as extend the proposed sewer system main lines to the upstream side of the subject property. Property owners that pay the cost to install the portions of the proposed sewer system, including the new sewer lift station and force main, may pursue cost sharing options (Latecomer Agreement) so that all property owners that use the new system pay their pro-rata share of the cost of the system.***



**SPECIAL JOINT CITY  
COUNCIL / PLANNING  
COMMISSION AND CITY  
COUNCIL WORKSHOP**

**January 7, 2014  
5:30 P.M.**

**MINUTES**

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*"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 workshop to order at 5:31 p.m.

**II. ROLL CALL:**

Administrative Services Director/City Clerk Harwood Edvalson called the roll. Elected officials attending were Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Mark Hamilton Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Jim Rackley, and Councilmember Tom Watson. Councilmember Katrina Minton-Davis arrived at the Workshop at 5:47 p.m.

Planning Commissioners in attendance were Chairperson Grant Sulham, Commissioner Brad Doll, Commissioner Dennis Poulsen, and Commissioner Winona Jacobsen.

Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Assistant Chief of Police James Keller, City Attorney Kathleen Haggard, Senior Planner Jason Sullivan, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

**III. AGENDA ITEMS:**

**A. Discussion:** AB14-01 – Resolution 2347 – Planning Commissions 2014-2015 Work Plan.

Mayor Johnson welcomed everyone and wished a Happy New Year. Councilmembers Lewis and Rackley requested corrections to the Plan. Mayor Johnson advised he is reviewing the resolution for the Arts Commission and that it is moving forward. Commissioner Jacobsen inquired about the number of commissioners to be appointed for the Arts Commission and Mayor Johnson said he would like to start with five. Councilmember Hamilton asked if the Arts Commission members will have to reside within city limits. Mayor Johnson offered for it to be within the 98391 zip code.

Planning Commissioner Chair Sulham asked about the Shoreline Master Plan (SMP) and asked about the Council's concerns regarding the streamline setbacks. Councilmember Hamilton spoke regarding the effects of streamline setbacks and Commissioner Jacobsen said the Commission supports the setbacks. Deputy Mayor Swatman spoke about the consequences of streamline setbacks and how property owners are affected. Councilmember Rackley spoke about a compromise if certain properties views and development were limited. Commissioner Poulsen said there is no guarantee to property owners for view property.

Senior Planner Sullivan said staff reviewed all of the setbacks affecting lake properties and stated there are only a few properties where neighboring properties could affect each

other. Deputy Mayor Swatman said Council will be reviewing the SMP Update at the January 21st Workshop.

Commissioner Sulham asked about the marijuana moratorium and whether the Planning Commission should do any research and make a recommendation before the moratorium expires. Chair Sulham asked if it would be better for the City to start planning for it, or what is the Council's focus. Deputy Mayor Swatman said the overall plan for zoning for retail marijuana would likely be for these businesses to be located in the Easttown area. City Attorney Haggard said the City has the right to limit/restrict these businesses based on zones, and the City can plan ahead on where they would allow it and the restrictions the City will impose. Commissioner Jacobsen spoke regarding an incident and fire that occurred in Seattle related to a marijuana retail business. Deputy Mayor Swatman expressed concern about how elected officials can permit these businesses when under federal law it is illegal. Councilmember Rackley said once the issues goes to the Washington State Supreme Court then cities will have a better understanding how to handle it. Councilmember Watson said he doesn't believe it should be discussed until the moratorium is lifted and the City is required to permit a business. Councilmember Hamilton said he thinks it would be prudent for the Planning Commission to review and recommend a place that this type of business would be allowed, so to review the zoning aspect of it. Mayor Johnson asked how much discussion on this issue could be discussed during Executive Session. City Attorney Haggard said for the Council to discuss at Executive Session there would have to be a potential threat of litigation. She said she thinks Councilmember Hamilton is correct in allowing the Planning Commission to start reviewing and make a recommendation. She said that unless the moratorium is renewed every six months, it will expire. However, to continue it requires that the City have a work plan in progress. City Attorney Haggard said the Attorney General's Office is expected to make a decision within the next month. However, this opinion or decision will not be appealable. Mayor Johnson said he would like the Council to have a workshop item to detail what the Planning Commission's role will be in this regard.

Councilmember Hamilton spoke about transportation issues and the issue of a traffic signal at SR410 and WSU. He said he could be more supportive if there were more interconnections between South Prairie and SR410 and the residential neighborhoods. He said he would like to see the road infrastructure be reviewed and a recommendation made from the Planning Commission. He would like to see some pro-planning, and realizes that it could affect some of the WSU forest. Councilmember Minton-Davis asked if these future roads are part of the Transportation Plan. Councilmember Lewis said he thinks a 20-30 year transportation plan would be good to get traffic flowing with good linkage through the City, and stated that developers don't plan for this city-wide. Senior Planner Sullivan said that staff are currently working on a transportation plan and expect to have it to PSRC by June of next year for certification.

Councilmember Hamilton spoke regarding multi-family housing and Mayor Johnson spoke regarding the development agreement with WSU. Deputy Mayor Swatman and Chair Sulham spoke about the effects that the County traffic places on our roads and streets. Mayor Johnson asked about the mitigation that the Tehaleh development has to complete throughout their development. City Attorney Haggard said Tehaleh has only gone through Phase 1 of their development and they will be required to do mitigation as they are obtaining their permitting. Commissioner Jacobsen asked if the City could have a representative at the County level to constantly remind them of the impacts to the traffic that affect the City, as she believes it makes a difference having a presence there. Councilmember Lewis agreed that presence is felt and it does make a difference. Mayor Johnson said staff and Council are constantly making the County aware of the impacts

the City faces and Councilmember Hamilton spoke about the County's concerns for the City.

**\*\* End of Special Joint City Council/Planning Commission Meeting \*\***  
**Followed by Regular Council Workshop Items.**

**Mayor Johnson adjourned the Special Joint Planning Commission / City Council Meeting at 6:33 p.m., recessed for 5 minutes and called the City Council Workshop to order at 6:42 p.m.**

**B. Council Open Discussion.**

**Public Safety Committee.** Councilmember Rackley said he attended his first Public Safety Committee Meeting last night and enjoyed it.

**Council Retreat Agenda.** Councilmember Watson asked about draft agenda for the upcoming Council Retreat. Deputy Mayor Swatman said it will be forthcoming soon.

**SMP Update.** Deputy Mayor Swatman said he and staff met with the Lake Tapps Councilmembers regarding the upcoming Department of Ecology regulation updates. He said they were impressed with what City staff have done regarding the SMP.

**C. Review of Council Minutes:** December 3, 2013 Council Workshop, and December 10, 2013 Council Meeting.

The minutes were forwarded to the January 14, 2014 Council Meeting for action, with minor corrections.

**D. Discussion/Action:** AB14-05 – Resolution 2354 – Establishing Council Standing Committee Meeting Dates and Times.

Deputy Mayor said he wanted to make sure Council are clear with all of the proposed revisions to the committee meeting dates and times. Councilmember Lewis asked that the current chairs of the committees attend the meetings until the new chairs are elected. Deputy Mayor Swatman said the next Finance Committee / Committee Meeting of the Whole (COW) will be next Tuesday at 5:30 p.m. Councilmember Watson inquired about open discussion opportunities and Deputy Mayor Swatman advised that open discussion would still occur during Council Workshops. Councilmember Hamilton said Council will have to be aware of how they cover the COW and to follow the rules and procedures. City Administrator Morrison said the ordinance states that the Deputy Mayor will appoint the Finance Committee members. Administrative Services Director/City Clerk Edvalson reminder Council that the Finance Committee/COW agenda items need to be submitted by Thursday.

**Councilmember Rackley moved to approve Resolution 2354, Councilmember Watson seconded.**

**Resolution 2354 approved 7 - 0.**

~~**E. Discussion:** AB14-06 / Ordinance No. D14-06 Amending Sections 13.04.070, 13.12.100, and the Bonney Lake Municipal Code Related to Applications for Water and Sewer Service.~~

This item was removed from the agenda prior to the workshop.

- F. Action:** AB14-07 – Setting a Public Hearing on January 28, 2014 for Appeal to Establishment of Southern ULA.

**Councilmember Rackley moved to approve setting the public hearing for January 28, 2014 on configuration of the southern utility latercomer agreement assessment map and calculation of assessment, Councilmember Watson seconded.**

**Motion approved 7 - 0.**

**IV. EXECUTIVE SESSION:** None.

**V. ADJOURNMENT:**

**At 7:09 p.m., Councilmember Watson moved to adjourn the Council Workshop. Councilmember Rackley seconded the motion.**

**Motion to adjourn approved 7 - 0.**

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Harwood Edvalson, MMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council for the January 7, 2014 Special Joint City Council/Planning Commission Workshop: *None*

*Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.*

**CITY COUNCIL MEETING**

**January 14, 2014  
7:00 P.M.**

**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 & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

**I. CALL TO ORDER** – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 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 Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, City Engineer John Woodcock, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Kathleen Haggard, and Records & Information Specialist Susan Haigh.

C. Announcements, Appointments and Presentations:

1. Announcements: None.
2. Appointments: None.
3. Presentations:
  - a. Presentation: Police Department Recognition Ceremony.
    - 30-Year Service Award: Art Spahr
    - DUI Award: Rob Hoag
    - MSU Boating Award: Ryan Boyle
    - 2013 Officer of the Year: Ryan Harberts
    - 2013 Support Officer of the Year: Laura Miller
    - 2013 Reserve Officer of the Year: Nate Alvord
    - 2013 Outstanding Service Award: Bob Kocher
    - Service Recognitions: 5 year – Eric Alfano, Sean Scott, Tobie Johnston, Todd Green; 10 year – James Larsen, Daron Wolschleger, Scott Kreider, Steve Flaherty; 15 year – Dave Thaves.

Police Chief Powers said the department holds an award ceremony each year in December to recognize years of service and awards that are voted on by staff. She and Assistant Chief Keller announced and introduced each of the recipients, and the Council recognized them for their achievements.

D. Agenda Modifications: None.

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

A. Public Hearings: None.

B. Citizen Comments:

Jim Bouchard, 20303 108<sup>th</sup> St Ct E, Bonney Lake, provided a report from the Park Board as its Chair. He said the Board made a recommendation at the January 13, 2014 Meeting to forward a proposal for an 18-hole disc golf course in Midtown Park (also known as the WSU Forest). He said the City has considered several uses for the property, but nothing has been done to date. The proposed course would cost about \$19,000 to build, would be free to the public and could be used for events such as tournaments. He said the park is underutilized and the City may not have funds to develop a park or other uses for some time, and this will be a good use of the land.

Mayor Johnson said staff are working on a report based on the Park Board's recommendation, and it will be an item of discussion at a future workshop.

Chris Waugh, 18815 65<sup>th</sup> St E, Bonney Lake, is a board member of the Pierce County Disc Golf Players Association. He spoke in support of the proposed disc golf course in Midtown Park and offered to answer questions. He noted that other members of the Players Association were in attendance at the meeting. He said this would be a positive use for Midtown Park which is not being used currently.

Scott Anderson, 9901 197<sup>th</sup> Ave E, Bonney Lake, is a Park Board Member. He spoke in support of the proposed disc golf course. He said the Park Board has discussed the issue for several months, and his understanding is the course does not need to be a permanent fixture and could be moved or modified if needed in the future. He said it is important that any installation would not impede the use of other open space in the Midtown Park area. He said there is strong support for the proposal, which led the Park Board to move it forward to the Council.

Darin Adams, 2325 185<sup>th</sup> Ave E, Bonney Lake, spoke about water utilities. He said he has had two water leaks on his property and fixed both, but the Municipal Code allows for only one leak adjustment in a 24-month period, and he is ineligible to apply for another leak adjustment on his utility bill.

City Administrator Morrison noted that Mr. Adams has met with both himself and Chief Financial Officer Juarez, and they encouraged him to bring his issue before the Council. He said the Council can authorize a waiver to allow Mr. Adams to receive a leak adjustment, since the current code does not allow staff to make this determination.

Councilmembers Watson and Minton-Davis spoke in support of authorizing a waiver. Mayor Johnson asked the Council to amend the agenda during the action items period for any proposed action.

Dan Decker, 20401 70<sup>th</sup> St E, Bonney Lake, spoke about the Sumner YMCA, the YMCA's mission as a religious organization, and its tax-exempt status in other states.

Carrie and Darren Painter, 17710 16<sup>th</sup> St Ct E, Bonney Lake, spoke about sewer issues they have had at the home they purchased in Fairweather Cove in 2013. They said they have had to do substantial repairs because the sewer system was improperly constructed,

and the City of Bonney Lake approved the inspections for the system and grinder pump for the home. They asked the City to provide them with assistance with the repair costs. They have spoken with the City Engineer previously, and said they would like to work with the Council on the issue.

Councilmember Hamilton asked if the Painters have filed a claim against the City. Mrs. Painter said they have not because they wanted to work with the City first. Mayor Johnson explained that the Council will review the information provided and discuss the issue, and then will respond to them.

- C. Correspondence: None.

### III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee/Committee of the Whole: Deputy Mayor Swatman said the Committee met at 5:30 p.m. earlier in the evening and discussed Eden module upgrades.
- B. Community Development Committee: Councilmember McKibbin said the Committee has not met since the last Council Meeting.
- C. Economic Development Committee: Councilmember Minton-Davis said the Committee met earlier in the afternoon, and she was elected as the Chair. She said Planning staff have put out a Request for Proposals (RFP) for a market analysis. The Committee also had an initial discussion about forming a Downtown Redevelopment Agency.
- D. Public Safety Committee: Councilmember Watson said the Committee met on January 6, 2014 and he was appointed as Chair. East Pierce Fire & Rescue Deputy Chief McDonald reported on a grant the City received to install AED units in Police patrol cars and at the Public Safety Building, and to provide training. Public Works Director Grigsby provided information on lowering speed limits and median heights in the City. Police Chief Powers provided crime statistics for 2013, and also reported that a sign dedication ceremony for Gary Slick will be held on January 24, 2014 along with DUI emphasis patrols.
- E. Other Reports:
- Park Board: Councilmember Watson said he attended the Park Board meeting on January 13<sup>th</sup>. The Board forwarded the proposed disc golf course in Midtown Park to the Council; discussed closing an underused park, which failed to move forward; reviewed boat launch revenues; and discussed plans for future review of the Fennel Creek Work Plan.
- Communities for Families: Councilmember Watson said he attended the Communities for Families meeting in Sumner on January 9, 2014. The group heard a presentation from City of Sumner Planning Manager Ryan Windish; heard a presentation on the Sumner School District levy ballot items; and discussed the upcoming Bonney Lake High School production of the play "Beauty and the Beast" on March 7-9, 2014, with proceeds benefiting Sumner-Bonney Lake Family Center.

### IV. CONSENT AGENDA:

- A. **Approval of Minutes**: December 3, 2013 Council Workshop and December 10, 2013 Council Meeting.

- B. Approval of Accounts Payable and Utility Refund Checks/Vouchers:**  
Accounts Payable checks/vouchers #67574-67620 (including wire transfer #'s 11252013, and 20131202) in the amount of \$772,750.96.  
Accounts Payable checks/vouchers #67621-67623 in the amount of \$1,434.36 for Accounts Receivable deposit refunds.  
Accounts Payable checks/vouchers #67624-67643 in the amount of \$1,853.66 for utility refunds.  
Accounts Payable wire transfer #1201201301 for Bank of New York in the amount of \$473,050.00.  
Accounts Payable checks/vouchers #67644-67682 (including wire transfer #'s 12364167, 20131203, 20131204, 112220131, and 2013120301) in the amount of \$595,317.36.  
Accounts Payable checks/vouchers #67683 in the amount of \$1,539.00 for Accounts Receivable deposit refunds.  
Accounts Payable checks/vouchers #67684-67702 in the amount of \$1,774.64 for utility refunds.  
Accounts Payable checks/vouchers #67703-67767 (including wire transfer #'s 2013121601) in the amount of \$518,265.36.  
Accounts Payable checks/vouchers #67768-67770 in the amount of \$1,847.24 for Accounts Receivable deposit refunds.  
Accounts Payable wire transfer #2013121701 for P-Cards in the amount of \$41,694.48.  
Accounts Payable checks/vouchers #67771-67797 (including wire transfer #'s 2014011101) in the amount of \$125,399.38.  
Accounts Payable wire transfer #20131216 for Bank of America in the amount of \$1,973.28.  
Accounts Payable checks/vouchers #67798-67816 in the amount of \$1,229.17 for utility refunds.  
Recorded but not approved on 10/22/2013: Accounts Payable checks/vouchers #67174-67235 in the amount of \$231,459.55.  
Recorded but not approved on 9/10/2013: Accounts Payable checks/vouchers #66947-66977 in the amount of \$211,745.84.  
Accounts Payable checks/vouchers #66978-66989 for utility refunds in the amount of \$829.68.  
Recorded but not approved on 7/8/2013: Accounts Payable checks/vouchers #66524-66527 in the amount of \$7,025.00.  
Wire not approved from 2/12/2013: Accounts Payable wire transfer #2013021201 for Comdata in the amount of \$18,444.66.  
Check/Voucher not approved from 2/19/2013: Accounts Payable checks/vouchers #65668 in the amount of \$1,264.49.  
VOIDS: Check #66488 – check lost/missing
- C. Approval of Payroll:** Payroll for December 1st-15th, 2013 for checks #31500-31525 including Direct Deposits and Electronic Transfers is \$ 443,435.07.  
Payroll for December 16th-31st, 2013 for checks #31526-31552 including Direct Deposits and Electronic Transfers is \$ 726,167.68.

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

**Consent Agenda approved 7 – 0.**

**Councilmember Watson moved to amend the agenda to add a motion authorizing a waiver of the 24-month waiting period for a water leak adjustment as Finance Committee Issues, Item B. Councilmember Lewis seconded the motion.**

**Motion to amend the agenda approved 7 – 0.**

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB13-136 – Resolution 2342** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Requesting Approval Of The State Of Washington Department Of Ecology Grant Agreement G1400244 For A \$170,000 2013-15 Municipal Stormwater Capacity Grant.

**Councilmember Watson moved to approve Resolution 2342. Councilmember Lewis seconded the motion.**

**Resolution 2342 approved 7 – 0.**

- B. **AB14-17 – A Motion Authorizing a Waiver of the 24-Month Waiting Period for a Water Leak Adjustment (BLMC 13.04.100(G)).** *Added to agenda by Council Motion.*

**Councilmember Lewis moved to approve the motion. Councilmember Minton-Davis seconded the motion.**

Deputy Mayor Swatman said Mr. Adams has brought up an issue that should be fixed in the Municipal Code. Councilmembers Minton-Davis and Watson agreed. Councilmember Rackley questioned whether the homeowner has replaced enough of the pipe to ensure it will not need additional repairs. City Administrator Morrison explained Mr. Adams' repairs. He said the Council may want to consider amending the Municipal Code, and there is precedent for the Council to consider such waivers.

Councilmember Minton-Davis said she is pleased the current code is strong, but wants the Council to discuss possible amendments to the amount of time required between leak adjustments. Councilmember Hamilton said any revision to the code must ensure that property owners make sufficient repairs before additional leak adjustments will be considered, or require them to get insurance for their pipes. Councilmember Lewis said there will be more issues like this due to the age of most homes, and additional criteria should be considered such as technology to test the water lines.

Deputy Mayor Swatman recommended the Council table the item to Workshop to allow staff time to gather information, estimate the amount of the adjustment, and provide proposed changes to the code language. Councilmember McKibbin noted that the customer's water will not be turned off in the meantime as he has made arrangements with the Utility department.

**Deputy Mayor Swatman moved to table the motion to a future Workshop for discussion. Councilmember Hamilton seconded the motion.**

Deputy Mayor Swatman said this will give staff time to provide more information.

**Motion approved 6 – 1.  
Councilmember Minton-Davis voted no.**

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

**VII. ECONOMIC DEVELOPMENT COMMITTEE ISSUES:** None.

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

**IX. FULL COUNCIL ISSUES:**

A. **AB14-01 – Resolution 2347** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Planning Commission Workplan For The 2014-2015 Biennium.

**Councilmember Lewis moved to approve Resolution 2347. Councilmember Hamilton seconded the motion.**

Mayor Johnson said the workplan was discussed at the special Joint Meeting of the Council and Planning Commission at the January 7<sup>th</sup> Workshop.

**Resolution 2347 approved 7 – 0.**

**X. EXECUTIVE SESSION:** None.

**XI. ADJOURNMENT:**

**At 8:18 p.m., Councilmember Rackley moved to adjourn the Council Meeting. Councilmember Watson seconded the motion.**

**Motion to adjourn approved 7 – 0.**

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Harwood Edvalson, MMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the January 14, 2014 Meeting: None.

*Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.*

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

<b>Department/Staff Contact:</b> CD/Cole Elliott	<b>Meeting/Workshop Date:</b> 28 January 2014	<b>Agenda Bill Number:</b> AB14-04
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2353	<b>Councilmember Sponsor:</b> Randy McKibbin

**Agenda Subject:** Water Developer Extension and Latecomers Agreement between Jeff Estep and City.

**Full Title/Motion:** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developers Extension Agreement Between Jeff Estep And The City Of Bonney Lake.

**Administrative Recommendation:**

**Background Summary:** Jeff Estep plans on developing an existing lot located along 213<sup>th</sup> Avenue Court East.

**Attachments:** Resolution 2353, Water Developers Agreement, Map

<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>	Community Development Committee	<i>Approvals:</i> Chair/Councilmember	Donn Lewis	Yes No
	Date: 21 January 2014	Councilmember	James Rackley	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember	Randy McKibbin	<input checked="" type="checkbox"/> <input type="checkbox"/>
Forward to:		<b>Consent Agenda:</b> <input checked="" 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 Vodopich</i>	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> (if applicable):



**RESOLUTION NO. 2353**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A WATER DEVELOPER EXTENSION AGREEMENT WITH JEFF ESTEP FOR THE WATER MAIN EXTENSION ALONG 213<sup>th</sup> AVENUE COURT EAST.**

**WHEREAS**, Jeff Estep Short Plat has a lot located at 3904 213<sup>th</sup> Avenue Court East in Pierce County, Washington. This project is outside the Bonney Lake city limits but within Bonney Lake's water service areas; and

**WHEREAS**, The City of Bonney Lake requires that a developer have an approved Developer Extension Agreement for water improvements to the City's system. The City Council finds that it is in the public interest that this agreement be carried out at this time;

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached Water Developer Extension Agreement with Jeff Estep for the water main extension project.

**PASSED** by the City Council this 28th day of January, 2014

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Neil Johnson Jr., Mayor

ATTEST:

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Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

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Kathleen Haggard, City Attorney

DEC 10 2013

City of Bonney Lake  
Permit Center

## WATER DEVELOPERS AGREEMENT

## PUBLIC WORKS DEPARTMENT

THIS AGREEMENT, by and between the City of Bonney Lake, a municipal corporation, hereinafter referred to as "City", and Jeff Estep, hereinafter referred to as "Developer".

WITNESSETH: That whereas the City of Bonney Lake, a municipal corporation, provides WATER service within the corresponding WATER service area boundary, and the above-named Developer is preparing to construct a WATER system, or additions thereto, and said development requires the City's WATER service;

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

- I. Developer agrees to design and/or construct the WATER system, or additions thereto, to be connected to the City's WATER lines, and to maintain such additions until such time as the improvements are accepted by the City, with the agreements conditioned as set forth below. The WATER system, or additions thereto, shall be located within that area commonly referred to as 213TH AVE COURT EAST, which property is described in Exhibit, "A" attached hereto and referred to hereinafter as "Premises".
- II. As a condition precedent to City obligations under this agreement, the Developer shall design and/or construct the proposed WATER system, or additions thereto, within said premises in conformance with the City's "Development Policies and Public Works Standards", as adopted (and by reference made a part hereof), together with any City approved amendments thereto made, and further to conform with the City's comprehensive WATER plan, which agreement shall include oversizing of WATER mains as may be identified in the City's adopted WATER comprehensive plan.
  - A. Apply for irrigation meters separate from residential meters where the irrigation serves common areas or more than one single-family residence.
  - B. The applicant shall submit landscaping and irrigation plans for review and employ the best management practices available for the efficient use of water.
- III. The developer agrees that the construction of the WATER system, or additions thereto, shall not commence until the following conditions have been fulfilled:
  - A. The developer shall furnish the City with six (6) sets of detailed plans for the water system, or additions thereto, at Developer's own expense, prepared by a qualified engineer licensed in the State of Washington.
  - B. The above plans shall require the review and approval by the City and its Engineer, and the cost of such review shall be at the Developer's own expense.

- C. Minimum requirements for all plans for WATER system, or additions thereto, submitted to the City for review are:
1. Six (6) sets of plans and documents shall be submitted, wherein one (1) set will be returned to the applicant.
  2. A preliminary plat of the area in which said WATER system, or additions thereto, are to be constructed, which plat has been approved by the City, or County as applicable.
  3. A map showing the location of the plat in relation to the surrounding area.
  4. A contour map of the plat with contour intervals of two feet or less.
  5. A map showing the location and depth of all proposed utilities and any connections and/or interconnections to existing facilities or future extensions and connections.
  6. A 1" = 50' plan of the water system showing streets, lot lines, dimensions, and location of bench marks and monuments for the proposed plat, together with an indication of the development of the adjacent property.
  7. A profile 1" = 50' horizontal and 1" = 5' vertical of the finished road grades with the water system and other pertinent underground utilities located, with elevations noted thereon. The elevation datum shall be the same as used by the City. It shall be the responsibility of the Developer to confirm such datum with the City.
  8. Full-sized detail sheets shall be included as part of the construction drawings, as required to clearly indicate the details for all of the water system, or additions thereto, to be constructed, consistent with City standards.
  9. Specifications sufficient to fully describe the work, consistent with City's "Development Policies and Public Works Design Standard".
  10. Approvals from all regulatory agencies.
- D. Construction requirements in addition to the City standards and details for developer extensions, as adopted, are as follows:
1. Unless otherwise approved in writing, by the City, all streets and/or roadways shall be graded to within six inches of final grade before installation of WATER improvements.
  2. All lots shall be fully staked to assist all parties involved in the proper location of the WATER system including services.

3. All hydrants and valves shall be fully staked in the field and reviewed and approved by the City prior to installation of same. Adjustments to "approval construction drawings" may be warranted and required by the City, based on actual local field conditions.
  4. All contractors and subcontractors shall have a current Washington State Contractors License.
  5. The Developer's WATER system, or additions thereto, on Premises shall not be connected to the City WATER system until authorized by the City, and such connection shall be performed under the supervision and direction of the City.
- E. For the purpose of applying RCW 4.24.115 to this Contract, the Developer and the City agree that the term "damages" applies only to the finding in a judicial proceeding and is exclusive of third party claims for damages preliminary thereto.

The Developer agrees to defend and hold the City harmless from all claims for damages by third parties, including costs and reasonable attorney's fees in the defense of claims for damages, arising from performance of the Developer's express or implied obligations under this Agreement. The Developer waives any right of contribution against the City.

It is agreed and mutually negotiated that in any and all claims against the City or any of its agents or employees by any employee of the Developer, any contractor or subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the obligations hereunder shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Developer or any contractor or Subcontractor under Workman's Compensation Acts, disability benefits acts or other employees' benefit acts. The City and the Developer agree that all third party claims for damages against the City for which the Developer's insurance carrier does not accept defense of the City may be tendered by the City by the Developer who shall, if so tendered by the City, accept and undertake to defend or settle with the Claimant. All investigation and legal work product regarding said claim shall be performed under a fiduciary relationship to the City. In the event that the City agrees or a court finds that the claim arises from the sole negligence of the City, the City shall be responsible for all damages payable to the third party claimant. In the event that the City and the Developer agree or a court finds that the claim arises from or includes negligence of both the Developer and the City, the Developer shall be responsible for all damages payable by the Developer to the third party claimant under the court findings, and, in addition thereto, the Developer shall hereunder reimburse or pay the City for all damages paid or payable to the City under the court findings in an amount not to exceed the percentage of total fault attributable to the Developer. For example, where the Developer is 25% negligent, the Developer shall not be required to indemnify the City for any amount in excess of 25% of the claimant's total damages.

The Developer shall ensure that all construction contracts entered into for the WATER SYSTEM name the City of Bonney Lake as an additional insured.

- F. In the event the Developer in his operation damages or disrupts existing improvements, the repairs shall be made at the Developer's expense. In the event they are so damaged or the service disrupted and the Developer fails or is unable to immediately restore the service, then the Owners of the improvements may cause the repairs to be made by others and all costs for the same shall be at the Developer's own expense.

Where the construction crosses or is adjacent to existing utilities, the Developer shall exercise extreme care to protect such utilities from damage.

If any damage is done to an existing utility, the Developer shall notify the utility company involved who will dispatch a crew to repair the damage at the Developer's expense. All costs for the same shall be at the Developer's own expense.

The Developer shall be aware that some existing WATER facilities are known to contain asbestos cement pipe. The Developer shall conduct all work related to existing asbestos cement pipe in strict accordance with WISHA safety regulations and provisions contained within WAC 296-62077. All costs related to work in compliance with established rules and regulations shall be the responsibility of the Developer. Demolition of existing, asbestos cement pipe, if required, will be permitted only after the proper permits are obtained from the Puget Sound Air Pollution Control Agency. The Developer shall be responsible for all associated fees and permits required for asbestos removal and disposal. Work crews shall be provided with proper protective clothing and equipment. Hand tools shall be used, and the asbestos cement pipe shall be scored and broken in lieu of the sawing or other methods which release fibers into the atmosphere. Waste asbestos pipe shall be buried in the trench. Asbestos pipe to be abandoned in - place shall not be disturbed, except as noted herein, and shall remain in its original position.

The Developer is cautioned that all existing drainage systems, whether open ditch, buried pipe, or drainage structures, are not on record. It shall be the responsibility of the Developer to repair or replace all such systems found during construction, which are damaged by the Developer's construction in a manner which is satisfactory to the City.

Where the Developer is allowed to use private property adjacent to the work, the property so used shall be returned to its original or superior condition. The Developer shall make all arrangements in advance with such property owners, to insure that no conflicts will ensue after the property is restored as described above. The Developer will be required to furnish the City with a written release from said private property owners, if the City deems it to be necessary to obtain such document.

- IV. The construction, of the Developer's WATER system, or additions thereto, on the Premises shall be supervised by the City in such a manner and at such times as the City deems reasonably necessary to assure that construction of the system will

conform with the above-mentioned plans and specifications. The Developer herewith agrees to allow such inspections and agrees to cooperate providing reasonable advance notice on his construction schedule during, the various construction phases as requested by the City.

- V. The Developer further agrees to pay an estimated amount of money to cover the City's expected review fees and construction supervision expenses incurred.
- VI. The Developer's WATER system, or additions thereto, on Premises shall not be accepted for service and use until the same have been fully inspected and approved, and the following requirements have been performed:
  - A. Submit to the City in Auto-CADD format, latest revision (unless otherwise approved by the City), the computer file supplied on a compact disc accompanied by the original mylars, with all changes from the original design clearly marked to reflect the as-built conditions. The Developer's Engineer shall certify the accuracy of the record drawings and shall affix his seal and signature.
  - B. Payment of all permit fees and equivalent assessment charges and any other applicable City charges required for Premises.
  - C. Payment of all plan check and inspection fees.
  - D. Prepare and furnish the required easements in compliance with the City's standard form, and furnish same to the City for approval by the City Attorney, prior to recording of same. The proponent shall pay all the necessary recording, fees.
  - E. Furnish the City with an affidavit warranting there are no liens against the improvements constructed on Premises by the Developers, this affidavit shall be in the form prescribed by the City.
  - F. Furnish the City with a Bill of Sale conveying, the WATER system to the City.
  - G. Furnish a two year maintenance bond for 15% (or \$2,000 whichever is greater) of the amount of the Bill of Sale guaranteeing that the WATER system will be free of defects in labor and materials. Form to be prescribed by the City.
- VII. In the event any warranty repairs are required, the City agrees, whenever feasible, to provide the Developer with reasonable notice, before directly undertaking such repairs. The City reserves the right, however, to effect emergency repairs as deemed necessary by the City. The City shall be reimbursed by the Developer for all costs thereof.
- VIII. Upon performing all requirements, including those as set forth in Paragraph 5 above, the City shall accept the WATER system, and agree therewith to operate and maintain said system.
- IX. Nothing in this Agreement shall be construed to excuse Developer from requirements and conditions found in any City ordinance, resolution, plan or policy, with respect to

5 of 7

the provision of utility service, including without limitation requirements regarding annexation or execution of covenants to annex, and the City will not provide utility service to Developer prior to Developer's satisfaction of all such requirements and conditions.

SUBMITTED this 21<sup>ST</sup> day of November 2013  
DEVELOPER: Jeff D Ester Signature Date 11-21-13  
Printed Name  
Owner / Developer  
Company Title (as applicable)  
1615 217<sup>th</sup> Ave CT E.  
Address  
Loke Topps Wa. 98391  
City State Zip  
Phone No. 206-423-1925 FAX No. 253-854-4473

CITY OF BONNEY LAKE  
DEVELOPER AGREEMENT

ACCEPTED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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

CITY OF BONNEY LAKE

DEVELOPER AGREEMENT

EXHIBIT 'A'

PLAT NAME Jeff Estep LOT 34

DEVELOPER: Jeff Estep

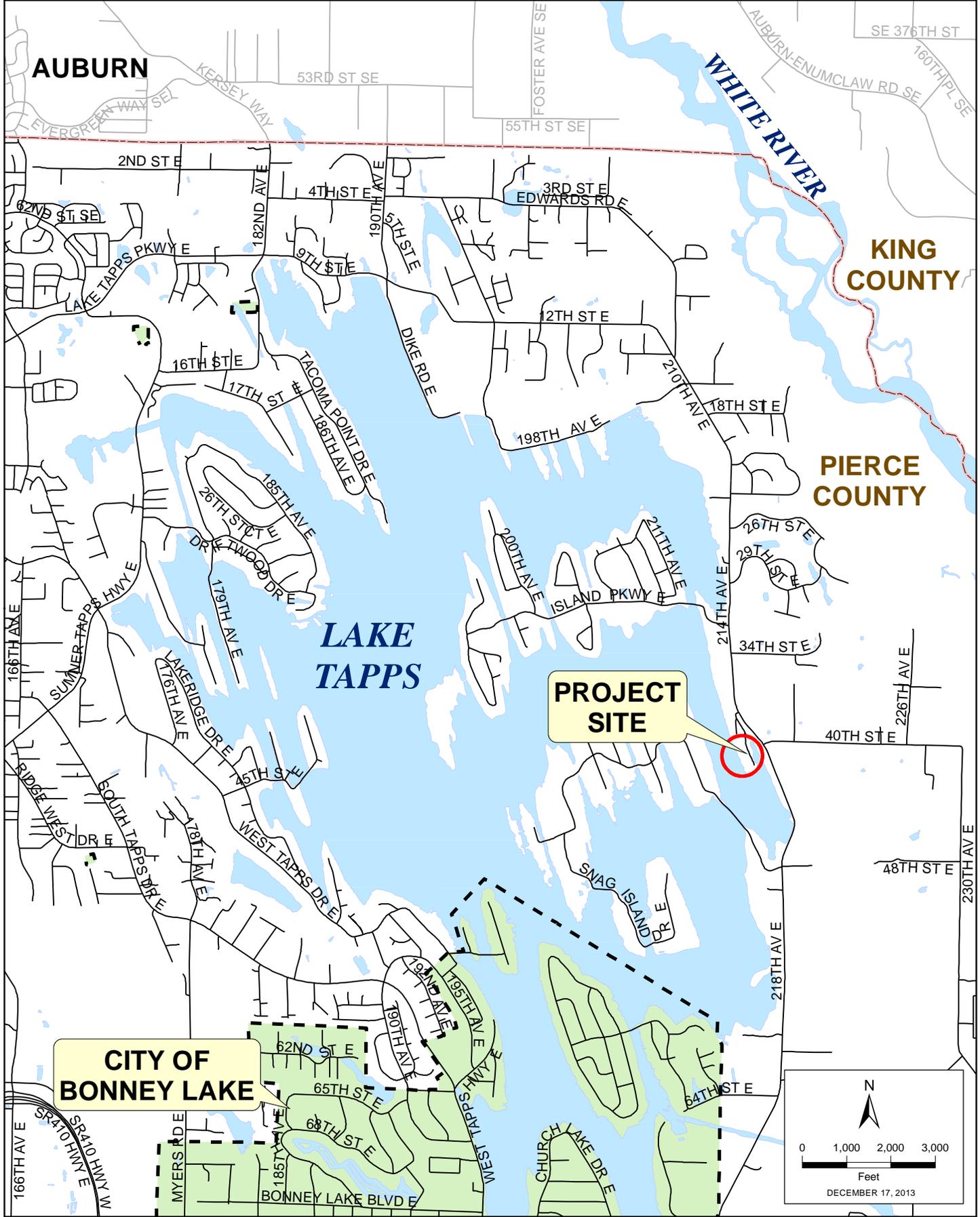
LEGAL DESCRIPTION: Property Water line Service

3904 213<sup>TH</sup> Ave Ct. E Lake Topps

Parcel 5070000310



# EXHIBIT A



**AUBURN**

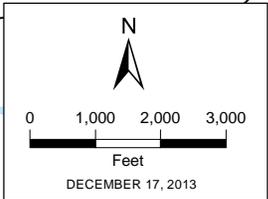
**KING COUNTY**

**PIERCE COUNTY**

**LAKE TAPPS**

**PROJECT SITE**

**CITY OF BONNEY LAKE**





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

<b>Department/Staff Contact:</b> PW / Charlie Simpson	<b>Meeting/Workshop Date:</b> 28 January 2014	<b>Agenda Bill Number:</b> AB14-08
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2355	<b>Councilmember Sponsor:</b> Randy McKibbin

**Agenda Subject:** Award Professional Services Agreement with GC Systems for the 2014 Cla-Valve Rebuilds.

**Full Title/Motion:** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Authorize The Award Of The Professional Services Agreement With GC Systems For The 2014 Cla-Valve Rebuilds .

**Administrative Recommendation:** Approve

**Background Summary:** Since 1987 GC Systems, a Sole Source vendor, has performed the Bonney Lake Water Utility's annual preventative maintenance and repair work on all water well sites, PRV vaults and level controls at the water tanks. This maintenance is necessary to replace components, clean and test the valves to assure proper operation. This protects the City's infrastructure from over-pressurization or reservoir overflows. With proper maintenance these valves will function for more than 50 years, The City has chosen to have this service provided by dividing up the water system in to five segments, so that one fifth of the system is rebuilt annually, as called out by Cla-Valve maintenance recommendations. The 2014 rebuilds consists of (3) Cla-Valves at PRV Station #12 (Angeline & 113th St), (2) at PRV #2 (5009 166th Ave), (2) at PRV #1 (4626 166th Ave), (3) at PRV #14 (98<sup>th</sup> St and Sky Island Dr), (3) at PRV #15 (104<sup>th</sup> St and Sky Island Dr) and (3) at PRV #16 (100<sup>th</sup> St and 175<sup>th</sup> Ave). One at Lakeridge Tank, one at Ponderosa Tanks and one at Tacoma Point Tank, for a total of 19 Cla-Valves.

**Attachments:** Resolution, Professional Services Agreement, Exhibit A & B and Sole Source Letter

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
\$20,000	\$20,000	\$12,649	\$7,351
<b>Budget Explanation:</b> 401.000.034.534.50.48.09- Reoccurring Valve Maintenance Program			
Revenue: O & M Rates			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>											
<b>Council Committee Review:</b>	Community Development Date: 21 January 2014	<i>Approvals:</i> Chair/Councilmember Donn Lewis Councilmember Jim Rackley Councilmember Randy McKibbin	<table border="0"> <tr> <td style="text-align: right;">Yes</td> <td style="text-align: left;">No</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No										
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	Forward to:	<b>Consent Agenda:</b> <input checked="" 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:

**APPROVALS**

**Director:**  
*Dan Grigsby, P. E.*

**Mayor:**  
*Neil Johnson Jr.*

**Date Reviewed  
by City Attorney:**  
(if applicable):

**RESOLUTION NO. 2355**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AWARDED A PROFESSIONAL SERVICES AGREEMENT TO GC SYSTEMS FOR THE 2014 VALVE REBUILDS.**

**WHEREAS**, since 1987 GC Systems, a Sole Source vendor, has performed the Bonney Lake Water Utility's annual preventative maintenance and repair work on all water well sites, PRV vaults and the level controls at the water tanks. This maintenance is necessary to replace components, clean and test the valves to assure proper operation. This protects the City's infrastructure from over-pressurization or reservoir overflows. With proper maintenance these valves will function for more than 50 years, The City has chosen to have this service provided by dividing up the water system in to five segments, so that one fifth of the system is rebuilt annually, as called out by Cla-Valve maintenance recommendations; and

**WHEREAS**, the 2014 rebuilds consists of (3) Cla-Valves at PRV Station #12 (Angeline & 113th St), (2) Cla-Valves at PRV #2 (5009 166th Ave), and (2) Cla-Valves at PRV #1 (4626 166th Ave). One at Lakeridge Tank, one at Ponderosa Tanks and one at Tacoma Point Tank, for a total of 19 Cla-Valves.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Bonney Lake Council does hereby authorize the Mayor to sign a professional services agreement with GC Systems in the amount of \$12,649.

**PASSED** and adopted by the City Council this 28<sup>th</sup> day of January, 2014.

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Neil Johnson, Mayor

ATTEST:

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Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

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Kathleen Haggard, City Attorney

## PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into this 28<sup>th</sup> day of January, 2014, by and between the City of Bonney Lake ("City") and GC SYSTEMS, INC. ("Consultant").

The parties hereby agree as follows:

- 1. Scope of Work.** The Consultant shall perform all work and provide all materials described in the Scope of Work set out in Exhibit A attached hereto and incorporated herein by this reference. Such work shall be performed using facilities, equipment and staff provided by Consultant, and shall be performed in accordance with all applicable federal, state and local laws, ordinances and regulations. The Consultant shall exercise reasonable care and judgment in the performance of work pursuant to this Agreement. The Consultant shall make minor changes, amendments or revisions in the detail of the work as may be required by the City, such work not to constitute Extra Work under this Agreement.
- 2. Ownership of Work Product.** Documents, presentations and any other work product produced by the Consultant in performance of work under this Agreement shall be tendered to the City upon completion of the work, and all such product shall become and remain the property of the City and may be used by the City without restriction; *provided*, that any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.
- 3. Payment.** The Consultant shall be paid by the City for completed work and services rendered under this Agreement pursuant to the rates and charges set out in Exhibit B, attached hereto and incorporated herein by this reference. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. All billings for compensation for work performed under this Agreement shall list actual time and dates during which the work was performed and the compensation shall be figured using the rates set out in Exhibit B; *provided*, that payment for work within the Scope of Work (Exhibit A) shall not exceed the fee/hour estimate set out in Exhibit B without written amendment to this Agreement, agreed to and signed by both parties.

Acceptance of final payment by the Consultant shall constitute a release of all claims, related to payment under this Agreement, which the Consultant may have against the City unless such claims are specifically reserved in writing and transmitted to the City by the Consultant prior to acceptance of final payment. Final payment shall not, however, be a bar to any claims that the City may have against the Consultant or to any remedies the City may pursue with respect to such claims.

The Consultant and its sub consultants shall keep available for inspection, by the City, for a period of three years after final payment, the cost records and accounts pertaining to this Agreement and all items related to, or bearing upon, such records. If any litigation, claim or audit is started before the expiration of the three-year retention period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. The three-year retention period shall commence when the Consultant receives final payment.

4. **Changes in Work.** The Consultant shall make all revisions and changes in the work completed under this Agreement as are necessary to correct errors, when required to do so by the City, without additional compensation.

5. **Extra Work.** The City may desire to have the Consultant perform work or render services in addition to or other than work provided for by the expressed intent of the Scope of Work. Such work will be considered Extra Work and will be specified in a written supplement which will set forth the nature and scope thereof. Work under a supplement shall not proceed until authorized in writing by the City. Any dispute as to whether work is Extra Work or work already covered by this Agreement shall be resolved before the work is undertaken. Performance of the work by the Consultant prior to resolution of any such dispute shall waive any claim by the Consultant for compensation as Extra Work.

6. **Employment.** Any and all employees of Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of said employees, while so engaged; any and all taxes arising out of Consultant's or Consultant's employees' work under this Agreement; and any and all claims made by a third party as a consequence of any acts, errors, or omissions on the part of the Consultant's employees, while so engaged, shall be the sole obligation and responsibility of the Consultant, except as provided in Section 12 of this agreement. The Consultant's relation to the City shall at all times be as an independent contractor.

7. **Nondiscrimination and Legal Compliance.** Consultant agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, gender, age or handicap except for a bona fide occupational qualification with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training; and rendition of services. The consultant represents and warrants that it is in compliance with and agrees that it will remain in compliance with the provisions of the Immigration Reform and Control Act of 1986, including but not limited to the provisions of the Act prohibiting the hiring and continued employment of unauthorized aliens and requiring verification and record keeping with respect to the status of each of its

employees' eligibility for employment. The consultant shall include a provision substantially the same as this section in any and all contracts with sub consultants performing work required of the contractor under this contract. The consultant agrees to indemnify and hold the City harmless from any and all liability, including liability for interest and penalties, the City may incur as a result of the consultant failing to comply with any provisions of the Immigration Reform and Control Act of 1986. Consultant understands and agrees that if it violates this section, this Agreement may be terminated by the City, and that Consultant shall be barred from performing any services for the City in the future unless and until a showing is made satisfactory to the City that discriminatory practices have terminated and that recurrence of such action is unlikely.

8. **Term.** This Agreement shall become effective upon the day of its execution by both parties, and shall terminate upon completion of the work and delivery of all materials described in Exhibit A.

9. **Termination by City.** The City may terminate this Agreement at any time upon not less than ten (10) days written notice to Consultant, subject to the City's obligation to pay Consultant in accordance with subsections A and B below.

A. In the event this Agreement is terminated by the City other than for fault on the part of the Consultant, a final payment shall be made to the Consultant for actual cost of work complete at the time of termination of the Agreement. In addition, the Consultant shall be paid on the same basis as above for any authorized Extra Work completed. No payment shall be made for any work completed after ten (10) days following receipt by the Consultant of the termination notice. If the accumulated payment(s) made to the Consultant prior to the termination notice exceeds the total amount that would be due as set forth in this subsection, then no final payment shall be due and the Consultant shall immediately reimburse the City for any excess paid.

B. In the event the services of the Consultant are terminated by the City for fault on the part of the Consultant, subsection A of this section shall not apply. In such event the amount to be paid shall be determined by the City with consideration given to the actual costs incurred by the Consultant in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or of a type which is usable by the City at the time of termination, the cost to the City of employing another person or firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the City of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made if subsection A of this section applied.

C. In the event this Agreement is terminated prior to completion of the work, the original copies of all work products prepared by the Consultant prior to termination shall become the property of the City for its use without restriction;

*provided*, that any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.

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11. **Applicable Law; Venue.** The law of the State of Washington shall apply in interpreting this Agreement. Venue for any lawsuit arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Pierce County.

12. **Indemnification / Hold Harmless**

Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees arising out of or resulting from the negligent acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

**Insurance**

The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

**A. Minimum Scope of Insurance**

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing

equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Consultant's profession.

## **B. Minimum Amounts of Insurance**

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

## **C. Other Insurance Provisions**

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

2. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

#### **D. Acceptability of Insurers**

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

#### **E. Verification of Coverage**

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

#### **13. Prevailing Wage**

CONTRACTOR shall pay all laborers, workers, or mechanics performing work under this Agreement prevailing wages as required by Ch. 39.12 RCW, and shall satisfy all other requirements of that chapter, including without limitation requiring that all subcontractors performing work related to the project comply with the requirements of that chapter. The hourly minimum rate of wage which may be paid to laborers, workers, or mechanics for work related to the Project is shown on Exhibit C, attached hereto and incorporated herein by this reference. Prior to the CITY making any payment to CONTRACTOR under this Agreement, CONTRACTOR and each subcontractor shall submit to the CITY a Statement of Intent to Pay Prevailing Wages approved by the industrial statistician of the Washington State Department of Labor and Industries and complying with the requirements of RCW 39.12.040. Prior to release of the sums retained pursuant to section 17 of this Agreement ["Retainage"], CONTRACTOR and each subcontractor shall submit to the City an Affidavit of Wages Paid approved by the industrial statistician of the Washington State Department of Labor and Industries and complying with the requirements of RCW 39.12.040.

**14. Subletting or Assigning.** The Consultant shall not sublet or assign any of the work covered by this Agreement without the express written consent of the City.

**15. Entire Agreement.** This Agreement represents the entire Agreement between the parties. No change, termination or attempted waiver of any of the provisions of the Agreement shall be binding on any party unless executed in writing by authorized representatives of each party. The agreement shall not be modified, supplemented or otherwise affected by the course of dealing between the parties.

**16. Waiver.** Failure by any party to this Agreement to enforce any provision of this Agreement or to declare a breach shall not constitute a waiver thereof, nor shall it impair any party's right to demand strict performance of that or any other provision of this Agreement any time thereafter.

17. **Severability.** If any provision of this Agreement or its application is held invalid, the remainder of the Agreement or the application of the remainder of the Agreement shall not be affected.

18. **Execution and Acceptance.** This Agreement may be executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The Consultant hereby ratifies and adopts all statements, representations, warranties, covenants, and agreements contained in the supporting materials submitted by the Consultant, and does hereby accept the Agreement and agrees to all of the terms and conditions thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CITY OF BONNEY LAKE

CONSULTANT

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

By: Carolyn Wells  
GC SYSTEMS, INC.

**Attachments:**

- Exhibit A: Scope of Work
- Exhibit B: Rates
- Exhibit C: Prevailing Wages

# Exhibit A

GC SYSTEMS, INC.  
P.O. BOX 848  
SUMNER, WASHINGTON 98390  
800-525-9425

December 26, 2013

City of Bonney Lake  
19306 Bonney Lake Blvd.  
Bonney Lake, Wa. 98390

Attn: Mr. Dave Cihak

Re: Proposal for 2014 Valve Rebuild

Dear Mr. Cihak:

You have nineteen valves that are due to be rebuilt next year. I am attaching a list of the valves for your review.

The cost for the rebuild of the nineteen valves would be \$12,649.00. This rebuild consists of the cleaning of the main valve and pilot controls and the replacement of rubber parts. If any metal parts in the valves or pilot controls require replacement they will be billed over and above this quoted price.

The city shall supply all equipment, additional personnel, and complete any documentation required to meet OSHA regulations for confined space entry as well as supplying any traffic revisions which may be necessary for work in public right-of-ways if required.

Let me know if you have any questions or if there are changes to be made.  
Thank you Dave.

Yours Truly,

Carolyn Wells  
GC Systems, Inc.

Attachment

# Exhibit B

## BONNEY LAKE 2014 VALVE REBUILD

### TACOMA POINT TANK 17501 NORTH TAPPS HW

1 - 16"      210-47AB

### PONDEROSA TANKS 19808 106<sup>TH</sup> STREET COURT

1 - 4"      50G-01B

### LAKERIDGE TANK 4812 RIDGEWEST DRIVE

1 - 8"      210-47AB

### PRV STATION #1 4626 166<sup>TH</sup> AVE EAST

1 - 2"      90G-01AS

1 - 4"      90G-01AB

### PRV STATION #2 5009 166<sup>TH</sup> AVE EAST

1 - 1 1/2"      90G-01AS

1 - 4"      90G-01AB

### PRV STATION #12 ANGELINE & 113TH STREET

1 - 3"      90G-01ABCSKC

1 - 8"      90G-01ABCSKC

1 - 6"      90G-01ABCSKC



Public Works  
Department

# Memo

**Date** : January 7, 2014  
**To** : Dan Grigsby – Public Works Director  
**From** : Charles Simpson – Assistant Public Works Director  
**Re** : Sole source – GC Systems

---

**Purposed Source:** GC Systems

**Scope of Work:** Provide services to rebuild (3) Cla-Valves at PRV Station #12 (Angeline & 113<sup>th</sup> St), (2) Cla-Valves at PRV #2 (5009 166<sup>th</sup> Ave), and (2) Cla-Valves at PRV #1 (4626 166<sup>th</sup> Ave). One at Lakeridge Tank, one at Ponderosa Tanks and one at Tacoma Point Tank, for a total of 19 Cla-Valves.

**Exclusive Capability:** Since 1987 GC Systems had performed Bonney Lake Water Utility annual PM and repair work on all our water well sites and PRV vaults. This company is the only authorized parts dealer and repair shop that can perform work on Cla-Valve systems. This company resides in Sumner and has a territory that covers WA, OR, ID, Mont., Alaska, and northern California. City engineering standards are Cla-Valve products.

City has chosen to have this service provided by dividing up the water system in to five segments so that one fifth of the system is rebuilt annually as called out by Cla-Valve maintenance recommendations. GC Systems is located in Sumner and has provided on-call service as well as training for Bonney Lake City technicians. The complexity of the system requires knowledgeable and highly skilled technicians. Over the last many years we have had little issues with the valveing of our system because of the progress manner of our maintenance activities.

**Funding Source:** Yearly O&M budget line item 401-000-034-534-50-48-09 – Annual Valve Maintenance



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

<b>Department/Staff Contact:</b> PW / John Woodcock	<b>Meeting/Workshop Date:</b> 28 January 2014	<b>Agenda Bill Number:</b> AB14-16
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2357	<b>Councilmember Sponsor:</b> Randy McKibbin

**Agenda Subject:** Award the SR 410 Intersection Signalization Right of Way Acquisition Services Agreement to Universal Field Services.

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Award The SR 410 Intersection Signalization Right Of Way Acquisition Services Agreement To Universal Field Services.

**Administrative Recommendation:**

**Background Summary:** The SR 410 - Veterans Memorial Drive (VMD) Intersection Improvement project has one right of way acquisition remaining before the next phase of project advertisement and construction can begin. The remaining acquisition required is a portion of 991 square feet required to obtain the turning radius for the dedicated right turn lane west bound on SR 410 on to VMD. Additional costs to acquire this ROW will include payment for the land and relocation of the Dairy Queen sign.  
**Attachments:** Resolution, Map, PSA

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
\$50,000	\$50,000	\$13,445.06	\$36,554.94
<b>Budget Explanation:</b> 301.045.032.595.20.63.01 - SR 410 & VMD Intersection Improvements - DQ ROW			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>											
<b>Council Committee Review:</b>	Community Development Date: 21 January 2014	<i>Approvals:</i> Chair/Councilmember Donn Lewis Councilmember James Rackley Councilmember Randy McKibbin	<table style="width: 100%; border: none;"> <tr> <td style="padding: 0 5px;">Yes</td> <td style="padding: 0 5px;">No</td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Forward to:	<table style="width: 100%; border: none;"> <tr> <td style="padding: 0 5px;"><b>Consent</b></td> <td style="padding: 0 5px;"><input checked="" type="checkbox"/> Yes</td> <td style="padding: 0 5px;"><input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 0 5px;"><b>Agenda:</b></td> <td colspan="2"></td> </tr> </table>			<b>Consent</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<b>Agenda:</b>				
<b>Consent</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No									
<b>Agenda:</b>											
<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>Dan Grigsby, P. E.</i>	<b>Mayor:</b> <i>Neil Johnson Jr.</i>	<b>Date Reviewed by City Attorney:</b> (if applicable):

**RESOLUTION NO. 2357**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, AWARDDING THE SR 410 INTERSECTION SIGNALIZATION RIGHT OF WAY ACQUISITION SERVICES AGREEMENT TO UNIVERSAL FIELD SERVICES.**

**WHEREAS**, the City Council approved Resolution 1807 on May 13, 2008 to acquire the necessary right of way for the Downtown Improvements Project; and

**WHEREAS**, the City Council approved Resolution 1960 on August 25, 2009 approving the construction of the Downtown Improvements Project; and

**WHEREAS**, the Public Works Engineering staff chose to purchase just the right of way needed for Phase 1 of the Downtown Improvements as a cost savings measure leaving the remaining 991 square feet for the Downtown Improvements Project Phase 2 effort; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON HEREBY RESOLVES AS FOLLOWS:**

That the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached contract with Universal Field Services in the amount of \$13,445.06 to negotiate the sale of the remaining right of way for the Downtown Improvements Project Phase 2 construction effort.

**PASSED BY THE CITY COUNCIL this 28<sup>th</sup> day of January, 2014.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

## PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **City of Bonney Lake** ("City") and **Universal Field Services, Inc.** ("Consultant").

The parties hereby agree as follows:

- 1. Scope of Work.** The Consultant shall perform all work and provide all materials described in the Scope of Work set out in Exhibit A attached hereto and incorporated herein by this reference. Such work shall be performed using facilities, equipment and staff provided by Consultant, and shall be performed in accordance with all applicable federal, state and local laws, ordinances and regulations. The Consultant shall exercise reasonable care and judgment in the performance of work pursuant to this Agreement. The Consultant shall make minor changes, amendments or revisions in the detail of the work as may be required by the City, such work not to constitute Extra Work under this Agreement.
- 2. Ownership of Work Product.** Documents, presentations and any other work product produced by the Consultant in performance of work under this Agreement shall be tendered to the City upon completion of the work, and all such product shall become and remain the property of the City and may be used by the City without restriction; *provided*, that any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.
- 3. Payment.** The Consultant shall be paid by the City for completed work and services rendered under this Agreement pursuant to the rates and charges set out in Exhibit B, attached hereto and incorporated herein by this reference. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. All billings for compensation for work performed under this Agreement shall list actual time and dates during which the work was performed and the compensation shall be figured using the rates set out in Exhibit B; *provided*, that payment for work within the Scope of Work (Exhibit A) shall not exceed the fee/hour estimate set out in Exhibit B without written amendment to this Agreement, agreed to and signed by both parties.

Acceptance of final payment by the Consultant shall constitute a release of all claims, related to payment under this Agreement, which the Consultant may have against the City unless such claims are specifically reserved in writing and transmitted to the City by the Consultant prior to acceptance of final payment. Final payment shall not, however, be a bar to any claims that the City may have against the Consultant or to any remedies the City may pursue with respect to such claims.

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**A. Minimum Scope of Insurance** - Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

**B. Minimum Amounts of Insurance** - Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

**C. Other Insurance Provisions** - The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.
2. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

**D. Acceptability of Insurers** - Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

**E. Verification of Coverage** - Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

**14. Subletting or Assigning.** The Consultant shall not sublet or assign any of the work covered by this Agreement without the express written consent of the City.

**15. Entire Agreement.** This Agreement represents the entire Agreement between the parties. No change, termination or attempted waiver of any of the provisions of the Agreement shall be binding on any party unless executed in writing by authorized representatives of each party. The agreement shall not be modified, supplemented or otherwise affected by the course of dealing between the parties.

**16. Waiver.** Failure by any party to this Agreement to enforce any provision of this Agreement or to declare a breach shall not constitute a waiver thereof, nor shall it impair any party's right to demand strict performance of that or any other provision of this Agreement any time thereafter.

**17. Severability.** If any provision of this Agreement or its application is held invalid, the remainder of the Agreement or the application of the remainder of the Agreement shall not be affected.

**18. Execution and Acceptance.** This Agreement may be executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The Consultant hereby ratifies and adopts all statements, representations, warranties, covenants, and agreements contained in the supporting materials submitted by the Consultant, and does hereby accept the Agreement and agrees to all of the terms and conditions thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

**CITY OF BONNEY LAKE**

**CONSULTANT**

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

By:  \_\_\_\_\_  
Mitch Legel, SR/WA, Region Manager

**Attachments:**

Exhibit A: Scope of Work

Exhibit B: Rates - Fee Estimate

## EXHIBIT A

### SCOPE OF WORK

#### Sumner Buckley Hwy / SR410 Intersection Signalization Right of Way Acquisition Services

Federal funds are participating in the project, and assumed particularly in the Right of Way phase, therefore Universal Field Services, Inc. (UFS) will complete all Right of Way services in accordance with the City of Bonney Lake's (CITY) Washington State Department of Transportation's (WSDOT) approved Right of Way Acquisition Procedures, the federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act (URA), WSDOT Local Agency Guidelines – Section 25 (Right of Way Procedures), and the Washington Administrative Code (WAC 468-100) state Uniform Relocation Assistance and Real Property Acquisition.

Based on preliminary schematic exhibits provided to UFS and discussions with CITY, it is assumed a partial fee simple acquisition is required from one (1) tax parcel known as the Dairy Queen site as shown in Table A below. Right of Way plans or other reliable design information is not available for use at this time. Additional parcels or real property rights other than those shown in Table A will require an amendment to this scope of work and related fee estimate.

This scope of work is based on the following:

- 1.) Review of preliminary schematic exhibits.
- 2.) Discussions with CITY staff
- 3.) Review of limited public on-line information (mapping / ownership information)

**A. Preparation and Administration** - Discuss, strategize and plan overall process with CITY staff. Attend project kickoff meeting with CITY and up to two (2) progress meetings – CITY office. Progress meetings can be facilitated by conference calling if preferred. Provide up to six (6) monthly progress reports indicating the work completed for the invoiced month, anticipated work for the following month, and identify issues requiring the CITY's input or assistance. UFS will provide sample acquisition documents for the CITY's review and approval for use. The CITY's pre-approved forms will be used when provided. When appropriate, prepare parcel files to include fair offer letters, recording and ancillary documents, a standard diary form indicating all contacts with owner(s), and other items necessary for negotiations.

Deliverables:

- Attend Project Kickoff Meeting – CITY office
- Attend two (2) Progress Meetings – CITY office
- Provide six (6) Monthly Progress Reports
- Coordinate CITY approval of Acquisition forms for project use
- Prepare parcel acquisition files for negotiations

**B. Ownership / Title Review** – Conduct ownership research and perform reviews of existing right of way information through limited public online information, review available City records. Obtain title report from the CITY for the parcel(s) shown in Table A. Review special exceptions described in each title report to determine the CITY's acceptance of title at closing. Provide the CITY with a parcel summary memo listing ownerships, title exceptions, etc.

Deliverable:

- Prepare parcel summary memo listing ownerships, title exceptions, etc.

- C. Public Outreach** - Assist CITY in preparation of a boilerplate “Introduction Informational Letter” for delivery to the owner(s) of the parcel(s) shown in Table A. The letter will describe the purpose of the project, the project schedule; identify the CITY’s consultant(s) and their purpose.

Deliverables:

- Boilerplate “Introduction Informational Letter” for delivery by CITY to all impacted property owners via regular U.S. Mail. UFS will assist with delivery if needed.

- D. True Cost Estimate** – A True Cost Estimate (TCE) will be completed because it is assumed the estimated amount of just compensation for the parcel(s) shown in Table A will exceed the City’s WSDOT approved Appraisal Waiver limit of \$25,000 and the acquisition may be complicated. We anticipate there is no benefit to completing a Project Funding Estimate (PFE) unless real property rights are required from additional parcels with estimates of just compensation under the Appraisal Waiver Limit. Appraisal and Appraisal Review reports will be completed for each parcel shown in Table A. Generally, the TCE is a tool to be used for confirming estimated Right of Way costs with the understanding all properties impacted will be appraised.

The TCE will be prepared in accordance with the CITY’s WSDOT approved Right of Way Acquisition procedures, and WSDOT’s Local Agency Guidelines – Section 25 (Right of Way Procedures). The data used to complete a TCE may not be as reliable as in the PFE. Confirmed comparable market sales data is required in the PFE, whereas county assessed values may be used in the TCE. This is primarily why the Appraisal Waiver process is not allowed when a TCE is being used.

Individual parcel worksheets will be prepared to estimate the amount of just compensation using Pierce County’s adjusted assessed values and information to be obtained from the project Right of Way plan(s). Estimated amounts of just compensation from each parcel worksheet will be entered into a project summary worksheet to include other items of right of way related costs for review and use by the CITY.

Based on the information currently available, it is assumed one (1) tax parcel may require the acquisition of real property rights to be included in the TCE. As mentioned earlier, it is assumed the parcel(s) shown in Table A will be appraised. Upon completion of the TCE, UFS will coordinate with the CITY and submit to WSDOT for review.

Deliverables:

- True Cost Estimate (TCE)

- E. Relocation Assistance Services** –It is assumed there are no persons or personal property displaced by this project, therefore Relocation Assistance per Federal and WSDOT guidelines is not required.

Deliverables:

- Not Applicable

- F. FHWA Funds Authorization for ROW** – Shortly after the Right of Way Plans, and the TCE have been submitted to WSDOT and assuming NEPA clearance has been obtained, the CITY would typically receive a letter (obligation of funds) from FHWA through WSDOT Highways and Local Programs authorizing the use of federal funds to acquire Right of Way. This letter of authorization is required in order for the CITY to receive federal funding participation and reimbursement for costs incurred with subsequent Appraisal, Appraisal Review, and Acquisition Negotiation services.

Deliverable:

- For informational purposes only.

**G. Appraisal & Appraisal Review** – Upon completion of the TCE and the CITY’s receipt of authorization from FHWA to use federal funds for Right of Way acquisition, UFS will subcontract and manage the Appraisal and Appraisal Review process with appraisal firms previously qualified by WSDOT and certified by the State of Washington. The Appraisal and Appraisal Review reports will be prepared in accordance with the Uniform Standards of Professional Appraisal Practices, Washington State Department of Transportation (WSDOT) Local Agency Guidelines, current WSDOT Right of Way Manual (in particular, Chapters 4 and 5), and the URA.

It is assumed one (1) Appraisal and Appraisal Review report may be required. Total number of Appraisals and Appraisal reviews is subject to change based on project design revisions, and real property rights that may be required from additional parcels.

UFS staff to attend appraisal inspections to ensure the property owners understands the real property rights being appraised; to ascertain what is personal property and real property, and to help build the trust and rapport needed to assist in reaching an amicable agreement.

Appraisal scope of work and expenses for specialty studies exclude: hazardous materials research, testing, estimating (ESA Phase 1, 2, or 3), parking modification estimates, driveway / access layouts, etc.

Completed Appraisals and Appraisal Reviews will be submitted to the CITY for written approval establishing the amount of Just Compensation to be offered the property owner.

Deliverables:

- One (1) Appraisal report
- One (1) Appraisal Review report

**H. Acquisition Negotiation** – Acquire real property rights from one (1) tax parcels as shown in Table A below. Upon written approval from the CITY approving the appraised amount of just compensation, UFS will prepare the offer package(s) and promptly present offer(s) to purchase all required real property interests and negotiate in good faith to reach a settlement with each property owner(s). Offers will be presented in person when at all possible.

Negotiations will be conducted in accordance with statutory and regulatory requirements and will include: Presentation of offers in person; Coordination of administrative settlement approvals with the CITY; Negotiate as necessary with lien holders, assisting escrow in the closing process; Prepare and maintain parcel files to include fair offer letters, acquisition documents, a standard diary form indicating all contacts with owner(s), and other items necessary for negotiations.

Negotiations shall not be deemed to have failed until at least three significant meaningful contacts have been made and documented with each owner and/or their representative through direct personal contacts. Out-of-area owner(s) will be contacted by telephone and by certified mail. If negotiations reach an impasse, UFS will provide the CITY with written notification. The filing and cost of condemnation proceedings shall be the responsibility of the CITY.

Deliverables:

- Completed Acquisition file including necessary records of all right of way negotiation services.

**I. Parcel Closeout – Escrow Closing** - Upon securing required acquisition agreement(s), UFS will submit the necessary acquisition documents and closing instructions to the designated Title/Escrow Company. Work with the Title/Escrow Company in order to obtain release documentation from the

encumbrance(s) of public record that are not acceptable to the CITY in order to provide clear title to the property being acquired, subject to the CITY's title clearing guidelines. The Escrow Company shall prepare and obtain the

owner(s) signature on the necessary closing documents. UFS will coordinate signatures on closing documents for submittal to the CITY and payment(s) to the owner(s); coordinate with the Escrow/Title Company in filing documents with Pierce County.

Deliverable:

- Completed original Acquisition file(s).

**J. Right-of-Way Certification** – Since there are federal funds participating in the project, Right of Way Certification will be coordinated and completed through WSDOT Real Estate Services. Right of Way acquisition files will be prepared and completed to the satisfaction of a WSDOT Right of Way review to support federal aid participation. UFS will further coordinate right of way activities with WSDOT's Local Agency Coordinator, Mr. Paul Lovgren, as needed throughout the project.

**Additional Work** - If other tasks are required to be performed or there are changes in pertinent information or if negotiations exceed the industry standard for a good faith effort to negotiate (three "in-person" landowner contacts), UFS reserves the right to request additional compensation as an equitable adjustment. UFS shall not be responsible for delays caused beyond its control.

TABLE A				
Parcel Data				Property Rights to be Acquired
No.	Tax Parcel No	Taxpayer / Owner	Property Use	Partial Fee Simple
1	5640001444	Thiery, Charles C. & Ann M.	Dairy Queen (fast food)	X

CITY will provide the following:

1. Preliminary Commitments (Title Reports) for all parcels shown in Table A above. If requested, UFS will order title reports or any updates. The title company will bill the CITY directly for each report.
2. Approve designation of the escrow company used for this project. The escrow company will bill the CITY directly for all escrow services provided.
3. Right of Way Plans and Drawings, Maps, Exhibits, Right of Way Staking, etc., as necessary.
4. Legal descriptions in electronic format for all real property rights to be acquired.
5. Form approval, in electronic format, of all legal conveyance documents prior to use (i.e. offer letters, purchase and sale agreements, escrow instructions, easements, deeds, leases and permits).
6. Review and approval of all determinations of value, established by the project appraisers, and provide written authorization prior to offers being made to property owners.
7. Payment of any and all compensation payments to property owners, recording fees, legal services and any incidental costs which may arise necessary to complete each transaction.
8. Send "Introduction Letters" to property owners as necessary.

## EXHIBIT B

### RATES – FEE ESTIMATE

#### DIRECT SALARY COSTS (DSC)

<u>Personnel</u>	<u>Hours</u>		<u>Rate</u>		<u>Cost</u>
1 QA / PM	31.0	X	\$52.00	=	1,612.00
2 Acquisition Specialist	52.0	X	\$38.00	=	1,976.00
3 Sr Administrative Specialist	21.0	X	\$30.00	=	630.00
Total Hours	<b>104.0</b>		Subtotal Direct Salary Costs (DSC) =		4,218.00
Overhead (OH)	<b>67.64%</b>		of DSC =		2,853.06
Fixed Fee (FF)	<b>30%</b>		of DSC =		1,265.40
<b>TOTAL DSC =</b>					<b>8,336.46</b>

#### DIRECT NONSALARY COSTS (DNSC)

Mileage	1120	miles @ \$ 0.565	632.80
Miscellaneous Expenses (see note 4 below)			100.00
<b>TOTAL DNSC =</b>			<b>732.80</b>

#### SUBCONSULTANTS

Appraisal (1 each)	Strickland Heischman & Hoss	3,000.00
Dairy Queen Sign Estimate	Strickland Heischman & Hoss	490.00
Appraisal Review (1 each)	The Granger Company	800.00
2% Administrative (B&O taxes, etc.)		85.80
<b>TOTAL SUBCONSULTANT FEES =</b>		<b>4,375.80</b>

<b>TOTAL ESTIMATED AMOUNT =</b>	<b>13,445.06</b>
---------------------------------	------------------

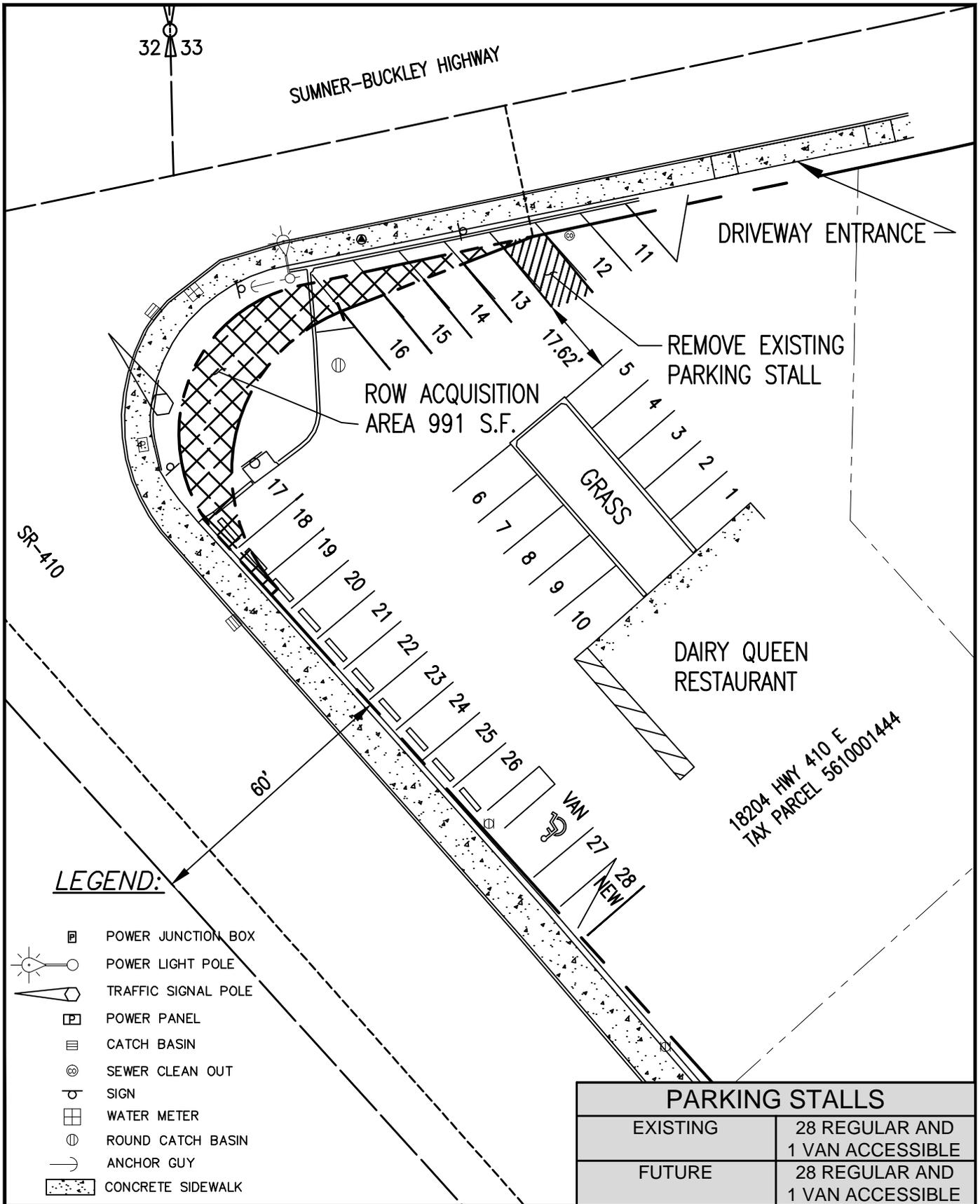
#### **Notes:**

- 1.) Universal reserves the right to re-negotiate estimate total if Notice to Proceed not provided within 180 days from the date of this estimate.
- 2.) Mileage to be billed at \$0.565/mile or the approved IRS rate at the time mileage is incurred.
- 3.) See Scope of Work identifying the parcels and real property rights to be acquired from each.
- 4.) Reimbursable miscellaneous expenses, including but not limited to: ferry fees, postage, parking printing, long distance telephone, etc., at cost - no markup.
- 5.) This fee estimate is based on discussions with City staff, preliminary schematic exhibits provided by the City, review of limited online owner information. ROW plans not available at this time.
- 6.) It is assumed federal funds are participating in the ROW phase.

## EXHIBIT B

### ESTIMATED HOURS WORKSHEET

Parcel Data				Rights to be Acquired			Acquisition Hours			
No.	Tax Pcl No.	Owner	Current Use	Total Fee Simple	Partial Fee Simple	Temporary Construction Easement	QA / PM	Neg	Admin	Mileage
1	5640001444	Thlery, Charles C. & Ann M.	Dairy Queen (fast food)		X		5	38	8	520
Attend kick off meeting - City Office							4	0	0	120
Attend 2 progress meetings - City Office							4	4	0	240
Provide 6 monthly progress reports							1.5	1.5	3	0
Coordinate Acquisition document approvals with City							1	0	2	0
Parcel Summary Memo - Title Exceptions							0	0	2	0
Assist City with Introduction Informational Letter							1.5	0	0.5	0
Prepare True Cost Estimate							8	6	1	120
Prepare and manage sub-consultant agreements							4	0	1	0
Right of Way Certification							2	2	3	120
							<b>31</b>	<b>52</b>	<b>21</b>	<b>1120</b>



Parametrix DATE: December 18, 2013 FILE: 2141611013P1T33-C



**COST TO CURE EXHIBIT**  
**PC TPN:5640001444**  
 DAIRY QUEEN ACQUISITION  
 CITY OF BONNEY LAKE, WASHINGTON

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

<b>Department/Staff Contact:</b> Public Works / Marlyn Campbell	<b>Meeting/Workshop Date:</b> 28 January 2014	<b>Agenda Bill Number:</b> AB14-10
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b> Randy McKibbin

**Agenda Subject:** Accept Fennel Creek Trail & 192nd Ave Sidewalks- Phase 2 project with Pivetta Brothers Construction, Inc. as Complete

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Fennel Creek Trail & 192nd Ave Sidewalks- Phase 2 Project With Pivetta Brothers Construction, Inc.

**Administrative Recommendation:**

**Background Summary:** Resolution 2290 dated April 16, 2013 awarded the construction contract to Pivetta Brothers Construction, Inc. for the Fennel Creek Trail & 192nd Ave Sidewalks- Phase 2 project. This project was funded by a Safe Routes to School Federal Grant. Phase 2 of this project was comprised of the trail portion of the program that connected the Willowbrook subdivision community to the sidewalks completed in 2010 (Phase 1) and ultimately the schools- Victor Falls Elementary, Mountain View Junior High, and Bonney Lake High School on the east side of Fennel Creek. See attached Project Completion Report for detailed information on this project. As a matter of housekeeping, this project has been reconciled, accepted by the City Engineer and project close out documents are complete. DOR, Employment Security and L & I have been notified and we are awaiting confirmation from these three organizations that there are no unpaid taxes and wages.

**Attachments:** Project Completion Report, Bill of Sale, Notice of Completion of Public Works Contract and 6 photos of project, before (1), during (3) and after (2).

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
N/A			
<b>Budget Explanation:</b> Release of Escrow Agreement holding retainage (\$40,323.45)			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	Community Development Date: 21 January 2014	<b>Approvals:</b> Chair/Councilmember    Donn Lewis Councilmember            James Rackley Councilmember            Randy McKibbin	<b>Yes</b> <b>No</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
	Forward to:	<b>Consent Agenda:</b>	<input checked="" 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:

**APPROVALS**

**Director:**  
*Dan Grigsby*

**Mayor:**

**Date Reviewed  
by City Attorney:**  
(if applicable):

# PUBLIC WORKS - PROJECT COMPLETION REPORT

Project Title: Fennel Creek Trail & 192nd Ave Sidewalks- Phase 2

**Project Financing Summary:**

**Project Revenue Sources:**

Budget Authorized by City Council:		<b>\$1,254,435</b>
City Fund Source(s):	Park CIP- Safe Routes to School	1,254,435
	Federal Grant	
<b>Total Project Budget Utilized=</b>		<b>\$1,217,734</b>

**Project Expenditures:**

Study =		N/A
Design =		<u>\$365,683</u>
<u>Total Construction</u>		<u>\$852,051</u>

Engineer's Estimate =

	<u>Contract Award Amount</u>	<u>Actual</u>
Low Bid/Contract=	\$771,220	786,486
Contingency- 10%=	\$77,122	25,704
Field Engineering Services- 5% =	\$40,410	39,861
	<u>\$888,752</u>	<u>852,051</u>

**Total Project Cost =** **\$1,217,734**

**Total Budget for construction=**  
**Actual**

**Under Budget=**  
**\$36,701**

**Actual Revenue Sources utilized for project:**

Budget Authorized by City Council:		<b>\$1,254,435</b>
Actual City Funds utilized:	Park CIP- Safe Routes to School	1,217,734
	Federal Grant	

**Planning**

**Actual Costs**

Comprehensive Facilities Plan Approved by City Council:  
Study Required: N/A

Planning  
Actual Total  
= \$0

**Design**

Date RFP Issued	<u>N/A</u>	
Design Contract Award Date:	<u>2008</u>	
Design Contract Completion Date:	<u>2012</u>	
Design Consultant(s):	<u>Bruce Dees</u>	<u>\$129,450</u>
	<u>Parametrix</u>	<u>\$236,233</u>

Scope of Work Changes:  
**1**

Date

Design  
Actual Total  
= \$365,683

**Construction**

Date of Advertisement:	<u>3/20/2013</u>	
Bid Opening Date:	<u>4/3/2013</u>	
Engineer's Estimate:	<u>\$822,672</u>	
Low Responsive/Responsible Bid:	<u>Pivetta Brothers Construction</u>	<u>\$786,486</u>
Contract Award Date:	<u>4/16/2013</u>	
Contract Completion Date:	<u>10/25/2013</u>	
Closeout Date:		

Scope of Work Changes:  
**1**

Date

Change Order Summary:

<b>1</b>	Grade Parking Area	\$4,304
<b>2</b>	Grade Bridge Approach & Drainage Swale	\$4,302
<b>3</b>	Steel Bollards	\$4,982
<b>4</b>	Install wheel stops, concrete ramp & remove asphalt	\$3,552
<b>5</b>	Jute Matting Erosion Control	<u>\$2,843</u>
		<u>\$19,983</u>

Other Construction

Soil Testing	\$2,809
Advertising	\$1,192
Pierce County building permits	\$768
6 foot Curb Stops	\$844
Dept. of Ecology- Storm Construction permit	\$108
Field Engineering Services	<u>39,861</u>

Construction  
Actual  
Total = \$852,051

Total  
Project  
Cost= \$1,217,734

**PW Infrastructure Addition(s):**

See attached Bill of Sale form

# CITY OF BONNEY LAKE, PIERCE COUNTY

## BILL OF SALE

### Fennel Creek Trail and 192<sup>nd</sup> Avenue Sidewalks Project Phase 2

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of One Dollar (\$1.00) and other good and sufficient consideration, receipt whereof is hereby acknowledged, the undersigned grantor(s) **City of Bonney Lake** do(es) by these presents hereby convey, set over, assign, transfer and sell to the City of Bonney Lake, Pierce County, Washington, a municipal corporation, the following described Pedestrian Trail Paved & Wood Fiber Surfacing, Elevated Boardwalk Trail and Bridge and all appurtenances thereto, situated in Pierce County, Washington:

#### **Pedestrian Trail Paved & Wood Fiber Surfacing, Elevated Boardwalk, & Bridge**

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Cost</u>
Porous Asphalt Paved Trail	3,334	LF	\$192,373.66
Wood Fiber Trail	700	LF	11,431.63
Elevated Boardwalk Trail	495	LF	257,400.00
Fennel Creek Bridge	70	LF	70,000.00
Bridge Abutments	2	EA	6,400.00
Wood Fiber Trail Abutment	1	EA	3,500.00
Landscape Steps	55	EA	64,580.00
Chain Link Fence	401	LF	12,030.00
Double 12 Ft. Chain Link Gate	2	EA	2,900.00
Wood Rail Fence	760	LF	17,100.00
Trail Bench	6	EA	8,400.00
Removable Bollards	4	EA	4,982.12
Permanent Signs	6	EA	3,000.00

#### **Storm System Improvements**

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Cost</u>
6 Inch Diameter ADS Storm Pipe	24	LF	\$ 552.00

**CITY OF BONNEY LAKE, PIERCE COUNTY**

**BILL OF SALE (page 2)**

**Fennel Creek Trail and 192<sup>nd</sup> Avenue Sidewalks Project Phase 2**

Cost Analysis

Provision of detailed costs (including labor and materials) are broken down into the facilities that were installed in each category of work listed below:

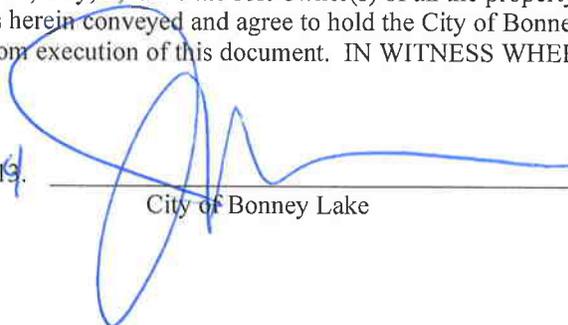
Pedestrian Trail Paved & Wood Fiber Surfacing, Boardwalk & Bridge: \$805,916.92

Storm Improvements: \$ 552.00

---

**Total Improvements** **\$806,468.92**

The said grantor(s) hereby warrants that he, they, it, is/are the sole owner(s) of all the property above described; that they have full power to convey all rights herein conveyed and agree to hold the City of Bonney Lake harmless from any and all claims which might result from execution of this document. IN WITNESS WHEREOF the grantor(s) has/have executed these present this

15 day of January, 2019.   
\_\_\_\_\_  
City of Bonney Lake



## NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

Contractor's UBI Number: 600522209

Date: 1/15/2014

Name & Address of Public Agency
City of Bonney Lake 19306 Bonney Lake Blvd. Bonney Lake, WA 98391 <b>UBI Number: 277000893</b>

Department Use Only
Assigned to:
Date Assigned:

*Notice is hereby given relative to the completion of contract or project described below*

Project Name	Contract Number	Job Order Contracting
Fennel Creek Trail & 192nd Ave Sidewalks- Phase 2		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Description of Work Done/Include Jobsite Address(es)**  
 Phase 2 of this project was comprised of the trail portion of the program that connected the Willowbrook subdivision community to the sidewalks completed in 2010 (Phase 1) and ultimately the schools- Victor Falls Elementary, Mountain View Junior High, and Bonney Lake High School on the east side of Fennel Creek.

**Federally funded road transportation project?**     Yes     No

Contractor's Name	Telephone Number	Affidavit ID*
Pivetta Brothers Construction	253-862-7890	480245

Contractor Address
PO Box 370    Sumner, WA 98390

If Retainage is Bonded, List Surety's Name (or attach a copy)

Surety Agent's Address

Date Contract Awarded	Date Work Commenced	Date Work Completed	Date Work Accepted
4/16/13	5/13/13	10/25/13	council action scheduled-1/28/14

Contract Amount	\$	771,220.00			
Additions ( + )	\$	35,248.92		Liquidated Damages \$	
Reductions ( - )	\$			Amount Disbursed \$	766,145.47
<b>Sub-Total</b>	\$	<b>806,468.92</b>		Amount Retained \$	40,323.45
Amount of Sales Tax Paid at <u>0.000%</u>					
(If various rates apply, please send a breakdown)	\$				
<b>TOTAL</b>	\$	<b>806,468.92</b>		<b>TOTAL \$</b>	<b>806,468.92</b>

*NOTE: These two totals must be equal*

**Please List all Subcontractors and Sub-tiers Below:**

Subcontractor's Name:	UBI Number: (Required)	Affidavit ID*
Brudage Bone Concrete Pumping, Inc.	600630026	484454
American Pride Corporation	602643008	482553
Hydroseeding Inc	601097270	482541
Withworth Pest Solutions, Inc.	600494832	482325
Caveman Carpentry LLC	602734635	477318
Chandler Construction Inc	600624758	480208
Garrison Creek Landscaping	602461104	479766
Northwest Asphalt Inc	601556048	47962302



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Teletype (TTY) users may call (360) 705-6718.

F215-038-000 07-2012

REV 31 0020e (07/06/12)







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

<b>Department/Staff Contact:</b> Public Works / Marlyn Campbell	<b>Meeting/Workshop Date:</b> 28 January 2014	<b>Agenda Bill Number:</b> AB14-11
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b> Randy McKibbin

**Agenda Subject:** Accept Angeline Road & Church Lake Road Resurfacing project with Miles Resources, LLC as Complete

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Angeline Road & Church Lake Road Resurfacing Project With Miles Resources, LLC.

**Administrative Recommendation:**

**Background Summary:** Resolution 2321 dated August 27, 2013 awarded the construction contract to Miles Resource LLC for the Angeline Road & Church Lake Road project. This project was funded by a PSRC Grant of \$336,485 for construction- road resurfacing a portion of Angeline Road and Church Lake Road.  
 See attached Project Completion Report for detailed information on this project. As a matter of housekeeping, this project has been reconciled, accepted by the City Engineer and project close out documents are complete. DOR, Employment Security and L & I have been notified and we are awaiting confirmation from these three organizations that there are no unpaid taxes and wages.

**Attachments:** Project Completion Report, Bill of Sale, Notice of Completion of Public Works Contract and 6 photos of project, before (2), during (2) and after (2).

<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>	Community Development Date: 21 January 2014	<b>Approvals:</b> Chair/Councilmember    Donn Lewis Councilmember            James Rackley Councilmember            Randy McKibbin	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:	<b>Consent Agenda:</b>	<input checked="" 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>	<b>Mayor:</b>	<b>Date Reviewed</b>

*Dan Grigsby*

**by City Attorney:**  
(if applicable):

# **PUBLIC WORKS - PROJECT COMPLETION REPORT**

**Project Title:** Angeline Road & Church Lake Road Resurfacing

**Project Financing Summary:**

**Project Revenue Sources:**

Budget Authorized by City Council:  
 City Fund Source(s): Streets-PSRC Grant 443,098

**Total Project Budget Utilized=** |

**Project Expenditures:**

Study =  
 Design =  
Total Construction

Engineer's Estimate =		
	<u>Contract Award Amount</u>	<u>Actual</u>
Low Bid/Contract=	\$369,775	389,069
Contingency- 10%=	\$36,978	615
Field Engineering Services- 5% =	\$18,489	2,215
	<u>\$425,241</u>	<u>391,899</u>

**Total Project Cost =** |

**Total Budget for construction=**  
**Actual**

<b>Under Budget=</b>	<b>\$425,241</b>
	<b>\$33,342</b>

**Actual Revenue Sources utilized for project:**

Budget Authorized by City Council:  
 Actual City Funds utilized: Streets-PSRC Grant 406,921

**Planning**

Comprehensive Facilities Plan Approved by City Council:

Study Required:	N/A	_____
FY Funding in Budget:	N/A	_____
Study Contract NTP Date:	N/A	_____
Study Contract Completion Date:	N/A	_____

Planning  
Actual Total  
=

**Design**

Date RFP Issued	N/A	_____
Design Contract Award Date:	_____	_____
Design Contract Completion Date:	_____	_____
Design Consultant(s):	Parametrix & KPG	_____

Scope of Work Changes: Date  
1

Change Order Summary:  
1

Design  
Actual Total  
=

**Construction**

Date of Advertisement:	7/10/2013
Bid Opening Date:	7/31/2013
Engineer's Estimate:	\$445,667
Low Responsive/Responsible Bid:	Miles Resources, LLC
Contract Award Date:	8/27/2013
Contract Completion Date:	11/21/2013
Closeout Date:	

Scope of Work Changes: Date  
1

Change Order Summary:  
1 N/A

Other Construction  
Postage  
Infra-Riser Manhole  
Advertising  
Soil sampling/testing

Constructio  
n Actual  
Total =

Total  
Project  
Cost=

**PW Infrastructure Addition(s):**

See attached Bill of Sale form

\_\_\_\_\_

\$443,098

\$406,921

N/A  
\$15,022  
\$391,899

\$406,921

\$443,098

**Actual Costs**

\$0

\$15,022

\$15,022

\$389,069

\$6  
\$31  
\$578  
2,215

\$391,899

\$406,921

**CITY OF BONNEY LAKE, PIERCE COUNTY**  
**BILL OF SALE**  
**ANGELINE ROAD & CHURCH LAKE ROAD RESURFACING PROJECT**

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of One Dollar (\$1.00) and other good and sufficient consideration, receipt whereof is hereby acknowledged, the undersigned grantor(s) **City of Bonney Lake** do(es) by these presents hereby convey, set over, assign, transfer and sell to the City of Bonney Lake, Pierce County, Washington, a municipal corporation, the following described Corridor Improvements and all appurtenances thereto, situated in Pierce County, Washington:

**CORRIDOR IMPROVEMENTS**

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Cost</u>
Crushed Surfacing Base Course	1492	TN	\$34,316
HMA CL ½ In. PG 64-22	2503	TN	\$173,959
HMA Road Approaches	148	TN	\$14,060

Cost Analysis

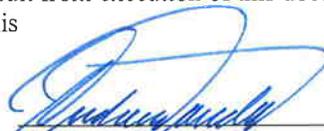
Provision of detailed costs (including labor and materials) are broken down into the facilities that were installed in each category of work listed below:

Corridor Improvements: \$222,335

**Total Improvements** \$222,335

The said grantor(s) hereby warrants that he, they, it, is/are the sole owner(s) of all the property above described; that they have full power to convey all rights herein conveyed and agree to hold the City of Bonney Lake harmless from any and all claims which might result from execution of this document. IN WITNESS WHEREOF the grantor(s) has/have executed these present this

14th day of January, 2014.



\_\_\_\_\_  
**Andrew Fonda, P.E.**  
**Project Manager**



## NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

Contractor's UBI Number: 602870349

Date: 1/14/2014

Name & Address of Public Agency
City of Bonney Lake 19306 Bonney Lake Blvd. Bonney Lake, WA 98391 <b>UBI Number: 277000893</b>

Department Use Only
Assigned to:
Date Assigned:

*Notice is hereby given relative to the completion of contract or project described below*

<b>Project Name</b> Angeline Road & Church Lake Road Resurfacing	<b>Contract Number</b>	<b>Job Order Contracting</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description of Work Done/Include Jobsite Address(es)</b> Road Resurfacing a portion of Angeline Road and Church Lake Road		
<b>Federally funded road transportation project?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Contractor's Name</b> Miles Resources, LLC	<b>Telephone Number</b> 253-383-3585	<b>Affidavit ID*</b> 490359
<b>Contractor Address</b> 400 Valley Ave NE Puyallup, WA 98372		
<b>If Retainage is Bonded, List Surety's Name (or attach a copy)</b> N/A		
<b>Surety Agent's Address</b>		
<b>Date Contract Awarded</b> 8/27/13	<b>Date Work Commenced</b> 9/19/13	<b>Date Work Completed</b> 11/21/13
		<b>Date Work Accepted</b> council action scheduled-1/28/14

Contract Amount	\$	369,775.00			
Additions ( + )	\$	19,293.86		Liquidated Damages \$	
Reductions ( - )	\$			Amount Disbursed \$	389,068.86
<b>Sub-Total</b>	\$	<b>389,068.86</b>		Amount Retained \$	
Amount of Sales Tax Paid at <u>0.000%</u>					
(If various rates apply, please send a breakdown)	\$				
<b>TOTAL</b>	\$	<b>389,068.86</b>		<b>TOTAL \$</b>	<b>389,068.86</b>

*NOTE: These two totals must be equal*

**Please List all Subcontractors and Sub-tiers Below:**

Subcontractor's Name:	UBI Number: (Required)	Affidavit ID*
Majestik Trucking, Inc.		
Apply-A-Line, Inc.	600553941	485217
Cascade Channel & Grouting	601426821	485460
P.R. Systems	601303110	477337
O'Bunco Engineering International, Inc.	602045762	485131



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F215-038-000 07-2012

REV 31 0020e (07/06/12)





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

<b>Department/Staff Contact:</b> Public Works / Marlyn Campbell	<b>Meeting/Workshop Date:</b> 28 January 2014	<b>Agenda Bill Number:</b> AB14-12
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b> Randy McKibbin

**Agenda Subject:** Accept Locust Ave Extension Water Main Replacement project with Northwest Cascade, Inc. as Complete

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Locust Ave Extension Water Main Replacement Project With Northwest Cascade, Inc.

**Administrative Recommendation:**

**Background Summary:** Resolution 2326 dated September 24, 2013 awarded the construction contract to Northwest Cascade, Inc. for the Locust Ave Extension Water Main Replacement project. This project installed 458 Linear Feet of 4-inch ductile iron pipe Water Main on Locust Ave Extension resolving problematic water leaks in the old pipe.  
 See attached Project Completion Report for detailed information on this project. As a matter of housekeeping, this project has been reconciled, accepted by the City Engineer and project close out documents are complete. DOR, Employment Security and L & I have been notified and we are awaiting confirmation from these three organizations that there are no unpaid taxes and wages.

**Attachments:** Project Completion Report, Bill of Sale, Notice of Completion of Public Works Contract and 6 photos of project, before (2), during (2) and after (2).

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
N/A			
<b>Budget Explanation:</b> Release of Retainage Bond			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	Community Development Date: 21 January 2014	<b>Approvals:</b> Chair/Councilmember    Donn Lewis Councilmember            James Rackley Councilmember            Randy McKibbin	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:	<b>Consent Agenda:</b> <input checked="" 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>	<b>Mayor:</b>	<b>Date Reviewed</b>

*Dan Grigsby*

**by City Attorney:**  
(if applicable):

# PUBLIC WORKS - PROJECT COMPLETION REPORT

Project Title: Locust Ave Extension Water Main Replacement

**Project Financing Summary:**

**Project Revenue Sources:**

Budget Authorized by City Council:		\$136,617
City Fund Source(s):	Water Fund- Unscheduled projects (SDC)	116,426

**Total Project Budget Utilized=**

**Project Expenditures:**

Study =	N/A
Design =	\$0
<u>Total Construction</u>	\$116,426

Engineer's Estimate =

	<u>Contract Award Amount</u>	<u>Actual</u>
Low Bid/Contract=	\$118,798	110,371
Contingency- 10%=	\$11,898	77
Field Engineering Services- 5% =	\$5,940	5,978
	\$136,635	116,426

**Total Project Cost =** \$116,426

<b>Total Budget for construction=</b>	\$136,635
<b>Actual</b>	<b>Under Budget=</b> <span style="text-align: right;">\$20,209</span>

**Actual Revenue Sources utilized for project:**

Budget Authorized by City Council:		\$136,617
Actual City Funds utilized:	Water Fund- Unscheduled projects (SDC)	116,426

**Planning**

**Actual Costs**

Comprehensive Facilities Plan Approved by City Council:

Study Required:	N/A
FY Funding in Budget:	N/A
Study Contract NTP Date:	N/A
Study Contract Completion Date:	N/A

Planning Actual Total =	<input type="text" value="\$0"/>
-------------------------	----------------------------------

**Design**

Date RFP Issued	N/A	
Design Contract Award Date:	8/14/2012	
Design Contract Completion Date:	2/4/2013	
Design Consultant(s):	Parametrix (design completed with 184th Ave Water Main Replacement project)	\$0
Scope of Work Changes:		<u>Date</u>

- 1
- 2

Change Order Summary:

- 1

Design Actual Total =	<input type="text" value="\$0"/>
-----------------------	----------------------------------

**Construction**

Date of Advertisement:	8/7/2013	
Bid Opening Date:	8/29/2013	
Engineer's Estimate:	\$126,137	
Low Responsive/Responsible Bid:	Northwest Cascade, Inc.	\$109,245
Contract Award Date:	9/24/2013	
Contract Completion Date:	12/20/2013	
Closeout Date:		<u>Date</u>

Scope of Work Changes:

- 1

Change Order Summary:			
1	Change connection to existing water main using 6-inch valves and Repair of side sewer	12/13/2013	\$1,126

Other Construction		
hydrant meter		\$32
Advertising		\$45
Field Engineering Services		5,978

Construction Actual Total =	<input type="text" value="\$116,426"/>
-----------------------------	--

Total Project Cost=	<input type="text" value="\$116,426"/>
---------------------	--

**PW Infrastructure Addition(s):**

See attached Bill of Sale form

City of Bonney Lake, Pierce County

**BILL OF SALE**

**Project Title Locust Extension Waterline Replacement**

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of One Dollar (\$1.00) and other good and sufficient consideration, receipt whereof is hereby acknowledged, the undersigned grantor(s) City of Bonney Lake do(es) by these presents hereby convey, set over, assign, transfer and sell to the City of Bonney Lake, Pierce County, Washington, a municipal corporation, the following described utility or other improvements and all appurtenances thereto, situated in Pierce County, Washington:

**FINAL COST DATA AND INVENTORY**

**WATER SYSTEM CONSTRUCTION/CONSTRUCTION COSTS**

Amount	Unit	Size	Type	Item	Cost
296	L.F. of	8 in	= DI CL 50	Water Main	\$ 8,288
18	L.F. of	6 in	= DI CL 50	Water Main	\$ 414
144	L.F. of	4 in	= DI CL 53	Water Main	\$ 3,744
	L.F. of		=	Water Main	\$
3	EACH of	8 in	=	Gate Valves	\$ 3,675
	EACH of		=	Gate Valves	\$
	EACH of		=	Gate Valves	\$
1	EACH of		=	Blowoff Assembly	\$ 2,800
1	EACH of		=	Fire Hydrant Assemblies	\$ 4,000
				Cost of Fire Hydrants must be listed separately 8.8% tax	\$ 4,352
				Includes Engineering and Sales Tax if applicable 8.8%	\$ 20,586
<b>TOTAL COST FOR WATER SYSTEM</b>					<b>\$ 24,938</b>

**SANITARY SEWER SYSTEM**

Amount	Unit	Size	Type	Item	Cost
	L.F. of		=	Sewer Main	\$
	L.F. of		=	Sewer Main	\$
	L.F. of		=	Sewer Main	\$
	EACH of		=	Diameter Manholes	\$
	EACH of		=	Diameter Manholes	\$
				Includes Engineering and Sales Tax if applicable	\$
<b>TOTAL COST FOR SANITARY SEWER SYSTEM</b>					<b>\$</b>

**STORM DRAINAGE SYSTEM**

Amount	Unit	Size	Type	Item	Cost
	L.F. of		=	Storm Lines	\$
	L.F. of		=	Storm Lines	\$

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	EACH of	=	_____ Storm Inlet Outlet	\$ _____
_____	EACH of	=	_____ Storm Catch Basin	\$ _____
_____	EACH of	=	_____ Storm Catch Basin	\$ _____
Includes Engineering and Sales Tax if applicable				\$ _____
<b>TOTAL COST FOR STORM DRAINAGE SYSTEM</b>				<b>\$ _____</b>

**STREET IMPROVEMENT**

Item	Amount	Unit	Cost
Curb, Gutter, Sidewalk	_____	L.F.	\$ _____
Asphalt Pavement	_____	S.Y./L.F. of _____ width	\$ _____
Sign Installation Complete		EACH	\$ _____

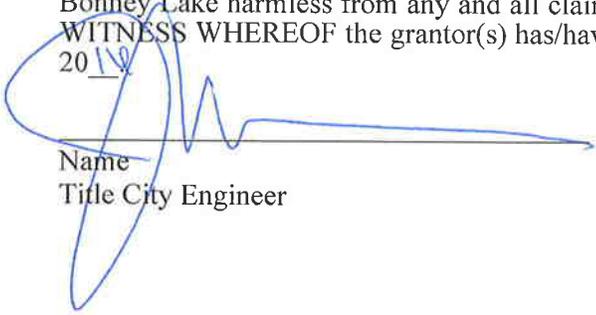
**SIGNALIZATION**

(Including Engineering Design Costs, City Permit Fees, WA State Sales Tax)	\$ _____
--	----------

**STREET LIGHTING**

(Including Engineering Design Costs, City Permit Fees, WA State Sales Tax)	
Number of Poles	\$ _____

The said grantor(s) hereby warrants that he, they, it, is/are the sole owner(s) of all the property above described; that they have full power to convey all rights herein conveyed and agree to hold the City of Bonney Lake harmless from any and all claims which might result from execution of this document. IN WITNESS WHEREOF the grantor(s) has/have executed these presents this 13 day of January, 2018



Name \_\_\_\_\_  
 Title City Engineer



## NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

Contractor's UBI Number: 278049149

Date: 1/13/2014

Name & Address of Public Agency
City of Bonney Lake 19306 Bonney Lake Blvd. Bonney Lake, WA 98391 <b>UBI Number: 277000893</b>

Department Use Only
Assigned to:
Date Assigned:

*Notice is hereby given relative to the completion of contract or project described below*

Project Name	Contract Number	Job Order Contracting
Locust Ave Extension Water Main Replacement		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Description of Work Done/Include Jobsite Address(es)</b> Installation of 458 Linear Feet of 4-inch iron pipe water main on Locust Ave Extension.
<b>Federally funded road transportation project?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Contractor's Name</b> Northwest Cascade, Inc.	<b>Telephone Number</b> 253-848-2371	<b>Affidavit ID*</b>
---	---	----------------------

<b>Contractor Address</b> PO Box 7339    Puyallup, WA 98373
--

<b>If Retainage is Bonded, List Surety's Name (or attach a copy)</b> Fidelity and Deposit Company of Maryland
--

<b>Surety Agent's Address</b> 800 Fifth Avenue, Suite 3800    Seattle, WA 98104
--

Date Contract Awarded	Date Work Commenced	Date Work Completed	Date Work Accepted
9/24/13	10/21/13	12/20/13	council action scheduled-1/28/14

Contract Amount	\$	109,189.00			
Additions ( + )	\$	1,034.92		Liquidated Damages \$	
Reductions ( - )	\$	8,779.65		Amount Disbursed \$	110,371.36
<b>Sub-Total</b>	\$	<b>101,444.27</b>		Amount Retained \$	
Amount of Sales Tax Paid at <u>8.800%</u>	\$	<b>8,927.09</b>			
(If various rates apply, please send a breakdown)	\$				
<b>TOTAL</b>	\$	<b>110,371.36</b>		<b>TOTAL \$</b>	<b>110,371.36</b>

*NOTE: These two totals must be equal*

**Please List all Subcontractors and Sub-tiers Below:**

Subcontractor's Name:	UBI Number: (Required)	Affidavit ID*
Puget Paving & Construction, Inc.	600403309	
Stripe Rite	601048084	
Silverstreak Inc	600432781	
Miles Resources, LLC	602870349	491521



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Teletype (TTY) users may call (360) 705-6718.

F215-038-000 07-2012

REV 31 0020e (07/06/12)







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

<b>Department/Staff Contact:</b> Public Works / Triss Weber	<b>Meeting/Workshop Date:</b> 28 January 2014	<b>Agenda Bill Number:</b> AB14-15
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b> Randy McKibbin

**Agenda Subject:** Accept Tacoma Point Onsite Generation Upgrade as Complete

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept Tacoma Point Onsite Generation Upgrade As Complete.

**Administrative Recommendation:**

**Background Summary:** Resolution 2330 dated September 24, 2013 awarded the professional service agreement to TMG Services for the 2014 Tacoma Point Onsite Generation Upgrade. This project converted a bulk sodium hypochlorite system to a sodium hypochlorite generation system, which brought uniformity to the chlorination system for the City water supply. As a matter of housekeeping, this project has been reconciled, accepted by the Utility Supervisor and project close out documents are complete. DOR, Employment Security and L & I have been notified and we are awaiting confirmation from these three organizations that there are no unpaid taxes and wages.

**Attachments:** Project Completion Report, Notice of Completion of Public Works Contract and 1 photo of the project.

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
N/A			
<b>Budget Explanation:</b> Release of Retainage in the amount of \$1,927.95			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>											
<b>Council Committee Review:</b>	Community Development Date: 21 January 2014	<i>Approvals:</i> Chair/Councilmember Donn Lewis Councilmember James Rackley Councilmember Randy McKibbin	<table style="width: 100%; border: none;"> <tr> <td style="text-align: right;"><b>Yes</b></td> <td style="text-align: left;"><b>No</b></td> </tr> <tr> <td style="text-align: right;"><input checked="" type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input checked="" type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input checked="" type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> </table>	<b>Yes</b>	<b>No</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Yes</b>	<b>No</b>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
	Forward to:	<b>Consent Agenda:</b> <input checked="" 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>Dan Grigsby</i>	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> (if applicable):

# PUBLIC WORKS - PROJECT COMPLETION REPORT

Project Title: Tacoma Point Onsite Generation Upgrade

## Project Financing Summary:

### **Project Revenue Sources:**

Budget Authorized by City Council:			\$50,000
City Fund Source(s):	Water O&M Rates	50,000	
<b>Total Project Budget Utilized=</b>			<b>\$41,952</b>

### **Project Expenditures:**

Study =		N/A
Design =		N/A
<u>Total Construction</u>		<u>\$41,952</u>

Engineer's Estimate =	N/A	
	<u>Contract Award Amount</u>	<u>Actual</u>
Low Quote/Contract=	\$41,996	41,952
Contingency- 10%=	\$0	0
	\$0	0
	<u>\$41,996</u>	<u>41,952</u>

**Total Project Cost =** \$41,952

### **Total Budget for construction=**

<b>Actual</b>	<span style="border: 1px solid black; padding: 2px 10px;">\$41,996</span>
---------------	---

**Under Budget=** **\$8,048**

### **Actual Revenue Sources utilized for project:**

Budget Authorized by City Council:		\$50,000
Actual City Funds utilized:	Water O&M Rates	\$41,952

### **Planning**

Comprehensive Facilities Plan Approved by City Council:		<u>N/A</u>	<b><u>Actual Costs</u></b>
Study Required:	N/A		
FY Funding in Budget:	N/A		
Study Contract NTP Date:	N/A		
Study Contract Completion Date:	N/A		

Planning Actual Total =	\$0
-------------------------	-----

**Design**

Date RFP Issued	N/A	
Design Contract Award Date:	N/A	
Design Contract Completion Date:	N/A	
Design Consultant(s):	N/A	\$0

**Construction**

Date of Advertisement:		
Invitation to Quote Due Date:	Sole Source	
Engineer's Estimate:	N/A	
Low Responsive/Responsible Quote:	\$41,996	\$41,996
Contract Award Date:	9/24/2013	
Contract Completion Date:	1/13/2014	
Closeout Date:		

Scope of Work Changes:  
1

Date

Change Order Summary:  
1

\$0

Other Construction

Construction Actual  
Total = \$41,952

Total Project Cost= \$41,952



## NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

Contractor's UBI Number: 601245015

Date: 1/15/2014

Name & Address of Public Agency
City of Bonney Lake 19306 Bonney Lake Blvd. Bonney Lake, WA 98391 <b>UBI Number: 277000893</b>

Department Use Only
Assigned to:
Date Assigned:

*Notice is hereby given relative to the completion of contract or project described below*

Project Name	Contract Number	Job Order Contracting
Tacoma Point Onsite Generation Upgrade		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Description of Work Done/Include Jobsite Address(es)
Replaced bulk sodium hypochlorite system to a sodium hypochlorite generation system. Address: 1110 182nd Ave E, Bonney Lake, WA 98391

Federally funded road transportation project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---

Contractor's Name	Telephone Number	Affidavit ID*
TMG Services	800-562-2310	490909

Contractor Address 3216 E Portland Ave, Tacoma WA 98404
--

If Retainage is Bonded, List Surety's Name (or attach a copy)
---

Surety Agent's Address
------------------------

Date Contract Awarded	Date Work Commenced	Date Work Completed	Date Work Accepted
9/24/2013	12/3/13	1/13/2014	council action scheduled-1/28/14

Contract Amount	\$	38,559.00			
Additions ( + )	\$			Liquidated Damages \$	
Reductions ( - )	\$			Amount Disbursed \$	40,024.24
<b>Sub-Total</b>	\$	<b>38,559.00</b>		Amount Retained \$	1,927.95
Amount of Sales Tax Paid at <u>8.800%</u>					
(If various rates apply, please send a breakdown)	\$	<b>3,393.19</b>			
<b>TOTAL</b>	\$	<b>41,952.19</b>		<b>TOTAL \$</b>	<b>41,952.19</b>

*NOTE: These two totals must be equal*

**Please List all Subcontractors and Sub-tiers Below:**

Subcontractor's Name:	UBI Number: (Required)	Affidavit ID*
Agenda Packet p. 116 of 302		



For tax assistance or to request this document in an alternate format, visit <http://dor.wa.gov> or call 1-800-647-7706.  
Teletype (TTY) users may call (360) 705-6718.

F215-038-000 07-2012

REV 31 0020e (07/06/12)





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

<b>Department/Staff Contact:</b> Community Development / Jason Sullivan - Senior Planner	<b>Meeting/Workshop Date:</b> 28 January 2014	<b>Agenda Bill Number:</b> AB14-02 (Formerly AB13-55)
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2297	<b>Councilmember Sponsor:</b> Councilmember McKibbin

**Agenda Subject:** Notice of Intent to Adopt an updated Shoreline Master Program

**Full Title/Motion:** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Expressing The Intent To Adopt An Update Of The Shoreline Master Program And Authorizing The Submittal Of The Proposed Shoreline Master Program To The Washington State Department Of Ecology.

**Administrative Recommendation:**

**Background Summary:** The purpose of Resolution 2297 is to for the City Council to formal notify the Department of Ecology (DOE) of the City's intent to adopt the required comprehensive update of the City's 1975 SMP as required by 90.58.080(2)(a)(iii). If the Council approves Resolution 2297, a copy of the draft SMP (Ordinance D13-56) will be forwarded to DOE for review and approval. Once DOE approves the draft SMP, the City Council will take final action on Ordinance D13-56. DOE's review is expected to be a minimum of six months from the date that it is submitted to DOE.

**Attachments:** Resoultion 2297, Ordiance D13-56, Planning Commission Memo, and 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>	Community Development Date: 21 May 2013	<i>Approvals:</i> Chair/Councilmember Councilmember Councilmember	<table style="width: 100%; border: none;"> <tr> <td style="text-align: right;"><b>Yes</b></td> <td style="text-align: left;"><b>No</b></td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> </table>	<b>Yes</b>	<b>No</b>	<input type="checkbox"/>					
<b>Yes</b>	<b>No</b>										
<input type="checkbox"/>	<input type="checkbox"/>										
<input type="checkbox"/>	<input type="checkbox"/>										
<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): 3 December 2013 21 January 2014	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):



**RESOLUTION NO. 2297**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, EXPRESSING THE INTENT TO ADOPT AN UPDATE OF THE SHORELINE MASTER PROGRAM AND AUTHORIZING THE SUBMITTAL OF THE PROPOSED SHORELINE MASTER PROGRAM TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY**

**WHEREAS**, the City of Bonney Lake is required to update Bonney Lake's 1975 Shoreline Master Program (hereinafter "SMP) pursuant to RCW 90.58.080 which must be approved by the State Department of Ecology (DOE) prior to its adoption by the City of Bonney Lake;

**WHEREAS**, there has been extensive public participation, including but not limited to the following: public meetings before the Bonney Lake Planning Commission, open houses, meetings with property owners, notices mailed to every property owner within two hundred feet of Lake Tapps, meetings with affected agencies, and meetings of the Ad Hoc Shoreline Citizen Advisory Committee;

**WHEREAS**, the updated SMP has been carefully integrated within Bonney Lake's regulatory structure, and is complimentary to other Federal and State rules and regulations;

**WHEREAS**, the proposed SMP meets the needs Bonney Lake by balancing the protection of the environment with the protection of private property rights;

**WHEREAS**, the City issued a SEPA Threshold Determination of Non-Significance on September 16, 2013;

**WHEREAS**, the City issued a Notice of a Determination of Non-Significance and Public Hearing on September 18, 2013;

**WHEREAS**, the Bonney Lake Planning Commission conducted a public hearing on October 16, 2013 and recommended approval of Ordinance D13-56 adopting a new SMP for the City of Bonney Lake;

**WHEREAS**, the Bonney Lake City Council considered Ordinance D13-56 adopting a new SMP at the Council work session on November 5, 2013;

**WHEREAS**, the Bonney Lake Council concluded that the SMP will result in "no net loss" in shoreline ecological function relative to the baseline established in Final Shoreline Analysis Report, and will ultimately produce a net improvement in shoreline ecological function;

**WHEREAS**, on Bonney Lake City Council concluded that the SMP is consistent with and meets the Guidelines established under Chapter 173.26 WAC;

**WHEREAS**, the Bonney Lake City Council concludes that the SMP is consistent with and implements Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW); and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Bonney Lake provides notice of its intent to adopt Ordinance D13-56 attached as Attachment 1 establishing a new Shoreline Master Program for the City of Bonney Lake upon approval from the Washington State Department of Ecology.

**BE IT FURTHER RESOLVED**, the City Council of the City of Bonney Lake authorizes the Community Development Director to submit the Bonney Lake Shoreline Master Program Update (including this Resolution and all other required submittal documents) to the Washington State Department of Ecology for review and approval.

**PASSED** by the City Council and approved by the Mayor this 28<sup>th</sup> day of January, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

ORDINANCE NO. D13-56

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING THE SHORELINE MASTER PROGRAM FOR THE CITY OF BONNEY LAKE BY ADOPTING THE OFFICIAL SHORELINE ENVIRONMENTAL DESIGNATION MAP; ADDING A NEW CHAPTER TO THE BONNEY LAKE COMPREHENSIVE PLAN ENTITLED "SHORELINE ELEMENT"; ADDING ARTICLE III TO TITLE 16 OF THE BONNEY LAKE MUNICIPAL CODE CONSISTING OF THIRTEEN CHAPTERS ENTITLED "SHORELINE CODE"; AMENDING CHAPTERS 16.20 AND 16.22 OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO THE REGULATIONS OF WETLANDS, CHAPTERS 14.40 THROUGH 14.80 RELATED TO DEVELOPMENT CODE ADMINISTRATION, SECTION 18.14.060 RELATED TO SETBACKS IN THE R-1 ZONE ADJACENT TO LAKE TAPPS, AND SECTION 16.30.050 RELATED TO THE REGULATION OF STREAM BUFFERS; AND REPEALING CHAPTER 16.08 OF THE BONNEY LAKE MUNICIPAL CODE AND SECTIONS 14.70.110 AND 16.20.160.

WHEREAS, the foundation for shoreline management is the Shoreline Management Act (Chapter 90.58 RCW) which was enacted by the Washington State Legislature in 1971 and ratified by a vote of the people in 1972; and

WHEREAS, Chapter 90.58 RCW requires all cities and counties with "shorelines of the state" to prepare and adopt a Shoreline Master Program that is based on state laws and rules, but tailored to the specific jurisdiction

WHEREAS, on April 23, 1975 the Bonney Lake City Council adopted the City of Bonney Lake Shoreline Master Program as required by the Shoreline Management Act.

WHEREAS, the 1975 SMP and was not integrated into the City's Municipal Code or the Comprehensive Plan but was a standalone document, and

WHEREAS, the State Legislature adopted Substitute Senate Bill 6012 amending RCW 90.58.080 requiring Bonney Lake to complete a comprehensive update to its 1975 Shoreline Master Plan; and

WHEREAS, RCW 36.70A.480 provides that the goals and policies of the Shoreline Master Program shall be considered an element of a jurisdiction's comprehensive plan and the regulatory provisions of the Shoreline Master Program shall be considered part of a jurisdiction's development regulations; and

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

**Section 1. Findings of fact and conclusions.** The findings of fact set forth in Attachment "A", attached hereto and incorporated by this reference, are adopted in full by the

City Council in support of its decision to adopt the Shoreline Master Program for the City of Bonney Lake.

**Section 2. Shoreline Environmental Designation Map.** The City Council adopts the Shoreline Environmental Designation Map included as Attachment “B”, attached hereto and incorporated by this reference, establishing the shoreline environmental designation for all areas within the jurisdiction of the City of Bonney Lake Shoreline Master Program.

**Section 3. Comprehensive Plan Chapter.** The City Council hereby adopts a new chapter of the *Bonney Lake Comprehensive Plan* entitled “Shoreline Element” included as Attachment “C”, attached hereto and incorporated by this reference.

**Section 4. Restoration Plan.** The City Council hereby adopts the Bonney Lake Shoreline Restoration Plan, included as Attachment “D”, attached hereto and incorporated by this reference.

**Section 5. Shoreline Code Administration.** Chapter 16.34 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Code Administration” to read as follows:

**16.34.010 Title**

Chapter 16.34 BLMC through Chapter 16.58 BLMC shall be known as the “Shoreline Code.”

**16.34.010 Authority**

The Shoreline Code along with the Shoreline Chapter of the City of Bonney Lake Comprehensive Plan and the City of Bonney Lake Shoreline Restoration Plan are adopted as the Shoreline Master Program (SMP) for the City of Bonney Lake pursuant to the authority provided in Chapter 90.58 RCW and Chapter 173-26 WAC.

**16.34.020 Purpose**

The purpose of the SMP is to manage the use and development of the shorelines of the City to:

- A. Ensure shoreline development and uses avoid, minimize and mitigate impacts.
- B. Ensure a “no net loss” of ecological functions.
- C. Enable current and future generations to utilize the Lake Tapps Reservoir for water dependent recreation.
- D. Protect the quality of water and shoreline natural resources to preserve fish and wildlife habitats.

- E. Protect the City's investments as well as those of property owners along and near the shoreline.
- F. Efficiently achieve the mandates of the SMA.

#### **16.34.030 Relationship to other Codes and Ordinances**

- A. The regulations contained in the Shoreline Code shall apply as an overlay and in addition to zoning, land use regulations, development regulations, and other regulations established by the City.
- B. In the event of any conflict between these regulations and any other regulations of the City, the regulations that provide greater protection of the shoreline ecological function and aquatic habitat shall prevail.
- C. Shoreline Master Program policies, found in the Shoreline Element of the City's Comprehensive Plan, establish intent for the shoreline regulations.

#### **16.34.040 Shoreline Environment Designations Regulations**

- A. Chapter 16.38 BLMC through Chapter 16.48 BLMC establish the designation criteria and dimensional standards for each of the five (5) shoreline environment designations (SED) used in the City of Bonney Lake.
- B. Chapter 16.50 BLMC through Chapter 16.54 BLMC establish the development regulations that apply in all of the SEDs.

#### **16.34.050 Interpretation**

- A. The Shoreline Administrator may issue interpretations of any provisions of the SMP as necessary to administer the SMP policies and regulations based on the following:
  - 1. The defined or common meaning of the words of the provision.
  - 2. The general purpose of the provision as expressed in the provision.
  - 3. The purpose and intent as expressed in Chapter 90.58 RCW, the guidelines contained in Chapter 173-26 WAC, and the Shoreline Chapter of the City of Bonney Lake Comprehensive Plan.
  - 4. Preference shall be given in the following order to uses that:
    - a. Recognize and protect the statewide interest over local interest.
    - b. Preserve the natural character of the shoreline.

- c. Result in long term over short term benefit.
  - d. Protect the resources and ecology of the shoreline.
  - e. Increase public access to publicly owned areas of the shorelines.
  - f. Increase recreational opportunities for the public in the shoreline; and
  - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
- B. Any formal written interpretations of shoreline policies or regulations shall be considered a Type 1 Permit.
- C. Any formal written interpretations of shoreline policies or regulations shall be submitted to the Department of Ecology for review.
- D. An interpretation of the Shoreline Code shall be enforced as part of this code.
- E. All interpretations of SMP shall be filed sequentially and available for public inspection and copying during regular business hours.

**16.34.060 Construction**

As provided for in RCW 90.58.900, the SMA is exempted from the rule of strict construction; the SMA and the SMP shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the SMA and the SMP were enacted and adopted, respectively.

**Section 6. Shoreline Code Definitions.** Chapter 16.36 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Code Definitions” to read as follows:

**16.36.010 Applicability**

For the purposes of Shoreline Code the following terms shall have the meaning ascribed to them below. Terms not defined in this section shall be defined as set forth in Chapter 18.04 BLMC.

**16.36.020 Abbreviation List**

BLMC: Bonney Lake Municipal Code in effect on

BMP: Best Management Practice

DBH: Diameter at breast height

DOE: Washington State Department of Ecology

EIS: Environmental Impact Statement.

OHWM: Ordinary High Water Line

LID: Low Impact Development

OWHM: Ordinary High Water Mark

RCW: Revised Code of Washington.

SED: Shoreline Environment Designation

SEPA: State Environmental Policy Act, Chapter 43.21C RCW, as amended

SMA: Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended

SMP: Shoreline Master Program adopted by the City of Bonney Lake and approved by the Department of Ecology

SHB: Shoreline Hearings Board

WAC: Washington Administrative Code.

### **16.36.030 Adoption by Reference**

A. The following definitions established by RCW 90.58.030 are adopted by reference as presently constituted or as may be subsequently amended:

1. Development
2. Guidelines
3. Hearings board
4. Person
5. Floodway
6. Ordinary high water mark
7. Shorelands
8. Shoreland areas
9. Shorelines

10. Shorelines of statewide significance

11. Shorelines of the state

12. Substantial development

13. Wetlands

B. The following definitions established by WAC 173-26-020 are adopted by reference as presently constituted or as may be subsequently amended:

1. Act

2. Agricultural activities

3. Amendment

4. Approval

5. Aquaculture

6. Critical areas

7. Development regulations

8. Document of record

9. Ecological functions

10. Ecological restoration

11. Ecosystem-wide processes

12. Feasible

13. Fill

14. Floodplain

15. Geotechnical report

16. Geotechnical

17. Grading

18. Guidelines
19. Must
20. Nonwater-oriented
21. Priority habitat
22. Priority species
23. Provisions
24. Restore
25. Restoration
26. Shall
27. Shoreline areas
28. Shoreline jurisdiction
29. Shoreline modifications
30. Should
31. Significant vegetation removal
32. Substantially degrade
33. Water-dependent use
34. Water-enjoyment use
35. Water-oriented use
36. Water quality
37. Water-related use

C. The following definitions established by WAC 173-27-030 are adopted by reference as presently constituted or as may be subsequently amended:

1. Average grade level
2. Conditional use

3. Development
4. Exempt
5. Fair market value
6. Height
7. Natural or existing topography
8. Public interest
9. Structure
10. Variance
11. Vessel

**16.36.040 “A”**

“Accessory dwelling unit” means a second dwelling unit either in or added to an existing detached dwelling, or in a separate structure on the same lot as the primary dwelling for use as a complete, independent living facility with provision within the accessory unit for cooking, eating, sanitation, sleeping and entry separate from that of the main dwelling. Such a dwelling is an accessory use to the main dwelling.

“Accessory use” means any structure or use incidental and subordinate to a primary use or development.

“Accessory utilities” means on-site utility features serving a primary use providing water, sewer gas, communication, telephone, cable, and electricity.

“Adverse impact” means measurable negative effects which diminish or detract from a stated objective, including human health, safety and welfare and environmental quality.

“Appurtenance” means a structure or development which is common and necessarily connected to the use and enjoyment of a detached dwelling structure including but not limited to the development or structures listed under WAC 173-27-040, sheds, greenhouses, and hot tubes landward of the OHWM and the perimeter of a wetland.

“Aquatic” means those areas waterward of the OHWM.

“Associated Wetlands” means wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management.

### **16.36.050 “B”**

“Bioengineering” means project designs or construction methods that use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank that is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

“Boat lift” means lifts for motorized boats, kayaks, canoes and jet skis including floating lifts that are designed to not contact the substrate of the lake; ground-based lifts that are designed to be in contact with or supported by the substrate of the lake; and suspended lifts that are designed to be affixed to the existing overwater structure with no parts contacting the substrate.

“Boating Facilities” means a facility or structure providing access in and out of the water for vessels, such as, boat ramps, marinas, piers, docks, and boat lifts. For purposes of the SMP, boating facilities excludes docks serving four or fewer single-family residence.

“Boat House” means a structure over the water or directly landward of the OHWM designed for the storage of boats, but not including boat lift canopies

“Boat Ramp” means graded slopes, slabs, pads, or planks used for launching boats by means of a trailer, hand, or mechanical device

“Buffer or buffer area” means vegetative areas that are contiguous to and protect a critical area and are required for continued maintenance, functioning, and/or structural stability of a critical area.

“Building height” see “Height” in BLMC 16.36.030.C.

“Bulkhead” means a solid wall erected generally parallel to and near the OHWM for the purpose of protecting adjacent uplands from waves, floods, or current action.

“Buoy” means an anchored float for the purpose of mooring vessels.

### **16.36.060 “C”**

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

“Clearing” means the destruction or removal of vegetation groundcover, shrubs and trees including root material removal and topsoil removal.

“Commercial Use” means uses are those that sell goods and/or services directly to the consumer.

“Covered moorage” means boat moorage, with or without walls, that has a roof to protect the vessel.

“Critical Areas Code” means the City of Bonney Lake’s Critical Areas Code codified in Chapter 16.20 BLMC through Chapter 16.30 BLMC adopted by Ordinance Numbers 1070 (2004), 1189 (2006), 1252 (2007), 1301 (2009), 1325 (2009), and XXXX (2014).

**16.36.070 “D”**

“Date of filing” means the date of actual receipt by DOE of a local government’s final decision involving approval or denial of a substantial development permit, shoreline conditional use permit, and/or shoreline variance.

“Dike” means a manmade earthen embankment utilized for the purpose of flood control, water impoundment projects, or settling basins.

“Dock” means an overwater structure which abuts the shoreline consisting of piers and/or floats. Docks may be configured to include ell and finger pier.

“Dredging” means the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies or natural wetlands; maintenance dredging and/or support activities are included in this definition.

“Duplex” means a structure containing two-unit separate dwelling units, located on a singular lot providing permanent provisions for cooking, eating, sanitation, sleeping.

“Dry boat storage” means structures or racks located landward of the OHWM that provide dry places and easy access for removing and returning boats, kayaks, jet-skis, etc from the water via a lift or hoist.

**16.36.080 “E”**

“Ells” means extensions of piers, often in an ‘L’ shape, that provide additional watercraft moorage.

“Enhancement” means alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions.

**16.36.090 “F”**

“Fetch” means the perpendicular distance measure across a water body in a straight-line from the OHWM to the OHWM of the opposite shoreline.

“Finger Pier” means a narrow pier section projecting from the dock ramp, typically perpendicular to the dock and located landward of an ell in order to form the nearshore side of a boat slip.

“Float” means a structure that floats on the surface of the water that is attached to a pier or dock by is not directly to the shore. Floats may be anchored to submerged land.

“Forest Practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber subject to the requirements of Chapter 76.09 RCW and Title 222 WAC.

### **16.36.100 “G”**

“Gabions” Structures composed of masses of rocks or rubble held tightly together by wire mesh so as to form upright blocks or walls primarily used to retain earth or to retard erosion or wave action.

“Geologically hazardous areas” means landslide, erosion and seismic hazardous areas as defined in WAC 365-190-080(4).

“Grade” means average grade level as defined in WAC 173-27-030.

“Grading” means the movement, excavation, or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that either permanently or temporarily alters the natural contour of the land.

### **16.36.110 “H”**

“Hard Structural Shoreline Stabilization” means shore erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion caused by natural processes, such as current, flood, wind, or wave action. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces that are located at or waterward of ordinary high water.

“Habitat” means the place or type of site where a plant or animal naturally or normally lives and grows.

“Hazard Tree” means a tree that meets all the following criteria:

- A tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years,
- A residence or residential accessory structure is within a tree length of the base of the trunk.

- Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and
- The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.

“High Intensity Recreational Activities” means non-water oriented recreational development such as basketball and tennis courts, baseball and soccer fields, and skate parks

“Houseboat” means a structure designed and operated substantially as a permanently based overwater residence. Houseboats are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities

“Hydrological” means the science related to the waters of the earth including surface and groundwater movement, evaporation and precipitation.

“Hydrological functions” means water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

#### **16.36.120 “I”**

“Impervious Surface” means a hard surface that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; and/or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials.

“Industrial Uses” means uses such as manufacturing, assembly, processing, wholesaling, warehousing, distribution of products and high technology.

“In-Stream Structure” means a structure placed by humans within a stream or river waterward of the OHWM that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include structures built for the purpose of hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

“Interpretive Sign” means a permanent sign without commercial message, located on a publicly accessible site, that provides public educational and interpretive information related to the site on which the sign is located, such as information on natural processes, habitat restoration programs, or cultural history, or that is associated with an adopt-a-stream, adopt-a-park or similar agency-sponsored program

**16.36.130 “J”**

RESERVED

**16.36.140 “K”**

RESERVED

**16.36.150 “L”**

“Land Division” means the division of land by either a short subdivisions or subdivisions into lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Levee” means a manmade earthen embankment utilized for the purpose of flood control, water impoundment projects, or settling basins.

“Low Impact Development” means a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water that allows water to soak into the ground closer to its source. The development shall meet one (1) or more of the following objectives:

- Preservation of natural hydrology.
- Reduction of impervious surfaces.
- Treatment of stormwater in numerous small, decentralized structures.
- Use of natural topography for drainage ways and storage areas.
- Preservation of portions of the site in undisturbed, natural conditions.
- Reduction of the use of piped systems. Whenever feasible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips that also help to fulfill vegetation and open space requirements.
- Use of environmentally sensitive site design and green building construction that reduces runoff from structures, such as green roofs.

**16.36.160 “M”**

“Marina” means a private or public facility with the primary purpose of storing, berthing and securing motorized boats or watercraft, including both long-term and transient moorage. Marinas may include accessory facilities for providing incidental services to users of the marina, such as waste collection, boat sales or rental activities, and retail establishments providing fuel service, repair or service of boats.

“Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial use.

“Moorage Buoy” means a floating object, sometimes carrying a signal or signals, anchored to provide a mooring place away from the shore.

“Moorage Facility” means a pier, dock, marina, buoy or other structure providing docking or moorage space for boats.

“Moorage Pile” means a permanent mooring generally located in open waters in which the vessel is tied up to a vertical column to prevent it from swinging with change of wind.

“Multifamily residence” means a building containing three or more dwelling units providing permanent provisions for cooking, eating, sanitation, sleeping

#### **16.36.170 “N”**

“Native vegetation” means the plant species indigenous to the Puget Sound region.

“Nonconforming development” means a shoreline structure or modification which was lawfully constructed prior to the effective date of the current SMP, but no longer conforms to the current SMP’s bulk, dimensional, or performance standards.

“Nonconforming use” means a shoreline use which was lawfully constructed or established prior to the effective date of the SMP, and which no longer conforms to the SMP.

“Nonstructural Shoreline Stabilization Measures” mean shore erosion control practices such as placing the primary structure farther from the shoreline, planting vegetation, and low impact development measures to prevent or lessen erosion caused by natural processes, such as current, flood, wind, or wave action.

“Nonwater-oriented uses” means those uses that are not water-dependent, water-related, or water-enjoyment.

“Nuisance Tree” means a tree that meets either of the following criteria:

- Is causing obvious physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, or roof; or
- Has sustained damage from past maintenance practices.

The problems associated with the tree must be such that they cannot be corrected by reasonable practices including but not limited to: pruning of the crown or roots of the tree, bracing, and/or cabling to reconstruct a healthy crown.

**16.36.180 “O”**

“Over Water Structure” means structures that are built or extend over the water.

**16.36.190 “P”**

“Permitted Uses” means uses that are allowed by the SMP consistent with the policies, goals, and regulations found within the SMP and any other applicable regulations of the City or state.

“Pervious” means surfaces that allow water to pass through at rates similar to pre-developed conditions which include, but are not limited to: pervious asphalt, pervious concrete, pervious gravel, grass or pervious pavers

“Pier” means a structure built over the water and supported by piles for water-enjoyment and water-dependent recreation uses.

“Pile” means a fixed pole set in the substrate and extending above the water line.

“Primary Structure” means a structure containing the main or principal use on the lot.

“Public Access” means the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

**16.36.200 “Q”**

“Qualified Arborist” means an individual with relevant education and training in arboriculture or urban forestry, having two (2) or more of the following credentials:

- International Society of Arboriculture (ISA) Certified Arborist;
- Tree Risk Assessor Certification (TRACE) as established by the Pacific Northwest Chapter of ISA (or equivalent);
- American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
- Society of American Foresters (SAF) Certified Forester for Forest Management Plans;

“Qualified Professional” person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise related to ecological functions. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.

**16.36.210 “R”**

“Recreational Use” means commercial, public, and semi-public facilities designed and used to provide water oriented and non-water oriented recreational opportunities.

“Residential uses” means single-family residence, accessory dwelling units, duplexes and multifamily residence.

“Revetment” means facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

“Riprap” means a layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

**16.36.220 “S”**

“Setback” means open space unoccupied and unobstructed from the ground upward measured from an established property line.

“Shoreline Administrator” means the City of Bonney Lake Community Development Director or designee charged with the responsibility of administering the SMP.

“Shoreline Environment Designation” means the categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

“Shoreline frontage” means the width of lot measured at right angles adjacent to the OHWM

“Shoreline functions” means ecological functions as defined in WAC173-26-020

“Shoreline Permit” means a Shoreline Exemption, Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, and/or Shoreline Variance.

“Shoreline Setback” means the distance measured in feet on a horizontal plan that a structure or improvement must be located from the OHWM.

“Sign” means a board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

“Significant tree” means any healthy tree that is at least six (6) inches in diameter measured at 4.5 feet from the ground (diameter at breast height).

“Single family residence” means a dwelling unit that is not attached or physically connected to any other dwelling unit or other use, located on a singular lot, and provides permanent provisions for cooking, eating, sanitation, sleeping.

“Skirting” means vertical boards along the edge of a pier extending downward.

“Soft Structural Shoreline Stabilization Measures” means shore erosion control that contribute to the restoration, protection or enhancement of shoreline ecological functions while preventing or lessening shoreline erosion caused by natural processes, such as current, flood, wind, or wave action. Soft shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a nonlinear, sloping arrangement.

**16.36.230 “T”**

RESERVED

**16.36.240 “U”**

“Upland” means the area landward of the OHWM.

“Utility” means services, facilities and infrastructure that produce, transmit, carry, store, process or dispose of electric power, gas, water, sewage, communications, oil, storm water, and similar services and facilities.

“Utility Production and Processing Facilities” means facilities for the making or treatment of a utility, such as power plants and sewage treatment plants or parts of those facilities.

“Utility Transmission Facilities” means infrastructure and facilities for the conveyance of services, such as power lines, cables, pipelines, conduits, cables, meters, vaults, and similar infrastructure.

**16.36.250 “V”**

“Visual access” means public’s opportunity to enjoy the aesthetic qualities of the shorelines of the state.

**16.36.260 “W”**

RESERVED

**16.36.270 “X”**

RESERVED

**16.36.280 “Y”**

RESERVED

### 16.36.290 “Z”

“Zoning” means the system of land use and development regulations and related provisions of codified in Title 18 BLMC.

**Section 7. Shoreline Environmental Designations.** Chapter 16.38 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Environmental Designations” to read as follows:

#### 16.38.010 Shorelines Jurisdiction and Official Shoreline Map

- A. The map filed in the city clerk’s office and marked Attachment “B” to **Ordinance No. XXXX** and **adopted XXXX**, constitutes the Shoreline Environment Designation (SED) Map for the City of Bonney Lake. The map referenced herein supersedes all previously adopted maps.
- B. The adopted SED Map is intended to depict only the approximate location and extent of the shoreline jurisdiction. The actual extent of the shoreline jurisdiction shall be based on the following:
1. The Lake Tapps Reservoir and Fennel Creek, its underlying land and those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the OHWM.
  2. Where an associated wetland boundary extends beyond the area depicted on the Shoreline Environment Designation Map, the additional wetland area shall be designated the same shoreline environment as the adjoining wetland area located on the shoreline map.
  3. Buffer areas for critical areas located greater than 200 feet from the OHWM shall not be within the shoreline jurisdiction.
- C. Interpretation of Shoreline Environment Designations - The following shall be used to interpret the boundary of a SED:
1. Where a shoreline environment designation boundary is indicated as approximately following a property line, the property line is the shoreline environment designation boundary.
  2. Where a shoreline environment designation boundary is indicated as following a street, the midpoint of the street right-of-way is the shoreline environment designation boundary.
  3. The Aquatic SED boundary extends into the Lake Tapps Reservoir to the full limit and territorial extent of the police power, jurisdiction and control of the City of Bonney Lake.

4. Where a right-of-way is vacated, the area comprising the vacated right-of-way will acquire the SED of the property to which it reverts.
5. All areas within shoreline jurisdiction that are not mapped or designated are automatically assigned a Natural SED until the shoreline is re-designated through an amendment to the SMP approved by DOE.

#### **16.38.020 Shoreline of Statewide Significance**

The Shoreline Management Act (SMA) designated certain shoreline areas as shorelines of state-wide significance. Shorelines thus designated are important to the entire state because these shorelines are major resources from which all people in the state derive benefit. Within the City of Bonney Lake's jurisdiction, Lake Tapps is a shoreline of state-wide significance and as such preference shall be given uses that:

- A. Recognize and protect the statewide interest over local interest.
- B. Preserve the natural character of the shoreline.
- C. Result in long term over short term benefit.
- D. Protect the resources and ecology of the shoreline.
- E. Increase public access to publicly owned areas of the shorelines.
- F. Increase recreational opportunities for the public in the shoreline; and
- G. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

**Section 8. Shoreline Residential Designation.** Chapter 16.40 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled "Shoreline Residential (SR) Designations" to read as follows:

#### **16.40.010 Purpose**

The purpose of the Shoreline Residential SED is to accommodate single-family residential development and appurtenant structures in a manner that protects and restores ecological functions.

#### **16.40.020 Shoreline Residential Designation Criteria**

The Shoreline Residential SED shall be assigned to shoreline areas that are zoned and planned for low and medium density residential development, unless these properties meet the designation criteria for the Park or Natural SEDs.

### **16.40.030 Development Standards**

- A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.
- B. The minimum lot size shall be 8,700 square feet.
- C. The minimum shoreline frontage shall be 60 feet.
- D. Shoreline Setbacks
  - 1. The shoreline setback for all single family residence, duplexes, and accessory dwelling units shall be a minimum of 60 feet from the OHWM and 20 feet from the rear property line; provided that the minimum 60 foot shoreline setback may be reduced as provided in BLMC 16.56.040.
  - 2. Non-residential uses shall have be setback a minimum of eighty feet from the OHWM.
  - 3. Garages and pavements for motorized vehicles (driveways and parking areas) shall be set back at least 70 feet from the OHWM.
  - 4. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100.
- E. Maximum building height: 35 feet from grade.
- F. Maximum impervious surface coverage: 40 percent.

**Section 9. Shoreline Multifamily Designations.** Chapter 16.42 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Multifamily (SM) Designations” to read as follows:

#### **16.42.010 Purpose**

The purpose of the Shoreline Multifamily SED is to accommodate multifamily residential development and accessory structures in a manner that protects and restores ecological functions.

#### **16.42.020 Designation Criteria**

The Shoreline Multifamily SED shall be assigned to shoreline areas that are zoned and planned for multi-family residential development, unless these properties meet the designation criteria for the Park or Natural SEDs.

#### **16.42.030 Development Standards**

- A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.
- B. The residential density shall be a minimum of 10 and a maximum of 20 units per net acre.
- C. The minimum shoreline frontage shall be 100 feet.
- D. Minimum Shoreline Setback:
  - 1. All structures shall be setback a minimum of 75 feet from the OHWM.
  - 2. Garages and pavements for motorized vehicles (driveways and parking areas) shall be set back at least 100 feet from the OHWM.
  - 3. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100.
- E. Maximum building height: 35 feet from grade.
- F. Maximum impervious surface coverage: 80 percent.

**Section 10. Park Designations.** Chapter 16.44 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Park (P) Designations” to read as follows:

**16.44.010 Purpose**

The purpose of the Park SED is to provide areas suitable for water-dependent and other water-enjoyment recreational uses while protecting and, where feasible, restoring ecological functions.

**16.44.020 Designation Criteria**

The Park SED shall be assigned to areas that are appropriate and planned to be utilized for parks to provide access to the shoreline and suitable for water-oriented recreational uses.

**16.44.030 Development Standards**

- A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.
- B. The minimum lot size shall be 8,700 square feet.

C. Minimum Shoreline Setbacks:

1. Water-dependent uses shall not be required to be setback from the OHWM.
2. Water-enjoyment uses shall be setback a minimum of twenty (20) feet from the OHWM.
3. Nonwater-oriented uses shall be setback a minimum setback of eighty (80) feet from the OHWM.
4. Accessory use facilities such as restrooms and parking areas shall be located a minimum of sixty (60) feet from the OHWM. These areas shall be linked to the shoreline by walkways.
5. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100

D. Maximum building height: 35 feet from grade.

E. Maximum impervious surface coverage: 35 percent.

**Section 11. Natural Designations.** Chapter 16.46 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Natural (N) Designations” to read as follows:

**16.46.010 Purpose**

The purpose of the Natural SED To protect and restore those shoreline areas that are relatively free of human influence or intact or minimally degraded shoreline functions intolerant of human use. The Natural shoreline environment also protects shoreline areas possessing natural characteristics with scientific and educational interest. These systems require restrictions on the intensities and types of land uses permitted in order to maintain the integrity of the ecological functions and ecosystem-wide processes of the shoreline environment.

**16.46.020 Designation Criteria**

The Natural SED shall be assigned to shoreline areas if any of the following characteristics apply:

- A. The shoreline is ecologically intact and, therefore, currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
- B. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or

- C. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

**16.46.030 Development Standards**

A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.

B. Maximum lot coverage by impervious surfaces: 15 percent.

C. Minimum Shoreline Setback:

1. All structures and developments shall be setback a minimum of 200 feet from the OHWM.
2. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100

**Section 12. Aquatic Designations.** Chapter 16.48 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Aquatic (A) Designations” to read as follows:

**16.48.010 Purpose**

The purpose of the Aquatic SED is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

**16.48.020 Designation Criteria**

The Aquatic SED shall be assigned to all areas waterward of the OHWM.

**16.48.030 Development Standards Applicability**

All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.

**Section 13. Shoreline Use and Modification Matrix.** Chapter 16.50 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Use and Modification Matrix” to read as follows:

**16.50.010 Explanation of Uses Table**

A. The explanation for the symbology used in the Shoreline Use and Modification matrices in 16.50.020 is provided below:

1. “X” means that the use or development is prohibited in the identified Shoreline Environment. Shoreline uses and developments listed as prohibited shall not be

authorized through a variance, conditional use permit, shoreline substantial development permit or any other permit or approval.

2. "P" means that the use or activity may be permitted by approval of the Shoreline Administrator through a Letter of Shoreline Exemption or through a Shoreline Substantial Development Permit.
  3. "C" means that the use or activity may be permitted by approval of the Hearing Examiner and Department of Ecology through a Shoreline Conditional Use Permit. Uses that are not listed and not specifically prohibited by the SMP may be authorized through a Shoreline Conditional Use Permit.
- B. Shoreline Variances are intended only to grant relief from specific bulk, dimensional or performance standards established by the SMP, and are not be used authorize shoreline uses and activities. They are therefore not included in BLMC 16.50.020.
- C. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required

#### **16.50.020 Shoreline Use and Modification Matrix**

The following tables indicate the allowable uses and shoreline modifications, where there is a conflict between the chart and the written provisions the SMP, the written provisions shall govern.

Shoreline Uses	Residential - Low Density	Residential - High Density	Park	Natural	Aquatic
<b>Resource Land Uses</b>					
Agriculture	X	X	X	X	X
Aquaculture	X	X	X	X	X
Forest Practices	X	X	X	X	X
Mining	X	X	X	X	X
<b>Commercial Uses and Development</b>					
Water oriented uses	X	X	X	X	X
Non-water oriented uses	X	X	X	X	X
<b>Industrial Uses and Development</b>					
Water oriented uses	X	X	X	X	X
Non-water oriented uses	X	X	X	X	X
<b>Recreational Uses and Development:</b>					
Docks and Piers	P	P	P	X	P
Parks or Picnic Areas	P	P	P	X	X
Trails or Walk-ways	P	P	P	C	X
High intensity recreational activities	X	X	P	X	X
<b>Transportation and Parking Facilities</b>					
Causeways	P	X	X	X	X
Roadways	P	P	P	X	X
Railroads	X	X	X	X	X
Parking Facilities – primary	X	X	X	X	X
Parking Facilities – accessory	Same as the primary use it supports				X

Shoreline Uses	Residential - Low Density	Residential - High Density	Park	Natural	Aquatic
<b>Residential Uses and Development</b>					
Single Family Dwelling	P	X	X	X	X
Accessory Dwelling Units	P	X	X	X	X
Duplex	P	P	X	X	X
Multifamily Dwelling	X	P	X	X	X
Subdivisions and Short Plats	P	P	X	X	X
Live-aboard vessels	X	X	X	X	X
<b>Boating Uses and Facilities</b>					
Docks and Piers	P	P	P	X	See adjacent upland SED
Boating Ramps	X	X	P	X	
Covered Moorages	X	X	X	X	
Boat Houses	X	X	X	X	
Temporary Moorage <sup>1</sup>	P	P	P	X	
Marinas	X	X	X	X	
Launching Rails	X	X	X	X	
<b>Utilities</b>					
Water System Treatment Plants	X	X	X	X	X
Sewage Treatment Plants	X	X	X	X	X
Electrical Generation Plants	X	X	X	X	X
Electrical Substations	X	X	X	X	X
Solid Waste Disposal Facilities	X	X	X	X	X
Accessory Utilities	Same as the primary use it supports				
Utility Transmission Facilities	P	P	P	C	X
Personal Wireless Facilities	C	C	C	X	X
Radio towers	X	X	X	X	X

<sup>1</sup> Temporary moorages are only allowed to be used for vessels supporting construction activities

Shoreline Modifications	Residential - Low Density	Residential - High Density	Park	Natural	Aquatic
Structural Shoreline Stabilization	C	C	C	X	See adjacent upland SED
Piers and Docks	P	P	P	X	
In-Stream Structures	X	X	X	X	
Fills	P	P	P	C	C
Clearing and Grading	P	P	P	C	N/A
Dredging	X	X	X	X	C
Dredge Disposal	C	C	C	X	C
Dikes and Levees	X	X	P	P	C
Shoreline Enhancement Projects	P	P	P	P	P

**16.50.030 Prohibited Shoreline Uses and Modifications**

The following uses and modifications are prohibited in all SEDs:

- A. Agriculture
- B. Aquaculture
- C. Forest Practices
- D. Mining
- E. Commercial Uses
- F. Industrial Uses
- G. Water System Treatment Plants
- H. Sewage Treatment Plants
- I. Electrical Generation Plants
- J. Solid Waste Disposal Facilities
- K. Road Towers
- L. Live-aboard vessels
- M. Boat Houses

- N. Marinas
- O. Launching Rails
- P. In-Stream Structures
- Q. Parking as a principle use

**Section 14. Shoreline Uses and Developments.** Chapter 16.52 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Uses and Developments” to read as follows:

**16.52.010 General**

The following general requirements shall apply to all shoreline uses in all SEDs:

- A. In addition to the requirement of this chapter, uses and developments shall also comply with the regulations established Chapter 16.54 BLMC – Shoreline Modifications.
- B. All shoreline uses and developments shall comply with the applicable requirements established by Chapter 16.56 BLMC – Shoreline General Regulations.
- C. All new shoreline uses and developments shall be designed and located to avoid the need for future shoreline stabilization or flood protection.
- D. Uses shall be preferred which are consistent with the control of pollution, prevention of damage to shoreline ecological functions, and are unique to or dependent upon the shorelines. In establishing preferred uses, preference will be given to the following in descending order:
  - 1. Water-dependent Uses
  - 2. Water-related Uses
  - 3. Water-enjoyment Uses.
  - 4. Non-Water Oriented Use.

**16.52.020 Residential Development**

- A. Single family residences and associated appurtenance are not water-dependent but are a preferred use of the shorelines when such development is planned and carried out in a manner that protects shoreline functions and processes consistent with the no net loss provisions of the Shoreline Code.
- B. Other shoreline uses and modifications which are considered accessory or appurtenances to residential development that are identified as separate a shoreline

use or modifications in the SMP (such as piers and docks; bulkheads; utilities; fill; and clearing and grading) are subject to the regulations established Chapters 16.54 and 16.56 BLMC in addition to any special conditions relating to residential development established in this section.

- C. Residential development is prohibited in the Park, Natural, and Aquatic SEDs.
- D. Multifamily residential development is prohibited in the Shoreline Residential SED.
- E. Residential development is prohibited over water, including floating homes.
- F. Residential development is prohibited within the 100-year flood plain.
- G. Residential development shall retain and protect the natural vegetation of the shoreline area, or restore and enhance natural vegetation according to the vegetation conservation standards in BLMC 16.56.060.
- H. New residential lots may only be permitted in the Shoreline Residential and Shoreline Multifamily SEDs when the following standards are met:
  - 1. The lots created shall not require hard or soft structural shoreline stabilization measures or flood hazard reduction measures in order for reasonable development to occur, as documented in a geotechnical report.
  - 2. The residence shall be built in conformance with all applicable bulk, dimensional, and performance standards established by the Shoreline Code.
  - 3. Adequate water, sewer, road access, and utilities shall be provided.
  - 4. The intensity of development shall be consistent with the City's comprehensive plan.
  - 5. The layout, configuration, and development of the lots shall be done in a manner that assures that no net loss of ecological functions.
- I. Land divisions of five (5) or more waterfront lots and multifamily developments of five (5) or more units shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public as required in BLMC 16.56.120.
- J. Land divisions shall establish a prohibition of single owner piers and docks on the face of the plat. An area for joint use moorage may be approved if it meets all requirements in BLMC 16.54.030.

### **16.52.030 Recreational Development**

- A. Non-water oriented high intensity recreational activities are prohibited in the Shoreline Residential, Shoreline Multifamily, Natural, and Aquatic SEDs.
- B. Water-enjoyment and water-related uses are prohibited in the Aquatic SED.
- C. Recreational uses and development shall protect and/or restore the natural vegetation of the shoreline area in accordance with the vegetation conservation standards in BLMC 16.56.060.
- D. All permanent non-water oriented recreational structures and facilities shall be located outside the one hundred year (100-year) flood plain.
- E. Trail planning, construction, and maintenance shall adhere to the following criteria:
  - 1. Trails and related facilities shall, to the extent feasible, be placed on existing levees, road grades, utility corridors, or any other previously disturbed areas; and
  - 2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags, and important wildlife habitat; and
  - 3. Viewing platforms, interpretive centers, picnic areas, benches, and access to them shall be designed and located to minimize disturbance; and
  - 4. Trails and related facilities shall minimize the use of impervious surface and provide water quality protection measures to assure that runoff from them does not directly discharge to wetlands or streams; and
- F. Public over-water structures that are designated for public access may be expanded in size subject to the following:
  - 1. The existing structure is not large enough to support the water-dependent use.
  - 2. All new dock portions shall be grated.
  - 3. The length of the dock is the minimum necessary to accommodate the intended public usage of the dock.
  - 4. Designed and located so as not to constitute a hazard to navigation or other public uses of the water

### **16.52.040 Boating Facilities**

- A. Boating facilities, boating ramps, piers, and docks are prohibited in the Natural SED.

- B. Boat Ramps are prohibited in the Shoreline Residential and Shoreline Multifamily SEDs.
- C. Piers and docks associated with boating ramps shall comply with the design standards established in BLMC 16.54.030.E and BLMC 16.54.030.G.
- D. Boat ramp facilities shall comply with the following:
  - 1. The length of the ramp shall be the minimum necessary to safely launch vessels; provided that in no case shall the ramp extend beyond a point where the water depth is seven feet below the OHWM.
  - 2. The ramp shall be constructed using segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile.
  - 3. The ramp shall be located a minimum of twenty-five feet from existing designated swimming area.
  - 4. Parking areas for boat trailers serving the boat ramp facility may be maintained but shall not be enlarged to provide additional boat trailer parking.

**16.52.050 Parking**

- A. Parking as a primary use shall be prohibited within the Shoreline Residential, Shoreline Multifamily, Park, Natural, and Aquatic SEDs.
- B. Parking or storage of recreational vehicles or travel trailers as a primary use shall be prohibited in all shoreline environment jurisdictions

**16.52.060 Transportation**

- A. Transportation facilities are prohibited in the Natural SED.
- B. All transportation facilities in shoreline areas shall be:
  - 1. Constructed and maintained to cause the least possible adverse impacts on shoreline environment to the extent feasible.
  - 2. Located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization, fill, bulkheads, or substantial site grading.
  - 3. Related to and necessary to support permitted uses.
- C. Transportation facilities shall include provisions for pedestrian and bicycle circulation.

- D. All shoreline areas disturbed by construction and maintenance of transportation facilities shall be replanted and stabilized with native, drought-tolerant, self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained and monitored until established.
- E. Vegetation and street trees shall be selected and located so as to not impair existing visual access to the water.
- F. Clearing of vegetation within transportation corridors shall be the minimum necessary for infrastructure maintenance and public safety. The City shall give preference to mechanical means rather than the use of herbicides for roadside brush control.

**16.52.070 Utilities**

- A. The following utility uses and developments are prohibited in the Shoreline Residential, Shoreline Multifamily, Park, Natural, and Aquatic SEDs:
  - 1. Non-water oriented utility production and processing facilities which include:
    - a. Water system treatment plants;
    - b. Sewage treatment plants; and
    - c. Electrical energy generating plants and substations.
  - 2. Radio towers.
  - 3. Solid waste disposal sites and facilities.
- B. Personal wireless services facilities are prohibited in the Natural and Aquatic SEDs.
- C. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned shoreline uses.
- D. Utility transmission facilities and lines shall comply with the following standards:
  - 1. Placed underground consistent with the standards of the serving utility.
  - 2. Demonstrate the infeasibility of existing routes or alternative locations outside of the shorelines jurisdiction.
  - 3. Cross areas of shoreline jurisdiction by the shortest most direct route which cause the least harm to the shoreline.

4. Be located and designated so as to avoid or minimize the use of any structural or artificial shoreline stabilization, flood protection works, or filling of aquatic areas. Boring, rather than open trenching is the preferred method of utility water crossing.
  5. Be located in existing rights-of-way and utility easements whenever possible.
- E. Utility developments shall be located and designated so as to avoid the use of any structural or artificial shore modification works whenever feasible.
  - F. Utility facilities requiring withdrawal or discharge to water from streams or lakes shall be designed, operated, and maintained to preserve the shoreline environment and result in a no net loss of ecological functions.
  - G. Utilities that are accessory and incidental to a shoreline use shall be reviewed under the provisions of the use to which they are accessory.
  - H. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way.
  - I. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
  - J. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
  - K. Personal wireless facilities shall use concealment strategies to minimize the appearance of antennas and other equipment from the water, public pedestrian walkways, and public use areas.

**Section 15. Shoreline Modifications.** Chapter 16.54 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Modifications” to read as follows:

**16.54.010 General**

The following general requirements shall apply to all shoreline modifications:

- A. In addition to the requirement of this chapter, use(s) within the shoreline shall also comply with the regulations established Chapter 16.52 BLMC – Shoreline Uses.
- B. All shoreline modifications shall comply with the applicable requirements established by Chapter 16.56 BLMC – Shoreline General Regulations.

- C. Shoreline modification activities which do not support a permitted uses are considered “speculative” and are prohibited by this SMP, unless it can be demonstrated that such activities are necessary to protect human health and safety, ecological functions, and the public interest.
- D. Stream realignment shall be prohibited as a means of shoreline stabilization.
- E. Shoreline modification materials shall be only those approved by the City and applicable state agencies. No toxic (e.g. creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.

**16.54.020 Shoreline Stabilization**

- A. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.
- B. New or enlarged structural shoreline stabilization measures to protect an existing primary structure or in support of either a new water dependent or nonwater dependent development including a single family residence shall not be allowed; except in circumstance when a geotechnical report demonstrates all of the following:
  - 1. That nonstructural shoreline stabilization measures are not sufficient or are not feasible. In determining sufficiency and feasibility, all of the following shall be addressed in the geotechnical report:
    - a. Site conditions, including slope, beach configuration, nearshore depth, potential for flooding, and proximity of primary structure to the OHWM;
    - b. Consideration of wind direction, velocity and frequency, fetch, probable wave height, and frequency;
    - c. The level of risk to the primary structure presented by the rate of erosion over a three year period;
    - d. Whether the cost of avoiding disturbance of shoreline processes and functions is disproportionate as compared to the environmental impact of proposed disturbance, including any continued impacts on functions and values over time.
  - 2. The need to protect the existing or proposed primary structure from damage due to erosion is caused by natural processes, such as currents or waves.
  - 3. That the erosion is not being caused by upland conditions which can be addressed landward of the OHMW through the use of vegetation enhancement and/or low impact development.

4. That the size of the structural shoreline stabilization measures is limited to the minimum necessary to prevent damage to the primary structure or to support either the new water dependent or nonwater dependent development.
  5. Confirmation that there is a significant possibility that the primary structure will be damaged within three years as a result of shoreline erosion in the absence of such structural shoreline stabilization measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.
- C. When structural shoreline stabilization measures are allowed pursuant to BLMC 16.54.020.B, the stabilization measures shall comply with all of the following:
1. New shoreline stabilization measures shall be located at or behind the OHWM. Where a documented area of special flood hazard exists, stabilization measures shall be located at the upland edge of the area of special flood hazard, except that soft stabilization measures may be located in the area of special flood hazard.
  2. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM; provided, that the intent is not to create dry land.
  3. Hard shoreline stabilization measures may only be used upon demonstration that soft shoreline stabilization measures are not to be sufficient to protect primary structures. The insufficiency and infeasibility of soft shoreline stabilization measures shall be addressed in a geotechnical report utilizing the criteria established in BLMC 16.54.020.B.1.
  4. The construction of a bulkhead or other structural shoreline stabilization measure for the primary purpose of creating dry land is prohibited.
  5. Adequate toe protection and proper footings shall be provided to ensure bulkhead stability without relying on additional riprap.
  6. Bulkheads shall be designed to permit the passage of surface water or groundwater without causing ponding or over-saturation of retained soil/materials of lands above the OHWM.
  7. Fill behind bulkheads shall be limited to the minimum level necessary to fill the terrain behind the bulkhead to match the existing grade. Any filling in excess of this amount shall be considered landfill and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline substantial development permit.

D. The following materials are prohibited for shoreline stabilization structures:

1. Degradable plastics and other nonpermanent synthetic materials.
2. Sheet materials, including metal, plywood, fiberglass, or plastic.
3. Broken concrete, asphalt, or rubble.
4. Car bodies, tires or discarded equipment.
5. Solid waste.
6. Wood, timbers or other materials treated or coated with herbicides, fungicides, paint, pentachlorophenol arsenate compounds or creosote are prohibited.

E. Existing shoreline stabilization structures may be replaced with a similar structure if all of following are demonstrated:

1. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.
2. Replacement walls or bulkheads shall not encroach further waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
3. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size or height of existing shoreline stabilization measures shall be demonstrate compliance with BLMC 16.54.020.B.

#### **16.54.030 Piers and Docks**

A. Only one (1) pier or dock for moorage purposes shall be allowed per single family residence consisting of the elements identified in Figure 1 upon demonstrating compliance with the Shoreline Code.

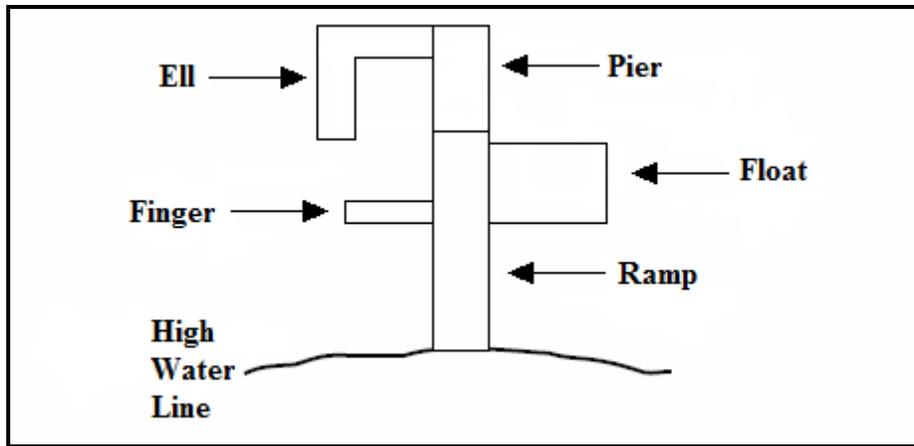


Figure 1: Diagram of Typical Pier/Dock Elements

- B. Renting, leasing or selling moorage space associated with a single family, duplex, or multifamily residence dock or pier is prohibited.
- C. In the following circumstances, a joint use pier or dock shall be required:
  1. On lots subdivided to create one (1) or more additional lots with waterfront access rights.
  2. New residential development of two (2) or more dwelling units located on the same lot with waterfront access rights.
  3. The requirement to provide and maintain a joint use dock in perpetuity shall be provided through either an easement recorded with the Pierce County Auditor's Office or on the face of the plat or short plat recorded with the Pierce County Auditor's Office. The legal description of the easement will be provide by the applicant on a form approved by the Shoreline Administrator.
- D. A mooring buoy may be used to provide moorage space in lieu of a pier or dock. No more than one (1) mooring buoy is permitted per single family residential.
- E. Piers and docks shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water.
- F. Piers and docks shall be constructed and maintained in a safe and sound condition. Abandoned, obsolete, or unsafe structures shall be removed or repaired promptly by the owner.

G. Piers or docks shall comply with the following dimensional standards:

Description	Measurement
<b>Area</b>	
Single Property Owner	360 Square Feet
Shared by two property owners	580 Square Feet
Shared by 4 or more property owners or dwelling units	1,000 Square Feet
<b>Maximum Length</b>	
Fingers and Floats	20 Feet
Ells	25 Feet
<b>Maximum Width</b>	
Portion of the walkway within 30 feet of the OHWM	4 Feet
Portion of the walkway greater than 30 feet from the OHWM	6 Feet
Ell and Float	6 Feet
Finger	3 Feet
Ramp connecting a Pier to a Float	3 Feet
<b>Height</b>	
Minimum height above the OHWM measured for the OHWM to the bottom of the stringers on the dock/pier	1 ½ Feet
Maximum height above the OHWM measured from the OHWM to the top of the decking	5 Feet
<b>Location of Specific Structures</b>	
Minimum distance of ells, fingers, floats, buoys, moorage buoys from shore as measure waterward of OHWM	30 Feet
Minimum distance from decks/piers located on adjacent properties	20 Feet
Minimum distance between piers	12 Feet

- H. The maximum intrusion of the elements of the pier and dock identified in 16.54.030A. shall be only as long as needed to obtain a water depth of nine (9) feet as measured from the elevation of the OHWM; provided that the maximum length of the pier or deck shall not exceed fifty (50) feet or fifteen percent (15%) of the fetch which every is less. The length of the deck shall be measure as illustrated in Figure 2.

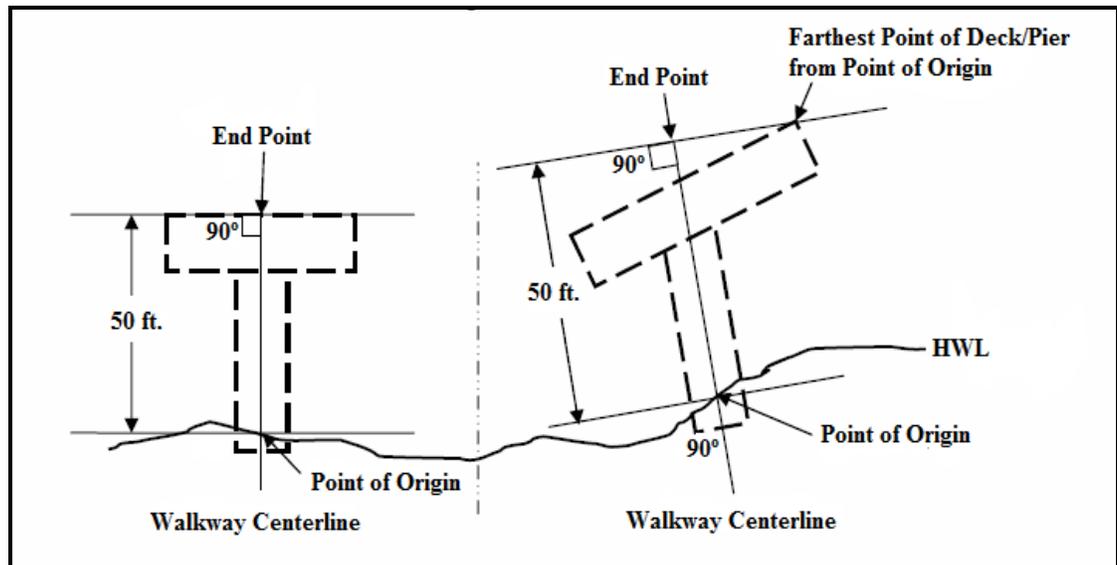


Figure 2: Maximum Length of Overwater Structures

- I. All piers and docks shall comply with all of the following design standards:
1. All utility and service lines located waterward of the OHWM must be below the pier or dock deck and above the OHWM.
  2. The street address of the subject property must be displayed. The address must be oriented to the lake with letters and numbers at least four (4) inches high.
  3. Piers, docks, floats, and buoys shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions during the day or night. Exterior finish of all structures shall be generally non-reflective.
  4. Docks shall be fully grated within the first thirty (30) feet as measured waterward of the OHWM. Decking shall have a minimum open space of forty percent (40%).
  5. Piles, floats and other overwater structures that are in direct contact with water or over water shall comply with the following standards
    - a. Piles treated or coated with herbicides, fungicides, paint, pentachlorophenol arsenate compounds or creosote are prohibited.
    - b. Piles shall be either steel, PVC, or untreated wood.

J. The following structures and improvements are prohibited:

1. Covered moorage, boathouses, or other walled covered moorage. Covered boat lifts in conformance with other provisions in this section may be allowed. Existing enclosed moorage structures shall be considered nonconforming uses subject to the provisions of BLMC 16.56.150.
2. Skirting on any structure.
3. Over-water residential use, including houseboats, live-aboards, or other single- or multi-family dwelling units.
4. Launching rails.
5. New recreational floats and swimming platforms for private properties.

K. Temporary inflatable recreational equipment (e.g., floating trampolines) may be permitted from May 1 through September 30.

L. Repair and replacement of existing docks and piers that is accessory to a residential use shall comply with the following standards:

1. Proposals involving replacement of the entire private dock or 50 percent or more of the pier-support piles shall conform to the provisions of the SMP; provided that the area of the new dock may be equal to area of the existing dock.
2. Repair proposals which replace less than 50 percent of the existing pier-support piles must comply with the following:
  - a. If the width of the dock is wider than 6 feet in the area where the piles will be replaced, the decking that would be removed in order to replace the piles shall be replaced with grated decking as described in BLMC 16.54.040.I.4.
  - b. Replacement piles must comply with the requirements of BLMC 16.54.030.I.6.
3. Repair proposals which replace 50 percent or more of the decking on any dock element (i.e., walkway, ell, etc.) greater than 6 feet wide must use grated decking for the entire portion of that element that is wider than 6 feet as described in BLMC 16.54.030.I.4.
4. Other repairs to existing legally established docks and piers where the nature of the repair is not described in BLMC 16.54.030.L.1 through 16.54.030.L.3 shall

be considered minor repairs and may be permitted upon demonstrating compliance with all other applicable codes and regulations.

5. If a single-family residence has two or more existing docks and one requires replacement or repair as described in regulations BLMC 16.54.030.L.1 through BLMC 16.54.030.L.3 then one must be removed as a condition of the repair. The remaining dock may be improved to the same dimensions as either existing dock.
6. If the cumulative repair proposed over a three-year period exceeds thresholds established in BLMC 16.54.030.L.1, then deck or pier shall be brought into conformance the SMP; provided that the area of the new deck may be equal to area of the existing dock.

M. New additions to existing docks or piers may be permitted under the following circumstances:

1. When additional length is required to reach 6 feet of water depth as measured at the OHWM; provided the dock area within 30 feet of shore is grated.
2. When a single-use dock is converted to a joint-use pier.
3. New additions to existing docks shall not exceed dimensions allowed for new docks
4. When the addition of an ell or finger will increase safety and usability; provided the new portion of the dock is grated as described in BLMC 16.54.030.G.4.
5. When total area of the dock, piers, and floats waterward of the OHWM is reduced.

N. Boatlifts and boatlift canopies may be permitted as an accessory to a dock or pier associated serving a single family residence or duplex provided that:

1. Residential docks may have two jet ski lifts per single-family lot.
2. Residential docks may have one boatlift per single-family lot.
3. All lifts are placed as far waterward as feasible and safe, within the limits of the dimensional standards for docks in this chapter.
4. The top of the canopy must not extend more than 8 ½ feet above the adjacent pier.
5. Platform lifts shall be fully grated.

- O. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition within one (1) year at no cost to the environment or the public.

#### **16.54.040 Fills**

- A. Fills allowed pursuant to the use table in BLMC 16.50.020 shall be necessary to support:
  - 1. Water-dependent use;
  - 2. Public access;
  - 3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan pursuant to Chapter 70.105D RCW – Model Toxics Control Act (MTCA), Chapter 173-340 WAC – MTCA Cleanup Regulation, and/or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund; or
  - 4. Mitigation action, environmental restoration, beach nourishment or enhancement project.
- B. Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes and shall not cause:
  - 1. Significant damage to water quality, fish and aquatic habitat, and/ or wildlife habitat; or
  - 2. Adversely alter natural drainage patterns.
- C. Refuse disposal sites, solid waste disposal sites, or sanitary fills are prohibited.

#### **16.54.050 Clearing and Grading**

- A. Clearing and grading activities shall only be allowed in association with a permitted shoreline development.
- B. All clearing and grading activities shall comply with the following:
  - 1. Materials such as dirt and rocks used in construction must be stored a minimum of twenty-five (25) feet landward of the OHWM and shall incorporate best management practice measures;

2. Any large quantities of vegetation removal and excess earthen materials shall be collected and disposed of in a manner to prevent negative impacts to the shoreline environment;
  3. No vegetation or other enhancements installed as part of a restoration plan or mitigation shall be removed, unless approved by the City as part of a modified restoration plan or mitigation.
  4. Surfaces cleared of vegetation shall be limited to the minimum necessary for the intended development.
- C. Clearing and grading is prohibited within the required vegetation conservation area, except for the following:
1. For the purpose of shoreline habitat and natural systems enhancement projects.
  2. Associated with the development of a permitted use located within the required vegetative buffer or waterward of the OHWM as permitted by the SMP.
  3. Clearing invasive non-native shoreline vegetation listed on the Pierce County Noxious Weed List is permitted in shoreline locations, provided hand held equipment is used and native vegetation is reestablished in the disturbed area within six months form the date of the clearing activity.
  4. As performed in the normal course of maintaining existing vegetation on a lot provided such work:
    - a. Does not modify any drainage course.
    - b. Does not involve the importation of fill material, except as needed for mulch or soil amendment.
    - c. Does not result in erosion of the shoreline or undermine stability of neighboring properties.
    - d. Does not involve removal of native vegetation or vegetation installed as part of an approved restoration or enhancement plan.
    - e. Does not result in the compaction of existing soils in a manner that significantly decreases the ability of the soil to absorb rainfall.
    - f. Is the minimum extent necessary to reasonably accomplish the maintenance activity.
  5. Correction of storm drainage improvements when supervised by the Public Works Department.

6. As necessary to maintain or upgrade the structural safety of a legally established structure.
- D. Exploratory excavations under the direction of a professional engineer licensed in the state of Washington may be allowed; provided that, the extent of the excavations does not exceed the minimum necessary to obtain the desired information.

#### **16.54.060 Dredging and Disposal**

- A. New development shall be located and designed to avoid the need for new or maintenance dredging.
- B. Dredging shall be permitted only when significant ecological impacts are minimized, when mitigation is provided, and:
  1. For the purpose of establishing, expanding, relocating, or reconfiguring navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses; or navigational access and recreational access;
  2. As part of an approved habitat improvement project;
  3. To clean up contaminated sediments regulated under Chapter 70.105D – Model Toxics Control Act, Chapter 173-340 WAC – Model Toxics Control Act Cleanup Regulations, and/or Comprehensive Environmental Response, Compensation and Liability Act.
- C. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
- D. Dredging and dredge disposal shall be carefully scheduled to protect ecological function (e.g., spawning, benthic productivity, etc.) and to minimize interference with fishing activities.
- E. Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.
- F. Dredging for the primary purpose of obtaining material for fill is prohibited.
- G. Depositing clean dredge materials within shoreline jurisdiction shall be allowed only by conditional use permit for one or more of the following reasons:
  1. For wildlife habitat improvement or shoreline restoration; or
  2. To correct problems of material distribution adversely affecting fish and wildlife resources.

### **16.54.070 Dikes and Levees**

- A. Public access to shorelines should be an integral component of all levee improvement projects. Public access shall be provided in accordance with public access policies of the SMP and regulations contained in BLMC 16.56.120.
- B. New dikes and levees may be allowed within the shoreline jurisdiction when all of the following are demonstrated by a scientific and engineering analysis that:
  - 1. The dike or levee is limited in size to the minimum height required to protect adjacent lands from the projected flood stage.
  - 2. The dike or levee is located landward of wetlands and designated vegetation conservation areas consistent with BLMC 16.56.060.
  - 3. Nonstructural measures are not feasible.
  - 4. Impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss.
- C. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.

### **16.54.080 Shoreline Restoration and Ecological Enhancement**

- A. Shoreline habitat and natural systems enhancement projects include the following activities when proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines:
  - 1. Establishment or enhancement of native vegetation.
  - 2. Removal plants that are identified on the Washington State Noxious Weed List – Chapter 16-750 WAC.
  - 3. Voluntary conversion of hard structural shoreline stabilization to soft shoreline stabilization, including associated clearing, dredging and filling necessary to implement the conversion.
  - 4. Implementation of any project or activity identified in the City’s Restoration Plan; provided that the project or activity has not been identified as mitigation for a specific development or use of the shoreline.
- B. Relief from the development standards of the Shoreline Code may be granted when a restoration project has resulted in a landward shift of the OHWM subject to the following provisions:

1. The standards established by the Shoreline Code may be modified as part of any shoreline permit without the requirement to obtain a separate Shoreline Variance or meet the criteria for a Shoreline Variance subject when all of the following criteria are met:
  - a. A shoreline restoration project caused OHWM shift landward resulting in:
    - i. Land that had not been regulated under Shoreline Code prior to construction of the restoration project is brought under shoreline jurisdiction; or
    - ii. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the Shoreline Code.
  - b. Application of Shoreline Code would preclude or interfere with use of the property permitted by local development regulations, resulting in a hardship to the property owner.
  - c. The proposed relief is the minimum necessary to relieve the hardship.
  - d. After granting the proposed relief, there is net environmental benefit from the restoration project.
  - e. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and the SMP; and
  - f. The restoration project was not created as mitigation to obtain a development permit.
2. The decision of the Shoreline Administrator to either approve or deny the request to modify the Shoreline Code standards pursuant to 16.54.080.B.1 shall be forward to the Department of Ecology for review and either approval or disapproval.
3. Permits that rely on the provisions of 16.54.080.B.1 shall not be issued unless the Department of Ecology approves the modification to the standards of the Shoreline Code.

**Section 16. General Shoreline Regulations.** Chapter 16.56 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “General Shoreline Regulations” to read as follows:

**16.56.010 Applicability**

The requirements of this Chapter shall apply to all uses, activities, and developments within all SEDs.

### **16.56.020 No Net Loss Standard and Mitigation Sequencing**

- A. All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological functions, through the location and design of all allowed development and uses. Impacts to shoreline ecological functions from allowed development and uses shall be mitigated in the following sequence of steps listed in order of priority:
1. Avoid the impact altogether by not taking a certain action or parts of an action;
  2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
  3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
  4. Reduce or eliminating the impact over time by preservation and maintenance operations;
  5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
  6. Monitor the impact and the compensation projects and taking appropriate corrective measures.
- B. In the following circumstances, the applicant shall provide a written analysis prepared by a qualified professional regarding the compliance with measures taken to mitigate environmental impacts established in 16.56.020.A:
1. When either a conditional use or variance application is proposed;
  2. When the standards contained the Shoreline Code require an analysis of the feasibility of the need for an action, or to determine whether the design has been minimized in size; and
- C. Maintenance activities shall be conducted in a manner that minimizes impacts critical areas and utilizes applicable BMPs.
- D. When evaluating the feasibility of a proposed action, the applicant shall provide a report from a qualified professional demonstrating that the cost of avoiding disturbance is substantially disproportionate when compared to the environmental impact of the proposed disturbance, including any continued impacts on functions and values over time.
- E. Failure to demonstrate that the mitigation sequencing standards have been met may result in permit denial.

### **16.56.030 Archaeological and Historic Resources**

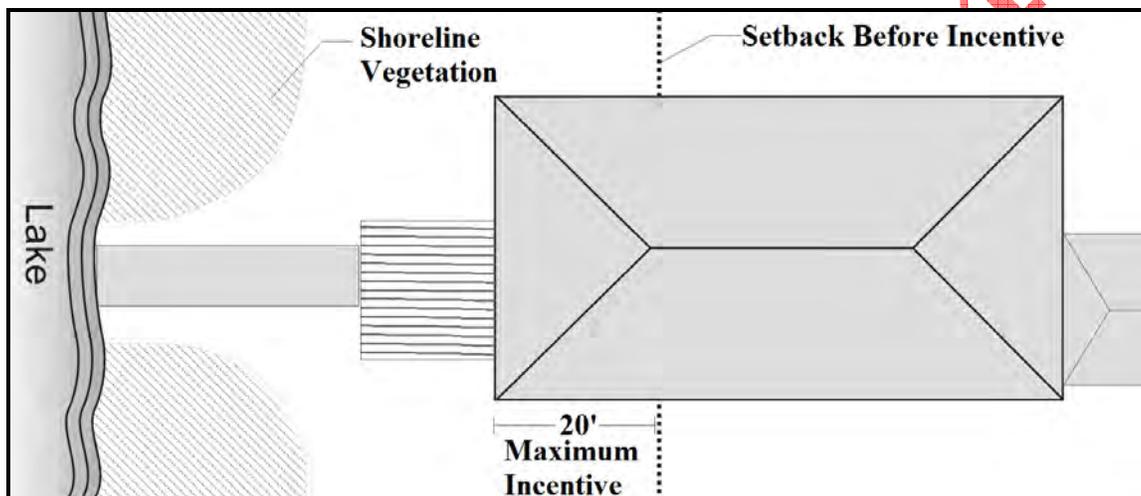
- A. Development in areas documented by the Washington State Office of Archaeology and Historic Preservation or identify by affected Tribes to contain archaeological resources shall comply with the following:
1. A site inspection and a draft written report prepared by a qualified professional archaeologist. Copies of the draft report shall be provided by the applicant to the City; upon receipt of the draft report the City shall forward copies to affected tribe(s) and the State Office of Archaeology and Historic Preservation for review and comment.
  2. After consultation with these agencies, the archaeologist shall provide a final report that includes any recommendations from the affected tribe(s) and the State Office of Archaeology and Historic Preservation on avoidance or mitigation of the proposed project's impacts.
  3. The Shoreline Administrator may condition project approval, based on the final report from the archaeologist in consultation with the affected Tribes, to ensure that impacts to the site are avoided or minimized consistent with federal and state law.
- B. All Shoreline permits and letters of exemption shall contain provisions that require developers to immediately stop work and notify the City, the State Office of Archaeology and Historic Preservation, and affect tribes if any potential archaeological resources are uncovered during land surface modification or development activity. Failure to comply with this requirement shall be considered a violation of the shoreline permit.

### **16.56.040 Shoreline Vegetation Incentives**

- A. The following requirements shall apply to all of the incentives in this section:
1. The shoreline vegetation provided for one incentive cannot be applied to another incentive.
  2. Shoreline vegetation that already exist within the Shoreline Vegetation Conservation Area or is required to be planted pursuant to BLMC 16.56.060.B shall not apply towards the incentives established in this section.
  3. The vegetation shall be native vegetation planted adjacent to the shoreline.
  4. The applicant shall submit a Vegetation Planting Plan consistent with the requirements BLMC 16.56.050.
  5. The shoreline vegetation incentive is only available for properties located in the Shoreline Residential Designation.

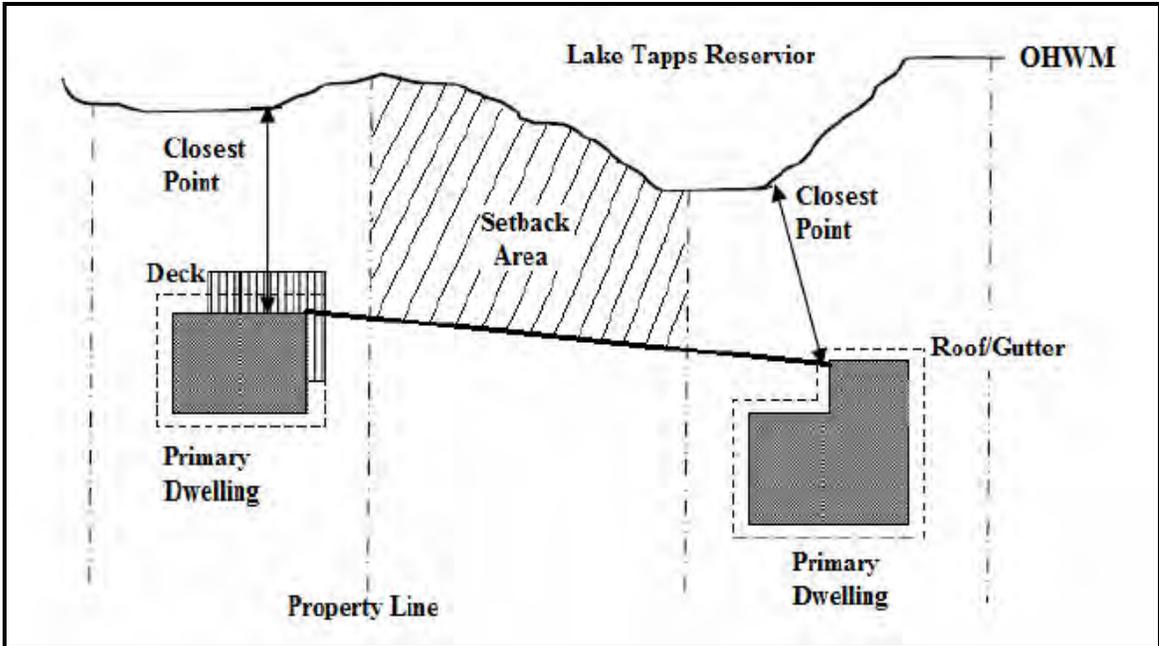
B. The required minimum 60 foot shoreline setback may be reduced by 5 feet for every 300 square feet of shoreline vegetation installed along the shoreline provided:

1. The maximum amount of shoreline setback reduction is 20 feet; provided that the primary structure does not move closer to the water than established by the string-line setback determined by BLMC 16.56.040.B.3.



*Figure 3: Shoreline Setback bonus for shoreline vegetation.*

2. The primary maintains a minimum setback of 20 feet from the rear property line.
3. The primary structure maintains does not move closer to the water than established by the string-line as follows:
  - a. A string-line is established by drawing a straight line between the two points where the residential use on each of the adjoining shoreline lots each projects the greatest towards and is the closest to the OHWM.
  - b. If the string-line setback is greater than 40 feet from the OHWM, the maximum reduction of the shoreline setback is the distance between the string-line and the OWHM as illustrated on Figure 4.
  - c. A string-line setback is not required if one or both of the adjoining shoreline lots do not contain a residential use.



**Figure 4:** Example of shoreline setbacks for middle home based on average adjacent shoreline setbacks.

C. If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed along the shoreline provided:

1. The width of the waterfront deck or patio as measured parallel to the OHWM shall be equal to or less than 25 percent of the shoreline frontage and native vegetation covers a minimum of 75 percent of the shoreline frontage.
2. The deck shall be located within the same area allowed for the pathway and view corridor to the water provided in BLMC 16.56.100.B.3.
3. For every 1 square foot of waterfront deck or patio there shall be 3 square feet of native vegetation provided adjacent to the OHWM.
4. The total area of the waterfront deck or patio along the shoreline shall not exceed 150 feet square feet.
5. The deck or patio is set back 5 feet from the OHWM.
6. The deck or patio is no more than 2 feet above grade and is not covered.
7. There are no permanent structures above the level of the deck within 20 feet of the rear property line.

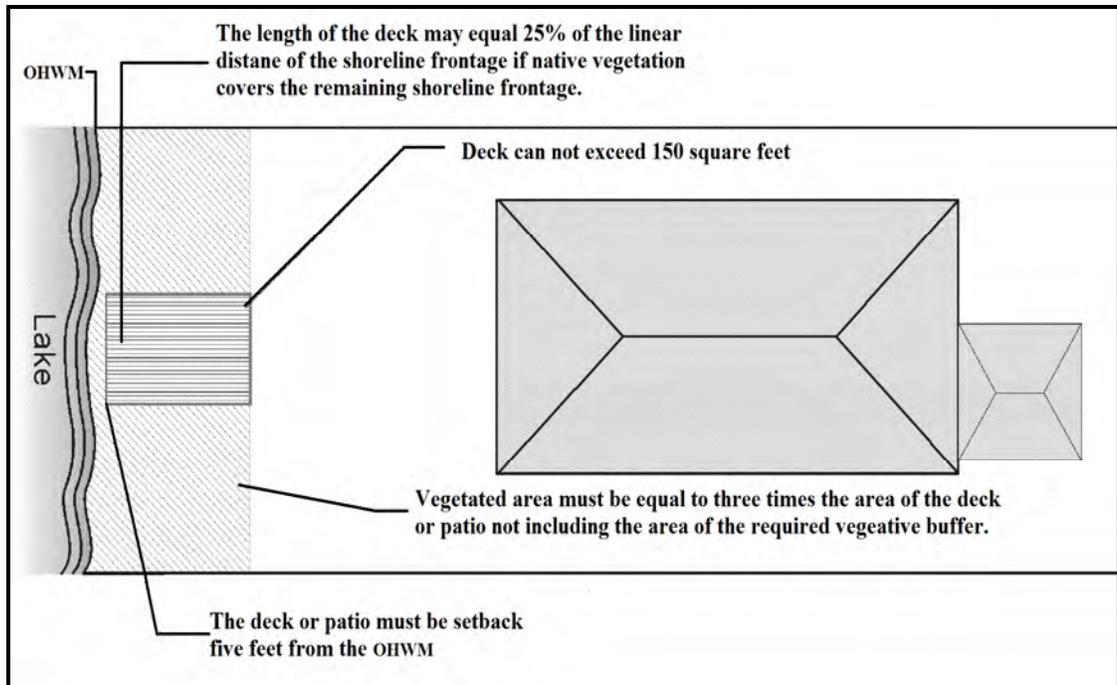


Figure 5: Waterfront deck bonus for lots

- D. The maximum allowed area for docks and piers allowed single property owner and shared by two property owners established by 16.54.030.F may be increased by 30 feet for every 300 square feet of shoreline vegetation provided along the shoreline. The maximum amount of additional area that can be obtain from this incentive is 120 square feet.

### 16.56.050 Vegetation Planting Plan Requirements

Shoreline vegetation planting plans shall meet the following minimum requirements:

- A. The plan shall be prepared by a Qualified Professional.
- B. The plan shall be recorded with the Pierce County Assessor's Office as a covenant against the property after approval by the Shoreline Administrator. A copy of the recorded covenant shall be provided to the City.
- C. The native vegetation shall consist of a mixture of trees, shrubs and groundcover and designed to improve habitat functions. The following general planting regulations shall apply:
  1. Trees. A minimum of one native tree per 300 square feet of required vegetated area shall be provided or preserved. A minimum of thirty percent (30%) of the required trees shall be native coniferous trees.
    - a. Deciduous trees shall be a minimum of two-and-one-half-inch caliper as measured per American Standard for Nursery Stock (ANSI Z60.1-2004).

- b. Coniferous trees shall be at least 6 feet high at the time of planting.
  2. Shrubs. A minimum of one shrub per 20 square feet of landscape area shall be provided. The minimum size of the shrub at the time of planting shall be at least 2 feet in height, with the plant covering the dimensions of the container.
  3. Vegetative Groundcover. Living groundcover plants of a minimum one-gallon size shall be planted in the landscaped area sufficient to cover the area within three years of planting.
  4. Vegetation shall be fully established within three years. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are viable.
  5. The plan shall include limitations on the use of fertilizer, herbicides and pesticides as needed to protect water quality.
- D. A four year monitoring and maintenance program prepared by a qualified professional including, but not limited to, the following:
1. An outline of the schedule for site monitoring;
  2. Performance standards, including, but not limited to, 100 percent survival of newly planted vegetation within two years of planting, and 80 percent for years three or more
  3. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring indicates performance standards have not been met;
  4. The period of time necessary to establish performance standards have been met; not to be less than four years; and
- E. The City may require a financial security pursuant as a guarantee that the enhancements, maintenance and monitoring are completed to the satisfaction of the City.

#### **16.56.060 Vegetation Conservation and Maintenance**

- A. The area twenty (20) feet landward of the OHWM shall be considered vegetation conservation area. Existing native shoreline vegetation shall be preserved within the vegetation conservation area consistent with safe construction practices, and other provisions of this section. Native trees and shrubs shall be preserved to maintain and provide shoreline ecological functions.

- B. Vegetation conservation areas shall be fully replanted with native vegetation pursuant to an approved Vegetation Planting Plan consistent with the requirements of BLMC 16.56.050 and this section as part of the following development proposal:
1. Construction of a new single family residence, duplex, multi-family building either on a vacant lot or a lot on which single family residence, trailer, manufactured home, duplex, or a multi-family building was previous located.
  2. An increase of at least twenty percent (25%) in gross floor area of any structure located in shorelines jurisdiction.
  3. An alteration of a single family residence, duplex, multi-family building in shorelines jurisdiction, the cost of which exceeds sixty percent (60%) of the assessed value of the residential structures on the subject property as identified on the Pierce County Auditor website.
- C. Twenty-five percent (25%) of the required vegetated conservation may be cleared or thinned for view maintenance and waterfront access as described in BLMC 16.56.100.B.3; provided that seventy-five percent (75%) of the area remains vegetated. Invasive species may be removed, vegetation trimmed, and trees “limbed up” from the ground to provide views.
- D. In the instance where there is an intervening property between the OHWM and an upland property and the portion of the intervening property abutting the upland property has an average depth of less than 20 feet, shoreline vegetation shall be provided within the shoreline setback portion of the upland property pursuant to this section, unless:
1. The required shoreline vegetation already exists on the intervening lot; or
  2. The intervening property owner agrees to allow the upland property owner to install the shoreline vegetation on their property.
- E. Snags and living trees over 4.5 inch DBH shall not be removed within the vegetated portion of the vegetative conservation area except under the following instances:
1. A Hazard or Nuisance Tree may be removed consistent with the following standards
    - a. If the nuisance or hazard condition is not obvious to the City, Qualified Arborist retained by the property owner shall determine if the tree meets the definition of a Hazard or Nuisance Tree provided in BLMC16.36.110 and BLMC 16.36.170
    - b. A “snag” or wildlife tree shall be created from the Hazard Tree. If Qualified Arborist determines that the tree cannot or should not be used

for as “snag” or wildlife tree, the tree may be removed from the vegetation conservation area.

2. The removal is part of an approved development that includes mitigation for impacts to ecological functions
- F. A tree removal request shall be submitted in writing to the City prior to the removal of any tree. The request shall include the location, number, type and size of tree(s) being removed and the proposed replacement tree(s) and planting plan. The City shall inspect the tree replacement once installation is complete.
- G. Nondestructive thinning of lateral branches to enhance views or trimming, shaping, thinning or pruning shall comply with National Arborist Association pruning standards. No more than 25% of the limbs of any single tree may be removed and no more than 20% of the canopy cover in any single stand of trees may be removed for view preservation.
- H. Aquatic weed control shall occur in compliance all other applicable laws and standards in addition to the following:
1. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, is the preferred method.
  2. When large quantities of plant material are generated by control measures, they shall be collected and disposed of in an appropriate, identified upland location.
  3. Use of herbicides to control aquatic weeds shall be prohibited except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations. The Shoreline Administrator must be notified of all herbicide usage in aquatic areas and supplied with proof of required approvals from the Department of Ecology.
  4. All herbicides shall be applied by a licensed professional.

#### **16.56.070 Water Quality and Quantity**

- A. All shoreline development shall comply with the applicable requirements of the Pierce County 2008 Stormwater Management and Site Development Manual and all applicable City stormwater regulations established by Chapter 15.14 BLMC – Stormwater Management.
- B. Where feasible, shoreline development must implement low impact development techniques pursuant to the standards contained in the Pierce County 2008 Stormwater Management and Site Development Manual – Volume VI.

C. Residential development shall utilize the BMPs for Single Family Residence in the Pierce County 2008 Stormwater Management and Site Development Manual – Volume IV Chapter 3.

D. The direct runoff of chemical-laden waters into adjacent water bodies is prohibited.

#### **16.56.080 Methodology for Calculating Impervious Area**

The percentage of impervious surface shall be calculated according to the following formula:

A. Percentage of impervious surface = (total footprint area of impervious surfaces, including all pavement, compacted gravel areas, and buildings) / (total land area of the property).

B. In calculating impervious surface, pavers on a sand bed may be counted as fifty percent (50%) impervious and wood decks with gaps between deck boards may be counted as permeable if over bare soil or loose gravel (such as pea gravel). Pervious concrete and asphalt may be counted as per manufacturer's specifications. To calculate the net impervious surface of such an area, multiply the area of the pavement by the percentage of imperviousness.

C. The City may determine the percentage of imperviousness for pavements that are not specified here.

D. As an alternate to the above quantitative standards, the applicant may submit a stormwater retention plan, prepared by a licensed civil engineer or hydro-geologist. The plan may incorporate alternate means of addressing stormwater run-off impacts such as Low Impact Development techniques, rain gardens, etc. In order to be approved, the plan must conclusively demonstrate that its implementation will result in a higher level of ecological function than the standards in BLMC 16.58.080.A through 16.58.080.C.

#### **16.56.090 Methodology for Determine Shoreline Frontage**

A. Water frontage shall be measured in the following manner:

1. The two property lines intersecting the OHMW shall be continued waterward in a straight line; and
2. A centerline bisecting equal distances between the two property lines shall be established; and
3. A straight line perpendicular to the centerline shall be drawn between the two property lines with at least one end of the straight line affixed to a point where the OHWM intersects one of the property lines.

4. The water frontage shall be measured as the length of the straight line created.

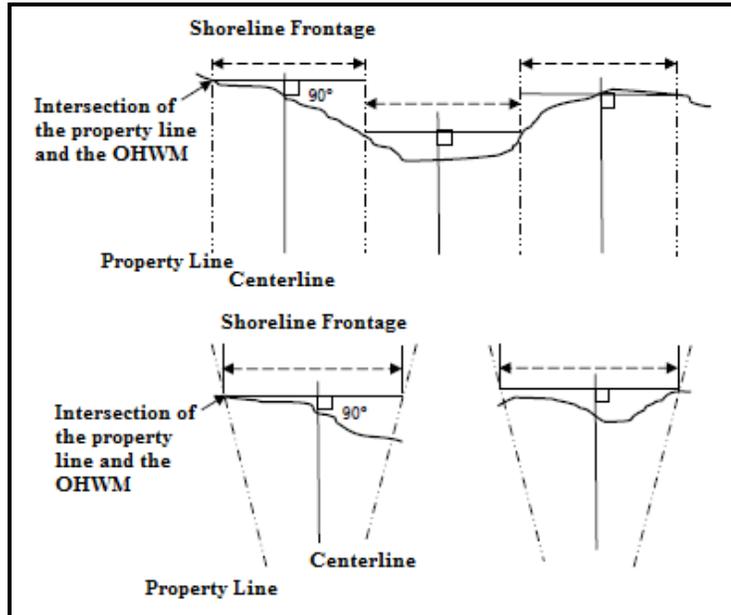


Figure 6: Determining Shoreline Frontage

#### 16.56.100 Permitted Intrusions into Shoreline Setback

A. The following developments and modifications may be located in the portion of the required shoreline setback that is outside of the vegetation conservation area:

1. Underground utilities accessory to an approved shoreline use, provided there is no other feasible route or location.
2. Bioretention swales, rain gardens, or other similar bioretention systems that allow for filtration of water through planted grasses or other native vegetation.
3. Infiltration systems; provided, that installation occurs as far as feasible from the OHWM.
4. Bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into the shoreline setback, subject to the following limitations:
  - a. Eaves on bay windows may extend an additional 18 inches beyond the bay window.
  - b. Chimneys that are designed to cantilever or otherwise overhang are permitted.
  - c. The total horizontal dimension of these elements that extend into the shoreline setback, excluding eaves and cornices, shall not exceed 25

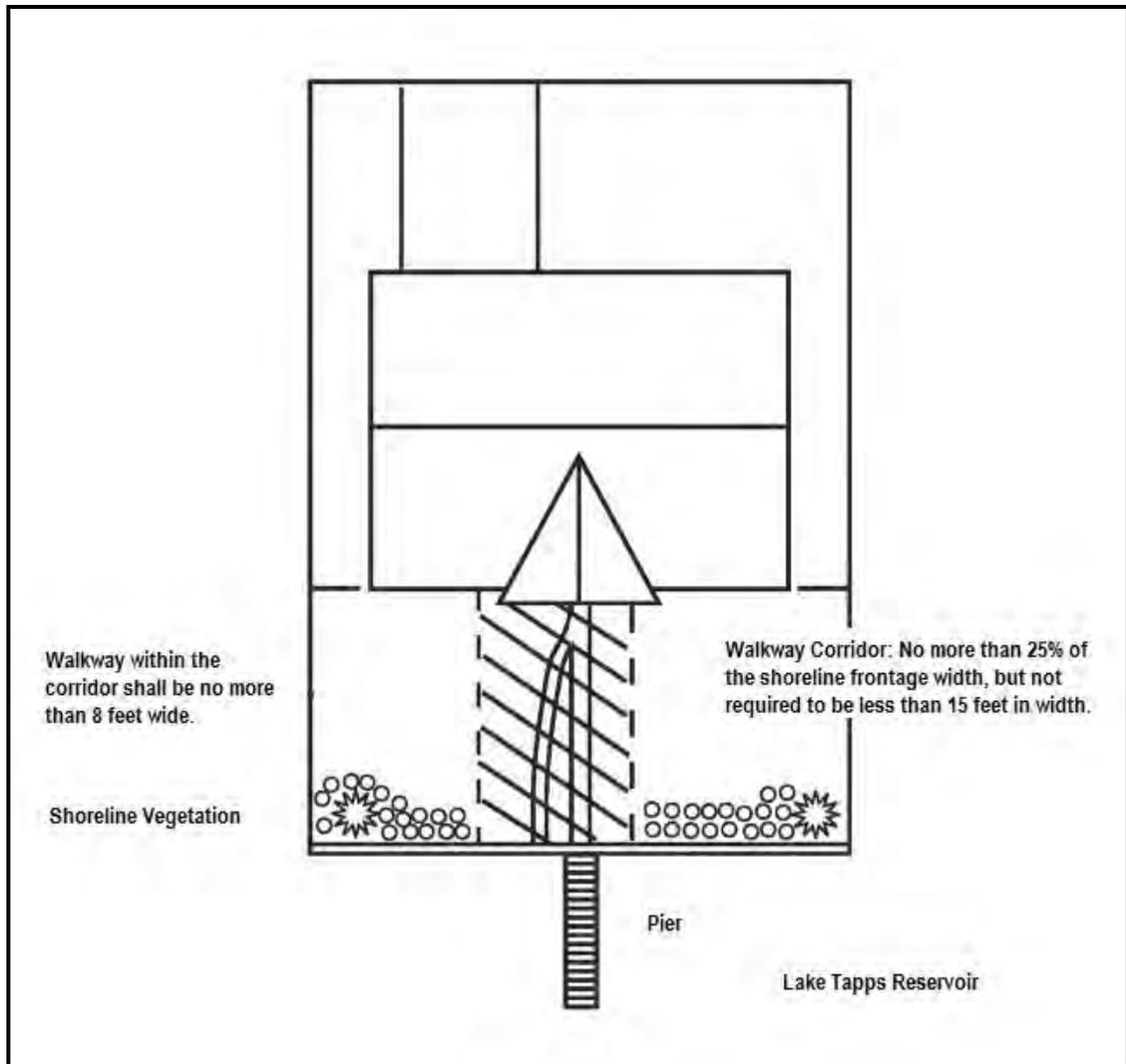
percent of the length of the facade of the primary structure facing the shoreline.

5. Uncovered patios or decks may extend a maximum of 10 feet into the shoreline setback, subject to the following standards
  - a. The improvement shall be constructed of a pervious surface, such as wood with gaps between boards and a pervious surface below, unit pavers, grid systems, pervious concrete, or, alternatively, equivalent material approved by the Shoreline Administrator.
  - b. The improvement shall not be closer than 20 feet to the rear property line.
  - c. The total horizontal dimension of the improvement that extends into the shoreline setback shall not exceed 50 percent of the length of the facade of the primary structure facing the shoreline.
  - d. The improvement shall be located on the ground floor of the building and shall not be elevated more than necessary to allow for grade transition from the structure to the deck or to follow the existing topography.
6. Appurtenances, dry boat storage and other similar accessory structures subject to the following
  - a. Only one structure that is 200 square feet or less is permitted within the shoreline setback.
  - b. The structure shall maintain a minimum twenty (20) foot setback from the rear property line.
  - c. Only water-dependent aspects of dry-boat storage, such as docks, boat hoists and boat lifts may be permitted within vegetation conservation area.
  - d. Boat hoist, boat lifts, and docks associated with dry boat storage shall be consistent with applicable requirements of BLMC 16.54.030.
7. Retaining walls and similar structures that are no more than four (4) feet in height above finished grade; provided the structure is not for retaining new fill to raise the level of an existing grade, but only to retain an existing slope prior to construction and installed at the minimum height necessary.
8. Public trails subject to the requirements BLMC 16.52.030.E and BLMC 16.56.110.

B. The following developments and modifications may be located in all portions of the required shoreline setback including the vegetation conservation area:

1. Shoreline stabilization measures approved under the provisions of BLMC 16.54.020.
2. Fences to delineate property boundaries no more than six (6) feet height which run perpendicular to the shoreline shall be allowed in the Shoreline Residential SED. Fences that run parallel to the shoreline are prohibited in all SEDs.
3. Private walkways within the shoreline setback and shoreline vegetative buffer may be permitted upon demonstrating compliance with the following standards:
  - a. The maximum width of the access corridor shall be no more than 25 percent of the property's shoreline frontage, except in no case shall the corridor area be required to be less than 15 feet in width.
  - b. The walkway in the corridor area shall be no more than eight (8) feet wide.
  - c. The walkway corridor area may contain minor improvements, such as garden sculptures, light fixtures, trellises and similar decorative structures that are associated with the walkway; provided, that these improvements comply with the dimensional limitations required for the walkway corridor area. Light fixtures approved under this subsection shall comply with the provisions contained in BLMC 16.56.120.

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*Figure 7: Maximum Walkway Corridor*

- C. Accessory structures, appurtenances, and other development not addressed in the in this section shall comply with the most stringent shoreline setback established for the underlying SED.

#### **16.56.110 Critical Areas**

- A. Critical areas located in the shoreline shall be regulated under the Shoreline Code.
- B. The City Bonney Lake Critical Areas Code is incorporated into the Shoreline Code, except as noted below:
1. BLMC 16.20.145 – Critical Area Variances. Within Shoreline Jurisdiction, the Shoreline Variance process provided for in BLMC 16.58.050 shall be utilize to determining if relief may be granted from the Critical Areas Code.

2. BLMC 16.20.170 – Nonconforming Uses. Within Shoreline Jurisdiction, nonconforming uses shall be regulated by BLMC 16.56.150
  3. BLMC 16.26.050 – Floodplain Variances. Within Shoreline Jurisdiction, the Shoreline Variance process provided for in BLMC 16.58.050 will be utilize to determining if relief may be granted from the Floodplain Code.
- C. The exemptions provided in BLMC 16.20.070 only pertain to exemptions from specific standards within the Critical Areas Code for specified activities, only shoreline use, developments, and modifications that are identified in BLMC 16.58.020.A shall be exempt from a Shoreline Substantial Development Permit and must comply with the requirements of BLMC 16.58.020.B – BLMC 16.58.020.J.
- D. If provisions of the Critical Areas Code and other parts of the Shoreline Code conflict, the provisions most protective of the ecological resource shall apply, as determined by the City.

#### **16.56.120 Public Access**

- A. The dedication and improvement of public access is required for the following development unless the conditions stated in 16.54.120.B, immediately below, apply:
1. Land division into more than four lots
  2. Nonwater-oriented uses
  3. Multi-family Residential development
  4. Water-related and water-enjoyment uses
  5. Development by public entities or on public land, including the City and public utility districts
  6. Development or use that will interfere with an existing public access way. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.
- B. Public access is not required as part of development if any of the following conditions apply:
1. The development is a single family residence not part of a development planned for more than 4 parcels.
  2. Public access is demonstrated to be infeasible or undesirable due to reasons of incompatible uses, safety, security or impact to the shoreline environment. In determining infeasibility or undesirability, the City shall evaluate alternative

means of providing public access such as off-site improvements, separation of uses, and restricting the hours of public access to avoid conflicts.

3. Where the property is not adjacent to the shoreline because it is separated from the shoreline by another property direct physical access to the shoreline is not required.

C. Pedestrian walkways installed to provide public access shall comply with the following standards:

1. The walkways shall be at least six (6) feet wide, but no more than eight (8) feet wide.
2. The walkways shall be distinguishable from traffic lanes by pavement material, texture, or change in elevation.
3. The walkways shall not be included with other impervious surfaces for lot coverage calculations.
4. Permanent barriers that limit future extension of pedestrian access between the subject property and adjacent properties are not permitted.
5. Regulated public access shall be indicated by signs installed at the entrance of the public pedestrian walkway on the abutting right-of-way and along the public pedestrian pathway. The signs shall be located for maximum public visibility.
6. Walkways shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.
7. All public pedestrian walkways shall be provided through either a tract, easement or similar legal agreement, in a form acceptable to the City Attorney, and recorded with the Pierce County Auditor's Office. The legal description of the encumbered area shall be provided by the applicant in a format approved by the Shoreline Administrator.

D. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.

### **16.56.130 Lighting**

A. Development activities shall comply with the following lighting standards:

1. All exterior building-mounted and ground-mounted light fixtures shall be directed downward and have "fully shielded cut off" fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

2. Exterior lighting mounted on piers, docks or other water-dependent uses located at the shoreline edge shall be at ground or dock level, be directed away from adjacent properties and the water, and designed and located to prevent lighting from spilling onto the water.
  3. Exterior lighting installations shall be limited to those areas where it is needed for safety, security, and operational purposes.
  4. Exterior lighting fixtures shall produce a maximum luminance value of 0.75 foot candle measured 10 feet from the source in the Shoreline Residential and Shoreline Multifamily SEDs and 0.1 foot-candles as measured at three feet above grade fifteen feet from the shoreline development or modification in the Natural and Park SEDs.
  5. On the building façade facing the Lake Tapps Reservoir, illumination to enhance architectural features is prohibited.
  6. Where feasible, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.
  7. The maximum mounting height of ground-mounted light fixtures shall be 12 feet. Height of light fixtures shall be measured from ground or the parking surface below the lamp to the bottom of the light bulb.
- B. The following development activities are exempt from the submittal and lighting standards established in this section:
1. Emergency lighting required for public safety;
  2. Lighting for public rights-of-way;
  3. Outdoor lighting for temporary or periodic events (e.g. community events at public parks);
  4. Temporary seasonal decorations and lighting; and

#### **16.56.140 Signs**

Signage shall not be permitted to be constructed over water or within the required shoreline setback, except as follows:

- A. Boat traffic signs, directional signs, and signs displaying a public service message.
- B. Interpretative signs in coordination with public access and recreation amenities.

- C. Building addresses mounted flush to the end of a pier, with letters and numbers at least four (4) inches high.

#### **16.56.150 Non-Conforming Uses and Developments**

- A. Residential structures and appurtenant structures that were legally established and used for a conforming use but do not meet standards for: shoreline setbacks, height or density shall be considered conforming uses.
- B. Single-family residences that were legally established and are located landward of the OHWM that do not meet the shoreline setback may be enlarged or expanded upon approval of a Shoreline Substantial Development Permit provided that the new construction complies with applicable bulk and dimensional standards of the Title 18, the applicable provisions of the Shoreline Code, and does not expanded further into the shoreline setback except as provided for in BLMC 16.56.040 and BLMC 16.56.100.
- C. Nonresidential uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses and shall not be enlarged or expanded.
- D. A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.
- E. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
- F. A nonconforming structure which is moved any distance must be brought into conformance with the SMP and the SMA.
- G. All nonconforming use discontinued for twelve consecutive months or for twelve months during any two-year period, shall forfeit all nonconforming use rights and any subsequent uses or structures shall be conforming.
- H. Nonconforming uses and structures not addressed in this section shall comply with the requirements of WAC 173-27-080.

#### **16.56.160 Emergency Actions**

- A. Emergency actions are those that pose an unanticipated and imminent threat to public health, safety, or the environment and that require immediate action within a time too short to allow full compliance with the provisions of the SMP. Emergency construction does not include development of new permanent protective structures where none previously existed, except where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency

situation. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

B. Emergency actions shall meet the following standards:

1. Use reasonable methods to address the emergency;
2. Be designed to have the least possible impacts on shoreline ecological functions and processes; and
3. Be designed to comply with the provisions of the SMP, to the extent feasible.

C. The party undertaking the emergency action shall notify the Shoreline Administrator as provided below:

1. Within two (2) working days following commencement of the emergency, the property owner shall provide notice of the existence of the emergency.
2. Within seven (7) days, the party shall provide a request for a shoreline exemption which shall include a description of the work, site plan, description of pre-emergency conditions and other information requested by the City to determine whether the action is permitted within the scope of an emergency action.

D. The Shoreline Administrator shall evaluate the action for consistency with the provisions contained in WAC 173-27-040(2) (d) and within ten (10) working days shall determine whether the proposed action, or any part of the proposed action is within the scope of the emergency actions allowed in WAC 173-27-040(2) (d).

E. Upon abatement of the emergency situation the applicant shall obtain any permits which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, Chapter 43.21C RCW, Chapter 173-27 WAC and the SMP. The applicant shall submit all of the required permit applications within 30 days of the abatement of the emergency situation.

**Section 17. Shoreline Permits.** Chapter 16.58 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled "Shoreline Permits" to read as follows:

#### **16.58.010 General Provisions**

The requirements for Shoreline Permits shall be in accordance with chapter 173-27 WAC and as administered by The City of Bonney Lake. Applicants should inquire to the Shoreline Administrator for permit application requirements.

## 16.58.020 Shoreline Exemptions

- A. Only the developments and activities listed in RCW 90.58.147, RCW 90.58.355, RCW 90.58.515, WAC 173-27-040(2), and WAC 173-27-045 as presently constituted or as may be subsequently amended shall be exempt from the requirement to obtain a Shoreline Substantial Development Permit.
- B. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted an exemption.
- C. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required.
- D. A development activity or use that is listed as a conditional use pursuant BLMC 16.50.020 shall obtain a Conditional Use Permit even if the development is exempt from a Shoreline Substantial Development Permit.
- E. Developments that do not comply with the bulk, dimensional and performance standards of the Shoreline Code must obtain Shoreline Variance, even if the development is exempt from a Shoreline Substantial Development Permit.
- F. If any part of a proposed development is not eligible for exemption, then a permit is required for the entire proposed development project.
- G. Developments cannot be submitted in a piece-meal fashion to avoid the requirement for a substantial development permit.
- H. Applicants shall obtain a written letter of exemption from the Shoreline Administrator prior to commencing with exempted activity. The burden of proof that a development or use is exempt from the permit process is on the applicant.
- I. The Shoreline Administrator shall prepare a statement of exemption which shall include the following:
  - 1. Identification the specific exemption provision(s) that is being granted.
  - 2. A summary of the analysis demonstrating consistency of the project with the SMP and the SMA.
  - 3. Conditions of approval determined to be necessary by the Shoreline Administrator to assure that the project is consistent with the SMP and SMA.
- J. Copies of the statement of exemption shall be provided to the Department of Ecology.

### **16.58.030 Shoreline Substantial Development Permits**

Shoreline substantial development permits may be granted provided the applicant can demonstrate that the proposal complies with the:

- A. Goals, policies and regulations established by the SMP;
- B. Bonney Lake Comprehensive Plan and Municipal Code; and
- C. The policies, guidelines, and regulations of the SMA (RCW 90.58, WAC 173-26 and WAC 173-27).

### **16.58.040 Shoreline Conditional Use Permit Criteria**

- A. Shoreline conditional use permits may be granted provided the applicant can satisfy the following criteria:
  - 1. That the proposed use is consistent with the policies of RCW 90.58.020 and the SMP;
  - 2. That the proposed use will not interfere with the normal public use of public shorelines;
  - 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
  - 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  - 5. That the public interest suffers no substantial detrimental effect.
  - 6. Demonstration that if similar conditional use permits were granted for other developments in the area where similar circumstances exist, the total cumulative impacts of all of the similar conditional uses shall remain consistent with the policies of RCW 90.58.020 and the SMP and shall not produce substantial adverse effects to the shoreline environment.
- B. Shoreline uses which are specifically prohibited by the SMP may not be authorized pursuant to a shoreline conditional use permit.
- C. Shoreline uses and modifications not specifically identify in the SMP, for which policies and specific regulations have not been developed, shall be evaluated on case-by-case basis and shall be required to obtain a Shoreline Conditional Use Permit.

### 16.58.050 Shoreline Variance

- A. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- B. Variances from the use regulations of this SMP are prohibited.
- C. Shoreline variance permits may be authorized, provided the applicant can satisfy all of the following criteria for granting shoreline variances:
1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
  2. That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not for example, from deed restrictions or the applicants own actions;
  3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
  4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
  5. That the variance requested is the minimum necessary to afford relief; and
  6. That the public interest will suffer no substantial detrimental effect.
  7. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- D. Variance permits for development and/or uses will be located waterward of the ordinary high water mark (OHWM) or within any wetland may be authorized provided the applicant can demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
2. That the proposal is consistent with the criteria established in BLMC 16.56.050.C.1 – 16.56.050.C.7; and
3. That the public rights of navigation and use of the shorelines will not be adversely affected.

#### **16.58.060 Revisions to Permits**

- A. When an applicant seeks to revise a Shoreline Permit, the applicant shall provide detailed plans and text describing the proposed changes in the permit.
- B. Revisions to an approved Shoreline Exemption or Shoreline Substantial Development Permit are reviewed by the Shoreline Administrator.
- C. Revisions to an approved Shoreline Conditional Use Permit or Shoreline Variance are reviewed by the Hearing Examiner.
- D. Revisions to an approved Shoreline Permit may be approved, if the revisions are within the scope and intent of the original permit as defined below:
  1. No additional over water construction is involved, except that pier, dock, or float associated with providing public access or a single-family residence may be increased by ten percent from the provisions of the original permit.
  2. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit; subject to the following limitations:
    - a. Revisions involving new structures not shown on the original site plan shall require a new permit.
    - b. The revised permit does not authorize development to exceed the lot coverage and/or height requirements established by the Shoreline Code; except as authorized under a variance granted as the original permit or a part thereof.
  3. The revised permit does not authorize development to exceed any the development standards established by the Shoreline Code except as authorized under a variance granted as the original permit or a part thereof.
  4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program.
  5. The use authorized pursuant to the original permit is not changed.

6. No adverse environmental impact will be caused by the project revision.
  7. The use authorized pursuant to the original permit is not changed.
- E. If the revision, or the sum of the revision and any previously approved revisions, does not comply with the criteria of 16.58.070.B, the applicant shall apply for a new Shoreline Permit, as appropriate, in the manner provided for in the SMP.
- F. If the revision to the original permit involves a Shoreline Conditional Use Permit or Shoreline Variance, the Shoreline Administrator shall submit the revision to the DOE, for DOE's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Local government shall notify parties of record of the department's final decision.
- G. Revisions to a Shoreline Permit are effective as provided below:
1. The Shoreline Administrator's decision to approve or deny a revision to a Shoreline Substantial Development Permit is effective immediately. Appeals Shoreline Administrators decision on the request revision must be filed with the Shoreline Hearings Board within twenty-one (21) days of the effective date of the decision.
  2. The Shoreline Administrator's decision to approve or deny a revision to a Shoreline Conditional Use Permit and/or Shoreline Variance is effective upon DOE's decision to approval or deny the requested revision.
  3. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline.

#### **16.58.070 Permit Decisions**

- A. The decision to either or deny or approve a Shoreline Permit or a revision to a Shoreline Permit shall be based on the information provided in the application and entered into the record.
- B. A written decision shall be issued either approving or denying a Shoreline Permit or a revision to a Shoreline Permit containing the following:
1. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations.
  2. An analysis applicable explaining how the proposal is or is not consistent the applicable review criteria.

3. Conditions of approval determined to be necessary to assure that the project is consistent with the SMP and SMA

**16.58.080 Notice of Permit Decision**

- A. Within eight (8) days of the decision to approve or deny a Shoreline Permit, the Shoreline Administrator shall provide copies of the written decision to applicant, all parties of record, and individuals that requested a copy of the decision.
- B. All Shoreline Permit decisions which contain conditions approval shall be recorded with the Pierce County Auditor as a condition running in perpetuity with the land.

**16.58.090 Filing the Permit Decisions with the State**

- A. Within eight (8) days of the decision to approve or deny a Shoreline Permit, the Shoreline Administrator shall file the following with the Department of Ecology and the Attorney General:
  1. A copy of the complete application.
  2. The final decision of the Shoreline Administrator or the Hearing Examiner.
  3. The permit transfer form provided in Appendix A to WAC 173-27-990.
  4. Where applicable, local government shall also file the applicable documents required by Chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW; and
  5. Affidavit of public notice.
  6. When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved plan.

**16.58.100 Appeals**

- A. The decision to approve or deny a Shoreline Permit may be appealed as provided below:
  1. All appeals are governed by the procedures established in RCW 90.58.180.
  2. Appeals of decisions related to the revision of a Shoreline Substantial Development Permit must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of filing.

3. Appeals of decisions related to a Shoreline Conditional Use Permit and/or Shoreline Variance must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of DOE's decision to either approve or deny the Conditional Use Permit and/or Shoreline Variance.
- B. The decision to approve or deny a revision to Shoreline Permit may be appealed as provided below:
1. All appeals are governed by the procedures established in RCW 90.58.180.
  2. Appeals of decisions related to the revision of a Shoreline Substantial Development Permit must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of filing.
  3. Appeals of decisions related to the revision of a Shoreline Conditional Use Permit or Shoreline Variance must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of DOE's decision to either approve or deny the revision.
  4. Appeals shall be based only upon contentions of noncompliance with the provisions of 16.58.070.B.
  5. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

#### **16.58.110 Other Approvals**

- A. Work at or waterward of the OHWM may require permits or approvals from one or more of the following state and federal agencies: U.S. Army Corps of Engineers, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, or Washington Department of Ecology. Documentation verifying necessary state and federal agency approvals must be submitted to the City prior to issuance of a building permit.
- B. All developments below the 545 elevation line along Lake Tapps requires the issuance of the license from the Cascade Water Alliance. Documentation verifying that the applicant has obtain the required license must be submitted to the City prior to issuance of a building permit

#### **16.58.120 Application Materials**

- A. The owner of the subject property or the authorized agent(s) of the owner is encouraged to have a pre-application meeting with the City to determine if and what type of shoreline permit(s) is required for the proposed development or use.

B. All request for substantial development permits, conditional use permits and variances, shall, at a minimum, contain the following information and diagrams:

1. Completed JARPA form.
2. Written Justification: The applicant shall submit a written justification explaining how the development and/or use complies with the criteria established for the requested permit. In preparing the justification statement, the applicant must restate the criteria and provide the corresponding answer directly below each of the criteria.
3. All shoreline substantial development permits, conditional use permits and variances require a SEPA review in conjunction with the review of the underlying application.
4. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
  - a. The boundary of the parcel(s) of land upon which the development is proposed.
  - b. The OHWM of all water bodies located adjacent to or within the boundary of the project. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline. For projects adjacent to the Lake Tapps Reservoir the OHWM shall be identified.
  - c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
  - d. The approximate location of trees over 4.5 DBH, their size (DBH) and their species, along with the location of existing structures, driveways, access ways and easements and the proposed improvements.
5. A report from a Qualified Arborist stating the size (DBH), species, and assessment of health of all identified trees located within the vegetative buffer. This requirement may be waived by the Planning Official if it is determined that proposed development activity will not impact Significant Trees within the Vegetation Conservation Area regulated by BLMC 16.56.060.

- C. All request for a shoreline exemption shall be made using a JARPA accompanied by a letter identifying which exemption(s) is request by the applicant and a simple site plan illustrating the location of the existing structure(s) and shoreline modification(s) and the proposed structure(s) and shoreline modification(s).

**Section 18.** BLMC Section 16.20.030 and Ordinance No. 1325 § 6, 2009 is hereby amended to read as follows:

**16.20.030 Definitions.**

“100-year flood” means a flood having a one percent chance of being equaled or exceeded in any given year.

“Alter” means to change a critical area or its buffer, including grading, filling, dredging, clearing, construction, compaction, excavation, and pollution.

“Anadromous” refers to fish that spawn and rear in freshwater and mature in saltwater.

“Applicant” means a person who applies for a development permit from the city.

“Aquifer” means a geological formation capable of yielding water to a well or spring.

“Best management practices” means those practices which provide the best available and reasonable physical, structural, managerial, or behavioral activity to reduce or eliminate pollutant loads and/or concentrations leaving the site.

“Buffer” means an area contiguous to and required for protection of a critical area.

“Channel migration zone” means the lateral extent of likely movement of a stream or river during the next 100 years as evidenced by movement over the past 100 years.

“Conservation easement” means a legal agreement that the property owner enters into to restrict uses of the land in a manner that conserves natural functions.

“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, as discussed in WAC 365-190-080(2). Within such areas, pollutants seeping into the ground are likely to contaminate the water supply.

“Critical area” means those areas listed in BLMC 16.20.060.

“Critical areas variance” means the process through which an applicant may gain flexibility in the application of specific regulations of the critical areas code to a specific proposal, when all the criteria for a critical areas variance have been met.

“Development” means any land use or action that alters a critical area or its buffer, including city approvals that establish patterns of use such as subdivisions, short subdivisions, rezones, and conditional use permits.

“Fish habitat” means habitat used by fish at any life stage at any time of the year.

“Functions and values” means the benefits conferred by critical areas, including water quality protection, fish and wildlife habitat, flood storage and conveyance, groundwater recharge, erosion control, and protection from hazards.

“Hazardous substance” means a liquid, solid, or gas that exhibits any of the properties described in WAC 173-303-090 or 173-303-100.

“Historic” means existing before the area was altered by human activity.

“Impact” means to adversely affect a natural system or increase the hazard which a natural system poses to human life and property.

“Impervious” refers to a hard surface area that retards the entry of water into the soil.

“Lowest floor” excludes unfinished enclosures usable only for parking, building access, or storage.

“Minor work” means work that is exempt from review under the State Environmental Policy Act, such as planting wetland-compatible indigenous plants, the removal of invasive or noxious weeds, or pruning trees, all using hand labor or hand-held equipment.

“Mitigation” means a requirement to replace or enhance critical ~~areas~~ functions and values destroyed or impacted by proposed land disturbances.

“Monitoring” means assessing the performance of mitigation measures by collection and analysis of data on changes in natural systems.

“Ordinary high water mark” means that mark on the bed or bank below which inundation is so common in ordinary years that the soil and/or vegetation are distinct from that of the abutting upland.

“Primary association” means a relationship between a species and a habitat area whereby the species regularly uses or otherwise needs the habitat area to thrive.

“Rill” means a small, steep-sided channel caused by erosion.

“Riparian habitat” means stream-side areas that influence the aquatic ecosystem by providing shade, debris, or insects and provide habitat for riparian wildlife.

“Species” means a group of animals commonly classified by the scientific community as a species or subspecies.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the structure’s market value before the improvement, or, if the structure was damaged, before the damage occurred.

“Watercourse” means flowing waters of the state, perennial or intermittent, excluding artificial waterways such as ditches or canals not created by human alteration of a natural watercourse.

"Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands

“Wetland mitigation bank” means a site where wetlands are restored, created, or enhanced to mitigate in advance authorized impacts to similar resources.

**Section 19.** BLMC Section 16.20.130 and Ordinance No. 1252 § 1, 2007 is hereby amended to read as follows:

**16.20.130 Substantive requirements.**

- A. All treatment of critical areas shall be in accordance with best available science as defined in WAC 365-195-900 through 365-195-925, which is hereby adopted by reference, along with the Washington State Department of Community Development’s “Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas.”
- B. Critical areas and their buffers shall be left undisturbed except the following may be permitted if best management practices are used:
1. Authorized functional restoration;
  2. In buffers: utility poles and utility lines which do not require excavation;
  3. In the outer ~~50~~twenty-five percent ~~(25%)~~ of buffers ~~or and~~ at least 50 feet from the critical area edge: permeable-surfaced walkways, trails, and minimal wildlife viewing structures;

4. Developments authorize by a critical area variance pursuant to BLMC 16.20.145 for which mitigation is ~~allowed-provided~~ per 16.20.130.Esubsection E of this section; and
  5. Other uses specifically authorized by this critical areas code.
- C. No development shall occur which results in a net loss of the functions or values of any critical area ~~except reasonable use variances per BLMC 16.20.140(B)~~. The pre- and postdevelopment functional comparison shall be on a per function basis unless otherwise authorized by this critical areas code.
- D. No development shall occur in critical areas and their buffers which results in an unreasonable hazard to the public health and safety.
- E. These substantive requirements shall be met via one or more of the following methods, listed in preferential sequence (commonly known as “sequencing”). The methods used shall be those which are highest on the list yet consistent with the objectives of the proposed development.
1. Avoid the impact altogether by not taking the proposed action;
  2. Minimize the impact by limiting the action’s magnitude or changing the project design, location, or timing;
  3. Mitigate (compensate for) the impact on natural system functions and values by enhancing or replacing other natural systems and ensuring that the mitigation serves its purpose over time. Mitigation should provide equivalent or greater functions and values than those of the critical area it replaces. The mitigation shall be near the impact site unless it is more cost-effective to mitigate lost functions at a larger scale, such as at a wetland mitigation bank within the impacted wetland’s drainage basin. The city reserves the right to disallow mitigation that would be located outside the UGA.
- F. As a condition of any permit approval, the city may require that:
1. The outer edge of the critical area or buffer be marked, signed, or fenced to protect the resource. Such protection may be temporary, during construction, or permanent such as to protect the resource from livestock or people. The director(s) shall specify the design and sign message, if applicable, of such markers, signs, and fencing;
  2. The applicant file a notice with the county records and elections division stating the presence of the critical area or buffer and the application of this critical areas code to the property, to inform subsequent purchasers of the property;
  3. The critical area and/or buffer be placed in a critical area tract or conservation easement, the purpose of which is to set aside and protect the critical area. The critical area tract or conservation easement shall be:

- a. Held by the city, a homeowner's association, a land trust or similar conservation organization, or by each lot owner within the development in an undivided interest;
  - b. Recorded on all documents of title of record for the affected parcels;
  - c. Noted on the face of any plat or recorded drawing; and
  - d. Delineated on the ground with permanent markers and/or signs in accordance with local survey standards.
- G. The city may allow averaging of standard wetland and stream buffer widths if a qualified professional demonstrates that:
1. Functions and values are not adversely affected;
  2. The total buffer area is not reduced; and
  3. At no location is the buffer width reduced more than 40 percent.
- H. Unless otherwise provided, buildings and other structures shall be set back a distance of 10 feet from the edges of all critical areas and critical area buffers. The same protrusions into this setback area shall be allowed as the zoning code allows into property line setback areas.
- I. Lots created through subdivisions or short plats may contain critical areas and buffers provided they contain adequate buildable area to build upon. Subdivision and short plats shall show, on their face, any applicable critical area limitations.
- J. When any existing regulation, easement, covenant, or deed restriction conflicts with this critical areas code, that which provides more protection to the critical areas shall apply.
- K. When critical areas of two or more types coincide, the more restrictive buffer and requirements shall apply.
- L. The substantive requirements peculiar to the type of critical area shall also be complied with. ~~See following chapters:~~

**Section 20.** BLMC Section 16.22.010 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

**16.22.010 Designation.**

Wetlands are those areas, designated in accordance with the ~~“Washington State Wetland Identification and Delineation Manual (1997),”~~ Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region – Version 2.0 prepared by the U.S. Army Corps of Engineers (2010). ~~-that are inundated~~

~~or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions.~~ The Bonney Lake planning and community development department has maps showing the approximate location and extent of wetlands. However, these maps are only a guide, and will be updated as wetlands become better known. The exact location of a wetland's boundary shall be determined in accordance with the above-stated manual as required by RCW 36.70A.175. ~~(Ecology Publication #96-94, 1997).~~

**Section 21.** BLMC Section 16.22.020 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

**16.22.020 Rating.**

Wetlands shall be rated Category I, II, III, or IV according to the Department of Ecology's "2004 Washington State Wetland Rating System for Western Washington" (Publication #04-06-014) ~~as presently constituted or as may be subsequently amended. (See WAC 365-190-080(1)(a).)~~ Wetland categories shall apply to the wetland as it exists on the date the city adopts the rating system, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

**Section 22.** BLMC Section 16.22.040 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

**16.22.040 Substantive requirements.**

In addition to the substantive requirements of BLMC 16.20.130, the following requirements shall apply to developments (see definitions) in wetlands except as exempted above.

- A. The higher the wetland category (Category I is highest), the greater shall be the emphasis on higher-priority "sequencing" methods per BLMC 16.20.130(E).
- B. The following table establishes the standard buffer width that shall apply to each wetland category, depending on the intensity of the potential land use on the upland side of the buffer ~~as determined by the director(s) and the habitat score of the wetland as determined on the Wetland Rating Form for Western Washington Version 2, as presently constituted or as may be subsequently amended, completed by a qualified professional. Buffers shall be measured from the wetland boundary as surveyed in the field. These buffer widths presume that healthy native plant communities dominate the buffer. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.~~

		Intensity land use on the upland side of the buffer		
<u>Overall Wetland Rating</u>	Habitat Score	High <sup>1</sup> (including commercial areas, industrial areas, residential areas at more than four units per net acre, and areas of high-intensity agriculture or recreation)	Moderate <sup>2</sup> (including residential areas at less than four units per net acre, parks, and trails)	Low <sup>3</sup> (including passive recreation and open space)
Category I	<u>29 – 36 points</u>	<u>300 feet</u>	<u>250-225 feet</u>	<u>200-150 feet</u>
<u>Category I</u>	<u>20 – 28 points</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category I</u>	<u>19 points or less</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
Category II	<u>29 – 36 points</u>	<u>200-300 feet</u>	<u>150-225 feet</u>	<u>100-150 feet</u>
<u>Category II</u>	<u>20 – 28 points</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category II</u>	<u>19 points or less</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
<u>*Category III<sup>4</sup></u>	<u>20 points or greater</u>	<u>100-150 feet</u>	<u>75-110 feet</u>	<u>50-75 feet</u>
<u>Category III<sup>4</sup></u>	<u>19 points or less</u>	<u>80 feet</u>	<u>60 feet</u>	<u>40 feet</u>
<u>*Category IV<sup>4</sup></u>	<u>0 points or greater</u>	<u>50 feet</u>	<u>35-40 feet</u>	<u>35-25 feet</u>

<sup>1</sup> High Intensity Land Uses include commercial, industrial, and retail developments; institutional use, residential developments at more than 1 unit per acre; high intensity recreation areas (golf course, ball fields, etc.); and hobby farms.

<sup>2</sup> Moderate Intensity Land Uses include residential developments at less than 1 unit per acre; moderate intensity open space (parks with biking, jogging, etc.); paved trails and utility corridors with maintenance roads.

<sup>3</sup> Low Intensity Land Uses include low intensity open space (hiking, bird-watching, preservation of natural resources, etc.); unpaved trails and utility corridors without maintenance roads.

<sup>4</sup> For exemption of wetlands under 1,000 square feet see BLMC 16.20.070(S).

C. Buffers shall be measured from the wetland boundary as surveyed in the field. These buffer widths presume that healthy native plant communities dominate the buffer. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

~~C.D.~~ Buffers shall be measured from the wetland boundary as surveyed in the field. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

~~D.E.~~ The director(s) may increase the required buffer width and/or require buffer enhancement if a wetland professional determines that the wetland provides habitat for wildlife species that require greater protection than the standard buffer, or the buffer lacks healthy native vegetation or is otherwise handicapped in its ability to protect the wetland. Said determination shall take into account the score derived from the Wetland Rating System and such factors as topography, land use, and past disturbance.

~~E.F.~~ The director(s) may reduce the standard buffer width if the function(s) served by the particular wetland need less buffer width, as indicated by a wetland functional analysis.

~~F.G.~~ Except as provided elsewhere in this critical areas code, all existing native vegetation in wetland buffers shall be retained without disturbance, mowing, or hard surfacing, nor shall any action be taken to inhibit volunteer regrowth of native vegetation. Invasive weeds shall be removed for the duration of any mitigation bond. Stormwater management facilities and bioswales are permitted in the outer ~~50~~twenty-five percent (25%) of the buffer of Category III or IV wetlands provided wetland functions and values are not significantly lost through fluctuations in wetland hydrology and construction integrates best management practices.

**Section 23.** BLMC Section 16.22.050 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

**16.22.050 Mitigation.**

- A. Mitigation for alterations to wetlands may be by restoring former wetlands, creating wetlands, or enhancing degraded wetlands, consistent with the “Department of Ecology Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals, (2004),” as revised.
- B. Mitigation shall generally replace wetland functions lost from the altered wetland except that the city may permit out-of-kind replacement when the lost functions are minimal or less important to the drainage basin than the functions that the mitigation action seeks to augment.
- C. Mitigation shall be in the same drainage basin as the altered wetland. Wetland mitigation shall be in the same sub-basin unless a higher level of ecological functioning would result from an alternate approach.
- D. Mitigation projects shall be completed as quickly as possible consistent with such factors as rainfall and seasonal sensitivity of fish, wildlife, and flora.

- E. Mitigation projects shall be designed utilizing Washington State Department of Ecology Publication #06-06-011a: Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance – Version 1 (2006). ~~–with reference to “Wetland Replacement Ratios: Defining Equivalency,” Washington Department of Ecology, 1992, Publication #92-08; “Freshwater Wetlands in Washington State,” Volume 2, Appendix 8-C; and similar science. Mitigation projects shall score the impact site and the mitigation site using the Wetland Rating Data Form of the “Revised Washington State Wetlands Rating System for Western Washington.” The aggregate total of wetland functions and values after mitigation, altered and mitigation sites combined, shall be at least 50 percent greater than the aggregate total before mitigation; provided, that this replacement ratio (1.5 to 1, nonacreage based) shall be increased as necessary to compensate for mitigation that:~~
- ~~1. Has a greater than usual risk of failure;~~
  - ~~2. Is out of kind;~~
  - ~~3. Is outside the sub-basin;~~
  - ~~4. Is unlikely to produce the intended functions and values within 10 years after the alteration; or~~
  - ~~5. Remedies unauthorized alterations.~~
- F. ~~Because the above Mitigation replacement ratios is shall be based on a before-and-after count of functions and values, not acreage, as determined using the methodology established in Department of Ecology Publication #10-06-01: Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (2012). Mitigation projects shall score the impact site and the mitigation site using the scoring form provided in Publication #10-06-01 – Appendix A. Wetland Rating Data Form of the “Revised Washington State Wetlands Rating System for Western Washington.” The aggregate total of debits for impacts to wetland functions and values and credits for wetland mitigation and preservation shall be zero as determined by the worksheets provided in Publication #10-06-01 – Appendix D. it accounts, without need for further adjustment, for mitigation that would result in a lower category wetland than the wetland being impacted, and mitigation that would enhance as opposed to create or restore a wetland. In the case of enhancement, wetland acreage may decline though wetland functions and values would increase. Enhancement proposals shall be based on a sound understanding of the mitigation site’s pre and post mitigation functions and values.~~
- G. Credits granted from a certified wetland mitigation bank shall be consistent with the bank’s certification and service area.
- H. The applicant shall provide an as-built plan of the mitigation site and monitor the site in accordance with BLMC 16.20.110(G).

**Section 24.** BLMC Section 16.30.050 and the corresponding portion of Ordinance No. 1252 § 2, 2004 is hereby amended to read as follows:

**16.30.050 Substantive requirements.**

In addition to the substantive requirements of BLMC 16.20.130, the following shall apply to habitat conservation areas:

- A. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area except with approval of a state or federal agency with expertise.
- B. Preference in mitigation shall be given to contiguous wildlife habitat corridors.
- C. In reviewing development proposals, the city shall seek opportunities to restore degraded riparian fish and wildlife functions such as breeding, rearing, migration, and feeding.
- D. The ~~city~~ City shall require buffers of undisturbed native vegetation adjacent to habitat conservation areas as necessary. Buffer widths shall reflect the sensitivity of the habitat and may reflect the intensity of nearby human activity.
- E. When a species is more sensitive to human activity during a specific season of the year, the city may establish an extra outer buffer from which human activity is excluded during said season.
- F. No development shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association, except in exchange for restoration as approved by the director(s) or as provided in a management plan approved by a state or federal agency with appropriate expertise.
- G. When a development permit is applied for on land containing or adjacent to a bald eagle nest or communal roost, the city shall notify the Washington Department of Fish and Wildlife and otherwise comply with WAC 232-12-292.
- H. No development shall be permitted which degrades the functions or values of anadromous fish habitat, including structures or fills which impact migration or spawning.
- I. Construction and other activities shall be seasonally restricted as necessary to protect the resource. Activities shall be timed to occur during work windows designated by the Washington Department of Fish and Wildlife for applicable fish species.
- J. Shoreline erosion control adjacent to lakes or streams not regulated under the Shoreline Code shall use bioengineering methods or soft armoring in accordance with an approved critical area report.

- K. The following table establishes the standard width of stream buffers (also known as riparian habitat areas) that shall apply to each stream type. The Bonney Lake planning and community development department has maps showing streams of each type. Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.

Stream type	Standard buffer width
Type S (subject to Shorelines Management Act)	200 feet <del>(none identified in Bonney Lake)</del>
Type F (fish-bearing other than S)	150 feet <del>except 200 feet for Fennel Creek and 100 feet for Lake Debra Jane outfall to Fennel Creek</del>
Type Np (nonfish, perennial)	100 feet <del>(only PSE Flume is identified in Bonney Lake)</del>
Type Ns (nonfish, seasonal)	35 feet <del>except 25 feet for Lake Bonney outfall to Lake Debra Jane outfall</del>

- L. The director(s) may increase the standard buffer width as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential.

- M. The director(s) may reduce the standard buffer width in exchange for restoration of degraded areas in accordance with an approved plan, or for buffer averaging in accordance with BLMC 16.20.130(G). The director(s) may also reduce the standard buffer width wherever the proposed adjoining upland land use is of low intensity and low impact, such as passive-use parks.

- N. If the stream enters an underground culvert or pipe, and is unlikely to ever be restored above ground, the director(s) may waive the buffer along the undergrounded stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.

- ~~O. The Shoreline Master Program, not this critical areas code, shall determine allowable uses along and setbacks from lakes; provided, that this critical areas code shall govern wetlands, streams, and other critical areas lying within areas of shoreline management jurisdiction.~~

P.O. To the extent facilities are allowed in habitat conservation areas, the following regulations shall apply:

1. Trails: See BLMC 16.20.130(B)(3).
2. Road bridges and culverts shall be designed according to the Washington Department of Fish and Wildlife "Fish Passage Design at Road Culverts," 1999, and the National Marine Fisheries Service "Guidelines for Salmonid Passage at Stream Crossings," 2000.
3. Utility lines shall be accomplished by boring beneath the scour depth and hyporheic zone (the saturated zone beneath and adjacent to streams that filters nutrients and maintains water quality). Utilities shall avoid paralleling streams or changing the natural rate of shore or channel migration.
4. New and expanded public flood protection measures shall require a biological assessment approved by the agency responsible for protecting federally listed species.
5. Instream structures such as high-flow bypasses, sediment ponds, instream ponds, retention and detention facilities, tide gates, dams, and weirs shall be allowed only as part of an approved restoration project.
6. Stormwater conveyance structures shall incorporate fish habitat features and the sides of open channels and ponds shall be vegetated to retard erosion, filter sediments, and shade the water.
7. Watercourse Alterations. See BLMC 16.26.030(H).

**Section 25.** The name of Chapter 14.40 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 2 Permits (~~Categorically Exempt Short Plats and Final Plats~~)

**Section 26.** The name of Chapter 14.50 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 3 Permits (~~Non-SEPA Exempt Building Permits, Short Plats, Sensitive Area Permits, Shoreline Letters of Exemption, and Site Plan Approvals~~)

**Section 27.** The name of Chapter 14.60 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 4 Permits (~~Variancees and Categorically Exempt Conditional Use Permits~~)

**Section 28.** The name of Chapter 14.70 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 5 Permits (~~Shoreline Permits and Critical Areas Variances~~)

**Section 29.** The name of Chapter 14.80 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 6 Permits (~~Preliminary Plats and Site-Specific Rezones~~)

**Section 30.** BLMC 14.20.010 and Ordinance No 1466 § 1, 2013 is hereby amended to read as follows:

**14.20.010 Classification.**

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

	Type					
	1	2	3	4	5	6
Regulatory reform applies; that is, per RCW 36.70B.140, the city must issue a determination of completeness, etc.		X	X	X	X	X
Non-SEPA-exempt (SEPA threshold determination required)			X	X	X	X
Public hearing required				X	X	X
City council decision after recommendation from hearing examiner (preliminary plats, site-specific rezones) or planning commission (code or comprehensive plan amendments)						X

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

	Type					
	1	2	3	4	5	6
Accessory dwelling units (ADU) permits	X					
Administrative wireless communication facility (WCF) permits	X					
Boundary line adjustments	X					
Building permits, SEPA-exempt	X					
Land clearing permits	X					
Lot combinations	X					
Sensitive area permits, SEPA-exempt	X					
Sign permits	X					
Sign variances	X					
Temporary permits	X					
Short plats, SEPA-exempt		X				
Final plats		X				
Building permits, non-SEPA-exempt			X			
Sensitive area permits, non-SEPA-exempt			X			
Shoreline letters of exemption	<u>X</u>		<u>X</u>			
Short plats, non-SEPA-exempt			X			
Site plan approvals			X			
Conditional use permits, SEPA-exempt				X		
Variances				X		
Critical areas variances					X	
Shoreline substantial development permits <del>and</del> <del>variances</del>			<u>X</u>		<u>X</u>	
<u>Shoreline conditional use permits and variances</u>					<u>X</u>	
Preliminary plats						X
Site-specific zoning reclassification not processed concurrently with a comprehensive plan amendment.						X

**Section 31.** BLMC 14.20.010 and Ordinance No 1325 § 2, 2009 is hereby amended to read as follows:

**14.30.010 Procedure.**

A. The director(s) shall approve completed Type 1 permit applications that meet the appropriate permit approval criteria. See the pertinent BLMC section or building code as follows:

1. Building permits, SEPA-exempt	The pertinent building code
2. Temporary permits	Chapter 14.100 BLMC
3. Sign permits	BLMC 15.28.050 – 15.28.060
4. Sign variances	BLMC 15.28.260
5. Land clearing permits	BLMC 16.12.030
6. Sensitive area permits	BLMC 16.20.060
7. Boundary line adjustments	BLMC 17.56.010
8. Lot combinations	BLMC 17.56.020
9. Administrative WCF permits	BLMC 18.50.009(B) & 18.50.013
10. ADU permits	BLMC 18.22.090(B)
<u>11. Shoreline Letters of Exemption</u>	<u>BLMC 16.58.020</u>

B. If the proposal is not exempt from design review (see Chapter 14.95 BLMC), the design commission shall review it and issue a finding of conformance (with or without conditions) or non-conformance with the community character element of the comprehensive plan.

C. The director(s) shall not approve the permit unless (1) the design commission has issued a finding of conformance with the community character element of the comprehensive plan, or (2) the director(s) has issued a finding of conformance contravening the design commission’s finding. If the director(s) contravenes the design commission’s finding, the director(s) shall promptly inform the design commission in writing of the reasons for doing so.

D. For appeals of shoreline permits see RCW 90.58.180 BLMC 16.58.100. For other appeals see BLMC 14.120.020 and 14.120.030.

E. No building permit shall be issued for work requiring a Type 1 permit until the 15-day appeal period has lapsed; provided, that this prohibition shall not apply if:

1. The work requires only a building permit; or
2. The director(s) waives this prohibition based on the applicant signing a statement acknowledging the appeal period and agreeing to remove or modify the permitted work at the applicant's expense should an appeal result in revocation or modification of the appealed permit.

**Section 32.** BLMC Section 14.70.110 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

**14.70.110 Appeal.**

For appeals of shoreline permits see ~~RCW 90.58.180~~ BLMC 16.58.100. For other appeals see BLMC 14.120.040.

**Section 33.** BLMC Section 18.14.06 and the corresponding portion of Ordinance No. 1302 § 2, 2003 is hereby amended to read as follows:

**18.14.060 Setback and bulk regulations.**

The following bulk regulations shall apply to the uses permitted in this district, subject to the provisions for yard projections included in BLMC 18.22.080:

- A. Required density at the conclusion of any short plat or subdivision: four to five dwelling units per net acre. For example, the subdivision of a parcel of three net acres must result in between 12 and 15 dwelling units.
- B. Minimum lot width: 55 feet. See also subsection H of this section.
- C. Minimum front setback: 20 feet for garages, 10 feet for residences. See also subsection H of this section. In areas where existing right-of-way is insufficient, additional setback shall be required as necessary.
- D. Minimum side yard: five feet (not applicable to property lines where single-family residences are attached).
- E. Minimum rear setback shall be as follows. See also subsection H of this section.
  1. Residence: 20 feet; ~~other than residences on Lake Tapps, which shall have a rear setback of 30 feet.~~
  2. A separate garage or accessory building: within 10 feet.
  3. A boathouse, if approved, may be constructed with no rear yard setback.
- F. Maximum height: 35 feet above grade.

G. Maximum lot coverage by impervious surfaces: 60 percent. See also subsection H of this section.

H. In the case of new subdivisions that cluster residences and preserve open space, concurrent with subdivision approval the city may reduce the requirements in subsections B, C, E and G of this section by up to 50 percent if indicated by application of the conditional use permit criteria (see BLMC 18.52.020(C)). See the list of conditional uses at BLMC 18.14.040.

**Section 34. Codification.** Sections 5 – 17 of this Ordinance shall be codified as Article III in Title 16 of the Bonney Lake Municipal Code and entitled "Shoreline Code"

**Section 35. Repealer.** The previously codified provisions of Chapter 16.08 BLMC and section 1 – 5 and 11 of Ordinance No. 404, sections 5, 5A and 12 of Ordinance 404A, sections 7 and 8 of Ordinance 555, section 4 and 5 of Ordinance 639 and the corresponding portion of Section 2 of Ordinance 988 are each repealed.

**Section 36. Repealer.** BLMC Section 16.20.160 and the corresponding portion of Section 2 of Ordinance No. 1070, 2004 is hereby repealed.

**Section 37.** This Ordinance shall take effect and be in force fourteen (14) days from and after its passage, approval and publication, as required by law.

**PASSED** by the City Council and approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**ORDINANCE D13-56  
ATTACHMENT "A"**

**FINDINGS OF FACT AND CONCLUSIONS**

Having considered in detail both the oral and documentary evidence received concerning the update to the City of Bonney Lake's Shoreline Master Program, the Bonney Lake City Council now makes and adopts the following Findings of Fact and Conclusions:

**FINDINGS OF FACT**

**Shoreline Jurisdiction**

- 1) The Watershed Company and Makers prepared the document entitled *Shoreline Analysis Report for City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* dated June 24, 2010 (Shoreline Inventory and Characterization Report).
- 2) The Shoreline Analysis Report identified the shorelines of the state which include portion of Fennel Creek and Lake Tapps to include the portion of the Printz Basin Flume within the City of Bonney Lake.
- 3) Upon further review it was determined that the Printz Basin Flume within the City of Bonney Lake is not considered a shoreline of the state regulated under the Shoreline Management Act (Chapter 90.58 RCW) and the City's Shoreline Master Program based on the following:
  - a. The water diversion facilities associated with the White River, Printz Basin, and Lake Tapps are specifically identified in the Department of Ecology's Shoreline Master Plan Handbook (DOE Publication Number 11-06-010) as an example of a water feature that is not a shoreline of the state:

The Lake Tapps Water Diversion was built in 1911 by the company currently doing business as Puget Sound Energy (PSE) to produce hydroelectricity. In 2004, PSE terminated the power generation operation, and in 2009 the Cascade Water Alliance (Cascade) bought the entire diversion system from PSE. Cascade intends to retrofit the diversion system and utilize it as a source of municipal drinking water.

Water is conveyed through several types of structures for more than eight miles, which starts at the diversion dam at White River Mile 24.3, **to its termination at Lake Tapps**. (Emphasis added) To

maintain the flume, regular dredging and vegetation removal is necessary.

The diverted water initially flows through an above grade wooden and cement flume; the water then flows through a constructed, earthen canal at approximately the crossing point of highway 410; the open channel then transitions into a series of underground pipes until it daylights just upstream of Lake Tapps. From the discharge point at the northwest end of Lake Tapps, the water flows through a tailrace back into the White River at River Mile 3.6. This is not a “naturally occurring” stream and the water is discontinuous from the White River. Therefore, the canal is **not a shoreline of the state.** (pg. 12)

- b. DOE wrote a letter to the City of Buckley on May 13, 2010 stating that DOE does not consider the Printz Basin or the associated flume from the initial diversion on the White River to its termination at Lake Tapps as a shoreline of the state:

The White River Flume is a constructed water conveyance originally built in 1911 by the company currently doing business as Puget Sound Energy (PSE) to produce hydroelectricity. In 2004, PSE terminated the power generation operation, and in 2009 the Cascade Water Alliance (Cascade) bought the entire diversion system from PSE. Cascade intend to retrofit the diversion system and utilize it as a source of municipal drinking water.

Water is conveyed through several structures on its eight-mile journey which starts at the initial diversion dam at White River Mile 24.3 within the Town of Buckley’s corporate limits, to its **termination at Lake Tapps** (see image 1). (Emphasis added) The diverted water initially flows through an above grade wooden and cement flume (see image 2); the water then flows through a constructed, earthen canal at approximately the crossing point of highway 410; [sic] The open channel then transitions into a series of underground pipes until it daylights in Printz Basin just upstream of Lake Tapps. From the discharge point at the northwest end of Lake Tapps, the water flow through the Deiringer Tailrace back in the White River at River Mile 3.6.

To maintain the flume, regular dredging and vegetation removal is necessary. Regular maintenance for the flume has lapsed for the past six years, however, due to the change in use of the flume the Cascade Water Alliance expects to reestablish a maintenance schedule upon the establishment of Lake Tapps as a source for drinking water.

**We do not consider the flume a shoreline of the state.** (Emphasis added) It is not a stream. It is a constructed facility designed and managed to care water for a specific purpose. Also we consider Printz Basin to be part of the flume and, likewise, not a shoreline of the state.

- c. DOE wrote a letter to Pierce County Planning and Natural Resource on November 1, 1993 stating that the flume from the White River to Lake Tapps has not attained a public status and therefore is not considered a shoreline of the state:

**Neither Puget Sound Power and Light's diversion channel from the White River to Lake Tapps** nor the discharge canal from the power plant back to the White River **meet the "public status" test at this time.** (Emphasis added) The degree of resemblance to a natural water body is minimal. The flow is artificially controlled; the channel is dewatered for as much as 20 days per year; and extensive portion of the flow is through concrete-lined channels and underground pipes. The degree of use of the waterway for navigational or public recreation ends is also minimal. Puget Sound Power and Light owns the channel and the land around it in its entirety. Public use is and historically has been discourage to limit liability and vandalism.

Under the authority of RCW 90.58.030(2)(f), which assigns responsibility for shoreline designation to the department of ecology [sic], **we have determined that these channels are not subject to regulations under the Shoreline Management Act** and the Pierce County Shoreline Master Program provided that their use is not expanded to encompass "public" benefits. (Emphasis added)

While the ownership of the flume has changed, the use of the flume has not been expanded to encompass "public" benefits, the use of the waterway for navigation or public recreation is still minimal, and public use is still discouraged to limit liability and vandalism. Therefore, the flume would still fail to meet the "public status" test as established by DOE

### **Public Participation**

- 4) The City developed a Public Participation Plan to ensure public involvement in the update of the City's Shoreline Master Program as required by WAC 173-26-201(3)(b).
- 5) The City's Public Participation Plan was reviewed and accepted by the Department of Ecology as complaint with the provisions of WAC 173-26-201(3)(b).

- 6) The City formed a Citizen Advisory Committee (CAC) with the objective that the committee would provide in-depth and structured input to the City, assist in the outreach to various constituencies and interest groups, and ensure that a broad spectrum of interests and considerations are incorporated into the update process.
- 7) The City recruited members for the CAC by the following means:
  - a. Sent the announcement to people who have signed up for the Planning Newsletter online. At the time of the recruitment in 2010, 103 people had signed up to receive the online newsletter; and
  - b. Placed a copy of the recruitment notice in the Mayor's newsletter and in the monthly Bonney Lake Reporter that goes in the newspaper; and
  - c. Issued as a Press Release and posted the recruitment notice online and at the City's official posting locations; and
  - d. Placed a copy of the notice on the webpage – home page, planning page, and the SMP page; and
  - e. Mailed out letters to the Homeowner Association Representatives; and
  - f. Mailed out letters to agencies, companies and groups that may have an interest.
- 8) The Citizen Advisory Committee met on July 29, 2010, September 9, 2010, February 2, 2011, and March 10, 2011.
- 9) City held two Open Houses to educate interested parties on the elements of the Shoreline Master Program on October 18, 2010 and June 5, 2013.
- 10) The Bonney Lake Planning Commission held seven public meetings to discuss the SMP on December 5, 2012, January 16, 2013, February 6, 2013, April 10, 2013, May 1, 2013, May 15, 2013 and September 4, 2013.
- 11) The Bonney Lake Planning Commission held a public hearing October 16, 2013 and recommended that the City Council adopted the draft SMP.
- 12) The City mailed notices to all shoreline properties regarding the public hearings for the update to the Shoreline Master Program.

- 13) Notice of the public hearings for this matter has been conducted in accordance with City of Bonney Lake rules and regulations governing such matters for both the Planning Commission and the City Council.

### **State Environmental Policy Act**

- 14) The adoption of the City's Shoreline Master Program is considered a non-project action as defined in WAC 197-11-704(2)(b) under the State Environmental Policy Act (SEPA).
- 15) The adoption of the City's Shoreline Master Program is not categorically exempted from the SEPA pursuant to WAC 197-11-800; therefore, the City was required to prepare a SEPA Checklist.
- 16) Pursuant to WAC 197-11-926, the City of Bonney Lake was designated as the lead agency for the SEPA review of the proposed Shoreline Master Program.
- 17) The City Bonney Lake SEPA Official reviewed the SEPA Checklist and issued a threshold Determination of Non-Significance under WAC 197-11-340 on September 16, 2013.
- 18) A comment period on the Determination of Non-Significance was provided from September 16, 2013 to October 16, 2013.
- 19) There was not an appeal of the Determination of Non-Significance and it stands as issued

### **Environmental Review**

- 20) The City developed a Shoreline Inventory and Characterization document and distributed it for agency and public review and compiled and responded to comments and issued a final document on June 24, 2010.
- 21) The City issued a *Draft Cumulative Impacts Analysis for City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in March 2011 and considered and responded to government agency and public comments and prepared a *Final Cumulative Impacts Analysis for City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in June 2013, which was revised in December 2013 due to the removal of the Printz Basin Flume.
- 22) The Final Cumulative Impact Statement concluded that the, "...implementation of the proposed SMP is anticipated to achieve no net loss of ecological functions in the City of Bonney Lake's shorelines."

- 23) The City issued a *Draft Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in July 2011 and considered and responded to government agency and public comments and prepared a *Final Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in June 2013 which was revised in November 2013 due to the removal of the Printz Basin Flume.

### **Environmental Documents**

- 24) The City's draft SMP regulations are based on "based available science" as document in the Shoreline Inventory and Characterization Report.
- 25) To supplement the Shoreline Inventory and Characterization Report, the City relied on the following existing environmental documents:

- a) *Environmental Analysis of the Fennel Creek Corridor* prepared by Foster Wheeler Environmental Corporation (1997).

This report included an in-depth analysis of the ecological functions of the entire length of Fennel Creek. This report provides greater specificity than what was included in the Shoreline Analysis. The report also includes a delineation of the wetlands, which is slightly different than the wetlands illustrated on Figure 6 of the Shoreline Analysis.

- b) *Fennel Creek Trail DEIS and Fennel Creek Trail FEIS* prepared by Tetra Tech (January 2007 and March 2007)

This analysis includes the portions of the trail at Allen Yorke Park and the area around Victor Falls. This information evaluates the impacts associated with the development of the Fennel Creek Trail within the Shoreline Jurisdiction.

- c) *Lake Tapps Boat Management Plan* prepared by Pierce County (2005)

This report provides information regarding the recreation usage of the reservoir. One of the specific concerns is that the Lake is already exceeding the Recreation Planning Standard of one acre per boat which has specific implication regarding the goal of SMA to increase access to the lake for boating purposes.

- d) *1997 Lake Tapps Survey: The Warmwater Fish Community of a Reservoir Managed for Hydropower* prepared by the Washington Department of Fish and Wildlife (1997)

This report concluded that the annual drawdowns and refills affect both biological and physical characteristics of the reservoir. For example, little, if any submersed aquatic vegetation (an important source of food and shelter for most warmwater fish) was detected in Lake Tapps during the study area. Temperatures did not exceed 13° C throughout the water column (cool temperatures result in slow fish growth) Furthermore, because of the colloidal nature of the water, secchi disc readings did not exceed 0.5 m (negligible light penetration affects primary productivity, aquatic plant growth, as well as foraging efficiency of fish).

- e) *City of Bonney Lake Wellhead Protection and Monitoring Program Phase II* prepared by RH2 (2000)

This report addresses the steps necessary to protect the well head areas which include the well head areas within the jurisdiction of the SMP. The Final Shoreline Analysis also did not include maps illustrating the Well Head Protection Area on the northwest side of the City's portion of the reservoir and the Critical Aquifer Recharge Area that encompasses all of the Fennel Creek.

- f) *Draft EIS and Final EIS: Lake Tapps Reservoir Water Rights and Supply Project* prepared by CWA (January 2010 and June 2010)

- g) *Lake Tapps Integrated Aquatic Vegetation Management Plan* prepared by Tetra Tech for Cascade Water Alliance (August 2010)

The purpose of the Lake Tapps Integrated Aquatic Vegetation Management Plan (IAVMP) is to develop a long-term strategy for eradication of milfoil from Lake Tapps Reservoir in order to improve existing beneficial and recreational uses, and insure water quality to meet future water demands.

- h) *Collaborative Community Plan for Managing Lake Tapps* prepared by EnviroIssues (Spring 2011).

This plan provides Cascade Water Alliance's approach to addressing issues associated with the Lake Tapps Reservoir, including invasive plants/animals, boater safety, public access, recreation usage.

- i) *Bonney Lake Septic System Abatement Master Plan* prepared by RH2 (2012).

This report addresses the abatement of existing septic systems, while none of the areas are within the shoreline jurisdiction; two of the areas are located in close proximity.

- j) *Quality of Water in the White River and Lake Tapps, Pierce County, Washington, May–December 2010* prepared by USGS (March 2012)

This report included an in-depth analysis of the water quality for the Lake Tapps Reservoir. As part report nine specific sites were monitored over the course of the study of which two are located with the aquatic area under the Bonney Lake SMP. One monitoring site was at Allen Yorke Park and the other was on the northeast side of Inlet Island.

### **State Agency Review**

- 26) The goals and policies of the Shoreline Master Program shall be considered an element of a jurisdiction’s comprehensive plan and the regulatory provisions of the Shoreline Master Program shall be considered part of a jurisdiction’s development regulations pursuant to RCW 36.70A.480.
- 27) Development regulations are defined as the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto pursuant to RCW 36.70A.030.
- 28) The notice of the City’s intent to adopt Draft Ordinance was provided to the Department of Commerce on May 13, 2013 for review and comment by the Department and other State agencies required by RCW 36.70A.106.
- 29) The Draft SMP consisting of the proposed Shoreline Element of the *Bonny Lake Comprehensive Plan*, the development regulations (Article III Title 16 BLMC), the Bonney Lake Shoreline Restoration Plan and the Bonney Lake Shoreline Cumulative Impact Analysis were sent to the Department of Ecology for review and approval.

### **Countywide Planning Policies**

- 30) The *Countywide Planning Policies for Pierce County Washington* (CPP) Env – 4.1 requires that each municipality in the County place, “... a primary emphasis on maintaining,

enhancing, conserving, and/or protecting, as appropriate, designated and identified natural resources including lands of local, county, and statewide significance.”

- 31) CPP-Env – 4.4 and 5.4 requires that each municipality in the County, “adopt a ‘no net loss’ approach.”
- 32) CPP-Env – 4.5 and 5.5 requires that each municipality in the County consider, “utilizing positive incentives to ensure conservation over time.”

### **Comprehensive Plan Policies**

- 33) The *Bonney Lake Comprehensive Plan* (BLCP) Policy 3-5a states that the City should, “Encourage public participation in land-use planning, capital facility planning, and in the review of development proposals.”
- 34) BLCP Policy 3-12a states that the City should, “Preserve natural functions of shorelines, including banks, streams, and associated wetlands. Protect fragile ecosystems, including fish habitat in Fennel Creek and its natural tributaries.”
- 35) BLCP Policy 3-12b states that the City should, “Discourage activities that may pollute Lake Tapps, Lake Bonney, or Lake Debra Jane shorelines, including the use or storage of chemicals, pesticides, fertilizers, fuels and lubricants, animal and human wastes, and erosion. Regulate dredging, fill, bulkheads, docks, and other improvements to protect the natural functions and visual character of Lake Tapps, Bonney Lake, and Lake Debra Jane.”
- 36) BLCP Policy 3-12c states that the City should, “Ensure that water-oriented activities and improvements such as piers, floats, and barges do not hinder navigation on Lake Tapps, Lake Bonney, and Lake Debra Jane.”
- 37) BLCP Policy 3-12d states that the City should, “Provide access and views by means of public parks, fishing and boating docks, passive recreation areas, and overlooks and viewpoints. Commensurate with their enjoyment of the public resource, require new private developments to provide such facilities to the tenants and the public at large.
- 38) BLCP Policy 3-15a states that the City should, “Balance the responsibility to protect the community from land development impacts against the responsibility to protect property rights.
- 39) BLCP Policy 3-15b states that the City should, “Build into the regulatory scheme procedures for avoiding takings, such as variances or exemptions.”

- 40) BLCP Policy 3-19a states that the City should, “Protect valuable archeological sites and landmarks.”
- 41) BLCP Policy 3-19c states that the City should, “Notify the Washington State Office of Archeology and Historic Preservation when objects with potential cultural significance are identified.”

## **CONCLUSIONS**

- 1) Much of the shoreline jurisdiction and the uplands adjacent thereto are in private ownership. Unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shoreline jurisdiction while recognizing and protecting private property rights consistent with the public interest.
- 2) There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of Bonney Lake’s shoreline jurisdiction.
- 3) Bonney Lake Shoreline Master Plan is intended to:
  - a. Respond to recent shoreline concerns and knowledge;
  - b. Ensure that habitat issues are addressed by identifying and utilizing the most current, accurate and complete scientific and technical information available for shorelines and critical areas Best Available Science (BAS);
  - c. Identify needed enhancement and restoration opportunities;
  - d. Integrate the SMP with Bonney Lake’s Comprehensive Plan;
  - e. Specifies shoreline regulations as a separate Title in the Bonney Lake Municipal Code;
  - f. Address the most current regulatory solutions; and
  - g. Demonstrate consistency with the 2004 DOE Shoreline Guidelines; and
  - h. Provide management of the shorelines of the City by planning for and fostering all reasonable and appropriate uses; and

- i. Ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest; and
  - j. Protecting against adverse effects to the public health, the land and its vegetation and wildlife and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights.
- 4) Bonney Lakes's shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.
- 5) By State mandate, Bonney Lake's SMP includes a regulatory component. The regulatory component addresses issues of concern regarding specific land uses or activities within the shoreline, and issues related to shoreline modification in order to protect and enhance the unique ecological functions of the shoreline resource.
- 6) A new article will be added to Title 16, Shoreline Code, to establish permitted, conditional, and special use permits for land uses based on environmental and zoning designations.
- 7) Bonney Lake's proposed SMP implementing regulations appropriately limits the use of property through traditional development regulations such as setbacks, building height, public access, permitted uses, design guidelines, protection of critical areas, parking, and signage. Where flexibility is needed to accommodate private property rights, the City's regulations provide for the continuation of legal non-conforming uses and variance provisions.
- 8) Alterations of the natural condition of the shoreline jurisdiction, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, piers, and other improvements facilitating public access to shorelines.
- 9) All development standards within these sections were reviewed and found to be in compliance with the Shoreline Management Act; and
- 10) Projects for which complete building permits have already been submitted to the City are vested to the regulations and development standards prior to the adoption of this Ordinance are not subject to these standards unless substantial modification of the project is proposed which result in new application for development of the project.

## **Shoreline of Statewide Significance**

- 11) The Shoreline Element of the Bonney Lake Comprehensive Plan and implementing development regulations establishes shoreline environmental designations based on the Shoreline Managements Act's preferred uses for Shorelines of Statewide Significance.

## **Cumulative Impacts**

- 12) The most current, accurate and complete scientific and technical information or Best Available Science (BAS) has been used to characterize the shoreline and develop this SMP for the City of Bonney Lake. BAS is based on research and studies conducted by qualified individuals using documented methods that lead to verifiable results and conclusions. Where there were gaps in the data or information, the City relied on existing studies, existing literature, and best professional judgment.
- 13) State guidelines for implementing the Shoreline Management Act require that activities on the shoreline must result in "no net loss" of ecological functions. To achieve "no net loss" from new development, the City has included development sequencing as part of the shoreline critical area regulations which must address "no net loss" of ecological function. A development must first avoid, if at all possible, critical area impacts. If not, then they need to be minimized and mitigated. Finally, to balance the "no net loss" equation, restoration is utilized to maintain a balance or improve ecological functions along the shoreline. This sequencing of steps is used to determine the buildable area of the land and provides property owners with use of their property while protecting the critical area.
- 14) Based on BAS and implementation of stronger development regulations, the cumulative actions taken over time in accordance with the proposed SMP are not likely to result in a net loss of shoreline ecological functions from existing baseline conditions.
- 15) The Cumulative Effects Analysis for the Shoreline Master Program demonstrates that the program will make a positive contribution to maintaining and enhancing the ecological functions of the shoreline in Bonney Lake.

## **Public Access**

- 16) The regulations are intended to improve public access as well as limit the impacts from overwater structures (docks/piers and boat launch floats).

- 17) In the implementation the SMP, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the county, and the people generally. To this end uses are preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline.
  
- 18) Permitted uses in the shorelines zone have been designed in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline jurisdiction and any interference with the public's use of the water.

**ORDINANCE D13-56  
ATTACHMENT "B"**



**Shoreline Master Program**

**Map Legend**

**Environmental Designations**

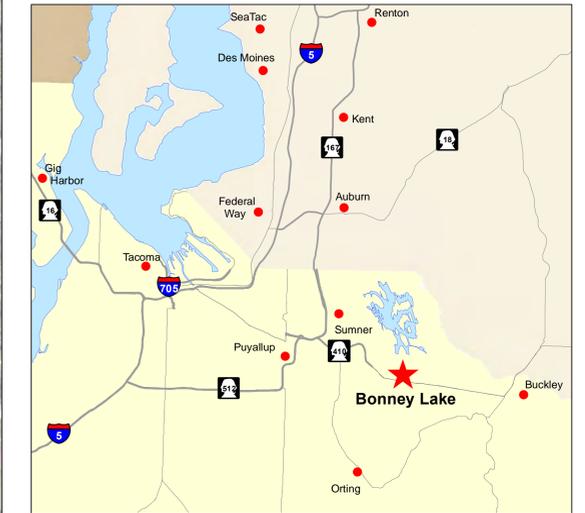
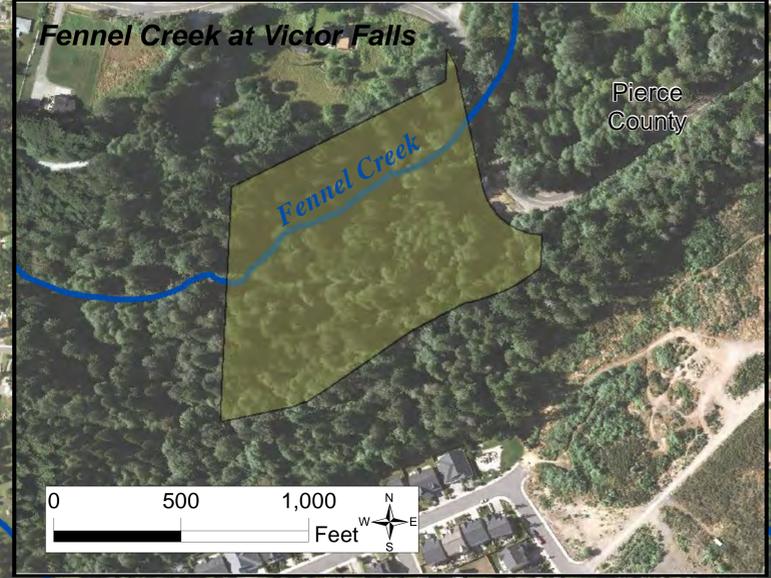
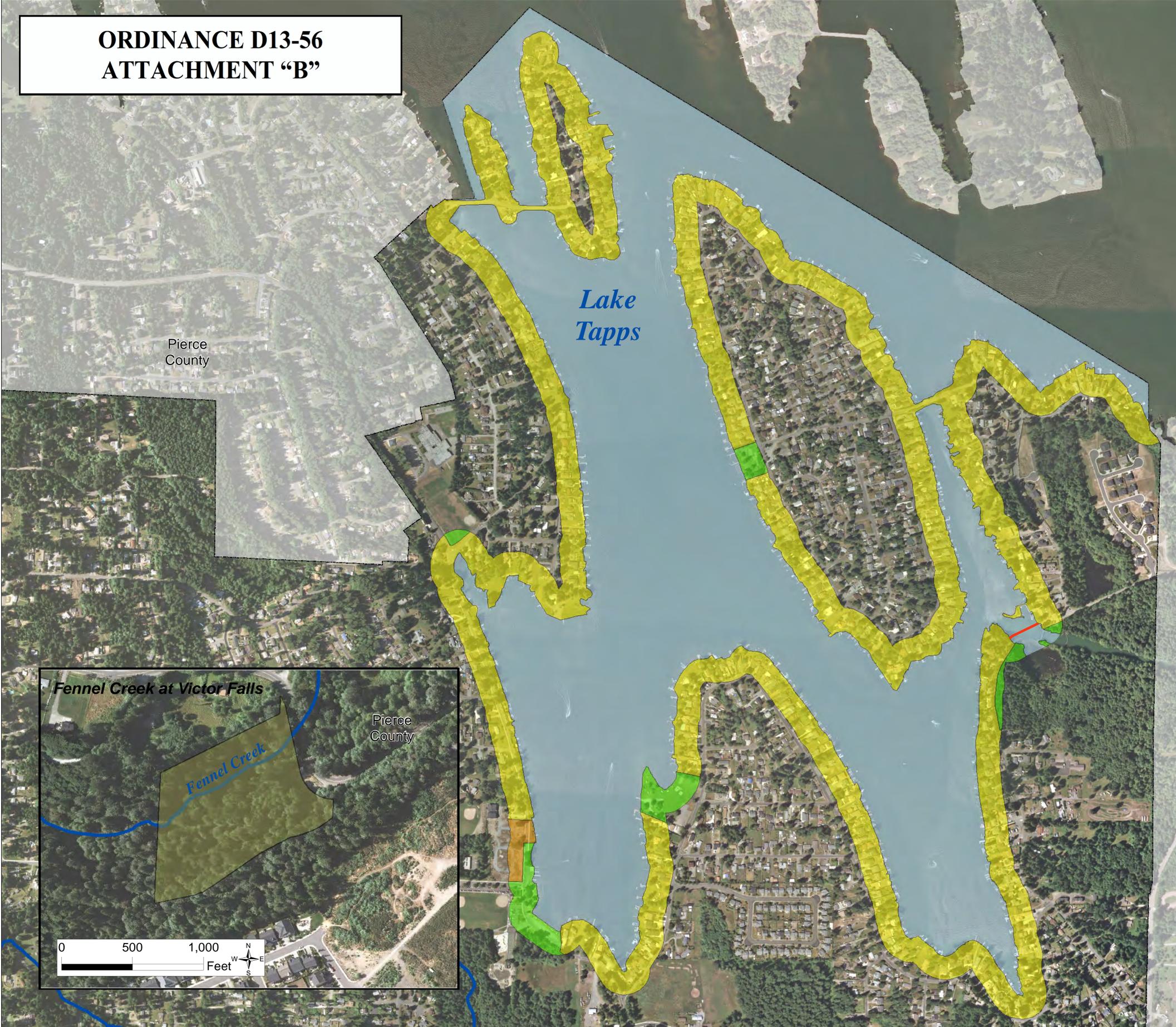
- Park
- Shoreline Residential
- Shoreline Multifamily
- Aquatic Environment
- Printz Basin Flume Terminus
- Fennel Creek Tributaries
- Bonney Lake City Limits

**Inset\***

**Environmental Designations**

- Natural
- Fennel Creek
- Bonney Lake City Limits

\* Inset is parcel # 0519092017  
The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'. The County makes no warranty of fitness for a particular purpose.



Community Development Department  
December 2, 2013

**ORDINANCE D13-56  
ATTACHMENT “C”**

**CHAPTER 13: SHORELINE ELEMENT  
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## 1. INTRODUCTION

The *City of Bonney Lake's Shoreline Master Program (SMP)* consists of shoreline goals and policies contained in this chapter of the *Bonney Lake Comprehensive Plan*, shoreline regulations contained in Shoreline Code (Chapters 16.34 – 16.58 of the Bonney Lake Municipal Code (BLMC)), and the *City of Bonney Lake Shoreline Restoration Plan*. The SMP is adopted pursuant to the authority in Chapter 90.58 RCW and Chapter 173-26 WAC.

### 1.1 STATUTORY FRAMEWORK

In 1971, the State of Washington legislature enacted the Shoreline Management Act (SMA) in order “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shoreline” which the legislature determined “are among the most valuable and fragile” of the state's resources. To that end, the SMA established board policy goals related to the utilization, protection, restoration, and preservation of the shorelines and gave preference single-family residences and to:

- Uses that protect water quality, vegetation, and wildlife habitat.
- Uses which depend on the proximity to the shoreline.
- Uses which preserve and enhance public access or recreational opportunities for the public.

A citizen’s initiative in 1972 designated that all lands within two hundred (200) feet of the shoreline would be regulated under the SMA.

The goal of the SMA is to create a regulatory framework that balances authority to regulate development on the shoreline between state and local government. Within this framework, the Department of Ecology has the responsibility for issuing guidelines for SMPs, assisting local governments in developing master programs, and determining if local SMP’s meet the policy objectives of the criteria in RCW 90.58.090 and the requirements in Chapter 173-26 WAC. The City of Bonney Lake is responsible for the preparation of a SMP that establishes the policies, goals and regulations related to the future development and use of the shorelines that is tailored to the specific needs of the community and complies with the requirements of the established by the State.

### 1.2 VISION

The City of Bonney Lake’s first SMP was adopted in 1975 and has not been subsequently updated; other than minor revisions to the administrative provisions. Key considerations within the original SMP included conservation, public access, guidance for water-oriented recreational uses, and allowance for residential development.

To address the changes since 1975, comply with the mandates of the SMA, and enable the City to plan for emerging issues, the City initiated a comprehensive update of its SMP in 2009. The updated SMP responds to current conditions and the community’s vision for the future. In updating the SMP, the City’s primary objectives were to:

- Enable current and future generations to enjoy an attractive, healthy, and safe waterfront.
- Protect the quality of water and associated natural resources of the State's shorelines.
- Preserve fish and wildlife habitats.
- Protect the investments of property owners along and near the shoreline.
- Have an SMP that is supported by Bonney Lakes elected officials, citizens, property owners, the State of Washington, and other key groups with an interest in the shoreline.
- Efficiently achieve the SMP mandates of the State.
- Plan for and foster all reasonable and appropriate uses.
- Provide opportunities for the general public to have access to and enjoy the shorelines of the state.

The City of Bonney Lake's SMP represents the City's participation in a coordinated planning effort to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights. The objective of the SMP is to preserve the public's opportunity to access the shorelines of the state and to protect the functions of shorelines so that, at a minimum, the City achieves a 'no net loss' of ecological functions. The SMP also promotes restoration of impaired ecological functions.

### 1.3 ORGANIZATION

The goals and policies in this Shoreline Chapter are grouped under five sections:

- Shoreline Designations
- General Shoreline Policies
- Shoreline Uses and Development
- Shoreline Modifications
- Shorelines of Statewide Significance

### 1.4 LAKE TAPPS RESERVOIR

Lake Tapps is the largest freshwater body in Pierce County with approximately 4.5 square miles of surface area (2,296 square acres) and 45 miles of shoreline. The City of Bonney Lake has jurisdiction over approximately 9.5 miles of the Lake Tapps' shoreline; the remaining 35.5 miles is under the jurisdiction of the Pierce County SMP.

Lake Tapps is a man-made water body constructed by Pacific Coast Power Company between 1909 and 1911 as part of the White River Power Plant. The project included the construction of a diversion facility near the City of Buckley to divert water from White River and 2.5 miles of dikes and embankments to create a reservoir that artificially raised the level of four natural lakes: Church, Crawford, Kirtley, and Tapps.

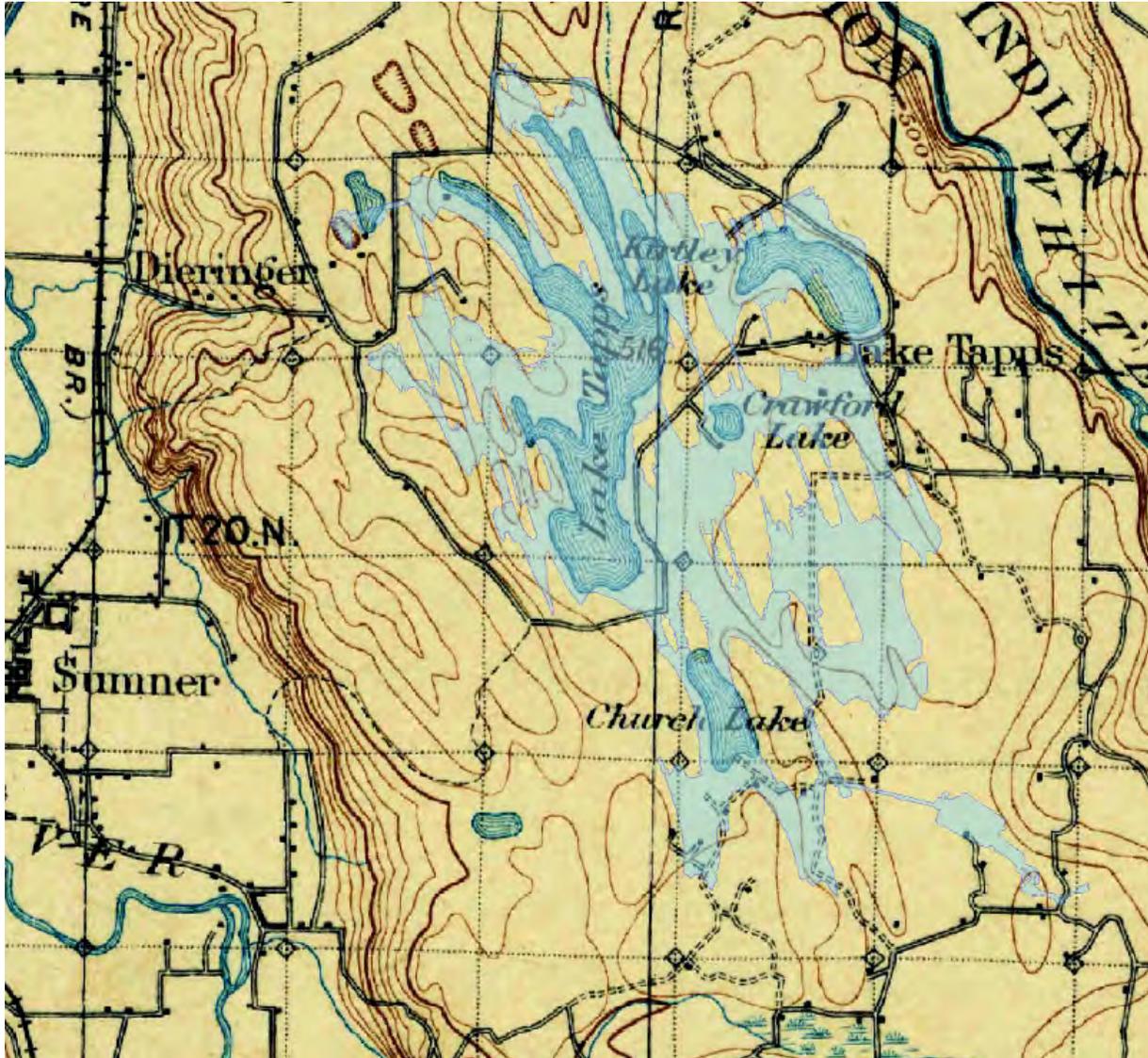


Figure 1: The four original lakes as shown on the 1897 USGS Map overlaid with the Lake Tapps Reservoir

The diverted water stored in the reservoir was originally used to turn turbine generator units in a powerhouse located on the valley floor near Dieringer which supplied electricity to Tacoma and Seattle.<sup>1</sup>

<sup>1</sup> Kramer, Arthur. 1986. *Among the Livewires, 100 Years of Puget Power*. Creative Communications; Edmonds, WA.

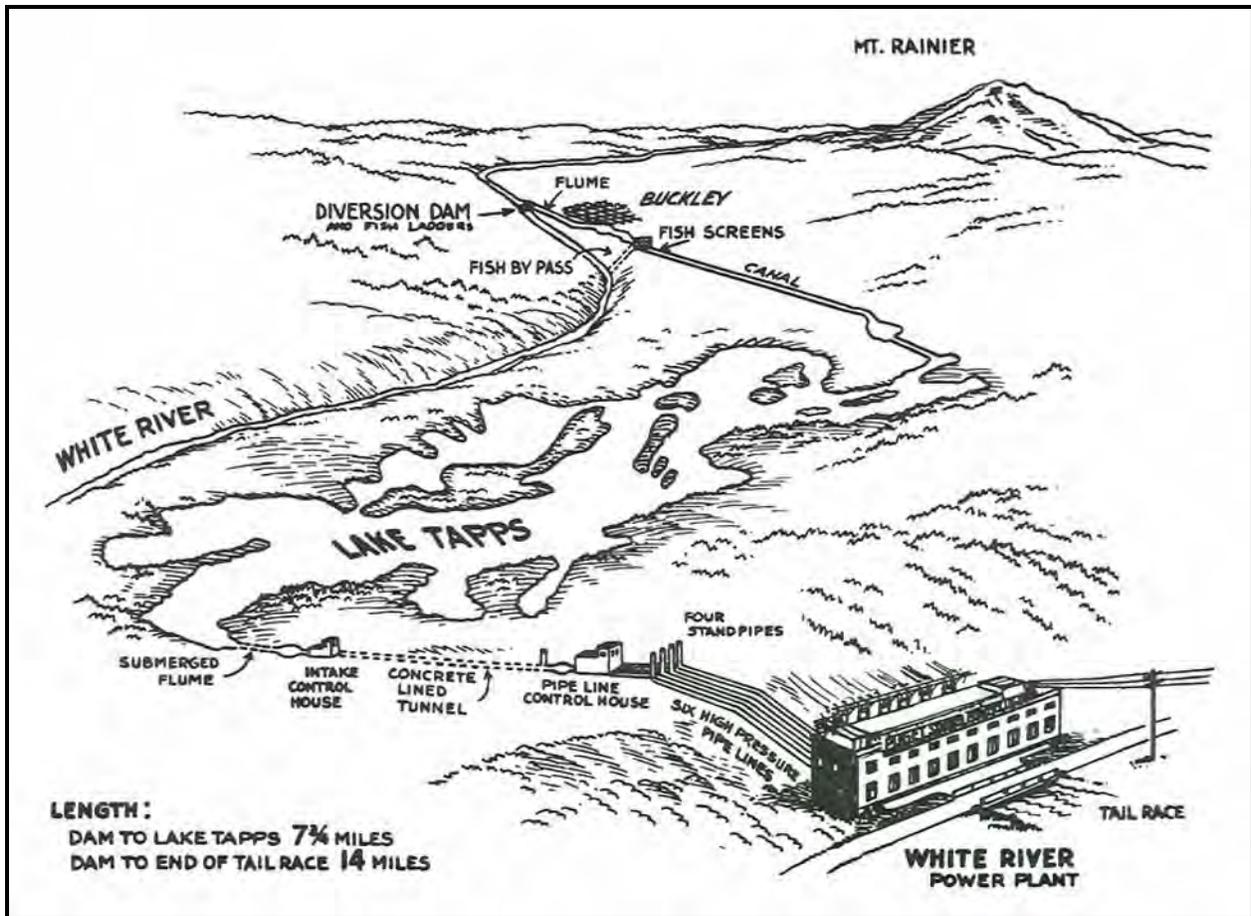


Figure 2: Historic Hydroelectric Facilities<sup>2</sup>

Lake Tapps was utilized for hydroelectric power generation by Puget Sound Energy (PSE) for nearly a century. PSE voluntarily ceased operations, in 2004, due to revisions to the operating license which included stronger environmental regulations established by the Federal Energy Regulatory Commission (FERC) making operation of the facility more expensive than alternative power sources.<sup>3</sup> In 2005 the Cascade Water Alliance<sup>4</sup> (CWA) and Pierce County entered into a Memorandum of Understanding for the long term management and operation of Lake Tapps as public water supply and public recreational amenity. The CWA subsequently purchased the White River Power Generation Facility from PSE in 2009 assuming the operation and maintenance responsibilities for Lake Tapps.

In 2010, the Department of Ecology granted CWA water rights which allows CWA to divert water from the White River to be stored and withdrawn from Lake Tapps for municipal water supply purposes. The project is planned to take 50 years to construct and once operations commence CWA has authority to take an average of 48 million gallons of water from Lake Tapps each day for public use. As part of the

<sup>2</sup> Kramer, Arthur. 1986. *Among the Livewires, 100 Years of Puget Power*. Creative Communications; Edmonds, WA.

<sup>3</sup> *Collaborative Community Plan for Managing Lake Tapps*, Spring 2011 prepared for Cascade Water Alliance by EnviroIssues.

<sup>4</sup> The Cascade Water Alliance is a coalition including the Cities of Bellevue, Issaquah, Kirkland, Redmond, and Tukwila, the Sammamish Plateau Water and Sewer District, and Skyway Water and Sewer District.

project CWA has entered into an agreement with the Muckleshoot and Puyallup Tribes to preserve and restore fish habitat in the White River.

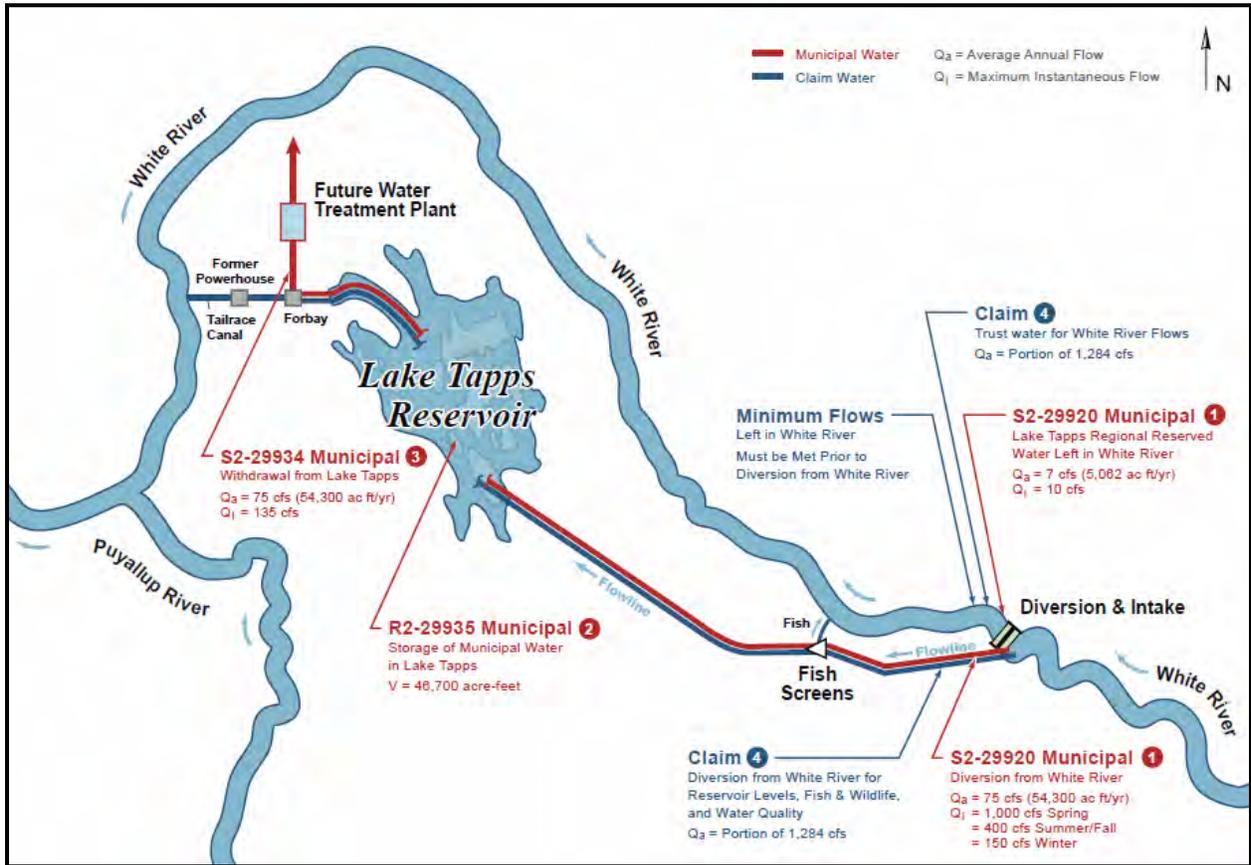


Figure 3: Plan for the CWA Water Supply Project<sup>5</sup>

## 1.5 FENNEL CREEK

Fennel Creek begins at a spring near the intersection of SR-410 and 234<sup>th</sup> Ave. E. and collects surface and spring runoff all along the corridor before flowing into the Puyallup River. The only portion of Fennel Creek within the jurisdiction of the SMA and regulated by the City's SMP is located below Victor Falls.

<sup>5</sup> DRAFT EIS: Lake Tapps Reservoir Water Rights and Supply Project. January 29, 2010. Figure S-1

## 2. SHORELINE ENVIRONMENTAL DESIGNATIONS (SED)

**Goal SL-1: Provide a comprehensive shoreline environmental designation system to systematically guide the use, development, preservation, and restoration of the shorelines of the state within the City of Bonney Lake.**

*Policy SL-1.1: Shorelines designated Natural (“N”) should be areas that contain high quality habitat relatively free of human influence.*

Within these areas, only low intensity uses should be allowed in order to maintain the existing high quality habitat. This type of designation would be appropriate for the undeveloped areas around Fennel Creek at Victor Falls. The City should focus on preserving these areas and prohibiting development that would degrade ecological functions. The following management polices should be implemented though the development regulations adopted by the City for these areas:

- Uses that would substantially degrade the ecological functions or be detrimental to the visual quality of the natural character should be prohibited.
- Access may be permitted for scientific, historical, cultural, educational, and low-intensity water-enjoyment recreational purposes.
- Physical alterations should only be considered when they serve to protect or enhance a significant, unique, or highly valued feature that might otherwise be degraded or for public access where no significant ecological impacts would occur.

*Policy SL-1.2: Shorelines designated Park (“P”) should be areas that are planned for recreational uses and school properties.*

The purpose of the “Park” designation is to provide areas suitable for water-oriented recreational uses while protecting and, where feasible, restoring ecological functions. This type of designation would be appropriate for areas such as Inlet Island Park, Church Lake Park, Allan Yorke Park, and Emerald Hills Elementary. The following management polices should be implemented though the development regulations adopted by the City for these areas:

- Water-dependent recreational uses should be given highest priority. Water-oriented recreational uses should be given priority over nonwater-oriented uses.
- Water-dependent and water-enjoyment recreation facilities (e.g. boating facilities, angling, wildlife viewing trails, and swimming beaches) are preferred uses.
- During development and redevelopment, all reasonable efforts should be taken to restore ecological functions.
- Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within this designation to ensure that new development does not further degrade the shoreline and is consistent with the overall goal of improving ecological functions and habitat.

*Policy SL-1.3: Shorelines designated as Shoreline Residential (“SR”) should be areas that are identified to accommodate existing and planned single family residential uses.*

The Shoreline Residential designation is suitable to areas either currently or planned to accommodate residential development and appurtenant structures. The objective of assigning an area to this designation is recognizing that if development is to occur within the shoreline, it should occur in areas that have already been altered instead of shoreline areas that remaining in highly natural state. This type of designation would be appropriate for the residential areas around Lake Tapps as approximately 90% of the shoreline is armored and already developed.<sup>6</sup> The following management polices should be implemented through the development regulations adopted by the City for these areas:

- Existing ecological functions should be protected and, where feasible, previously degraded ecological functions should be restored.
- During development and redevelopment, all reasonable efforts, should be taken to restore ecological functions.
- Standards should be established for buffers, shoreline stabilization measures, vegetation conservation, critical area protection, water quality, and shoreline modifications to ensure that development does not further degrade the shoreline and is consistent with the overall goal of improving ecological functions and habitat.
- Public access should be enhanced whenever feasible; provided that significant ecological impacts can be mitigated.
- Residential development should be permitted where there is adequate access to public utility services.
- Land divisions of five or more parcels should provide public access.
- New residential development should be located and designed so that future shoreline stabilization is not needed.

*Policy SL-1.4: Shorelines designated as Shoreline Multifamily (“SM”) should be areas that are identified to accommodate high density residential uses.*

The Shoreline Multifamily designation is for areas that of January 1, 2013 were designated High-Density Residential by the Future Land Use Map adopted as part of the Comprehensive Plan. These areas are planned for multifamily residential development of up to 20 dwelling units per acre. This designation should not be expanded within the shoreline jurisdiction as high density multifamily is not a preferred use under the SMA.

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<sup>6</sup> *Final Shoreline Analysis Report for City of Bonney Lake’s Shorelines: Lake Tapps Lake Tapps Reservoir and Fennel Creek* pg 10. (2010)

The objective of assigning an area to this designation is in recognition that the first level of environment designation assignments must be based on planned land use identified in the Comprehensive Plan in order to ensure consistency between the Comprehensive Plan and SMP as required by WAC 173-26-211(3). Additionally, this designation recognizes that not only must the overall uses allowed be consistent between the Comprehensive Plan and the SMP, but also the restrictive provisions of each should not combine in such way that the use is effectively precluded on any parcel. The following management policies should guide development within these areas:

- Existing ecological functions should be protected and, where feasible, previously degraded ecological functions should be restored.
- During development and redevelopment, all reasonable efforts should be taken to restore ecological functions.
- Standards should be established for buffers, shoreline stabilization measures, vegetation conservation, critical area protection, water quality, and shoreline modifications to ensure that development does not further degrade the shoreline and is consistent with the overall goal of improving ecological functions and habitat.
- Residential development should be permitted where there is adequate access to public utility services.
- New multi-family development should provide public access.
- New residential development should be located and designed so that future shoreline stabilization is not needed.

### 3. GENERAL SHORELINE POLICIES

#### 3.1 PUBLIC ACCESS

**Goal SL-2: Preserve and enhance the public's ability to physically and visually enjoy the shoreline environment.**

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge; to travel on the waters of the state; and to view the water and the shoreline. Public access is a key component of the SMA and should be encouraged both in private and public developments.

*Policy SL-2.1: Views of Lake Tapps from public parks should be preserved and enhanced.*

Enhancement of views should not be construed to mean excessive removal of vegetation.

*Policy SL-2.2: Public access should be designed to minimize impacts on adjacent uses, provide for public safety, and avoid impacts to critical areas.*

Public access should be designed to minimize the impacts on adjoining properties, through measures such as physical separation or by placing an intervening landscape buffer. In addition, public access trails

should be located and designed to assure that users are visible and that pathways are well illuminated, if open in hours of darkness.

Public access through environmentally critical areas should be designed to avoid or minimize impacts wetlands or streams and corresponding protective buffers.

*Policy SL-2.3: Cooperate with Pierce County and other local government agencies to complete the Fennel Creek Trail.*

While the entire length of the Fennel Creek Trail is not within the shoreline area, the trail will connect Allan Yorke Park to the Foothills Trail and the future Pierce County Flume Trail. This regional trail network will connect multiple shoreline areas including Lake Tapps, Fennel Creek, and the Puyallup and White Rivers.

*Policy SL-2.4: Enhance West Tapps Highway and Bonney Lake Boulevard to improve access for recreational activities and local residence.*

Traffic at the intersection of West Tapps Highway and Bonney Lake Boulevard has increased over time and is extremely heavy in the summer due to the boat launch facilities at Allen Yorke Park. Improvements should be sought which recognize the recreational and commuting needs of diverse user groups: pedestrians, bicyclists, boaters, and local residents.

*Policy SL-2.5: Design transportation improvement projects to increase public access and scenic amenities.*

Shoreline roadways, such as West Tapps Highway and Church Lake Road, should be designed to maximize views of the water, provide pedestrian amenities, (e.g. widened sidewalks, benches, view stations, etc.), and include the development of a public sign system that identifies historic or scenic features.

## 3.2 CRITICAL AREAS

**Goal SL-3: Preserve, protect, and restore critical areas within the shoreline environment.**

*Policy SL-3.1: Protect and preserve shoreline-associated wetlands.*

Within the immediate vicinity of Fennel Creek, there are wetlands which perform many ecological functions, including habitat for fish and wildlife, flood control, groundwater recharge, water storage, and sedimentation filtration.

*Policy SL-3.2: Manage development to avoid risk and damage to property and loss of life from geological hazards.*

Lake Tapps is situated on an upland glacial drift plain bounded by volcanic mudflows and continental deposited ice-sheets.<sup>7</sup> As a result a small portion of Lake Tapps' shoreline has been classified as a

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<sup>7</sup> Pierce County Shoreline Inventory and Characterization Report (2007) pg. 4-25

Seismic Hazard Area.<sup>8</sup> Seismic hazard areas are subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting.

Fennel Creek is located in forested ravine that extends from Victor Falls to a point just upstream of McCutcheon Road which is considered a Potential Land Slide Hazard Area.<sup>9</sup> Landslide hazard areas are subject to landslides based on geology, soils, topography, and hydrology.

*Policy SL-3.3: Protect and preserve freshwater habitat conservation areas.*

Fish and wildlife habitat conservation areas provide food, protective cover, nesting, breeding, or movement for threatened, endangered, sensitive, monitor, or priority species of plants, fish, or wildlife. Within the City, both Lake Tapps and Fennel Creek fall within this classification.

Lake Tapps has been designed a Priority Habitat Area for both Waterfowl and Small Waterfowl Concentrations providing resting and foraging habitat for hundreds of waterfowl with the greatest concentrations present during the fall migration period.<sup>10</sup>

The reach of Fennel Creek around Victor Falls is within the highest class range (Class AA) established for Washington state surface waters and is classified as an Urban Natural Open Space consisting of a high value riparian corridor with multiple vegetation layers and a predominance of native plant species providing high quality habitat for wildlife species including Coho Salmon, cutthroat trout, and winter steelhead. Fennel Creek.<sup>11</sup>

*Policy SL-3.4: Prevent development within the 100-year floodplain to avoid risk and damage to property and loss of life.*

Frequently flooded areas help to store and convey storm and flood water, recharge ground water, and provide important riparian habitat for fish and wildlife. Flooding also can cause substantial damage to public and private developments located within these areas resulting in significant costs to the public as well as to private individuals.

### 3.3 WATER QUALITY AND WATER QUANTITY

**Goal SL-4: Manage activities in the larger watershed basin that may adversely impact surface and ground water quality or quantity.**

Surface water management at the larger watershed basin is critical since activities through out the watershed contribute to water quality conditions in both Lake Tapps and Fennel Creek.

As part of the *City of Bonney Lake's Stormwater Comprehensive Plan* and implementation of the NPDES Phase II Municipal Stormwater Permit requirements, the City is pursuing activities and programs within

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<sup>8</sup> *Final Shoreline Analysis Report for City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek* (2010) Figure 8

<sup>9</sup> *Final Shoreline Analysis Report for City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek* (2010) Figure 8

<sup>10</sup> Cascade Water Alliance. *Lake Tapps Reservoir Water Rights and Supply Project Draft Environmental Impact Statement* (2010) pg 8-10

<sup>11</sup> Foster Wheeler Environmental Corporation. 1999. *Environmental Analysis of the Fennel Creek Corridor*. Pg. 2-75.

the larger watershed to address flood protection, water quality improvement, and habitat protection and restoration.

*Policy SL-4.1: Manage storm water quantity to ensure protection of natural hydrology patterns and avoid or minimize impacts to streams.*

Native forest communities with healthy soil structure and organic content control the amount and timing of run-off water that reaches streams by intercepting, storing, and slowly conveying precipitation. As these systems are impacted and forests are replaced by impervious surfaces (e.g. roads, parking areas, and rooftops), larger quantities of water quickly leave the watershed and drastically reduce the amount of water that seeps into the ground to replenish the groundwater.

If there is not enough water in the ground that can be slowly release back into streams in the dry months of summer, water temperatures become too high to support fish and fish can become isolation in small pools. Too much water in the winter causes unnaturally swift currents that can erode stream banks and scour stream channels damaging fragile fish habitat.

*Policy SL-4.2 Prevent impacts to water quality associated with septic systems.*

Most of the residential buildings directly adjacent to Lake Tapps, within the City, are connect to the sanitary sewer system. However, there are pockets of residential development within the vicinity of Lake Tapps that still utilize septic systems. The City adopted a *Septic System Abatement Master Plan* in May of 2012 in order to move these pockets onto the City's sewer system.

*Policy SL-4.3: Support public education efforts to reduce the use of pesticides and fertilizers in order to protect and improve water quality.*

The shoreline adjacent to Lake Tapps is dominated by lawns maintained with chemical fertilizers, herbicides, and pesticides which can have a negative impact water quality. Fertilizers and herbicides can affect aquatic vegetation communities stimulating overgrowth of some species and suppress growth of other species. Encouraging natural yard care practices can help to reduce chemical contaminants from entering Lake Tapps which is ultimately discharged back to the White River.

### 3.4 SHORELINE VEGETATION CONSERVATION

**Goal SL-5: Preserve, protect, and restore native shoreline vegetation.**

Vegetation within the shoreline environment is essential for fish and wildlife habitat. Vegetation helps to support soil stability, reduce erosion, moderate temperature, produce oxygen, and absorb significant amounts of water, thereby reducing runoff and flooding.

*Policy SL-5.1: New developments or substantial redevelopments along Lake Tapps should preserve and restore shoreline vegetation.*

Lake Tapps Reservoir has a scarcity of emergent aquatic and shoreline vegetation due to the amount of shoreline armoring and the annual water level drawdowns.<sup>12</sup> Therefore, the City's efforts must primarily focus on restoration.

*Policy SL-5.2: Preserve the existing native shoreline vegetation around Fennel Creek.*

Fennel Creek is a high value riparian corridor having multiple vegetation layers with a predominance of native plant species providing high quality habitat for wildlife species.<sup>13</sup>

*Policy SL-5.3: Minimize tree clearing and thinning activities along the shoreline and require mitigation for trees that are removed.*

Tree removal or topping for the purposes of creating views should be prohibited. Limited thinning of trees to enhance views or for maintenance for health and vigor of the tree may be appropriate in certain circumstances, provided that this activity does not adversely impact tree health and/or ecological functions.

*Policy SL-5.4: Work with Cascade Water Alliance to provide outreach and education materials to lakeside property owners about the importance and role of shoreline vegetation.*

The City should work with CWA to offer shoreline property owners workshops or other materials addressing invasive species, erosion control, and natural yard care practices.

*Policy SL-5.5: Work with Cascade Water Alliance regarding the management of noxious aquatic vegetation to ensure the use of a mixture of control methods with emphasis the most environmentally sensitive methods.*

Noxious weeds are non-native invasive plants that when established are highly destructive, competitive, and difficult to control. These plants have been introduced intentionally or unintentionally by human actions and typically have no natural enemies. As a result, these plants can often multiply rapidly.

The most common invasive species impacting Lake Tapps is Eurasian Water Milfoil which is an aquatic plant that lowers dissolved oxygen, increases pH, displaces native aquatic plants, and increases water temperature. In order to address the milfoil present in Lake Tapps, CWA developed the *Lake Tapps Integrated Aquatic Vegetation Management Plan* (2010) which calls for a combination of hand-pulling, spot herbicides applications, twice annual monitoring, mapping, and the winter drawdown as part of a long-term strategy for the eradication of milfol.<sup>14</sup>

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<sup>12</sup> 1997 Lake Tapps Survey: The Warmwater Fish Community of a Lake Tapps Reservoir Managed for Hydropower. 1997. pg 1

<sup>13</sup> Foster Wheeler Environmental Corporation. 1999. *Environmental Analysis of the Fennel Creek Corridor*. Pg. 2-75.

<sup>14</sup> *Lake Tapps Lake Tapps Reservoir Integrated Aquatic Vegetation Management Plan*. Tetra Tech. (2010) pg iii

### 3.5 ARCHAEOLOGICAL, HISTORIC, AND CULTURAL RESOURCES

**Goal SL-6: Identify, protect, preserve, and restore important archeological, historical, and cultural sites located in the shoreline area.**

The plateau on which Bonney Lake sits has a long history, dating back to trails used by Native Americans traveling between Puget Sound and the Yakima territory east of Mt. Rainer. The plateau also contains many historic resource related to the Naches Trail which brought settlers over the Cascades to western Washington.

*Policy SL-6.1: Prevent destruction or damage to historic, cultural, scientific or educational resources located along the shoreline.*

Steps should be taken to identify and preserve archaeological, historic and cultural resources that exist along the City's shoreline. The City should work with property owners and federal, state, and tribal governments to preserve historical, cultural, and archaeological values in advance of planned development. Proposed development should be designed and operated to be compatible with continued protection of the historic, cultural or archaeological resource.

## 4. SHORELINE USES AND DEVELOPMENTS

### 4.1 GENERAL

**Goal SL-7: Maintain and improve ecological functions by locating, designing and managing shoreline uses to prevent significant adverse impacts and, where possible, restore water quality, fish and wildlife habits, and ecological functions.**

*Policy SL-7.1: The City should periodically review conditions along the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to ensure a no net loss of ecological functions, protect human health and safety, upgrade the visual qualities, and enhance residential and recreational uses on the City's shorelines.*

Specific issues to address in such evaluations include, but are not limited to: water quality, conservation of aquatic and shoreline vegetation, control of noxious weeds, the visual character of the shoreline as a result of new residential development, and shoreline stabilization measure.

*Policy SL-7.2: The City should establish development regulations that avoid, minimize, and mitigate impacts to the ecological functions association with shoreline uses.*

In deciding whether to allow uses and activities in shoreline areas, the potential adverse impacts should be considered and avoided, where possible. This can be done by carefully selecting allowed uses, providing policies and standards to prevent or minimize adverse impacts, and carefully reviewing development proposals to prevent or minimize adverse impacts

*Policy SL-7.3: Provide adequate vegetative conservation areas to protect natural features and improve ecological functions.*

Shoreline vegetative perform a number of significant functions including reducing water temperature, filtering sediments and other contaminants, reducing nutrient loads to lakes, stabilizing shoreline soils, providing wildlife habitat, maintaining and protecting fish habitats, and forming aquatic food webs.

*Policy SL-7.4: Limit parking facilities within the shoreline area.*

Facilities providing public or private parking should only be permitted within the shoreline area to support water-oriented uses. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.

*Policy SL-7.5: Minimize the aesthetic impacts of parking facilities.*

Parking areas should be placed, screened, and landscaped to mitigate the aesthetic impacts.

*Policy SL-7.6: Limit outdoor lighting levels in the shoreline to the minimum necessary to support water-oriented uses.*

Artificial lighting can be used for many different purposes along the waterfront (e.g. to aid in nighttime activities, security, or simply to make a property more attractive at night). However, the shoreline area is vulnerable to impacts of light and glare by interrupting the opportunity to enjoy the night sky, impacting views and privacy, and affecting the fish and wildlife habitat. To protect the scenic value, views, and fish and wildlife habitat, shoreline development should balance the ability to see at night with the need to preserve the scenic and natural qualities of the shoreline.

*Policy SL-7.7: Signs should not block or otherwise interfere with visual access to the water or shorelands.*

Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.

## 4.2 RESIDENTIAL

**Goal SL-8: Protected private property rights while ensuring no net loss of existing ecological functions and, where feasible, restoring natural features along the shoreline.**

The Legislature recognized that much of the shorelines of the state and the adjacent uplands are in private ownership and that while coordinated planning was necessary to protect the public interest associated with the shorelines; it was just as important to protect private property rights.<sup>15</sup> Therefore, in establishing and implementing the SMP, the City must careful consider public and private interests as well as the long term costs and benefits. The City should ensure that regulatory and administrative actions do not unconstitutionally infringe upon private property rights while ensuring a no-net loss of ecological functions.

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<sup>15</sup> RCW 90.58.010

Residential development around Lake Tapps began in the 1950's when the area was sold to the Lake Tapps Development Company. Today, approximately 201 acres or 96% of Lake Tapps' shoreline is privately owned and zoned for either single family or multifamily residential development of which 191 acres is already developed with single family residential homes.

There is no existing or planned residential development within the shoreline area of Fennel Creek.

*Policy SL-8.1: Continue to permit single-family residence and normal appurtenance in a manner that will result in a no-net loss of ecological function.*

Single-family residences are identified as a preferred use when developed in a manner that controls pollution and prevents damage to the natural environment pursuant to WAC 173-26-241(3) (j), the following management policies should guide residential development within the shoreline area:

- New development should be required to preserve existing shoreline vegetation, control erosion and protect water quality using best management practices.
- The City should provide development incentives, including reduced shoreline setbacks, to encourage the restoration of shoreline vegetation.
- Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.

## 4.3 RECREATION

**Goal SL-9: Water-oriented recreational activities should be provided to the public along the Lake Tapps and Fennel Creek shorelines.**

Lake Tapps has been used for recreation since its completion in the earlier part of the twentieth century. Continuing to provide recreational opportunities which includes both passive activities (e.g. walking, viewing and fishing) and active uses (e.g. swimming, boating, and other outdoor recreation uses) is a critical component of this SMP.



**Figure 4: Swimming a Lake Tapps circa 1948 – photographer unknown**

*Policy SL-9.1: Maintain Lake Tapps as a regionally important recreational area.*

While Lake Tapps was originally constructed to act as a reservoir for hydro-electric power, the Lake is now a regional significant boating destination with nearly 250,000 people visiting each year.

*Policy SL-9.2: Work with all federal, state, local agencies, the tribes, and the community to collaboratively manage and preserve Lake Tapps.*

With its multifaceted history and numerous opportunities for the future, Lake Tapps is one of the region's greatest resources. Caring for and managing the Lake takes collaboration between several agencies, communities, and jurisdictions which includes but is not limited to the Army Corps of Engineers, Department of Fish and Wildlife, Department of Ecology, the City of Bonney Lake, Pierce County, CWA, the Lake Tapps Community Council (LTCC), the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians.

*Policy SL-9.3: Increase public access and water-oriented recreational opportunities along the shores of Lake Tapps.*

The City's efforts to increase public access and recreational opportunities should focus on providing water-enjoyment recreational opportunities along the shores of Lake Tapps, by establishing a continuous pedestrian corridor along the water's edge (Nonmotorized Transportation Plan (NTP) Projects N4 – N5), constructing missing sidewalks between the City's Downtown and Lake Tapps (NTP

Projects N132 – N134), and increasing non-boat trailer parking to facilitate access to the lake’s shores for non-boat users.

*Policy SL-9.4: Recreational activities should be designed to avoid, minimize, and mitigate negative impacts on adjoining properties.*

The primary source of negative impacts associated with recreational activities on adjacent property owners is related to boating on Lake Tapps. Over the last several years Lake Tapps has experienced an increase in rafting parties and unfortunately the participants are often engaged in illegal (drug use), immoral (live sex acts, nudity, urinating into the lake, etc), noisy (music, bullhorns, etc), and environmentally destructive behavior (throwing objects out of the boats into the lake) and alcohol overconsumption as close as 10 to 15 feet from adjacent homeowners’ docks.<sup>16</sup> In order to address these issues, the City should continue to work with CWA, Pierce County and the LTCC to implement the recommendations of the *Lake Tapps Boat Management Plan (2005)*.

*Policy SL-9.5: Ensure that existing and new recreation uses do not adversely impact shoreline ecological functions.*

Recreational facilities have the potential to adversely impact shoreline ecological functions; therefore, recreational uses should be appropriately sited and planned to minimize any resultant impacts.

*Policy SL-9.6: Recreational plans should promote the conservation of Fennel Creek’s natural character and ecological functions while expanding passive forms of recreation to facilitate the public’s ability to enjoy the shoreline.*

The City is fortunate to own the undeveloped area around Fennel Creek at Victor Falls. The Fennel Creek corridor provides excellent habitat for birds, amphibians, mammals, and reptiles. The stream reach below Victor Falls is known to support salmonids. Preserving wildlife habitat, water quality, and forested areas is an important aspect of good park resource management. The existence of this natural area offers a variety of opportunities for aesthetic enjoyment and passive low-impact recreational activities.

## 4.4 BOATING FACILITIES

**Goal SL-10: Manage boat launch facilities to avoid or minimize adverse impacts.**

One public boat launch facility (Allan Yorke Park) and two semi-public boat launch facilities (Church Lake and Inlet Island Parks) are located on Lake Tapps within the City.

*Policy SL-10.1: Maintain the current capacity of Lake Tapps for boating.*

Lake Tapps supports many enjoyable boating activities such as water skiing, sailing, motor boating, and fishing; however, over the years overcrowding of motorized watercraft has become an issue. The Lake

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<sup>16</sup> Pierce County. *Lake Tapps Lake Tapps Reservoir Boat Management Plan (2005)* pg 24

typically exceeds the minimum Recreational Boating Standard of one boat per acre of surface water and as a result the development of boat launch facilities should be avoided and capacity on the Lake be controlled by limiting the number of available boat trailer parking stalls at the existing public boat launch facilities.<sup>17</sup>

*Policy SL-10.2: Promote use of best management practices to control the introduction of invasive animals and vegetation.*

Boat launch facilities can be a significant sources for the introduction of exotic animals and plants. Significant steps have been taken at all levels of government and the private sector to reduce the impacts of boating on the aquatic environment. The State Parks and Recreation Commission’s boater education program provides technical assistance, signage, and other materials to boat facilities regarding the transportation of exotic species. The City should work cooperatively with state agencies, private boat launch owners, and boat owners to continue to minimize the impacts of boating on the aquatic environment.

## 4.5 OVER WATER STRUCTURES

**Goal SL-11: Minimize impacts to the natural environment and neighboring uses from new or renovated over water structures.**

Over water structures include docks, piers, boat facilities, swimming/diving platforms, inflatable recreational equipment, public access boardwalks, fishing piers, and viewpoints.

*Policy SL-11.1: Limit and reduce the number of over water structures.*

Shared docks and piers are preferred over single-user structures in order to reduce the number and potential long-term impacts of over water structures. New subdivisions of more than two (2) lots and new multi-family developments of more than two (2) dwelling units should provide shared moorage facilities.

*Policy SL-11.2: Design and locate private over water structures so that they do not interfere with shoreline recreational uses, navigation, or the public’s safe use of Lake Tapps.*

Over water structures should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights such as, but not limited to, fishing, swimming, and pleasure boating.

Recreational boaters are also largely unaware of the dangers of open-air carbon monoxide (CO) poisoning and the boat manufacturing industry has not introduced emission control devices for recreational boats; like catalytic converts on automobiles that reduce exhaust by greater than ninety

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<sup>17</sup> the Lake Tapps Lake Tapps Reservoir Boat Management Plan (2005) and the Lake Tapps Community Plan (2011)

percent (90%).<sup>18</sup> Therefore, these structures should be sufficiently spaced to prevent carbon monoxide CO poisoning due to exhaust from idling boats.

*Policy SL-11.3: Design and construct new or renovated over water structures and their accessory components, such as boatlifts and canopies, to minimize impacts on native fish and wildlife and the corresponding habitat.*

Over water structures including those accessory to single-family residences should be sited, designed, and constructed to prevent adverse impacts on water quality and aquatic habitat. Impact minimization measures, which have been identified by state and federal agencies, include, but are not limited to: shared use of piers, reducing or eliminating the number of boathouse, minimizing the size and widths of piers and floats, increasing light transmission through any over-water structures, maximizing the height of piers above the water surface, and reducing the overall number and size of pier piles.

*Policy SL-11.4: Minimize aesthetic impacts of piers and their accessory components.*

To minimize aesthetic impacts, these structures should be made of non-reflective materials and lighting should be limited to the amount necessary to find these structures at night and focused downward and away from the surface of Lake Tapps.

## 4.6 IN-STREAM STRUCTURES

**Goal SL-12: Limit in-stream structures to those needed to protect, preserve and restore ecosystem-wide functions.**

*Policy SL-12.1: In-stream structures should be allowed only for the purposes of environmental restoration.*

## 4.7 TRANSPORTATION FACILITIES

**Goal SL-13: Provide for safe and efficient movement of vehicles within the shoreline area while recognizing the unique, fragile, and scenic character of the shoreline area.**

Transportation facilities are those structures and developments that aid in the movement of people, goods, and services: roadways, causeways, bridges, bikeways, trails, sidewalks, and other related facilities.

*Policy SL-13.1: Maintain a roadway network which will efficiently and safely provide for vehicular circulation within the shoreline area.*

The existing vehicular circulation system within Bonney Lake's shoreline area includes West Tapps Highway, Bonney Lake Boulevard, and Church Lake Road, as well as neighborhood access streets and driveways. The City should undertake improvements, as necessary, to address needed safety, capacity, or efficiency improvements.

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<sup>18</sup> Pierce County. 2005 *Lake Tapps Boat Management Plan*. Pg 13-14

*Policy SL-13.2: Design transportation improvement projects within the shoreline to avoid, minimize, and mitigate environmental impacts.*

Transportation facilities should be designed to have the least possible effect on shoreline features. When planning transportation facilities, the environmental impacts of the facility need to be evaluated, avoid, minimized, and appropriately mitigated.

**Goal SL-14: Provide a robust pedestrian and bicycle circulation system with provides opportunities for the public to view and enjoy the amenities of the shoreline area.**

*Policy SL-14.1: Provide a public access system that enhances and maintains pedestrian and bicycle infrastructure within the shoreline area.*

The City should work to improve roadways to meet the needs of a broad variety of users including walkers, joggers, and bicyclist, while maintaining the scenic quality of the roadway network.

*Policy SL-14.2: Prioritize the completion of the projects in the City's Non-motorized Transportation Plan which provide multi-modal connections within and to the shoreline area.*

Developing public access to the shoreline area has long been a priority of the City. The top priorities in the City's NTP are the construction of the Fennel Creek Trail (Projects N1 – N3) which will ultimately provide a multi-modal trail connecting Allen Yorke Park to Victor Falls; establishment of a continuous pedestrian corridor along the Lake Tapps shoreline (N4 – N5); and construction missing sidewalks providing a pedestrian linkage from the City's Downtown to Lake Tapps (N132 – N134). Since the NTP contemplates the installation of sidewalks on only one-side of the street, the City should plan to install sidewalks on the side of the roadway closest to the water.

## 4.8 UTILITIES

**Goal SL-15: Manage public and private utilities within the shoreline area to ensure that necessary utility services are provided, while protecting and enhancing water quality and the habitat value of the shoreline.**

*Policy SL-15.1: Locate new utilities outside of the shoreline area unless the location is reasonably necessary for the efficient operation of the utility.*

Development of utility facilities for electric power, gas, sewage, water, and communications can create substantial impacts on the landscape and the function of the natural ecosystem. To minimize potential impacts, these facilities should be located outside of the shoreline area, and in particular, outside of the aquatic environment, where feasible.

If utility facilities must be located in the shoreline, careful planning and design is required to address impacts such as soil disturbance and intrusion on the visual setting. Potential adverse impacts should be minimized through the location, design, and construction techniques. Upon completion of utility installation or maintenance projects, the shoreline area should be restored to pre-project configuration, replanted with native species, and provided with maintenance care until the newly planted vegetation is established.

Alternative energy use such as solar and wind-based energy systems should be encouraged within the shoreline environment, provided that any potential adverse impacts are minimized.

*Policy SL-15.2: Encourage consolidation of utilities within existing rights-of-way or utility corridors.*

In order to minimize the extent of shoreline modifications, utility facilities should utilize existing transportation rights-of-way and utility corridors whenever practicable; rather than creating new corridors in the shoreline environment.

*Policy SL-15.3: Locate utility facilities and corridors to protect scenic views and prevent impacts to the aesthetic qualities of the shoreline.*

Utility lines and facilities should be located so that they do not obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground or designed to do minimal damage to the aesthetic qualities of the shoreline area.

## 5. SHORELINE MODIFICATIONS

### 5.1 GENERAL

**Goal SL-16: Manage shoreline modifications to avoid, minimize, or mitigate significant adverse impacts.**

*Policy SL-16.1: Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions.*

Accounting for the existing hydrological, vegetative, and habitat conditions within the shoreline surround Lake Tapps, the overall shoreline ecological function is considered low.<sup>19</sup> The City will utilize this determination as a baseline to ensure that there is “no net loss” of ecological functions.

The City also recognize that the shorelines of the state are among the most valuable of its natural resources and that there is great concern throughout the state relating to the restoration of the shoreline. Through the implementation of the City’s adopted restoration plan, the City will work to improve the over all ecological functions of Lake Tapps.

### 5.2 SHORELINE STABILIZATION

**Goal SL-17: Reduce the use of structural shoreline stabilization measures.**

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, or essential structures primarily caused by wave action.

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<sup>19</sup> *Final Shoreline Analysis Report for City of Bonney Lake’s Shorelines: Lake Tapps Lake Tapps Reservoir and Fennel Creek* Table 3 pg 22 (2010)

*Policy SL-17.1: Structural shoreline stabilization measures should only be used when a need has been demonstrated and that more natural, flexible, non-structural methods have been determined infeasible.*

Shoreline stabilization should be based on the following hierarchy of preference:

- Nonstructural methods which include building setbacks, erosion and groundwater management, planning, and regulatory measures to avoid the need for structural stabilization.
- Soft structural shoreline stabilization which includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide stability in a non-linear, sloping arrangement.
- Hard structural shoreline stabilization which includes concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces (e.g. bulkheads, rip-rap, groins, dikes and similar structures).

*Policy SL-17.2: Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions.*

Where allowed, shoreline stabilization structures should minimize impacts on shoreline hydrology, navigation, habitat, and public access. Shoreline protective structures should be designed for the minimum height and extent necessary to address the identified hazard to an existing structure. As noted above, vegetation and nonstructural solutions should be used rather than structural bank reinforcement; unless these methods are determined to be infeasible, as documented by a geotechnical analysis.

*Policy SL-17.3: Locate and design new development to eliminate the need for new shoreline stabilization measures.*

New shoreline uses should be located in a manner so that bulkheads and other structural stabilization measures are neither required nor likely to become necessary in the future.

*Policy SL-17.4: Regulatory flexibility or incentives should be developed to encourage shoreline property owners to voluntarily remove bulkheads and plant shoreline vegetation.*

In recent years, many techniques have been developed to provide alternative shoreline protection methods which may employ the use of gravel substrate material, terraces, large flat rocks, shallow pools, logs, and vegetation to prevent erosion and provide an attractive, usable shoreline area. The aim of these techniques is to reduce bank hardening, restore overhanging vegetation, and replace bulkheads with sand beaches and gentle slopes.

## 5.3 FILLING

**Goal SL-18: Ensure that fills either preserve current ecological functions or restore ecological functions of the shoreline.**

*Policy SL-18.1: Limit fill to either ecological restoration or to facilitate water-dependent public access.*

Fill allows for the creation of dry upland areas by the deposition of sand, silt, gravel or other materials. Fill has traditionally been used in the shoreline area to level or expand residential yards and, in many cases, has been associated with armoring of the shoreline. As a result, this use of fill in this manner should be prohibited.

Alternatively, fill can also be used for ecological restoration, such as beach nourishment, or to facilitate water-dependent uses and public access. This type of activity should be designed and located so there will be no significant ecological impacts and no alteration of local surface water drainage patterns which would result in a hazard to adjacent life, property, and natural resource systems.

## 5.4 CLEARING AND GRADING

**Goal SL-19: Minimize impacts to ecological functions as a result of clearing and grading activities.**

*Policy SL-19.1: Limit clearing and grading activities in the shoreline area.*

Clearing and grading activities are typically associated with upland development. These activities have the potential to cause erosion, siltation, surface water runoff, habitat damage and reduce flood storage capacity. Therefore, clearing and grading activities should be designed with the objective of maintaining natural diversity and ensuring that any potential adverse impacts are avoided or minimized. Impacts from these activities can be avoided through proper site planning, construction timing practices, and use of erosion and drainage control methods

## 5.5 DREDGING

**Goal SL-20: Minimize impacts to ecological functions and aquatic vegetation as a result of dredging activities**

*Policy SL-20.1: Discourage dredging operations, including disposal of dredge materials.*

Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values. When allowed, dredging and dredge material disposal should be done in a manner which avoids or minimizes significant ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological function

## 5.6 SHORELINE RESTORATION AND ECOLOGICAL ENHANCEMENT

**Goal SL-21: Implement the projects, programs, and plans to restore areas that have been degraded or diminished as a result of past activities.**

Restoration planning is an important component of the SMA. Continued improvement of shoreline ecological functions requires a comprehensive watershed approach that combines upland and shoreline projects and programs. The City of Bonney Lake has adopted a restoration plan for the City's shorelines that provides the framework for the community's efforts to restore the degraded portions of the City's shorelines.

*Policy SL-21.1: Include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline.*

Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat in shorelines. Such projects may include shoreline modification actions such as installation of native shoreline vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

*Policy SL-21.2: Minimize impacts from publicly initiated aquatic vegetation management efforts.*

The CWA has an obligation to monitor and manage milfoil which is a noxious weed and poses environmental challenges to Lake Tapps.<sup>20</sup> Aquatic vegetation management efforts can have potential negative impacts relevant to Lake Tapps environment and therefore efforts should be designed to use a mix of various methods with emphasis on the most environmentally sensitive methods.

## 6. SHORELINES OF STATEWIDE SIGNIFICANCE

The SMA designates certain shoreline areas as shorelines of statewide significance, the shorelines that are so designated includes natural and artificial lakes with a surface acreage of one thousand acres or more. Within the City of Bonney Lake's jurisdiction, Lake Tapps meets this definition and as such is classified as shoreline of state-wide significance.

Shorelines of statewide significance are shorelines that major resource from which all people in the state derive benefit and as such all of the people of the State have an interests in the management of these shorelines. Accordingly, the SMP gives preference to uses and development that meet the principles outlined below, listed in order of preference:

1. Recognize and protect the statewide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Result in long-term over short-term benefits.
4. Protect the resources and ecology of the shoreline.
5. Increase public access to publicly owned areas of the shoreline.
6. Increase recreational opportunities for the public on the shorelines.
7. Provide for any other element as defined in the Shoreline Management Act deemed appropriate or necessary.

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<sup>20</sup> Lake Tapps Lake Tapps Reservoir Collaborative Plan pg 22

In the implementation of the SMP, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible, consistent with the overall best interest of the state and the people generally. To this end, uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent on use of the state's shorelines. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, parks, boating facilities, and other improvements that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline areas and interference with the public's use of the water.

DRAFT

City of Bonney Lake  
Grant No. G1000016

**Final**

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**Shoreline Restoration Plan Component of the Shoreline  
Master Program for the City of Bonney Lake Shorelines:  
Lake Tapps and Fennel Creek**

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# SHORELINE RESTORATION PLAN CITY OF BONNEY LAKE

## 1.0 INTRODUCTION

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The City of Bonney Lake's Shoreline Master Program (SMP) applies to activities in the shoreline jurisdiction zone. Compensatory mitigation is required for activities that have adverse effects on the ecological functions and values of the shoreline. By law, the proponent of any such activity is required to return the subject shoreline to a condition equivalent to the baseline level at the time the activity takes place. It is understood that some uses and developments cannot always be mitigated fully, resulting in incremental and unavoidable degradation of the baseline condition. The subsequent challenge is to improve the shoreline over time in areas where the baseline condition is degraded, severely or marginally.

WAC Section 173-26-201(2)(f) of the Shoreline Master Program Guidelines (Guidelines)<sup>1</sup> says:

... master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

Degraded shorelines are not just a result of pre-SMP activities, but also of unregulated activities and exempt development. The new Guidelines also require that "[l]ocal master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline." While some actions within shoreline jurisdiction are exempt from a permit, the SMP should clearly state that those actions are not exempt from compliance with the Shoreline Management

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<sup>1</sup> The Shoreline Master Program Guidelines were prepared by the Washington Department of Ecology and codified as WAC 173-26. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. See <http://www.ecy.wa.gov/programs/sea/sma/guidelines/index.html> for more background.

Act or the local SMP. Because the shoreline environment is also affected by activities taking place outside of a specific local master program's jurisdiction (e.g., outside of city limits, outside of the shoreline area within the city), assembly of out-of-jurisdiction actions, programs and policies can be essential for understanding how the City fits into the larger watershed context. The latter is critical when establishing realistic goals and objectives for dynamic and highly interconnected environments.

Restoration of shoreline areas, in relation to shoreline processes and functions, commonly refers to methods such as re-vegetation, removal of invasive species or toxic materials and removal of bulkhead structures, piers, and docks. Consistent with Ecology's definition, use of the word "restore," or any variations, in this document is not intended to encompass actions that reestablish historic conditions. Instead, it encompasses a suite of strategies that can be approximately delineated into four categories:

- Creation (of a new resource)
- Restoration (of a converted or substantially degraded resource)
- Enhancement (of an existing degraded resource)
- Protection (of an existing high-quality resource)

As directed by the Guidelines, the following discussions provide a summary of baseline shoreline conditions, list restoration goals and objectives, and discuss existing or potential programs and projects that positively impact the shoreline environment. In total, implementation of the SMP (with mitigation of project-related impacts) in combination with this Restoration Plan (for restoration of lost ecological functions that occurred prior to a specific project) should result in a net improvement in the City of Bonney Lake's shoreline environment in the long term.

In addition to meeting the requirements of the Guidelines, this Restoration Plan is also intended to support the City's or other non-governmental organizations' applications for grant funding, and to provide the interested public with contact information for the various entities working within the City to enhance the environment.

## 2.0 SHORELINE INVENTORY SUMMARY

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### 2.1 Introduction

The City recently completed a comprehensive inventory and analysis of its shorelines (The Watershed Company and Makers 2010) as an element of its SMP update. The purpose of the shoreline inventory and analysis was to gain a greater understanding of the existing condition of Bonney Lake's shoreline environment to ensure the updated SMP policies and regulations are well suited in protecting ecological processes and functions. The inventory describes existing physical and biological conditions in the shoreline zones within City limits and includes recommendations for restoration of ecological functions where they are degraded. The *Shoreline Analysis Report for the City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek* (The Watershed Company and Makers 2010) is summarized below.

### 2.2 Shoreline Boundary

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. Shorelands are defined as:

... those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter...Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom... Any city or county may also include in its master program land necessary for buffers for critical areas (RCW 90.58.030)

The City's existing SMP is presently is in the process of being updated. The SMP will consist of the goals and policies in the City's comprehensive plan and provisions in the City's municipal code.

The northern portion of the City of Bonney Lake is located along the shoreline of Lake Tapps. Lake Tapps is approximately 4.5 square miles in size, and is therefore included in a classification of unique shorelines known as Shorelines of Statewide Significance.

Following the completion of the Final City of Bonney Lake Shoreline Analysis Report (The Watershed Company and Makers 2010) it was determined mutually by the City and The Washington State Department of Ecology (Ecology) that the portion of the Printz Basin Flume from its terminus to the City's jurisdictional boundary was not regulated under the SMA or the SMP. As a result, this area is no longer included in the City's SMP documents, including this Restoration Plan.

Fennel Creek exceeds the 20 cfs cutoff point after it leaves the main southern boundary of the City. However, the stream then briefly flows through a City owned parcel located on Rhodes Lake Road East (just downstream of Victor Falls). Proposed shoreline jurisdiction is shown below in Figure 1. The entire jurisdiction assessment and determination process can be reviewed in greater detail in Appendix C of the Final City of Bonney Lake Shoreline Analysis Report (The Watershed Company and Makers 2010).



**Figure 1. City of Bonney Lake shoreline jurisdiction.**

## 2.3 Inventory

The Final City of Bonney Lake Shoreline Analysis Report included all land within the City's proposed shoreline jurisdiction and the area upland of the Printz Basin Flume determined later not to be within the shoreline jurisdiction. Not including aquatic area or the Printz Basin Flume area, the shoreline jurisdiction totals approximately 217 acres (0.34 square miles) in area and encompasses about 9.7 miles (51,399 linear feet) of shoreline.

In order to break down the shoreline into manageable units and to help evaluate differences between discrete shoreline areas, the shorelines were divided into assessment units based on waterbody, land use and ecological condition. The Lake Tapps and Fennel Creek unit are shown below in Figures 2 and 3, respectively.

Table 1 shows the shoreline frontage and acreage of each assessment unit on Lake Tapps. A summary of inventory and analysis information from the Shoreline Analysis Report (The Watershed Company and Makers 2010) is presented in the following sections.



Figure 2. Lake Tapps shoreline assessment units.



**Figure 3. Fennel Creek shoreline assessment unit.**

**Table 1. Dimensions of Lake Tapps shoreline assessment units.**

Assessment Unit		Shoreline frontage (lineal feet)	Land Area <sup>1</sup> (acres)
Lake Tapps	Residential	48,382.3	201.1
	Park Facilities	1,727.4	9.7
Fennel Creek		1,289.2	6.8
<b>TOTAL</b>		<b>54,761.3</b>	<b>245.3</b>

<sup>1</sup> Assessment unit area is the landward portion of the shoreline management area.

### **2.3.1 Land Use and Physical Conditions**

The City of Bonney Lake is located in Pierce County, Washington, along the southern section of the shoreline of the approximately 4.5-square-mile Lake Tapps. The entire area is within Washington State’s Water Resource Inventory Area (WRIA) 10. The City encompasses approximately 5.5 square miles and is bordered nearly on all sides by unincorporated Pierce County jurisdiction, with a small shared border with Sumner along the northwest portion of the City. The City of Auburn is located generally north of Bonney Lake at the north end of Lake Tapps. Puyallup is located to the west, Buckley to the east, and Orting to the south. Only a portion of Lake Tapps is located in the City’s shoreline jurisdiction, while the remainder is located in unincorporated Pierce County. The upper portion of Fennel Creek passes through a substantial portion of the City, but as mentioned above, Fennel Creek does not meet the 20 cfs flow threshold (i.e., shoreline

designation criteria) until further downstream, south of the main southern boundary of the City. Only briefly does the stream pass through the City-owned parcel located on the south side of Rhodes Lake Road East. The study area for this report includes all land currently within the City's proposed shoreline jurisdiction.

Present land use in shoreline jurisdiction varies in some cases by assessment unit. The Residential assessment unit of the Lake Tapps shoreline is zoned 89 percent residential. Remaining land in the residential unit is zoned medium- and high-density residential and public facilities (1 percent). The Lake Tapps Park Facilities unit is 74 percent public facilities and 26 percent residential zoning. Fennel Creek is zoned entirely as public facilities. Much of the Lake Tapps shoreline is at build-out and contained within the Residential assessment unit. The much smaller Fennel Creek unit is undeveloped and nearly entirely vegetated. The Park Facilities unit is highly developed for recreational uses. At present, two of the three parks that make up the unit are in private ownership. The lot to the north of City-owned Allan Yorke Park is planned for development, with dedication of part of the shoreline to City ownership in the future by an approved permit. City-owned public access is limited to Allan Yorke Park at this time. Wetlands are depicted by a County inventory and the National Wetland Inventory along the majority of Lake Tapps shoreline and along Fennel Creek in the Fennel Creek assessment unit; much of the shoreline, however, is developed with lawns, bulkheads and docks and may no longer be functioning wetland.

The elements of impervious surface, overwater cover, shoreline armoring, vegetated cover, critical/historic areas, water quality, and Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) and listed species occurrence are shown in Table 2.

**Table 2. Summary of Inventory by Assessment Unit.**

Inventory Element	Shoreline Assessment Unit		
	Lake Tapps		Fennel Creek
	Residential	Park Facilities	
<b>Impervious Surface</b>	<b>40%</b>	<b>29%</b>	<b>1%</b>
<b>Overwater Cover<sup>1</sup></b>	<ul style="list-style-type: none"> <li>• 516 piers, docks, or other structures</li> <li>• 5 lots w/o structures (1%)</li> <li>• ~83 boat canopies (18% of waterfront lots)</li> </ul>	<ul style="list-style-type: none"> <li>• 8 piers, docks, or other structures – includes swim enclosures</li> </ul>	NA
<b>Shoreline Armoring<sup>2</sup></b>	<ul style="list-style-type: none"> <li>• Not Armored: ~4,750 ft (10%)</li> <li>• Bulkhead: 90%</li> <li>• Boat Ramps: ~49 ramps (11% of waterfront lots)</li> </ul>	<ul style="list-style-type: none"> <li>• Not Armored: ~1020 ft (59%)</li> <li>• Bulkhead: ~700 ft (41%)</li> <li>• Boat Ramps: 3</li> </ul>	NA
<b>Critical Areas</b>	<ul style="list-style-type: none"> <li>• Wetlands – as percent of area (<b>13%</b>)</li> <li>• Floodplain – <b>10%</b></li> <li>• Geologically Hazardous Areas - <b>29%</b></li> <li>• Habitat Conservation Areas - <b>0%</b></li> </ul>	<ul style="list-style-type: none"> <li>• Wetlands – <b>18%</b></li> <li>• Floodplain – <b>16%</b></li> <li>• Geologically Hazardous Areas - <b>0%</b></li> <li>• Habitat Conservation Areas – <b>54%</b></li> </ul>	<ul style="list-style-type: none"> <li>• Wetlands – <b>49%</b></li> <li>• Floodplain – <b>35%</b></li> <li>• Geologically Hazardous Areas - <b>85%</b></li> <li>• Habitat Conservation Areas – <b>0%</b></li> </ul>
<b>Listed Species</b>	<ul style="list-style-type: none"> <li>• None listed</li> </ul>	<ul style="list-style-type: none"> <li>• None listed</li> </ul>	<ul style="list-style-type: none"> <li>• Chinook salmon</li> <li>• Steelhead</li> </ul>
<b>Priority Habitat and Species</b>	<ul style="list-style-type: none"> <li>• Waterfowl concentrations</li> <li>• Priority wetlands</li> <li>• Bald eagle</li> </ul>	<ul style="list-style-type: none"> <li>• Waterfowl concentrations</li> <li>• Priority wetlands</li> <li>• Bald eagle</li> </ul>	<ul style="list-style-type: none"> <li>• Priority wetlands</li> </ul>
<b>Impaired Waters (303d/305b)</b>	<ul style="list-style-type: none"> <li>• Invasive exotic species (Category 4C)</li> <li>• Total Phosphorus (Category 1)</li> </ul>	<ul style="list-style-type: none"> <li>• Invasive exotic species (Category 4C)</li> <li>• Total Phosphorus (Category 1)</li> </ul>	N/A

<sup>1</sup> Assessment of overwater cover conducting using 2008 aerial photo. Digitized cover was not available in GIS.

<sup>2</sup> Assessment of shoreline armoring conducting using 2008 aerial photo. This assessment tallied the number of unarmored waterfront lots. Based on the total shoreline length and the number of waterfront parcels, an average length of 100 feet of water edge was estimated per lot.

### **2.3.2 Biological Resources and Critical Areas**

The City of Bonney Lake’s shorelines are located in the Lake Tapps Sub-basin (of the White River watershed) and the Fennel Creek Sub-basin (of the Puyallup River

watershed). Characteristics for the White River Basin are described in the White River Basin Plan Characterization Report (Pierce County 2007). Additional characteristics for Lake Tapps as a whole are presented in the Draft Pierce County Inventory and Characterization Report (ESA 2007).

Lake Tapps, which was originally four small lakes, is now the largest lake/reservoir in Pierce County, totaling approximately 4.5 square miles in surface area (2,296 acres) and includes approximately 45 miles of shoreline. The City includes 9.5 miles of Lake Tapps shoreline frontage, resulting in 211 acres of shoreline jurisdiction area associated with the lake (includes associated wetland complexes). The entire jurisdiction assessment and determination process can be reviewed in detail in Appendix C of the Shoreline Analysis Report (The Watershed Company and Makers 2010).

Lake Tapps was formed in the early 1900's as a water reservoir for hydroelectric power generation by building nearly 2.5 miles of dikes and embankments around four small lakes. Water is diverted from the White River at a facility in the City of Buckley and then transported through a combination of flumes and open channels to Lake Tapps. Discharge from Lake Tapps enters back into the White River near the City of Sumner. Puget Sound Energy has recently ceased hydroelectric production in Lake Tapps and has sold the lake and the associated water right to the Cascade Water Alliance (CWA). Future lake operation (elevation and corresponding hydrograph) will be determined by CWA but coordinated through the Lake Tapps Community Council. The Washington State Department of Ecology is reviewing current information regarding the use of Lake Tapps as a municipal water supply. Much like operations conducted during Puget Sound Energy's ownership, CWA plans to maintain higher water levels in the spring, summer and fall for recreational purposes. In late fall through winter, the lake levels are lowered to allow homeowners to repair and maintain docks and bulkheads and also to provide for dike maintenance/repair and control of milfoil.

Testing of Lake Tapps water quality by the Department of Ecology has found that the lake can be classified as oligotrophic (i.e., nutrient limited) but has recorded elevated levels of chlorophyll concentrations and hypolimnetic oxygen depletion which would indicate that the lake is more mesotrophic (i.e., moderately productive) (Ecology 2006).

Within the southern portion of the City, shoreline jurisdiction includes a small segment of Fennel Creek, totaling ¼-mile, as it meanders through City owned property. The shoreline area for the stream is 6.8 acres. Fennel Creek is a tributary to the Puyallup River, and drains a total of approximately 11 square miles. Fennel Creek originates near the north side of SR-410 east of its intersection with 233rd Street East. The stream drains

an area of various land uses including, agricultural, rural, and residential. Fennel Creek flows through several steep canyons before emptying into the Puyallup River.

Biological resources of the Bonney Lake shoreline areas perform hydrologic, vegetative, hyperheic and habitat functions, which are used in the Shoreline Analysis Report (The Watershed Company and Makers 2010) to evaluate assessment unit performance. They are summarized in the following paragraphs and Table 3.

The following summarizes the general existing condition along most of the Lake Tapps shoreline in the City of Bonney Lake, noting the overall degradation of shoreline function due to historical development and clearing along the lakeshore. The Lake Tapps Residential assessment unit is entirely residential parcels and primarily single-family. Biological function is low for the unit because of the built conditions: a high degree of shoreline armoring, numerous overwater structures, high potential for pollutants from lawns and developed areas, and a very low degree of remaining natural vegetation. Little potential for large woody debris and organic matter recruitment exists. The lack of both living and dead vegetation greatly limits many biological functions, include wave attenuation, nutrient and sediment removal, bank stabilization, temperature regulation, and food production and delivery.

The Park Facilities unit of the Lake Tapps shoreline consists of three parks. The sole public park, Allan Yorke Park, is located in the southwestern corner of Lake Tapps and includes approximately 700 feet of shoreline. The entirety of the shoreline is hardened with bulkheads. The park is bisected by West Tapps Highway East. Amenities on the eastern (waterward) portion of the park include a boat launch, fishing dock, and swimming areas. Upland amenities include ball fields, playgrounds, a skateboard park, tennis courts, and restrooms. The southernmost portion of the shoreline is owned by CWA, while the northern portion is owned by the City. Church Lake Park is located just to the northeast of Allan Yorke Park. The park is made up of two parcels and includes approximately 800 feet of shoreline frontage. The park is not open to the public, as it is commonly owned by nearby property owners. Park amenities include a basketball court, picnic areas, a boat launch and a dock. The third and final park on Lake Tapps within City jurisdiction is located on the western shoreline of Inlet Island. The park is made up of four separate parcels, and just like Church Lake Park, is not open to the public. The park includes a volleyball court, playground, several buildings, a boat launch, two docks and an enclosed swimming area. The park includes a total of approximately 280 feet of shoreline frontage.

Biological function in the Park Facilities unit is also low, due to high development that includes impervious surface and maintained lawn. Potential for contaminated runoff is high, and little natural vegetation exists to perform water quality, water storage, or habitat functions. A lack of woody debris and organic materials further limits habitat function, as well as the normal functions of vegetation, as described previously in this section for the Residential unit.

The Fennel Creek assessment unit consists of that portion of Fennel Creek that flows through City-owned property just south of Rhodes Lake Road East. The parcel, approximately 9.7 acres in size, is completely surrounded by areas of unincorporated Pierce County, with the nearest areas of City jurisdiction located approximately 500 feet northwest of the parcel. Victor Falls, an 80-foot-high waterfall on Fennel Creek, is located just upstream of the City property. The property through which Fennel Creek passes is the location of the Victor Falls Springs, one of four wells from which the City draws its water. The City has assessed each of the four wells and determined that Victor Falls Springs is the least safe of the four due to its close proximity to nearby septic systems. However, nitrate levels at the well do not exceed the State Board of Health's maximum contaminant level.

Fennel Creek is a perennial stream whose headwaters are located near the north side of SR 410, east of its intersection with 233<sup>rd</sup> Street East. The entire Fennel Creek Sub-basin drains approximately 11 square miles, of which three square miles are located within Bonney Lake. Victor Falls presents a fish passage barrier to anadromous fish attempting to migrate up Fennel Creek. Below the falls, and therefore on City property, Fennel Creek contains steelhead, coho, Chinook, and possible bull trout. Overall, biological function in the unit is moderate/high. Habitat function is high because of dense native forest in the unit. The stream channel is relatively undisturbed. However, the shoreline soils are susceptible to erosion and development in upper basin has likely altered flow regime. These characteristics temper sediment transport and nutrient/toxin removal function somewhat.

Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) maps indicate the presence of waterfowl concentrations in the entirety of Lake Tapps (see the Shoreline Analysis Report, Appendix D, Figure 9). Coho salmon, resident cutthroat trout, and winter steelhead occurrences are depicted in Fennel Creek within shoreline jurisdiction.

**Table 3. Summary of shoreline inventory ecological function ratings by assessment unit.**

Shoreline Processes and Functions Occurring within Assessment Unit	Shoreline Assessment Unit		
	Lake Tapps		Fennel Creek
	Residential	Park Facilities	
<b>Hydrologic</b>			
Storage of water and sediment	Low/moderate	Low/moderate	Moderate/high
Transport of water and sediment	N/A	N/A	Moderate
Attenuation of flow energy	Low/moderate	Moderate	Moderate/high
Developing pools, riffles and gravel bars	N/A	N/A	Moderate/high
Removing excess nutrients and toxic compounds	Low	Low	Moderate
Recruitment and transport of LWD and other organic materials	Low	Low	Moderate/high
<b>Vegetation</b>			
Temperature regulation	Low	Low	Moderate/high
Water quality improvement	Low	Low	Moderate/high
Attenuation of flow energy	Low	Low	High
Sediment removal and bank stabilization	Low	Low/moderate	Moderate/high
Recruitment of LWD and organic matter	Low	Low	High
<b>Hyporheic</b>			
Removing excess nutrients and toxic compounds	N/A	N/A	Moderate
Water storage and maintenance of base flows	N/A	N/A	Moderate
Support of vegetation	N/A	N/A	Moderate
<b>Habitat</b>			
Physical space and conditions for life history support	Low	Low/moderate	High
Food production and delivery	Low	Low	Moderate/high
<b>Summary</b>	Low	Low	Moderate/high

## 3.0 RESTORATION GOALS AND OBJECTIVES

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In accordance with statewide provisions (WAC 173-26-201(2)(f)), this restoration plan includes “goals, policies and actions for restoration of impaired shoreline ecological functions...designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program.” The documents summarized in this section target at various levels the general goal of shoreline ecological function improvement.

In support of this general goal, the City’s SMP (Chapter 13, Section 5.6) includes the following goal and policies as part of the Shoreline Restoration and Ecological Enhancement provisions:

**Goal SL-21: Implement the projects, programs, and plans to restore areas that have been degraded or diminished as a result of past activities.**

*Policy SL-21.1: Include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline.*

*Policy SL-21.2: Minimize impacts from publicly initiated aquatic vegetation management efforts.*

### 3.1 Pierce County Shoreline Restoration Report

The Pierce County SMP update includes five goals in its restoration report component (ESA Adolfson 2009). These goals are intended to fulfill the County-wide restoration vision:

The County will strive to restore, protect and enhance the shoreline resources and ecological processes that contribute to those resources through a combination of public actions and voluntary private actions. Restoration efforts, combined with protection of existing shoreline resources, will be targeted to create a net improvement in the shoreline ecosystem over time so as to benefit native fish and wildlife, and maintain public amenities for the people of Pierce County, Washington.

The Pierce County restoration goals are as follows:

1. To improve shoreline processes, functions, and values over time through regulatory and voluntary and incentive-based public and private programs and actions that are consistent with the SMP and other agency/locally adopted restoration plans.

2. To increase the availability, viability and sustainability of shoreline habitats for salmon, shellfish, forage fish, shorebirds and marine seabirds, and other species; improve habitat quality for sensitive and/or locally important species; and support the biological recovery goals for federally protected species.
3. To integrate restoration efforts with capital projects and other resource management efforts including, but not limited to, shellfish closure response plans and water cleanup plans.
4. To encourage cooperative restoration actions involving local, state, and federal public agencies, tribes, non-government organizations, and private landowners.
5. To participate in the Puget Sound Partnership and commit energy and resources to implementation of the Puget Sound Action Agenda.

## 4.0 ONGOING CITY PLANS AND PROGRAMS

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The City of Bonney Lake implements elements of the Growth Management Act through the adoption of the City's comprehensive plan and the Bonney Lake Municipal Code, which includes critical areas regulations that apply outside of shoreline jurisdiction. The City also has stormwater regulations and a Septic System Abatement Master Plan.

### 4.1 Comprehensive Plan

The Bonney Lake Comprehensive Plan (City of Bonney Lake 2007) goals and policies pertaining to shoreline area enhancement and restoration are listed below. These policies center on enhancing sensitive and critical areas and habitat, with particular attention to improving water quality within Lake Tapps by reducing septic system use as well as enhancing vegetated buffers along the Fennel Creek corridor.

- Policy 2-2d* Require new subdivisions and commercial development to connect to public sewers.
- Policy 2-2e* Encourage homes and businesses with septic systems to connect to public sewers.
- Policy 2-3d* Encourage vegetative buffers along streams and drainage ways to enhance water quality, protect habitat, and prevent erosion.

*Policy 2-7b* Help implement the Fennel Creek corridor environmental improvements identified in the 1999 Environmental Analysis of the Fennel Creek Corridor.

## **4.2 City of Bonney Lake NPDES Stormwater Management Program**

The Phase II NPDES Stormwater Management Program includes ordinances and programs in fulfillment of local, state and federal stormwater requirements, as well as identifying water quality and quantity problems that may impact the environment and making recommendations for improvements. Adoption of the 2005 Ecology Stormwater Management Manual for Western Washington is required by the NPDES Phase II permit.

The objectives of the City plan are as follows:

1. Public education and outreach on stormwater impacts.
2. Public involvement/participation.
3. Illicit discharge detection and elimination.
4. Construction site stormwater runoff control.
5. Post-construction stormwater management in new development and redevelopment.
6. Pollution prevention/good housekeeping for municipal operations.

## **4.3 City of Bonney Lake Septic System Abatement Master Plan**

The City has developed a Septic System Abatement Master Plan that identifies areas within the City's Core Sewer Service Area that are currently served by on-site septic systems and drainfields, and establishes a systematic program for connecting these areas to the municipal sewer system. As part of this effort, an abatement criteria matrix was developed to assist in ranking the potential abatement areas. One of the criteria used in developing the matrix was the proximity to high groundwater and surface water areas. The estimated cost to implement the plan at all the abatement areas studied is approximately \$25 million. A project report indicated that creating a local improvement district, obtaining Public Works Trust Funds, and allocating money from the City's General Fund were potential financing strategies and recommended that the City

develop a formal policy document to guide septic system abatement (RH2 Engineering, Inc. 2012).

## **5.0 PARTNERSHIPS**

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Federal, state, regional, and local agencies and organizations are actively involved in shoreline restoration, conservation, and protection in and around the City of Bonney Lake. These partners and their local roles in shoreline protection and/or restoration are identified below and generally ordered by the scope of the organization, from the larger state and watershed scales to the City-scale in the Bonney Lake area.

### **5.1 Washington State Conservation Commission**

The completion of the 1999 Salmonid Habitat Limiting Factors Report for the Puyallup River Watershed Area (WRIA 10) identifies areas in the Puyallup watershed, including Lake Tapps, in need of protection, as well as data gaps.

### **5.2 Washington State Department of Ecology**

The Washington State Department of Ecology completed the Puyallup-White Watershed Assessment Summary in 1995. This document describes existing data on water rights, stream flows, precipitation, geology, hydrology, water quality, fisheries resources, and land use patterns.

WRIA 10 is currently not working under the Watershed Planning Act (Ecology is the lead agency for this legislation).

### **5.3 Shared Strategy for Puget Sound**

Shared Strategy for Puget Sound (SSPS) is a collaborative effort supported by state and federal agencies, local governments and non-government organizations, and legislators aimed at encouraging recovery plans to protect and restore salmon runs in Puget Sound. The Puyallup/White River Watershed Profile of the Puget Sound Salmon Recovery Plan (SSPS 2007) identifies as limiting factors in salmon recovery access, sedimentation, lack of nearshore habitat, point and non-point source pollution, degraded and lacking riparian conditions, and lost floodplain processes. The Plan includes a number of recommendations for salmon recovery in the White River Basin. These include but are not limited to restoration of floodplain connectivity in the lower White River and increased protection and restoration of tributaries that presently support high salmon productivity.

## 5.4 Puget Sound Partnership

The Puget Sound Partnership (Partnership) consists of representatives from a variety of interests from the Puget Sound region including business, agriculture, the shellfish industry, environmental organizations, local governments, tribal governments, and the Washington State Legislature. Some of the Partnership's key tasks are as follows:

- Develop a set of recommendations for the Governor, the Legislature and Congress to preserve the health of Puget Sound by 2020 and ensure that marine and freshwaters support healthy populations of native species as well as water quality and quantity to support both human needs and ecosystem functions.
- Engage citizens, watershed groups, local governments, tribes, state and federal agencies, businesses and the environmental community in the development of recommendations.
- Review current and potential funding sources for protection and restoration of the ecosystem and, where possible, make recommendations for the priority of expenditures to achieve the desired 2020 outcomes.

The Partnership, through the Leadership Council, released an Action Agenda in December 2008. Implementation of this Action Agenda has resulted in state and federal funding of restoration and protection initiatives and projects. This includes integrating the work of the Puget Sound Nearshore Restoration Project to increase focus on completing work necessary to request Puget Sound restoration funds under the Water Resources Development Act slated for 2012.

## 5.5 Pierce County

### 5.5.1 *Pierce County Public Works and Utilities: Surface Water Management Division*

The Pierce County Public Works and Utilities Department's Surface Water Management Division completed the White River Basin Plan Characterization Report in 2007. The document includes an analysis of basin conditions, including impervious surface, land use, water quality, habitat, floodplain, and stream characteristics. The County intends to present recommendations for solutions to identified problems regarding water quality, habitat, and floodplains in the next phase of study.

### **5.5.2 Pierce County Parks and Recreation**

The Pierce County Park, Recreation and Open Space Plan was completed in 2008 and updated in 2009 (Pierce County 2009). One of the core values put forth in the plan is the conservation of natural and open spaces, wildlife habitat, shoreline environments, and ecological resources. Goals of the plan include providing parks and open spaces that conserve and enhance environmental features, link open space and significant environmental features, and incorporate natural areas to protect and conserve threatened species, habitat, and migration corridors.

### **5.5.3 Pierce County Lead Entity**

Pierce County serves as the Lead Entity for the Puyallup/White watershed. The Lead Entity is charged with gathering information so that the a Citizen's Advisory Committee (CAC) of stakeholders can rank projects for funding consideration by the Salmon Recovery Funding Board (SRFB). The CAC's mission is "to support the recovery of self-sustaining, harvestable salmon populations in Puget Sound by restoring and protecting the habitat in WRIAs 10 and 12."

The Salmon Habitat Protection and Restoration Strategy for WRIAs 10 and 12 was completed in March 2008 (Pierce County Lead Entity 2008). The goal of the document is "to provide guidance to the CAC and TAG [Technical Advisory Group], the SRF Board, and Project Sponsors to identify and prioritize salmon habitat recovery projects in WRIAs 10 and 12." No projects within Bonney Lake shoreline jurisdiction are identified in the strategy; this does not preclude future project recommendations within the jurisdiction, however.

## **5.6 Pierce Conservation District**

The Conservation District's mission is "To protect the natural resources and sustainable agriculture of Pierce County, by empowering local individuals and communities." To this end, the Conservation District provides guidance to Pierce County landowners on practices that reduce non-point pollution; in some cases, the Conservation District provides funding for landowners to assist them in implementing best management practices. The Conservation District's 5-Year Plan (2010 to 2015) summarizes the agency's priorities: to enhance and protect soil water, biodiversity, salmon, shellfish, and native plant resources; to assist landowners in protecting water quality, improving habitat, and conserving natural resources, while sustaining the agricultural community; and to involve and educate the local community through volunteer projects that improve stream quality in the County for the benefit of fish, wildlife and people.

The Stream Team began as a one-year Conservation District project and continues to work county-wide with volunteers to complete habitat and water quality improvement projects.

## **5.7 South Puget Sound Salmon Enhancement Group (SPSSEG)**

This 501(c)(3) organization's mission is to work in cooperation with other groups to locate funding and plan, implement, and monitor fish and habitat enhancement and restoration projects, focusing on salmon and aquatic habitats. The SPSSEG takes an ecosystem approach and utilizes volunteers and public education in the region, which includes the entirety of WRIA 10.

## **5.8 Puyallup Tribe**

The Tribe's Natural/Environmental Resources Program's mission is:

To protect, enhance, manage and restore the Natural Resources of the Puyallup Tribe of Indians. Key department entities include Water Quality, Air Quality, Wildlife, Fisheries, GIS and Environmental. This department continues to build relationships and establishes cooperation with local, state and federal jurisdictions to protect human health and the environment of Tribal members.

Goals of the Tribe include addressing habitat mitigation associated with PSE/CWA water right issues; continuing water quality sampling, monitoring, and analysis; and continuing watershed analysis for habitat enhancement and restoration opportunities.

## **5.9 National Fish and Wildlife Foundation (NFWF) Community Salmon Fund**

The NFWF and Pierce County formed the Pierce County Community Salmon Fund in 2002 as a funding program for restoration projects that involved landowners and raise local support for salmon recovery. The goals of the Fund are:

- To fund salmon protection and restoration projects that have a substantial benefit to the watershed and that are consistent with Pierce County's Ecosystem and Diagnosis Treatment (EDT).
- To enlist landowners and community groups in project implementation and monitoring.
- To foster creativity and leadership in the community to address conservation needs.

- To focus on community members and groups that can be of particular help in salmon recovery.

### **5.10 Fennel Creek Preservation Group**

This group of Bonney Lake citizens' mission is "the protection, preservation and restoration of the Fennel Creek Watershed and to encourage environmental education about its valuable Pacific Northwest habitats and ecosystems." The organization hosts speakers and forums on restoration and other environmental issues, holds educational events, and conducts volunteer projects in the Fennel Creek watershed.

### **5.11 Cascade Water Alliance**

Cascade Water Alliance (CWA), owner and operator of Lake Tapps for the future purpose of supplying regional potable water, maintains a close association to Bonney Lake and Pierce County, as well as the neighboring cities of Auburn, Buckley and Sumner to help assure a consistent water supply for the next 50 years. CWA is actively working on planning efforts to maintain and improve long-term water quality for Lake Tapps. Current restoration activities include the eradication of Eurasian milfoil. CWA has also noted that future restoration of shoreline vegetation is expected at both Church Lake Park and along their shoreline owned property located south of 61<sup>st</sup> Street E and east of S. Tapps Drive E.

### **5.12 Other Environmental Organizations**

Several environmental groups maintain offices and/or programs in Pierce County. While these groups have not historically worked in the shoreline jurisdiction of Bonney Lake, this does not preclude involvement in restoration activities in the future. Potentially active groups include:

- Cascade Land Conservancy
- Foothills Trail Coalition
- Forever Green
- Bonney Lake Conservation Group
- The Washington Wildlife and Recreation Coalition
- Trout Unlimited

## 6.0 POTENTIAL PROJECTS

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Although Lake Tapps is geographically located in WRIA 10, it is disconnected from major waterways and salmon-bearing streams via the diversion flume in the City of Buckley (inlet) and the former Puget Sound Energy powerhouse channel (outlet). Otherwise, the lake is generally connected through localized effects of urbanization on watershed-level processes (e.g., generation and discharges of stormwater runoff, reduced groundwater recharge, deforestation, etc). As such, restoration opportunities on Lake Tapps are less about salmon conservation (as is common around the region) and more about water quality and habitat improvements for other terrestrial and aquatic wildlife.

Opportunities include:

- Collaborate on the removal of Eurasian milfoil and other invasive aquatic plants. Cascade Water Alliance is actively planning for the removal and eradication of Eurasian milfoil, having received grants from the Washington Department of Ecology.
- Improve water quality by implementing projects identified in the City's Septic System Abatement Master Plan and encourage the future conversion to connect both existing and future development to the city municipal sewer system.
- Remove non-native invasive terrestrial vegetation.
- Enhance shoreline vegetation by planting native tree and shrub communities. The City is establishing an incentive program for single-family residential development to address shoreline vegetation restoration around the lake. Through the implementation of BLMC 16.56.040, incentives are provided to single-family residential property owners to allow for reduced setbacks in exchange for the installation of shoreline vegetation. This would apply to developed lots, which may redevelop in the future. Implementation of this incentive program will address the overall lack of shoreline vegetation along the lakeshore as identified in the Shoreline Analysis Report and encourage the installation of native shoreline species which will enhance habitat availability and improve lake water quality (The Watershed Company and Makers 2010).
- Working with CWA to restore shoreline vegetation at Church Lake Park and their property located south of 61<sup>st</sup> Street E and east of S. Tapps Drive E.

- Encourage the joint-use of overwater structures.
- Many residential (and some park) shoreline properties on Lake Tapps have the potential for improvement of ecological functions through: 1) reduction or modification of shoreline armoring, 2) reduction of overwater cover and in-water structures (grated pier decking, pier size reduction, pile size and quantity reduction, moorage cover removal), 3) improvements to nearshore native vegetative cover, and/or 4) reductions in impervious surface coverage.

## **7.0 STRATEGIES TO ACHIEVE LOCAL RESTORATION GOALS**

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This section discusses programmatic measures for Bonney Lake designed to foster shoreline restoration and achieve a net improvement in shoreline ecological processes, functions, and habitats. With projected budget and staff limitations, the City of Bonney Lake does not anticipate leading most restoration projects or programs. However, the City's SMP represents an important vehicle for facilitating and encouraging restoration projects and programs that could be led by private and/or non-profit entities. The City's restoration goal focuses on restoring areas that have been degraded or diminished as a result of past activities. The discussion of restoration mechanisms and strategies below highlights programmatic measures that the City may potentially implement as part of the achieving this goal, as well as parallel activities that would be led by other governmental and non-governmental organizations.

### **7.1 Pierce County White River Basin Plan**

The 2007 White River Basin Plan Characterization Report (Pierce County Public Works and Utilities 2007) represents Phase 1 of White River watershed planning. The document includes a comprehensive description of the watershed, including land use, climate, and all natural features and conditions. Phase II is in progress and will consist of project identification, rating and ranking. Protecting habitat and water quality and reducing flooding will be the primary focus of the projects investigated as part of Phase II. While the plan itself will consider only projects in unincorporated Pierce County, the processes by which projects are identified and ranked will provide guidance to the City for characterizing and prioritizing potential restoration projects in Bonney Lake's shoreline jurisdiction.

## **7.2 Capital Improvement Projects and Transportation Improvement Plans**

The City could develop and incorporate a shoreline restoration goal for capital and transportation improvements. Outfalls and discharges to Lake Tapps make potential projects candidates for restoration components.

Currently, approximately \$300K is allocated annually for the conversion of local residential areas from septic to municipal sewer. At a minimum, the continuation of this program will serve to incrementally improve water quality in Lake Tapps. However, as identified in the Septic System Abatement Master Plan recommendations, further funding may be allocated in the future to help accelerate this effort. Funding options include developing a local improvement district, drawing from the City's general fund, obtaining Public Works Trust Funds, as well as seeking other State or Federal grants.

## **7.3 Development Opportunities/Incentives**

The shoreline vegetation incentive program (BLMC 16.56.040) was developed to promote shoreline revegetation along Lake Tapps. By allowing for incremental reductions to the shoreline setback requirement based on revegetation area, existing homeowners who are likely to redevelop will have mechanisms to allow them to balance the use of their residential property with improvement in ecological function.

## **7.5 Tax Relief/Fee System**

A tax relief/fee system to directly fund shoreline restoration measures may be investigated in the future. One possibility is to have the City work with the County to craft a preferential tax incentive through the Open Space-Public Benefit Rating System-Tax Program administered by the County under the Open Space Taxation Act (RCW 84.34) to encourage private landowners to preserve natural shore-zone features for "open space" tax relief. Ecology has published a technical guidance document for local governments who wish to use this tool to improve landowner stewardship of natural resources. More information about this program can be found at <http://www.ecy.wa.gov/biblio/99108.html>. The guidance in this report provides technically based property selection criteria designed to augment existing open space efforts with protection of key natural resource features that directly benefit the watershed. Communities can choose to use any portion, or all, of these criteria when tailoring a Public Benefit Rating System to address the specific watershed issues they are facing.

## **7.6 Shoreline Restoration Fund**

A chief limitation to implementing restoration is local funding, which is often required as a match for state and federal grant sources. To foster ecological restoration of the City's shorelines, the City may establish an account that may serve as a source of local match monies for non-profit organizations implementing restoration of the City's shorelines. This fund may be administered by the City shoreline administrator and be supported by a levy on new shoreline development proportional to the size or cost of the new development project. Monies drawn from the fund would be used as a local match for restoration grant funds, such as the SRFB, Aquatic Lands Enhancement Account (ALEA), or another source.

## **7.8 Resource Directory**

Development of a resource list would be helpful in aiding both property owners and City departments who want to be involved in restoration. For example, landowners and/or the City might be directed toward SRFB. SRFB administers two grant programs for protection and/or restoration of salmon habitat. Eligible applicants can include municipal subdivisions (cities, towns, and counties, or port, conservation districts, utility, park and recreation, and school districts), tribal governments, state agencies, nonprofit organizations, and private landowners.

## **7.9 Volunteer Coordination**

The City will continue to emphasize and accomplish restoration projects by using volunteers from within the community. The City can also coordinate with the groups listed in Section 5.0, many of which already have volunteer programs in place.

## **7.10 Regional Coordination**

The City should look for opportunities to coordinate restoration efforts with Pierce County and the Pierce Conservation District for involvement in regional restoration planning and implementation.

## 8.0 PROPOSED IMPLEMENTATION TARGETS AND MONITORING METHODS

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### 8.1 Project Evaluation

When a restoration project is proposed for implementation by the City, other agency, or by a private party, the project should be evaluated to ensure that the project's objectives are consistent with those of this Restoration Plan of the SMP and, if applicable, that the project warrants implementation above other candidate projects. (It is recognized that, due to funding sources or other constraints, the range of any individual project may be narrow.) It is also expected that the list of potential projects may change over time, that new projects will be identified and existing opportunities will become less relevant as restoration occurs and as other environmental conditions, or our knowledge of them, change.

When evaluating potential projects, priority should be given to projects most meeting the following criteria:

- Restoration meets the goals and objectives for shoreline restoration.
- Restoration of processes is generally of greater importance than restoration of functions.
- Restoration avoids residual impacts to other functions or processes.
- Projects address a known degraded condition.
- Conditions that are progressively worsening are of greater priority.
- Restoration has a high benefit to cost ratio.
- Restoration has a high probability of success.
- Restoration is feasible, such as being located on and accessed by public property or private property that is cooperatively available for restoration. Restoration should avoid conflicts with adjacent property owners.
- There is public support for the project.
- The project is supported by and consistent with other restoration plans.

The City should consider developing a project “score card” as a tool to evaluate projects consistent with these criteria.

## **8.2 Monitoring and Adaptive Management**

In addition to project monitoring required for individual restoration and mitigation projects, the City should conduct system-wide monitoring of shoreline conditions and development activity, to the degree practical, recognizing that individual project monitoring does not provide an assessment of overall shoreline ecological health. The following three-prong approach is suggested:

1. Track information using the City’s permit system as activities occur (development, conservation, restoration and mitigation), such as those listed below:
  - a. New shoreline development
  - b. Shoreline variances and the nature of the variance
  - c. Compliance issues
  - d. New impervious surface areas
  - e. Number of pilings
  - f. Removal of fill
  - g. Vegetation retention/loss
  - h. Bulkheads/armoring

The City may require project proponents to monitor as part of project mitigation, which may be incorporated into this process. Regardless, as development and restoration activities occur in the shoreline area, the City should seek to monitor shoreline conditions to determine whether both project specific and SMP overall goals are being achieved.

2. Re-review status of environmental processes and functions at the time of periodic SMP updates to, at a minimum, validate the effectiveness of the SMP. Re-review should consider what restoration activities actually occurred compared to stated goals, objectives and priorities, and whether restoration projects resulted in a net improvement of shoreline resources.

Under the Shoreline Management Act, the SMP is required to result in no net loss of shoreline ecological functions. If this standard is found to not be met at the time of review, the City will be required to take corrective actions. The goal for restoration is to achieve a net improvement. The cumulative effect of restoration over time between reviews should be evaluated along with an assessment of impacts of development that is not fully mitigated to determine effectiveness at achieving a net improvement to shoreline ecological functions.

Evaluation of shoreline conditions, permit activity, policy, and regulatory effectiveness should occur at varying levels of detail consistent with the SMA review cycle. A complete reassessment of conditions, policies and regulations must be conducted at least once every eight years, consistent with RWC 90.58.080. To conduct a valid reassessment of the shoreline conditions every eight years, it is necessary to monitor, record and maintain key environmental metrics to allow a comparison with baseline conditions. As monitoring occurs, the City should reassess environmental conditions and restoration objectives. Those ecological processes and functions that are found to be worsening may need to become elevated in priority to prevent loss of critical resources. Alternatively, successful restoration may reduce the importance of some restoration objectives in the future.

### **8.3 Reporting**

The restoration opportunities presented in this document included are based upon a detailed inventory and analysis of shoreline conditions by many sources. Nonetheless, exhaustive scientific information about shoreline conditions and restoration options is cost prohibitive at this stage. Additionally, restoration is at times experimental. Monitoring must be an aspect of all restoration projects. Information from monitoring studies will help demonstrate what restoration is most successful. Generally, conservation of existing natural areas is the least likely to result in failure. Alternatively, enhancement (as opposed to complete restoration of functions), has the highest degree of uncertainty.

This Restoration Plan does not provide a comprehensive scientific index of restoration opportunities that allows the City to objectively compare opportunities against each other. If funding was available, restoration opportunities could be ranked by which opportunities are expected to have the highest rates of success, which address the most pressing needs, and other factors. Funding could also support a long-term monitoring program that evaluates restoration over the life of the SMP (as opposed to independent

monitoring for each project). However, the following table (Table 4) outlines a possible schedule and funding sources for implementation of a variety of efforts that could improve shoreline ecological function, and are described in previous sections of this report.

**Table 4.  
Implementation Schedule and Funding for Restoration Projects, Programs and Plans.**

<b>Restoration Project/Program</b>	<b>Schedule</b>	<b>Funding Source or Commitment</b>
Washington State Conservation Commission	Ongoing	The City will refer to the Salmonid Habitat Limiting Factors Report for guidance regarding habitat limiting factors and data gaps as restoration projects are considered.
Washington Department of Ecology	Ongoing	The Puyallup-White Watershed Assessment was completed in 1995. The City is not currently working under the Watershed Planning Act.
Pierce County Lead Entity	Ongoing	The Lead Entity's Salmon Habitat Protection and Restoration Strategy does not include any projects within Bonney Lakes' shoreline jurisdiction. This does not preclude involvement of the City as new projects are proposed and considered.
Pierce Conservation District	Ongoing	The City will pursue partnership opportunities as time and budget permit.
Bonney Lake Comprehensive Plan	Ongoing	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with the recently updated Comprehensive Plan.
Bonney Lake Phase II NPDES Stormwater Management Program	Completed in February 2008	The SWMP commits the City to education and outreach, public involvement, detection and enforcement, stormwater control, and pollution prevention.
Bonney Lake Septic System Abatement Master Plan	Ongoing	Options include forming local improvement district, obtaining Public Works Trust Funds, and allocating money from the City's General Fund.
Bonney Lake Shoreline Vegetation Incentive Program	Following SMP approval	Funding for project implementation would be directly from private shoreline property owners for work on their own shorelines.

City planning staff tracks all land use and development activity, including exemptions, within shoreline jurisdiction, and may incorporate actions and programs of the other departments as well. A report may be assembled that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of

native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, or linear feet of shoreline armoring removed. The report would also outline implementation of various programs and restoration actions (by the City or other groups) that relate to watershed health.

The staff report may be assembled to coincide with the SMP review cycle and may be used, in light of the goals and objectives of the SMP, to determine whether implementation of the SMP is meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the inventory and analysis report. In the long term, the City should be able to demonstrate a net improvement in the City of Bonney Lake's shoreline environment.

## 9.0 REFERENCES

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- City of Bonney Lake. 2007. City of Bonney Lake Comprehensive Plan. February 2007. (Portions updated until December 2009.)
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- Pierce County. 2009. Pierce County Park, Recreation and Open Space Plan. Pierce County Department of Parks and Recreation. Prepared by MIG, Portland, OR.
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- The Watershed Company and Makers. 2010. Final Shoreline Analysis Report for the City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek. Prepared for the City of Bonney Lake Community Development Department. Bonney Lake, WA.



# Memo

**Date** : October 16, 2013  
**To** : Mayor and City Council  
**From** : Grant Sulham, Planning Commission Chair  
**Re** : **Shoreline Master Plan Update**

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## **PURPOSE:**

The purpose of this memo is to present the Planning Commission’s recommendation regarding the the update of the City’s Shoreline Master Program (SMP).

## **BACKGROUND:**

The Shoreline Management Act (SMA) was proposed by the Legislature in response to a citizen’s initiative, and ratified by Washington voters in 1972. The SMA was intended to protect and restore the valuable natural resources that the state’s shorelines represent. In addition, the SMA was developed to plan for and foster all “reasonable and appropriate uses” that are dependent upon a waterfront location, or which will offer opportunities for the public to enjoy the state’s shorelines: single family homes were specifically identified as a preferred shoreline use by the Legislature.

Within the City of Bonney Lake, Lake Tapps and Fennel Creek downstream of Victor Falls are classified as shorelines of the state subject to the requirements of the SMA. Lake Tapps has been regulated under the SMA since 1972 and the City’s original SMP adopted in 1975.

In addition, Lake Tapps is designated as “shoreline of statewide significance” since it has surface acreage of one thousand acres or more which triggers higher levels of protection for ecological functions and public access.

In 2003, the Washington State Legislature mandated a comprehensive update to the over 250 SMPs adopted by cities and counties through the State. All most all of these local SMPs had not been updated since their initial adoption in the late 1970’s or early 1980’s. The City was awarded a grant

by DOE, in 2008, to facilitate the required update and subsequently initiated the update of its 1975 SMP in 2009.

Over the last four years, staff has been working with a citizen advisory committee, consultants, the Cascade Water Alliance, the Department of Ecology, and the Planning Commission to develop an updated SMP that balances the environmental protections mandated by the state, private property rights, and recreational usage of the lake and shoreline. Key considerations within the SMP included conservation, public access, guidance for water-oriented recreational uses, and allowances for residential development.

The new SMP will not be a standalone document, but will be integrated into the City's regulatory framework which did not exist in 1975. Under this approach the required shoreline goals and policies will be a new element added to the City's Comprehensive Plan and the shoreline regulations will be added as a new article in Title 16 of the Bonney Lake Municipal Code consisting of 13 chapters entitled "Shoreline Code".

As part of the update to the SMP, the City was also required to review its Critical Areas Code to demonstrate that there is a no-net-loss of ecological function for those critical areas within the shoreline jurisdiction. As a result of this review, the City will have to amend the buffer requirements for wetlands: a discussion regarding this issue is provided on pages 6 through 7 of this memo.

## **ISSUES:**

### **1. Who is affected by the Shoreline Master Program?**

The SMP regulates "development" in the "shoreline jurisdiction." Briefly stated, the "shoreline jurisdiction" is the area extending two hundred (200) feet landward from the edge of Lake Tapps and the regulated portion of Fennel Creek. "Development" is defined broadly and includes not only those activities that most people recognize as "development" (for example, improving a road surface or building a structure), but also those activities that citizens may do around their own home (for example, grading an area of shoreline to enhance their personal view of the water).

While, not all development along the shoreline must have a permit, all development must comply with the policies and regulations established by the state Shoreline Management Act as expressed in the Bonney Lake SMP.

**2. Will property owners along the lake that have bulkheads have to remove any of them as a result of this process?**

No. Property owners with existing bulkheads will be able to keep them and replace them; provided, that the replacement structure is the same height and length as the existing structure. If the property owner elects to enlarge an existing bulkhead or construct a new bulkhead the new regulations would apply, which are significantly more stringent.

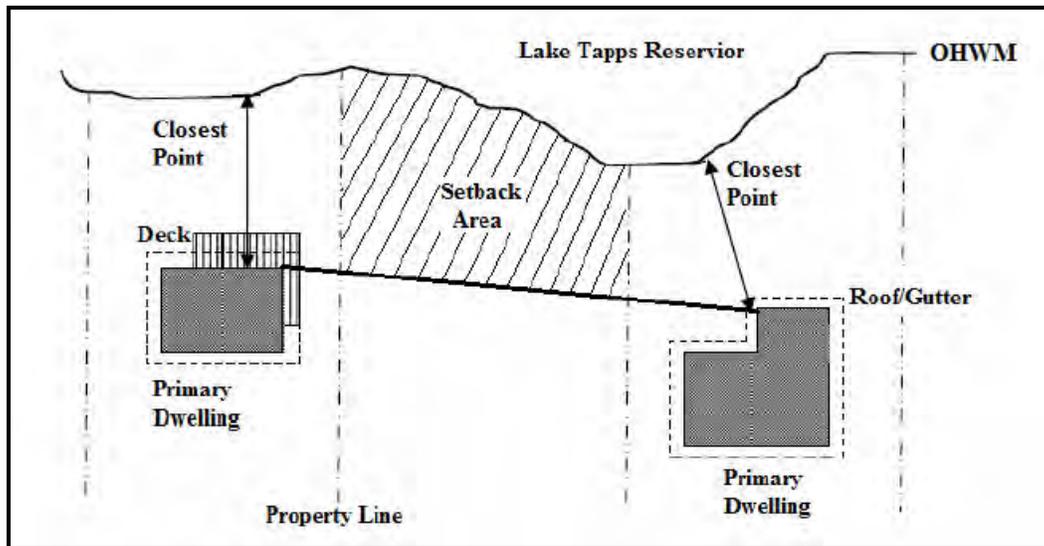
DOE is requiring that new bulkheads or other hard shoreline stabilization measures be used only as a last result. Applicants are required to submit a geotechnical engineering report demonstrating that the bulkhead is the only thing that will protect the property. Applicants must first consider nonstructural measures like placing the development further back from the shoreline and soft shoreline stabilization measures which are stabilization measure that more closely mimic the natural environment.

**3. How will the setbacks for residential homes under the new SMP compare to the setbacks under the old SMP?**

Under the 1975 SMP, homes were required to be setback 30 feet from the ordinary high water mark or a legal established bulkhead. The 1975 SMP also required that homes have a front yard setback of 35 feet if the lot was adjacent to an arterial and 20 feet on other roads. Homes were also required to be setback 8 feet from both side yards.

Under the Zoning Code, homes in the R-1 Zone typically have a 20 foot setback from the rear property line; however, there is a special provision in the R-1 Zone for homes adjacent to Lake Tapps requiring a setback of 30 feet from the rear property line which is the 545 elevation line. This elevation line typically does not align with the ordinary high water mark or the bulkhead. The effect of these two regulations typically meant that homes were setback 60 feet from the lake as illustrated on the attached map: the current average setback from the lake is 61.8 feet. Additionally, the R-1 Zone only requires a 20 foot front yard setback and 5 foot side yard setbacks which are less than what is required under the SMP.

Under the proposed SMP, the minimum setback from the ordinary high water mark (OHWM) is 60 feet. However, there may be instance were a greater setback is required in order to minimize impacting views from existing homes. If an existing home is located on either both or one side of a proposed home and is setback 60 feet or greater, then the SMP establishes a string line setback as illustrated below:



The proposed shoreline regulation also establish a formula to allow the setback from the OHWM to be reduced by 20 feet, if a homeowner agrees to install native vegetation adjacent to the lake. Under the formula, the setback is reduced 5 feet for every 300 square feet of shoreline vegetation planted by the homeowner; therefore, the homeowner would need to add 1,200 square feet of vegetation to achieve the full 20 foot reduction allowed under the proposed regulations. The home would still be required to be setback twenty feet from the rear property line as required by the amended R-1 zoning requirements and cannot move closer to the water than determined by the string-line setback.

The front and side yard setback requirements are removed from the SMP as these setbacks should be regulated by the Zoning Code and not the SMP since these setbacks are not associated with protecting the ecological functions of the Lake. The Zoning Code will also be amended to decrease the rear yard setback for Lake Tapps, so that all lots in the R-1 will have the same rear yard setback of 20 feet.

**4. Will homes that do not meet the new dimensional requirements be considered non-conforming uses?**

No. The new SMP specifically states that homes that are were legally established but do not meet the new shoreline requirements are considered conforming uses. Additionally, homes that were legally established and are located landward of the OHWM that not meet the shoreline setback may be enlarged or expanded provided that the new construction complies with applicable bulk and dimensional standards.

**5. How will the dock requirements compare under the old and new SMPs?**

The table below identifies the dimensional requirements under the old and new SMPs:

<b>Description</b>	<b>Old SMP</b>	<b>New SMP</b>
<b>Area</b>		
Single Property Owner	360 Square Feet	360 Square Feet
Shared by two property owners	N/A	580 Square Feet
Shared by 4 or more property owners	N/A	1,000 Square Feet
<b>Maximum Length</b>		
Farthest extension point of all structures from the OHWM.	30 Feet	50 Feet or 15% of the fetch which every is less
Fingers and Floats	N/A	20 Feet
Ells	30 Feet	25 Feet
<b>Maximum Width</b>		
Portion of the walkway within 30 feet of the OHWM	15 Feet	4 Feet
Portion of the walkway greater than 30 feet from the OHWM	N/A	6 Feet
Ell and Float	15 Feet	6 Feet
Finger	15 Feet	3 Feet
Ramp connecting a Pier to a Float	15 Feet	3 Feet
<b>Height</b>		
Minimum height above the OHWM measured for the OHWM to the bottom of the stringers on the dock/pier	1 Foot	1 ½ Feet
Maximum height above the OHWM measured from the OHWM to the top of the decking	N/A	5 Feet
Safety railing as measured for the top of the decking to the top of the railing	N/A	3 Feet
<b>Location of Specific Structures</b>		
Minimum distance of ells, fingers, floats, buoys, moorage buoys as measured from the OHWM waterward	N/A	30 Feet
Minimum distance from decks/piers located on adjacent properties	16 Feet	20 Feet
Minimum distance between piers	N/A	12 Feet

The proposed shoreline regulation also establish a formula to allow the maximum area of the dock for a single home owner or a dock owned by two home owners to be increased by 120 square feet, if a homeowner(s) agrees to install native vegetation adjacent to the lake. Under the formula, the maximum area allowed for the dock is increased 30 square feet for every 300 square feet of shoreline vegetation planted by the homeowner; therefore, the homeowner would need to add 1,200 square feet of vegetation to achieve the maximum 120 square feet allowed under the proposed regulations.

**6. Are there compensation or property tax relief opportunities for properties affected by the Shoreline Master Program?**

Property owners whose land is regulated by the Shoreline Master Program may be eligible for a reduction in their property taxes. Several tax relief programs are available through Pierce County, including the Open Space-Public Benefit Rating System (PBRs) program. The program, authorized by RCW 84.34 and adopted by Pierce County, is based on the Current Use Open Space Taxation Act. That Act states that it is in the best interest of the State to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens. Upon removal of classification, an additional tax, interest, and penalty may be due.

**7. Does the SMP affect the regulation of critical areas within the City?**

Yes. If any portion of a wetland or wetland complex is located within 200 feet of the shoreline then the whole wetland or wetland complex is considered an associated wetland and is regulated under the SMP. In addition to wetlands, all other critical areas (Flood Hazard, Critical Aquifer Recharge Areas, Floodplains, Geologically Hazardous Areas, and Habitat Conservation) that are located within 200 feet of shoreline are regulated by the SMP.

In order to maintain consistency between a city's CAO and the SMP regulations, jurisdictions typically adopted their existing CAO standards by reference as part of the shoreline regulations. Staff has currently proposed to utilize this option; therefore, DOE had to review the CAO regulations as part of the SMP updated. DOE was satisfied that all of the CAO regulations were consistent with DOE requirements and guidance, with the exception of the wetland regulations. One of the primary change is to the regulations of the wetland buffers as shown on the chart below:

		Intensity land use on the upland side of the buffer		
<u>Overall Wetland Rating</u>	Habitat Score	High <sup>1</sup> <del>(including commercial areas, industrial areas, residential areas at more than four units per net acre, and areas of high-intensity agriculture or recreation)</del>	Moderate <sup>2</sup> <del>(including residential areas at less than four units per net acre, parks, and trails)</del>	Low <sup>3</sup> <del>(including passive recreation and open space)</del>
Category I	<u>29 – 36 points</u>	300 feet	<del>250</del> <u>225</u> feet	<del>200</del> <u>150</u> feet
<u>Category I</u>	<u>20 – 28 points</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category I</u>	<u>19 points or less</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
Category II	<u>29 – 36 points</u>	<del>200</del> <u>300</u> feet	<del>150</del> <u>225</u> feet	<del>100</del> <u>150</u> feet
<u>Category II</u>	<u>20 – 28 points</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category II</u>	<u>19 points or less</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
<del>*</del> Category III <sup>4</sup>	<u>20 points or greater</u>	<del>100</del> <u>150</u> feet	<del>75</del> <u>110</u> feet	<del>50</del> <u>75</u> feet
<u>Category III<sup>4</sup></u>	<u>19 points or less</u>	<u>80 feet</u>	<u>60 feet</u>	<u>40 feet</u>
<del>*</del> Category IV <sup>4</sup>	<u>0 points or greater</u>	50 feet	<del>35</del> <u>40</u> feet	<del>35</del> <u>25</u> feet

<sup>1</sup> High Intensity Land Uses include commercial, industrial, and retail developments; institutional use, residential developments at more than 1 unit per acre; high intensity recreation areas (golf course, ball fields, etc.); and hobby farms.

<sup>2</sup> Moderate Intensity Land Uses include residential developments at less than 1 unit per acre; moderate intensity open space (parks with biking, jogging, etc.); paved trails and utility corridors with maintenance roads.

<sup>3</sup> Low Intensity Land Uses include low intensity open space (hiking, bird-watching, preservation of natural resources, etc.); unpaved trails and utility corridors without maintenance roads.

~~\*~~<sup>4</sup> For exemption of wetlands under 1,000 square feet see BLMC 16.20.070(S).

In order to address the regulation of the wetland buffers, the City had two options: (1) correct the CAO or (2) adopted different wetland regulations for the shoreline area. If the City chose

to adopt all of the CAO regulations with the exception of the wetland regulations, it would need to establish the revised buffers for wetlands regulated under the SMP. Under this approach, there would be one set of regulations for areas outside of the shoreline jurisdiction and one set for those within the shoreline jurisdiction; increasing the complexity of the permit review process for property owners. The second option would also mean that the wetland buffers would not change for the rest of the City in the near term; however, the buffers would need to be modified as part of the Periodic Comprehensive Plan Update in 2015.

The reason that the buffers would need to be changed as part of this Periodic Update is that the submittal checklist Section II question 9 prepared by the Department of Commerce requires that critical area regulations be based “Best Available Science” as required by RCW 36.70A.172(1) and WAC 365-195-915. This section also requires that the regulations protect the functions and values of wetlands as required by RCW 36.70A.060(2) and RCW 36.70A.171(1).

The City’s current buffers were adopted in 2004 prior to the issuance of the Washington Departments of Ecology (DOE) and Fish and Wildlife’s (WDFW) *Wetlands in Washington State, Volume 1: A Synthesis of Science* (March 2005) and *Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands* (April 2005). These documents provide guidance regarding what the state considers necessary to protect functions and values of wetlands, including wetland buffers, based on BAS as required by the Growth Management Act. While DOE and Commerce cannot force the City to adopt the standards in the CAO as part of the Periodic Comprehensive Plan Update, if the standards are inconsistent with BAS and RCW 36.70A.060(2) and RCW 36.70A.171(1) based on the guidance from DOE and WDFW, then Commerce could declare the City’s Comprehensive Plan and development regulations GMA non-complaint. A non-complaint GMA status would prevent the City from securing State grants and loans for infrastructure projects. The Public Works Trust Fund, the Centennial Clean Water Fund, the Drinking Water State Revolving Fund, and the Hazard Mitigation Grant program all require compliance with the GMA for access to their funding programs. The Recreation and Conservation Office grants an additional point in the scoring process for local governments that are in compliance.

Therefore, it is Planning Commission’s recommendation to make the changes now instead of creating two regulatory systems for wetlands which would last a couple of years, before the City is required to institute the revised wetland buffers in order to be GMA compliant. Additionally, the revised buffers also provide greater flexibility for the community and in some cases are smaller than the existing buffers.

**RECOMMENDATION:**

At the October 16, 2013 meeting, the Planning Commission held public hearing to consider the Shoreline Master Program Update and voted 5-0-0 to recommend that the City Council adopt Resolution 2297 notifying the Department of Ecology of the City of Bonney Lake's intent to adopt Ordinance 13-56 updating the Bonney Lake Shoreline Master Program.



Community Development Department

## Planning Commission Minutes

October 16, 2013 Regular Scheduled Meeting  
City of Bonney Lake Council Chambers

APPROVED

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

### City Staff Present

Jason Sullivan, Senior Planner  
Debbie McDonald, Commission Clerk

A poll determined that a majority of Commissioners would be available for the November 6, 2013 Planning Commission meeting.

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

**MOTION WAS MADE BY COMMISSIONER DOLL AND SECONDED BY COMMISSIONER RAWLINGS TO APPROVE THE MINUTES FROM THE SEPTEMBER 18, 2013 MEETING.**

**MOTION APPROVED 6-0**

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

*Shoreline Master Program*

Chair Sulham open the Public Hearing at 5:41

Mr. Sullivan gave a brief overview of the Shoreline Master Plan (SMP). There are three changes in the document before the Planning Commission. First, the designation around the Printz Basin Flume has been removed. Department of Ecology (DOE) has agreed that the way that the Printz Basin Flume was previously mapped and included into the Shoreline Master Plan was incorrect. DOE and the City, conjunction with Cascade Water Alliance, are working together to get a distinct location of where the flume ends and the lake begins as the flume is not considered a shoreline of the state but the lake is. The second is that string-line setback along Lake Tapps to preserve the views of lake previously establish was modified so that in cases where the vegetation incentives were used to reduce the setback, the new development would still be required to observe the string line setback. Commissioners were provided an update matrix of comments

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that have come in. Included are two emails that came in today with questions on the draft and not request for changes or modifications.

David Swanson, 6216 207<sup>th</sup> Ave E: String line setback is a new thing. The setbacks from the high water mark are 10 feet closer but because of the string line setback would make it impossible to build. Makes his lot unbuildable. Not his fault the neighbor decided to build 350 feet back. Keep the setbacks but do away with the string-line setback. Sub-divided parcels must use a shared dock but how many boat and Jet Ski lifts can the shared dock have. Property going to be effected would like to see them looked at before being adopted.

Shawnta Mulligan, 11329 177<sup>th</sup> Ave E: She does not own property on the water here. Is not understanding why the DOE is paying for the update and are the ones reviewing the Shoreline Master Plan? Who elected the DOE? No one, it is an appointed board. She hopes the City is keeping the DOE in check. They are tightening the regulations on the county. How much longer will it be until the DOE turns on the City? What is the ecological function of a man-made lake that was 4 puddles before it was turned into a power generation body. She believes Lake Tapps should be removed from the Shoreline Master Plan since it is a man-made lake and trucks fish in. Provided a definition of bullying and believes that is what DOE is doing to the City. Why need a string-line setback?

Theresia McClimans, 19025 68<sup>th</sup> St E: She is concerned, she loves our area but it is going to pot slowly. Our freedoms are being lost, people are not being educated on what the boundaries of that freedom are. It just seems like the DOE is just bullying. Appointed people trying to control by bullying the property owners. It takes local government to be concerned over the quality of our property. People are not going to trash their own property they worked hard for. We are done being bullied.

James K. McClimans, 19025 68<sup>th</sup> St E: Thanks for being here and for the job you do. There were hundreds of people at the Pierce County meeting and they were angry. When you start putting in a buffer you are taking away their property rights by telling them what they can and can't do. The setback is increasing from 30 feet to 60 feet, but if the property owner is good and plants native plants they can earn some of it back. That is malarkey. You are going to steel 30 ft. of their property from everyone on the Lake because of 25 undeveloped properties. That doesn't pass the giggle test. For the threat of what? The Analysis Report say it is weeds – so you are going to steal 30 feet of people's property because of weeds. Same report says there are no fish endangered. It is up to you if you want to steal, reject this plan and write an exemption for Lake Tapps. The City has two more years before the update to the SMP is required to be adopted.

Mr. Sullivan responded there are currently 2 setbacks 30 feet from the high water mark and 30 feet from the property line which is the 545 elevation line. The 545 elevation line does not always correspond to the ordinary high water mark. People currently have an average setback of 60.8 feet from the ordinary high water mark. The City's goal is to maintain the current conditions so the setback is a minimum of 60 feet from the ordinary high water mark, unless the neighboring homes have a greater setback. Only the setback from the 545 setback is reduced to 20 feet under the proposed SMP. The string-line setback was established to prevent homeowners who have been there for a long time from having their view completely blocked by construction. A home can have a smaller setback by planning native vegetation. In working with DOE, the

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City was able only to use setbacks and was not required to establish buffers. When you sub-divide a property you have to provide one dock to share but is allowed more square footage. The grant provided by DOE, allowed the City to pick the consultant DOE simply paid the bills. Just wanted to clear up that the Shoreline Master Plan was due two years ago in December 2011. If a City does not complete a plan then DOE can write their own Shoreline Master Plan for the City and adopt it. We are working with DOE and trying to preserve what is there. The SMP represents a compromise between environmental protection and preservation of property rights.

Commissioner Poulsen asked to Mr. Sullivan's knowledge would Mr. Swanson's land be unbuildable.

Mr. Sullivan responded no his land would not be unbuildable because there is a variance a homeowner can apply for.

Vice-Chair Jacobsen stated this process started over two and half years ago and all these questions have been brought up before. Thanked Mr. Sullivan for the good job he has done with the draft Shoreline Master Plan.

Commissioner Baus commented that he lives in a house that was built in 1970 and on one side of him is a house built in 1980 and one built in 1990. Has lost his view with the houses being built closer to the lake. People are also leasing dock space. It would be nice to have a little more control to protect existing homeowners.

Commissioner Doll stated that he has never heard of Lake Tapps being able to get an exemption from the Shoreline Master Plan, is this something that can be done?

Mr. Sullivan responded I believe that there might be a process to go through, but it is up to Pierce County to ask for the exemption since most of the shoreline is located in Pierce County. The City still has to regulate the shoreline until then.

Chair Sulham closed the Public Hearing at 6:22.

**MOTION WAS MADE BY VICE-CHAIR JACOBSEN AND SECONDED BY COMMISSIONER RAWLINGS TO RECOMMEND THAT THE CITY COUNCIL ADOPT RESOLUTION 2297 NOTIFYING THE DEPARTMENT OF ECOLOGY OF THE CITY OF BONNEY LAKE'S INTENT TO ADOPT ORDINANCE 13-56 UPDATING THE BONNEY LAKE SHORELINE MASTER PLAN.**

**MOTION APPROVED 5-0**

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

**IV. NEW BUSINESS: NONE**

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

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

**Correspondence** – NONE

**Staff Comments** – Mr. Sullivan mentioned the Planning Commissioner Work Plan will go to City Council earlier the last year and the Planning Commission will have to figure a zone use for a marijuana retail store.

**Commissioner Comments** – Vice-Chair Jacobsen reminded Commissioners of the Milotte Film Festival on October 19th, from 11-4.

**VI. ADJOURNMENT:**

**MOTION WAS MADE BY VICE-CHAIR JACOBSEN AND SECONDED BY COMMISSIONER BAUS TO ADJOURN.**

**MOTION APPROVED 5-0**

The meeting ended at 6:34 P.M.

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Debbie McDonald, Planning Commission Clerk

