

**CITY COUNCIL WORKSHOP**

**March 15, 2016  
5:30 p.m.**

**AGENDA**



*“Where Dreams Can Soar”*

*The City of Bonney Lake’s Mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.*  
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*The City Council may act on items listed on this agenda, or by consensus give direction for future action.  
The Council may also add and take action on other items not listed on this agenda.*

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

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

**II. ROLL CALL:**  
Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Randy McKibbin, Councilmember Justin Evans, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember James Rackley, Councilmember Dan Swatman, and Councilmember Tom Watson.

**III. AGENDA ITEMS:**

**A. Council Open Discussion**

p. 3 **B. Review of Minutes:** March 1, 2016 Workshop, and March 8, 2016 Meeting

p. 13 **C. Action: AB16-38 – Ordinance D16-38 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Granting A Non-Exclusive Telecommunications Franchise And Authorizing The Mayor To Execute A Franchise Agreement With Astound Broadband, LLC**

p. 29 **D. Discussion:** AB16-40 – Resolution 2517 – Acknowledgement of Puget Sound Regional Council's Conditional Certification of the City’s Comprehensive Plan

p. 55 **E. Discussion:** Tarragon Development Agreement Proposal

p. 65 **F. Discussion:** Park Impact Fees for Multifamily Development

**IV. EXECUTIVE/CLOSED SESSION:**

Pursuant to RCW 42.30.110 and/or RCW 42.30.140, the City Council may hold an executive or closed session. The topic(s) and duration will be announced prior to the session.

**V. ADJOURNMENT**

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

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**CITY COUNCIL  
WORKSHOP**

**March 1, 2016  
5:30 P.M.**

**DRAFT MINUTES**



*"Where Dreams Can Soar"*

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

- I. Call to Order** – Deputy Mayor Randy McKibbin called the meeting to order at 5:30 p.m.
- II. Roll Call:** Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Randy McKibbin, elected officials attending were, Councilmember Dan Swatman, Councilmember Justin Evans, Councilmember Donn Lewis, and Councilmember Tom Watson. Councilmember Katrina Minton-Davis and Councilmember James Rackley were absent. Mayor Neil Johnson, Jr. arrived at 5:35 p.m.

**Councilmember Watson moved to excuse Councilmember Minton-Davis and Councilmember Rackley. Councilmember Lewis seconded the motion.**

**Motion approved 5 - 0.**

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, City Engineer John Woodcock, Community Development Director John Vodopich, Senior Planner Jason Sullivan, Chief Financial Officer Cherie Gibson, Chief of Police Dana Powers, City Attorney Kathleen Haggard, City Attorney Jeff Ganson, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

**III. Agenda Items:**

- A. Presentation:** Utility Bond – Public Works Center – Jim Nelson, D.A. Davidson.

Jim Nelson of D.A. Davidson presented a PowerPoint presentation/information regarding the proposed utility bond to finance the proposed new Public Works Center. He advised that the City of Bonney Lake has a revenue bond financing need to fund approximately \$12,000,000 in capital improvements for the City's water & sewer system; that the City is timing the revenue bond sale near a low in the interest rate market; that long-term interest rates have dropped 0.30% since the Federal Reserve raised short-term interest rates on December 16, 2015; that this revenue bond financing will require another presentation to Standard & Poor's, that the current rating grade for the City's water & sewer system is "AA+"; and that the bond financing process will take approximately 2 to 3 months to complete, involving drafting documents, adoption of the bond ordinance, and marketing the bonds to prospective investors. He said one way to increase the City's rating is to update its financial management policies.

Councilmember Watson asked how much the interest rate would drop with "AAA" rating. Mr. Davidson said that can depend on a variety of issues and strategies, and is a difficult question to answer. He advised that if Council authorized proceeding with two series of bonds which could lower the interest rate, there would be additional financing costs and the risk of interest rates moving during that period. He advised that this bond could/would include public and private loans/leases the City has that are bank qualified. Councilmember Swatman said it appears to be a good time to adjust interest rates, and Mr. Davidson agreed.

Councilmember Watson asked whether the bonding can include furnishings, copiers, partitions, equipment, etc., and Mr. Davidson advised that capital improvement purposes can include furnishings. City Administrator Morrison advised what the next steps would be to move forward, including getting building design, which would need to be completed within the three year period. Mr. Davidson advised that it would take 8-10 weeks to set the final interest rate, and calculate the parity debt service coverage ratio which looks at the last five years of the net operating revenue to make sure the City can cover the bond; otherwise a utility rate increase may be required. City Administrator Morrison said from what he has seen, a utility rate increase would not be necessary. Mr. Davidson said and there are options for a 25 year financing alternative which would lower the annual debt service payment.

This item was for presentation/ informational purposes only, and no action was taken.

## **B. Council Open Discussion**

Lions Club Death by Chocolate. Councilmember Watson reminded everyone of the Lions Club, Death by Chocolate dinner/fundraising event on Saturday, March 12<sup>th</sup> at Bonney Lake High School. He said doors will open at 5:00 p.m., with dinner served at 6:00 p.m. which will be prepared by the Panthers Culinary Arts Nationals Team. He hopes to have Council in attendance. He summarized all of the events which the Lions Club supports and sponsors.

Bonney Lake Wrestling Team. Councilmember Lewis shared that the Bonney Lake Wrestling Team came in 3<sup>rd</sup> in the State last week, which is the highest ranking they have achieved to date. He said Adriana Dare finished 6<sup>th</sup>, making her the second girl in Bonney Lake to finish in the top 8. He said Avery Meyer and Brandon Kaylor both won state champions titles for their weight divisions.

Culinary Arts National Competition. Councilmember Lewis congratulated the Bonney Lake High School Culinary Arts team for their ProStart Invitation State championship, and earning the right to travel and cook at the national competition in April in Grapevine, Texas. He said the team also won the spirit award with a \$250 prize to use however team choose for the culinary program.

PCRC General Assembly Meeting/Alternates. Councilmember Lewis said he, Deputy Mayor McKibbin, and Councilmember Swatman attended the Pierce County Regional Council General Assembly meeting in DuPont on February 25<sup>th</sup>. He said during the meeting they found out that the City's Zoo/Trek Authority Board Nominee (Councilmember Justin Evans) has to be either the City's Pierce County Regional Council (PCRC) primary or alternate representative. He said he spoke with Deputy Mayor McKibbin who is willing to have Councilmember Evans serve as the City's PCRC alternate, and Councilmember Evans has agreed to serve as the PCRC alternate. Councilmember Lewis would like Council to modify the agenda, so Council can act on the motion to replace Deputy Mayor McKibbin with Councilmember Evans as the City's PCRC Alternate, so his name is not removed from the Zoo/Trek Authority Board Position No. 2 Voting Ballot, keeping Councilmember Evans eligible to serve.

Agenda Modification. Councilmember Lewis asked for a motion to suspend the rules to add an action item to the agenda, Item III.F.

**Councilmember Lewis moved to suspend the Council rules to add an item to the agenda Item F, to replace Deputy Mayor McKibbin as the PCRC Alternate, with Councilmember Evans. Councilmember Watson seconded adding an Item F for discussion and action.**

**Motion approved 5 – 0.**

2<sup>nd</sup> Annual A March to Give - Strong Against Cancer Toy Drive. Councilmember Evans provided a flyer and shared his families' involvement for the 2<sup>nd</sup> Annual A March to Give – Strong Against Cancer Foundation Toy Drive during the months of March and April to support the Seattle Children's Hospital Strong Again Cancer Campaign. He asked for support to reach this year's toy drive goal.

Sumner School District Superintendent. Mayor Johnson advised that Dr. Sara Johnson is retiring in June/July from the Sumner School District.

Sumner School District Parks and Recreation Program Ad-Hoc Committee. Mayor Johnson advised he has another meeting scheduled on March 3<sup>rd</sup> with the Sumner School District Parks and Recreation Program representatives to further discuss recreational opportunities at the WSU forest. He advised that he will report back to the Ad-Hoc Committee.

Passport Hours. Mayor Johnson said he is working on expanding the hours for processing passports to provide service during standard business hours. City Administrator Morrison said they are also considering changing to an appointment based process. He advised that last year the City processed 1,475 passports.

These items were for discussion purposes only, no action was taken.

- C. Review of Council Minutes:** February 16, 2016 Workshop, February 16, 2016 Special Council Meeting, and February 23, 2016 Meeting.

Councilmembers Lewis and Watson had minor corrections to the minutes, and the minutes were forwarded to the March 8, 2016 Meeting for action.

- D. Presentation:** AB16-15 – Land Use Matrix Amendment to Add NAICS to Code.

Senior Planner Jason Sullivan summarized the agenda bill and the memorandum contained in the agenda packet, and provided a presentation regarding the NAICS and Land Use Matrix Amendment. He advised that *Bonney Lake 2035* and the Planning Commission's 2016 – 2018 work plan directs staff to amend the City's land use matrix to include the NAICS code(s) for listed uses. The NAICS uses a production-oriented conceptual framework to group establishments into industries based on the primary activity of the business: in other words, establishments that do similar things in similar ways are classified together. He said given the size of the land use matrix and the NAICS, the City Council will have a number of discussions focusing on different sections of the land use matrix. The focus of this presentation was regarding four sections of the land use matrix: (1) Educational Uses; (2) Cultural, Religious, Recreational, and Entertainment Uses; (3) Industrial Use; and (4) Essential Public Facilities. Council consensus was to delete Warehousing and Trailer-Mix Concrete Plant from the Industrial Use matrix.

Mr. Sullivan said the goal will be to review the general term currently in the land use matrix and identify the NAICS code or codes that should be associated with the current permitted uses. As part of this process, the City is not looking to add new uses to the land use matrix. He advised that the remaining sections to be reviewed and revised will be Resource Management Uses; Transportation, Communication, Utilities; and Commercial Uses. Mr. Sullivan advised there will be two additional presentations to come to future Council Workshops.

**E. Discussion:** AB16-22 – Ordinance D16-22 – Creation of a Transportation Benefit District.

City Administrator Morrison summarized the agenda bill and proposed ordinance regarding the creation of a Transportation Benefit District (TBD) for the City. He advised there was a minor revision to the proposed ordinance from the one contained in the agenda packet. He said this item was previously discussed by Council at the Council Retreat on January 23, 2016.

Councilmember Swatman asked about the formation of the board, and City Administrator Morrison said the formation would take place with the City Council taking action regarding the TBD. City Attorney Haggard provided clarification that the 2015 legislation amended the statute to allow a city or a county that forms a TBD to absorb the TBD. She advised that creation of a TBD needs to first be approved and adopted, and then the City can absorb the TBD back into the City. She said once a city or county has established their mission for creation of a TBD, they can consider dissolution once it is no longer needed. She addressed dissolution of the board, funds held by the TBD, and the County's lack of authority regarding a TBD.

Councilmember Swatman asked about language addressing sales tax as an option. City Administrator Morrison said he didn't believe the sales tax language needed to be included, and City Attorney Haggard advised that the language she provided accounts for the financial ability to allow the City to adopt any financing mechanism the City is allowed by statute. Councilmember Swatman asked about limiting financing options, and City Attorney Haggard responded that limiting the options is allowed, if Council deemed it necessary.

Council directed the City Clerk's Office to set a Public Hearing for this item.

**F. Discussion/Action:** Replace the City's Pierce County Regional Council Alternate Representative.

This item was added for action during Council Open Discussion. Pierce County Regional Council (PCRC) requires that for a councilmember to serve on the Zoo/Trek Authority Board, that councilmember must serve as either the City's primary or alternate representative for the Pierce County Regional Council. A Motion was approved on February 9, 2016, nominating Councilmember Evans for the Zoo/Trek Authority Board representative for Position 2. Approval of replacing Deputy Mayor McKibbin with Councilmember Evans as the City's alternate representative for the Pierce Council Regional Council allows for Councilmember Evans' nomination to the Zoo/Trek Authority to be considered.

**Councilmember Watson moved to have Councilmember Evans replace Deputy Mayor McKibbin as the City's Pierce County Regional Council Alternate Representative. Councilmember Lewis seconded the motion.**

**Motion approved 5 – 0.**

**IV. EXECUTIVE SESSION:** Pursuant to RCW 42.30.110(1)(i), the Council adjourned to an Executive/ Closed Session with the City Attorney and selected staff at 6:28 p.m. for 30 minutes to discuss potential litigation. Mayor Johnson returned to chambers at 6:58 p.m. advising that pursuant to RCW 42.30.110 (1)(b), the Council would adjourn to an additional Executive/Closed Session with the City Attorney for an additional 10 minutes to discuss potential property acquisition. The Council returned to chambers at 7:10 p.m. No action was taken.

**V. ADJOURNMENT:**

**Councilmember Watson moved to adjourn the Workshop at 7:10 p.m. Councilmember Evans seconded the motion.**

**Motion to adjourn approved 5 - 0.**

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Harwood Edvalson, MMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council for the March 1, 2016 Workshop:

- Jim Nelson, D.A. Davidson – *PowerPoint Presentation re: Utility Bond – Public Works Center, as of February 26, 2016.*
- Councilmember Justin Evans – *2<sup>nd</sup> Annual A March to Give – Strong Again Cancer.*

*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

March 8, 2016  
7:00 P.M.

DRAFT MINUTES



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**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 Randy McKibbin, Councilmember Justin Evans, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember Dan Swatman, and Councilmember Tom Watson. Councilmember James Rackley was absent.

**Councilmember Swatman moved to excuse Councilmember Rackley’s absence due to illness. Councilmember Lewis seconded the motion.**

**Motion to excuse Councilmember Rackley’s absence approved 6 – 0.**

Staff members in attendance were City Administrator Don Morrison, Administrative Services Director/City Clerk Harwood Edvalson, Chief Financial Officer Cherie Gibson, Public Works Director Dan Grigsby, Police Chief Dana Powers, Community Development Director John Vodopich, City Attorney Kathleen Haggard, and Deputy City Clerk Susan Haigh.

C. Agenda Modifications:

Councilmember Lewis noted errors on the Agenda Bill forms for Community Development Committee items, which he had already discussed with the City Clerk. He said the names of Councilmembers in attendance had not been updated, and one item did not indicate the Committee’s votes and approval for Consent Agenda action.

D. Announcements, Appointments and Presentations:

- 1. Announcements: None.
- 2. Appointments: None.
- 3. Presentations:
  - a. **Presentation:** Friends At Your Metro Animal Shelter – Bonnie King.

Bonnie King spoke as a volunteer at Metro Animal Shelter and President of Friends At Your Metro Animal Shelter (FAYMAS) volunteer organization. She described the services provided by Metro Animal Services, and the mission and activities of FAYMAS (<http://faymas.org/>). She explained

various ways to support the shelter, including membership, donations, and sponsoring a page in the annual FAYMAS calendar.

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

A. Public Hearings: None.

B. Citizen Comments:

Rachelle Leonard, 10423 210th Ave E, Bonney Lake, said she is a resident and a social worker and spoke about the lack of public transportation in and around Bonney Lake. She described the limitations of the current services available via the Sounder connector bus and the Beyond the Borders service, and the transportation needs of area residents. She suggested the issue be brought to a future ballot.

C. Correspondence: None.

## III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee: Councilmember McKibbin said the Committee met at 5:30 p.m. and discussed the Tarragon development proposal, pumping of the 62nd Street ‘pot hole’ flood area, comparison of City services, and the 4th quarter budget report.

B. Community Development Committee: Councilmember Lewis said the Committee met on March 1, 2016 and sent three items to the Consent Agenda and one item to the Community Development Issues on the current agenda for action.

C. Economic Development Committee: Councilmember Minton-Davis said the Committee met earlier in the afternoon. They plan to propose a new work plan item for the Planning Commission to study Park Impact Fees for multifamily developments. The Committee also discussed a vision statement and planning for a joint economic development commission for the area.

D. Public Safety Committee: Councilmember Watson said the Committee has not met since the last Council Meeting.

E. Other Reports: None.

## IV. CONSENT AGENDA:

A. **Approval of Minutes**: February 16, 2016 Special Meeting, February 16, 2016 Workshop, and February 23, 2016 Meeting.

B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers**: Accounts Payable checks/vouchers #73194-73212 (including wire transfer numbers 17444512, 20160206 and 2016021801) in the amount of \$123,962.79.

Accounts Payable checks/vouchers #73213-73250 (including wire transfer numbers 20160205, 2016022201 and 2016022202) in the amount of \$1,038,507.27.

- C. **Approval of Payroll:** Payroll for February 15-29, 2016 for checks #32875-32892 including Direct Deposits and Electronic Transfers is \$ 610,189.16.
- D. ~~**AB16-38 – Ordinance D16-38** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Granting A Non-Exclusive Telecommunications Franchise And Authorizing The Mayor To Execute A Franchise Agreement With Astound Broadband, LLC. Moved to Full Council Issues, Item B.~~
- E. **AB16-39 – Ordinance D16-39** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 3.90.050 Of The Bonney Lake Municipal Code And Ordinance No. 1534 Relating To Community Garden Fees.
- F. **AB16-23 – Resolution 2515** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement With Northwest Heritage Group For The Sky Island Division 6 Utility Extension.
- G. **AB16-42 – Resolution 2518** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement With Mark Nelson For On-Call Building Inspection Services.

Councilmember Swatman requested Item D. (AB16-38) be moved to Full Council Issues for discussion.

**Councilmember Watson moved to approve the Consent Agenda as amended. Councilmember Lewis seconded the motion.**

**Consent Agenda approved  
as amended 6 – 0.**

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

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- A. **AB16-36 – Resolution 2516** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Bruce Dees & Associates For Developing A Master Plan For Allan Yorke Park.

**Councilmember Watson moved to approve Resolution 2516. Councilmember Lewis seconded the motion.**

Mayor Johnson said this agreement will help the City move forward with plans for parks in Bonney Lake. Councilmember Swatman said this is an important first step in developing Allan Yorke Park and will identify costs for future park improvements.

He said the Council needs to be prepared for significant future spending on parks, and spoke in strong support of the proposed resolution.

Councilmember Watson, Lewis, McKibbin, and Minton-Davis expressed support for the proposed resolution. They noted it is a first step and will lead to future park development in other areas of the City. Deputy Mayor McKibbin reiterated that the Council should move forward now and be prepared to make future expenditures. Councilmember Lewis said the Council has pushed for a greater focus on parks and thanked the Mayor for making progress. He said the plan will provide blueprints so the City can move forward in a large project or phased projects.

City Administrator Morrison responded to a question from Councilmember Minton-Davis about funds in the 2015-2016 biennium to cover the costs of the contract.

**Resolution 2516 approved 6 – 0.**

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

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

**IX. FULL COUNCIL ISSUES:**

- A. **AB16-44** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Voting For Justin Evans To Serve As A Member Of The Zoo/Trek Authority Board, Position #2, For A 3 Year Term Representing The 11 Larger Cities And Towns Within The Pierce County Regional Council Boundary.

**Councilmember Lewis moved to approve motion AB16-44 to vote for Justin Evans to serve on the Zoo/Trek Authority Board. Councilmember Watson seconded the motion.**

Councilmember Lewis said several new names have been added to the ballot since Councilmembers first discussed the topic. He questioned why some jurisdictions had submitted multiple nominees.

**Motion AB16-44 approved 6 – 0.**

- B. **AB16-38 – Ordinance D16-38 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Granting A Non-Exclusive Telecommunications Franchise And Authorizing The Mayor To Execute A Franchise Agreement With Astound Broadband, LLC. Moved from Consent Agenda Issues, Item D.**

Mayor asked the Council to consider making a motion to make this the first reading of the ordinance, and table it to the next Council Workshop for action.

**Councilmember Lewis moved to make a first reading of proposed Ordinance D16-38 and table the item to the next Council Workshop for action. Councilmember Watson second the motion.**

City Attorney Haggard explained that per RCW 35A.47.040 the City Council must make two readings of a proposed franchise ordinance prior to taking action. Councilmember Lewis said this item was reviewed by the Community Development Committee and the company proposing the franchise is very qualified.

City Administrator Morrison explained that Astound Broadband has a contract with the Pierce County Library system to install fiber optic cable to all branches, including Bonney Lake, to provide high speed internet services to the library. Councilmember Swatman said at some point they will probably extend service offerings to other businesses in the area. Councilmember Lewis said the system would allow unlimited users. Councilmember Minton-Davis confirmed the Council’s intent is to take action on the proposed ordinance at the next Council Workshop.

**Motion to table Ordinance D16-38 approved 6 – 0.**

**X. EXECUTIVE/CLOSED SESSION:** None.

**XI. ADJOURNMENT**

**At 7:37 p.m. the Meeting was adjourned by common consent of the City Council.**

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Harwood Edvalson, MMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the March 8, 2016 Meeting:

- Bonnie King – FAYMAS informational materials.
- Administrative Services Director/City Clerk Harwood Edvalson – Revised Zoo/Trek Ballot form.

*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> Executive / Don Morrison	<b>Meeting/Workshop Date:</b> 15 March 2016	<b>Agenda Bill Number:</b> AB16-38
<b>Agenda Item Type:</b> Ordinance	<b>Ordinance/Resolution Number:</b> D16-38	<b>Councilmember Sponsor:</b> Lewis

**Agenda Subject:** Non-Exclusive Fiber-Optice Franchise Agreement

**Full Title/Motion:** An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Granting A Non-Exclusive Telecommunications Franchise And Authorizing The Mayor To Execute A Franchise Agreement With Astound Broadband, Llc..

**Administrative Recommendation:** Approve as written

**Background Summary:** Astound Broadband, LLC, a Washington limited liability company has requested that the City grant it the right to install, operate, and maintain a fiber optic-based telecommunications system within the public rights-of-way of the City. Astound has an agreement with the Pierce County Library District to install fiber optic-based telecommunications services to the Library District, including the Bonney Lake branch. This is non-exclusive and meets all statutory requirements. This type of franchise ordinance requires more than a single reading (cannot be enacted the same night it is introduced). This will be the second reading.  
**Attachments:** Ordinance D16-38 and Accompanying Franchise Agreement

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

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>											
<b>Council Committee Review:</b>	Community Development Date: 1 March 2016	<i>Approvals:</i> Chair/Councilmember <b>Donn Lewis</b> Councilmember <b>James Rackley McKibbin</b> Councilmember <b>Dan Swatman</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Yes</b></td> <td style="width: 50%;"><b>No</b></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>	<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"/>
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<b>Forward to:</b> 3/8/2016 Council		<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:		3/15/2016

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

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**ORDINANCE NO. 16-38**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE AND AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT WITH ASTOUND BROADBAND, LLC.**

**WHEREAS**, Astound Broadband, LLC, a Washington limited liability company (“Grantee”) has requested that the City grant it the right to install, operate, and maintain a fiber optic-based telecommunications system within the public rights-of-way of the City; and

**WHEREAS**, Astound Broadband, LLC, has an agreement with the Pierce County Library District to install fiber optic-based telecommunications services to the Library District, including the Bonney Lake branch; and

**WHEREAS**, the City Council finds it desirable for the welfare of the City and its residents that such a non-exclusive franchise be granted to Grantee; and

**WHEREAS**, the City Council has the authority under state law to grant franchises for the use of the City’s rights-of-way; and

**WHEREAS**, the City is willing to grant the rights requested by Grantee subject to certain terms and conditions, and Grantee has negotiated a telecommunications franchise agreement with the City that is acceptable to both parties.

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

**Section 1.** Astound Broadband, LLC is granted a non-exclusive franchise for the transmission of telecommunications in, through, over, and under the rights-of-way of the City of Bonney Lake, in accordance with the terms of the franchise agreement attached as Exhibit A.

**Section 2.** The Mayor is authorized to execute the attached franchise agreement granting Astound Broadband, LLC a non-exclusive franchise for the transmission of telecommunications in, through, over, and under the rights-of-way of the City of Bonney Lake.

**Section 3.** This Ordinance, being in compliance with RCW 35A.47.040, shall take effect five (5) days after its passage, approval, and publication as required by law.

**PASSED by the City Council and approved by the Mayor this 15th day of March, 2016.**

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Neil Johnson, Mayor

AUTHENTICATED:

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Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

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Kathleen Haggard, City Attorney

**Telecommunications Franchise Agreement  
Astound Broadband, LLC**

This telecommunications franchise agreement is entered into by and between Astound Broadband, LLC, a Washington limited liability company, and the City of Bonney Lake.

Section 1. Definitions. Where used in this Agreement, these terms have the following meanings:

A. "City" means the City of Bonney Lake, a municipal corporation of the State of Washington.

B. "Emergency Situation" means an emergency involving likely loss of life or substantial property damage as determined by the City in good faith.

C. "Facilities" means Grantee's fiber optic cable system constructed and operated within the City's Rights-of-Way, and shall include all cables, wires, conduits, ducts, pedestals, and any associated converter, equipment, or other facilities within the City's Rights-of-Way, designed and constructed for the purpose of providing Telecommunications Service.

D. "Franchise" means the initial authorization or renewal thereof, granted by the City, through this Agreement and the authorizing ordinance, or a subsequently adopted ordinance, which authorizes construction and operation of Grantee's Facilities for the purpose of offering Telecommunications Service.

E. "Franchise Area" means the present municipal boundaries of the City, and shall include any additions thereto by annexation or other legal means.

F. "Grantee" means Astound Broadband, LLC, a Washington limited liability company and a wholly-owned subsidiary of WaveDivision Holdings, LLC, which operates as Wave Broadband, and, unless the context indicates otherwise, includes its agents, representatives, officers, or employees.

G. "Right-of-Way" or "Rights-of-Way" means the surface and the space above and below streets, roadways, highways, avenues, courts, lanes, alleys, sidewalks, rights of way, and similar public areas within the City.

H. "Telecommunications Service" means the transmission, conveyance, or routing of voice, data, audio, video, or any other electronic information or signals to a point, or between or among points, as defined in RCW 82.04.065, including, but not limited to, facsimile reproduction; burglar alarm monitoring; meter reading; home shopping; or other subsequently developed technology that carries a signal over fiber optic cable. However, Telecommunications Service does not include the provision of "cable services," as defined by 47 U.S.C. § 522, as amended, or "personal wireless services," as defined by 47 U.S.C. § 332, for which separate franchises would be required.

Section 2. Franchise Area and Authority Granted.

A. Facilities within Franchise Area. The City hereby grants to Grantee the right, privilege, authority, and franchise to construct, support, attach, connect, stretch between, maintain, repair, replace, enlarge, operate, and use Facilities in, through, upon, over, under, along, and across Rights-of-Way in the Franchise Area for purposes of providing Telecommunications Service.

B. Permission Required to Enter Onto Other City Property. Nothing contained in this Agreement is to be construed as granting permission to Grantee to go upon any other public place other than Rights-of-Way within the Franchise Area. Permission to go upon any other property owned or controlled by the City must be sought on a case by case basis from the City.

Section 3. Franchise Term. Unless earlier terminated by Grantee upon notice to the City, the Franchise is and shall remain in full force and effect for a period of ten (10) years from and after the effective date of this Agreement, provided that the term may be extended for an additional five (5) years upon the written agreement of Grantee and the City. If the City and Grantee fail to formally renew the Franchise prior to the expiration of its term or any extension thereof, the Franchise shall automatically continue in full force and effect until renewed or until either party gives written notice, at least one hundred eighty (180) days in advance, of intent not to renew the Franchise.

Section 4. Nonexclusive Franchise. The Franchise granted by this Agreement is not and shall not be deemed to be an exclusive franchise. The Franchise granted by this Agreement shall not in any manner prohibit the City from granting other and further franchises in, through, upon, over, under, along, and across the Franchise Area. The Franchise granted by this Agreement shall not prohibit or prevent the City from using the Franchise Area or affect the jurisdiction of the City over the same or any part thereof.

Section 5. Compliance with Codes and Regulations.

A. The rights, privileges, and authority herein granted are subject to and governed by this Agreement and the authorizing ordinance, the applicable laws of the State of Washington, the applicable laws of the United States, and all other applicable ordinances and codes of the City of Bonney Lake, as they now exist or may hereafter be amended, including but not limited to the provisions of Title 12 BLMC and Chapter 5.04 BLMC. Nothing in this Agreement limits the City's lawful power to exercise its police power to protect the safety, health, and welfare of the general public. Any location, relocation, erection, excavation, or other work by Grantee shall be performed in accordance with applicable federal, state, and city rules and regulations, including the City's Public Works Policies and Standard Plans, and with any required permits, approvals, licenses, posted fees, and applicable safety standards then in effect. Grantee shall be subject to all published permit fees associated with activities under this Franchise.

B. Grantee specifically agrees that, at all times during the term of the Franchise, Grantee shall fully comply with all applicable regulations of the Washington Utilities and Transportation Commission.

C. Any determination by the City with respect to matters contained in this Agreement and matters related to the Franchise shall be made in a reasonable and non-discriminatory manner and in accordance with applicable state and federal laws, including without limitation any applicable rules and regulations promulgated by the Federal Communications Commission.

D. In the event that any territory served by Grantee is annexed to the City after the effective date of the Franchise, such territory shall be governed by the terms and conditions contained herein upon the effective date of such annexation.

Section 6. Taxes and Other Charges. Washington law currently limits the tax the City may impose on Grantee's activities hereunder to 6% of revenue derived from the provision of network telephone service (i.e., "telephone business" as defined in RCW 82.16.010), and the federal Internet Tax Freedom Act currently prohibits the imposition of a tax or other fee on revenue derived from Grantee's provision of Internet access services. This Agreement does not exempt Grantee from any future license, tax, or charge that the City may hereinafter adopt pursuant to authority granted to it under state or federal law as reimbursement for use and occupancy of the Franchise Area or for revenue.

Section 7. Location and Relocation of Facilities.

A. Grantee shall place any new Facilities underground where existing telecommunications and cable facilities are located underground. Any new Facilities to be located above-ground shall be placed on existing utility poles. No new utility poles shall be installed in connection with placement of new above-ground Facilities.

B. Grantee recognizes the need for the City to maintain adequate width for installation and maintenance of sanitary sewer, water, storm drainage, and other utilities owned by the City and other public utility providers. Thus, the City reserves the right to maintain clear zones within the public Rights-of-Way for installation and maintenance of said utilities. The clear zones for each Right-of-Way segment shall be noted and conditioned with the issuance of each Right-of-Way permit. If adequate clear zones are unable to be achieved on a particular Right-of-Way, Grantee shall locate in an alternate Right-of-Way, obtain easements from private property owners, or propose alternate construction methods that maintain and/or enhance the existing clear zones.

C. Except as otherwise required by law, Grantee agrees to relocate, remove, or reroute its Facilities as ordered by the City for public welfare, health, and safety reasons or for aesthetic purposes, at no expense or liability to the City except as may be required by Chapter 35.99 RCW. In the event that the City orders Grantee to relocate its Facilities for a project which is primarily for private benefit, the private party or parties causing the need for such project shall reimburse Grantee for the cost of relocation in the same proportion as their contribution to the total cost of the project.

D. Grantee acknowledges the City's policy of undergrounding utilities, communication/data lines, and all other above-ground wiring within the Franchise Area. If Grantee has or obtains any existing Facilities within the Franchise Area, Grantee will cooperate with the City in the undergrounding of existing Facilities. If, during the term of the Franchise, the City directs

Grantee to underground Facilities within the Franchise Area, such undergrounding shall be at no cost to the City except as may be provided in Chapter 35.99 RCW. Grantee shall comply with all federal, state, and city laws and regulations on undergrounding. If the City undertakes any street improvement that would otherwise require relocation of Grantee's above-ground Facilities, the City may send written notice to Grantee directing that Grantee convert any such Facilities to underground Facilities.

E. If the City determines that a project necessitates the relocation of Grantee's existing Facilities, then:

1. Within a reasonable time, which shall be no less than ninety (90) days prior to the commencement of the project, the City shall provide Grantee with written notice requiring relocation; provided that in the event of an Emergency Situation beyond the control of the City, the City shall give Grantee written notice as soon as practicable;

2. The City shall provide Grantee with copies of information for such improvement project and a proposed location for Grantee's Facilities so that Grantee may relocate its Facilities in other Rights-of-Way in order to accommodate the project; and

3. Grantee shall complete relocation of its Facilities at no charge or expense to the City so as to accommodate the project at least ten (10) days prior to commencement of the project. In the event of an Emergency Situation, Grantee shall relocate its Facilities within the reasonable time period specified by the City.

F. Grantee may, after receiving notice requesting a Facilities' relocation, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise Grantee in writing if one or more of the alternatives are suitable to accommodate the work that would otherwise necessitate relocation of the Facilities. If requested by the City, Grantee shall submit additional information to assist the City in making such evaluation. Within a reasonable time so as to allow for the relocation work to be performed in a timely manner, the City shall give alternatives proposed by Grantee full and fair consideration. In the event the City determines that there is not a reasonable alternative, which decision is in the City's sole discretion, Grantee shall relocate its Facilities as otherwise provided in this section.

G. The provisions of this section shall in no manner preclude or restrict Grantee from making any arrangements it may deem appropriate when responding to a request for relocation of its Facilities by any person or entity other than the City, where the facilities to be constructed by said person or entity are not or will not become City-owned, operated, or maintained; provided, that such arrangements shall not unduly delay a City construction project.

H. In the event of an Emergency Situation that creates a threat to public safety, health, or welfare, the City may require Grantee to relocate its Facilities at Grantee's own expense, any other portion of this section notwithstanding.

## Section 8. Record of Installations and Service.

A. With respect to excavations by Grantee and the City within the Franchise Area, Grantee and the City shall each comply with its respective obligations pursuant to Chapter 19.122 RCW and any other applicable state or federal law.

B. Upon written request of the City, Grantee shall provide the City with the most recent update available of any plan of potential improvements to its Facilities within the Franchise Area; provided, however, any such plan so submitted shall be only for informational purposes and shall not be construed as a proposal to undertake any specific improvements.

C. As-built drawings and maps of the precise location of any Facilities placed by Grantee in any Rights-of-Way shall be made available by Grantee to the City within ten (10) working days of the City's written request. These plans and maps shall be provided at no cost to the City and shall include hard copies and/or digital copies in a format commonly used in the telecommunications industry.

## Section 9. Construction and Maintenance.

A. Grantee's Facilities shall be located, relocated, and maintained within the Rights-of-Way in accordance with Title 12 of the Bonney Lake Municipal Code ("BLMC") and so as not to unreasonably interfere with the free and safe passage of pedestrian and vehicular traffic and ingress or egress to or from the abutting property and in accordance with the laws of the State of Washington.

B. Grantee shall apply for, obtain, and comply with the terms of all permits required under the BLMC for any work done upon in the City's Rights-of-Way or upon the Facilities. Grantee shall comply with all applicable city, state, and federal codes, rules, regulations, and orders in undertaking such work. Upon completion of such work, including excavations, Grantee shall restore the surface of the Rights-of-Way to the specifications established within the BLMC and City of Bonney Lake Public Works Policies and Standards. If Grantee fails to do so, the City may, on five (5) days' notice to Grantee, cause all work necessary to restore the excavation to a safe condition. Grantee shall pay to the City the reasonable cost of such work, including the City's overhead in obtaining completion of said work (provided that such overhead does not exceed 5% of the total costs, fees, and expenses of third parties).

B. Any surface or subsurface failure occurring during the term of this Agreement caused by any work performed by Grantee shall be repaired to the City's specifications within thirty (30) days; otherwise, upon five (5) days' written notice to Grantee, the City may order all work necessary to restore the damaged area to a safe and acceptable condition and Grantee shall pay to the City the reasonable costs of such work, including the City's overhead (provided that such overhead does not exceed 5% of the total costs, fees, and expenses of third parties).

C. In the event of an Emergency Situation, Grantee may commence such emergency and repair work as required under the circumstances, provided that Grantee notifies the City's Public Works Director in writing as promptly as possible before such repair or emergency work

commences or as soon thereafter as possible if advanced notice is not reasonably possible. Notwithstanding any other notice requirements specified herein, the City may commence emergency and repair work at any time without prior written notice in the case of an Emergency Situation, but shall notify Grantee in writing as promptly as possible under the circumstances. Grantee shall pay to the City the reasonable costs of such work, including the City's overhead (provided that such overhead does not exceed 5% of the total costs, fees, and expenses of third parties).

D. Grantee agrees that if any of its actions under the Franchise materially impair or damage any City property, survey monument, or property owned by a third-party, Grantee will restore, at its own cost and expense, the impaired or damaged property to the same condition as existed prior to such action. Such repair work shall be performed and completed to the reasonable satisfaction of the Public Works Director.

#### Section 10. Shared Use of Excavations and Trenches.

A. If either the City or Grantee shall at any time after installation of the Facilities plan to make excavations in the area covered by the Franchise and as described in this section, the party planning such excavation shall afford the other, upon receipt of written request to do so, an opportunity to share such an excavation, provided that: (1) such joint use shall not unreasonably delay the work of the party causing the excavation to be made or unreasonably increase its costs; (2) such joint use shall be arranged and accomplished on terms and conditions satisfactory to both parties. In addition, pursuant to RCW 35.99.070, the City may request that Grantee install additional conduit, ducts, and related access structures for the City pursuant to contract, under which Grantee shall recover its incremental costs of providing such facilities to the City.

B. The City reserves the right to not allow open trenching for five years following a street overlay or improvement project. Grantee shall be given written notice at least ninety (90) days prior to the commencement of the project. Required trenching due to an emergency will not be subject to five (5) year street trenching moratoriums.

C. The City reserves the right to require Grantee to joint trench with other franchisees if both entities are anticipating trenching within the same franchise area and provided that the terms of this section are met.

#### Section 11. Indemnification.

A. Grantee hereby agrees to indemnify, defend, and hold the City, its officers, officials, employees, volunteers, agents, and assigns harmless from and against any and all claims, demands, liabilities, suits, injuries, losses, judgments, awards, costs, damages, or expenses (including all costs and attorney fees) of any nature whatsoever—including but not limited to all bodily injuries (including death and emotional claims), all property damages (whether tangible or intangible, including loss of use resulting therefrom), service interruptions, and all claims by Grantee's own employees—in connection with, resulting from, incident to, or arising out of, in whole or in part, any of the following or combination of the following: (1) acts or omissions of Grantee (including the construction, operation, or maintenance of Grantee's Facilities and any relocation, removal, or reroute of Grantee's Facilities); (2) Grantee's presence upon or in proximity to the City's property

or Rights-of-Way; (3) Grantee exercising the rights granted in the Franchise; (4) a failure to comply with federal, state, or local laws and regulations applicable to Grantee; (5) actions by the City in permitting Grantee's use of the Rights-of-Way or other public property; or (6) the City's inspection or lack of inspection of work performed by Grantee in connection with this Franchise or any other permit or approval issued in connection with this Franchise. However, this indemnification shall not extend to injuries and damages caused by the sole negligence or willful misconduct of the City and shall not extend to third party claims for delays on City construction projects caused by or arising out of the failure of Grantee to relocate its Facilities in a timely manner to the extent such delays are caused by the City or by circumstances beyond the reasonable control of Grantee.

B. Should a court of competent jurisdiction determine that this agreement is subject to RCW 4.24.115, then 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 Grantee and the City, or their agents or employees, Grantee's liability hereunder shall be only to the extent of Grantee's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes Grantee's waiver of immunity under Title 51 RCW, industrial insurance, for the purposes of this Agreement. This waiver has been mutually negotiated by the parties.

C. In the event any such claim or demand be presented to or filed with the City, the City shall promptly notify Grantee thereof (and in any event prior to the date that Grantee's rights to defend such claim or demand would be prejudiced), and Grantee shall have the right, at its election and at its sole cost and expense, to settle and compromise such claim or demand, provided further, that in the event any suit or action begun against the City based upon any such claim or demand, the City shall likewise promptly notify Grantee thereof, and Grantee shall have the right, at its election and its sole cost and expense, to settle and compromise such suit or action, or defend the same at its sole cost and expense, by attorneys of its own election.

D. Grantee assumes the risk of damage to Facilities located in the Rights-of-Way from activities conducted by the City. Grantee releases, waives, and indemnifies against any and all claims against the City, its officers, agents, employees, or contractors for damage to or destruction of Grantee's Facilities caused by or arising out of activities conducted by the City in the Rights-of-Way, except to the extent any such damage or destruction is caused by or arises from the sole negligence or willful or malicious action on the part of the City.

E. The provisions of this section shall survive the expiration or termination of this Franchise.

#### Section 12. Insurance.

A. Grantee shall procure and maintain for the duration of the Franchise, insurance against claims for injuries to persons or damage to property which may arise from or in connection with operations, activities, or the performance of work under the Franchise by or on behalf of Grantee, its agents, representatives, or employees.

B. Grantee shall obtain insurance of the types and coverage described below:

1. Commercial General Liability insurance shall be at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover liability arising from operations, products-completed operations, and stop-gap liability. There shall be no exclusion for liability arising from explosion, collapse, or underground property damage. The Public Entity shall be named as an additional insured under Grantee's Commercial General Liability insurance policy using ISO Additional Insured-State or Political Subdivisions-Permits CG 20 12 or a substitute endorsement providing at least as broad coverage.

2. Automobile liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be at least as broad as Insurance Services Office (ISO) form CA 00 01.

3. Worker's compensation coverage, as required by the industrial insurance laws of the State of Washington.

C. Grantee shall maintain the following insurance limits:

1. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate, and a \$2,000,000 products-completed operations aggregate limit.

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

3. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than \$1,000,000 for each accident/disease/policy limit or as required by law.

D. Grantee's Commercial General Liability insurance policy or policies are to contain, or be endorsed to contain that they shall be primary insurance as respects the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be in excess of Grantee's insurance and shall not contribute with it.

E. If Grantee maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by Grantee, irrespective of whether such limits maintained by Grantee are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by Grantee.

F. Before Grantee commences any work under this Agreement, Grantee shall furnish the City with original certificates of the foregoing insurance coverage and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements herein.

G. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII. Grantee may have the right to self-insure any or all of the above-required insurance. Any such self-insurance is subject to approval by the City and such approval shall be at the sole discretion of the City.

H. Grantee shall provide the City with written notice of any policy cancellation or any modification, cancellation, suspension, non-renewal, or material change or restriction in coverage terms or limits, within two business days of Grantee's receipt of such notice.

I. Failure on the part of Grantee to maintain the insurance as required shall constitute a material breach of the Franchise, upon which the City may, after giving five (5) business days' notice to Grantee to correct the breach, immediately terminate the Franchise or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid by Grantee to the City on demand.

J. Grantee's maintenance of insurance as required by the Franchise shall not be construed to limit the liability of Grantee to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

### Section 13. Assignment.

A. All of the provisions, conditions, and requirements herein contained shall be binding upon Grantee, and no right, privilege, license, or authorization granted to Grantee hereunder may be assigned or otherwise transferred without the prior written authorization and approval of the City, which the City may not unreasonably withhold. Notwithstanding the foregoing, Grantee, without the consent of, but upon notice to the City, may assign this agreement in whole or in part to: (a) an entity that owns or controls, is owned or controlled by, or is under common ownership with Grantee; or (b) a lender for security purposes only.

B. Grantee may lease the Facilities or any portion thereof to another or provide capacity or bandwidth in its Facilities to another, provided that Grantee at all times retains exclusive control over such Facilities and remains responsible for locating, servicing, repairing, relocating, or removing its Facilities pursuant to the terms and conditions of the Franchise.

Section 14. Abandonment and Removal of Facilities. Upon the expiration, termination, or revocation of the rights granted under the Franchise, the Grantee shall remove all of its Facilities from the Rights-of-Way of the City within ninety (90) days of receiving notice from the City's Public Works Director. Alternatively, the City may permit the Grantee's improvements to be abandoned in place in such a manner as the City may prescribe. Upon permanent abandonment and Grantee's agreement to transfer ownership of the Facilities to the City, the Grantee shall submit to the City a proposal and instruments for transferring ownership to the City. Any Facilities not permitted to be abandoned in place that are not removed within ninety (90) days of receipt of said notice automatically becomes the property of the City. However, when the City has not permitted the Grantee to abandon said Facilities in place, nothing contained within this section prevents the

City from compelling the Grantee to remove any such Facilities through judicial action or from removing the Facilities and recovering the costs and expenses from Grantee.

Section 15. Breach or Default.

A. If Grantee fails to comply with any of the provisions of this Agreement, the City will serve upon Grantee a written order to comply within thirty (30) days from the date such order is received by Grantee, unless other actions or notice provisions are stated herein. If Grantee is not in compliance after expiration of the thirty (30) day period, the City may act to remedy the violation and may charge the reasonable costs and expenses of such action to Grantee. If any failure to comply with the Franchise by Grantee cannot be corrected with due diligence within said thirty (30) day period, then the time within which Grantee may so comply shall be extended for such time as may be reasonably necessary and so long as Grantee works promptly and diligently to effect such compliance. During such a period, if Grantee is not in compliance with the Franchise and is not proceeding with due diligence in accordance with this section to correct such failure to comply, then the City may in addition, by ordinance and following written notice to Grantee, declare an immediate forfeiture of the Franchise and all of Grantee's rights and obligations thereunder. In case of an Emergency Situation, the City may act under this section without giving thirty (30) days' notice.

B. In addition to other remedies provided in this Agreement or otherwise available at law, if Grantee is not in compliance with requirements of this Agreement and if a good faith dispute does not exist concerning such compliance, the City may place a moratorium on issuance to Grantee of pending Right-of-Way use permits until compliance is achieved.

C. Failure of the City to declare any breach or default under this Franchise or any delay in taking action shall not waive such breach or default, but the City shall have the right to declare any such breach or default at any time. Failure of the City to declare one breach or default does not act as a waiver of the City's right to declare another breach or default.

Section 16. Dispute Resolution and Applicable Law.

A. This Agreement will be governed, construed, and enforced in accordance with the laws of the State of Washington. Venue of any suit between the parties arising out of this Agreement will be in the Superior Court of Pierce County, Washington.

B. The headings of sections and paragraphs of this Agreement are for convenience of reference only and are not intended to restrict, affect, or be of any weight in the interpretation or construction of the provisions of such sections or paragraphs.

Section 17. Notice. Any notice or information required or permitted to be given to the parties under this Franchise may be sent to the following addresses unless otherwise specified:

City:  
City of Bonney Lake  
City Administrator  
P.O. Box 7380  
Bonney Lake, WA 98391

Grantee:  
Astound Broadband, LLC  
401 Kirkland Parkplace, Suite 500  
Kirkland, WA 98033  
Attn: Steve Weed, CEO and Byron Springer, EVP

Notice shall be deemed given upon receipt in the case of personal delivery, three (3) days after deposit in the United States Mail in the case of regular mail, or the next day in the case of overnight delivery.

Section 18. Miscellaneous. Grantee shall pay for the City's reasonable administrative costs in drafting and processing this Agreement and authorizing ordinance and all work related thereto, which payment shall not exceed \$2,000.

Section 19. Severability. If any term, provision, condition, or portion of this Agreement is held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Agreement which shall continue in full force and effect.

Section 20. Effective Date. This Agreement shall be effective on the date it is signed by both parties, which shall not be earlier than five (5) days after approval by the Bonney Lake City Council. However, this Agreement shall not become effective until the ordinance approving the Franchise is published as required by RCW 35A.47.040 and pursuant to BLMC 2.04.810.

**City of Bonney Lake**  
P.O. Box 7380  
Bonney Lake, Washington 98391

**Astound Broadband, LLC**  
401 Kirkland Parkplace, Suite 500  
Kirkland, Washington 98033

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

By \_\_\_\_\_  
Steve Weed, CEO

Dated \_\_\_\_\_

Dated \_\_\_\_\_

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

<b>Department / Staff Member:</b> Community Development/ Jason Sullivan	<b>Meeting/Workshop Date:</b> March 15, 2016	<b>Agenda Bill Number:</b> AB16-40
<b>Agenda Item Type:</b> Discussion	<b>Ordinance/Resolution Number:</b> 2517	<b>Councilmember Sponsor:</b> Donn Lewis

**Agenda Subject:** Acknowledgement of the Puget Sound Regional Council's Conditional Certification of the City's Comprehensive Plan

**Full Title/Motion:** A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, acknowledging the conditional certification of *Bonney Lake 2035* and stating the City's intent to update *Bonney Lake 2035* in order to meet the compliance requirements of the Puget Sound Regional Council.

**Administrative Recommendation:**

**Background Summary:**  
 The Puget Sound Regional Council's has conditionally certify *Bonney Lake 2035*. One of PSRC's conditions is that the City adopt a resolution acknowledging the conditional certification and agreeing to amend *Bonney Lake 2035* to address the conditions by December 30, 2017.  
**Attachments:** Administration Briefing Memo and Resolution 2517

<b>BUDGET INFORMATION</b>				
Budget Amount	Current Balance	Required Expenditure	Budget Balance	Fund Source
				<input type="checkbox"/> General
				<input type="checkbox"/> Utilities
				<input type="checkbox"/> Other
<b>Budget Explanation:</b>				

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

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

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

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# Community Development Department Briefing Memorandum

**Date:** January 8, 2016  
**To:** Mayor Johnson and Don Morrison – City Administrator  
**CC:** Randy McKibbin – Deputy Mayor, Donn Lewis – Councilmember, and John Vodopich, AICP – Community Development Director  
**From:** Jason Sullivan – Senior Planner  
**Re:** **PSRC Conditional Certification of Bonney Lake 2035**

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## **PURPOSE:**

The purpose of this memorandum is to brief City Administration on the Puget Sound Regional Council's (PSRC) Growth Management Policy Board's recommendation to conditionally certify *Bonney Lake 2035*.

## **ATTACHMENT:**

1. PSRC Draft Plan Review and Certification Recommendation
2. PSRC Small Cities Review Framework

## **BACKGROUND:**

The Growth Management Act (GMA) directed that the City take legislative action to review and, if needed, revise the comprehensive plan for the City of Bonney Lake to ensure compliance with any new amendments to the GMA, Multicounty Planning Policies, (MPPs), and Countywide Planning Policies (CPPs) no later than June 30, 2015. The City adopted *Bonney Lake 2035* as the comprehensive plan for the City of Bonney Lake on June 30, 2015 to comply with this requirement.

PSRC must formally certify that *Bonney Lake 2035* conforms:

- (1) to the regional planning policies contained in *VISION 2040*;
- (2) to the adopted regional long-range transportation guidelines and principles contained in *Transportation 2040*; and

(3) to the transportation planning requirements of the GMA identified in RCW 36.70A.070.

PSRC determined that *Bonney Lake 2035*, along with the comprehensive plans for several “Small Cities” as classified in *VISION 2040*, was not in full compliance with *VISION 2040* as the City’s plan assumed future population levels that are higher than the growth targets adopted for Bonney Lake by Pierce County.

In accordance with the GMA, future population growth is allocated to individual cities, towns, and unincorporated areas. The Regional Growth Strategy (RGS) in *VISION 2040* identifies a preferred pattern of growth, quantified as shares of the region’s residential and employment growth located within each of several regional geographies: Metropolitan Cities, Core Cities, Large Cities, Small Cities, and Unincorporated Urban Growth Area.

Under the RGS, Metropolitan Cities are the preferred locations for housing and jobs, expected to receive the largest share of the region’s growth. Meanwhile, the RGS promotes a modest role and scale for Small Cities, which are “expected to stay small over the long term.”

Noting that growth trends would not precisely line up with the RGS, the PSRC Executive Board adopted a technical amendment to the RGS in 2009. Appendix II-B, which accompanied that action, laid out an approach for addressing this issue through local plan review and certification, as follows:

- *In developing their comprehensive plan updates, jurisdictions will be asked to explain what steps they are taking to **“bend the trend”** of recent growth to align with the concepts in VISION 2040.*
- *PSRC’s review and certification of plans will be based on the actions and measures already taken or proposed to be put in place to bend the trend, and not just on an assessment of the target alone. Jurisdictions whose growth targets are higher or lower than what would be expected from a straight-line application of the Regional Growth Strategy, should show the actions and measures that are being undertaken, or it expects to take, to bend the trend.*

While Appendix II-B provide general guidance, PSRC staff believed that it was not descriptive enough to provide an official framework to review local comprehensive plans of small cities that were planning to exceed the adopted growth targets. PSRC staff has adopted the following framework to review a “Small City’s” compliance with the Regional Growth Strategy:

1. **Document and explain rationale for local planning numbers.**

The plan and supporting documentation should make clear what factors were used to determine future growth estimates, including relevant detail on recent historical growth, development permits in the pipeline, and zoned capacity, recognizing that each city is facing unique local circumstances. The plan should include adopted targets and make clear assumptions about reasonable expectations for growth and local factors that may be beyond jurisdiction control. Cities should provide information, where appropriate, regarding

infrastructure plans to serve growth and how it will be paid for, including addressing impacts on schools.

It is important for cities to separate “unavoidable” from “aspirational” growth. Existing development that has already been built is clearly “unavoidable.” Permitted or vested development is also largely unavoidable, although there are cases where vested development stalls and does not get fully built out.

Cities should also discuss why countywide targeting processes were not used to better align with local growth expectations and opportunities to reconcile plans and targets through later countywide processes.

2. **Show support for the Regional Growth Strategy.**

The plan should include a *VISION 2040* context statement that acknowledges the Regional Growth Strategy, including the role of Small Cities to grow more slowly, along with a policy commitment to working toward achieving the RGS within the countywide framework for coordination around growth targets.

3. **Identify actions to “bend the trend” of future growth.**

Given that some growth above adopted targets may be unavoidable, the plan should include policies and actions that move the city toward greater alignment with the growth targets and the RGS over time, both within the 20-year planning period and beyond.

While cities do not have an on/off switch for growth, cities do have the ability to influence the rate of growth that occurs and the overall capacity for growth. Strategies to influence the amount and/or timing of growth could include:

- Planning for appropriate uses and densities
- Zoning for reserve capacity - limiting densities until appropriate timing or when infrastructure is in place
- Capacity and timing of infrastructure
- Full cost recovery of street, park, school and infrastructure improvements to support growth
- Development standards appropriate to retain small town character
- Use of SEPA and environmental protection tools

4. **Manage additional growth, and growth impacts, consistent with VISION 2040.**

The plan should include policies and actions that address the impacts of the higher anticipated growth on local and regional infrastructure and on the adjacent area, especially open space and the natural environment. Plans should demonstrate an extra effort to achieve

compact development patterns, reduce impacts on regional facilities, and protect adjacent rural and resource lands. The approach to this may vary between cities that are largely surrounded by other urban areas and those surrounded by rural areas.

Cities adjacent to rural areas may need to work to avoid spillover effects of growth beyond their boundaries. Cities place a lot of pressure on rural areas, such as through expanded roads, incompatibility with agricultural uses, new schools, expanded sewer service, and impacts to essential public facilities.

5. **Remove proposals to expand the Urban Growth Area boundary that would increase capacity.**

As guided by *VISION 2040*, plans should clarify the city's intention to pursue any UGA changes in coordination with the county and consistent with criteria established by the countywide planning policies to not increase development expectations for the city. Given the city's role as a Small City in the Regional Growth Strategy, and regional efforts to preserve the rural area, the city should consider removing support for UGA expansions.

6. **Coordinate with other jurisdictions and agencies.**

Regional coordination is a hallmark of *VISION 2040* and the countywide planning process. The plan should demonstrate a heightened degree of coordination with adjacent cities, towns, counties, and other agencies, such as WSDOT and transit agencies. Such coordination should address growth targets, transportation impacts, and compatibility of plans and investments where local planning departs from agreed-upon targets.

**DISCUSSION:**

During the development of *Bonney Lake 2035*, staff was aware that the plan assumed more growth than the adopted growth targets. As result, staff discussed this issue with PSRC in effort to ensure consistency between *Bonney Lake 2035* and the RGS adopted in *VISION 2040*. At the time of these discussions, the only guidance that PSRC had was Appendix II-B: the framework discussed above was not established until December 2015.

In order to comply with the guidance in Appendix II-B, staff prepared a section in the Introduction Element of *Bonney Lake 2035* entitled "Regional Growth Strategy." This section identified the steps that the City has taken to "bend the trend", discussed why the population numbers were reasonable, provided documentation that the growth was unavoidable, and how the plan was developed to support other components of the RGS (e.g. centers, transit ordinated development, etc.).

City staff prepared and a submitted a report to demonstrate that *Bonney Lake 2035* complied with all of the certification requirements to include the requirements of Appendix II-B. However, during the official review PSRC determined that the *Bonney Lake 2035* had not gone far enough to demonstrate not consistency with the RGS.

While PSRC has stated that the plan is very good and includes great examples of good planning, PSRC cannot fully certify *Bonney Lake 2035* until the plan is brought into better compliance with the RGS. PSRC staff has determined that the City complies with the adopted review framework for “Small Cities” that have housing and population growth that exceeds the adopted targets. (Attachment 2).

On January 7, 2016, PSRC’s Growth Management Policy Board reviewed the Plan Review Report and Certification Recommendation and voted to recommend that PSRC’s Executive Board conditionally certify *Bonney Lake 2035*. PSRC has identified the following conditions that to bring the plan into compliance with the RGS:

- Adjust the plan’s anticipated population and employment growth to more closely align with adopted countywide targets. It is recognized that the city’s ability to reduce planned growth levels may be limited by unavoidable factors, such as actual growth since the target base year and entitlement of additional housing growth in the pipeline.
- Recognize the objective of aligning with the Regional Growth Strategy, including the role of designated Small Cities and the objective to limit growth in those cities.
- Identify and prioritize strategies the city will take to appropriately manage growth and work toward better alignment with the Regional Growth Strategy. Strategies should address more fully the impacts of planned growth on regional and local infrastructure and services and on the environment. Where feasible, the city should adopt strategies intended to limit or slow future development.
- Modify the discussion of the Urban Growth Area to ensure that proposed expansions of the UGA are consistent with countywide planning policies and do not add capacity for growth that is inconsistent with the city’s role as a Small City.
- The city should also conduct enhanced coordination with Pierce County to review adopted growth targets, including potential revisions to those targets to better align with the city’s plan while maintaining consistency with the Regional Growth Strategy. Coordination with the county, state, and other agencies should also occur to more fully address the potential regional impacts of planned growth that exceeds agreed-upon targets.

While PSRC will not fully certify the City’s plan, the conditional certification will allow the City to compete and receive grants from PSRC and other state agencies, provided that the City complies with the conditions. The City would not receive any negative points or deductions during the competitions for having a conditionally certificated plan.

Staff has begun to identify some options to meet the above conditions of approval. Staff's preliminary options include the following:

**1. Updated Future Growth Targets.**

Under this option, the City would assume some of the projected growth for South Prairie and Wilkeson. Both of these cities have received conditional certifications for not having sufficient capacity to accommodate their adopted growth targets. Both PSRC and Pierce County have indicated that this approach would be acceptable since all three cities involved are considered small cities. This option alone will not solve the entire gap, but it would be a start.

**2. Update the Growth Projections in Bonney Lake 2035.**

Under this option, the City would assume that all of the pipeline projects are completed in the next 8 years and then assume a 0.5% growth rate after that, the 2035 population would be 25,408.

Over the last seven years, the City has grown to 19,490, which works out to be an approximately 3% annual growth rate. The City's growth rate between the 2014 OFM Projections and the 2015 OFM Projections was 5.2%. The City's current comprehensive plan was based on a lower 2.1% annual growth rate.

While this number is still higher than the allocation, it is less than current 2035 population projection of 28,654. This change would mean that the City population growth would be nine-percent higher than the adopted growth target.

PSRC has indicated a willingness to consider projected growth that is within five-percent of the adopted growth targets. The City's current projected growth is twenty-three percent higher than the adopted growth targets.

The change in percentage is based on the City's current adopted growth targets, if the City was able to assume some of the targets from South Prairie and Wilkeson the numbers would change. It is not known at this time how much of an impact that it would have on the City's growth target.

**3. Zone Areas without Sewer to RC-5.**

Under this option, the City would identify areas of the City that could be zoned RC-5 until City sewer service is provided. Areas that would be targeted would be areas that currently have large lots, approximately greater than 2 acres, and cannot be further developed as this time due to a lack of sewer infrastructure. Once the sewer is installed, the area would be rezoned back to its current density so that it could be developed. Given the amount of public expenditure and work, properties in Eastown would not be included in this analysis.

#### **4. Update the UGA Expansion Discussion.**

The City needs to update Section 4 of the Community Development Element and provide language that clearly demonstrates that the expansions will not increase the capacity of the UGA and explain how the expansion supports the RGS. The City may also need to consider removing some of the areas identified as possible expansion areas.

#### **5. Update Regional Growth Strategy Discussion.**

Update this existing discussion in Section 4 of the Introduction Element to further explain how *Bonney Lake 2035* supports the RGS and identify the specific goals, policies, and implementation measure that the City has adopted to support VISION 2040 and bring the City in to better alignment with the RGS.

The above list is not meant to be inclusive or that the City would adopt these options; there may be other options that are available to the City.

PSRC is requiring that conditions be addressed according to the following the schedule:

- Council adoption of a plan of work that addresses the condition identified in the certification report by April 30, 2016.
- Submission of a draft amended comprehensive plan and supporting documents that address the condition to PSRC for review and comment in advance of adoption.
- Once the condition is adequately addressed, submission of the adopted amended comprehensive plan and supporting documents by December 30, 2017, for review and certification by PSRC.

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# PSRC PLAN REVIEW REPORT & CERTIFICATION RECOMMENDATION

## CITY OF BONNEY LAKE COMPREHENSIVE PLAN

December 31, 2015



### BACKGROUND

The Washington State Growth Management Act calls for coordination between local, regional, and state planning efforts. To advance this coordination, state law requires PSRC to certify that regional transit plans, countywide planning policies, and local comprehensive plans within the central Puget Sound region conform to: (1) established regional guidelines and principles, (2) the adopted long-range regional transportation plan, and (3) transportation planning requirements in the Growth Management Act. Within the central Puget Sound region, the multicounty planning policies in VISION 2040 have been established as the regional guidelines and principles under Revised Code of Washington (RCW) 47.80.026. Certification of local comprehensive plans is also a requirement for jurisdictions and agencies that intend to apply for PSRC funding or proceed with any project submitted into the Regional Transportation Improvement Program, regardless of funding source.

Within the central Puget Sound region, local governments and PSRC have worked together to develop an overall process ([Adopted Policy and Plan Review Process](#), Revised September 2003) for reviewing and certifying local, countywide, regional, and transit agency policies and plans.<sup>1</sup> This process also provides an opportunity to coordinate and share information related to local and regional planning. A set of materials, compiled in a [Plan Review Manual](#), provides details on the review and certification process, background, and framework. The manual also provides guidance and checklists for aligning plans and policies with [VISION 2040](#), [Transportation 2040](#), and [Growth Management Act](#) requirements.

### DISCUSSION

This report summarizes the findings and recommendations regarding the periodic update to the comprehensive plan for the City of Bonney Lake, adopted by the city on June 30, 2015. Previously, PSRC conditionally certified the City of Bonney Lake's comprehensive plan in July 2011 and extended the deadline in November 2013, requiring that the city resolve internal inconsistencies in the plan between projected growth and available capacity and adopt an updated plan by June 2015. PSRC staff coordinated with city staff in the review of the updated 2015 comprehensive plan and development of this report. With the 2015 update, this recommendation finds that the prior conditional requirements have been met by the city and the internal inconsistency resolved.

### CERTIFICATION RECOMMENDATION

Based on the review of Bonney Lake 2035, the city's comprehensive plan, the following action is recommended to the PSRC Growth Management Policy Board, Transportation Policy Board, and Executive Board:

**The Puget Sound Regional Council conditionally certifies that the transportation-related provisions in Bonney Lake 2035, the city's comprehensive plan update, conform to the**

<sup>1</sup> The certification requirement in the Growth Management Act is described in RCW 47.80. The specific requirements for transportation elements in local comprehensive plans are spelled out in RCW 36.70A.070. PSRC's Interlocal Agreement, Section VII, also provides direction for the review of local comprehensive plans and countywide policies (Resolution A-91-01, amended March 1998). The Council's Executive Board last updated its process for Policy and Plan Review in September 2003. The process is also described in VISION 2040, Part IV: Implementation.

**Growth Management Act and are consistent with multicounty planning policies and the regional transportation plan.**

**Conditional status is in place until the city of Bonney Lake amends the comprehensive plan to address inconsistency between the anticipated growth included in the plan and the housing and employment growth targets adopted by Pierce County. This will include amending the comprehensive plan to:**

- **Adjust the plan’s anticipated population and employment growth to more closely align with adopted countywide targets. It is recognized that the city’s ability to reduce planned growth levels may be limited by unavoidable factors, such as actual growth since the target base year and entitlement of additional housing growth in the pipeline.**
- **Recognize the objective of aligning with the Regional Growth Strategy, including the role of designated Small Cities and the objective to limit growth in those cities.**
- **Identify and prioritize strategies the city will take to appropriately manage growth and work toward better alignment with the Regional Growth Strategy. Strategies should address more fully the impacts of planned growth on regional and local infrastructure and services and on the environment. Where feasible, the city should adopt strategies intended to limit or slow future development.**
- **Modify the discussion of the Urban Growth Area to ensure that proposed expansions of the UGA are consistent with countywide planning policies and do not add capacity for growth that is inconsistent with the city’s role as a Small City.**

**The city should also conduct enhanced coordination with Pierce County to review adopted growth targets, including potential revisions to those targets to better align with the city’s plan while maintaining consistency with the Regional Growth Strategy. Coordination with the county, state, and other agencies should also occur to more fully address the potential regional impacts of planned growth that exceeds agreed-upon targets.**

**These conditions will be addressed according to the following the schedule:**

1. **Council adoption of a plan of work that addresses the condition identified in the certification report by April 30, 2016.**
2. **Submission of a draft amended comprehensive plan and supporting documents that address the condition to PSRC for review and comment in advance of adoption.**
3. **Once the condition is adequately addressed, submission of the adopted amended comprehensive plan and supporting documents by December 30, 2017, for review and certification by PSRC.**

**The city acknowledges and understands these conditions.**

This report contains a summary of the PSRC review of the City of Bonney Lake comprehensive plan update. Under each heading, the scope of the certification review, as guided by the [Plan Review Manual](#) and Local Comprehensive Plan Checklist, is listed in high level bullets. Discussion in each topic area highlights exemplary provisions of the plan, as well as issues identified through the certification review where future work on the part of the city is needed to more fully address VISION 2040, Transportation 2040, and Growth Management Act planning requirements.

# Part I: Conformity with Growth Management Act Transportation Planning Requirements

## SCOPE OF REVIEW

The Growth Management Act (RCW 36.70A.070(6)) includes several requirements related to transportation elements in local comprehensive plans. These requirements are summarized as follows:

**Land use assumptions and forecasts of travel demand** that are internally consistent and consistent with growth targets.

**Service and facility needs**, including inventories of existing facilities, and level-of-service standards and concurrency provisions that address multiple modes of travel, planned land uses and densities, and state highways.

**Financing and investments**, including a multiyear financing plan and reassessment strategy to address potential funding shortfalls.

**Intergovernmental coordination** with neighboring cities, counties, and regional and state agencies.

**Demand management**, including programs to implement the Commute Trip Reduction Act.

**Pedestrian and bicycle planning**, including project funding and capital investments, education, and safety.

**Land uses adjacent to airports**, identifying relevant facilities, existing and planned uses, and policies that discourage incompatible uses.

Air quality is largely an interjurisdictional issue in which each jurisdiction's travel behaviors, measured through vehicle emissions, affect the regional airshed. The Washington Administrative Code (WAC) requires local transportation elements and plans to include "policies and provisions that promote the reduction of criteria pollutants" for mobile sources (WAC 173-420-080). When PSRC reviews plans, it also certifies that the comprehensive plans include air quality policies and provisions, including a commitment to meeting the requirements of applicable federal and state air quality legislation.

## DISCUSSION: EXEMPLARY PLAN PROVISIONS

Bonney Lake 2035, the city's comprehensive plan, effectively addresses many of the transportation planning requirements of the Growth Management Act and includes adequate air quality policies and provisions.

Highlights include:

- The Community Mobility Element provides thorough information about multiple modes of travel, the need for future facility improvements, and opportunities to mitigate transportation impacts. The level of detail provided will aid the city as it responds to growth and plans capital investments.
- Inclusion of a list of specific transportation system needs, a financing plan, and a reassessment strategy for the 20- year period of the plan.
- The city demonstrates a commitment toward enhancing the walkability of the community and states an objective of people of all ages and abilities having easy access to their community "on foot." This objective is backed up by the adopted level-of-service standard for nonmotorized travel and planning for pedestrian mobility in several neighborhood nodes.
- Section 4 of the Community Mobility Element and Section 4 of the introduction both discuss coordination with state, regional and county-level plans to help ensure consistency with regional transportation planning.
- Policies support efforts to address air quality impacts associated with transportation (ES-9.1, 9.2, 9.3).

## DISCUSSION: CONDITIONS FOR CERTIFICATION

- The certification conditions are discussed in detail under the Development Patterns section regarding consistency between the growth expectation of the comprehensive plan and the Regional Growth

Strategy. The estimate of demand for new infrastructure and transportation projects should be reviewed and revised as necessary to ensure the plan maintains internal consistency given the reassessment of planned growth. In response to anticipated higher levels of growth it may be appropriate to emphasize and prioritize transportation actions that help to mitigate the impacts of growth, including supporting walkable environments and enhancing transit access.

#### **DISCUSSION: AREAS FOR FURTHER WORK**

The city should address the following comments at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- As noted above, the plan includes a number of important policies supportive of nonmotorized transportation. Additional subarea planning would help ensure that the plan’s neighborhood nodes are developed to be truly pedestrian friendly and comfortable places to walk. Per the Transportation 2040 Physical Design Guidelines, site and building design, pedestrian-oriented uses, sidewalks, landscaping and pathways all can play an important part in creating walkable communities. Actions to enhance the pedestrian environment could be prioritized for implementation.

## **Part II: Consistency with Regional Plans and Policies**

### **OVERVIEW**

This section discusses consistency with the adopted multicounty planning policies (established regional guidelines and principles under RCW 47.80.026) adopted in VISION 2040, and Transportation 2040, the region’s long-range transportation plan. In addition to the multicounty planning policies, VISION 2040 contains a regional growth strategy with a preferred distribution of the region’s residential and employment growth, as well as a number of implementation actions for local governments to carry out. Each policy area addressed in VISION 2040 is discussed in turn below.

### **VISION 2040 Context Statement**

VISION 2040 calls for local plans to include a context statement that describes how the comprehensive plan addresses regional policies and provisions adopted in VISION 2040. The plan includes policies emphasizing consistency with VISION 2040. The city should consider describing in greater detail how the comprehensive plan addresses VISION 2040, including the MPPs and the Regional Growth Strategy, when the city next amends the plan. Examples of context statements are provided in PSRC’s Plan [Review Manual](#), page 2-1.

## **Environment**

### **SCOPE OF REVIEW**

VISION 2040 calls for local comprehensive plans to address the following environmental policy topics:

**Stewardship**, including addressing the natural environment throughout the plan, decisions based on best-available science, and regional environmental initiatives.

**Earth and habitat**, including open space protection, restoration and protection of native vegetation, and coordination with adjacent jurisdictions.

**Water quality**, including actions that maintain hydrologic functions and reduce water pollution in ecosystems, watersheds, shorelines, and estuaries.

**Air quality and climate change**, addressing federal and state laws, reduction of pollutants, Puget Sound Clean Air Agency policies, and reduction of greenhouse gas emissions and adaptation to climate change.

### DISCUSSION: EXEMPLARY PLAN PROVISIONS

The Bonney Lake comprehensive plan addresses the environmental policy topics in VISION 2040 with strong goals and actionable policies. Highlights include:

- ☑ A goal to protect agricultural resource lands and opportunities for urban agriculture (ES-8).
- ☑ The depth of information about critical areas, including detailed maps of volcanic hazards and liquefaction zones, and the use of land use designations to reduce risks associated with natural hazards.
- ☑ The integration of the updated Shoreline Master Program with the comprehensive plan.
- ☑ Policies that address the city's urban forestry and a focus on the steps needed to maintain, preserve, and enhance Bonney Lake's tree canopy, including working towards a target of 50% tree canopy coverage (Goal ES-7).
- ☑ A goal to meet the state greenhouse gas reduction target to reduce emissions to 25% below 1990 levels by 2035 (Goal ES-9).

### DISCUSSION: AREAS FOR FURTHER WORK

- ☐ The city should address the following comments at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans: The plan provides information about environmentally sensitive areas and resource lands associated with Fennel Creek while also promoting more intense development of the adjacent Midtown center area. Consistent with MPP-DP-32, the plan should consider specific strategies to ensure compatible development and opportunities to avoid impacts typically associated with urban development and transportation.

## Development Patterns – Including Regional Growth Strategy

### SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following development patterns policy topics:

**Urban areas**, including targets for housing and employment growth, compact communities that support transit and walking, and provisions for redevelopment of underused land.

**Centers**, including planning for one or more central places as locations for compact, mixed-use development, with policies that prioritize funding to centers to advance development.

**Unincorporated urban areas**, including policies that advance annexation and orderly transition of governance.

**Resource lands**, including identification of steps to limit development.

**Regional design**, addressing local provisions that apply the Transportation 2040 Physical Design Guidelines, energy efficient building, historic preservation, and enhanced sense of community.

**Health and active living**, addressing healthy environment, physical activity and well-being, and safety.

### DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses many of the development patterns policies in VISION 2040. Highlights include:

- ☑ The plan includes policies that support future growth within Bonney Lake's mixed-use centers, Downtown, Midtown and Easttown, consistent with VISION 2040's support for directing growth to subregional and town centers. The plan anticipates 65% of housing growth and the majority of employment growth to occur in these center areas and directs transportation investments and services to support them.
- ☑ Support for the transformation of auto-oriented shopping centers into more pedestrian-oriented centers to generate foot traffic, create a stronger sense of place, and bring life to outdoor spaces (CD-2.16).

- ☑ Provisions that identify a number of walkable neighborhood nodes that are located for ease of non-motorized access and serve as a framework for prioritizing pedestrian improvements coordinated with the uses in these node areas.
- ☑ The plan’s incorporation of public health planning and support for active lifestyles is impressive. The plan benefits from the city’s coordination with Tacoma-Pierce County Health Department and incorporating health as a theme throughout the plan. Health and active living, addressing healthy environment, physical activity and well-being, and safety are all addressed in the plan.

**DISCUSSION: CONDITIONS FOR CERTIFICATION**

Bonney Lake must address the following provision of the Growth Management Act and VISION 2040 in order to maintain certified status:

- ☐ RCW 36.70A.130 requires that local comprehensive plan updates accommodate the growth projected to occur over the subsequent 20-year period. VISION 2040 (MPP-DP-3) calls for countywide adoption of housing and employment growth targets that promote the Regional Growth Strategy. MPP-T-9 calls for coordination of state, regional, and local transportation planning in support of that strategy. RCW 36.70A.070 requires the transportation element of local comprehensive plans to implement and be consistent with the land use element.

To implement the Regional Growth Strategy, Pierce County and its cities developed housing and employment targets for the 2008-2030 period. The targets allocate a modest amount of housing and jobs to Small Cities, which includes the City of Bonney Lake, as a reflection of the stated regional role for these cities to accommodate limited growth. The targets for Bonney Lake are to grow by 2,670 housing units and 1,141 jobs over the period of 2008-2030.

Bonney Lake 2035 (page 1-5) acknowledges the PSRC guidance for local comprehensive plans to use “land use assumptions that correspond with the most recently adopted growth targets” (pg. 3B-6) and focus transportation improvements to “support existing and planned development as allocated by the Regional Growth Strategy” (pg. 3B-5). However, the plan cites recent and ongoing growth as a way of estimating the addition of 3,363 housing units over the planning period 2014-2035 compared to the adopted target for 2008-2030 of 2,670 housing units. This planned level of growth significantly exceeds the expectations of the adopted target, even when accounting for the shift of the planning period from 2030 to 2035, and raises concerns about consistency with the regional transportation plan.

Countywide Adopted Housing Target 2008-2030	2,670
2008-2014 development	931
Pipeline development	1,218
Remaining target (target minus development and pipeline)	521
<i>Bonney Lake 2035</i> 2014-2035 planned growth	3,711
2014 Buildable Lands Report housing capacity (as of 2012)	4,197

In establishing the growth assumptions, the plan cites recent development, development proposals in the “pipeline,” and assumptions about future growth rates. Section 4 of the Introduction chapter acknowledges the need to implement VISION 2040’s Regional Growth Strategy and points to re-designating 163 acres to Open Space Conservancy to protect sensitive areas and manage growth.

However, the plan lacks sufficient measures to manage growth consistent with the adopted targets and appears to support a land use pattern and infrastructure development to support a pace of growth that exceeds the targets.

Development of the city's vacant and underdeveloped areas has the potential to be well-planned and managed in a way that fully meets the community's stated goals to be well-designed, pedestrian friendly, and supportive of transit service, while also timing support of development of these areas to better align with the growth targets.

To comply with VISION 2040, the plan requires amendments to address inconsistency between the anticipated growth included in the plan and the housing and employment growth targets adopted by Pierce County. Planning for transportation and other infrastructure should be based on a calculation of anticipated growth that is reasonably aligned with the adopted housing and employment growth targets. The city may work with Pierce County to adjust the growth targets, consistent with the Regional Growth Strategy. If unavoidable circumstances are such that the city's plan for growth cannot fully align with the adopted targets (as indicated in the comprehensive plan), the plan should be amended to demonstrate the city's efforts to better manage and mitigate growth and work towards alignment with the Regional Growth Strategy as discussed above. PSRC staff is available to provide technical guidance on reconciling the growth assumptions, documenting data sources, and identifying potential actions and measures.

#### **DISCUSSION: AREAS FOR FURTHER WORK**

The city should address the following comments at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- Per MPP-DP-18, the city is encouraged to continue to coordinate with Pierce County regarding a logical framework for affiliating the adjacent unincorporated urban areas to provide predictability for the future of those areas.
- Bonney Lake is encouraged to continue to plan for its identified center areas. It may be appropriate to consider the size of the centers and to define core areas that are pedestrian focused. The core area of centers should be compact communities that support transit and walking, a mixture of uses, and redevelopment of underused land. More information on center planning can be found PSRC's [Plan Review Manual](#), page 3-1. The city could utilize resources such as PSRC's center plan checklist and Transportation 2040 Physical Design Guidelines to promote pedestrian-oriented places, manage parking, and plan for multimodal travel options.

## **Housing**

### **SCOPE OF REVIEW**

VISION 2040 calls for local comprehensive plans to address the following housing policy topics:

**Increased housing production opportunities**, including diverse types and styles for all income levels and demographic groups.

**Affordable housing needs**, including an assessment of existing and future housing needs based on regional and local factors, including household income, demographics, special needs populations, and adequacy of existing housing stocks.

**Regional housing objectives** in VISION 2040, including promotion of housing diversity and affordability, jobs-housing balance, housing in centers, and flexible standards and innovative techniques.

### **DISCUSSION: EXEMPLARY PLAN PROVISIONS**

The city's comprehensive plan effectively addresses the housing provisions contained in VISION 2040. Highlights include:

- ☑ A goal and policies that support providing a range of housing options and affordability to meet the needs of the community (Goal CD-3; CD-3.1) and detailed information about household incomes and housing needs within Bonney Lake.
- ☑ Policies that support housing for residents with special needs (CD-3.2).
- ☑ Policies to ensure a sufficient supply of affordable housing to all income levels and supporting participation in regional responses to housing needs (CD-3.5, 3.6).

**DISCUSSION: AREAS FOR FURTHER WORK**

The city should address the following comment at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- ☐ The plan identifies that 13% of households have household incomes of less than \$25,000 and that a high proportion of jobs within the city are in retail. Therefore, the plan should more directly address how the housing needs of the community can be fully met through policies and actions. The plan should consider the funding needed for affordable housing that is not met through market conditions, such as for very low income households. Two potential strategies could be to encourage maintenance and preservation of existing affordable housing and evaluating surplus city land for potential use for affordable housing. For additional strategies and resources, see PSRC’s [Housing Innovations Program](#).

**Economy**

**SCOPE OF REVIEW**

VISION 2040 calls for local comprehensive plans to address the following economic development policy topics:

Include an **economic development element** that addresses: business, people, and places.

**Retention and recruitment efforts** that support family wage jobs, industry clusters that export goods and services, and small businesses that are locally owned.

**Equitable benefits and impacts**, including provisions and programs that promote economic vitality in distressed areas or areas with disadvantaged populations.

**Adequate housing growth in centers** through collaboration with the private sector and provision of infrastructure.

**DISCUSSION: EXEMPLARY PLAN PROVISIONS**

The city’s comprehensive plan effectively addresses many of the economic provisions of VISION 2040.

Highlights include:

- ☑ A thorough economic development element, Economic Vitality, which includes an economic profile and analysis of future economic prospects for the community, and seeks to expand economic opportunity for the citizens of Bonney Lake (Goal EV-1).
- ☑ Policies that support subarea planning and regular updates for the Downtown, Midtown and Easttown centers so that they stay current with economic trends and promote an appropriate mix of businesses and uses.

**DISCUSSION: AREAS FOR FURTHER WORK**

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on economic development.

## Transportation

### SCOPE OF REVIEW

VISION 2040 and Transportation 2040 call for local comprehensive plans to address the following transportation policy topics:

**Maintenance, management, and safety**, including clean transportation with reductions in pollution and greenhouse gas emissions, environmental factors, health and safety, stable and predictable funding sources, system and demand management strategies, and security and emergency response.

**Support for the regional growth strategy**, including system improvements that align with planned growth, prioritized investments that support compact development in centers, joint- and mixed-use development, complete streets and improvements to promote biking and walking, and context-sensitive design.

**Improved transportation options and mobility**, including alternatives to driving alone, facilities and services for special needs transportation, avoidance of new or expanded facilities in rural areas, and financing methods.

**Linking land use and transportation**, including integrating Transportation 2040 physical design guidelines in planning for centers and transit station areas, and land development tools that promote transportation alternatives.

### DISCUSSION: EXEMPLARY PLAN PROVISIONS

The Bonney Lake comprehensive plan addresses the major transportation emphases in VISION 2040 and Transportation 2040, including maintenance, management, and safety; support for the Regional Growth Strategy; and providing greater options and mobility. Highlights include:

- ☑ Policies establish mobility level-of-service standards for multiple modes of travel (CM section 8).
- ☑ A goal to increase mobility options by constructing a network of nonmotorized transportation facilities to provide convenient and affordable transportation alternatives for individuals of all ages and abilities to support healthy lifestyles (Goal CM-2).
- ☑ Identification of improvements to address the Americans with Disabilities Act (CM section 9).
- ☑ A goal to maintain and preserve the city's transportation system in order to provide a safe multimodal system, protect the investment in the existing system, and lower overall life-cycle costs (Goal CM-4).
- ☑ Policy to support regional transportation and land use planning efforts to balance jobs and housing, manage congestion, address auto-related emissions and greenhouse gases, and reduce the share of the region's trips made by single occupant vehicles (CM-8.1).

### DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any additional areas for improvement of the plan to better align with regional guidelines and principles on transportation (please see comments addressing Growth Management Act transportation planning requirements on page 3 and conditions relating to growth and transportation issues noted earlier in this report).

## Public Services

### SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following public services policy topics:

**Promote more efficient use of existing services**, such as waste management, energy, and water supply, through conservation – including demand management programs and strategies.

**Promote renewable energy and alternative energy sources.**

**Plan for long-term water needs**, including conservation, reclamation and reuse.

### **DISCUSSION: EXEMPLARY PLAN PROVISIONS**

The Bonney Lake comprehensive plan update contains policies that address the public services provisions of VISION 2040. Highlights include:

- The plan includes a number of policies that support planning for the long-term needs of the community.
- The plan seeks to protect the aquifer recharge zone (CFS-8.5).

### **DISCUSSION: AREAS FOR FURTHER WORK**

The city should address the following comments at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- Consistent with the conditions related to growth listed above, the city is encouraged to review capital funding of new infrastructure development, such as impact fees and connection charges, to assure that growth-related infrastructure development is financially self-sufficient.
- It appears that portions of the Easttown area and other parts of the city lack sewer service. The city may consider plans for expanding sewer service more carefully to synchronize infrastructure development with the planned rate of growth that is consistent with the Regional Growth Strategy, while planning for appropriate urban services and protecting the environment (MPP-PS-2).
- The city could strengthen policy CFS-9.2 to clarify that extension of sewer services outside of the Urban Growth Area should be avoided, and if needed for environmental protection, must be designed to not support urban levels of development (MPP-PS-4).
- Policies would be strengthened by encouraging energy conservation and facilitating the conversion to alternative technologies and energy sources consistent with MPP-PS-13.

## **Conclusion**

PSRC staff thanks the city for working through the plan review and certification process. PSRC is available to provide assistance for future plan updates. Additional planning resources can also be found at <http://www.psrc.org/growth/planreview/resources/>. If the city has questions or needs additional information, please contact Paul Inghram at 206-464-7549 or PInghram@psrc.org .

## Bonney Lake Comprehensive Plan Review Framework

The Bonney Lake comprehensive plan, Bonney Lake 2035, establishes a long range vision for the community and is largely consistent with the Growth Management Act and VISION 2040. However, the plan as adopted supports residential growth that significantly exceeds the adopted growth targets. The plan acknowledges the PSRC guidance for local comprehensive plans to use “ ‘land use assumptions that correspond with the most recently adopted growth targets’ (pg. 3B-6) and focus transportation improvements to ‘support existing and planned development as allocated by the Regional Growth Strategy’ (pg. 3B-5)” (page 1-5). However, the plan cites recent and ongoing growth as a way of estimating growth of 3,363 housing units over the period 2008-2030 compared to the adopted target 2,670 housing units. The city’s plan assumes further growth of 3,711 housing units over the period of 2014-2035 that significantly exceeds the expectations of the adopted target, even when accounting for the shift of the planning period from 2030 to 2035, and raises concerns about consistency with the regional transportation plan.

Review Framework	Analysis of Plan												
<p>1. <b>Where local plans exceed targets, explain rationale in light of local and regional factors</b></p>	<table border="0"> <tr> <td>Countywide Adopted Housing Target 2008-2030</td> <td style="text-align: right;">2,670</td> </tr> <tr> <td>2008-2014 development</td> <td style="text-align: right;">931</td> </tr> <tr> <td>Pipeline development</td> <td style="text-align: right;">1,218</td> </tr> <tr> <td>Remaining target 2008-2030</td> <td style="text-align: right;">521</td> </tr> <tr> <td><i>Bonney Lake 2035</i> 2014-2035 planned growth</td> <td style="text-align: right;">3,711</td> </tr> <tr> <td>2014 Buildable Lands Report housing capacity (as of 2012)</td> <td style="text-align: right;">4,197</td> </tr> </table> <p>The plan identifies that current pipeline development will exceed the remaining housing target and that sufficient capacity exists within the city for additional growth.</p>	Countywide Adopted Housing Target 2008-2030	2,670	2008-2014 development	931	Pipeline development	1,218	Remaining target 2008-2030	521	<i>Bonney Lake 2035</i> 2014-2035 planned growth	3,711	2014 Buildable Lands Report housing capacity (as of 2012)	4,197
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<i>Bonney Lake 2035</i> 2014-2035 planned growth	3,711												
2014 Buildable Lands Report housing capacity (as of 2012)	4,197												
<p>2. <b>Include policies supporting the RGS</b></p>	<p>Section 4 of the Introduction supports the Regional Growth Strategy and VISION 2040 and the need for consistency. While the discussion acknowledges that the planned growth exceeds the adopted target, this section should be revised to acknowledge the role of Small Cities, along with a policy commitment to working toward achieving the Regional Growth Strategy within the countywide framework for coordination around growth targets.</p>												
<p>3. <b>Include policies and actions to bring future growth into alignment with targets and the Regional Growth Strategy</b></p>	<p>Section 4 of the Introduction discusses how the city re-designated 163 acres to Open–Space Conservancy to better align growth with the adopted targets and to “bend the trend” consistent with Appendix II-B. This redesignation limits development to a density of 1 unit per 5 acres in an</p>												

	<p>environmentally sensitive area, and thereby reduces the city’s overall capacity. However, this section stops short of fully addressing the inconsistency with the targets. The plan should be amended to include policies and actions that further move the city toward alignment with the growth targets and the Regional Growth Strategy over time, both within the 20-year planning period and beyond.</p>
<p><b>4. Address impacts of planned growth on local and regional infrastructure and the environment</b></p>	<p>The plan includes a number of goals and policies to manage growth in an efficient manner, including:</p> <ul style="list-style-type: none"> <li>• Targeting approximately sixty-five percent of projected growth to four designated centers of local importance.</li> <li>• Planning for multiple modes of travel, including designation of walkable nodes.</li> <li>• Goals to protect agricultural resource lands and environmentally critical areas.</li> <li>• Support of coordination at the state, regional and countywide levels.</li> </ul> <p>However, the plan would be improved by addressing other potential impacts of the higher planned growth on the surrounding area and regional infrastructure, including actions such as:</p> <ul style="list-style-type: none"> <li>• Review of potential impacts to environmentally sensitive areas and resource lands, such as those associated with Fennel Creek and the Midtown Center area.</li> <li>• Consideration of impacts to regional transportation facilities.</li> <li>• Consideration of opportunities to reduce vehicle trips, such as through increased transit service and land use development that encourages walking.</li> </ul>
<p><b>5. Do not propose expanding Urban Growth Area</b></p>	<p>The plan includes Policy CD-1.4 that states: “Ensure that additional capacity associated with expansion of the BLUGA maintains the current capacity of the Pierce County urban growth area through targeted reductions to the CUGA.”</p> <p>However, the plan also includes discussion of a number of potential expansion areas, including some that are currently designated agricultural lands. It may be appropriate to amend the plan to clarify the city’s intention to pursue any UGA changes in coordination with the county and within a common framework and criteria established by the countywide planning policies so as to not increase development expectations for the city. Given the city’s role as a Small City in the Regional Growth Strategy, and</p>

	<p>regional efforts to preserve the rural area, the city should consider removing support for UGA expansions.</p>
<p><b>6. Demonstrate heightened degree of coordination with other jurisdictions and agencies</b></p>	<p>Bonney Lake has communicated extensively with the county and PSRC during its plan update process. The city and the county have agreed to work together to evaluate potential amendments to the adopted targets, which may partially address the current discrepancy. The city should continue to work with the county, WSDOT, transit agencies and others regarding the anticipation of growth impacts to the surrounding area, especially regional transportation facilities and services.</p>

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**RESOLUTION NO. 2517**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ACKNOWLEDGING THE CONDITIONAL CERTIFICATION OF BONNEY LAKE 2035 AND STATING THE CITY'S INTENT TO UPDATE BONNEY LAKE 2035 IN ORDER TO MEET THE COMPLIANCE REQUIREMENTS OF THE PUGET SOUND REGIONAL COUNCIL.**

**WHEREAS**, the City of Bonney Lake completed the periodic comprehensive plan update as required the Washington State Growth Management Act by adopting *Bonney Lake 2035* on June 30, 2015; and

**WHEREAS**, on December 31, 2015, the Puget Sound Regional Council (PSRC) issued a Plan Review Report and Certification Recommendation; and

**WHEREAS**, PSRC conditionally certified *Bonney Lake 2035* with a requirement to adjust the plan's anticipated population and employment growth to more closely align with adopted countywide targets and to better align the plan with the Regional Growth Strategy adopted by *Vision 2040*;

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

The City Council directs the staff to bring back amendments to *Bonney Lake 2035* to:

- Adjust the plan's anticipated population and employment growth to more closely align with adopted countywide targets.
- Recognize the objective of aligning with the Regional Growth Strategy, including the role of designated Small Cities and the objective to limit growth in those cities.
- Identify and prioritize strategies the city will take to appropriately manage growth and work toward better alignment with the Regional Growth Strategy.
- Modify the discussion of the Urban Growth Area to ensure that proposed expansions of the UGA are consistent with countywide planning policies and do not add capacity for growth that is inconsistent with the city's role as a Small City

**BE IT FURTHER RESOLVED**, that the City is committed to addressing these conditions by December 30, 2017.

**PASSED by the City Council this \_\_\_ day of \_\_\_\_\_, 2016.**

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

AUTHENTICATED:

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

APPROVED AS TO FORM:

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

# WSU RESIDENTIAL SITE | MULTI-FAMILY PROJECT

## PROJECT OVERVIEW AND PROPOSAL TO CITY OF BONNEY LAKE



February 29, 2016

Neil Johnson, Mayor  
Don Morrison, City Administrator  
John Vodopich, Development Director  
City Council Members  
City of Bonney Lake  
9002 Main Street East  
Bonney Lake, WA 98391

**RE: Washington State University Property**

Dear Officials,

As you may be aware, Tarragon is currently performing project feasibility for a new multi-phased project at the current WSU Forest Site. Attached for your review is a project overview and a summary of the challenging fee structure and infrastructure requirements associated with the development.

In 2012, the City of Bonney Lake showed initiative when City Council voted to reduce impact fees in order to stimulate new development. The city wide fee reduction from \$20,955 per unit to \$15,666 per unit was a significant contributor to the viability of the recently completed **Renwood Apartments**.

Current fees associated with the WSU property are published at \$20,955 per unit. In addition to these base fees, the city has requested Tarragon invest an additional \$7,278 per unit to help solve a larger regional sewer system problem. This combined burden of **\$28,233** per unit, or an **80% increase** from the Renwood Project, makes the development of the WSU property unfeasible.

Tarragon is requesting the City Council once again take the following bold steps necessary to make high density residential projects viable in the community:

1. Temporarily reduce city fees to the 2012 mitigated levels
2. Allow sewer SDC fees within the basin to be applied to basin improvements.

We are encouraged by the potential of this project and would welcome the opportunity to meet and discuss how we can collaborate on solving the above barriers to economic development within the City of Bonney Lake.

Sincerely,

Dave Henline,  
Director of Construction

# WSU RESIDENTIAL SITE | MULTI-FAMILY PROJECT

## PROJECT OVERVIEW AND PROPOSAL TO CITY OF BONNEY LAKE



### COST PER UNIT BREAKDOWN

#### CITY BENEFIT PER UNIT:



The current City requirement includes unmitigated fees and an additional sewer burden of \$7,278 per unit. Even with fees mitigated to the Renwood apartments level (the 2012 City-wide fee mitigation), the additional sewer burden still leaves a total cost per unit of \$22,944.

Tarragon is asking to use basin SDC fees (assuming the WSU project will fund all or most) to help fund the sewer improvements and replacements, which still leaves a cost of \$17,751 per unit. This is \$2,084 over what Renwood paid at \$15,666 per unit.



### THE PROPOSAL

In Spring of 2015, the Planning Department at the City of Bonney Lake made Tarragon aware of the potential development opportunity at the WSU Site. In response to Tarragon's ensuing interest in building a multi-family project at the site, the city has asked that Tarragon take on a significant public sanitary sewer system capacity upgrade for the entire basin.

Tarragon is willing to collaborate with the City on this project and proposes to complete the desired upgrades as long as the city will agree to lower fees to the 2012 reduction level and allow Tarragon (as well as other builders and developers in the basin) to apply their SDC fees against the specific sanitary system upgrades required by the City. This proposal is seen as a win-win for the following reasons:

- 1** The City will get two bottlenecks eliminated and a new lift station to replace the existing lift station, tripling the capacity in the basin and allowing for the future Easttown Development at no risk or additional cost to the City of Bonney Lake.
- 2** The City will receive (at least) \$6,283,800 in cash from fees and receive a sewer basin upgrade at an approximate value of \$4,366,800, for a total revenue value at \$10,650,600. This amounts to \$17,751 per unit. Due to all the new residents the project will attract, the city receives an additional (approximately) \$811,800 annually in revenue from added residents, or \$1,353 per unit. The thousands of new residents will also have a positive impact on local retail.
- 3** Without negotiating relief with the City, Tarragon will not be able to purchase the land or develop the project. The seller will have to begin again looking for a buyer and the City of Bonney Lake will likely be without the sewer upgrades or income from fees for the foreseeable future.
- 4** Tarragon is asking for the SDC fees from projects in the Lift Station #18 Sewer basin only to contribute the equivalent of \$3,115,800 (\$5,193 per unit) toward the city requested Sanitary Sewer System fixes, upgrades, and replacements. Once this number is met by the WSU Project's SDC Fees, another basin project's SDC Fees, or a combination, then the fee payment system reverts to normal.

# WSU RESIDENTIAL SITE | MULTI-FAMILY PROJECT



## PROJECT OVERVIEW AND PROPOSAL TO CITY OF BONNEY LAKE

### PROJECTED IMPROVEMENT PHASING AND REVENUE

Reduce fees to 2012 fee mitigation and apply the WSU Project's SDC Fees toward costs of city-required sewer development in Basin 18.

	CITY OF BONNEY LAKE REQUEST	TARRAGON PROPOSAL	
<b>PHASE 1 (200 Units Estimated)</b>			
Total Fees	\$4,190,998	\$3,133,226	<i>*Mitigated Fee Amount</i>
LESS Sewer SDC Charges Applied to Sewer Upgrade	\$0	-\$1,038,600	<i>*Sewer Fee used against Sewer Costs</i>
<b>SUBTOTAL PHASE 1 Fee Revenue</b>	<b>\$4,190,998</b>	<b>\$2,094,626</b>	
SEWER COSTS (Bottlenecks eliminated & Lower Line)	\$1,784,543	\$1,784,543	<b>2017</b>
<b>TOTAL PHASE 1 BENEFIT to City of Bonney Lake</b>	<b>\$5,975,541</b>	<b>\$3,879,169</b>	<i>In 2017, City of Bonney Lake is projected to receive \$3,897,169 from the WSU project in Fee and Sewer Upgrades.</i>
<b>PHASE 2 (200 Units Estimated)</b>			
Total Fees	\$4,190,998	\$3,133,226	
LESS Sewer SDC Charges Applied to Sewer Upgrade	\$0	-\$1,038,600	
<b>SUBTOTAL PHASE 2 Fee Revenue</b>	<b>\$4,190,998</b>	<b>\$2,094,626</b>	
SEWER COSTS (Lift Station replaced)	\$2,582,216	\$2,582,216	<b>2019</b>
<b>TOTAL PHASE 2 BENEFIT to City of Bonney Lake</b>	<b>\$6,773,214</b>	<b>\$4,676,842</b>	<i>In 2019, City of Bonney Lake is projected to receive \$4,676,842 from the WSU project in Fee and Sewer Upgrades.</i>
<b>PHASE 3 (200 Units Estimated)</b>			
Total Fees	\$4,190,998	\$3,133,226	
LESS Sewer SDC Charges Applied to Sewer Upgrade	\$0	-\$1,038,600	
<b>SUBTOTAL PHASE 1 Fee Revenue</b>	<b>\$4,190,998</b>	<b>\$2,094,626</b>	
SUBTOTAL Sewer Costs	\$0	\$0	<b>2021</b>
<b>TOTAL PHASE 3 BENEFIT to City of Bonney Lake</b>	<b>\$4,190,998</b>	<b>\$2,094,626</b>	<i>In 2021, City of Bonney Lake is projected to receive \$2,094,626 from the WSU project in Fee and Sewer Upgrades.</i>
<b>TOTAL</b>	<b>\$16,939,753</b>	<b>\$10,650,637</b>	

**Tarragon total costs for Sewer Development: \$1,250,959 (\$2,084 per unit above fees)**  
**This brings total cost for project to \$17,286 per unit, in the buildable range.**

*In Future Phases, Tarragon will pay fees per each phase as normal. Each unit in the project is expected to contribute \$1,353 annually to the City of Bonney Lake.*



### PROJECTED COST DETAIL

#### SEWER DETAIL:

The requested sewer fixes, upgrades, and replacements total \$4,366,759 on top of the already high fees in Bonney Lake. This comes to \$7,278 per unit in city costs in addition to fees.

Sewer Costs (Estimated)	Total (600 Units)	Per Unit
Bottleneck #1 (Walmart)	\$372,895	\$621
Bottleneck #2 (SPR/SR410)	\$411,648	\$686
Lift Station Replaced to Triple Capacity	\$2,582,216	\$4,304
Lowering line to Site	\$1,000,000	\$1,667
<b>SUBTOTAL</b>	<b>\$4,366,759</b>	<b>\$7,278</b>

*\*All costs listed are early estimates from Barghausen Engineers*

#### FEE DETAIL:

Fees in Bonney Lake are similar in cost to those in Bellevue and Kirkland, although rents in Bonney Lake don't substantiate such high costs. For example, Edgewood charges \$10,121 per unit.

Fee Overview- Current vs. Mitigated	Total (600 Units)	Per Unit
Total Current Fees	\$12,572,994	\$20,955
Total Mitigated Fees	\$9,399,678	\$15,666
<b>Difference (25% overall)</b>	<b>\$3,173,317</b>	<b>\$5,289</b>

#### PROJECT CHALLENGE:

##### **TOTAL CITY COSTS PER UNIT: \$28,233**

- Fees Per Unit: \$20,955
- Cost Per unit of Sewer System Upgrades: \$7,278

**Target of \$17,000 per unit needed to make project pencil.**

At this point, the city is asking for more than \$10,000 PER UNIT over what the project can support. (Renwood was \$15,666 per unit with no additional sewer costs, which allowed project to go forward.)

# WSU RESIDENTIAL SITE | MULTI-FAMILY PROJECT

## PROJECT OVERVIEW AND PROPOSAL TO CITY OF BONNEY LAKE



### THE PROJECT

**EARLY SITE PLAN CONCEPT:**  
Community oriented with paths, trails, parks, recreation areas.

The project will be family friendly, with amenities for all ages, encouraging an active lifestyle.

The city will receive approximately 6 acres of parks and recreational areas from this site, in addition to the fees and the sewer upgrades.



# WSU RESIDENTIAL SITE | MULTI-FAMILY PROJECT

## PROJECT OVERVIEW AND PROPOSAL TO CITY OF BONNEY LAKE



### - APPENDIX -

#### DETAL OF FEES

\*The 'Total Cost' indicates a hypothetical phase of 200 apartment units.

#### Fee Costs (Per Unit)

BONNEY LAKE FEES	Un- Mitigated Fees		Mitigated Fees	
	Per Unit	Total Cost	Per Unit	Total Cost
Planning Department Fees / Bldg	\$265	\$53,058	\$265	\$53,058
Planning Department Fees / Misc	\$59	\$11,762	\$59	\$11,762
Traffic/Road Mitigation Fee / bldg	\$2,477	\$495,400	\$1,858	\$371,600
Traffic/Road Mitigation Fee / misc	\$59	\$11,768	\$59	\$11,768
Traffic/Road Mitigation Fee / V TIF	\$1,075	\$215,000	\$1,075	\$215,000
Building Permit / bldg	\$637	\$127,330	\$637	\$127,330
Building Permit / misc	\$90	\$17,982	\$90	\$17,982
Storm Permit / bldg	\$162	\$32,340	\$162	\$32,340
Storm Permit / misc	\$18	\$3,594	\$18	\$3,594
Sewer SDC/GFC / bldg	\$7,419	\$1,483,772	\$5,193	\$1,038,600
Sewer SDC/GFC / misc	\$27	\$5,345	\$27	\$5,345
Public Works review	\$764	\$152,841	\$764	\$152,841
Water SDC/GFC / bldg	\$7,003	\$1,400,600	\$4,559	\$911,800
Water SDC/GFC / misc	\$401	\$80,206	\$401	\$80,206
Gas Fees	\$50	\$10,000	\$50	\$10,000
Electric Fees	\$400	\$80,000	\$400	\$80,000
Other Permits & Fees	\$50	\$10,000	\$50	\$10,000
<b>SUBTOTAL</b>	<b>\$20,955</b>	<b>\$4,190,998</b>	<b>\$15,666</b>	<b>\$3,133,226</b>
Difference			<b>\$5,289</b>	<b>\$1,057,772</b>

\*Mitigated fees at a rate equivalent to Renwood Apartments

# WSU RESIDENTIAL SITE | MULTI-FAMILY PROJECT

## PROJECT OVERVIEW AND PROPOSAL TO CITY OF BONNEY LAKE



### - APPENDIX -

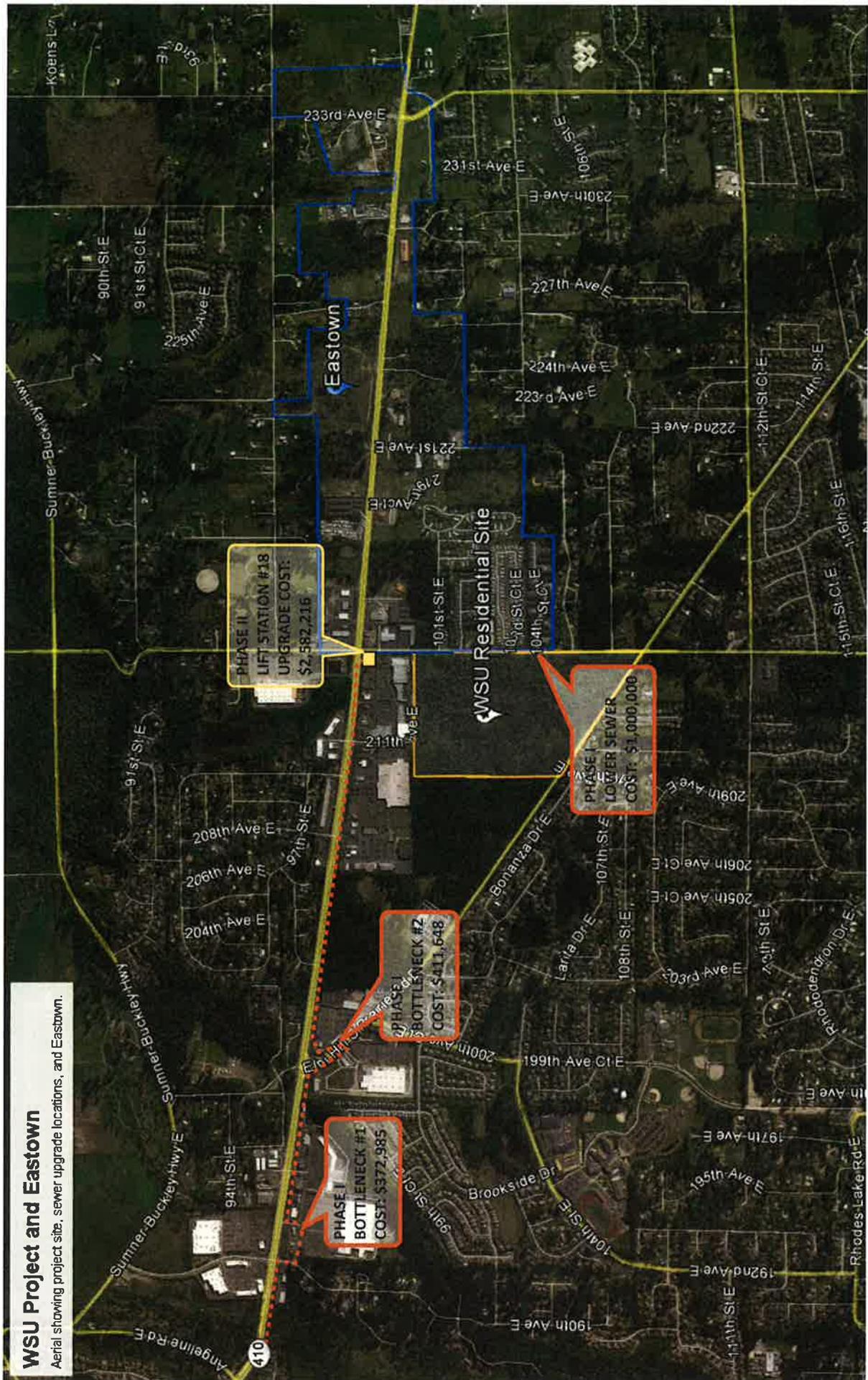
#### FEE REDUCTION DETAIL

Below is a Detail of the 2012 Fee Reduction, which Tarragon is asking for once again.

FEE REDUCTION REQUESTS	Requested			
	Current Amount	Amount	Difference	% Different
Water System Development Charges (per unit)	\$ 7,003	\$ 4,559	\$ 2,444	35%
Irrigation SDC for 5/8th" meter	\$ 7,454	\$ 4,852	\$ 2,602	35%
Irrigation SDC for 3/4th" meter	\$ 11,187	\$ 7,281	\$ 3,906	35%
Irrigation SDC for 1" meter	\$ 18,652	\$ 12,141	\$ 6,511	35%
Storm Fee (per ESU)	\$ 435	\$ 395	\$ 40	9%
Traffic Impact Fee (per unit)	\$ 2,477	\$ 1,858	\$ 619	25%

#### OVERVIEW OF ANNUAL CITY REVENUE

ANNUAL RECURRING REVENUES (BASED ON 2012 NUMBERS- CURRENT PRICES COULD BE UP TO 20% HIGHER)	PER UNIT ANNUAL REVENUE est / unit	TOTAL ANNUAL REVENUE \$00
Property Tax	\$215	\$129,166.67
Per capita state shared revenues	\$97	\$58,333
Sales Tax	\$447	\$268,333
Gas Taxes	\$50	\$30,208
Criminal Justice distribution	\$121	\$72,500
Utility Taxes	\$267	\$160,000
Fines and Forfeitures	\$102	\$61,042
Miscellaneous	\$54	\$32,292
<b>TOTAL</b>	<b>\$1,353</b>	<b>\$811,875</b>



**WSU Project and Eastown**  
 Aerial showing project site, sewer upgrade locations, and Eastown.

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# Community Development Department Briefing Memorandum

**Date:** March 9, 2016  
**To:** Mayor Johnson and Don Morrison – City Administrator  
**CC:** John P. Vodopich, AICP – Community Development Director  
**From:** Jason Sullivan – Senior Planner  
**Re:** EDC – Multifamily Park Impact Fee Rate

**PURPOSE:**

The purpose of this memorandum is to brief City Administration regarding a request from the Economic Development Committee (EDC) to consider an amendment to the Park Impact Fee (PIF) regulations to establish a multifamily rate and amend the Planning Commission’s work plan.

**BACKGROUND:**

*Bonney Lake 2035*, which serves as the City’s comprehensive plan, included Table 6-13, which calculates the cost per person to construct the required park improvements. As part of Table 6-13, there is a rate for multifamily and single family, which is based on the average household size for each unit type based on the Office of Financial Management’s 2014 Population Worksheet for the City of Bonney Lake. A copy of this table is provided below:

FACILITY	DEFICIENCY	COST PER UNIT	TOTAL COST	COST PER PERSON	SINGLE HOME COST	MULTIFAMILY HOME COST
Community Park	65.9	\$220,000.00	\$14,498,000	\$1,430.63	\$4,222.30	\$3,398.32
Multi-Purpose Sports Fields	7	\$1,500,000	\$10,500,000	\$1,036.12	\$3,057.95	\$2,461.20
Trails	4	\$1,765,192	\$7,060,768	\$696.74	\$2,056.33	\$1,655.04
Community Center	0.6	\$7,200,000	\$4,320,000	\$426.29	\$1,258.13	\$1,012.61
Totals			\$36,378,768	\$3,590	\$10,595	\$8,527

Table 6-13: Park Impact Fee Calculations

Section 4.7 also includes the following statement regarding the adoption of a different PIF rate for multifamily housing units.

*If the Council elects to set the fee lower, the fee for the multifamily units will need to be eight-percent of the fee established to ensure that the fees are proportional to the impacts created by the type of development.*

**DISCUSSION:**

At the March 8, 2106 EDC meeting, the committee discussed the possibility of a different PIF rate based on the information provided in the comprehensive plan. Following the EDC meeting, the item has been added to the March 15<sup>th</sup> workshop for discussion.

The current PIF rate is \$3,610 per residential unit, which is less than the maximum PIF rate established in Table 6-13.

## **Park Impact Fee Data**

Bonney Lake - \$3,610 per residential unit, no multi-family (MF) reduction (2016)

Gig Harbor Park Impact Fees - Residential - \$1,500.00 (2016)

Port Orchard Park Impact Fees \$811 per single family dwelling unit & \$584 per multi-family dwelling unit (2011)

Covington – 2016. SF rate is \$3,922 and MF rate is \$2,760. No break for fewer bedrooms.

Tumwater – 2016. SF rate is \$3,726.86 and MF rate is \$2,413.13. No break for fewer bedrooms. MF rate doesn't kick in until there are at least 5 or more units.

Olympia – 2016. Same park impact fee rate for SF and MF. However, Olympia offers a lower PIF rate for units in the downtown as their data shows that downtown MF units typically have fewer persons per unit.

Airway Heights – 2016. This Spokane County city does have a varied rate for multi-family units: PIF rate is \$1,110 for a 1 bedroom unit, \$2,220 for a 2 bedroom unit, \$2,775 for a 3 or more bedroom unit, which is the same rate (\$2,775) as a single-family unit.

Thurston County single-family \$1,009.00 & multi-family dwelling units \$855.00 (4/2013)

Bothell - fee per unit

Single-family \$1,345.32

Single-family attached/duplex \$941.72

3-4 units per structure \$986.57

5+ units per structure \$762.35

Mobile & manufactured homes \$807.19

Mukilteo - \$818 x persons per household = single-family (2.98 pph) \$2,438 & multi-family (1.97 pph) \$1,611 per unit (2016)

Sequim - Single-family dwelling unit: \$1,975 per dwelling unit & Multifamily dwelling unit: \$2,129 per dwelling unit (2010)

Issaquah (2/2015)

Single-family \$5,750.96 per dwelling unit

Multi-family/Duplex/attached single-family \$4,952.86 per dwelling unit

Retail \$5.02 per square foot

Office \$1.27 per square foot

Manufacturing \$1.45 per square foot

Construction \$0.50 per square foot

**Renton - Rate Study (2011)**

- Single-family \$2,740.07
- Single-family attached/duplex \$2,224.29
- 3-4 units per structure \$2,116.84
- 5+ units per structure \$1,858.95
- Mobile & manufactured homes \$1,944.91

**Redmond (2015)**

- Single-family & manufactured homes \$3,502.47
- Multi-family \$2,815.51 per unit
- Residential suites \$1,407.81 per suite
- Offices \$1,191.97 per 1,000 square feet of gross floor area
- Retail trade \$522.52 per 1,000 square feet of gross floor area
- Manufacturing \$528.20 per 1,000 square feet of gross floor area

Poulsbo \$1,995 per residential unit, no multi-family reduction (2011)

**AWC 2008 Tax & User Fee Survey**

<b>GMA Park Facilities Impact Fees</b>		
<b>Building type</b>	<b>High</b>	<b>Low</b>
Single family	\$4,632	\$316
Multi-family	\$3,912	\$175

**Edmonds (10/1/2014)**

- Single-family \$2,734.05 per dwelling unit
- Multi-family \$2,340.16 per dwelling unit
- Non-residential development \$1.34 per square foot

**Edgewood (2013)**

- Single-family \$2,940
- Multi-family 2-4 units \$2,178 per unit
- Multi-family 5+ units \$1,742 per unit
- Mobile homes \$2,178

**Puyallup (2005)**

- \$2,300 for all residential units

## Comparison of Park Impact Fee Rates

4/07

Jurisdiction	Population	Park Impact Fee for SF	Park Impact Fee for MF	Effective Date
<i>Kirkland's current rate*</i>	47,180	\$612	\$430	6/1999
<i>Kirkland's potential new rate</i>		\$3,621	\$2,368	
Auburn	48,955	\$3,500	\$3,500	1/2007
Bellevue**	117,000	none		
Bothell	31,690	\$1,345	\$762.35-986.57	2/2006
<del>Issaquah</del>	<del>19,570</del>	<del>\$3,147</del>	<del>\$2,189</del>	<del>7/2006</del>
Kenmore	19,680	\$2,246	\$1,468.64	1/2007
Mill Creek	17,460	\$3,888	\$2,820	1/2007
Monroe	16,170	\$4,632	\$3,946-3,551.47	1/2007
<del>Olympia</del>	<del>42,740</del>	<del>\$1,843</del>	<del>\$718-1,385</del>	<del>2/2007</del>
<del>Redmond</del>	<del>49,890</del>	<del>\$2,912</del>	<del>\$2,261</del>	<del>8/2006</del>
<del>Renton</del>	<del>58,360</del>	<del>\$531</del>	<del>\$254</del>	<del>1/1994</del>
Sammamish	39,730	\$2,605	\$1,505	11/2006

\*In 1999, with adoption of the city's impact fees, the City Council made a policy decision to charge 50% of what could legally be charged for impact fees.

\*\*Bellevue has such a substantial economic base that they do not need impact fees as a funding source and they would rather not impose impact fees since the fees are not popular.

For those multi-family rates with a range, the range depends on the type of unit or the number of units in the complex.