

CITY COUNCIL WORKSHOP

**May 3, 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 Draft Minutes:** April 19, 2016 Workshop and April 26, 2016 Meeting.

p. 11 **C. Discussion:** AB16-24 – Ordinance No. D16-24 – Itinerant Vendor Ordinance.

p. 37 **D. Discussion:** AB16-51 – Ordinance D16-51 - Increasing the Sumner School District Impact Fee.

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**

**April 19, 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** – Mayor Neil Johnson, Jr. 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 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 Watson moved to excuse Councilmember James Rackley. Councilmember Lewis seconded the motion.

Motion approved 6 - 0.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Assistant Chief of Police Kurt Alfano, Assistant City Attorney Andrea Bradford, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

III. Agenda Items:

A. Council Open Discussion.

Communities for Families - Sumner. Councilmember Watson said he attended the Communities for Families meeting in Sumner on April 7th and they discussed the Prairie Ridge Coalition, which has raised \$1,600 for their play house and they are close to raising donations for the projected budget of the project. He said the spotlight speaker was Dina Sutherland from East Pierce Fire and Rescue (EPFR), and Councilmember Watson brought all of the Councilmembers a Swim Safe bracelet to wear. He said the Swim Safe Coalition started 3 years ago and reported there have been no recent drownings. He said they are working on a water temperature buoy on the lake to help swimmers know the current water temperature, and Ms. Sutherland reported that they have raised they have raised approximately \$10,000 of the \$23,000 budgeted for the buoy. Councilmember Watson said the Survivor and Care Giver Breakfast Social will be held on Saturday, April 23rd at the Senior Center supporting Relay for Life. He said they discussed the upcoming April Pools Day Swim Safe event being put on by the Gordon Family YMCA, EPFR, and the Sumner Police Department on April 30th.

Puget Sound Regional Council Growth Management Policy Board. Councilmember Evans said he attending the Puget Sound Regional Council Growth Management Policy Board meeting on April 7th and that Senior Planner Jason Sullivan made public comment regarding the conditional certification of the City's Comprehensive Plan regarding growth expectations and exceeding those expectations, and that the City of Covington sent in a letter addressing

the same concern. He said there was a presentation by Liz Underwood Fultman regarding the regional centers framework update to include a 19 person stakeholder board to raise suggestions and guidance regarding continued pursuance of the framework presented. He said there was a lengthy discussion regarding the term “bend the trend,” which is trying to bend back the growth trend that is exceeding the Growth Plan Vision 2020.

Renwood Apartments Parking. Councilmember Minton-Davis said that Tarragon/Renwood Apartments have advised their tenants that an additional 30 parking stalls will be constructed on their property, and that they are also working with the City for temporary parking solutions. Councilmember Watson and Deputy Mayor McKibbin said they have noticed an huge increase of parking along the streets, leading to issues and concerns with adequate space for oncoming traffic to safely travel pass each other. Mayor Johnson said Tarragon/Renwood has contacted the City to enter into a possible temporary agreement for additional parking, however, he noted it would only be a temporary solution.

B. Proclamation: Parks Appreciation Day.

Mayor Johnson read the proclamation and thanked everyone for supporting Parks Appreciation Day. Councilmember Evans reminded everyone that the fluorescent light bulb recycling event is being held during Parks Appreciation Day. This item was for presentation purposes only.

C. Proclamation: Arbor Day.

Mayor Johnson read the Arbor Day proclamation and thanked everyone for supporting Arbor Day. This item was for presentation purposes only.

D. Review of Draft Minutes: April 5, 2016 Workshop and April 12, 2016 Meeting Draft Minutes.

The minutes were forwarded to the April 26, 2016 Meeting for action, with minor corrections.

E. Discussion: AB16-07 – Ordinance D16-07 – Extension of the PSE-Washington Natural Gas Company Franchise Agreement.

Public Works Director Dan Grigsby said the ordinance has been through the Community Development Committee and reviewed by legal counsel. He said the franchise agreement has been working well for the City, and he does not feel any charges are necessary. City Administrator Morrison said there is no revenue consideration by renegotiating the agreement. This item was forwarded to the April 26, 2016 Meeting for action.

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

This item was tabled for further discussion from the April 12, 2016 Council Meeting. Councilmember Swatman said his concerns are about the framing and stating the intent and purpose of why a Transportation Benefit District (TBD) is to be formed, and what the source funds would be used for. He asked Council how they would like to determine how to use the Transportation Benefit District funds, and the tab fees, and sales tax. He spoke specifically regarding sidewalks and how the funds can be considered. Councilmember Evans asked about the criteria needed for a citizen vote; and the response was 51% of the vote to pass, as

well as the cost to the City of an election. Councilmember Minton-Davis asked about diverting general fund monies for street improvements. City Administrator Morrison responded about the street funds and transfers that previously occurred and the other two utility fund sources used for street and road improvements. Councilmember Swatman asked what Council would do with the additional revenue raised from a tab fee approved through the TBD. Councilmember Minton-Davis said she would see TBD funds go to reduce impacts to the general fund. She said the question before the Council tonight is whether to form a TBD, not to determine the fund sources. Councilmember Lewis agreed with Councilmember Minton-Davis. Councilmember Swatman expressed concern with forming a TBD, and wants to consider what fund sources they will include. He said he does not want to take tab fees from citizens, and would only support the sales tax as a fund source. There was minor discussion about the ability to dissolve the TBD. Councilmember Watson said initially he supported the idea of the TBD including tab fees, however he no longer supports the tab fee as a funding source. Councilmember Lewis spoke regarding a mechanism approved that provides infrastructure out of the TBD so that homeowners who annexed in from the County do not end up overburdened with costs for necessary improvements.

Mayor Johnson asked Council to think about what they want to get if they form a TBD. Councilmember Watson said he thinks Council should move this item forward, and have the funding source be sales tax. Councilmember Evans said he would like to see the proposed ordinance written up which would exclude tab fees. Councilmember Lewis asked about taking a vote on where Council stands on the issue. Mayor Johnson said he thinks it is better to spend time educating the citizens and council in the next year, rather than moving this proposed ordinance forward with uncertainty or reluctance. Council consensus was to postpone this issue to a future date and time, possibly next year.

G. Discussion: AB16-55 – Resolution 2523 – Regarding Regular Meeting Dates and Times for Council Standing Committees

Administrative Services Director Evalson summarized the agenda bill for this item, which would change the meeting time and place for the Public Safety Committee Meeting. The Mayor asked if other Committees would like to consider a date or time change. Councilmember Lewis said the Community Development Committee is fine with their time. Councilmember Minton-Davis said the Economic Development Committee would like to meet the second Tuesday of the month, and call a special meeting if necessary. This item was forwarded to the April 26, 2016 Meeting for action as revised.

H. Discussion: AB16-57 – Ordinance D16-57 – Amending Chapter 3.90 Of The Bonney Lake And Ordinance Nos. 1417 Relating To Miscellaneous Fees.

Administrative Services Director Edvalson summarized the agenda bill and proposed ordinance for this item. This is a minor update to the City's miscellaneous fee schedule to add the Public Safety Building Training Room to the facility rental fees. The rental rates cover the cost of a building monitor (person) which, under the proposed ordinance, can be reduced if a City employee is part of the rental group and agrees to provide monitoring services on his/her own time. City Administrator Morrison said the East Pierce Fire & Rescue District are aware of have no issues with this proposed ordinance. Councilmember Lewis said he would like to be the sponsor for this item. Councilmember Watson asked about access to the Public Safety Building, and Administrative Services Director Edvalson said he will confirm access to the Public Safety Building Training Room is available to the Public Safety Committee. This item was forwarded to the April 26, 2016 Meeting for action.

IV. EXECUTIVE SESSION: None.

V. ADJOURNMENT:

Mayor Johnson adjourned the Workshop at 6:31 p.m.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council for the April 19, 2016 Workshop:

- Deputy Mayor McKibbin – *Information from MRSC regarding Transportation Benefit Districts.*

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

**April 26, 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: Payton Webley of Boy Scout Troop 532 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 James Rackley, Councilmember Dan Swatman, and Councilmember Tom Watson. Councilmember Katrina Minton-Davis was absent.

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

Motion approved 6 – 0.

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

- C. Agenda Modifications: None.
- D. Announcements, Appointments and Presentations:
 - 1. Announcements: None.
 - 2. Appointments: None.
 - 3. Presentations: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

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

Chris Lunn, Bonney Lake Community Garden Leadership Team, gave a report regarding the Community Garden plots that have been applied for and assigned and the remaining plots to be applied for. He said there are 61 plots available, with 55 plots filled by 35

gardeners, some who have 2 plots. He said there are no corporations or individual organizations allowed this year, as the requirement is now for individuals only. He said the current gardeners just completed a work party where they are working together in a joint effort to make it a community garden, with joint bedding areas, which he said can be seen on their Facebook page Bonney Lake Community Garden. He said Harvest of Pierce County provided donations, a sink, and their assistance in getting the leadership team organized. He said there will be a grand opening celebration in the near future that everyone will be invited to attend, and that the Bonney Lake Community Garden Board meets every two weeks to plan and discuss the garden's needs. He said everyone is welcome to attend their meetings, as well as the grand opening celebration. Mr. Lunn advised that the leadership team will be providing monthly/quarterly reports on the success of the community garden. Mayor Johnson said they have done a tremendous job. Mr. Lunn said they are working hard on getting trust from corporations who supported the previous community garden organizer. He said the rules and regulations for the community garden are on the City's website and he hopes its success will provide a great food source for the community. Deputy Mayor McKibbin said he heard they had a container donated to secure their equipment and tools, and he also said he would like to recognize Facilities and Special Projects Manager Gary Leaf for the hard work he has done to help with the Community Garden. Mayor Johnson said the information received from the Pierce County Conservation District has been very helpful in getting the community garden reorganized to be a success, and Mr. Lunn agreed.

Kim Nygard, 14620 81st Avenue E, Puyallup, WA, said she came to the Council as an individual citizen because of her passion for youth health and her position for prevention of youth access to marijuana. She thanked the City and Council for their action to make youth health a priority by banning marijuana retail production and processing. She spoke regarding the benefits to youth in the community and the percentages and drops in non-use rates in the middle and high schools, which she said is extremely admirable. She said the need to maintain the message to youth is greater than ever, and advised that she has been bragging at the federal level of the position the City of Bonney Lake has taken regarding banning marijuana retail production and processing within the City. She encouraged the Council to continue to put youth first.

Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor McKibbin said the Committee met at 5:30 p.m. earlier in the evening. They pulled an item from the Committee agenda and had a status handout.
- B. Community Development Committee: Councilmember Lewis said the Committee met on April 19, 2016 and the Committee sent three items to tonight's agenda.
- C. Economic Development Committee: Councilmember Evans said the Committee did not meet today.
- D. Public Safety Committee: Councilmember Watson said the Committee met earlier today and discussed the Swim Safe program, the upcoming buoy water temperature program, a

report on the traffic emphasis of the month: Speeding in School Zones, as well as aggressive driving. He said there was also an update for Metro Animal Services.

- E. Other Reports: None.

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** April 5, 2016 Workshop and April 12, 2016 Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #73489-73552 (including wire transfer number 4052016) in the amount of \$351,126.11.
Accounts Payable checks/vouchers #73553 in the amount of \$250.00.
Accounts Payable checks/vouchers #73554-73615 (including wire transfers #20160401, 20160402, 20160403, and 20160404) in the amount of \$579,597.60.
Accounts Payable wire transfer #201604171 in the amount of \$38,260.29 for p-card purchases.
VOIDS: 73062 – replaced with check #73487; 73248 – replaced with check #73488.
- C. **Approval of Payroll:** Payroll for April 1st-15th, 2016 for checks #32934-32952 including Direct Deposits and Electronic Transfers is \$517,313.29.
- D. **AB16-07 – Ordinance D16-07** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance No. 631 Relating To The Puget Sound Energy – Washington Natural Gas Company Franchise Agreement.
- E. **AB16-57 – Ordinance D16-57** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 3.90 Of The Bonney Lake Municipal Code And Ordinance No. 1417 Relating To Miscellaneous Fees.
- F. **AB16-54 – Resolution 2522** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Lakeland Commons II LLC For Lakeland Commons II Commercial Development.
- G. **AB16-55 – Resolution 2523** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing Regular Meeting Dates And Times For Council Standing Committees, And Repealing Resolution Nos. 2354 And 2485.
- H. **AB16-58 – Resolution 2524** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Local Agency Agreement With Washington State Department Of Transportation For The Myers Road South Overlay Project For Puget Sound Regional Council Grant Funding.
- I. **AB16-50** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, For Ratification Of The Agreement To Cancel The Sewer Development Financing Contract And Utility Latecomer Agreement With Kahne Properties LLC.

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

Consent Agenda approved 6 – 0.

- V. **FINANCE COMMITTEE ISSUES:** None.
- VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.
- VII. **ECONOMIC DEVELOPMENT COMMITTEE ISSUES:** None.
- VIII. **PUBLIC SAFETY COMMITTEE ISSUES:** None.
- IX. **FULL COUNCIL ISSUES:** None.
- X. **EXECUTIVE/CLOSED SESSION:** Pursuant to RCW 42.30.110(1)(i) the City Council adjourned to an executive session with legal counsel at 7:20 p.m. to discuss pending litigation for 10 minutes. The Council returned to chambers and resumed the regular meeting at 7:30 p.m. No action was taken.
- XI. **ADJOURNMENT:**
- At 7:30 p.m. the Meeting was adjourned by common consent of the City Council.**

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the April 26, 2016 Meeting:

- Chris Lunn, Bonney Lake Community Garden Leadership Team – *Citizen comment notes/report regarding the Community Garden.*

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
City Council Agenda Bill (AB)

Department / Staff Member: CD/Ryan Harriman, AICP	Meeting/Workshop Date: May 3, 2016	Agenda Bill Number: AB16-24
Agenda Item Type: Discussion	Ordinance/Resolution Number: D16-24	Councilmember Sponsor: Donn Lewis

Agenda Subject: Amendment to BLMC adding a section for itinerant vendors.

Full Title/Motion: An Ordinance of the City Council of the City Of Bonney Lake, Pierce County, Washington, amending the zoning code to establish regulatory authority and the right to operate itinerant vending within the City of Bonney Lake.

Administrative Recommendation:

Background Summary: Over the last few years the City of Bonney Lake has seen a steady increase in inquiries for itinerant vending enterprises. The City of Bonney Lake does not have a section of the Bonney Lake Municipal Code (BLMC) dedicated to this type of use. In order to facilitate the demand of this type of use, it would be prudent to establish rules and regulations regarding itinerant vending within the City of Bonney Lake.

Attachments: (1) Ordinance D16-24, (2) Planning Commission Recommendation Memo, (3) Determination of Non-Significance, and (4) Department of Commerce Confirmation.

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

COMMITTEE, BOARD & COMMISSION REVIEW				
Council Committee:	<i>Approvals:</i>		Yes	No
	Chair/Councilmember		<input type="checkbox"/>	<input type="checkbox"/>
Committee Date:	Councilmember		<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember		<input type="checkbox"/>	<input type="checkbox"/>
Forwarded to:	Consent Agenda:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Commission/Board Review: Planning Commission - April 6, 2016				
Hearing Examiner Review:				

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s): April 6, 2016
Meeting Date(s):	Tabled to:

APPROVALS		
Director: JPV	Mayor:	Date Reviewed by City Attorney: (if applicable)

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ORDINANCE NO. D16-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, RECODIFYING CHAPTER 18.56 OF THE BONNEY LAKE MUNICIPAL CODE TO REGULATE ITINERANT VENDORS WITHIN THE CITY.

WHEREAS, the City Council desires to maintain the aesthetic attractiveness of city rights-of-way and city property; and

WHEREAS, the City Council desires to promote public safety and orderly movement of pedestrians and, where designated, drivers who use city rights-of-way and/or city property; and

WHEREAS, the City Council desires to protect the city's business community by eliminating the inequity faced by stationary businesses that compete with itinerant businesses who may be operating without city business licenses and outside the regulatory authority of the city, which unfair competition threatens to erode city tax revenues and undermine the strength of its commercial life; and

WHEREAS, the City Council desires to reduce the potential for urban blight by encouraging development of permanent structures from which businesses can operate in the city; and

WHEREAS, the City Council desires to establish better recordkeeping and data collection practices which can assist police in improving safety and reducing crime throughout the city; and

WHEREAS, the City Council desires to promote compliance with relevant building, fire, health and safety codes by those who wish to conduct business within the City of Bonney Lake; and

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

Section 1. Findings of Fact and Conclusions. The City Council adopts the following findings of fact in support of its decision to adopt the amendments to the *Bonney Lake Municipal Code* (BLMC) contained in this Ordinance:

- 1) The City of Bonney Lake Planning Commission held a public hearing on April 6, 2016 to consider the amendments to the City's development regulations contained in this Ordinance as required by BLMC 14.140.080.
- 2) Pursuant to BLMC 14.140.090.B, the approval criterion for amendments to the City's development regulation is consistency with the comprehensive plan and the laws of the state of Washington

- 3) The City of Bonney Lake Planning Commission found that the amendments to the City's development regulations contained in this Ordinance are consistent with *Bonney Lake 2035* and the City's other adopted development regulations in the BLMC.
- 4) The City of Bonney Lake Planning Commission found that the amendments to the City's development regulations contained in this Ordinance are consistent with the laws of the state of Washington.
- 5) The City published a notice of the public hearing on March 9, 2016 in the Bonney Lake Herald Courier as required by BLMC 14.140.040.D.
- 6) The notice for the public hearing was provided twenty days prior to the hearing consistent with the requirements of BLMC 14.140.040.D.
- 7) The City posted notice of the public hearing at the City's official posting locations on March 9, 2016.
- 8) The City maintains an email list of stakeholders and individuals that requested notification of hearings related to amendments to the City's development regulation and comprehensive plan consistent with *Bonney Lake 2035* - Implementation Element PI-Action-3.
- 9) The Community Development Department provided notices of the public hearing to all stakeholders and parties identified on this list.
- 10) The adoption of this Ordinance is considered a non-project action as defined in WAC 197-11-704(2)(b) under the State Environmental Policy Act (SEPA).
- 11) The Community Development Director, acting as the SEPA Responsible Official, determined that the proposed amendment will not have a significant adverse impact on the environment and issued a determination of nonsignificance pursuant to WAC197-11-340 on April 6, 2016.
- 12) As required by RCW 36.70A.106 and BLMC 14.140.070, this the City provided this Ordinance to the Department of Commerce for review and comment by the Department and other State agencies.
- 13) As authorized by RCW 36.70.106(3)(b), the City requested that the Department of Commerce grant expedited review of the proposed amendments to the City's development regulation contained in this Ordinance.
- 14) The Department of Commerce issued expedited review and the review period concluded on March 10, 2016.

Section 2. Section 18.56 of the Bonney Lake Municipal Code is hereby recodified as the “Itinerant Vendor Code.” To read as follows:

18.56.010 Purpose.

The purpose of this chapter is to:

- A. Maintain the aesthetic attractiveness of city rights-of-way and city property;
- B. Promote public safety and orderly movement of pedestrians, drivers who use city rights-of-way and/or city property;
- C. Protect the city’s business community by eliminating the inequity faced by stationary businesses that compete with itinerant businesses who may be operating without city business licenses and outside the regulatory authority of the city;
- D. Reduce the potential for urban blight by encouraging development of permanent structures from which businesses can operate in the city;
- E. Establish better recordkeeping and data collection practices which can assist police in improving safety and reducing crime throughout the city; and
- F. Promote compliance with relevant building, fire, health and safety codes by those who wish to conduct business within the City of Bonney Lake.

18.56.020 Permit – Required.

It is unlawful for an itinerant business operator to engage in business within the City of Bonney Lake except when a temporary permit is issued and the vendor complies with the provisions of this chapter. A separate temporary permit shall be required for each stationary vendor location and for each mobile vendor.

18.56.030 Exemptions.

The following activities, businesses, and/or persons, as such are commonly known, shall be exempt from this chapter, but this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

- A. Newspaper couriers;
- B. Lemonade stands;
- C. Stands used to sell or distribute flowers, fruit, vegetables, produce or plants grown on the property where the stand is located;

- D. Delivery or distribution of food, goods or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while travelling or while located on city streets or property;
- E. Delivery or distribution of food by or for any not-for-profit organization, governmental agency, or other charitable organization, including without limitation Meals on Wheels and the Food Bank;
- F. Concessionaires as defined in BLMC 18.04.030 “C”, except that concession agreements with the city shall include health, sanitation and insurance requirements generally conforming to those established for similar businesses and vendors covered by this chapter; and
- G. Peddlers. A separate permit is required for peddlers per Chapter 9.11 BLMC; and
- H. Firework stands. A separate permit if required for firework stands per Chapter 5.14 BLMC.

18.56.040 Application.

A person, firm, or corporation desiring to secure a license as an itinerant vendor shall make application to the department on forms approved by the director. In addition to any items required by written order of the director, which shall be kept on file by the director, such application shall provide:

- A. The name or names and address of the applicant; vehicle license numbers of all vehicles from which the applicant proposes to conduct business; description of the general type of goods, wares, merchandise or food proposed to be sold by the applicant; the place or places where the applicant proposes to engage in business.
- B. Each application shall be accompanied with the applicable application and/or license fee as established in BLMC 3.68.010(Q)(2)(b).
- C. Each permit application for a stationary vendor shall be accompanied with the following information to establish compliance with BLMC 18.56.140 and other applicable codes:
 - 1. A notarized written authorization from the business owner (or property owner, if different than the license applicant) to conduct the applicant’s business at the place noted on the application.
 - 2. A statement explaining the method of trash and litter disposal being proposed by the vendor.
 - 3. A drawing of a scale not greater than 50 feet per inch and not less than 10 feet per inch, which drawing shall depict the following information:
 - a. The portion of the property to be occupied by the business;

- b. The portion of the property to be used for automobile parking and the number of automobiles accommodated in said area;
 - c. The location of driveways providing ingress and egress to the property;
 - d. The location of existing buildings and structures located on the property noting the use of each building or structure so identified; and
 - e. The proposed placement of any lighting or signage on or about the vehicle, conveyance or other nonpermanent structure from which business is to be conducted.
4. A description of any equipment or devices that will generate noise of any sort in or about the vehicle, conveyance or other nonpermanent structure from which business is to be conducted.

18.56.050 Exhibition of permit – Transfer.

- A. A permit issued under this chapter shall be posted conspicuously at the place of business authorized therein.
- B. A permit issued under this chapter shall not be transferred to any other person, firm, corporation, or location.

18.56.060 Health regulations.

All food vendors shall comply with all laws, rules, and regulations regarding food handling. All vehicles, equipment, devices or structures used for the preparation, handling, storage, transportation, and/or sale of food shall comply with WAC 246-215-050, as presently worded and as may be amended by law, and any other rules and regulations established by the Tacoma/Pierce County Health Department.

18.56.070 Stationary vendor standards.

In addition to any other requirements set forth in this chapter or otherwise provided by law, all stationary vendors licensed under this chapter shall conform to the following standards:

- A. Stationary vendors shall be limited to the business of selling Christmas trees, Washington-grown produce, flowers, or food.
- B. No stationary vendor shall be permitted for a location in a residential zone, as defined in Title 18 BLMC.
- C. Stationary vendors shall locate their vehicle, other conveyance, temporary stand, or merchandise in accordance with any setback requirements as determined by the director.

- D. No vehicle, other conveyance or temporary stand shall locate closer than 50 feet from flammable combustible liquid or gas storage and dispensing structures.
- E. All stationary vendors shall place at least one 30-gallon garbage receptacle upon the site of business for customer use.
- F. Permitted stationary vendor sites shall be cleaned of all debris, trash, and litter at the conclusion of daily business activities.
- G. All merchandise, goods, wares, or food shall only be displayed or offered for sale from the vendor's licensed conveyance or stand.
- H. All vehicles, other conveyances, or temporary stands shall be equipped with at least one 2A-40-BC fire extinguisher.

18.56.080 Mobile vendor standards.

All mobile vendors permitted under this chapter shall conform to the following standards:

- A. Mobile vendors shall be limited to the business of selling prepared food.
- B. Geographical Restrictions. No mobile vendor shall sell or vend from his or her vehicle or conveyance:
 - 1. Within 400 feet of a public or private school grounds during the hours of regular school session, classes, or school-related events in said public or private school, except when authorized by said school; or
 - 2. Within 300 feet of the entrance to a business establishment, which is open for business and is offering for sale the same or similar product as an item offered for sale by the mobile vendor; or
 - 3. Within 300 feet of a restaurant, cafe, or eating establishment, which is open for business; or
 - 4. Within 300 feet of a public park of the city where a city authorized concession stand is located during times other than during the course of a public celebration except as approved by the director; or
 - 5. Within 300 feet of city property where a city authorized concession stand is located during the course of a public celebration when nonprofit organizations are permitted to engage in the sale of merchandise and food in such park; or
 - 6. Within any one block for more than one hour in any four-hour period; except this shall not apply in those situations where the mobile vendor is serving organized and

sanctioned community-sponsored ball games at public parks and schools provided there is no city-approved concession in the park or at the school.

- C. No mobile vendor shall conduct business so as to violate any ordinances of the city, including those regulating traffic and rights-of-way, as now in effect or hereafter amended.
- D. No mobile vendor shall obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley, or any other public place by causing people to congregate at or near the place where food is being sold or offered for sale.
- E. No customer shall be served on the street side of the mobile unit. All service must be on the curb side when the mobile unit is on or abutting a public street.
- F. All mobile vendors shall provide garbage receptacles for customer use.
- G. No mobile vendor shall locate his or her vehicle or other conveyance in such a manner as to cause a traffic hazard.
- H. At the conclusion of business activities at a given location the mobile vendor shall clean all the public way surrounding his or her vehicle of all debris, trash, and litter generated by the vendor's business activities.
- I. All mobile vendors preparing food by cooking, frying, or other means shall be equipped with at least one 2A-40-BC fire extinguisher.

18.56.090 Revocation of Permit.

A license issued pursuant to this chapter may be revoked, in writing, by the director for any of the following reasons:

- A. Any fraud, misrepresentation or false statement contained in the application for license;
- B. Any fraud, misrepresentation or false statement made in connection with the selling of products;
- C. Any violation of this chapter;
- D. Conviction of the licensee of a felony or of a misdemeanor involving moral turpitude; or
- E. Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

Section 3. Section 14.100.020 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1450 § 2 is hereby amended to read as follows:

14.100.020 Procedure.

A. The application form shall establish the submittal requirements, which shall include a site plan.

B. The director(s) may issue a temporary permit if he or she finds that, based on the duration of the permit and conditions imposed, the temporary use or construction activity:

1. Conforms to the goals of the comprehensive plan and this development code;
2. Conforms with all other applicable development regulations; and
3. Will not adversely affect the public health, safety, and general welfare.

C. In no case, except in the case of temporary permits issued for itinerant vending, shall the duration of a temporary permit exceed one year. The director(s) may renew a temporary permit, provided its total duration does not exceed two years. Any temporary structure shall be removed from the premises not more than 30 days after the permit expires or the reason for the temporary permit ceases. Temporary permits issued for itinerant vending shall be good for two years. At the end of the two year period, a new temporary permit shall be required.

D. Temporary signage shall be authorized in conjunction with a temporary permit. Business establishments, except home occupations, are allowed one sign that shall not exceed one and one-half square feet in combined sign area for each linear foot of building frontage, up to a maximum of 150 square feet. Temporary signage shall be removed from the premises not more than seven days after the permit expires or the reason for the temporary permit ceases.

E. A construction office for which a temporary permit has been granted shall not also require a building permit provided it has the Washington State Department of Labor and Industries label. (Black label construction offices are not intended for visitation by the general public.)

F. BLMC 15.08.040, 15.28.090, and 16.20.070 govern specific instances of temporary uses.

Section 4. Section 18.04.030, “C” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1533 § 7 is hereby amended to read as follows:

18.04.030 “C”.

“Camouflaged” means a personal wireless communication facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure or new structure, tower, or mounted within trees so as to be significantly screened from view or camouflaged to appear as an alternative tower structure (i.e., man-made tree, flagpole with flag, bell steeples, clock towers, light poles, or other similar alternative design structures.).

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

“City” means and refers to the City of Bonney Lake.

“City center view corridor” means an area defined by the boundaries of the city center and the view corridor for Mt. Rainier along SR 410 from approximately 500 feet northwest of the intersection with Sumner/Buckley Highway (Bonney Lake Main Street to the dip in SR 410 just west of Angeline Road undercrossing (the point where Mt. Rainier disappears from view)).

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

“Conceal” or “Concealment” means and refer to eligible support structures and transmission facilities designed to look like some feature other than a wireless tower or base station.

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

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

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

“Concessionaire” means a person, firm or corporation engaged in the sale of food or other goods or services in a city park, on designated city rights-of-way, or on other city property, including without limitation those who operate or maintain a concession stand, in accordance with a written agreement or franchise therefor as lawfully approved in writing by the city administrator.

Convalescent Home. See “Nursing home.”

“COW” means “cell on wheels.”

Section 5. Section 18.04.040, “D” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1533 § 8, is hereby amended to read as follows:

18.04.040 “D”.

“Day care center” means:

A. Person(s) who regularly provides care for 13 or more children for periods of less than 24 hours.

B. In addition to the regulations set forth in this chapter, day care centers/family day care homes shall be state-licensed and conform to all federal and state regulations applicable.

“Department” means the City of Bonney Lake Department of Public Services.

“Design” means the appearance of personal wireless communication facilities, including such wireless communications facility features as their materials, colors, and shapes.

“Design centerline” shall be the center of the street right-of-way. However, if land for streets has been dedicated unevenly, the design centerline shall be the line on which both properties met before any dedication occurred.

“Director” means the Director of the Public Services Department.

“Dwelling unit” means one or more rooms designed or occupied by one family for living or sleeping purposes, and containing kitchen and bath facilities for use solely by one family. A bachelor apartment constitutes a dwelling unit within the meaning of this zoning code.

Section 6. Section 18.04.090, “I” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 740 § 2, is hereby amended to read as follows:

“Itinerant vendor” means a mobile or stationary vendor.

Section 7. Section 18.04.130, “M” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No.1533 § 11, is hereby amended to read as follows:

18.04.130 “M”.

“Macro facility” is an attached wireless communication facility which consists of antennas equal to or less than fifteen feet in height or a parabolic antenna up to one meter (thirty-nine and thirty-seven-one-hundredths inches) in diameter and with an area not more than one hundred square feet in the aggregate as viewed from any one point.

“Manufactured home” means a structure constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

- A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
- B. Was originally constructed and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch;

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences;

D. Is built on a permanent chassis and designed solely for the purpose of human habitation.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC (tetrahydrocannabinol) concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana collective garden” (also referred to as “medical marijuana collective garden,” “cannabis collective garden,” and “medical cannabis collective garden”) means a location where “qualifying patients,” as defined in RCW 69.51A.010(4), may engage in the production, processing, and/or delivery of marijuana for medical use, as described in RCW 69.51A.090.

“Marijuana concentrates” means products consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than 60 percent.

“Marijuana dispensary” (also referred to as “medical marijuana dispensary,” “cannabis dispensary,” and “medical cannabis dispensary”) means any facility where marijuana or marijuana products are grown, produced, manufactured, sold or otherwise made available and/or distributed that is not licensed by the Washington State Liquor Control Board.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than 60 percent. The term “marijuana-infused products” does not include either usable marijuana or marijuana concentrates.

“Marijuana processor” means a person, business, or organization licensed by the Washington State Liquor Control Board to process marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana, marijuana concentrates, and marijuana-infused products for sale in retail outlets, and sell usable marijuana, marijuana concentrates, and marijuana-infused products at wholesale to marijuana retailers.

“Marijuana producer” means a person, business, or organization licensed by the Washington State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana retailer” means a person, business, or organization licensed by the Washington State Liquor Control Board to sell usable marijuana, marijuana concentrates, and marijuana-infused products in a retail outlet.

“Massage therapy/spa” means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.

“Medical-dental clinic” means an establishment for the treatment of outpatients, and providing no overnight care for patients.

“Microbrewery” means a facility that produces beer and sells it to the public by one or more of the following methods: through the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and in some cases, directly to the consumer through carry-outs or on-site taproom sales. Microbreweries shall have a production capacity not to exceed 15,000 U.S. barrels per year and shall have a full food menu.

“Microcell” means a wireless communication facility consisting of an antenna that is either equal to or less than four feet in height and with an area of not more than five hundred eighty square inches; or if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

“Mini-day care center” means a person or agency providing care during part of the 24-hour day to 12 or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through 12 children in the family abode of such person or persons.

“Mini facility” is an attached wireless communication facility which consists of antennas equal to or less than ten feet in height or a parabolic antenna up to one meter (thirty-nine and thirty-seven-one-hundredths inches) in diameter and with an area not more than fifty square feet in the aggregate as viewed from any one point.

“Mobile home” means a single-family prefabricated residential unit manufactured according to the standards of the statutes of the state and federal government, capable of being moved upon the public roads and highways, so designed and equipped as to be served by a sanitary sewer or septic tank system, supported by leveling jacks or blocks.

“Mobile home park” is a tract of land used or designated for the use of two or more mobile homes.

“Mobile vendor” means a business operator or vendor who conducts business from a vehicle or other conveyance.

“Modification” means the changing of any portion of a facility such as a wireless communication facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.

“Modular home” means any structure other than a mobile or manufactured home designed primarily for human occupancy, which is either entirely or substantially prefabricated or assembled at a place other than a building site and which has been approved pursuant to RCW 43.22.455 and bears the insignia of the Washington State Department of Labor and Industries.

Monopole I” is a wireless communication facility which consists of a support structure, the height of which shall not exceed sixty feet.

“Monopole II” is a wireless communication facility, which consists of a wireless communications support structure, greater than sixty feet in height erected to support wireless communication antennas and connecting appurtenances.

Section 8. Section 18.04.160, “P” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No.746 § 19, is hereby amended to read as follows:

18.04.160 “P”.

“Particulate matter” is any finely divided liquid or solid matter capable of being airborne or gasborne.

“PCS” means personal communications services.

“Personal wireless service,” “personal wireless service facilities,” and “facilities” used in this title shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

“Pet shop” means a building used for the commercial display and sale of household pets as well as related supplies and equipment, but not including the boarding of pets for other than sales purposes.

“Planned unit development” means a use of a tract of land depending on adherence to a specific detailed plan approved by the city, rather than conform to the specific requirements of the zone the tract is in.

“Plat” is a legal subdivision or short plat.

“Provider” means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual which provides personal wireless service over personal wireless service facilities.

“Public celebration” means the Bonney Lake Days activities or any other kind of public celebration designated by the city council, including the associated activities and concessionaires that might be authorized during such period.

Section 9. Section 18.04.190, “S” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No.1230 § 7, is hereby amended to read as follows:

18.04.190 “S”.

“Screening” as pertaining to personal wireless telecommunications facility such as a tower or mount placed amongst and adjacent to (within 20 feet) three or more trees at least 85 percent of the height of the facility.

“Secondary use” means a use subordinate to the principal use of the property, such as commercial, residential, utilities, etc.

“Security barrier” means a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.

“Setback” means a horizontal separation between a structure and a lot line.

“Setback, front” means the setback between a structure and any street right-of-way line. In lots adjoining two or more streets, including corner lots, the minimum front setback shall apply to all such street frontages.

“Setback, rear” means the setback between a structure and the lot line opposite the street right-of-way line. Four-sided lots adjoining more than one street shall have no rear setback. In triangular lots with one street frontage, the rear setback shall be measured from the shorter of the lot lines not adjoining the street.

“Setback, side” means the setback between a structure and any lot line to which neither the front nor rear setback applies. Four-sided corner lots abutting streets on two sides shall have two side setbacks and no rear setback.

“Sexually oriented materials” means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

“Single-family residence” means a residence which is the only residence on its lot. “Single-family residence” includes site-built homes, factory-built modular homes, and manufactured homes complying with BLMC [15.08.020](#).

“Single-family residence, attached” means a single-family residence attached to a residence(s) on an adjoining lot(s).

“Single-family residence, detached” means a single-family residence detached from residences on adjoining lots.

“Specified anatomical areas” means and includes any of the following:

- A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- B. Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

“Specified sexual activities” means and includes any of the following:

- A. The caressing, fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

“Stable, private” means a detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

“Street” is any right-of-way designed and dedicated for general public use to provide a principal means of travel for vehicles or pedestrians, and includes public and private easements and land over which the public has acquired by use prescriptive rights-of-way.

“Structure” is any building, sign, fence, wall, or similar item erected on and attached to a lot.

Stationary vendor” means an itinerant vendor who conducts business upon privately or publicly owned property, excluding public streets, sidewalks, alley and other public ways of the city, from a vehicle, other conveyance, or structure that is not permanently affixed to real property.

Section 10. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force effect.

Section 11. Effective Date. This ordinance shall take effect five (5) days after its passage, approval and publication as required by law.

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



Memo

Date : May 3, 2016
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D16-24**

The Planning Commission is recommending the adoption of Ordinance D16-24.

Over the last few years the City of Bonney Lake has seen a steady increase in inquiries for mobile vending enterprises. The City of Bonney Lake does not have a section of the Bonney Lake Municipal Code (BLMC) dedicated to this type of use. In order to be ahead of this type of use, it would be prudent to establish rules and regulations regarding mobile and stationary vending within the City of Bonney Lake. We would like to propose the creation of a mobile and itinerant vendor section be added to the BLMC. This new section will provide us with a statute to regulate the use of itinerant vending throughout the City.

Cities, towns, and counties have authority under their police power to permit and regulate door-to-door peddlers, solicitors, temporary merchants, and mobile vendors, and to impose reasonable license fees. Such regulations are generally justified if they bear a reasonable relationship to public health, safety, and welfare concerns.

Currently the City of Bonney Lake regulates peddlers under chapter 9.11 BLMC, however the code is silent to mobile and itinerant vendors.

The proposed changes to the City's development regulations contained in this Ordinance ensure consistency between *Bonney Lake 2035* and the City's adopted development regulations in the BLMC.

The Planning Commission voted 6-0-0 to recommend that the City Council adopt Ordinance D16-24.

As required by BLMC 14.40.100, the Planning Commission adopts the following findings of fact in support of its recommendation:

- 1) The City of Bonney Lake Planning Commission held a public hearing on April 6, 2016 to consider the amendments to the City's development regulations contained in this Ordinance as required by BLMC 14.140.080.
- 2) Pursuant to BLMC 14.140.090.B, the approval criterion for amendments to the City's development regulation is consistency with the comprehensive plan and the laws of the state of Washington
- 3) The City of Bonney Lake Planning Commission found that the amendments to the City's development regulations contained in this Ordinance are consistent with *Bonney Lake 2035* and the City's other adopted development regulations in the BLMC.
- 4) The City of Bonney Lake Planning Commission found that the amendments to the City's development regulations contained in this Ordinance are consistent with the laws of the state of Washington.
- 5) The City published a notice of the public hearing on March 9, 2016 in the Bonney Lake Herald Courier as required by BLMC 14.140.040.D.
- 6) The notice for the public hearing was provided twenty days prior to the hearing consistent with the requirements of BLMC 14.140.040.D.
- 7) The City posted notice of the public hearing at the City's official posting locations on March 9, 2016.
- 8) The City maintains an email list of stakeholders and individuals that requested notification of hearings related to amendments to the City's development regulation and comprehensive plan consistent with *Bonney Lake 2035* - Implementation Element PI-Action-3.
- 9) The Community Development Department provided notices of the public hearing to all stakeholders and parties identified on this list.
- 10) The adoption of this Ordinance is considered a non-project action as defined in WAC 197-11-704(2)(b) under the State Environmental Policy Act (SEPA).
- 11) The Community Development Director, acting as the SEPA Responsible Official, determined that the proposed amendment will not have a significant adverse impact on the environment and issued a determination of nonsignificance pursuant to WAC197-11-340 on April 6, 2016.
- 12) As required by RCW 36.70A.106 and BLMC 14.140.070, this the City provided this Ordinance to the Department of Commerce for review and comment by the Department and other State agencies.

- 13) As authorized by RCW 36.70.106(3)(b), the City requested that the Department of Commerce grant expedited review of the proposed amendments to the City's development regulation contained in this Ordinance.
- 14) The Department of Commerce issued expedited review and the review period concluded on March 10, 2016.



P.O. Box 7380 • Bonney Lake, WA 98391
(253) 862-8602

DETERMINATION OF NON-SIGNIFICANCE (DNS)

Description: City of Bonney Lake received an application from the Bonney Lake Community Development Department for State Environmental Policy Act (SEPA) nonproject review of Ordinance D16-24 – Mobile and Itinerant Vendors.

Ordinance D16-24, will effectively add a new section the City's zoning code. The new section provides a regulatory framework for mobile and itinerant vendors within the City of Bonney Lake. Project number: 53300022

Applicant: City of Bonney Lake Community Development Department, c/o Ryan Harriman, AICP, Associate Planner, 9002 Main Street East, Suite 300, Bonney Lake, WA 98391

Location: Citywide

The lead agency has determined that the proposed action will likely have no probable significant adverse impact on the environment if the attached mitigation measures are implemented. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. The public comment period expired on April 6, 2016. This information is available to the public on request.

This threshold determination is being issued under the DNS process contained in WAC 197-11-340. The lead agency will not act on this proposal for 15 days from the date of issuance. No permits may be issued, and the applicant shall not begin work, until the appeal period deadline has expired and any other necessary permits are issued.

Responsible Official:
Position/Title:
Address:
Phone:

John P. Vodopich, AICP
Community Development Director
9002 Main St. E., Suite 300, Bonney Lake, WA 98391
(253) 447-4345

Date:

4/6/16

Signature

This determination may be appealed to the City of Bonney Lake Hearing Examiner. Please refer to BLMC 14.120.040 for appeal procedures. A complete appeal application and fee shall be received by the Community Development Department prior to the close of business April 21, 2016. You should be prepared to make specific factual objections.

Please contact Ryan Harriman, AICP, Associate Planner, City of Bonney Lake, Community Development Department, 9002 Main St. E., Suite 300, Bonney Lake, WA 98391, Phone: (253) 447-4350, Email: harrimanr@ci.bonney-lake.wa.us for questions pertaining to SEPA appeals.



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

February 23, 2016

Ryan Harriman
Associate Planner
City of Bonney Lake
9002 Main Street E
Third Floor
Bonney Lake, Washington 98391

Dear Mr. Harriman:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Bonney Lake - Proposed Ordinance D16-24 amending the zoning code to establish the right to operate mobile and itinerant vending within the City of Bonney Lake. These materials were received on February 23, 2016 and processed with the material ID # 22115. Expedited Review is requested under RCW 36.70A.106(3)(b).

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment requesting expedited review, then we have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce may deny expedited review and the standard 60-day review period will end on April 23, 2016. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than March 08, 2016. Please remember to submit the final adopted amendment to Commerce within ten (10) days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491.

Sincerely,

Review Team
Growth Management Services

Ryan Harriman

From: COM GMU Review Team <reviewteam@commerce.wa.gov>
Sent: Thursday, March 10, 2016 6:49 AM
To: Ryan Harriman
Cc: Andersen, Dave (COM)
Subject: 22115, City of Bonney Lake, Expedited Review Granted, DevRegs

Dear Mr. Harriman:

The City of Bonney Lake has been granted expedited review for the: Proposed Ordinance D16-24 amending the zoning code to establish the right to operate mobile and itinerant vending within the City of Bonney Lake. This proposal was submitted for the required state agency review under RCW 36.70A.106.

As of receipt of this email, the City of Bonney Lake has met the Growth Management Act notice to state agency requirements in RCW 36.70A.106 for this submittal. For the purpose of documentation, please keep this email as confirmation.

If you have any questions, please contact reviewteam@commerce.wa.gov

Thank you.

Review Team, Growth Management Services
Department of Commerce
P.O. Box 42525
Olympia WA 98504-2525

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

Department/Staff Contact: Community Development / Jason Sullivan	Meeting/Workshop Date: 3 May 2016	Agenda Bill Number: AB16-51
Agenda Item Type: Discussion	Ordinance/Resolution Number: D16-51	Councilmember Sponsor: Donn Lewis

Agenda Subject: Sumner School District Impact Fees

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 19.08 Of The Bonney Lake Municipal Code And Ordinance No. 1511 Relating To School Impact Fees.

Administrative Recommendation: Approve

Background Summary: The Sumner School District has updated their capital facilities plan, which is incorporated into the Community Facilities and Services Element of the Bonney Lake 2035 by reference. As a result of the update, the School District is requesting an increase in school impact fees of \$60 for single-family and \$30 for multi-family. The fees are currently \$3,270 for single-family and \$1,725 for multi-family. The proposed fees are \$3,330 for single-family and \$1,755 for multi-family. Pierce County has raised their rates for 2016 to \$3,330 for single-family and \$1,755 for multi-family. The District has requested that the City update the impact fees in amounts not less than Pierce County's fees for 2016.

On, April 6, 2016, the Planning Commission voted 6-0-0 to recommend that the City Council adopted Ordinance D16-51 increasing the school impact fees as request by the Sumner School District.

Attachments: Ordinance D16-51, Sumner School District Request dated March 22, 2016, and MDNS

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

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>	Yes	No
Date:	Chair/Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
Forward to:	Consent Agenda:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Commission/Board Review: Planning Commission - April 6, 2016			
Hearing Examiner Review:			

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

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

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ORDINANCE NO. D16-51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 19.08 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NO. 1511 RELATING TO SCHOOL IMPACT FEES.

WHEREAS, the Sumner School District has requested an adjustment to the school impact fees as a result of its 2015-2021 capital facilities plan and updated impact fee study; and

WHEREAS, the City desires to comply with the Washington Growth Management Act by providing for the growth related costs of school facilities through the continued imposition of school impact fees.

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

Section 1. BLMC 19.08.120 and Section 1 of Ordinance 1511 is hereby amended to read as follows:

19.08.120 School impact fees.

The school impact fee schedules set forth in this section are generated from the formula for calculating impact fees set forth in the district’s capital facilities plan. Except as otherwise provided in BLMC 19.08.040, 19.08.050 and 19.08.140, all new residential developments in the city will be charged the school impact fees in accordance with the appropriate schedule below. The feepayer shall pay the school impact fee based on the schedule for the school district in which the development is located.

School Impact Fee Schedules

(applies to residential development only)

Sumner School District No. 320:	
Single-family – detached (including manufactured homes and mobile homes on individual lots)	\$3,270.00 <u>\$3,330.00</u>
Multi-family – per dwelling unit (including townhouses)	\$1,725 <u>\$1,755</u>

White River School District No. 416:	
Single-family – detached (including manufactured homes and mobile homes on individual lots)	\$0
Multifamily per dwelling unit (including townhouses)	\$0

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2016.

Neil Johnson, Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

SUMNER SCHOOL DISTRICT

A GREAT PLACE TO LEARN



March 22, 2016

**VIA EMAIL DELIVERY
AND FIRST CLASS MAIL**

John P. Vodopich, AICP
Community Development Director
City of Bonney Lake
Justice and Municipal Center
9002 Main Street E, Suite 300
Bonney Lake, WA 98391

Re: Sumner School District - Bonney Lake School Impact Fee Ordinance

Dear John:

This will follow-up my recent telephone call with Jason Sullivan.

As you are probably aware, Pierce County has adopted, under Ordinance No. 2015-76s, their annual update to the County's School Impact Fee Ordinance, which was effective as of January 1, 2016. A copy of the County's Ordinance is enclosed for your convenience.

On behalf of Sumner School District, the District is requesting to commence the process to update Bonney Lake's School Impact Fee Ordinance in amounts not less than Pierce County's School Impact Fees for 2016¹. As you are also aware, under legislation adopted in 2015 known as ESB 5923, cities and counties are required to amend their Impact Fee Ordinances to allow for deferral of the collection of Impact Fees by September 1, 2016, the District is requesting that the City proceed with updating impact fee amounts for Sumner Schools without the deferral piece at the present time given that deferral of the collection of impact fees involves a broader discussion and there is time to have that broader discussion to meet the September 1, 2016 deadline.

Thank you for your attention to this matter. Please do not hesitate to contact me if we need to discuss any matter further. When scheduling and process have been confirmed, please let me know. We look forward to hearing from you.

Sincerely,

Steve Sjolund
Educational Support Services Officer

Enclosure

cc: Jason Sullivan, Senior Planner, City of Bonney Lake (w/enclosures)

¹ Sumner School District is also proceeding to notify the City of Sumner of a request for an update to Sumner's School Impact Fee Ordinance. The City of Edgewood typically updates its School Impact Fee Ordinance in April of each year.

10-20-2014

1 Sponsored by: Councilmember Derek Young
2 Requested by: Pierce County Council

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6
7 **ORDINANCE NO. 2015-76s**
8
9

10 **An Ordinance of the Pierce County Council Amending Section 4A.10.080 of**
11 **the Pierce County Code, "Impact Fee Assessment and**
12 **Collection," to Eliminate the Sunset Date; Amending Section**
13 **4A.30.030 of the Pierce County Code, "School Impact Fee**
14 **Schedule," to Adjust School Impact Fees for 2016 Based**
15 **Upon Changes in the Consumer Price Index; Requesting the**
16 **Pierce County Executive to Provide Recommendations**
17 **Regarding Impact Fee Deferrals Required Pursuant to**
18 **Engrossed Senate Bill (ESB) 5923 for Implementation in**
19 **2016; Making Other Necessary Modifications to Title 4A of**
20 **the Pierce County Code; and Setting an Effective Date.**
21

22 **Whereas**, school impact fees in Pierce County are calculated according to the
23 formulas in Section 4A.30.020 of the Pierce County Code (PCC), then the fee is
24 "capped" by a "Maximum Fee Obligation" (MFO) which increases annually according to
25 the Consumer Price Index for the Seattle/Tacoma/Bremerton Standard Metropolitan
26 Statistical Area (PCC 4A.30.020 D.); and
27

28 **Whereas**, the annual adjustment must be adopted by Ordinance following the
29 adoption of the Capital Facilities Plan and any review of impact fees; and
30

31 **Whereas**, it has been the practice of the Pierce County Council to only adjust
32 impact fees in increments of five dollars, rounding up to the nearest five dollar
33 increment; and
34

35 **Whereas**, the Pierce County Council temporarily suspended inflationary
36 adjustments to park and school impact fees for the years 2012 and 2013 for economic
37 reasons through the adoption of Ordinance Nos. 2011-81s and 2012-71; and
38

39 **Whereas**, school impact fees are collected for residential development in the
40 unincorporated County for school districts that meet the requirements in Title 4A PCC;
41 and
42

43 **Whereas**, the Consumer Price Index for all urban customers for the Seattle-
44 Tacoma-Bremerton area for January 2006 was calculated to be 202.25 (the base index
45 for school impact fees); for August 2015 it was 251.62 which is an increase of 24.41
46 percent; and
47



1 **Whereas**, the MFO for school districts effective in January 2006 and adopted in
2 Ordinance No. 2004-94s was \$2,675.00 for single-family dwelling units and \$1,410.00
3 for each multi-family dwelling unit; and
4

5 **Whereas**, as a result of inflationary adjustments from prior years, the current
6 MFO for schools is \$3,270.00 for single-family dwelling units, and \$1,725.00 for multi-
7 family dwelling units; and
8

9 **Whereas**, after adjusting for changes to the Consumer Price Index through
10 August 2015 and rounding up to the nearest five dollar increment, the adjusted school
11 MFOs are \$3,330.00 for single-family dwelling units and \$1,755.00 for multi-family
12 dwelling units, an increase of \$60.00 and \$30.00, respectively; and
13

14 **Whereas**, pursuant to PCC 4A.10.130 and 4A.30.010 C., the County has
15 reviewed the relevant School Districts' Capital Facilities Plans, County Comprehensive
16 Plan Amendments, and Title 4A PCC; and
17

18 **Whereas**, the White River and Carbonado School Districts have requested that
19 no impact fees be collected by Pierce County within their respective districts; and
20

21 **Whereas**, the Council is reviewing the school impact fee changes in conjunction
22 with the annual review and update of the Capital Facilities Plan element of the
23 Comprehensive Plan, as required by PCC 4A.10.030 A.; and
24

25 **Whereas**, ESB 5923, Chapter 241, Laws of 2015, requires local government to
26 adopt and maintain an impact fee deferral program for all impact fees by September 1,
27 2016, in order to remain eligible to collect impact fees; and
28

29 **Whereas**, Pierce County currently has an impact fee deferral program for park
30 and traffic impact fees which is scheduled to sunset December 31, 2015; and
31

32 **Whereas**, in order to meet the requirements of ESB 5923, the sunset date needs
33 to be removed and additional modifications to the deferral program may be required, to
34 include expanding the deferral program to school impact fees; **Now Therefore**,

35
36 **BE IT ORDAINED by the Council of Pierce County:**
37

38 Section 1. Section 4A.10.080 of the Pierce County Code, "Impact Fee
39 Assessment and Collection," is hereby amended as shown in Exhibit A, which is
40 attached hereto and incorporated herein by reference.
41

42 Section 2. Section 4A.30.030 of the Pierce County Code, "School Impact Fee
43 Schedule," is hereby amended as shown in Exhibit B, which is attached hereto and
44 incorporated herein by reference.
45
46



1 Section 3. The Pierce County Executive is requested to develop proposed
2 amendments to Title 4A of the Pierce County Code, "Impact Fees," related to impact fee
3 deferrals to ensure that Pierce County's impact fee programs remain compliant with the
4 requirements of ESB 5923. In developing the proposed amendments, the Pierce County
5 Executive is requested to consult with school district representatives regarding school
6 impact fee deferrals. The Pierce County Executive is further requested to present the
7 proposed amendments to the Planning Commission for consideration no later than May
8 1, 2016.

9
10 Section 4. This Ordinance shall become effective on January 1, 2016.

11
12
13 **PASSED this** 10th **day of** November, **2015.**

14
15 **ATTEST:**

PIERCE COUNTY COUNCIL
Pierce County, Washington

16
17
18 Denise D. Johnson

19
20 **Denise D. Johnson**
21 Clerk of the Council

Dan Roach

Dan Roach
Council Chair

Pat McCarthy

Pat McCarthy
Pierce County Executive

Approved Vetoed this
25 day of November,
2015.

22
23
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31 Date of Publication of
32 Notice of Public Hearing: October 21, 2015

33
34 Effective Date of Ordinance: January 1, 2016

1
2
3 *Only those portions of Section 4A.10.080 that are proposed to be amended are shown.*
4 *Remainder of text, tables and/or figures is unchanged.*
5

6 **4A.10.080 Impact Fee Assessment and Collection.**

- 7 A. For all development activity located in a service area where fees have been imposed, the
8 County shall determine the total impact fee at the time the impact fee is paid, based on
9 the Capital Facilities Plan element of the Pierce County Comprehensive Plan and the
10 resulting fee schedule in effect at the time of payment.
- 11 B. School impact fees shall be paid to the County at the time a complete building permit
12 application is submitted to the County. Except as otherwise provided in PCC 4A.10.080
13 D., traffic and park impact fees for single or multi-family residential uses shall be paid to
14 the County either at the time of recording of the final plat or prior to building permit
15 issuance. Traffic impact fees for non-residential uses shall be paid to the County prior to
16 final building inspection.
- 17 C. Except as otherwise provided in PCC 4A.10.080 D., the Department of Planning and
18 Land Services shall not issue the building permit for single or multi-family construction
19 or conduct the final building inspection for non-residential construction unless and until
20 the impact fees set forth in this Title have been paid in the amount that they exceed
21 exemptions or credits provided pursuant to this Title.
- 22 *D. The owner/seller of single or multi-family residential property being constructed or
23 improved for resale may request, at the time of submittal of a complete building permit
24 application, that payment of traffic and park impact fees be deferred to the time of
25 closing of sale or no later than 24 months after building permit issuance, whichever
26 comes first. The request will be approved, provided the property owner agrees to the
27 following:
- 28 1. A lien payable to the County for the estimated amount of the deferred traffic and
29 park impact fees plus accrued interest shall be recorded against the subject property
30 prior to building permit issuance.
 - 31 2. At the time of building permit application, the property owner shall pay a non-
32 refundable fee, the amount of which shall be determined by the Director, to cover all
33 administrative costs incurred by the County to process the lien document, provided
34 that this fee shall not exceed \$250.00 unless otherwise approved by the Council
35 through ordinance. In addition, said property owner shall pay the costs of recording
36 the lien and all other related costs.
 - 37 3. As consideration for the impact fee deferral, the property owner shall be responsible
38 for either payment of interest on the deferred impact fees based on a rate of 3 percent
39 per annum and accrued from the date of building permit issuance until the date of
40 full payment of said impact fees or shall waive the right to recovery of fees not spent
41 within the 10 year statutory timeframe. The consideration option to be utilized shall
42 be specified by the property owner prior to the recording of the lien.
 - 43 4. The County shall be responsible for recording the lien with the Pierce County
44 Auditor prior to building permit issuance.
- 45

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- 5. The property seller shall be responsible for full payment of the deferred impact fees by the closing date of sale or, in any event, no later than two years from the date of building permit issuance. In no case shall building occupancy occur prior to the full payment of the deferred traffic and parks impact fees. Notice of the prohibition on occupancy shall be included on all certificates of occupancy issued by Pierce County. The actual amount of traffic and park impact fees to be paid will be based on the fee schedules in place at the time of building permit issuance.
- 6. Full payment of the deferred impact fees must be made prior to any segregation of the subject property.
- 7. Escrow/title companies shall collect both the traffic and park impact fees, as well as the cost of releasing the lien, from the sale proceeds at the time of closing and shall forward those funds to the County.
- 8. The County will release the lien after the County has confirmed payment of the deferred traffic and park impact fees.

*E. In the event that a property constructed or improved for resale is later proposed for lease or rental, all deferred impact fees applicable to the property pursuant to PCC 4A.10.080 D. shall become due and payable. Full payment of all deferred impact fees applicable to the subject property shall occur prior to occupancy. Upon confirmation of full payment of the deferred impact fees, Pierce County shall release the lien recorded against the property for the deferred impact fees.

*F. Failure to pay impact fees as required by this Title shall constitute a Class 1 infraction and shall be subject to penalty and enforcement as set forth within Chapter 1.16 PCC.

*G. Failure to comply with limitations on occupancy established pursuant to PCC 4A.10.080 D. shall constitute a violation of the Certificate of Occupancy and shall be subject to penalty and enforcement as set forth within Title 17C PCC.

*H. Pierce County may decline to allow a property owner to utilize the deferred impact fee payment option established pursuant to PCC 4A.10.080 D. for good cause.

~~*PCC 4A.10.080 D. through H. shall sunset on December 31, 2015.~~

Only those portions of Section 4A.30.030 that are proposed to be amended are shown.
 Remainder of text, tables and/or figures is unchanged.

4A.30.030 School Impact Fee Schedule.

SCHOOL DISTRICT	PER SINGLE-FAMILY DWELLING UNIT		PER MULTI-FAMILY DWELLING UNIT	
	School District Fee Calculation for 20152016	20152016 Impact Fee (Maximum Fee Obligation Effective 1/01/1516 is \$3,270 \$3,330)	School District Fee Calculation for 20152016	20152016 Impact Fee (Maximum Fee Obligation Effective 1/01/1516 is \$1,725 \$1,755)
Bethel	\$16,511 \$10,608	\$3,270 \$3,330	\$12,504 \$7,514	\$1,725 \$1,755
Carbonado	0	0	0	0
Dieringer	\$5,231 \$4,672	\$3,270 \$3,330	\$1,839 \$1,518	\$1,725 \$1,518
Eatonville	\$4,497 0	\$3,215 0	\$2,404 0	\$1,695 0
Fife	\$2,640 \$3,216	\$2,640 \$3,216	\$5,664 \$6,875	\$1,725 \$1,755
Franklin Pierce	\$10,032	\$3,270 \$3,330	\$4,530	\$1,725 \$1,755
Orting	\$3,675 \$4,841	\$3,270 \$3,330	\$52 \$163	\$55 \$163
Peninsula	\$4,061 \$5,296	\$3,270 \$3,330	\$2,380 \$3,085	\$1,725 \$1,755
Puyallup	\$8,955 \$8,144	\$3,270 \$3,330	\$2,839 \$2,202	\$1,725 \$1,755
Steilacoom	\$4,665 \$6,184	\$3,270 \$3,330	\$532 \$0	\$535 \$0
Sumner	\$10,396 \$12,750	\$3,270 \$3,330	\$4,500 \$4,302	\$1,725 \$1,755
White River	0	0	0	0
Yelm	\$4,450	\$3,270 \$3,330	\$1,812	\$1,725 \$1,755



School Site Acquisition Cost: <i>((Acres X Cost per Acre)/Facility Capacity) X Student Generation Factor</i>						CALCULATIONS	
	Facility Acreage	Cost per Acre	Facility Capacity	SGF SFH	SGF MFH	Cost per SFH	Cost per MFH
Elementary*	30.00	\$ 150,000	1100	0.323	0.112	\$ 1,321.36	\$ 458.18
Middle	25.00	\$ 150,000	750	0.152	0.070	\$ -	\$ -
High	5.00	\$ 500,000	175	0.174	0.102	\$ 2,485.71	\$ 1,457.14
						\$ 3,807.08	\$ 1,915.32
* Two future elementary school sites							
School Construction Cost: <i>((Facility Cost/Facility Capacity) X Student Generation Factor) X (Permanent/Total Sq. Ft.)</i>							
		Facility Cost	Facility Size	SGF SFH	SGF MFH	Cost per SFH	Cost per MFH
Elementary		\$ 34,750,000	702	0.323	0.112	\$ 15,988.96	\$ 5,544.16
Middle		\$ 6,000,000	130	0.152	0.070	\$ 7,015.38	\$ 3,230.77
High**		\$ 20,900,000	420	0.174	0.102	\$ 8,658.57	\$ 5,075.71
						\$ 31,662.92	\$ 13,850.64
** Represents share for growth related to Elhi Hill Program							
Temporary Facility Cost: <i>((Facility Cost/Facility Capacity) X Student Generation Factor) X (Temporary/Sq. Ft.)</i>							
		Facility Cost	Facility Size	SGF SFH	SGF MFH	Cost per SFH	Cost per MFH
Elementary		\$ 450,000	81	0.323	0.112	\$ 1,794.44	\$ 622.22
Middle		\$ 150,000	30	0.152	0.070	\$ -	\$ -
High		\$ 150,000	27.3	0.174	0.102	\$ 956.04	\$ 560.44
						\$ 2,750.49	\$ 1,182.66
State Match Credit <i>Area Cost Allowance X SPI Sq. Ft X State Match X Student Generation Factor</i>							
	Area Cost Allowance	SPI Footage	State Match %	SGF SFH	SGF MFH	Cost per SFH	Cost per MFH
Elementary	\$206.76	90.00	59.57%	0.323	0.112	\$ 3,580.46	\$ 1,241.52
Middle	\$206.76	108.00	59.57%	0.152	0.070	\$ 2,021.91	\$ 931.14
High	\$206.76	130.00	59.57%	0.174	0.102	\$ 2,786.04	\$ 1,633.19
						\$ 8,388.41	\$ 3,805.86
Tax Payment Credit							
Average Assessed Value						\$ 266,204.00	\$ 278,932.00
Capital Bond Interest Rate						3.49%	3.49%
Years Amortized						10	10
Property Tax Levy Rate						\$1.96	\$1.96
						\$4,332.60	\$4,539.75
Present Value of Revenue Stream							
FEE SUMMARY						SINGLE FAMILY	MULTIPLE FAMILY
School Site Acquisition Cost						\$ 3,807.08	\$ 1,915.32
Permanent Facility Cost						\$ 31,662.92	\$ 13,850.64
Temporary Facility Cost						\$ 2,750.49	\$ 1,182.66
State Match Credit						\$ (8,388.41)	\$ (3,805.86)
Tax Payment Credit						\$ (4,332.60)	\$ (4,539.75)
Subtotal Unfunded Need						\$ 25,499.48	\$ 8,603.02
						\$ -	\$ -
FEE (50%)						\$ 12,749.74	\$ 4,301.51

Sumner School District No. 320
Non-Project Action: Capital Facilities Plan 2015 - 2021
Mitigated Determination of NonSignificance

Description of Proposal: Non-Project Action for the annual update to Sumner School District's Capital Facilities Plan (2015-2021). The 2015-2021 Capital Facilities Plan incorporates those elements required under the Growth Management Act, including an inventory of existing capital facilities, level of service and student generation factors, projected growth District-wide, need for land acquisition and capital facilities, costs associated with needed permanent capital facilities and interim facilities, and a financing plan.

Project Proponent: Sumner School District No. 320
1202 Wood Avenue
Sumner, WA 98390

Project Action Location: District Wide

Lead Agency: Sumner School District No. 320

Date of Issue of MDNS: November 25, 2015

Date of Comment

Deadline: December 11, 2015, 5:00 p.m.

Sumner School District No. 320 (the "District") has determined that the non-project action proposal does not have a probable significant adverse impact on the environment. Therefore, an environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed Environmental Checklist, Sumner School District Capital Facilities Plan 2015-2021, and other information on file. This information is available to the public on request.

This Mitigated Determination of Nonsignificance (MDNS) is issued under 197-11-340(2). Comments must be submitted by closing of the comment deadline. The Responsible Official may reconsider the MDNS based on timely comments and may retain or modify the MDNS. If the MDNS is retained, it will be final after the expiration of the comment period.

Responsible Official: Steve Sjolund
Position/Title: Educational Support Services Officer
Responsible Official Designee
Sumner School District

Address: 1202 Wood Avenue
Sumner, WA 98390

Contact: 253-891-6058
steve_sjolund@sumnersd.org

Name of Agency adopting document: Sumner School District No. 320

Signature: Steve Sjolund
Steve Sjolund
Educational Support Services Officer
Responsible Official Designee

Date: November 25, 2015

NOTE: Pursuant to RCW 43.21C.075, the final decision of the Responsible Official may be appealed in accordance with Sumner School District SEPA Policy 6890P. Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance within the provisions of Chapter 43.21 RCW (State Environmental Policy Act) shall be commenced in Pierce County Superior Court.

FINDINGS OF FACT:

1. Sumner School District's (District) Capital Facilities Plan 2015-2021 sets forth all of the elements required of a Capital Facilities Plan (CFP) under the Growth Management Act (GMA).
2. There are five (5) jurisdictions within the boundaries of the District: Pierce County, Bonney Lake, Edgewood, Sumner, and Pacific.
3. The GMA authorizes the collection of School Impact Fees for the purpose of providing a funding source to assist in providing adequate school facilities district-wide. The GMA does not require that GMA Impact Fees benefit a particular development area, but only require a general benefit to the entire school district capital facilities from growth-related development.
4. The District Capital Facilities Plan for 2015-2021 is based upon a level of service of all-day kindergarten at the elementary school level. For purposes of the 2015-2021 CFP, the district has adopted certain level of service standards (LOS) based upon legislative direction: 22 students per classroom for kindergarten, 23 students for grade one, 24 students for grade two, 25 students for grade three, 28 students for grade four, 30 students for grade five through twelve, and 12 students per self-contained special education classes. The District is in the process of further evaluating its LOS and school capacities based upon educational policy and legislative initiatives.
5. The District Capacity Analysis, dated September 4, 2014, prepared by Jeff Greene, Planning Consultant, was utilized in preparing the Capital Facilities Plan.
6. Projected student enrollment was updated through 2035 and was prepared by Jeff Greene, Planning Consultant, utilizing Washington State Office of Financial Management data and Cohort Survival data of the Washington State Office of Superintendent of Public Instruction. In addition, the District's Planning Consultant analyzed growth projections and residential development data within the District boundaries compiled by William Kendrick, PhD., a Demographic Consultant, engaged by the District in 2014, and reported under the Sumner School District Enrollment Trends and Projections Report, dated September 2014, prepared by Dr. Kendrick.

7. A comprehensive Student Generation Rate Study, dated July 30, 2014, prepared by Planning Consultant, Brian Devereux, was utilized to determine student generation factors.
8. Comment was received from Pierce Transit who indicated that Pierce Transit had “no comments”.
9. Comment was received from the Tacoma-Pierce County Health Department providing contact information for the Environmental Health Program for required review of future project specific proposals.
10. Comment was received from the City of Bonney Lake Community Development Department. A minor computation error of school facility capacity set forth under Table I of the CFP was noted. Bonney Lake also made note of student growth projections as it relates to the City of Bonney Lake and the City’s Comprehensive Plan (Bonney Lake 2035). The Bonney Lake 2035 Comprehensive Plan indicates that the City reviewed the District’s CFP for 2014-2020 and determined that there will be sufficient capacity to handle the District’s student growth projections.
11. The District’s Capital Facilities Plan is incorporated by reference into the Pierce County Comprehensive Plan, the City of Bonney Lake Comprehensive Plan, the City of Edgewood Comprehensive Plan, and the City of Sumner Comprehensive Plan.

CONCLUSION: The Responsible Official has determined that the Non-Project Action Proposal does not have a probable significant impact on the environment, and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2). This decision was made after review of the completed Environmental Checklist, Sumner School District Capital Facilities Plan 2015-2021, and other information on file with Sumner School District No. 320 and existing regulations. This information is available to the public on request. Mitigation measures are required as authorized under the substantive authority of SEPA in accordance with Sumner School District State Environmental Policy 6890P and shall be implemented by the District.

MITIGATION

1. Table I of the District’s 2015-2021 CFP at page 14 shall be corrected to state a total District-wide school facility capacity of 8,475 students based upon the District’s stated LOS.
2. The District shall further communicate with those jurisdictions situated within the District boundaries, including the cities of Bonney Lake, Sumner, Edgewood, and Pacific and Pierce County, as may be requested by these jurisdictions, relating to student growth projections and the capital facility needs of the District.

NOTE: The issuance of this Mitigated Determination of Nonsignificance does not constitute project approval. The Sumner School District No. 320 will comply with all applicable requirements of the jurisdiction with authority at the time of submittal of a project-specific proposal.

NOTE: Pursuant to RCW 43.21C.075 and District Policy 6890P, the final decision of the Responsible Official may be appealed.