

CITY COUNCIL WORKSHOP

**December 15, 2009
5:30 p.m.**

MINUTES



"Where Dreams Can Soar"

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

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

I. Call to Order:

Mayor Neil Johnson, Jr. called the workshop to order at 5:31 p.m.

II. Roll Call: [A13]

Administrative Services Director/City Clerk Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember James Rackley.

[Staff Members in attendance were City Administrator Don Morrison, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Assistant City Attorney Kathleen Haggard, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.

III. Agenda Items:

5:31:47

A. Continued Public Hearing: AB09-192 – Resolution 1991 – WSU Forest Development Agreement.

Community Development Director Vodopich provided a presentation describing the proposed agreement. He also explained the various revisions that have been made to the agreement based on input from public and the Council at the December 8, 2009 Meeting. The proposed agreement is tied to the proposed WSU Comprehensive Plan amendment. It includes a condition that all parties must sign the agreement by December 31, 2009 or the Comprehensive Plan amendment ordinance and amendments will be void. The revised agreement includes a proposed R-3 Midtown zoning overlay for the WSU site, which the Council would need to approve in 2010. Director Vodopich also described restrictions on the property to be deeded to the City, property transfer timing, Master Drainage Design plan, transportation, tree preservation, and interim use of trails. Councilmembers expressed concern about which areas would be covered by a zoning overlay, and whether it would cover the WSU site only, the entire Midtown area, or Citywide.

Mayor Johnson opened the Public Hearing at 5:48 p.m.

John Sigafos, 19721 99th St E, Bonney Lake, urged the Council to consider the ongoing lawsuits against Quadrant Homes by Bonney Lake residents. He said the company's homes were poorly constructed and have endangered the health of homeowners. He asked the Council not to do business with Quadrant Homes. He read a portion of a current lawsuit statement aloud.

Dennis Tompkins, 10711 164th Ave Ct E, Bonney Lake, read aloud a letter that was also submitted to the Clerk. He spoke against the proposed development agreement and Comprehensive Plan amendment. He said the proposed agreement says they will save a grove of Western Red Cedars on the residentially zoned portion of the site, provided an arborist certifies that they can survive. He said the trees will be in standing water most of the year and could not survive that environment.

Mayor Johnson clarified that this Public Hearing is on the proposed development agreement only. He said if the agreement is approved and the City receives property from the site, a separate process will begin to determine how the City should use the property. He said though he favors developing ball fields, this decision will be made only after the Planning Commission, Park Board, citizens, and Council review the options in the future.

Chris Lunn, 18503 74th St E, Bonney Lake, encouraged the Council to take a long-range view when considering the agreement. He said from the citizen's point of view it seems like the City has already decided how the City's property will be used, and citizens can do nothing about it. He said his family has been in Bonney Lake since 1954 and he has seen many changes, good and bad. He said global warming is happening at a faster rate than first anticipated, and cities need to consider ways to support residents with farms and other resources.

Fred Jacobsen, 9100 184th Ave Ct E, Bonney Lake, described the history of the WSU forest. He said Weyerhaeuser bought the property for \$1 per acre in 1856 and has not paid taxes on the site since 1941. He said he would like to see the forest remain natural and not be developed. He said if it is developed, the City should require low impact development practices to be used to reduce runoff and preserve open spaces and water resources. He said if development occurs, time should be spent to review the project section by section. He said the current Public Facilities zoning could support construction of a medical center. He said the residential portion of the site should use low-impact development techniques to save as much of the forest as possible. He spoke against the proposed R-3 zoning overlay and said Bonney Lake should be a livable, walk-able community. He said the City already lost the historical Moriarty home and hopes the WSU forest will not be taken down as well.

Pete Lymberis, P.O. Box 130, Bellevue, spoke on behalf of Quadrant Homes. He said information on the litigation mentioned by Mr. Sigafos is available on the Quadrant Homes website. He thanked the Council, Planning Commission and staff for their work to revise and improve the proposed agreement. He said the proposed Comprehensive Plan amendment has been available to the public since July 2009 and citizens have had many opportunities to speak. He spoke in favor of the proposed agreement, and said representatives from the YMCA, Good Samaritan Hospital, medical groups and citizens have also spoken for the proposal. He said the agreement provides many benefits to the City, including a dedicated space for a recreation center, open land, trails, and water features. The project will pay TIF fees, mitigation fees and intersection improvements that will improve area traffic. He said the proposed developers agreement will help avoid problems in the future, and benefits all parties. He said Weyerhaeuser and WSU representatives support this agreement and are eager to approve it.

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said the value of the WSU forest has gone up dramatically over the years. When the forest was first closed to public access there was a massive public turnout. She said she would prefer that all the land except the City's portion be zoned commercial. She said the City should require the developer to retain 25% of the trees, which is an option in the code. She said she opposed R-3 zoning changes as a Planning Commissioner. She suggested that higher densities in the residential would save more of the forested area. She said people move to and stay in Bonney Lake because of things like its mountain views, lakes, and forests.

Melissa Johnson, 4912 N Vista Dr E, Bonney Lake, spoke in favor of the proposed agreement and in developing the City's land for athletic facilities, a YMCA, open space and trails. She said the WSU forest has been closed for years and is the site of crime, illegal camping and drug activity. She said the site could provide recreational uses for kids and adults, as well as multifamily residences on a main corridor with businesses and public transportation. She said the City could develop the site to add ball fields and save trees. Councilmember Decker asked how new facilities would be funded. Mrs. Johnson said the City could partner with various organizations in the area to raise funds for athletic facilities.

Cheryle Noble, 18612 73rd St E, Bonney Lake, is a past Councilmember and spoke against the proposed agreement. She said the R-3 overlay proposal is an example of developers planning the City, instead of the Council. She said in this agreement, 12 acres of the City's 47 acres of land will be used for stormwater management, and the rest will be used to meet the developer's 25% tree retention. She said if the City develops its property there will be no trees left. She asked whether the Council is worried about potential litigation if the agreement fails. She said crime was not an issue before WSU closed the forest. She said the citizens and City should benefit from any agreement, not just the developer.

George Brown, 8410 Locust Ave E., Bonney Lake, spoke in favor of saving the forest with improvements. When he first moved to the City he used the WSU forest trails often. He said not many people used the trails, and he saw evidence of illegal camping, trash, and other illegal activities even before the trails were closed. He said he wants to save the trees but also wants to ensure public safety is considered.

Chris Lavalley, Sumner Soccer Club President, said the 47 acres offered to the City would be very helpful for potential athletic fields. He said his league is volunteer-run and teams are spread out over a wide area to find places to play. He said tournaments on City fields could help pay for the fields and bring increased revenues to local businesses. He was not in favor of waiving park impact fees to the developer, which is included in the current agreement.

Leota Musgrave, 9308 202nd Ave E, Bonney Lake, expressed concern over how many trees would be cut down. She said the trees might be replanted but will take many years to be replaced. She said the forest is the best place in the City.

Marv Miller, Bonney Lake, owns Big E Nursery and has lived in the area for 20 years. She said cities are known for their parks and environment. She said cities

like Fife and Sumner have allowed too much development, while those like Gig Harbor have demanded to keep trees and the city's look. She said the City can do better and save a large portion of the land for residents.

Seeing no further speakers, the Public Hearing was closed at 6:52 p.m.

At 6:52 p.m. Councilmember Rackley moved for a 10-minute break. Councilmember Carter seconded the motion.

Motion approved 7 – 0.

The Workshop was brought back to order at 7:03 p.m.

7:03:25

B. **AB09-196** – A Motion of the City Council Waiving the Provisions of Bonney Lake Municipal Code 2.04.710 to Allow Immediate Discussion of Public Testimony Following the Close of the Public Hearing.

Councilmember Bowen moved to approve the motion. Councilmember Hamilton seconded the motion.

Motion approved 7 – 0.

7:04:20

C. **Discussion Following Public Hearing: AB09-168 – Ordinance D09-168** – An Ordinance of the City Council of the City of Bonney Lake Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest.

Community Development Director John Vodopich said the ordinance was revised to make it contingent on approval of the development agreement by December 31, 2009. The Comprehensive Plan amendment and the development agreement would both be voted on at the December 22, 2009 Council Meeting. He said denial of the WSU Forest amendment or agreement would not affect the other Comprehensive Plan amendments under consideration for 2010. Assistant City Attorney Haggard said the Growth Management Hearing Board reviews appeals for all kinds of Comprehensive Plan appeals. She said the Board has stated that it has no right to overturn a Council's decision to deny a Comprehensive Plan amendment, however. The item was forwarded to the December 22, 2009 Meeting for action.

7:07:47

D. **Discussion Following Public Hearing: AB09-192 – Resolution 1991** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, to Approve the WSU Development Agreement.

Deputy Mayor Swatman asked about the 25% tree retention policy. Director Vodopich said the Municipal Code gives the City the right to impose up to 25% maximum tree retention for non-residential development, but no more. If the City required 25% retention for the commercial site, that would be about 8.75 acres of trees. The development agreement states that City's land meets the tree retention requirements. Deputy Mayor Swatman said it is more complicated to have mitigation off-site with the City, and if the City develops its land the mitigation will be gone.

Deputy Mayor Swatman asked about the proposed traffic mitigation and signal. Public Works Director Grigsby said the traffic improvement will benefit the commercial site and provide mitigation. Director Vodopich said the signal is included in Phase 2 of the proposed development plan. Deputy Mayor Swatman said he feels the proposed R-3 zoning overlay should apply specifically to the WSU site, and not other parts of the City.

Deputy Mayor Swatman also asked about fire protection requirements in the residentially zoned area. Director Vodopich said fire protection is addressed in the agreement and the proposed R-3 zoning overlay as well. He said the overlay zoning could be amended to require sprinkler systems. Councilmember Bowen said the residential area should be allowed to have higher density to allow high-rise apartments and other types of residences.

Councilmember King asked for clarification on the indemnity and use terms in Section 7.10. Assistant City Attorney Haggard said this means that if someone is injured on the property, it will be indemnified by the City's insurance. She said State law severely limits liability for injuries on recreational properties, and did not see the potential for major liability in this clause.

Councilmembers further discussed the proposed R-3 zoning overlay. Assistant City Attorney Haggard said the agreement includes the basic outline of the R-3 zoning overlay, and the Council should develop that now as it will be part of the agreement. She confirmed that the Planning Commission would still review and make a recommendation on the proposed zoning overlay in 2010, and the Council would still need to review it and take action as well. Director Vodopich confirmed that the proposed agreement can only be amended after public notices and hearings are held, and all parties approve.

Councilmembers Carter and King said they were not sure if the proposed land for the City is large enough to house a full recreation complex. Councilmember King agreed and said that the City will only know how much land is available for use after the final Master Drainage Design is complete in 2010. In addition, he said parking and other infrastructure is needed for any sports fields. He said the City should consider acquiring land more suitable for a large athletic complex elsewhere, and keep the forested land for passive uses.

She said she wants to ensure the forest is safe before it is reopened to the public. She asked that the same arborists who reviewed the WSU forest before it was closed for safety reasons be contracted to review the Western Red Cedars on the site.

Assistant City Attorney Haggard clarified the interim use of trails section. She said the City would be allowed to use the trails on the commercial and residential portions of the site, as well as the City's property, until the properties are ready to be developed. The development is expected to come in several waves, so parts of the forest will be available for trails longer. The agreement states that if engineering plans are not approved by 2035, the City's use of the trails will end. In addition, either party can terminate the interim trail use at any time until 2035; WSU must give one year's notice prior to terminating the City's interim trail use.

Councilmembers reiterated that nothing has been decided about how the City's property might be used after acquisition. Environmental review, public hearings and a lot of review will take place before any action is taken. The proposed resolution was forwarded to the December 22, 2009 Meeting for action.

7:54:17

- E. **Action: AB09-197** – A Motion of the Bonney Lake City Council Nominating an Elected Official to the Zoo/Trek Authority Board for the At-large Position #2 Vacancy.

Councilmember Bowen nominated Councilmember Mark Hamilton to the Zoo/Trek Authority Board position. Councilmember Rackley seconded the motion.

Councilmember Hamilton was nominated for the position by a 7 – 0 vote.

7:58:46

- F. **Council Open Discussion:**

Toy & Food Drives: Councilmember Carter said the Toy Drive is in need of large gift bags as soon as possible. The Bonney Lake Applebee's is holding a fundraiser to benefit the Senior Center and Food Bank from December 17 to 20, 2009.

Councilmember Rackley said the Police fundraiser at Applebee's raised about \$1,000 and the Papa Murphy's fundraising effort was a big success.

Rebate Programs: Councilmember Carter said the City has rebate programs for low-flow toilets and washing machines. She said a low-flow toilet and shower head can save up to \$90 per year and pays for itself.

Snow & Ice Removal: Deputy Mayor Swatman asked the Community Development Committee to review deicing procedures. Director Grigsby said the City has equipment to spray deicer from trucks but needs a brine tank in order to store large amounts of deicer from the County.

Public Meetings: Deputy Mayor Swatman asked whether the Council wanted to hold public open houses in early 2010. Mayor Johnson asked Councilmembers to consider which dates would work best.

Annexation: Deputy Mayor Swatman said he and Director Grigsby met with the Autumn Crest Homeowner's Association board to discuss what annexing into Bonney Lake would mean for their residents. He said he will continue to contact people to gauge the level of interest in annexation.

8:05:37

- G. **Review of Council Minutes:** November 24, 2009 Meeting, December 1, 2009 Workshop, December 5, 2009 Special Meeting and December 8, 2009 Meeting.

Councilmember Carter thanked staff for their work on the minutes from recent Public Hearings. She made several corrections to the December 8, 2009 Minutes: on p. 2, Roger Watt said "at least 60 years," not 6 years; a typographical error on p. 3; and on p. 6, Marian Betzer was recognized by the "Forever Green Council." The minutes were forwarded to the December 22, 2009 Meeting for approval with corrections.

8:06:57

IV. Closed Session:

Pursuant to RCW 42.30.140(4)(a) the City Council met in a closed session at 8:10 p.m. for 15 minutes to discuss labor negotiations. No actions were taken. The Workshop returned to order at 8:25 p.m.

V. Adjournment:

At 8:25 p.m. Councilmember Rackley moved to adjourn the workshop. Councilmember Decker seconded the motion.

Motion approved 7 - 0.



Harwood T. Edvalson, CMC
City Clerk



Neff Johnson, Jr.
Mayor

Items submitted to the Council Workshop of December 15, 2009:

- City of Bonney Lake – *Presentation “WSU Development Agreement Key Points”* – Community Development Director John Vodopich.
- Bonney Lake Citizen – *Letter re: WSU Forest (opposition)* – Chris Lunn.
- Bonney Lake Citizen – *Email re: WSU Forest Comprehensive Plan Amendment* – Glenn Kasman.
- Bonney Lake Citizen – *Email re: WSU Development* – Lauren Moore.
- Bonney Lake Citizen – *Email re: WSU Demonstration forest resource allocation (public record)* – Daniel Bachilla.
- Bonney Lake Citizen – *Email re: Bonney Lake Medical Building* – Brian Schoos, MD.
- Bonney Lake Citizen – *Email re: WSU Forest Proposal– vote yes on the rezone* – Dr. Barbara Blankenship.
- Bonney Lake Citizen – *Email re: Vote on WSU forest Development Plan* – Mies Heisterkamp.
- Bonney Lake Citizen – *Email re: WSU Demonstration Forest comments* – Leigh Goodier.
- Bonney Lake Citizen – *Email re: WSU Forest Comp Plan Amendment* – JD Fitz for Glenn Kasman.
- Bonney Lake Citizen – *Letter to City Council* – Dennis Tompkins.
- Bonney Lake Citizen – *Email re: Bonney Lake MOB* – Jennie Hendrie.
- Bonney Lake Citizen – *Email re: WSU Demonstration Forest* – Camille Herd.
- Bonney Lake Citizen – *Email re: Hearing for the WSU Demonstration Forest* – Joshua Hatley.
- Bonney Lake Citizen – *Email re: More bullying of the city in the latest WSU plan* – Betsy Shultz.
- Bonney Lake Citizen – *Email re: Zoning of WSU Land off Hwy 410* – Rick Heather.
- Bonney Lake Citizen – *Email re: WSU Forest Comments* – Roger Watt.
- Bonney Lake Citizen – *Email re: WSU Forest Hearing – Testimony* – Charles Chu.
- Bonney Lake Citizen – *Email re: WSU Forest Development Plan vote comments* – Mr. & Mrs. Michael Dempsey.
- Bonney Lake Citizen – *Email re: New Development Behind Safeway* – Jina Dempsey.
- Bonney Lake Citizen – *Email re: WSU Forest* – Jerry Bullat.

- Bonney Lake Citizen – *Email re: Quadrant/Bonney Lake* – Skip Skipworth.
- Bonney Lake Citizen – *Email re: Use of WSU Demonstration Forest* – Mike and Jody Low.
- Bonney Lake Citizen – *Email re: WSU Demonstration Forest* – Tanya Morefield.
- Bonney Lake Citizen – *Email re: WSU Demonstration Forest* – Jason Preston.
- Bonney Lake Citizen – *Email re: Soccer Complex* – Michael Breiner.
- Bonney Lake Citizen – *Email re: WSU Demonstration Forest* – Gary Crueger.
- Bonney Lake Citizen – *Letter to the Council re: Developers Agreement* – Fred Jacobsen.
- Bonney Lake Citizen – *Email re: Use Designations and Zoning Public Hearing for the WSU Demonstration Forest* – Ramona & Randy Raub.
- Bonney Lake Citizen – *Email re: WSU Forest* – L. Winona Jacobsen.
- Bonney Lake Citizen – *Email re: I am in favor* – Jacque Coffey, LPN.