ORDINANCE NO. 1249

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN AND ZONING MAP FOR TAX PARCEL 0520337004 (DEWITT/SIMMONS/CITY PARCEL)

WHEREAS, the City intends to devote the parcel in question to high-density housing in accordance with the revised Downtown Plan, and

WHEREAS, the best land use for the site is multi-family residential, and

WHEREAS, on 7/9/07 the Hearing Examiner held a public hearing and has recommended approval; and

WHEREAS, SEPA has been complied with via a Determination of Non-Significance, and

WHEREAS, this is one of ten Comprehensive Plan amendments coming before the City Council as a package, and

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

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

Section 1. The City Comprehensive Plan’s Future Land Use Map is hereby revised to show Tax parcel 0520337004, as identified on the attached map, as High-Density Residential.

Section 2. The City Zoning Map is hereby revised to show Tax parcel 0520337004, as identified on the attached map, as R-3 High-Density Residential.

Section 3. 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 14th day of August, 2007.
ATTEST:

Harwood Edvalson
City Clerk

APPROVED AS TO FORM:

James Dionne
City Attorney

Passed: 8/14/07
Valid: 8/14/07
Published: 8/16/07
Effective Date: 9/13/07
July 30, 2007

Jack Simmons
1310 Forster Blvd. SW
North Bend, WA 98405

Sherri DeWitt
9320 Angeline Road
Bonney Lake, WA 98391

RE: CHANGING THE COMPREHENSIVE PLAN AND ZONING DESIGNATION OF
THE CITY-OWNED DEWITT (SIMMONS) PARCEL TO R-3

Dear Property Owners:

Transmitted herewith is the Report and Decision of the City of Bonney Lake Hearing
Examiner relating to the above-entitled matter.

Very truly yours,

STEPHEN K. CAUSSEAX, JR.
Hearing Examiner

SKC/cka
cc: Parties of Record
    City of Bonney Lake
OFFICE OF THE HEARING EXAMINER
CITY OF BONNEY LAKE
REPORT AND RECOMMENDATION

CASE NO.: CHANGING THE COMPREHENSIVE PLAN AND ZONING DESIGNATION OF THE CITY-OWNED DEWITT (SIMMONS) PARCEL TO R-3

PROPERTY OWNERS:
Jack Simmons
1310 Forster Blvd. SW
North Bend, WA 98405

Sherri DeWitt
9320 Angeline Road
Bonney Lake, WA 98391

SUMMARY OF REQUEST:
The City of Bonney Lake has applied for a change of Comprehensive Plan designation from Single-Family Residential to High-Density Residential and a rezone from R-1 to R-3 for a 2.25 acre site with a house on it, on the north side of SR 410, 600 feet northwest of the SR 410 overpass over Angeline Road. The address is 9320 Angeline Road, Bonney Lake, WA 98391.

SUMMARY OF RECOMMENDATION:
It is hereby recommended that the City Council change the designation of parcel located at 9320 Angeline Road.

PUBLIC HEARING:
After reviewing Planning and Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on July 9, 2007, at 9:04 a.m.

Parties wishing to testify were sworn in by the Examiner.
The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1" - Planning and Community Development Staff Report and Attachments

STEVE LADD appeared, presented the Planning and Community Development Department Staff Report, and testified that the City adopted the comprehensive plan in 2004. The plan for the downtown area was good, but required combination of many parcels. The City purchased several parcels within the area to include this parcel and the one to the north to help bring about the plan goals. The City plan shows access from 86th, a north/south road to the Sumner Buckley Highway. The City has prepared no development plans as yet, but will probably sell the parcel to a developer. The City has also acquired property on the other side of the Sumner Buckley Highway and will do the same thing. Future development will not access over the present driveway to Angeline Road.

RALPH RAYMOND appeared and testified that he owns the adjacent parcel and wants the City to abandon the easement across his property. He doesn’t want to worry about cars crossing his parcel which is set up for a single family dwelling. He has general concerns about an HDR parcel next to a single family residence and a single family community. The City wants high density next to them. The plan doesn’t show this parcel as part of the City’s plan which was adopted one year ago. He is not sure the plan was approved as part of the legislative process. The parcel now is utilized as a rental. He has problems with utilities and would need a maintenance agreement for the driveway.

SHERRY THUN appeared and testified that she and her family platted all of the property in the area. The City wanted one-third of their property for SR-410 and took it. The access to the site is a narrow road and now many renters will use it. They will sell their property if the City develops this one.

JACK SIMMONS appeared and testified that he owns two parcels, and based upon his many conversations with the City, felt that the Council had agreed put the new city hall on the site. The other orange blocked areas would provide locations for support buildings, and access for the entire development would be via a new off ramp from SR-410. He believes it would greatly benefit the City to place the city hall there as people driving over the hill will concurrently view Mt. Rainier and the city hall building. It would provide a great vision for the City. Now the City is asking for multi-family zoning, but he always thought it was for the city hall. He has no verification of any of the conversations.

FRANK THUN appeared and questioned who actually owns the property.

BRUCE HONABACH appeared and testified that no one has had any problem with him as a renter.
MR. LADD reappeared and testified that purchasing of the property is not done by his department. The City Council is currently revising the comprehensive plan and developing a design. The plan shows alternatives for the area, one of which is HDR and the other is an option for the city hall. However, they recently decided to relocate the city hall to the northeast.

MR. SIMMONS reappeared and testified that the City will close on the property today and that after this meeting he will sign the final papers. He believes a City Council committee is studying the downtown plan.

No one spoke further in this matter and so the Examiner took the request under advisement and the hearing was concluded at 9:33 a.m.

NOTE: A complete record of this hearing is available in the City of Bonney Lake Planning and Community Development.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.

2. The City of Bonney Lake (City) has acquired two parcels of property having a generally triangular shape abutting the northeast side of SR-410, east of its intersection with Old Sumner Buckley Highway. The Future Land Use Map (FLUM) and zoning map show both parcels located within the Single Family Residential (R1) designation of the Bonney Lake Comprehensive Plan and the R1 zone classification. However, the Downtown Plan as shown in the December, 2004, amendment to the comprehensive plan designates both parcels for high density housing. In the present application, the City proposes to change the "Dewitt (Simmons)" parcel (the southern of the two triangular parcels) to a Multi-Family Residential comprehensive plan designation and High Density Residential District zone classification with a Transit Oriented Development (TOD) overlay. Such would allow development of the site with between 22 to 45 residential dwelling units.

3. As shown on the aerial photograph, the parcel consists of approximately 2.25 acres improved with a single family residential dwelling near the center. According to the topographic contours on the photograph, the western two-thirds of the site is relatively flat while the eastern third rises steeply uphill to the neighboring parcel to the southeast. The parcel also rises steeply to the parcel to the northeast which is improved with the Grandview single family residential subdivision. As the contour lines also show, the parcel is located considerably above SR-410 which is in a cut
as it descends to cross Angeline Road and Fennel Creek. Access to the site is currently provided by a driveway from Angeline Road over an abutting parcel.

4. The abutting parcel to the northwest, the “Simmons” parcel, is located in the R3/TOD overlay zoning district and has a FLUM designation of Multi-Family Residential. The large rectangular parcel to the north designated “Renwood LLC” has the same designation and zoning. Parcels to the north, east, and south are located in the Single Family Residential (R1) classification and also have a Single Family Residential FLUM designation.

5. All public utilities and services are available to serve the parcel, but staff acknowledges that the current access onto Angeline Road is substandard. Preferred access would consist of an extension of 86th Avenue south from the Sumner Buckley Highway.

6. Prior to obtaining an amendment to the comprehensive plan, the City Council must find that the request satisfies the criteria set forth in Section 14.140.090 of the Bonney Lake Municipal Code (BLMC). Findings on each criteria are hereby made as follows:

A. The proposal is consistent with the goals and policies of the Bonney Lake Comprehensive Plan as set forth on Page 3 of the staff report. In addition, the Downtown Plan shown in Figure 1-16 on Page 1-16 of the December, 2004, amended comprehensive plan shows the site developed with multi-family housing and access provided via a road extending south from the Sumner Buckley Highway. Thus, the proposed changes are consistent with the downtown vision previously adopted by the City Council. Furthermore, the Future Land Uses Table set forth on Figure 3-5 of the 2005 plan amendment shows only 2% of the area of the City devoted to high density residential uses, and yet goals of the comprehensive plan encourage compact residential development and clustering (Policy 3-6a). Furthermore, Policy 3-7b encourages multi-family housing in close proximity to shopping, employment, entertainment facilities, recreation facilities, and public transportation. Future residents of the site could walk to said facilities in the future downtown area. Goal 3-4 of the comprehensive plan encourages the efficient use of land, and Policy 3-4a encourages infill development which minimizes the consumption of land. Policy 3b encourages the creation of "some areas of higher residential density in order to accommodate the population projection without excessive outward sprawl." Locating high density residential uses adjacent to the future downtown and the transit facility would seem appropriate.

B. The proposed re-designation would maintain the site internally consistent
with the Comprehensive Plan as set forth on the Downtown Plan. Both the FLUM and zoning code would become consistent with the Downtown Plan. The topography of the area provides a natural separation for abutting single family residential development. However, development should not occur until appropriate access from the north or elsewhere is available.

C. The amendment is consistent with County-Wide Planning Policies which encourage high density development where urban infrastructure is available.

D. The amendment is consistent with the Growth Management Act as it concentrates high residential development in the downtown area which provides urban level facilities and services and shopping opportunities, employment, entertainment opportunities.

E. The proposal advances the public health, safety, and welfare and is in the public interest of the residents of Bonney Lake. A multi-family project located at this site within walking distance of downtown opportunities and a Pierce Transit facility reduces traffic.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.

2. The request for a comprehensive plan amendment meets all criteria set forth in Section 14.140.090(a) BLMC and therefore should be approved.

3. The only approval criteria for an amendment to the zoning code is consistency with the comprehensive plan and the laws of the State of Washington. Changing the zone classification to match the comprehensive plan automatically satisfies said criteria.

RECOMMENDATION:

It is hereby recommended to the Bonney Lake City Council to change the "Dewitt (Simmons)" parcels comprehensive plan designation from Single Family Residential to Multi-Family Residential and its zone classification from Single Family Residential to High Density Residential/Transit Oriented Development (TOD).

ORDERED this 30th day of July, 2007.

STÉPHEN K. CAUSSEXAUX, JR.
Hearing Examiner
TRANSMITTED this 30th day of July, 2007, to the following:

PROPERTY OWNERS:  
Jack Simmons  
1310 Forster Blvd. SW  
North Bend, WA 98040

Sherri DeWitt  
9320 Angeline Road  
Bonney Lake, WA 98391

OTHERS:

Frank and Sherry Thun  
9302 Angeline Road  
Bonney Lake, WA 98391

Bruce Honabach  
9320 Angeline Road  
Bonney Lake, WA 98391

Ralph and Ann Raymond  
9314 Angeline Road E.  
Bonney Lake, WA 98391

CITY OF BONNEY LAKE  
Planning and Community Development Department  
P.O. BOX 7380  
19306 BONNEY LAKE BLVD.  
BONNEY LAKE, WA 98390-0944
Dear Mr. Ladd,

My name is Ralph Raymond. My wife and I own property adjacent to 9320 Angeline Road, for which we recently received a notice of hearing and DNS to change the zoning from R-1 to R-3.

Our address is 9314 Angeline Road East. Referencing the attached short plat map, the subject property is lot 4, and our property is lot 3.

We have several serious concerns about the proposed zoning change:
1. There is an easement for access to lot 4 across our property. The basis of the easement is for access to a single family residence. Any increase in traffic, etc. on our driveway is unacceptable and contrary to the covenants.
2. We are concerned that high density development will subject us to the inevitable increases in traffic, noise, crime, and loss of forested area. We currently enjoy a buffer of single family zoning, and are concerned that high density development will damage our lifestyle and property value.

The City should not rubber-stamp every proposed development. We urge the City to rescind the proposed zoning change, and protect the rights of homeowners like us who purchased property relying on current zoning laws.

I would appreciate it if you would acknowledge receipt of this email by return email. Please call me if there is something more I should be doing to register my concerns, or if you have any questions. Thank you for your serious consideration of our comments.

Sincerely,
Ralph E. Raymond
9314 Angeline Road E.
Bonney Lake, WA 98391
cell: 808-375-8010
To Stephen Scott  
June 30, 2007  
Department of planning  
City of Bonney Lake  

The home on 9320 Angeline Road is not just a house on 2 ¼ acres. It has 2 apartments, I shop for overhauling cars, and a house. It also has boarders for horses. All done without permits. This is zoned R1, single family dwelling. We have had no protection from the city what so ever. Because of previous tenants selling drugs and theft rings we have had non stop traffic on a small very steep residential driveway. As a long time member of this community we expect the City of Bonney Lake to take action immediately. We have been terrorized by these tenants of 9320 with threatening Phone calls and shots fired at our cars and home. We know the city is aware of some of these incidents. We have felt fear many times from these tenants. We also wish for the State health inspector to be informed as all these tenants and buildings are working off one septic tank. The city is going to purchase this property and that’s fine but again this property is a single dwelling property and for our safety we expect the city to fence their property and keep traffic flowing from the access on the west side that merges with 410 Highway. This keeps our zoning inforced and our safety will be kept intact. After all,that steep driveway is a hazard for unfamiliar people and I am sure some one would enjoy suing the City as they fly over the edge. We ask for your help and will be a the city hearing July 9th.

Sincerely  
Mr and Mrs. Frank W. Thun  
253-862-9633
July 6, 2007

Mr. Stephen Ladd, Responsible Official
Planning and Community Development
City of Bonney Lake/City Hall
PO Box 7380
Bonney Lake, WA 98390-0944

Dear Mr. Ladd:

Thank you for the opportunity to comment on the determination of nonsignificance for the Simmons (DeWitt) Change of Comprehensive Plan Designation, located on the north side of SR 410, east of the Angeline Road Overpass as proposed by City of Bonney Lake. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**WATER QUALITY: Margaret Hill (360) 407-0246**

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Proper disposal of construction debris must be on land in such a manner that debris cannot enter the stormdrains draining to waters of the state or cause water quality degradation of state waters.

During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

Soil in stockpiles should be stabilized or protected with sediment-trapping measures to prevent soil loss. All exposed areas of final grade or areas that are not scheduled for work, whether at final grade or otherwise, shall not remain exposed and un-worked for more than two days, between October 1 and April 30. Between May 1 and September 30, no soils shall remain exposed and un-worked for more than 7 days.

Clearing limits and/or any easements or required buffers should be identified and marked in the field, prior to the start of any clearing, grading, or construction. Some suggested methods are staking and flagging or high visibility fencing.
Properties adjacent to the site of a land disturbance should be protected from sediment deposition through the use of buffers or other perimeter controls, such as filter fence or sediment basins.

All temporary erosion control systems should be designed to contain the runoff from the developed two year, 24-hour design storm without eroding.

Provision should be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.

Wash water from paint and wall finishing equipment should be disposed of in a way which will not adversely impact waters of the state. Untreated disposal of this wastewater is a violation of State Water Quality laws and statutes and as such, would be subject to enforcement action.

Coverage under the National Pollution Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activities is required for construction sites which disturb an area of one acre or more and which have or will have a discharge of stormwater to surface water or a storm sewer. An application can be downloaded from Ecology’s website at http://www.ecy.wa.gov/programs/wq/stormwater/construction/#Application or you can contact Charles Gilman at (360) 407-7451 or Kurt Fremont at (360) 407-6364 for an application form.

Ecology’s comments are based upon the information provided with the SEPA checklist. As such, they do not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(AW: 07-4956)

cc: Kurt Fremont, WQ
Charles Gilman, HQ/WQ
Margaret Hill, WQ
PUBLIC NOTICE OF ORDERANCE ADOPTION
August 15, 2007

ADOPTED ORDINANCES

**Ordinance 1246** [D07-163] — An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Fennel Creek Trail Plan As Part Of The Comprehensive Plan. (Adopted August 14, 2007 and effective five days after the date of publication.)

**Ordinance 1247** [D07-165] - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Refined Downtown Plan (Adopted August 14, 2007 and effective five days after the date of publication.)

**Ordinance 1248** [D07-168] — Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Comprehensive Plan And Zoning Map In The Vicinity Of The Target Store. (Adopted August 14, 2007 and effective five days after the date of publication.)

**Ordinance 1249** [D07-170] — An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Comprehensive Plan And Zoning Map for Tax Parcel 0520337004 (Dewitt/Simmons/City Parcel) (Adopted August 14, 2007 and effective thirty days after the date of adoption.)

**Ordinance 1250** [D07-173] — An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Lifting The Moratorium Established By Ordinance D07-72, Amending Chapters 18.18, 18.26, 18.36, And 18.37 BLMC, And Adding Chapters 18.35 And 18.38 BLMC, To Bring The Text Of The Downtown Zoning Districts In Line With The Downtown Plan, And Repealing Or Amending Portions Of Ordinances No. 1071 § 1, No. 747 § 1, No. 746 § 4, No. 740 § 6, No. 1230 § 19, No. 1155 § 4, No. 1099 § 19, No. 851 § 32, No. 740 § 6, No. 1230 § 6; No. 1099 § 23; No. 746 § 8; No. 740 § 10, No. 1155 § 3, No. 1155 § 1, And No 1155 § 2., (Adopted August 14, 2007 and effective thirty days after the date of adoption.)

The full text of the ordinances, summarized in this notice and adopted by the Bonney Lake City Council as indicated, are available at City Hall, 19306 Bonney Lake Boulevard, PO BOX 7380, Bonney Lake, WA, 98391, or will be mailed upon request.

--- Harwood T. Edvalson, City Clerk

cc. Members of the City Council & Planning Commission
Mayor Neil Johnson & Department Heads
 Tacoma News Tribune
 Puyallup Herald
 Courier-Herald

Posted: City Hall & Annex
        Front Desk
        Library
        Post Office
Mitchell said the Police Department has cited the Diamond Lounge for noise violations. They were shut down for a period of time and he has been in frequent contact with the Liquor Control Agent.

Jodie Lapiere, 18616 88th St. E., said she just moved from her home behind the Diamond Lounge because her experience was causing her to hate living there. She took a loss on her house because she had to disclose the commercial noise. Last time she spoke to Council about the problem it improved for a little while, but now it is worse than ever.

Council, Chief Mitchell and City Attorney Dionne debated other possible actions to take, including filing additional complaints with the Liquor Control Board, modifying the zoning code for Downtown, positioning officers outside the bar to catch drunk drivers and re-evaluating the Impact Fees paid during the last tenant improvement. Mayor Johnson said there would be further discussion with the Attorney and appropriate action would be taken.

Ralph Raymond, 9314 Angeline Road E., asked Council not to approve the Dewitt/Simmons rezone on this evening’s agenda. There is a serious flaw in access. The easement through his property is only intended to be used for two homes, not a high density area like the property in question. He said the Planner said access would be from the North, but the City does not have control of the North. Mr. Raymond added that the City mishandled the purchase of the Dewitt property and paid over twice the accessed value. He said he hopes this discrepancy will be investigated because he believes that money could have been spent more wisely.

Deputy Mayor Swatman said there are other properties in the area which the City is also considering purchasing. The northern parcel is one of those. He suggested Mr. Raymond should be glad the City owns the property because that means he will have input as to what is done with it. His understanding is there is no intention to use Mr. Raymond’s road for access.

David Konsmo, P.O. Box 1962, Auburn, said the Eastown utility infrastructure was required to be provided by the City of Bonney Lake when they annexed Eastown from Pierce County in November of 2001. On behalf of 85% of the commercial property owners, Mr. Konsmo requested immediate installation of utility infrastructure. He described the history of Eastown and said he and the other property owners have been relying on the City to do this and have planned accordingly.

Mr. Konsmo asked why his recent letter to the Public Works Department was ignored and said the City needs to make this a priority. He said the City had promised not to put other commercial areas first and he cannot understand why the City is not being supportive of Eastown. Councilmember Noble said she has no recollection of promises being made. Director Grigsby said there was once an attempt to develop an LID, but he has no recollection of the City promising to pay for infrastructure either. Mayor Johnson said the City would review Mr. Konsmo’s letter and research the topic.

Roger Watt, 12029 225th Ave. Ct. E., said he owns the Golfing Range in Eastown and feels annexation to the City was dependent on the City providing utilities. He said
A. **AB07-163 – Ordinance 1246 [D07-163]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Fennel Creek Trail Plan As Part Of The Comprehensive Plan. [O 3.5.2]

Councilmember Rackley moved to approve Ordinance 1246, Councilmember Noble seconded the motion.

Councilmember Hamilton commended Planning Manager Ladd for his work on this Plan. Planning Manager Ladd responded that he is proud of the Plan and the Environmental Impact Statement (EIS) which he prepared. He said it is very technical, but provides good data and he hopes it will be used as intended. Deputy Mayor Swatman thanked Community Services Director Leaf for his extensive involvement in this project and the grant received to fund some of the trail. Councilmember King added his gratitude to the Friends of Fennel Creek for their tireless efforts in educating and working to preserve the Creek.

**Motion approved 7 – 0.**

B. **AB07-164 – Ordinance D07-164** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Non-Motorized Transportation Plan As Part Of The Comprehensive Plan. [O 3.5.2]

C. **AB07-165 – Ordinance 1247 [D07-165]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Refined Downtown Plan. [O 3.5.2]

Councilmember Rackley moved to approve Ordinance 1247. Deputy Mayor Swatman seconded the motion.

Planning Manager Ladd said this has been in process for a long time and included a lot of citizen help. There has been an EIS done on the Downtown Plan, but it will be replaced with a Planned Action EIS. He requested Council adopt the Plan.

**Motion approved 7 – 0.**

D. **AB07-168 – Ordinance 1248 [D07-168]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Comprehensive Plan And Zoning Map In The Vicinity Of The Target Store. [O 3.5.2]

Councilmember Rackley moved to approve Ordinance 1248. Deputy Mayor Swatman seconded the motion.

Planning Manager Ladd confirmed this amendment was recommended by the Planning Commission.

**Motion approved 7 – 0.**

Councilmember Rackley moved to approve Ordinance 1249. Deputy Mayor Swatman seconded the motion.

Ralph Raymond, 9314 Angeline Road E, said he stated his comments earlier and hopes his point was understood. There are unresolved issues with this amendment which may result in a lawsuit.

Planning Manager Ladd said this amendment was recommended by the Hearing Examiner because it is considered a site-specific action. The Downtown Plan shows this property as a part of Downtown, but the land use map is inconsistent. This ordinance will bring the map, the plan and the zoning in compliance. He concurred that the easement referenced by Mr. Raymond is inappropriate for access. That is why the Plan shows traffic going north from the property. In response to Councilmember Rackley’s request, Planning Manager Ladd confirmed the plans are not to direct traffic down Angeline Rd.

Motion approved 7 – 0.

F. AB07-172 – Ordinance D07-172 – An Ordinance of the City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Comprehensive Plan And Zoning Map For Tax Parcel #4910000021 (Tuggle Parcel) From Medium-Density Residential (R-2) To Commercial (C-2). [O 3.5.2][O 3.8.2]

Councilmember Rackley moved to approve Ordinance D07-172. Councilmember Noble seconded the motion.

Planning Manager Ladd said the Hearing Examiner recommended against this amendment. Councilmember Rackley said because of the location of the property there is no sensible reason he could see not to grant the rezone. Councilmember DeLeo said the creeping effect of rezoning in this area was an issue in the past when the Qualey property was rezoned. He said he would not support this. Deputy Mayor Swatman stated that he agrees with the Hearing Examiner, as well.

Motion Failed 2 – 5. Councilmembers Bowen and Rackley voted to approve it.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

A. AB07-163 – Ordinance 1250 [D07-173] – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Lifting The Moratorium Established By Ordinance 1229, Amending Chapters 18.18, 18.26, 18.36, And 18.37 BLMC, And Adding Chapters 18.35 And 18.38 BLMC, To Bring The Text Of The Downtown Zoning Districts In Line With The Downtown Plan, And Repealing Or Amending Portions Of Ordinances No. 1071 § 1, No. 747 § 1, No. 746 § 4, No. 740 § 6, No. 1230 § 19, No. 1155 § 4, No. 1099 § 19, No. 851 § 32, No. 740 § 6, No. 1230 § 6; No. 1099 § 23; No. 746 § 8; No. 740 § 10, No. 1155 § 3, No. 1155 § 1, And No 1155 § 2. [A3.5.5]
DATE: August 6, 2007

ORIGINATOR: Steve Ladd TITLE: Planning Manager

SUBJECT: Comprehensive Plan Amendment/Rezone of the DeWitt/Simmons/City parcel from Single-Family Residential to Multi-Family Residential

ORDINANCE/RESOLUTION # D07-170

REQUEST OR RECOMMENDATION BY ORIGINATOR:
Adopt Ord. D07-170.

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE
FINANCE DIRECTOR
CITY ATTORNEY

BUDGETED ITEM: Budget Impact 0

RETAINAGE

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE APPROVED DISAPPROVED
James Rackley, Chairman 8-6-07
Mark Hamilton 8-6-07
David Bowen 8-6-07

COMMITTEE COMMENTS:

COMMITTEE’S RECOMMENDATION TO FORWARD TO:
CITY CLERK
CITY ATTORNEY

Please schedule for City Council Meeting date of: August 21, 2007

Consent Agenda: [ ] Yes [ ] No
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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<th>Department/Staff Contact:</th>
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<td>Planning – Steve Ladd</td>
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<td>D07-170</td>
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</table>

BUDGET INFORMATION

<table>
<thead>
<tr>
<th>2007 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

Explanation:
NA.

Agenda Subject:
Comprehensive Plan Amendment/Rezone of the DeWitt/Simmons/City parcel from Single-Family Residential to Multi-Family Residential

Administrative Recommendation:
Adopt Ord. D07-170.

Background Summary:
See the attached hearing examiner’s report. The following information supplements the hearing examiner’s report.

- The tax parcel is 0520337004.

- The surrounding parcels are as follows. See map attached to ordinance.

<table>
<thead>
<tr>
<th>Direction from site</th>
<th>Owner</th>
<th>Existing land use</th>
<th>FLUM designation</th>
<th>Zoning</th>
<th>Topography</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest</td>
<td>The &quot;Simmons&quot; parcel (City)</td>
<td>Vacant, 1 unfinished house</td>
<td>Multi-Family Residential</td>
<td>R-3 / TOD Overlay</td>
<td>Flat</td>
</tr>
<tr>
<td>North</td>
<td>Renwood LLC (City may acquire)</td>
<td>Vacant</td>
<td>Multi-Family Residential</td>
<td>R-3 / TOD Overlay</td>
<td>Flat on bottom, rising steeply up to Grandview</td>
</tr>
<tr>
<td>Northeast</td>
<td>Grandview plat</td>
<td>Single-family</td>
<td>Single-Family Residential</td>
<td>R-1</td>
<td>Rather flat on top</td>
</tr>
<tr>
<td>East</td>
<td>Ralph Raymond</td>
<td>Single-family</td>
<td>Single-Family Residential</td>
<td>R-1</td>
<td>Very steep with a small flat on top</td>
</tr>
<tr>
<td>South</td>
<td>WDOT</td>
<td>SR 410</td>
<td>Grade dropping down as SR 410 crosses Fennel Creek</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Since this is only one parcel and it is under 40 acres in size, this is a site-specific (quasi-judicial) action. The Hearing Examiner hears this action and makes a recommendation to the Council.
<table>
<thead>
<tr>
<th>Council Committee Dates:</th>
<th>Agency/Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance Committee:</td>
<td>Planning Agency:</td>
<td>Park Board:</td>
</tr>
<tr>
<td>Public Safety Committee:</td>
<td>Design Commission:</td>
<td>Hearing Examiner: 7/9/07</td>
</tr>
<tr>
<td>Community Development &amp; Planning Committee:</td>
<td>Civil Service Commission:</td>
<td></td>
</tr>
<tr>
<td>Council Workshop:</td>
<td></td>
<td></td>
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</table>

**Council Action:**

<table>
<thead>
<tr>
<th>Council Call for Hearing:</th>
<th>Council Hearings Date:</th>
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</table>

<table>
<thead>
<tr>
<th>Council Referred Back to:</th>
<th>Workshop:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Tabled Until:</td>
<td>Committee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signatures:</th>
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</thead>
<tbody>
<tr>
<td>Dept. Per</td>
</tr>
<tr>
<td>Mayor</td>
</tr>
<tr>
<td>Date City Attorney reviewed</td>
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</table>