

**PLANNING
COMMISSION MEETING**

**November 15, 2023
6:00 p.m.**

AGENDA



"Where Dreams Can Soar"

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

www.ci.bonney-lake.wa.us

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

The public is invited to attend Planning Commission Meetings in person, via conference call or over the internet. The information for attending is provided below.

Planning Commission Meetings attendance options:

In-Person: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake

By phone: 408-740-7256 (Meeting ID: 215 767 540#)

By internet: Chrome- <https://bluejeans.com/215767540> **Your microphone will be turned off when attending online until the start of the public commenting section and when your name is called, will be then turned on.**

I. CALL TO ORDER: Commissioner Grant Sulham, Chair

II. ROLL CALL: Commissioner Grant Sulham, Commissioner Jessica Bennion, Commissioner Brad Doll, Commissioner Kerri Hubler, Commissioner Craig Sarver, Commissioner Debbie Strous-Boyd, and Commissioner Jeffery Wilkins.

P. 3 **III. NEXT MEETING POLL (December 06, 2023)**

IV. APPROVAL OF MINUTES: (November 01, 2023)

V. PUBLIC COMMENTS AND CONCERNS:

Public comments can be made in-person, by phone or virtually during this portion of the meeting. Comments are limited to 5 minutes. Those planning to comment via phone or virtually will need to sign up prior to the meeting in order to comment. When signing up, please provide your name, your screen name, and phone number (for callers), and if your comments are for general public comments or for the public hearings and which hearing, either by email to spietzk@cobl.us or by phone at 253-447-3108. Virtual and call in registrations need to be received by 5:00 p.m. the day of the meeting. During the meeting, your name will be called when it is your turn. Your microphone will be activated, and you will be able to comment. Those physically appearing at the Planning Commission meeting to speak during citizen comments do not need to sign up but will be asked to state their name and address for the meeting record.

VI. PUBLIC HEARING: None.

VII. OLD / CONTINUING BUSINESS: None.

VIII. NEW BUSINESS

P. 5 **A. 2023 Code Maintenance Amendments**

IX. FOR THE GOOD OF THE ORDER

- A. Correspondence
- B. Staff Comments
- C. Commissioner Comments

X. ADJOURNMENT

Next Scheduled Meeting: December 06, 2023

**PLANNING COMMISSION
MEETING**

**November 01, 2023
6:00 p.m.**

DRAFT MINUTES



“Where Dreams Can Soar”

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

Audio starts at:
06:00:00

- I. Call to Order:** The meeting was called to order at 6:00 p.m.
- II. Roll Call:** Planning Commissioners in attendance were Chair Grant Sulham, Vice-Chair Craig Sarver, Commissioner Jessica Bennion, Commissioner Brad Doll, Commissioner Kerri Hubler, Commissioner Debbie Strous-Boyd, and Commissioner Jeffery Wilkins.

Motion approved 7 – 0.

City staff members in attendance were Planning and Building Supervisor Jason Sullivan and Planning Commission Clerk Kennedy Spietz.

Audio starts at:
06:00:15

III. Next Meeting Poll:

By common consent, Commissioners agreed to hold the next Planning Commission Meeting on November 15, 2023.

Audio starts at:
06:00:30

IV. Approval of Minutes:

Motion was made by Commissioner Doll and seconded by Commissioner Sarver to approve the minutes from the September 13, 2023, Meeting.

Motion approved 7 – 0.

Audio starts at:
06:00:30

- V. Public Comments and Concerns: None.** *For efficient use of city resources, comments will be a short summary and not verbatim. Video recordings will be uploaded to the city’s YouTube channel and an audio recording to the state digital archives if needing a complete review of comments.*

Audio starts at:
06:02:01

VI. Public Hearing: None.

VII. Old / Continuing Business

Audio starts at:
06:02:14

A. PTROS Plan Update Conceptual Park Designs (no advanced materials)

- Planning and Building Supervisor Sullivan introduced the PTROS Plan Update Conceptual Park Designs.
- Consultant Scott Melbourne presented the PTROS Plan Update Conceptual Park Design Slideshow.
- Commissioners discussed their thoughts and opinions on the PTROS Plan Update concepts.

Audio starts at:
07:04:45

VIII. New Business: None.

Audio starts at:
07:05:00

IX. For the Good of the Order

Audio starts at:
07:05:00

A. Correspondence: None.

Audio starts at:
07:05:15

B. Staff Comments:

Planning and Building Supervisor Sullivan updated the Commission on the next meeting.

Assistant Planner Spietz stated the outreach for the Comprehensive Plan has begun.

Audio starts at:
07:08:00

C. Commissioner Comments:

Commissioner Doll stated his concerns about the PTROS Open House.

Chair Sulham stated his positive feedback on permitting.

X. Adjournment

Motion was made by Chair Sulham and seconded by Commissioner Sarver to adjourn the meeting.

Motion approved 7 – 0.

Meeting adjourned at 7:15 PM.



Kennedy Spietz, Planning Commission Clerk



Planning Commission Agenda Item

Meeting Date: November 15, 2023

Memo Date: November 9, 2023

Staff Contact: Jason Sullivan – Planning and Building Supervisor

Action Type: Discussion

Agenda Title: Ord. 23-141 2023 Code Maintenance Package

PURPOSE:

This is a study session to receive a briefing and discuss the proposed update to the City's Development Code.

ATTACHMENTS:

- A. Draft Ordinance D23-141 – 2023 Code Maintenance Package
- B. Amendment Matrix

SUGGESTED MOTION:

None at this time.

DISCUSSION:

Ordinance D23-141 will provide an annual update to the development code. The goal of this process is to keep information current, incorporate legislative revisions, address inconsistencies, correct minor errors, and improve confusing or ineffective provisions or standards.

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ORDINANCE NO. D23-141

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, MAKING ROUTING HOUSEKEEPING AMENDMENTS TO THE FOLLOWING SECTIONS OF THE BONNEY LAKE MUNICIPAL CODE 10.36.060 RELATED TO THE APPOINTMENT OF THE PARKING ENFORCEMENT OFFICER; 12.08.010 RELATED TO PERMITS FOR WORKING WITHIN THE PUBLIC RIGHT-OF-WAY; 13.12.130 RELATED TO MANDATORY SEWER CONNECTION AND EXEMPTIONS; 14.140.040 RELATED TO SEPA REVIEW, SCHEDULING HEARINGS, AND PROVIDING NOTICE FOR COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENTS; 15.28.020 RELATED TO THE DEFINITIONS FOR THE SIGN CODE; 15.28.060 RELATED TO THE REGULATION OF TEMPORARY SIGNS; 16.06.020 RELATED TO SEPA ENVIRONMENTAL DOCUMENT AVAILABILITY AND COST; 16.02.110 RELATED TO SEPA FEES; 16.60.030 RELATED TO DEFINITIONS FOR THE URBAN FORESTRY CODE; AND REPEALING CHAPTER 9.14 OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO POLICE ENFORCEMENT OF THE DEVELOPMENT CODE; AND REPEALING SECTION 13.04.040 RELATED TO SEWER CONNECTIONS AND EXEMPTIONS.

WHEREAS, this ordinance contains minor amendments to improve the clarity and effectiveness of the City's existing code; and

WHEREAS, these amendments are necessary to keep the regulations current, incorporating legislative revisions, addressing inconsistencies, correcting minor errors, and improving confusing or ineffective provisions or standards; and

WHEREAS, the Public Services Director acting as the SEPA Responsible Official determined that the proposed amendment is categorically exempt from threshold determination pursuant to WAC 197-11-800(19)(b); and

WHEREAS, the City provided public notice of the hearing as required by BLMC 14.40.140; and

WHEREAS, the Planning Commission held a public hearing on _____ as required by BLMC 14.10.090.C and recommend that the City Council approve the amendments contained in this ordinance; and

WHEREAS, pursuant to RCW 36.70A.106 the City submitted this Ordinance to the Department of Commerce. The Department of Commerce review period concluded _____.

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

Section 1. Findings of facts and conclusions. The findings of fact and conclusions attached as Attachment A and the analysis contained in staff report attached as Attachment B are adopted in full be the City Council in support of its decision.

Section 2. Section 10.36.060.A of the Bonney Lake Municipal Code is hereby amended to read as follows:

- A. Parking Enforcement Officer. The ~~mayor~~ Police Chief shall designate one or more employees of the city to serve as a parking enforcement officer. Said officer(s) shall be given a limited commission by the mayor and be under the supervision of an appointed official deemed by the mayor most appropriate to assist in the supervision of parking enforcement duties. For the purposes of this section, the parking enforcement officer shall not be a uniformed law enforcement officer as defined in, or for the purpose of, Chapter 41.26 RCW, or pertinent provisions of the Bonney Lake Municipal Code; but shall be a noncivil service city employee performing a special limited function consistent with the meaning and intent of this chapter. This section shall not relieve or limit fully commissioned police officers of the city from performing parking enforcement duties as may be assigned.

Section 3. Section 12.08.010 of the Bonney Lake Municipal Code is hereby amended to read as follows:

12.08.010 Permit.

Any person, firm, corporation, joint stock company, partnership, association or otherwise, whether of a private or governmental nature, and excepting therefrom only the city itself by its duly authorized agents or employees, shall, perform any work prior to causing any excavation to be made over, along, under or across any street public right-of-way within the incorporated limits of the city as presently or hereafter constituted, apply for a prior to obtaining a permit for said work to do said excavation prior to the time of excavation, and shall supply to the appropriate agency of the city information sufficient to show the nature, purpose and location of the excavations. Work is defined as activity which digs up, breaks, excavates, tunnels, undermines the public right-of-way, the placement of earth or other excavated material obstructing or interfering with the free use of the public right-of-way, and/or the removal of trees located within the public right-of-way. Work shall also include any activity that disturbs or impedes the follow of traffic, pedestrians, or bicyclist within the public right-of-way.

Section 4. Section 12.08.110 of the Bonney Lake Municipal Code and the is hereby amended to read as follows:

12.08.110 Penalties-Enforcement.

- A. In the event that work is commenced without a permit required by this chapter, the city may order such unauthorized work to cease and may cause the right-of-way to be restored to its original condition at the expense of the person or entity performing the work. Except, that in those cases where emergency repairs are required, work may start immediately without prior approval from the city. Permits covering the emergency repairs shall be applied for as soon as the extent of the repair is determined. ~~Any person, firm, corporation or otherwise who fails and refuses to comply with the terms of this chapter by failing or refusing to obtain a permit and pay the fees as herein set shall be guilty of a misdemeanor.~~
- B. In addition to the above provisions violations of this chapter shall be enforced through the provisions of Chapter 14.130 BLMC.

Section 4. Section 13.12.130 of the Bonney Lake Municipal Code and the is hereby amended to read as follows:

BLMC 13.12.130 Sewer Connections mandatory.

- A. Sewer Connections Mandatory. All new development must connect to the public sewer system unless an exception or special provision in this section has been met.
- B. Exception for Residential Development ~~Single-Family Residential and Duplex~~. Where a public sanitary sewer is over 200 feet from a lot of record (as measured along centerline of right-of-way or easement from end of sewer main to intersection of right-of-way centerline and extension of the nearest property line), a private wastewater disposal system may be installed in conjunction with the construction of an individual detached single-family home, ~~or duplex, triplex, or fourplex~~; provided that if the Tacoma-Pierce County health department has issued a permit for the private wastewater disposal system.
- C. Limits on Use of Private Wastewater Disposal Systems. Where a private wastewater disposal system predates the enactment of this section or has been permitted pursuant to subsection B of this section, the private wastewater disposal system may be used so long as it is functioning properly; provided, that:
1. When a gravity public sewer main with a side sewer connection has been installed in any street, alley, or right-of-way abutting the property line, the property must connect to the public sewer at the time of sale or substantial improvement as defined in BLMC 16.20.030; and

2. When a public sewer main has been installed to or across the property line, the property must connect to the public sewer if the private wastewater disposal system fails or requires replacement;
 3. If a property is not connected to the public sewer at the time a connection is required under this section, the city shall levy penalties in an amount equivalent to such charges that would be levied if said property were connected, pursuant to RCW 35.67.190.
- D. Special Conditions for Easttown Subarea. Properties within the Easttown subarea that are within the area served by Lift Station 23 may continue to use existing private wastewater disposal systems for existing or changed uses and may install new private wastewater disposal systems in conjunction with changes of use or new construction. The Tacoma-Pierce County health department must issue a permit for all private wastewater disposal systems. Applicants for development approvals or permits, including but not limited to site plan approvals, building permits, tenant improvements, and certificates of occupancy, shall, at the time of permitting, execute an agreement with the city containing the following provisions:
1. A covenant, which shall run with the land and bind future owners of the property, to connect to public sewer service within one year of when sewer service becomes available. For purposes of this section, sewer service is available when an active public sewer main reaches the property line or is within 250 feet of the property line;
 2. An agreement that system development charges and related charges, latecomer fees, and monthly sewer fees shall be due at the time public sewer service becomes available, and that unpaid charges will become a lien on the property;
 3. An agreement to install public sewer infrastructure required by then current Bonney Lake Municipal Code, including dry lines located in a public sewer easement, at the time of temporary septic system construction;
 4. An agreement that if future construction increases the sewer capacity required by the property, additional system development charges shall be paid;
 5. A requirement to decommission the private wastewater disposal system at the time of sewer connection.
- E. Short Plats. Shorts plats of 4 or less lots may install new private wastewater disposal systems on each individual lot; provided that the Tacoma-Pierce County health department issue a permit for all private wastewater disposal systems and complies with the following:
1. The applicant shall prepare civil plans, which must be approved by the City, for the sewer extension that would have been required to serve the short plat and install dry lines consistent with the approved civil plans within and along the frontage of said

short plat prior to obtaining final short plat approval. This provision does not require an applicant to prepare plans for any required regional lift stations.

2. Community septic systems shall not be utilized or accepted by the city.

3. Place the following notices on the face of the final short plat:

- a. Property owners shall be required to connect to the public sewer service when the property is sold and/or the septic system fails, if the sewer services is available.
- b. Property owners shall be responsible for system development charges and related charges, and latecomer fees at the time connection is time public sewer service becomes available, and that unpaid charges will become a lien on the property.
- c. Property owners shall be charged the monthly base charge starting when the sewer services is available regardless if a connection to the sewer services is made.
- d. Property owners shall decommission the private wastewater disposal system at the time of sewer connection.

F. Financial Hardship. When connection to the sewer system becomes mandatory, an applicant may apply to the city to pay the sewer SDC on an installment payment plan. The application shall state that paying the SDC poses a financial hardship. The city may permit the applicant to pay the charge in monthly or annual installments (not both) for a period of not more than five years. An interest rate, as determined by the city's chief financial officer based on the current rate of return the city would receive otherwise, will be charged on the balance owing to the city. If the property is sold prior to full payment of the entire obligation, the entire remaining balance of the sewer SDC plus interest shall be due and payable at the time of sale. Any past-due installments and any remaining balance that are not paid at the sale will become a lien on the property. Payment plans shall not be allowed if payment of the sewer SDC becomes mandatory in accordance with subsection (C)(1) of this section.

Section 5. Section 14.130.160 of the Bonney Lake Municipal Code is hereby amended to read as follows:

14.130.160 Abatement by the city – Unfit dwellings, buildings, and structures.

- A. The city of Bonney Lake finds that there exist in its territorial limits unfit dwellings, buildings, and structures as defined in RCW 35.80.010.
- B. The hearing examiner may determine that a dwelling, building, structure, or premises is unfit for human habitation or other use if conditions exist in such dwelling, building, structure, or premises which are dangerous or injurious to the health or safety of the

occupants of such dwelling, building, structure, or premises, the occupants of neighboring dwellings, or other residents of the city of Bonney Lake. A dwelling, building, structure, or premises is dangerous or injurious when, among other situations, it is vacant for an extended period and persistently or repeatedly becomes unprotected or unsecured, or is currently or frequently occupied by unauthorized persons for illegal purposes, or the owner or occupant(s) of the structure have not provided minimum safeguards to protect or warn occupants in the event of fire, or contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it presents a danger of structural collapse or fire spread to adjacent properties.

- C. The hearing examiner shall serve as the public officer as defined in RCW 35.80.020, except that the code official shall provide all administrative functions such as preliminary investigations and the serving of notices. The code official shall have the power to investigate the dwelling and other property conditions in the city and to enter upon premises, with consent of the occupant, for the purpose of making examinations when the code official has reasonable grounds for believing they are unfit for human habitation, or for other use; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and the code official shall obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.
- D. Except for the code official's functions listed in subsection C of this section, the hearing examiner shall have all the powers and follow all the procedures identified for the board or officers in RCW 35.80.030.
- E. In determining the fitness of a premises, the hearing examiner shall reference Chapter 8.20 BLMC and the building codes adopted pursuant to Chapter 15.04 BLMC, or any other pertinent provision of the development code, in accordance with RCW 35.80.030(1)(d) and (e).
- F. The ~~city council~~ appellant hearing examiner shall serve as the appeals commission identified in RCW 35.80.030(1)(g), complying with the procedures stated therein.
- G. In accordance with RCW 35.80.030(1)(h), the cost of abatement by the city shall be assessed against the real property upon which such cost was incurred, which assessment the county treasurer shall enter upon the tax rolls against the property for the current year. If the city sells any materials from the premises as provided in RCW 35.80.030(1)(h), it shall do so in accordance with Chapter 2.70 BLMC. The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

- H. Any person affected by an order issued by the ~~city council~~ appellant hearing examiner pursuant to subsection F of this section may petition to the superior court as provided in RCW 35.80.030(2)

Section 6. Section 14.140.040 of the Bonney Lake Municipal Code is hereby amended to read as follows:

14.140.040 ~~Threshold determination~~ SEPA, scheduling of hearing, and notice.

Once a proposed amendment to the comprehensive plan or a development regulation has been drafted, the director(s) shall:

- A. ~~Perform a threshold determination regarding the proposal in accordance with Chapter 197-11 WAC, Part Three~~ Ensure compliance with the city's SEPA Code adopted as Title 16 Division I BLMC.
- B. ~~If a determination of significance (DS) is issued, determine the scope of the environmental impact statement (EIS) and prepare the draft EIS;~~
- ~~C.~~ B. Schedule a public hearing before the planning commission ~~for a date that conforms to the following notice requirement; and~~
- ~~D.~~ C. Publish between ~~15-10~~ and 30 days before the hearing a notice of hearing in the official newspaper (see Chapter 1.20 BLMC); ~~provided, that:~~
 - ~~1. If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the director(s) will reconsider the DNS.~~
 - ~~2. If WAC 197-11-340(2) applies (that is, city cannot take final action until 15 days after issuing a DNS), the director(s) shall also send the notice of hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).~~
 - ~~3. If a DEIS has been prepared, the notice shall state that comments on the DEIS will be accepted until and at the hearing.~~
- ~~4.~~ D. The director(s) may publicize a given legislative proposal more broadly or by additional means than stated herein if desired to gather more public input. Minor errors in amendment procedures, such as unintended inaccuracies in any public notice, shall not invalidate an amendment proceeding.

Section 6. Section 15.28.020 of the Bonney Lake Municipal Code is hereby amended to read as follows:

15.28.020 Definitions.

For the purposes of this chapter, the following terms shall have the meaning ascribed to them below:

A. “A” Definitions

1. “Abandoned sign” means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.
2. “Air-activated graphics” means a sign, all or any part of which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.
3. “Ambient light” means surrounding or environmental light that is everywhere equally intense and has no directionality.
4. “Animated sign” means any sign depicting action, motion, light, or color changes through electrical or mechanical means.
5. “Awning” means a shelter projecting from and supported by the exterior wall of a building, constructed of nonrigid materials on a supporting framework (compare “marquee”).
6. “Awning sign” means a sign painted on, printed on, or attached flat against the surface of an awning.

B. “B” Definitions

1. “Balloon signs” means a sign that is an air-inflated object, which may be of various shapes, made of flexible fabric equipped with a portable blower motor that provides a constant flow of air and is restrained in place with a cord, rope, or cable.
2. “Banner sign” means a sign made of fabric or any nonrigid material.
3. “Blade sign” means a temporary sign constructed of cloth, canvas, plastic fabric, or similar light-weight, nonrigid material and supported by a single vertical pole. Blade signs are also referred to as feather banners or teardrop signs.

C. “C” Definitions

1. “Changeable copy sign (automatic)” means a sign on which the copy changes automatically on a lamp-bank or through mechanical means, e.g., electrical or electronic time and temperature units.
2. “Copy” means the graphic content or message of a sign.

D. “D” Definitions

1. “Digital sign” means a changeable copy sign that uses a matrix of illumination elements, such as light emitting diodes (LED), liquid crystal display (LCD), plasma display, individual light bulbs, or other digital or analog electronic media to display or project copy which can be modified by electronic processes.
2. “Directory sign” means a monument sign that identifies two or more tenants located within a multiple-building complex or multitenant building.

E. “E” Definitions

1. “Electronic message center” means an electronically activated sign whose message content contains words, symbols, figures, and/or images and may be changed by means of electronic programming.

F. “F” Definitions

1. “Facade” means the entire building front including the parapet.
2. “Face of sign” means the area of a sign on which the copy is placed.
3. “Festoon” means a string of ribbons, tinsel, flags, or pinwheels.
4. “Flashing sign” means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light (compare “animated sign,” “changeable copy sign (automatic)”).
5. “Frontage” means the length of the property line of any one premises along a public right-of-way on which it borders.
6. “Frontage, building” means where the main entrance is located on a facade which is visible from a public or private street, parking lot, or highway.

G. “G” Definitions

1. “Government sign” means any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction; official public notices such as notice of land use action signs or signs relating to an emergency; temporary signs posted at City posting locates; or for direction to any school, hospital, historical site, or public service, property, or facility.

H. “H” Definitions

1. “Height (of a sign)” means the vertical distance from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

I. “I” Definitions

1. “Interactive sign” means an electronic or animated sign that reacts to the behavior or electronic signals of drivers.

J. “J” Definitions

Reserved

K. “K” Definitions

Reserved

L. “L” Definitions

Reserved

M. “M” Definitions

1. “Maintenance” means the cleaning, painting, minor repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
2. “Marquee” means a permanent structure attached to, supported by, and projecting from a building and providing protection from the weather elements, but does not include a projection of the roof of the building. For the purposes of this chapter, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, shall also be considered a marquee.
3. “Marquee sign” means any sign which forms part of or is integrated into a marquee and/or is attached to a marquee.
4. “Message,” pertaining to electronic signs, means a text message, image, or combination thereof meant to be comprehended as a whole by the viewer. Each sentence or simple concept shall be deemed a separate message. A message can either be a static display or a display which, not fitting onto the screen all at once, is broken into parts which appear sequentially, appearing on or scrolling across the screen. Electronic signs are capable of changeable messages.
5. “Monument sign” means a ground-mounted sign which is attached to the ground by means of a wide base of solid appearance.

6. “Multiple-building complex” means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business which shares the same lot, access and/or parking facilities.
7. “Multiple-tenant building” means a single structure housing more than one retail business, office or commercial venture but not including residential apartment buildings.

N. “N” Definitions

1. “Nit” means a luminance unit equal to one candle per square meter measured perpendicular to the rays from the source.

O. “O” Definitions

1. “Off-premises sign” means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboards” or “outdoor advertising.”
2. “On-premises sign” means a sign which pertains to the use of the premises on which it is located.
3. “Owner” means a person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

P. “P” Definitions

1. “Parapet” means the extension of a false front or wall above a roofline.
2. “Party” means any individual, corporation, association, firm, partnership, or other legal entity.
3. “Permanent sign” means a sign that is made of durable materials such as metal, heavy plastic, concrete, or wood, or a sign painted on a structure, which is intended for long-term or indefinite use, including but not limited to monument, projecting, and wall signs.
4. “Point of purchase display” means advertising of a retail item, accompanying its display, e.g., an advertisement on a product dispenser.
5. “Pole sign” means a permanent sign mounted on a pole or pole-type structure.
6. “Projecting sign” means a sign, other than a wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Q. "Q" Definitions

Reserved

R. "R" Definitions

1. "Readerboard" means a sign face, illuminated or nonilluminated, which is designed to hold readily changeable sign graphics allowing frequent changes of copy.
2. "Roof sign" means any sign erected over the roofline or on the roof of a building.
3. "Roofline" means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

S. "S" Definitions

1. "Sandwich board sign" means a temporary sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.
2. "Searchlight" means an apparatus containing a light and reflector on a swivel, for projecting a strong, far-reaching beam in any direction.
3. "Sign" means any medium, including structural and component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. The scope of the term "sign" does not depend on the content of the message or image conveyed.
4. "Sign, area of" means for:
 - a. Projecting and monument signs, the entire area of a sign, on which graphics, letters, figures, symbols, trademarks and/or written copy is to be placed, excluding sign structure, architectural embellishments, and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the graphics, letters, figures, symbols, trademarks, and/or written copy.
 - b. Wall, canopy, or awning signs, the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message; provided, however, that individual letters, numbers, or symbols using a wall, canopy, or awning as background have sign area calculated by measuring the perimeter enclosing each letter, number, or symbol.

T. "T" Definitions

1. "Temporary sign" means a sign designed for short-term uses that is moveable and not permanently affixed to the ground or to a structure or building.

U. “U” Definitions

1. “Under-canopy sign” means a sign suspended beneath a canopy, ceiling, roof, or marquee.

V. “V” Definitions

1. “Video” means a high-resolution, high-frames-per-second motion picture display.

W. “W” Definitions

1. “Wall sign” means a sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs.
2. “Window sign” means a sign installed inside a window and intended to be viewed from the outside.

X. “X” Definitions

Reserved

Y. “Y” Definitions

1. “Yard sign” means a temporary sign made of plastic that is attached to the ground with wire or wooden stakes.

Z. “Z” Definitions

Reserved

Section 7. Section 15.28.060 of the Bonney Lake Municipal Code is hereby amended to read as follows:

15.28.060 Temporary signs.

Temporary signs shall comply with the following provisions:

- A. The maximum size of a temporary sign shall be 16 square feet.
- B. Temporary signs shall be made of weather-resistant materials and shall be firmly anchored to the ground or structure or able to stand freely without toppling or blowing over. Signs and parts of signs that are blown or carried away from their intended location may be collected and disposed of as litter.
- C. Temporary signs shall be maintained in good repair.

- D. Temporary signs associated with a temporary use permit or special event shall be removed within 48 hours of the conclusion of the event or use with which they are associated.
- E. Sandwich board signs shall be taken out of view during nonbusiness hours.
- F. Temporary signs shall not be used as the only sign advertising an on-premises commercial, office, or retail use for longer than 60 consecutive days. After that time, a permanent sign shall be required.
- G. Temporary signs placed alongside public rights-of-way must be set back as provided below:
 - 1. A minimum of 10 feet from the paved edge of SR 410 and South Prairie Road for safety; provided, that the distance may be reduced to five feet if a vertical curb separates the frontage from the paved portion of the SR 410 and South Prairie Road.
 - 2. A minimum of five feet from the paved edge of all other streets.
- H. No more than four signs are allowed per parcel or parcel frontage.
- I. Temporary signs shall not be:
 - 1. Placed in such a manner as to harm immature or newly planted landscaping; or
 - 2. Attached to any public owned improvements or infrastructure within the public right-of-way; or
 - 3. Placed within the SR 410 right-of-way between the western edge of Veteran's Memorial Boulevard/181st Avenue East and the western city limits; or
 - 4. Placed within the flow line of a city drainage swale located with the public right-of-way.
- J. Temporary signs placed on public property or public right-of-way in violation of this chapter are subject to removal and destruction by the city without notice.

Section 9. Section 16.02.110 of the Bonney Lake Municipal Code is hereby amended to read as follows:

16.02.110 Fees.

- A. Threshold Determination. For every environmental checklist the city will review when it is lead agency, the city shall collect a fee in accordance with Chapter 3.68 BLMC from the proponent of the proposal prior to undertaking the threshold determination. The time periods required for making a threshold determination shall not begin to run until payment

of the fee.

B. Environmental Impact Statement.

1. When the city is the lead agency for a proposal requiring an EIS and the SEPA official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The SEPA official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
 2. The SEPA official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals.
 3. If a proposal is modified so that an EIS is no longer required, the SEPA official shall refund any fees collected under this section which remain after incurred costs are paid.
- E. The city shall collect the fee as established in ~~BLMC 3.68.050~~ Chapter 3.68 BLMC from the applicant to cover the cost of complying with the public notice requirements of the SEPA code.
- F. Unless the project is a cross-jurisdictional project with applications for development in Bonney Lake, the city shall not collect a fee for performing its duties as a consulting agency.
- G. The city shall collect fees, as established in Chapter ~~3.90~~ 3.44 BLMC, from any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.56 RCW.

Section 8. Section 16.06.020 of the Bonney Lake Municipal Code is hereby amended to read as follows:

16.06.020 Environmental document availability and cost.

- A. The city shall retain all documents required by Chapter 197-11 WAC and make them available in accordance with Chapters 42.17 and 42.56 RCW.
- B. The city shall make copies of any environmental document available in accordance with Chapters 42.17A and 42.56 RCW upon payment of the fees required pursuant to Chapter ~~3.90~~ 3.44 BLMC; provided, that no charge shall be levied for circulation of documents to

other agencies as required by the SEPA code and/or Chapter 197-11 WAC.

Section 10. Section 16.60.030 of the Bonney Lake Municipal Code is hereby amended to read as follows:

16.60.030 Definitions.

For the purposes of the urban forestry code the following terms shall have the meaning as provided below:

1. “Arborist” means a professional with academic and field expertise in urban forestry. This may include arborists certified by the International Society of Arboriculture or members of the Society of American Foresters, American Society of Consulting Foresters or American Society of Consulting Arborists.
2. “Caliper” means trunk diameter measured six inches above the root ball.
3. “Critical root zone (CRZ)” means either the drip line or an area extending one foot beyond the trunk for each inch of DBH, whichever is greater.
4. “Clearing” means the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means.
5. “Development” means the construction of detached house or accessory dwelling unit, project which requires design review or site plan approval, or divisions of land.
6. “Grading” means any excavation, filling or combination thereof.
7. “Groundcover” means low growing, spreading plants whose primary function is covering the soil. Groundcovers may include herbaceous or woody plants and ornamental grasses.
8. “Diameter breast height (DBH)” means trunk diameter measured 54 inches above the ground adjacent to the tree.
9. “Drip line” means the circle that can be drawn on the ground below a tree, directly under its outermost branch tips.
10. “Exceptional tree” means a tree 30 inches or greater at DBH, excluding cottonwood trees (*Populus trichocarpa*), white alder (*Alnus rhombifolia*), ~~and~~ red alder (*Alnus rubra*), and arborvitae (*Thuja*) genus located outside of undevelopable critical areas and Class 2 landslide hazardous areas.
11. “Heritage tree” means any tree designated by the city council under Chapter 16.66 BLMC.

12. "Landscaping" means trees, shrubs, and groundcover installed or retained to satisfy the requirements of Chapter 16.68 BLMC.
13. "Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, excavation, and mining. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity. Stormwater facility maintenance is not considered "land disturbing activity" if conducted according to established standards and procedures.
14. "Low impact development (LID)" means a stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.
15. "Nonsignificant tree" means a tree not classified as an exceptional, significant, or heritage tree.
16. "Noxious plant" means all plant species listed by the Pierce County noxious weed control board as noxious, invasive, or of concern.
17. "Open space tract" means a lot that has been preserved as open space and/or park tract as part of a division of land and does not contain any undevelopable critical areas.
18. "Removal" means causing a tree to die by cutting down, digging up, topping, girdling, excessive pruning, root destruction, denial of water, poisoning, or other means.
19. "Root ball" means the main mass of roots at the base of the trunk of a tree.
20. "Shrub" means a plant listed as a shrub in the American Standard for Nursery Stock, Sunset Western Garden Book, or similar authority.
21. "Significant tree" means a tree at least six inches but less than 30 inches at DBH, excluding cottonwood trees (*Populus trichocarpa*), white alder (*Alnus rhombifolia*), and red alder (*Alnus rubra*), and arbovitae (*Thuja*) genus located outside of undevelopable critical areas and Class 2 landslide hazardous areas.
22. "Street tree" means a tree located within the right-of-way of a public or private street.
23. "Suitable planting soil" shall be soil that consists of either:

- a. Imported planting media, such as two-way topsoil; or
 - b. Existing on-site soils, if determined to be acceptable by a licensed landscaping architect consistent with the following requirements:
 - i. Prior to reusing existing soils, a soil test shall be conducted, and amendments shall be administered consistent with soil test results and recommendations.
 - ii. Soil samples should be taken from each major planting area, or as approved by the director.
 - iii. Tests shall be performed by an approved laboratory.
 - iv. Tests performed shall include, but are not limited to, macronutrient levels (K, P, Ca, and Mg), pH, lime requirements, organic matter content, and soil texture (percent silt, sand, and clay).
24. “Tree” means a large, woody plant having one or several self-supporting stems or trunks and numerous branches and a potential minimum height of 15 feet.
25. “Tree board” means the Bonney Lake planning commission.
26. “Tree grove” means a group of eight or more trees regardless of DBH that form a continuous canopy.
27. “Tree plan” means the city of Bonney Lake street tree master plan.
28. “Tree, Small Species” means a tree with a mature height of thirty feet (30') or less.
29. “Tree, Medium Species” means a tree with a mature height between thirty feet (30') and fifty feet (50').
30. “Tree, Large Species” means a tree with a mature height of fifty feet (50') or more.
- ~~28~~31. “Vegetation” means living plant material including shrubs, groundcover, and nonsignificant trees, but excluding significant and exceptional trees.
- ~~29~~32. “Vehicle overhang” means the length of a vehicle which extends two feet beyond the center front axle of the vehicle signified as distance “A” as illustrated in the figure below:
- ~~30~~33. “Vehicular use area” means all areas used for parking spaces, driveways, interior roadways and travel lanes, loading areas, fleet vehicle storage areas, and all other areas used and/or accessible for vehicular circulation to include areas blocked by removal bollards or similar device.

~~3134.~~ “Windfirm” means trees able to withstand strong winds; to resist windthrow, windrocking and major breakage due to wind.

~~3235.~~ “Working day” means all calendar days except for Saturdays, Sundays, holidays established by BLMC 2.32.010(A) through (C), and the days between December 25th and January 1st.

~~3334.~~ “Xeriscaping” means a process of landscaping that reduces or eliminates the need for supplemental water from irrigation by selecting plants whose natural requirements are appropriate to the local climate are emphasized and care is taken to avoid losing water to evaporation and runoff.

Section 11. Repealer. The previously codified provisions of Chapter 9.14 of the Bonney Lake Municipal Code entitled “Sewer connections and exemptions” and the corresponding portion of Ordinance 1444 § 1 are each hereby repealed.

Section 12. Repealer. The previously codified provisions of Section 13.04.040 of the Bonney Lake Municipal Code entitled “Development Code” and the corresponding portion of Ordinance 588 § 15 and Ordinance 1702 § 1 are each hereby repealed.

Section 13. 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 14. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 18. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 19. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this __ day of _____, 20__.

APPROVED by the Mayor this __ day of _____, 20__.

AUTHENTICATED:

Michael McCullough, Mayor

Sadie A. Schaneman, CMC, City Clerk

AB _____
Passed:
Valid:
Published:
Effective Date:
This Ordinance totals _____ page(s)

2023 Development Code Maintenance Amendments

Description and Justification

November 8, 2023

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
1	Parking Enforcement Officer	10.36.060	Staff Recommend	The amendment will clarify that the parking enforcement officer is required to be an employee within the Police Department.	The change is required to comply with amendments to XXXXX enacted by the State Legislature in XXXXX
2	Right-of-way Permits	12.08.010	Staff Recommended	Clarifying that a right-of-way permit is required when a private party does work within the public right-of-way or impedes the follow of traffic, pedestrians, or bicyclist. The amendment also adds a definition of work.	When private parties do work or impedes the follow of traffic, pedestrians, or bicyclist within the right-of-way the City needs to ensure that appropriate traffic controls plans have been approved and implement. This is also needed to ensure that the party performing the work has insurance coverage to protect the City from damage to the City's improvements or in case of injury to motorist, pedestrians, and bicyclist.
3	Right-of-permit Enforcement	12.08.110	Staff Recommended	Clarifies that violations of the City's right-of-way are enforced through the City's Code Enforcement provisions.	Currently the only enforcement is to charge someone if there is violation the code with a misdemeanor. This amendment would provide for other enforcement mechanism that are not criminal to ensure compliance.

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
4	Sewer Connections	13.12.130	Staff Recommended	Updates the exemptions to the City's general requirement that properties connect to sewer exemption within the Sewer Code.	In June of 2023, the City Council approved an expanded list of exemptions. These amendments were made to Section 13.04.040 in the City's Water Code. This section in the Water Code was a carbon code to Section 13.12.130 in the Sewer Code. However, the amendments were not made to Section 13.12.130 creating an inconsistency in the code. Staff is not sure way regulations related to the sewer copied in the Water Code. There is no change to the regulations previously approved by the City Council. The amendment simply updates the Sewer Code with the previously approved exemptions and repeals the sewer related requirements from the Water Code.
5	Unfit Buildings	14.130.160	Staff Recommended	Identifies the Appellant Hearing Examiner instead of the City Council as the appeals body to hear appeals of the Hearing Examiner declaring a structure unfit for human habitation.	In June of 2023, the City Council amended Chapter 2.18 BLMC creating the office of the Appellant Hearing Examiner and specifically identifying the Appellant Hearing Examiner as the party to hear appeals related to unfit dwelling units. The amendment corrects this inconsistency in the code.

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
6	Comprehensive Plan Amendments and Development Regulations SEPA and Notice Requirements.	14.140.040	Staff Recommended	Clarifies the City will comply with the newly adopted SEPA Code and that public hearing notices must be published in the newspaper a minimum of 10 days prior to the hearing.	The amendment is to update the code to ensure compliance with RCW 35A.63.070, which establishes that the notice must be provide a minimum of 10 days prior to the Planning Commission Hearing.
7	Governmental Signs	15.28.020	Staff Recommended	Expands the definition of governmental sign to include temporary signs posted by the City at City posting locations.	The amendment is intended to clarify that temporary signs installed by the City for City sponsored events at the banner posting locations along SR-410 are considered governmental signs.
8	Temporary Signs	15.28.060	Council Initiated	The amendment would prohibit temporary signs within the SR-410 right-of-way between Veterans Memorial Drive and the City Limits, within the flow line of a stormwater ditch, and attachment of temporary signs to the publicly owned improvements within the right-of-way. Clarifies that temporary signs are subject to destruction without notice.	The amendment establishes additional time, place, and manner restrictions on temporary signs by excluding certain areas due to safety concerns related to the lack of sidewalks, no parking, and high vehicle speeds. Additionally, the amendment is prohibiting signs that could damage city infrastructure, cause street flooding, and/or giving the appearance that the sign was installed by or on behalf of the City.

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
9	SEPA Fees	16.02.110	Staff Recommended	The reference was changed to Chapter 3.68 BLMC instead of BLMC 3.68.050.	Updates to the code to reflect that fees are set by resolution instead of in the BLMC. The current version of BLMC 3.68.030 states that fees are established buy resolution of the City Council.
10	Environmental document availability and cost	16.06.020	Staff Recommended	The reference was changed to Chapter 3.44 BLMC instead of Chapter 3.90.	BLMC 3.44.010 establishes how fees are calculated for the publication of public records. These specific fees are also shown on the Master Fee Resolution adopted by the City Council. Chapter 3.90 BLMC was repealed when the City Council adopted the Master Fee Resolution.
11	Urban Forestry Definitions	16.64.050	Staff Recommended	Updates the definition of tree to excluded arborvitae. The amendment also clarifies that the exceptions the definition trees do not apply in critical areas. Finally the amendment would establish a definition of small, medium and large species trees.	As arborvitae are technically trees, they would fall under the regulations of the urban forestry code. However, the intent of the code was never to regulate arborvitae, the amendment simply clarifies that for regulatory purposes arborvitae are not trees. The other amendments do not change or alter the City's tree regulations. BLMC 16.60.040.C already provides the exemption for specific trees in the urban forestry do not apply in critical areas as vegetation (e.g. trees) removal in critical areas is governed by the Critical Areas Code. The intent of the amendment is to provide clarity in the definition section related to this existing standard. The other proposed definitions are simply meant to add clarity.

Number	Subject	BLMC Code Section	Proposed By	Description of Amendment	Staff Comment
12	Police Enforcement of Development Code	9.14.010	Staff Recommended	Repeals the provision of the code that identifies the Police Department as the enforcement agency to the Development Code.	Clarifies that the Police Department does not performing the City's code enforcement function.