

ORDINANCE NO. 1639

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 12.04.005.F OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORDINANCE NUMBER 1283 RELATED TO THE UNDERGROUNDING OF OVERHEAD UTILITIES.

WHEREAS, Bonney Lake Municipal Code currently requires that all new commercial development underground existing overhead utilities even if the frontage was previously improved to City standards; and

WHEREAS, undergrounding existing overhead utilities when no other frontage improvements are required would necessitate the removal and reconstruction of the existing frontage improvements, adding significant cost to development projects; and

WHEREAS, the City Council would like to establish an exemption that would remove the requirement to underground existing utilities in those cases when no frontage improvements are required as a condition of the development; 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).

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

Section 1. Section 12.04.005.F of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1283 § 2 are each hereby amended to read as follows:

12.04.005 Underground distribution utilities required.

- F. Exceptions to the Undergrounding Requirement. Placing existing utilities underground shall be waived for:
1. All residential short plats of three lots or less where new public roads are not built, unless the property owner voluntarily places the above-ground utilities underground; or
 2. Construction of accessory dwelling units (BLMC 18.22.090), tenant improvements (BLMC 19.02.030), minor additions, or other minor improvements to existing structures on residential or commercial parcels; or

3. New development for which the City has determined that no other frontage improvements are required as a condition of the development; or
34. Where existing Puget Sound Energy transmission lines are classified as providing voltages greater than 15,000 volts. All substations are also included in this exemption. In this case, all other above-ground utilities/lines will still be placed underground; or
45. If otherwise approved by the city engineer where unique site conditions exist such as topographic constraints, or when undergrounding would create public safety concerns.

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

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

PASSED BY THE CITY COUNCIL this 11th day of August, 2020

DocuSigned by:

Neil Johnson, Jr.

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Neil Johnson, Jr., Mayor

AUTHENTICATED:

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Harwood T. Edvalson

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Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Kathleen Haggard

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Kathleen Haggard, City Attorney

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

Department/Staff Contact: Public Services Department Jason Sullivan – Planning & Building Supervisor	Meeting/Workshop Date: August 11, 2020	Agenda Bill Number: AB20-18
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D20-18	Sponsor:

Agenda Subject: Undergrounding Overhead Utilities Exemption

Full Title/Motion: An Ordinance of the City of Bonney Lake, Washington, amending section 12.04.005.F of the Bonney Lake Municipal Code and the corresponding portions of Ordinance 1283 related to undergrounding overhead utilities.

Administrative Recommendation: Approve

Background Summary: The City requires that all new commercial development underground existing overhead utilities even if the frontage of the property was previously improved to City standards. In these cases, the developer would need to remove and reconstruct the existing frontage improvements to underground the utilities, adding significant cost to the proposed project. The proposed amendment would establish an exemption that would remove the requirement to underground existing overhead utilities in those cases when no frontage improvements are required as a condition of approval for the development. This exemption is consistent with other exemptions already provided in the Bonney Lake Municipal Code for other projects that are not required to install frontage improvements.

Attachments: Ordinance No. D20-18

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	CDC Date: February 18, 2020 August 4, 2020	Approvals: Chair/Councilmember Dan Swatman Councilmember Michelle Keith Councilmember Tom Watson	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> <tr> <td style="text-align: center;">X</td> <td style="text-align: center;"></td> </tr> <tr> <td style="text-align: center;">X</td> <td style="text-align: center;"></td> </tr> <tr> <td style="text-align: center;">X</td> <td style="text-align: center;"></td> </tr> </table>	Yes	No	X		X		X	
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	Forward to: City Council – CDC Items	Consent Agenda:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
Commission/Board Review:											
Hearing Examiner Review:											

COUNCIL ACTION	
Workshop Date(s): March 17, 2020	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: <i>Ryan Johnstone, P.E.</i>	Mayor: <i>Neil Johnson Jr.</i>	Date Reviewed by City Attorney: February 11, 2020 <small>(if applicable):</small>