

CITY COUNCIL WORKSHOP

August 16, 2022
6:00 P.M.

AGENDA



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 Council Meetings and Workshops in person, via conference call or over the internet. The information for attending is provided below.

If you wish to address the Council during Citizen Comments, please refer to that section of the meeting agenda below.

Council Meetings and Workshops attendance options:

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

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

By internet: Chrome- <https://bluejeans.com/215767540>

I. CALL TO ORDER: Mayor Michael McCullough

A. Pledge of Allegiance

II. ROLL CALL: Mayor Michael McCullough, Deputy Mayor Terry Carter, Councilmember Angela Baldwin, Councilmember Justin Evans, Councilmember Gwendolyn Fullerton, Councilmember J. Kelly McClimans, Councilmember Dan Swatman, and Councilmember Tom Watson.

III. AGENDA ITEMS:

P. 3 A. **Proclamation:** Honoring the Bonney Lake/Sumner Little League Allstars.

B. **Council Open Discussion:**

P. 4 C. **Review Of Council Minutes:** July 12, 2022, Council Meeting, July 19, 2022, Council Workshop, and July 26, 2022, Council Meeting.

P. 15 D. **Presentation:** AB22-111 – Comprehensive Plan Update – Policy Gap Analysis.

P. 55 E. **Discussion/Action:** AB22-119 – Resolution 3077 – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Contract With Engineering Economics, Inc. For The Provision Of Commissioning Agent Services For The Public Services Center Project.

1. Discussion.

2. Citizen Comments.

Citizen comments can be made in-person, by phone or virtually during this portion of the meeting. Comments are limited to 5 minutes. Citizen Comments can be made on this item only. 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), either by email to clerk@cobl.us or by mail to Attn: City Clerk, 9002 Main Street East., Ste 125, Bonney Lake, WA 98391 or by phone at 253-862-8602, however, all must be received by 5:00 pm 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 Council 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. With the ability of the public to address the Council via phone, virtually or in-person, the City Clerk's Office will no longer accept citizen comments to be read by staff into the record.

3. Action.

F. **Discussion:** Proclamation Process.

IV. EXECUTIVE/CLOSED SESSION:

Pursuant to RCW 42.30.110 and/or RCW 42.30.140, the City Council may hold an executive or closed session. The topic(s) and duration will be announced prior to the session.

V. ADJOURNMENT

For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as early as possible prior to the meeting regarding the type of service or equipment needed.

**The City Council may act on items listed on this agenda, or by consensus give direction for future action.
The Council may also add and take action on other items not listed on this agenda.**



PROCLAMATION

Honoring Bonney Lake/Sumner Little League Baseball Majors Allstars

WHEREAS, the hard work, dedication, sportsmanship, talent and exceptional team chemistry of the 2022 Bonney Lake/Sumner Little League Baseball Majors Allstars team has enabled these student athletes to earn a State Championship and Regional Championship titles; and

WHEREAS, winning the 2022 State Championship and Regional Championship brought honor to the Bonney Lake/Sumner Little League and the City of Bonney Lake on the local, state and national level; and

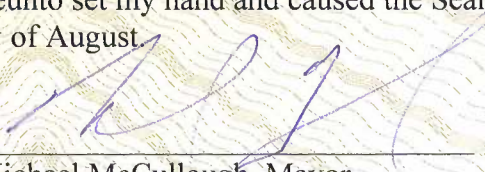
WHEREAS, these 14 outstanding players: Jace Abe, Stryker Baker, Mason Edwards, Liam Ferguson, Kai Moody, Luke Plyler, Major Rodarte, Braydon Rudolph, Brody Santman, Fisher Seibert, Ezra Seitz, Chase Sehlin, Adam Shannon, and Parker Workman have represented themselves, their families, and their communities; and

WHEREAS, Manager Jess Workman and Coaches Scott Santman, Tucker Baker, and Scott Seibert and the team member parents were integral in guiding the team to victory through their unwavering support; and

WHEREAS, we are proud of the hard work the team has done to represent our city and wish them well in the Little League World Series.

NOW THEREFORE, I, Michael McCullough, Mayor of the City of Bonney Lake, Washington, with the full backing and encouragement of the entirety of the Bonney Lake City Council, do hereby recognize and heartily congratulate Bonney Lake/Sumner Little League Baseball Majors Allstars Team on its outstanding accomplishment.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Bonney Lake to be affixed this 16th day of August.


Michael McCullough, Mayor

CITY COUNCIL MEETING

July 12, 2022
6:00 P.M.
DRAFT MINUTES



www.ci.bonney-lake.wa.us

Location: The physical location of the Council Meeting was at the Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington. The public was also given the option to call in or attend virtually the Council Meeting.

Audio starts at: I.
06:00:00

CALL TO ORDER – Mayor Michael McCullough, called the meeting to order at 6:00 p.m.

- A. Pledge of Allegiance: Mayor McCullough led the audience in the Pledge of Allegiance.
- B. Roll Call: City Clerk Sadie Schaneman called the roll. In addition to Mayor McCullough, elected officials attending were Deputy Mayor Terry Carter, Councilmember Angela Baldwin, Councilmember Justin Evans, Councilmember Gwendolyn Fullerton, Councilmember J. Kelly McClimans, Councilmember Dan Swatman, and Councilmember Tom Watson.

Staff members in attendance at the physical location were City Administrator John Vodopich, Chief of Police Bryan Jeter, Interim Administrative Services Director/Information Services Manager Chuck McEwen, City Prosecutor Dena Burke, City Clerk Sadie Schaneman, and Administrative Specialist II Kandice Besaw.

Staff members in virtual attendance using the City’s BlueJeans conference line were Chief Financial Officer Cherie Reiersen, and Administrative Specialist III Carol Paul.

Audio starts at: C.
06:01:00

Agenda Modifications:

Mayor McCullough announced that there was an agenda item modification to the proclamation for updating the wording within it. New updated versions were given to Council prior to the meeting and placed on the audience table in the back.

Audio starts at: D.
06:02:00

Announcements, Appointments and Presentations: None.

1. **Proclamation:** The City of Bonney Lake as A City of Diversity, Equity, and Inclusion.
Mayor McCullough read the proclamation and proclaimed The City of Bonney Lake as A City of Diversity, Equity, and Inclusion.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

Audio starts at: 06:05:00

B. Citizen Comments:

Becky Conway, 2420 185th Ave E., Bonney Lake - Opposed the Proclamation and asked what has changed that was not already in place since 1949.

Shawnta Mulligan, 19029 68th St. E., Bonney Lake - Opposed the Proclamation and asked how you can have both equity and diversity.

Theresa McClimans, 19025 68th St. E., Bonney Lake - Opposed the Proclamation and spoke about how this causes division.

Michelle Brad, 210th Ave E, Bonney Lake – Was for the Proclamation, thanked the Mayor and spoke about how we are all members of the community.

Brandon Bydon, Bonney Lake - Opposed the Proclamation and said actions speak louder than words.

Dan Decker, 201 70th St E, Bonney Lake – Spoke about the Government taking away gun rights.

C. Correspondence: None.

Received email from Ron Crawford, He opposed to the Diversity, Equity And Inclusion Proclamation.

City Clerk Sadie Schaneman noted all Councilmembers had received the email prior to the Council Meeting.

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee: Councilmember Evans reported the Finance Committee met and received an update report on the Public Services Building project, forwarded AB22-82, AB22-96, AB22-98, and AB22-95 to be approved and approved minutes.

B. Community Development Committee: Councilmember Swatman reported the Community Development Committee met and received an update report on the Public Services Building project, forwarded AB22-82, AB22-96, AB22-98, and AB22-95 to be approved and approved minutes.

C. Public Safety Committee: Councilmember Evans reported the Public Safety Committee met and received reports from East Pierce Fire & Rescue, the Bonney Lake Police Department, the Prosecutors office, and the Emergency Management

Audio starts at: 06:32:00

department. The Committee forwarded AB22-94 and AB22-100 to be approved, approved minutes, and reminded everyone of the coffee with a cop, Law Enforcement Baseball fundraiser game, and National Night Out events.

D. Other Reports: None.

Audio starts at: **IV.**
06:41:00

CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** June 7, 2022, Council Workshop, and June 14, 2022, Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:**
Accounts Payable check/vouchers #92069 - #92132 and wire transfer #27338864 in the amount of \$1,254,426.47 **Voids:** None
- C. **Approval of Payroll:** June 16 – 30, 2022 for checks #34625-34639 including Direct Deposits and Electronic Transfers totaling \$1,066,377.33. **Voids:** None.
- D. **AB22-82 – Resolution 3054** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Six Year Transportation Improvement Program (2023-2028).
- E. **AB22-95 - Resolution 3060** - A Resolution Of The City Council Of The City Of Bonney, Lake, Pierce County, Washington, Authorize The Mayor To Sign A Contract With Northwest Traffic Inc. For The 2022 Seal Coat Application.
- F. **AB22-96 - Resolution 3061** - A Resolution Of The City Council Of The City Of Bonney, Lake, Pierce County, Washington, Authorizing The Mayor To Reject All Quotes For The Traffic Curb Improvements.
- G. **AB22-98 – Resolution 3062** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Approve The Purchase Of A CCTV And Intrusion Alarm System For The Public Services Center.

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

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES:

Audio starts at:
06:42:00

A. **AB22-94 - Ordinance D22-94** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Bonney Lake Municipal Code No.

9.03.010 - Court Room Security, Ordinance No. 1444 § 1, 2012 And Repealing Chapter 9.12 - Carrying Weapons, Ordinance 1444 § 1, 2012.

Councilmember Watson moved to approve AB22-94. Councilmember Evans seconded the motion.

Councilmember Evans gave an overview of the changes made to AB22-94 that was presented on July 5, 2022. Council discussed and shared their concerns, including:

- Repealing
- Changes made to the code
- Differences with State Law
- Retaining control over Municipal code
- State Legislature
- Restricting Constitution

Ordinance D22-94 approved 5 - 2.

Councilmember McClimans abstained due to feeling the state has made a poor decision.

Councilmember Fullerton abstained due to not wanting to restrict citizen's constitutional rights.

VIII. FULL COUNCIL ISSUES: None.

IX. EXECUTIVE/CLOSED SESSION: None.

X. ADJOURNMENT:

At 6:54 p.m. the Meeting was adjourned by Mayor McCullough with the common consent of the City Council.

Sadie A. Schaneman, CMC, City Clerk

Michael McCullough, Mayor

Items presented to Council at the July 12, 2022, Meeting for the record:

- (1) *Proclamation: The City of Bonney Lake as A City of Diversity, Equity, and Inclusion – Mayor McCullough.*

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

CITY COUNCIL WORKSHOP

July 19, 2022
6:00 P.M.
DRAFT MINUTES



www.ci.bonney-lake.wa.us

Location: The physical location of the Council Meeting was at the Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington. The public was also given the option to call in or attend virtually the Council Meeting

Audio starts at: I.
06:00:00

CALL TO ORDER – Mayor Michael McCullough called the workshop to order at 6:00 p.m.

A. Pledge of Allegiance

II. ROLL CALL: City Clerk Sadie Schaneman called the roll. In addition to Mayor McCullough, elected officials attending were Councilmember Angela Baldwin, Councilmember Justin Evans, Councilmember Gwendolyn Fullerton, Councilmember J. Kelly McClimans, Councilmember Dan Swatman, and Councilmember Tom Watson. Deputy Mayor Terry Carter was not in attendance.

Councilmember Watson moved to excuse the absence of Deputy Mayor Carter. Councilmember Evans seconded the motion.

Motion approved 6-0.

Staff members in attendance at the physical location were City Administrator John Vodopich, Assistant Chief of Police Ryan Boyle, Public Services Director Ryan Johnstone, Interim Administrative Services Director/Information Services Manager Chuck McEwen, Planning & Building Supervisor Jason Sullivan, City Prosecutor Dena Burke, City Prosecutor Joshua Candia, Administrative Specialist III Carol Paul, City Clerk Sadie Schaneman, and Administrative Specialist II Kasee Gallagher.

Staff members in virtual attendance using the City's BlueJeans conference line were Chief Financial Officer Cherie Reiersen and Court Administrator Kathy Seymour.

Audio starts at: III.
06:01:22

AGENDA MODIFICATIONS

A. Mayor McCullough noted that Public Services Director Ryan Johnstone informed him that Item G, Business License Review needed to be pulled from the agenda due to the item needing to be forwarded to the Finance Committee.

There was a general consensus to remove Item G from the agenda.

Audio starts at: IV.
06:01:54

AGENDA ITEMS:

A. Council Open Discussion:

Councilmember Watson:

Volunteer Group. A group of individuals helped transform glass from a local bus stop into an art project in the community with the help of Bonney Lake High School.

Audio starts at:
06:07:46

B. Review Of Council Minutes: June 28, 2022, Council Meeting and July 5, 2022, Council Workshop.

The draft minutes were forwarded to the July 26, 2022, Meeting for approval.

Audio starts at:
06:08:02

C. Presentation/Discussion: In-House Versus Contract City Attorney.

Introduced by Deputy City Attorney-Prosecutor Dena Burke who gave an overview of In-House Versus Contract City Attorney. Council discussed and shared their concerns, including:

- Cost of a full-time City Attorney versus continuing with a contract City Attorney and fitting this position into the budget.
- The City's need for a full-time City Attorney.
- Possible litigations.

There was Council consensus to place the item for possible action on the next Council agenda under Full Council Issues.

Audio starts at:
07:16:20

D. Discussion: AB22-92 – Resolution 3059 A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Allocation Of Funds From The Business And Occupation Tax.

Introduced by Chief Financial Officer Cherie Reiersen who gave an overview of The Allocation Of Funds From The Business And Occupation Tax.

City Councilmembers provided feedback, including:

- The breakdown of percentage of funds going into the General Fund and Parks Improvements, Maintenance, and Bonds.

Council agreed to move the agenda bill to August 23, 2022, Council meeting to wait until after the Public Hearing for Ordinance D22-93 at the Council Meeting on August 9, 2022.

Audio starts at:
07:16:20

E. Discussion: AB22-93 – Ordinance D22-93 – B&O Tax Discussion.

Introduced by Chief Financial Officer Cherie Reiersen who gave an overview on The Business And Occupation Tax.

City Councilmembers provided feedback, including:

- The burden placed on small businesses in the community.
- The negative impact the B&O Tax would have on attracting new businesses to Bonney Lake.
- Staffing needed in both Public Services and Finance if and when the B&O Tax is put into place.
- Future grant projects for parks.
- The idea of excluding the B&O Tax for non-profit organizations.

Council agreed to move the agenda bill to Public Hearing at the Council Meeting on August 9, 2022.

Audio starts at:
07:39:21

F. Discussion: AB22-41 - Ordinance D22-41 - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Amending The Land Use Matrix Amendment – Self Storage Facility.

Introduced by Planning & Building Supervisor Jason Sullivan who gave an overview of Amending The Land Use Matrix Amendment – Self Storage Facility.

City Councilmembers provided feedback, including:

- Property rights of Bonney Lake residents.
- The ability to rebuild existing self-storage facilities.

There was Council consensus to place the item for action on the next Council agenda under Full Council Issues.

G. Discussion: ~~Business License Revenue.~~

V. EXECUTIVE/CLOSED SESSION: None.

VI. ADJOURNMENT:

At 7:51 p.m. the Meeting was adjourned by Mayor McCullough with the common consent of the City Council.

Sadie A. Schaneman, CMC, City Clerk

Michael McCullough, Mayor

Items presented to Council at the July 19, 2022, Workshop: None.

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

CITY COUNCIL MEETING

July 26, 2022
6:00 P.M.
DRAFT MINUTES



www.ci.bonney-lake.wa.us

Location: The physical location of the Council Meeting was at the Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington. The public was also given the option to call in or attend virtually the Council Meeting.

Audio starts at: I.
06:02:36

CALL TO ORDER – Mayor Michael McCullough, called the meeting to order at 6:02 p.m.

- A. Pledge of Allegiance: Mayor McCullough led the audience in the Pledge of Allegiance.
- B. Roll Call: City Clerk Sadie Schaneman called the roll. In addition to Mayor McCullough, elected officials attending were Deputy Mayor Terry Carter, Councilmember Justin Evans, Councilmember Gwendolyn Fullerton, Councilmember J. Kelly McClimans, Councilmember Dan Swatman, and Councilmember Tom Watson. Councilmember Angela Baldwin was not in attendance.

Councilmember Evans moved to excuse the absence of Councilmember Baldwin. Deputy Mayor Carter seconded the motion.

Motion approved 6-0.

Staff members in attendance at the physical location were City Administrator John Vodopich, Chief of Police Bryan Jeter, Public Services Director Ryan Johnstone, Planning & Building Supervisor Jason Sullivan Interim Administrative Services Director/Information Services Manager Chuck McEwen, City Prosecutor Dena Burke, Administrative Specialist III Carol Paul, Legal Specialist I Kristen Visnaw, City Clerk Sadie Schaneman, and Administrative Specialist II Kandice Besaw.

Staff members in virtual attendance using the City's BlueJeans conference line were Chief Financial Officer Cherie Reiersen.

Audio starts at: C.
06:04:15

Agenda Modifications:

Mayor McCullough noted that AB22-102 – Resolution 3066 was asked to be pulled from Full Council Issues.

Councilmember Watson moved to pull AB22-102. Councilmember Evans seconded the motion.

Motion approved 6-0.

- D. Announcements, Appointments and Presentations: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None.

Audio starts at:
06:05:38

B. Citizen Comments:

Dan Decker, 201 70th St E, Bonney Lake – Spoke about what causes inflation and his disapproval of implementing B&O tax.

Leslie Saunders, 20209 Church Lake Drive E – Spoke on behalf of her HOA and their concerns with the Rezoning Middle Housing Grant and the need for sidewalks near Church Lake Drive E.

- C. Correspondence: None

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Carter reported the Finance Committee met in person and virtually today at 5:00 p.m. The Committee went thru personnel updates, business & action items, forwarded AB22-105 to an upcoming consent agenda, had open discussion on business license revenue and discussed and approved their minutes.
- B. Community Development Committee: Councilmember Swatman reported the Community Development Committee met in person and virtually on July 19, 2022, the Committee discussed and forwarded AB22-31 to tonight's Full Council Issues and approved their minutes.
- C. Public Safety Committee: Councilmember Evans reported the Public Safety Committee did not meet and is expected to have their next meeting virtually at 3:30 p.m. on August 9, 2022.
- D. Other Reports: None.

Audio starts
at: 06:19:38

IV. CONSENT AGENDA:

Audio starts at:
06:24:00

- A. **Approval of Corrected Minutes**: June 28, 2022, Council Meeting and July 5, 2022, Council Workshop.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers**:
Accounts Payable check/vouchers #92133 - #921290 and wire transfer #2022070701 in the amount of \$321,260.38 Accounts Payable check/vouchers #92191 - #922170 in the amount of \$4,131.07 Accounts Payable wire transfer #2022071701 in the amount of \$46,405.17 **Voids**: Check #92013 – Unable to attend – Not reissuing
- C. **Approval of Payroll**: July 1 – 15, 2022 for checks #34640-34645 including Direct Deposits and Electronic Transfers totaling \$720,285.23. **Voids**: None.

D. **AB22-100 - Resolution 3064** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Detective Sergeant Rob Hoag To Attend The California Narcotics Officers Association Conference In Indian Wells, CA, November 17-22, 2022.

E. **AB22-101 - Resolution 3065** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Contract With Prosecutor By Karpel.

Councilmember Watson moved to approve the Consent Agenda. Deputy Mayor Carter seconded the motion.

Consent Agenda approved 6 – 0.

V. **FINANCE COMMITTEE ISSUES:** None.

VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.

VII. **PUBLIC SAFETY COMMITTEE ISSUES:** None.

VIII. **FULL COUNCIL ISSUES:**

Audio starts at:
06:25:38

A. **AB22-31 - Ordinance D22-31** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Bonney Lake Comprehensive Plan Entitled Bonney Lake 2035, Chapter 19.04 Of The Bonney Lake Municipal Codes And The Corresponding Portions Of Ordinance Numbers 984, 1123, 1281, 1318, 1424, And 1641 And Repealing Attachment A Of Chapter 19.04 Of The Bonney Lake Municipal Code And The Corresponding Portions Of Ordinance Numbers 984 And 1199 Related To The Traffic Impact Fee Funded Project List.

**Councilmember Watson moved to approve Ordinance [D22-31].
Councilmember Evans seconded the motion.**

Ordinance [D22-31] approved 6 – 0.

Audio starts at:
06:27:18

B. **AB22-41 - Ordinance D22-41** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 18.08.020 Of The Bonney Lake Municipal Code And The Corresponding Portions Of Ordinance Numbers 1416, 1483, 1520, 1533, 1568, 1584, 1644, 1651, 1657, And 1658 Related To Self-Storage Facilities.

Introduced by Planning & Building Supervisor Jason Sullivan. Mr. Sullivan gave an overview of the self-storage facilities municipal code amendments. Council discussed and shared their concerns, including:

- Not having a full council present for a vote

Councilmember Watson moved to table AB22-41 to the next Council Meeting where there is a full council presence. Councilmember Evans seconded the motion.

**Motion to table approved 5 - 1.
Councilmember Swatman voted no.**

Audio starts at:
06:30:12

- C. ~~**AB22-102 – Resolution 3066**~~ – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Approve The Purchase Of Racking From Raymond Handling Concepts For The Public Services Center. (Removed from Agenda.)

Councilmember Watson moved to table Resolution #3066. Councilmember Evans seconded the motion.

Resolution 3066 approved 6 – 0.

Audio starts at:
06:26:00

- D. **AB22-104 - Motion** - A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington To Update The Budget FTE Employee Chart To Authorize Adding An In-House City Attorney To The 2023-2024 Budget.

Councilmember Watson moved to approve AB22-104. Councilmember Evans seconded the motion.

Council discussed and shared their concerns, including:

- City Attorney vs. Contract Attorney
- Funding and Budget

Motion AB22-104 failed 0 – 6.

IX. EXECUTIVE/CLOSED SESSION: None.

X. ADJOURNMENT:

At 6:40 p.m. the Meeting was adjourned by Mayor McCullough with the common consent of the City Council.

Sadie A. Schaneman, CMC, City Clerk

Michael McCullough, Mayor

Items presented to Council at the July 26, 2022, Meeting for the record: None

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

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

Department/Staff Contact: Public Services Department Jason Sullivan – Planning & Building Supervisor	Meeting/Workshop Date: August 16, 2022	Agenda Bill Number: AB22-111
Agenda Item Type: Presentation	Ordinance/Resolution Number:	Sponsor:

Agenda Subject: Comprehensive Plan Update – Policy Gap Analysis

Full Title/Motion:

Administrative Recommendation:

Background Summary: Comprehensive plan periodic updates are complicated involving many moving parts, significant public outreach, mandatory requirements, and multiple stakeholders and outside agencies. The goal of this presentation is to introduce the state, regional, and countywide planning framework that will guide the City’s required comprehensive plan periodic update and answer questions related to the policy gap analysis prepared by LDC, Inc. Staff will not be walking through the gap analysis table or comparison tables line by line during the presentation.

The policy gap analysis compares regional policies (Vision 2050) and countywide planning policies with the City’s existing comprehensive plan, *Bonney Lake 2035*. Where gaps exist, new or revised comprehensive plan policies will need to be developed as the comprehensive plan is updated. A copy of the gap analysis table showing partial or full policy gaps between regional and countywide planning policies is attached. The full gap analysis is available at the following link: [City of Bonney Lake Policy Comparison Table](#).

Attachments: Gap Analysis Table, House Bill 1220 Comparison, and House Bill 1717 Comparison

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

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Date:	Approvals: Chair/Councilmember Councilmember Councilmember	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; padding: 2px;">Yes</th> <th style="width: 50%; padding: 2px;">No</th> </tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> </table>	Yes	No						
Yes	No										
Forward to:		Consent Agenda: ☐ Yes ☐ No									
Commission/Board Review:											
Hearing Examiner Review:											

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

APPROVALS		
Director: <i>Ryan Johnstone, P.E.</i>	Mayor: <i>Michael McCullough</i>	Date Reviewed by City Attorney: (if applicable):

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VISION 2050 POLICY NUMBER and CHAPTER	VISION 2050 policy	Implementing Pierce Countywide Planning Policy	Is there a current City of Bonney Lake Comprehensive Plan Policy that fully or partially implements the new or revised policy?	Notes/Comments/Suggested Action for 2024 Comprehensive Plan update	Action(s) taken as part of 2024 Comprehensive Plan Update
VISION 2050 #	Policy/Action	Policy/Action	Policy/Action or indicate policy gap		
MPP-RC-2	<u>Prioritize services and access to opportunity for people of color, people with low incomes, and historically underserved communities to ensure all people can attain the resources and opportunities to improve quality of life and address past inequities.</u>	AH-7 ➤ Support and encourage homeownership opportunities for low-income, moderate-income, and middle-income families and individuals while recognizing historic inequities in access to homeownership opportunities for communities of color. EC-2.7 ➤ the location of investment in areas served by public transit and adequate transportation facilities, with emphasis on connecting underserved populations with jobs ENV-12.2 ➤ Consider adoption of proactive measures to increase equity in access to open space for underserved populations. TR-6.4.2 ➤ Designating high density land uses in transit/transportation corridors and designated TOD sites; AH-3 ➤ Determine the extent of the need for housing affordable for all economic segments of the population, with special attention paid to the historically underserved, both existing and projected for its jurisdiction over the planning period, and shall encourage the availability of housing affordable to all economic segments of the population for each jurisdiction. AH-4 ➤ Establish a countywide housing affordability program by an organization capable of long-term consistent coordination of regional housing planning, design, development, funding, and housing management. All jurisdictions should cooperatively maximize available funding opportunities and leverage private resources in the development of affordable housing for households. TR-4 ➤ Consider, whenever feasible, equity, inclusion, and access	Policy CD-5.8: Prevent the encroachment or conversion of common open space areas within planned developments or other residential projects. Shared open space areas in residential subdivisions shall be permanently restricted to open space uses through deed restrictions or other appropriate means. Policy CD-5.6: Allow recreational uses on lands designated as environmentally critical areas, provided that these uses do not impact the function and values of environmentally critical areas. Policy CD-10.5: Ensure that there is a sufficient supply of housing affordable to all income levels by maintaining a supply of housing that is currently affordable to median-income, low income and very low-income households, and work to increase the supply of housing affordable to households within Bonney Lake that make eighty percent (80%) of the Pierce County Median Income by 702 housing units. Policy CD-9.8: Encourage partnerships between the City and the private sector to undertake joint public-private development. Policy EV-1.4: Work with other public agencies and private interests to promote daycare services and facilities for pre-school children, before and after school latchkey children, and special populations including elderly and handicapped adults to support working household members. Policy CM-2.6: Recognize the mobility needs of the underserved populations and work to improve transportation choices in low-income and older neighborhoods.	Partial gap. Several existing policies address people with low incomes and underserved communities, but the city could consider adding a policy (possibly in the Community Development element) that supports using the PSRC Opportunity Index or Countywide Equity Index to examine how investments in infrastructure and economic development can address past inequities.	

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		to opportunity when developing and implementing programs and actions. TR-4.3 ➤ Consider using PSRC’s Opportunity Index and/or the Countywide Equity Index, when adopted, to identify underserved communities in order to prioritize transportation improvements and service delivery. TR-4.4 ➤ Mitigate negative impacts of the transportation system on historically underserved communities when developing plans and programs. TR-4.1.1 ➤ Target active transportation and transit investments in communities of color and areas with higher concentrations of low-income, non-English speaking, seniors, youth, and disabled populations.			
MPP-RC-3	<u>Make reduction of health disparities and improvement of health outcomes across the region a priority when developing and carrying out regional, countywide, and local plans.</u>	H-3 ➤ Identify and mitigate health and equity impacts of policy, regulation, or development proposals. This may include: ○ Seeking to consider the health ramifications of physical and built environment impacts when conducting SEPA reviews; ○ Utilizing a Health Impact Assessment when Environmental Impact Statement (EIS) is required; ○ Applying equity tools or other data-informed analyses to assess health and equity impacts, with particular emphasis on negative impacts to underserved populations; ○ Identifying, integrating, and implementing mitigation actions in collaboration with the affected populations; ○ Developing public investment evaluation criteria to prioritize public investment to address health disparities; or ○ Implementing development standards and conditions to prevent, minimize, and mitigate potential negative health impacts from development activities.	Policy CD-9.2: Use development regulations to direct growth, ensure sufficient opportunities for new development, improve Bonney Lake’s quality of life, preserve existing neighborhoods, reduce nuisances, achieve compatibility between adjacent properties and uses, address land use conflicts, and protect the health and safety of residents, visitors, and workers. Policy CD-4.3: Provide healthy and safe neighborhoods free of nuisances, environmental hazards, and visual blight (e.g. excessive noise, poor air quality, light pollution, illegal dumping, illegal signage, graffiti, littering, etc.) that disrupt and impact Bonney Lake residents’ quality of life. Policy CM-2.2: Recognize the importance of a walkable and bicycle friendly City to overall public health and wellness.	Partial gap. The City has several existing policies that address community health in one way or another, but the City could consider adding to policies or creating new policies that specifically identify reduction in disparities.	

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			Policy CD-6.8: Develop key “multi-modal” corridors that accommodate multiple modes of transportation that connect Bonney Lake’s neighborhoods and centers, enhance the City’s civic identity, encourage transit use, reduce vehicle miles traveled, provide comfortable walking and bicycling environments, and project a positive image of the city.		
MPP-RC-4	<u>Coordinate with tribes in regional and local planning, recognizing the mutual benefits and potential for impacts between growth occurring within and outside tribal boundaries.</u>	HAC-1 - Utilizing applicable federal, state, and local designations, and in cooperation with the Indian tribes, all jurisdictions shall identify the presence of federal, state, and local historic, archaeological and cultural lands, sites, and structures, of significance within their boundaries. TR-4.6 - Coordinate with tribal governments on joint planning and project implementation consistent with the policies under the Tribal Consultation, Coordination, and Lands Compatibility Chapter.	Policy gap	City should consider adding policies in its Community Development, Cultural Arts and Heritage, and Implementation Elements related to tribal notification for tribes with ceded lands within the city. See the HB 1717 table for more details.	
MPP-RC-12	<u>Support local and regional efforts to develop state legislation to provide new fiscal tools to support local and regional planning and to support infrastructure improvements and services.</u>	AH-4 Establish a countywide housing affordability program by an organization capable of long-term consistent coordination of regional housing planning, design, development, funding, and housing management. All jurisdictions should cooperatively maximize available funding opportunities and leverage private resources in the development of affordable housing for households. [...] 4.1 All jurisdictions should jointly pursue state legislative changes to give local jurisdictions the authority to provide tax relief to developers of affordable housing. TR-19 Protect transportation investments and assets through the proper operations, maintenance, and preservation to provide safe, efficient, and reliable movement of people, goods, and services. [...] 19.3 Promote increased funding for maintenance, operations, and preservation.	Policy Gap	Consider adding policies supporting South Sound Housing Affordability Partners and supporting a multi-family tax exemption (see also Housing Action Plan).	

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MPP-RC-15	Promote regional and national efforts to restore Puget Sound and its watersheds, in coordination with cities, counties, federally recognized tribes, federal and state agencies, utilities, and other partners.	ENV-19 Recognizing that almost all surface water in Pierce County flows to the Puget Sound, consider impacts to the health of the Puget Sound in long range planning efforts and the adoption of development and stormwater regulations. ENV-20 Support implementation of the Puget Sound Partnership's action agenda. ENV-24 Coordinate on watershed planning for the purposes of: 24.1 Maintaining natural hydrological functions, ecosystems and watersheds and, where feasible, restore to a more natural state; 24.2 Restoring, when feasible, freshwater and marine shorelines, watersheds, and estuaries to a natural condition for ecological function and value; 24.3 Identifying and addressing the impacts of climate change and sea level rise on hydrological systems; and 24.4 Maintaining and enhancing the ecological, social, and economic benefits provided by a healthy Puget Sound. ENV-27 Maintain or enhance water quality through adoption of stormwater regulations to control runoff and best management practices to maintain natural aquatic communities and beneficial uses. TR-9 Jurisdictions shall address environmental impacts of transportation policies, project implementation, and operations wherever practicable through: [...] 9.2 Locating and/or constructing transportation improvements so as to discourage adverse impacts on water quality and other environmental resources;	Potential policy gap	City has many policies related to managing surface water and improving water quality. New MPP calls for participation in regional and national efforts. CPPs support Puget Sound Partnership and coordination between jurisdictions; unclear if something is needed at city level apart from what is already present.	

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MPP-RGS-4	Accommodate the region's growth first and foremost in the urban growth area. Ensure that development in rural areas is consistent with the regional vision and the goals of the Regional Open Space Conservation Plan.	EC-2-2.12 ➤ Promote diverse economic opportunities for all citizens of the County, especially the unemployed, disadvantaged persons, minorities and small businesses. Where appropriate, the following measures are examples of actions that may be used to accomplish this policy: ○ Determining a reasonable "jobs/housing" balance and then coordinating land use and development policies to help achieve the designated balance of adequate affordable housing attainable to local workers and accessible to areas of employment, in a way that avoids the placement of incompatible land uses next to each other and does not lead to the fragmentation of existing communities; ○ Identifying urban land suitable for the accommodation of a wide range of non-residential development activities; ○ Utilizing state and federal programs and financial assistance to the maximum extent appropriate; ○ Encouraging redevelopment of underutilized commercial and industrial areas; ○ Encouraging flexibility in local zoning and land use controls, such as performance-based zoning, to permit a variety of economic uses, but doing so without sacrificing sound performance, design, and development standards; ○ Encouraging programs, in conjunction with other public, quasi-public and private entities, to attract appropriate businesses and industries, particularly those that diversify the economic base and provide living-wage jobs; ○ Encouraging the location of investment in areas served by public transit and adequate transportation facilities, with emphasis on connecting underserved populations with jobs; ○ Maintaining and enhancing natural resource-based industries, including productive timber, agriculture, fishing and mining; ○ Targeting the appropriate creation and retention of specific firms and industries within established and emerging industry clusters that export goods and services, import capital, and have growth potential; ○ Promoting high-quality and accessible educational, job training, and cultural opportunities, particularly for those facing unique obstacles and/or those with special needs; ○ Steering investments to community and economic development initiatives that elevate economic opportunity for those communities most marginalized and impacted by disinvestment and	Goal CD-3: Develop Easttown as a light-industrial area to increase the number and diversity of jobs available to the citizens of Bonney Lake and to diversify the City's tax base Policy CD-3.2: Encourage parcel consolidation to provide infill sites for redevelopment and expansion opportunities. CD-3.4: Improve services to the area to support redevelopment opportunities primarily the development of sanitary sewer. Policy CD-5.9: Advocate for open space conservation and resource protection in the unincorporated areas east of the Bonney Lake's city limits but within the City's sphere of influence. These areas should remain in agricultural and open space uses for the lifetime of this Comprehensive Plan. Policy CD-9.6: Although the Comprehensive Plan provides for development capacity to accommodate growth until 2035, steps should be taken to retain some of this capacity for the post-2035 period and guide development towards the Downtown, Midtown, and Lake Tapps Centers. Policy CD-9.11: Redevelop Bonney Lake's under-developed or vacant sites in a manner that balances providing an array of housing, jobs, retail, recreational, and entertainment opportunities, with the need to respect the scale and form of surrounding properties and neighborhoods.	Possible update needed. Policy CD-9.6 points to reserving some capacity for post-2035 period and guiding development toward centers. City should consider looking at whether reserving growth is still warranted and how to incorporate new centers framework.	

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		economic disruptions; or - Fostering opportunities and a supportive environment for business startups, small businesses, and women- and minority-owned businesses. ENV-10.7 - Recognizing the unique interconnectedness between a healthy environment and a healthy economy, all jurisdictions, as well as other governmental entities, shall consider policies on environmentally sensitive lands in conjunction with other Countywide Planning Policies, including, but not limited to, policies which address: [...] 10.7 Infill development; RUR-2 - Ensure that development in rural areas is consistent with the countywide and regional vision. UGA-7-7.3 - Adopt policies within their respective comprehensive plans, to ensure that development within the urban growth area uses land efficiently, provides for a wide variety of uses, conserves natural resources, and allows for the connection of communities to an efficient, transit-oriented, multimodal transportation system. Policies shall: - Provide for more choices in housing types, including missing middle housing like duplexes, triplexes, fourplexes, rowhouses and townhomes, and moderate increases in density to achieve at least an average net density of four units per acre; - Support infill and compact development; and - Provide for land uses that encourage travel by foot, bike and transit.			
MPP-RGS-15	Support the establishment of regional funding sources to acquire conservation easements in rural areas.	RUR-5 Explore the application of tools and strategies to address vested development and better align future growth with the expectations envisioned within the Puget Sound Regional Council VISION 2050 Regional Growth Strategy.	Policy ES-6.5: Promote clustered developments, common areas, buffers, conservation easements, and retention of native vegetation as a means of conserving critical habitat	Partial gap. City could consider updating Policies under goal ES-6 or in the Community Development element to support using conservation easements to protect rural landscapes, not just critical areas.	
RGS-Action-9 (Local)	Growth Targets: Countywide planning organizations will work to develop processes to reconcile any discrepancies between city and county adopted targets contained in local comprehensive plans.	GT-6 Once the GMA comprehensive plan updates of jurisdictions in Pierce County are adopted, jurisdictions may review and, if necessary, make a request to the Pierce County Council to adjust the population, housing, and employment growth targets.	Only a gap if city plans to or has already requested adjustment to population, housing, and employment growth targets.		

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MPP-En-2	Use integrated and interdisciplinary approaches for environmental planning and assessment at regional, countywide, and local levels.	ENV-5.5 ➤ Using integrated and interdisciplinary approaches for environmental planning and assessment; or ENV-36.4 ➤ Develop complementary, coordinated, integrated, and flexible approaches for the collection, analysis, and sharing of monitoring information (e.g., GIS data, hydrologic and hydraulic analysis).	Policy gap	Consider adding policy regarding partnering with other jurisdictions to integrate environmental planning and assessment.	
MPP-En-4	Ensure that all residents of the region, regardless of <u>race</u> , social, or ____ economic status, <u>have clean air, clean water, and other elements of live in a healthy environment,</u> with minimal exposure to pollution.	ENV-12 Plan for and provide access to open space for all segments of the population regardless of race, social, physical ability or economic status. 12.1 Consider adoption of increased measures to ensure the creation and retention of adequate nearby (within ½ mile proximity) access to open space for residents of urban areas. ENV-40 Jurisdictions, individually or through cooperation with coalitions, state, and/or regional agencies, shall assess existing plans and regulations, and update as necessary, to address impacts from climate change, sea level rise, and climate resiliency, as applicable to each jurisdiction's unique circumstances. 40.1 Consider planning actions and implementing regulations to address impacts from climate change, such as: [...] 40.1.3 Adopting measures to avoid, mitigate, and reverse climate change impacts on disproportionately impacted communities, including Black, Indigenous, and communities of color, populations without permanent shelter, and low-income residents. EPF-6.10	Policy CD-5.5: Allow community gardening and “urban” agriculture in residentially-zoned areas and open spaces, provided that these uses do not impact the functions and values of environmentally critical areas. Policy CD-5.9: Advocate for open space conservation and resource protection in the unincorporated areas east of the Bonney Lake’s city limits but within the City’s sphere of influence. These areas should remain in agricultural and open space uses for the lifetime of this Comprehensive Plan. Policy CD-9.4: Recognize certain areas as having natural constraints that preclude safe or environmentally sound development. These constraints are discussed in the Environmental Stewardship Element.	Partial gap. Consider adding policy language regarding the use of health impact assessments or other equity tools to ensure equitable access to a healthy environment.	

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		➤ Health and safety (consider use of health impact assessment tools when developing and evaluating planning projects to identify possible impacts of projects on community health); H-3 ➤ Identify and mitigate health and equity impacts of policy, regulation, or development proposals. This may include: ○ Seeking to consider the health ramifications of physical and built environment impacts when conducting SEPA reviews; ○ Utilizing a Health Impact Assessment when Environmental Impact Statement (EIS) is required; ○ Applying equity tools or other data-informed analyses to assess health and equity impacts, with particular emphasis on negative impacts to underserved populations; ○ Identifying, integrating, and implementing mitigation actions in collaboration with the affected populations; ○ Developing public investment evaluation criteria to prioritize public investments to address health disparities; or ○ Implementing development standards and conditions to prevent, minimize, and mitigate potential negative health impacts from development activities.	Policy CD-5.7: Establish zoning standards to mitigate for the presence of infrastructure facilities such as radio and telecommunication towers within designated open space areas.		
MPP-En-8	<u>Reduce impacts to vulnerable populations and areas that have been disproportionately affected by noise, air pollution, or other environmental impacts.</u>	ENV-40.1.3 40.1 Consider planning actions and implementing regulations to address impacts from climate change, such as: [...] 40.1.3 Adopting measures to avoid, mitigate, and reverse climate change impacts on disproportionately impacted communities, including Black, Indigenous, and communities of color, populations without permanent shelter, and low-income residents.	Policy gap	Consider adopting policies under goals related to air pollution and other environmental effects that focus on reducing impacts to vulnerable populations and those that have been disproportionately affected.	
MPP-En-15	<u>Provide parks, trails, and open space within walking distance of urban residents. Prioritize historically underserved communities for open space improvements and investments.</u>	ENV-12 Plan for and provide access to open space for all segments of the population regardless of race, social, physical ability or economic status. 12.1 Consider adoption of increased measures to ensure the creation and retention of adequate nearby (within ½ mile proximity) access to open space for residents of urban areas.	Policy CD-5.2: Maintain and enhance a network of neighborhood, community, and linear parks. Parks should be recognized as fundamental to Bonney Lake’s quality of life, and should be carefully managed to create a balance between passive and active open space.	Partial gap. Consider adding policy or policies addressing prioritization of historically underserved communities.	

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		12.2 Consider adoption of proactive measures to increase equity in access to open space for underserved populations. UGA-12 Capital facilities plans shall identify existing, planned, and future infrastructure needs within Urban Growth Areas. 12.1 The County and each municipality in the County should identify appropriate levels of service and concurrency standards that address schools, sewer, water, and parks.	Policy CD-5.5: Allow community gardening and “urban” agriculture in residentially-zoned areas and open spaces, provided that these uses do not impact the functions and values of environmentally critical areas. Policy CD-6.6: Encourage plazas, pocket parks, and similar spaces to stimulate pedestrian activity, provide community-gathering places, and complement the overall appearance and form of adjoining buildings.		
MPP-En-18	<u>Reduce stormwater impacts from transportation and development through watershed planning, redevelopment and retrofit projects, and low-impact development.</u>	ENV-23 Coordinate watershed planning and land use planning activities and implementation activities within a watershed boundary by undertaking actions such as: 23.3 Participating in local watershed council meetings and planning processes; 23.4 Recognizing that watershed planning may be useful in analyzing changes in stream hydrology, flooding, water quality and capital facilities under different land use scenarios; 23.5 Evaluating the use of vegetation retention, tree conservation, and maximum impervious surface standards; 23.6 Utilizing watershed boundaries instead of jurisdictional boundaries for plans and studies whenever possible; 23.7 Considering the implications of planning and implementation activities on natural environmental and built systems that are located outside jurisdictional boundaries but within the shared watershed; or 23.8 Updating land use plans and regulations, in consideration of the information that is contained within watershed plans. ENV-27 Maintain or enhance water quality through adoption of stormwater regulations to control runoff and best management practices to maintain natural aquatic communities and beneficial uses. TR-9.2 Jurisdictions shall address environmental impacts of transportation policies, project implementation, and operations wherever practicable through:	Policy ES-3.5: Promote Low Impact Development techniques as an alternative to standard development practices such as, using natural systems to maintain and enhance environmental quality by having them perform such functions as cleaning air and water, and controlling storm water runoff. Policy ES-4.1: Prohibit new buildings in the 100-year flood zone as determined by the Federal Emergency Management Agency (FEMA) and as shown on the FEMA Flood Insurance Rate Maps (FIRM) unless the base elevation is above the floodplain elevation, the structure has been flood proofed, or the area is removed from the floodplain. Policy ES-4.2: Protect floodplains from filling, excavating, and other activities that would interfere with natural drainage patterns and negatively affect the habitat functions. Policy ES-4.3: Preserve floodplains to provide for natural flood storage protection and habitat functions. Policy ES-4.4: Design new development and redevelopment projects to minimize hazards associated with flooding and limit the amount of runoff that contributes to flooding.	Partial gap. Incorporating plans from local watershed groups is mentioned in the text of the Environmental Stewardship element, but given the new MPP with its focus on watershed planning, could consider new policies supporting participation by the city in watershed planning.	

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		[...] 9.2 Locating and/or constructing transportation improvements so as to discourage adverse impacts on water quality and other environmental resources; TR-10 Use low-impact development practices or environmentally appropriate approaches for the design, construction and operation of transportation facilities to reduce and mitigate environmental impacts, including, but not limited to, greenhouse gas emissions and storm water runoff from streets and roadways. 10.1 Use vegetative installations such as bioswales, rain gardens, green spaces and other features to assist with carbon uptake and reduction of stormwater runoff.			
En-Action-3 (Countywide/watershed)	<u>Watershed Planning: Counties and cities, together with other jurisdictions in the watershed, will continue to participate in watershed planning to integrate land use, transportation, stormwater, and related disciplines across the watershed to improve the health of Puget Sound. Include planning for culvert removal and work with tribal, federal, state, and local governments in planning, funding, and implementation to ensure the effective and efficient use of funds to restore salmon habitat.</u>	ENV-19 Recognizing that almost all surface water in Pierce County flows to the Puget Sound, consider impacts to the health of the Puget Sound in long range planning efforts and the adoption of development and stormwater regulations.	Policy gap	As with MPP-En-18 above, the City should consider adding new policies related to participation in cross-jurisdictional watershed planning.	
MPP-CC-2	Reduce the rate of building energy use per capita, both in building use and in transportation activities through green building and retrofit of existing buildings.	ENV-28 ➤ Encourage green building (LEED), low impact development, and other similar technique to reduce the production of greenhouse gases and the impact to climate change, from construction materials, methods, and maintenance of the resulting built environment. ENV-43-43.5 ➤ Encourage, incentivize, and require where appropriate, the development community to reduce impacts of proposed projects on climate change by undertakings such actions as: ○ Utilize low impact development techniques; ○ Incentivize projects that exceed minimum standards, and/or provide for low carbon power sources; ○ Coordinate with the development community to encourage the use of pilot projects and new and innovative approaches to address climate change and greenhouse gas production; and	Policy ES-9.6: Encourage renewable energy sources for new and existing buildings and infrastructure. Resolution 2049 policies: • The City will strive to assure that all new municipal buildings are models of cost effective energy- efficient design. • The City will encourage energy conservation practices in City buildings by raising the awareness of employee energy use. • The City will use the recently approved shared resource conservation manager position to conduct energy audits of publicly owned buildings, evaluate potential conservation	Partial gap. Consider adding new policy addressing green retrofits.	

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		- Promote green development building standards (e.g., LEED and equivalent) in both public and private development and operations; - Include an analysis (i.e., supplemental greenhouse gas/climate change impact worksheet) of climate change impacts and potential mitigation when conducting an environmental review process under the State Environmental Policy Act. ENV-45-45.6 ➤ Support energy management technologies as well as zero emission and renewable energy sources. - Cooperate with regional initiatives and efforts toward the development and use of energy management technologies. - Reduce greenhouse gases by expanding the use of biofuels, energy efficiency/conservation, zero emission and renewable energy sources within municipal and private development and operations. - Investigate and pursue opportunities for district heating (thermal energy on a neighborhood scale). - Investigate and pursue opportunities for landfill methane sequestration. - Adjust development standards to allow, encourage, and preserve opportunities for renewable energy infrastructure. - Encourage the electrification of transportation systems.	measures, and then carry out those measures that are appropriate.		
MPP-CC-2	Reduce the rate of building energy use per capita, both in building use and in transportation activities through green building and retrofit of existing buildings.	ENV-28 ➤ Encourage green building (LEED), low impact development, and other similar technique to reduce the production of greenhouse gases and the impact to climate change, from construction materials, methods, and maintenance of the resulting built environment. ENV-43-43.5 ➤ Encourage, incentivize, and require where appropriate, the development community to reduce impacts of proposed projects on climate change by undertakings such actions as: - Utilize low impact development techniques; - Incentivize projects that exceed minimum standards, and/or provide for low carbon power sources; - Coordinate with the development community to encourage the use of pilot projects and new and innovative approaches to address climate change and greenhouse gas production; and - Promote green development building standards (e.g., LEED and equivalent) in both public and	Policy ES-9.6: Encourage renewable energy sources for new and existing buildings and infrastructure. Resolution 2049 policies: - The City will strive to assure that all new municipal buildings are models of cost effective energy- efficient design. - The City will encourage energy conservation practices in City buildings by raising the awareness of employee energy use. - The City will use the recently approved shared resource conservation manager position to conduct energy audits of publicly owned buildings, evaluate potential conservation measures, and then carry out those measures that are	Partial gap. Consider adding new policy addressing green retrofits.	

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		private development and operations; ○ Include an analysis (i.e., supplemental greenhouse gas/climate change impact worksheet) of climate change impacts and potential mitigation when conducting an environmental review process under the State Environmental Policy Act. ENV-45-45.6 ➤ Support energy management technologies as well as zero emission and renewable energy sources. ○ Cooperate with regional initiatives and efforts toward the development and use of energy management technologies. ○ Reduce greenhouse gases by expanding the use of biofuels, energy efficiency/conservation, zero emission and renewable energy sources within municipal and private development and operations. ○ Investigate and pursue opportunities for district heating (thermal energy on a neighborhood scale). ○ Investigate and pursue opportunities for landfill methane sequestration. ○ Adjust development standards to allow, encourage, and preserve opportunities for renewable energy infrastructure. ○ Encourage the electrification of transportation systems.	appropriate.		
MPP-CC-6	<u>Address impacts to vulnerable populations and areas that have been disproportionately affected by climate change.</u>	ENV-42 ➤ Jurisdictions, individually or through coordination with coalitions, state, and/or regional entities, shall work to identify, address and mitigate the adverse impacts of climate change on people's health, particularly that of populations at a greater risk of climate change impacts.	Policy gap	Consider adding policies to address new MPP related to impacts to vulnerable populations from climate change.	
MPP-CC-7	<u>Advance state, regional, and local actions that support resilience and adaptation to climate change impacts.</u>	Crosswalk table shows no CPPs for this MPP	Policy ES-10.1: Improve existing infrastructure and develop future infrastructure to withstand greater than average weather events including storms and drought. Policy ES-10.3: Develop maps that identify areas of the City most at risk of hazards and develop resiliency resources and education programs for citizens likely to be impacted.	Partial gap. City could consider adding adaptation to climate change to its existing resilience policies under ES-10.	
MPP-CC-9	Identify and address the impacts of climate change on the region's hydrological systems.	ENV-24.3 Coordinate on watershed planning for the purposes of: [...]	Policy gap	Consider adding one or more policies related to the effects of climate change on hydrological systems.	

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		24.3 Identifying and addressing the impacts of climate change and sea level rise on hydrological systems; and			
MPP-CC-10	<u>Address rising sea water by siting and planning for relocation of hazardous industries and essential public services away from the 500-year floodplain.</u>	ENV-40.2-40.2.3 ➤ Consider adopting regulations to avoid impacts from sea level rise by undertaking such actions as: ○ Strengthening regulations for 500-year flood plains and other at-risk areas to prevent location of essential public facilities and hazardous uses; ○ Locating critical infrastructure outside flood plains, shorelines, and other at-risk locations to the extent possible; where not possible, design and construct infrastructure to withstand climate change impacts; and ○ Adopting regulations to require climate-responsive measures when redevelopment or improvements to existing development take place. EPF-6.8 ➤ Addressing rising sea water by siting and planning for relocation;	Policy gap	Consider adding one or more policies under Goal CFS-14 to address new MPP/CPP.	
MPP-DP-2	<u>Reduce disparities in access to opportunity for the region's residents through inclusive community planning and targeted public and private investments that meet the needs of current and future residents and businesses.</u>	AH-8 Jurisdictions should identify potential physical, economic, and cultural displacement of low- income households and marginalized populations that may result from planning, public investments, private redevelopment, and market pressure, and use a range of strategies to prevent and minimize, the cultural and physical displacement and mitigate its impacts to the extent feasible. 8.1 Metropolitan Cities, Core Cities, and High-Capacity Transit Communities will develop and implement strategies to address displacement in coordination with the populations identified of being at risk of displacement, including residents, local community groups, and neighborhood-based small business owners. EC-2.7 and 2.11 Promote diverse economic opportunities for all citizens of the County, especially the unemployed, disadvantaged persons, minorities and small businesses. Where appropriate, the following measures are examples of actions that may be used to accomplish this policy: [...] 2.7 Encouraging the location of investment in areas served by public transit and adequate	Policy CD-5.6: Allow recreational uses on lands designated as environmentally critical areas, provided that these uses do not impact the function and values of environmentally critical areas.	Partial gap. City has some policies related to targeted public and private investments, but similar to other access to opportunity MPPs and CPPs, the City could consider adding reduction in disparities to its policies under the Community Development, Economic Vitality, and Community Mobility elements.	

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		transportation facilities, with emphasis on connecting underserved populations with jobs; [...] 2.11 Steering investments to community and economic development initiatives that elevate economic opportunity for those communities most marginalized and impacted by disinvestment and economic disruptions; or H-4 Meaningfully engage and empower all people, particularly the underserved, in planning for communities. This may include: 4.1 Increasing familiarity with health data, community-based/grassroots organizations, social and environmental determinants of health, and health inequities; 4.2 Making special efforts to outreach and understand community needs and the aspirations of underserved populations; 4.3 Working with populations experiencing health disparities and strengthen their capacity for collective efficacy; 4.4 Including special needs and diverse populations representative of your jurisdiction demographics or historically underserved; or 4.5 Helping communities understand how short- and long-range policy, land use, infrastructure, and other decisions affect the public health of the entire community, and how to effectuate ongoing positive health outcomes TR-4 Consider, whenever feasible, equity, inclusion, and access to opportunity when developing and implementing programs and actions. 4.1 Prioritize investments for historically underserved populations to improve affordable and convenient access to jobs, education, health care, social services, recreation, and culture. 4.1.1 Target active transportation and transit investments in communities of color and areas with higher concentrations of low-income, non-English speaking, seniors, youth, and disabled populations. 4.2 Consider current and past inequities in infrastructure development when planning and programming new investment. 4.3 Consider using PSRC's Opportunity Index and/or the Countywide Equity Index, when adopted, to identify underserved communities in order to			

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		prioritize transportation improvements and service delivery. 4.4 Mitigate negative impacts of the transportation system on historically underserved communities when developing plans and programs. 4.5 Develop plans to meet Americans with Disabilities Act (ADA) requirements and guidance, including facilitating ease of access for the disability community and retrofitting non-compliant sidewalks and walkways. 4.6 Coordinate with tribal governments on joint planning and project implementation consistent with the policies under the Tribal Consultation, Coordination, and Lands Compatibility Chapter.			
MPP-DP-7	<u>Consider the potential impacts of development to culturally significant sites and tribal treaty fishing, hunting, and gathering grounds.</u>	TC-5-5.1 ➤ Jurisdictions shall update their comprehensive plan during its next amendment cycle to incorporate ways to preserve Tribal treaty rights when notified by Tribes of their presence in a particular location. ○ All Jurisdictions shall consider the potential impacts to Tribal treaty fishing, hunting, and gathering grounds, which may include the development patterns in their comprehensive plans. TC-3 & sub-policies ➤ Upon the request of a Tribal Council, The County and each applicable municipal government within a Tribal reservation will explore with the requesting Tribe voluntary agreements for coordinated land use permitting and code enforcement with Tribes. ○ As part of these agreements, the County and each applicable municipal government on a Tribal reservation may work with Tribes to develop ongoing administrative processes to jointly discuss and comment on permit applications, including and not limited to development activities on reservations and development impacting Tribal treaty rights; and may identify enhanced opportunities to include Tribal governments in joint comprehensive and other long-range planning activities. ○ As part of these agreements, the County and each municipal government shall provide an opportunity to include Tribal governments in joint comprehensive and other long-range planning activities. HAC-2- HAC-2.2	Policy gap	The City should consider, in accordance with TC-5-5.1, incorporate ways to preserve Tribal treaty rights when notified by Tribes of their presence in a particular location. This dovetails with HB 1717 recommendations – see separate table.	

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		➤ Consider the potential impacts of development to culturally significant tribal sites. ○ The County and each municipality should reach out to the Department of Archaeology and Historic Preservation to verify the presence of cultural resources through available databases. ○ The County and each municipality should contact local tribal historic preservation officers to determine likelihood of impact to potential cultural resources when reviewing development proposals that involve ground disturbance.			
MPP-DP-8	Provide a wide range of building and community types to serve the needs of a diverse population. <u>Conduct inclusive engagement to identify and address the diverse needs of the region's residents.</u>	H-4 Meaningfully engage and empower all people, particularly the underserved, in planning for communities. This may include: 4.1 Increasing familiarity with health data, community-based/grassroots organizations, social and environmental determinants of health, and health inequities; 4.2 Making special efforts to outreach and understand community needs and the aspirations of underserved populations; 4.3 Working with populations experiencing health disparities and strengthen their capacity for collective efficacy; 4.4 Including special needs and diverse populations representative of your jurisdiction demographics or historically underserved; or 4.5 Helping communities understand how short- and long-range policy, land use, infrastructure, and other decisions affect the public health of the entire community, and how to effectuate ongoing positive health outcomes.	Policy gap	Consider adding one or more policies incorporating the recommendations in CPP H-4 as appropriate to address rewritten MPP.	

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MPP-DP-11	Identify and create opportunities to develop parks, civic places (including schools) and public spaces, especially in or adjacent to centers.	Crosswalk table shows no CPPs for this MPP	Policy CD-6.1: Recognize the importance of streets as public space: Landscaping, lighting, streetscape elements, pavement changes, signage improvements, banners, and other public realm improvements can enhance the experience of traveling along a corridor without diminishing its functional capacity. Policy CD-6.6: Encourage plazas, pocket parks, and similar spaces to stimulate pedestrian activity, provide community-gathering places, and complement the overall appearance and form of adjoining buildings. Policy CD-6.7: While the design of each public space must be sensitive to its context, all public spaces should share several common design characteristics. These include: ☐ Locations in prominent, recognizable and accessible locations where they are likely to receive frequent use and be highly visible. ☐ Seating areas, signage, pedestrian amenities, activity areas and other design features that increase usability and functionality. ☐ A unique identity that enables the space to function independently, while still allowing the space to work in connection with adjacent development. ☐ Accommodation of a variety of users (i.e. arts, cultural, recreational, different ages, abilities, etc.). ☐ Variations in landscaping, pavement, lighting, public art, and other amenities which improve the quality of each space and define its character. ☐ Protection from wind, sun, and noise exposure. ☐ Spaces that utilize a mixture of direct sunlight and shade. Policy EV-2.2: Maintain and increase City investment in public amenities that contribute to high quality of life for Bonney Lake residents, including parks,	Partial gap. Several city policies refer to parks, civic places, and public spaces (particularly EV-2.2 and EV-2.4). Consider adding schools to those policies and refer to designated centers.	

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			public spaces, civic gathering places, sidewalks and streetscapes. Policy EV-2.4: Develop a system of sidewalks, bicycle lanes and trails to provide pedestrian and bicycle connection between residential neighborhoods, parks, civic gathering spaces and centers.		
MPP-DP-13	<u>Allow natural boundaries to help determine the routes and placement of infrastructure connections and improvements.</u>	EPF-4.1.10 EPF-4 Local Comprehensive Plan policies shall be based upon the following criteria: [...] 4.1.10 Natural boundaries that determine routes and connections.	Policy gap	City could consider adding policy/policies under Community Development, Community Mobility, and/or Community Facilities and Services elements supporting the use of natural boundaries to determine routes and placement of infrastructure.	
MPP-DP-36	<u>Use existing and new tools and strategies to address vested development to ensure that future growth meets existing permitting and development standards and prevents further fragmentation of rural lands.</u>	RUR-5 Explore the application of tools and strategies to address vested development and better align future growth with the expectations envisioned within the Puget Sound Regional Council VISION 2050 Regional Growth Strategy.	Policy gap	City could consider adopting a policy or adding language to an existing policy regarding vested development.	
MPP-DP-16	<u>Incorporate provisions addressing Address and integrate health and well-being into appropriate regional, countywide, and local planning practices and decision-making processes.</u>	H-5 Promote cooperation and coordination among public service providers, local government, the local health department, developers, community organizations, and all segments of the community to encourage healthy developments that promote and improve physical and social well-being for all.	Policy CD-4.5: Utilize capital improvement projects, design guidelines, and land use decisions to improve the walkability of neighborhoods, enhance the ability to travel by bicycle or public transportation, and minimize the distance a resident must travel to reach basic services, shopping, parks, schools, and other civic amenities. Policy CD-9.2: Use development regulations to direct growth, ensure sufficient opportunities for new development, improve Bonney Lake's quality of life, preserve existing neighborhoods, reduce nuisances, achieve compatibility between adjacent properties and uses, address land use conflicts, and protect the health and safety of residents, visitors, and workers.	Partial gap. Existing policies under CD- 4 and CD-9 (as well as many others related to active transportation, for example) address specific aspects of health, but the revised MPP's language change to "address and integrate" suggests the City should incorporate evaluation of health into planning processes in a more specific way.	

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MPP-DP-18	<u>Address existing health disparities and improve health outcomes in all communities.</u>	H-3 3 Identify and mitigate health and equity impacts of policy, regulation, or development proposals. This may include: 3.1 Seeking to consider the health ramifications of physical and built environment impacts when conducting SEPA reviews; 3.2 Utilizing a Health Impact Assessment when Environmental Impact Statement (EIS) is required; 3.3 Applying equity tools or other data-informed analyses to assess health and equity impacts, with particular emphasis on negative impacts to underserved populations; 3.4 Identifying, integrating, and implementing mitigation actions in collaboration with the affected populations; 3.5 Developing public investment evaluation criteria to prioritize public investment to address health disparities; or 3.6 Implementing development standards and conditions to prevent, minimize, and mitigate potential negative health impacts from development activities.	Policy CD-4.3: Allow schools, day care centers, senior centers, group homes, public and semi-public facilities (e.g., churches), and nursing care facilities in residential areas, subject to conditions which limit the impacts of these uses on nearby properties. To the extent permitted by state and federal law, conditions of approval may be placed on such uses to ensure that they are operated in a manner that is sensitive to neighborhood concerns, and that maintains residents' quality of life. In addition, such uses should be sited in a way that minimizes the exposure of future occupants to noise, localized air pollution sources, and other environmental hazards.	Partial gap. Existing policies address improving health outcomes, but as with other equity-related policies, the City could consider supporting in policy the use of Health Impact Assessments and equity tools made available by the County and PSRC to identify and address existing disparities.	
MPP-DP-26	<u>Establish Implement the adopted a common framework to designate countywide centers among the countywide processes for designating subregional centers to ensure compatibility within the region.</u>	C-38 ➤ A jurisdiction may apply for status as a Candidate Countywide Center if it satisfies all required criteria included below, has a minimum of 7 activity units per acre, and is planning for at least 16 activity units per acre. The application for Countywide Center would not be regionally designated until the Center achieves at least 10 activity units per acre. Activity units means the sum of population and job units per gross acre, per PSRC.	See centers designation under Community Development element.	City could consider looking at adopted countywide centers designation to see whether additional documentation is needed for existing countywide centers.	
MPP-DP-36	Use existing and new tools and strategies to address vested development to ensure that future growth meets existing permitting and development standards and prevents further fragmentation of rural lands.	RUR-5 Explore the application of tools and strategies to address vested development and better align future growth with the expectations envisioned within the Puget Sound Regional Council VISION 2050 Regional Growth Strategy.	Policy gap	City could consider adopting a policy or adding language to an existing policy regarding vested development.	
MPP-DP-45	<u>Avoid growth in rural areas that cannot be sufficiently served by roads, utilities, and services at rural levels of service.</u>	RUR-3 Prohibit urban densities in rural areas. RUR-5 Explore the application of tools and strategies to address vested development and better align future growth with the expectations envisioned within the Puget Sound Regional	Policy CD-1.1: Review proposed annexations for their timeliness, the City's ability to provide them with urban services, and the costs and revenues that the City would likely incur. The City may refuse annexations in which public facilities are below the City's level of	Partial gap. Some Community Development policies partially address this, but the City could consider making this explicit in the Community Facilities and Services Element and the Community Mobility Element.	

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		Council VISION 2050 Regional Growth Strategy. RUR-11 Do not provide urban services in rural areas. Design services for limited access when they are needed for schools or to solve isolated health and sanitation problems, so as not to increase the development potential of the surrounding rural area. RUR-12 Encourage the design of public facilities and utilities in rural areas to be at a size and scale appropriate to rural locations, so as not to increase development pressure.	service standard. Policy CD-5.9: Advocate for open space conservation and resource protection in the unincorporated areas east of the Bonney Lake's city limits but within the City's sphere of influence. These areas should remain in agricultural and open space uses for the lifetime of this Comprehensive Plan.		
MPP-DP-46	Support and provide incentives to increase the percentage of new development and redevelopment – both public and private – to be built at higher performing energy and environmental standards.	Crosswalk table shows no CPPs for this MPP	Policy ES-9.5: Encourage energy efficiency in site design, building orientation, landscaping, and utilities/infrastructure for all development and redevelopment projects. Policy ES-9.6: Encourage renewable energy sources for new and existing buildings and infrastructure.	Partial gap. City policies on Resolution 2049 as well as under goal ES-9 encourage energy efficiency and offer specific support for increasing environmental performance of public buildings, but no specific incentives are supported for private development.	
MPP-DP-54	Tailor concurrency programs for centers and other subareas to encourage development that can be supported by transit.	TR-15 Adopted performance standards or LOS may be: 15.1 Set below existing levels thereby allowing reserve capacity for growth and minimizing the need for new capital investment; 15.2 Set above existing levels (thereby increasing comfort and convenience of travel, enhancing economic development and minimizing some environmental impacts; 15.3 Set at existing levels (thereby allowing new development to mitigate full marginal impacts; 15.4 Set at different levels of service in different zones, especially in designated centers and on transit and freight corridors; 15.5 Set at different levels of service based on facility classifications; 15.6 Set to measure multiple modes of travel (e.g. transit, bicycling and/or walking); or 15.7 Taken directly from standards developed by the Washington State Department of Transportation for Highways of Statewide Significance and directly from standards developed by the Puget Sound Regional Council for regionally significant state highways.	Policy CD-2.2: Encourage the development of mixed-use, senior housing, high density residential, and public services uses such as education, health care, libraries, child care, governmental facilities in the centers to create vibrant activity nodes, provide housing choices, advance sustainable development principles, support transit, and preserve the City's existing residential neighborhoods.	Partial gap. City's concurrency policies are not tailored toward centers and encouraging development that can support and be supported by transit.	

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MPP-H-1	<u>Plan for housing supply, forms and densities to meet the region's current and projected needs consistent with the Regional Growth Strategy and to make significant progress towards jobs/housing balance.</u>	AH-1 Explore and identify opportunities to reutilize and redevelop existing parcels where rehabilitation of the buildings is not cost-effective, provided the same is consistent with the countywide policy on historic, archaeological, and cultural preservation and with Policy AH-8 regarding displacement. AH-2 Plan to meet their affordable and moderate-income housing needs goal by utilizing a range of strategies that may include a Housing Action Plan and will result in the preservation of existing housing, and the production of new, affordable and moderate- income housing that is safe and healthy. Jurisdictions should consider the availability and proximity of public transportation, governmental and commercial services necessary to support residents' needs, and prioritize density and investment in these areas. AH-3.2 3.2 Each jurisdiction may adopt plans and policies for meeting its affordable and moderate income housing needs in a manner that reflects its unique demographic characteristics, comprehensive plan vision and policies, development and infrastructure capacity, location and proximity to job centers, local workforce, and access to transportation. EC-1.2 Jurisdictions will work to achieve a prospering and sustainable regional economy by supporting business and job creation, investing in all people, sustaining environmental quality, and creating great central places, diverse communities, and high quality of life. This will involve assuring consistency between economic development plans and policies and adopted comprehensive plans by: [...] 1.2 Striving for a balance and match of local jobs and local housing;	Policy CD-9.11: Redevelop Bonney Lake's under-developed or vacant sites in a manner that balances providing an array of housing, jobs, retail, recreational, and entertainment opportunities, with the need to respect the scale and form of surrounding properties and neighborhoods. Policy CD-10.1: Encourage the development of a diverse and high quality housing stock that provides a range of housing types (including family and larger-sized units) to accommodate the diverse needs of Bonney Lake's residents through changes in age, family size, and various life changes.	Partial gap. City should consider adding language regarding current and project needs and jobs/housing balance to account for new MPP.	
MPP-H-2	Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.	AH-1 Explore and identify opportunities to reutilize and redevelop existing parcels where rehabilitation of the buildings is not cost-effective, provided the same is consistent with the countywide policy on historic, archaeological, and cultural preservation and with Policy AH-8 regarding displacement. AH-2 Plan to meet their affordable and moderate-income housing needs goal by utilizing a range of strategies that may include a	Policy CD-9.11: Redevelop Bonney Lake's under-developed or vacant sites in a manner that balances providing an array of housing, jobs, retail, recreational, and entertainment opportunities, with the need to respect the scale and form of surrounding properties and neighborhoods.	Double-check with HB 1220 table – city could consider strengthening language to “plan for and accommodate” to comply with new requirements in HB 1220. City could enumerate all listed housing types or stay with general policy language that covers the whole range.	

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		Housing Action Plan and will result in the preservation of existing housing, and the production of new, affordable and moderate- income housing that is safe and healthy. Jurisdictions should consider the availability and proximity of public transportation, governmental and commercial services necessary to support residents’ needs, and prioritize density and investment in these areas. AH-3 Determine the extent of the need for housing affordable for all economic segments of the population, with special attention paid to the historically underserved, both existing and projected for its jurisdiction over the planning period, and shall encourage the availability of housing affordable to all economic segments of the population for each jurisdiction. 3.3 Affordable housing needs not typically met by the private housing market should be addressed through more coordinated countywide and regional approaches/strategies. 3.4 Each jurisdiction may adopt plans and policies for meeting its affordable and moderate income housing needs in a manner that reflects its unique demographic characteristics, comprehensive plan vision and policies, development and infrastructure capacity, location and proximity to job centers, local workforce, and access to transportation. 3.2.1 Jurisdictions with designated regional centers should consider incorporating affordable housing allocations as part of their adopted allocations for these centers. 3.3 Each jurisdiction should plan to accommodate a sufficient supply of permanent supportive housing as defined in RCW 36.70A.030 (16), foster care housing, and those requiring special needs housing (i.e., the elderly, developmentally disabled, chronically mentally ill, physically disabled, homeless, persons participating in substance abuse programs, persons with AIDS, and victims of domestic violence) that is equitably and rationally distributed throughout the County. AH-5 Explore and identify opportunities to reduce land costs for non-profit and for-profit developers to build affordable housing. 5.1 Jurisdictions should explore options to dedicate			

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		or make available below market-rate surplus land and also identify opportunities to assemble, reutilize, and redevelop existing parcels for affordable housing projects. 5.2 All jurisdictions should review and streamline development standards and regulations to advance their public benefit, provide flexibility, and minimize costs to housing.			
MPP-H-3	Achieve and sustain – through preservation, rehabilitation, and new development – a sufficient supply of housing to meet the needs of low- income, moderate-income, middle-income, and special needs individuals and households that is equitably and rationally distributed throughout the region.	AH-1 Explore and identify opportunities to reutilize and redevelop existing parcels where rehabilitation of the buildings is not cost-effective, provided the same is consistent with the countywide policy on historic, archaeological, and cultural preservation and with Policy AH-8 regarding displacement. AH-3 Determine the extent of the need for housing affordable for all economic segments of the population, with special attention paid to the historically underserved, both existing and projected for its jurisdiction over the planning period, and shall encourage the availability of housing affordable to all economic segments of the population for each jurisdiction. 3.1 Affordable housing needs not typically met by the private housing market should be addressed through more coordinated countywide and regional approaches/strategies. 3.2 Each jurisdiction may adopt plans and policies for meeting its affordable and moderate income housing needs in a manner that reflects its unique demographic characteristics, comprehensive plan vision and policies, development and infrastructure capacity, location and proximity to job centers, local workforce, and access to transportation. 3.2.1 Jurisdictions with designated regional centers should consider incorporating affordable housing allocations as part of their adopted allocations for these centers. 3.3 Each jurisdiction should plan to accommodate a sufficient supply of permanent supportive housing as defined in RCW 36.70A.030 (16), foster care housing, and those requiring special needs housing (i.e., the elderly, developmentally disabled, chronically mentally ill, physically disabled, homeless, persons participating in substance abuse programs, persons with AIDS,	Policy CD-9.11: Redevelop Bonney Lake’s under-developed or vacant sites in a manner that balances providing an array of housing, jobs, retail, recreational, and entertainment opportunities, with the need to respect the scale and form of surrounding properties and neighborhoods. Policy CD-10.2: Encourage the development of special-needs housing, especially for seniors, such as independent living facilities, various degrees of assisted living facilities, and skilled nursing care facilities. Policy CD-10.5: Ensure that there is a sufficient supply of housing affordable to all income levels by maintaining a supply of housing that is currently affordable to median-income, low income and very low-income households, and work to increase the supply of housing affordable to households within Bonney Lake that make eighty percent (80%) of the Pierce County Median Income by 702 housing units^d. ^d Pierce County’s Countywide Planning Policy (CPP) AH-3.3 provides that it should be the goal of every City that a minimum of twenty-five percent of the growth allocated to a jurisdiction is satisfied through affordable housing. CPP-AH-3.1.1 defines “affordable housing” as households making less than eighty percent of the countywide median income. Twenty-five percent of the growth allocated to the City of Bonney Lake by Pierce County pursuant to Ordinance No. 2011-36s as amended by Ordinance No. 2017-24s is 702 housing units.	Partial gap. CPP AH-3.3 no longer states as quoted in the footnote in the comprehensive plan. City should revise policy CD-10.5 to address permanent supportive housing in updated CPPs.	

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		and victims of domestic violence) that is equitably and rationally distributed throughout the County.			
MPP-H-5	Promote homeownership opportunities for low-income, moderate-income, and middle-income families and individuals <u>while recognizing historic inequities in access to homeownership opportunities for communities of color.</u>	AH-7 Support and encourage homeownership opportunities for low-income, moderate-income, and middle-income families and individuals while recognizing historic inequities in access to homeownership opportunities for communities of color.	Policy CD-10.5: Ensure that there is a sufficient supply of housing affordable to all income levels by maintaining a supply of housing that is currently affordable to median-income, low income and very low-income households, and work to increase the supply of housing affordable to households within Bonney Lake that make eighty percent (80%) of the Pierce County Median Income by 702 housing units.	Partial gap. City could consider strengthening this policy to specifically refer to homeownership opportunities and historic inequities.	
MPP-H-6	Develop and provide a range of housing choices for workers at all income levels throughout the region in a manner that promotes accessibility to jobs and provides opportunities to live in proximity to work <u>that is accessible to job centers and attainable to workers at anticipated wages.</u>	AH-2 Plan to meet their affordable and moderate-income housing needs goal by utilizing a range of strategies that may include a Housing Action Plan and will result in the preservation of existing housing, and the production of new, affordable and moderate-income housing that is safe and healthy. Jurisdictions should consider the availability and proximity of public transportation, governmental and commercial services necessary to support residents' needs, and prioritize density and investment in these areas. AH-3.2 3.2 Each jurisdiction may adopt plans and policies for meeting its affordable and moderate income housing needs in a manner that reflects its unique demographic characteristics, comprehensive plan vision and policies, development and infrastructure capacity, location and proximity to job centers, local workforce, and access to transportation. EC-1.2 Jurisdictions will work to achieve a prospering and sustainable regional economy by supporting business and job creation, investing in all people, sustaining environmental quality, and creating great central places, diverse communities, and high quality of life. This will involve assuring consistency between economic development plans and policies and adopted comprehensive plans by: [...] Striving for a balance and match of local jobs and local housing;	Policy CD-10.5: Ensure that there is a sufficient supply of housing affordable to all income levels by maintaining a supply of housing that is currently affordable to median-income, low income and very low-income households, and work to increase the supply of housing affordable to households within Bonney Lake that make eighty percent (80%) of the Pierce County Median Income by 702 housing units.	Partial gap. City should consider adding clause re: jobs housing balance in response to updates to MPPs and CPPs.	

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MPP-H-7	Expand the supply and range of housing <u>at densities to maximize the benefits of transit investments</u> , including affordable units, in <u>growth centers and station areas</u> throughout the region.	AH-3 Determine the extent of the need for housing affordable for all economic segments of the population, with special attention paid to the historically underserved, both existing and projected for its jurisdiction over the planning period, and shall encourage the availability of housing affordable to all economic segments of the population for each jurisdiction. 3.1 Affordable housing needs not typically met by the private housing market should be addressed through more coordinated countywide and regional approaches/strategies. 3.2 Each jurisdiction may adopt plans and policies for meeting its affordable and moderate income housing needs in a manner that reflects its unique demographic characteristics, comprehensive plan vision and policies, development and infrastructure capacity, location and proximity to job centers, local workforce, and access to transportation. 3.2.1 Jurisdictions with designated regional centers should consider incorporating affordable housing allocations as part of their adopted allocations for these centers. 3.3 Each jurisdiction should plan to accommodate a sufficient supply of permanent supportive housing as defined in RCW 36.70A.030 (16), foster care housing, and those requiring special needs housing (i.e., the elderly, developmentally disabled, chronically mentally ill, physically disabled, homeless, persons participating in substance abuse programs, persons with AIDS, and victims of domestic violence) that is equitably and rationally distributed throughout the County.	Policy CD-10.1: Encourage the development of a diverse and high quality housing stock that provides a range of housing types (including family and larger-sized units) to accommodate the diverse needs of Bonney Lake’s residents through changes in age, family size, and various life changes.	Partial gap. City could consider modifying policy CD-10.1 or creating a new housing policy focused on expanding supply and range of housing specifically within its designated countywide centers.	
MPP-H-8	Promote the development and preservation of <u>long-term affordable housing options in walking distance to transit by implementing zoning, regulations, and incentives.</u>	AH-2 Plan to meet their affordable and moderate-income housing needs goal by utilizing a range of strategies that may include a Housing Action Plan and will result in the preservation of existing housing, and the production of new, affordable and moderate- income housing that is safe and healthy. Jurisdictions should consider the availability and proximity of public transportation, governmental and commercial services necessary to support residents’ needs, and prioritize density and investment in these areas. AH-4 Establish a countywide housing affordability program by an organization capable of long-term consistent coordination of	Policy gap	New MPP. City should consider revising existing policies or creating new policy linking development of long-term affordable housing options to proximity to alternative transportation options.	

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		regional housing planning, design, development, funding, and housing management. All jurisdictions should cooperatively maximize available funding opportunities and leverage private resources in the development of affordable housing for households. 4.1 All jurisdictions should jointly explore opportunities to develop a countywide funding mechanism and the potential for both voter-approved measures (bond or levy), and nonvoter approved sources of revenue to support the development of housing affordable to all economic segments. 4.2 All jurisdictions should jointly pursue state legislative changes to give local jurisdictions the authority to provide tax relief to developers of affordable housing. 4.3 All jurisdictions should explore opportunities to dedicate revenues from sales of publicly owned properties, including tax title sales, to affordable housing projects. 4.4 All jurisdictions should explore the expansion of existing non-profit partnerships, increased coordination with local public housing authorities, a county-wide land trust, as well as future involvement of larger County employers, in the provision of housing assistance for their workers. 4.5 Jurisdictions should evaluate inclusionary or incentive zoning measures as a condition of major rezones and development. 4.6 New fully contained communities- in unincorporated Pierce County shall contain a mix of dwelling units to provide for the affordable and moderate-income housing needs that will be created as a result of the development.			
MPP-H-9	<u>Expand housing capacity for moderate density housing to bridge the gap between single-family and more intensive multifamily development and provide opportunities for more affordable ownership and rental housing that allows more people to live in neighborhoods across the region. Encourage the use of innovative techniques to provide a broader range of housing types for all income levels and housing needs.</u>	AH-2.1 ➤ Jurisdictions should consider adopting reasonable measures and innovative techniques (e.g., moderate density housing, clustering, accessory dwelling units, cottage housing, small lots, planned urban developments, and mixed use) to stimulate new higher- density affordable and moderate-income housing stock on residentially zoned vacant and underutilized parcels. AH-7 ➤ Support and encourage homeownership opportunities for low-income, moderate-income, and middle-income families and individuals while recognizing historic inequities in access to homeownership opportunities for communities of color.	Policy gap	MPP-H-9 was totally rewritten to focus on moderate (middle) density housing options, which the City's current comprehensive plan doesn't address in policy (except by "range of housing types" reference). Also see HB 1220 table; city will need to respond to the new requirements in the housing element.	

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MPP-H-12	<u>Identify potential physical, economic, and cultural displacement of low- income households and marginalized populations that may result from planning, public investments, private redevelopment and market pressure. Use a range of strategies to mitigate displacement impacts to the extent feasible.</u>	AH-7 ➤ Support and encourage homeownership opportunities for low-income, moderate-income, and middle-income families and individuals while recognizing historic inequities in access to homeownership opportunities for communities of color. AH-8 ➤ Jurisdictions should identify potential physical, economic, and cultural displacement of low- income households and marginalized populations that may result from planning, public investments, private redevelopment, and market pressure, and use a range of strategies to prevent and minimize, the cultural and physical displacement and mitigate its impacts to the extent feasible.	Policy gap	City should consider developing new policy or policies related to countering displacement of low-income households and marginalized populations. This should include homeownership opportunities for lower-income households and communities of color per CPP AH-7.	
H-Action-4 (Local)	<u>Local Housing Needs: Counties and cities will conduct a housing needs analysis and evaluate the effectiveness of local housing policies and strategies to achieve housing targets and affordability goals to support updates to local comprehensive plans. Analysis of housing opportunities with access to jobs and transportation options will aid review of total household costs.</u>	AH-6 Jurisdictions, shall periodically monitor and assess their success in meeting the housing needs to accommodate their 20-year population allocation. 6.1 Jurisdictions should utilize the available data and analyses provided by federal, state, and local sources to monitor their progress in meeting housing demand as part of the required Growth Management Act comprehensive plan update process. 6.2 Countywide housing allocations shall be monitored with each Buildable Lands Report and evaluated to determine if countywide needs are being adequately met; the evaluation should identify all regulatory, programmatic, and financial measures taken to address the allocation need. 6.2.1 Each jurisdiction should provide, if available, the quantity of affordable housing units created, preserved, or rehabilitated since the previous Buildable Lands Report. 6.2.2 Jurisdictions should consider using a consistent reporting template for their evaluations to facilitate the countywide monitoring and assessment. 6.2.3 In conjunction with the Buildable Lands Report, a report should be forwarded from GMCC to the Pierce County Regional Council (PCRC) addressing the progress in developing new affordable housing.	Policy gap	New MPP. City will need to update housing element to comply with AH-6 and HB 1220 (see other table on the latter).	
H-Action-5 (Local)	<u>Affordable Housing Incentives: As counties and cities plan for and create additional housing capacity consistent with the Regional</u>	AH-4.5 4.5 Jurisdictions should evaluate inclusionary or	Policy gap	New MPP. City will need to update housing element to comply with AH-6	

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	<u>Growth Strategy, evaluate techniques such as inclusionary and incentive zoning to provide affordability.</u>	incentive zoning measures as a condition of major rezones and development.		and HB 1220 (see other table on the latter).	
MPP-Ec-7	Foster a supportive environment for business startups, small businesses, and locally owned, <u>and women- and minority-owned</u> businesses to help them continue to prosper.	EC-2.6 2.6 Encouraging programs, in conjunction with other public, quasi-public and private entities, to attract appropriate businesses and industries, particularly those that diversify the economic base and provide living-wage jobs;	Policy EV-3.5: Provide flexibility in land use plans and development regulations to allow the local business community to take advantage of new business trends and opportunities that are consistent with the City's economic development vision. Policy EV-5.1: Promote economic development as a City priority, tied directly to the City's ability to serve residents and businesses well. Ensure City staff members have appropriate understanding of the City's economic development interests and their individual roles in contributing. Policy EV-5.2: Promote a customer-service orientation in development services that facilitates development aligned with the community's vision and land use regulations. Policy EV-5.3: Clearly establish and communicate the community's vision for Bonney Lake as a whole, as well as for major sub-geographies, to provide the local business community with clear direction on the appropriateness of various types of development in different parts of the City. Policy EV-5.4: Ensure that taxes, fees, and dedications assessed as part of the development review process do not become an undue obstacle to economic growth. Policy EV-5.5: Enforce development regulations in a consistent, objective manner, encouraging and facilitating investment that adheres to these policies. Policy EV-5.6: Promote public understanding of the City's positive development climate and desire for business investment, both within the	Partial gap. Consider adding policy language to one or more of the policies under Goal EV-5 focusing on women- and minority-owned businesses in accordance with revised MPP EC-7.	

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			local business community and for the public. Policy EV-5.7: Consider the use of organizational and financial tools to leverage private sector resources in accomplishing the city's economic development and land use vision. POLICY EV-5.8: Facilitate economic development in commercial areas through public/private partnerships if the activity is consistent with the city's adopted policies, if there is a compelling public benefit, and if there is an acceptable level of risk.		
MPP-Ec-9	Promote economic activity and employment growth that creates widely shared prosperity and sustains a diversity of family living-wage jobs for the region's residents.	EC-2.6 2.6 Encouraging programs, in conjunction with other public, quasi-public and private entities, to attract appropriate businesses and industries, particularly those that diversify the economic base and provide living-wage jobs; EC-4.9 4.9 Identifying, supporting, and leveraging the retention of key regional and local assets to the economy unique to our region's position as an international gateway, such as seaports, airports, educational facilities, research institutions, health care facilities, military installations, long-haul trucking facilities, and manufacturing facilities; and	Policy CD-3.1: Develop Eastown with 1) architectural detail suitable for automobile orientation along SR-410, 2) internal and, if possible external pedestrian connections, and 3) preference for business park or campus-scale development. Policy CD-9.8: Encourage partnerships between the City and the private sector to undertake joint public-private development. Policy EV-1.1: Recruit business enterprises that will provide residents with employment wages at or above county median income levels. Policy EV-1.6: Identify and encourage programs that will reduce the cap between wages paid and the Self Sufficiency Standard.	City policies basically address this, but given the uncertainties in determining the number of families that do not meet the City's Self Sufficiency Standard, the City could consider taking advantage of recent scholarship on living wage standards to update or replace this measure in the plan text on page 4-8 of the Economic Vitality Element.	
MPP-Ec-12	<u>Identify potential physical, economic, and cultural displacement of existing businesses that may result from redevelopment and market pressure. Use a range of strategies to mitigate displacement impacts to the extent feasible.</u>	AH-8-AH-8.1 ➤ Jurisdictions should identify potential physical, economic, and cultural displacement of low- income households and marginalized populations that may result from planning, public investments, private redevelopment, and market pressure, and use a range of strategies to prevent and minimize, the cultural and physical displacement and mitigate its impacts to the extent feasible. Metropolitan Cities, Core Cities, and High-Capacity Transit Communities will develop and implement strategies to address displacement in coordination with the populations identified of being at risk of	Policy gap	City should consider adding a policy or policies addressing physical, economic, and cultural displacement of existing businesses per new MPP and updated CPPs.	

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		displacement, including residents, local community groups, and neighborhood-based small business owners. EC-4 & sub-policies ➤ Work to strengthen existing businesses and industries and to add to the diversity of economic opportunity and employment by: ○ Assisting in maintaining a viable market for existing businesses; ○ Utilizing public financing mechanisms, where appropriate, to strengthen existing businesses; ○ Making information, technical assistance, and loans available for business expansion, innovation, and job creation; ○ Protecting existing viable businesses from incompatible neighbors and from displacement; ○ Streamlining permit processing; ○ Striving to maintain adequate public facilities and service levels; ○ Evaluating regulatory and other constraints to business investment and operations and minimizing the effect of such constraints; ○ Supporting the contributions of the region's and county's culturally and ethnically diverse communities in fostering local businesses and helping the region and the county continue to expand its international economy; ○ Identifying, supporting, and leveraging the retention of key regional and local assets to the economy unique to our region's position as an international gateway, such as seaports, airports, educational facilities, research institutions, health care facilities, military installations, long-haul trucking facilities, and manufacturing facilities; and ○ Supporting the regional food economy including the production, processing, wholesaling, and distribution of the region's agricultural food and food products to all Pierce County communities. Emphasize improving access for those communities with limited healthy, affordable, culturally-relevant food options.			
MPP-Ec-14	Foster appropriate and targeted economic growth in distressed areas <u>with low and very low access to opportunity to improve access to create economic opportunity for current and</u>	EC-2.11, 2.12 Promote diverse economic opportunities for all citizens of the County, especially the unemployed, disadvantaged persons, minorities and small businesses. Where appropriate, the	Policy CD-9.8: Encourage partnerships between the City and the private sector to undertake joint public-private development.	Partial gap. City could consider adding language to existing policies specifically targeting low and very low access to opportunity.	

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	future residents of these areas.	following measures are examples of actions that may be used to accomplish this policy: [...] 2.11 Steering investments to community and economic development initiatives that elevate economic opportunity for those communities most marginalized and impacted by disinvestment and economic disruptions; or 2.12 Fostering opportunities and a supportive environment for business startups, small businesses, and women- and minority-owned businesses. EC-4 Work to strengthen existing businesses and industries and to add to the diversity of economic opportunity and employment by: 4.1 Assisting in maintaining a viable market for existing businesses; 4.2 Utilizing public financing mechanisms, where appropriate, to strengthen existing businesses; 4.3 Making information, technical assistance, and loans available for business expansion, innovation, and job creation; 4.4 Protecting existing viable businesses from incompatible neighbors and from displacement; 4.5 Streamlining permit processing; 4.6 Striving to maintain adequate public facilities and service levels; 4.7 Evaluating regulatory and other constraints to business investment and operations and minimizing the effect of such constraints; 4.8 Supporting the contributions of the region's and county's culturally and ethnically diverse communities in fostering local businesses and helping the region and the county continue to expand its international economy; 4.9 Identifying, supporting, and leveraging the retention of key regional and local assets to the economy unique to our region's position as an international gateway, such as seaports, airports, educational facilities, research institutions, health care facilities, military installations, long-haul trucking facilities, and manufacturing facilities; and 4.10 Supporting the regional food economy including the production, processing, wholesaling, and distribution of the region's agricultural food and food products to all Pierce County communities. Emphasize improving access for those	Policy EV-1.4: Work with other public agencies and private interests to promote daycare services and facilities for pre-school children, before and after school latchkey children, and special populations including elderly and handicapped adults to support working household members. Policy EV-3.4: Actively promote investment and business recruitment to strengthen Bonney Lake's position in sectors that have significant growth potential, such as professional services and medical office.		

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		communities with limited healthy, affordable, culturally-relevant food options.			
MPP-Ec-15	Support and recognize the contributions of the region's culturally and ethnically diverse communities and Native Tribes, including in helping the region continue to expand its international economy.	EC-4 Work to strengthen existing businesses and industries and to add to the diversity of economic opportunity and employment by: [...] 4.8 Supporting the contributions of the region's and county's culturally and ethnically diverse communities in fostering local businesses and helping the region and the county continue to expand its international economy;	Policy gap	City's Economic Vitality policies offer broad support to communities but does not specifically support culturally and ethnically diverse communities. Consider adding policy language to this effect.	
Ec-Action-5 (Local)	<u>Economic Development Elements: Cities and counties will update (or adopt) their economic development element – tailored to meet the jurisdiction's unique needs and leveraging public investments – as specified in the Growth Management Act, when conducting the expected 2023/24 comprehensive plan update.</u>	See EC policies	City will need to update or adopt the Economic Vitality element.		
MPP-T-7	<u>Fund, complete, and operate the highly efficient, multimodal system in the Regional Transportation Plan to support the Regional Growth Strategy. Coordinate WSDOT, regional, and local transportation agencies, in collaboration with the state legislature, to build the multimodal system. Coordinate state, regional, and local planning efforts for transportation through the Puget Sound Regional Council to develop and operate a highly efficient, multimodal system that supports the Regional Growth Strategy.</u>	TR-1 ➤ Promote a sustainable and coordinated multi-modal transportation system that aligns with the Regional Transportation Plan and the Regional Growth Strategy and provides current and future generations with transportation infrastructure and services that offer mobility for all users in an equitable, efficient, clean, and cost effective manner. [...] 1.2 Jurisdictions shall consider the interrelationship of their transportation and land use planning and implementation on neighboring jurisdictions' transportation systems. 1.2.1 Coordinate roadway functional classifications across jurisdictional lines and promote predictability in design and character of roadways. 1.3 Identify solutions to address deficiencies on regional facilities, including collaboration with the Washington State Department of Transportation (WSDOT) when the deficiency is on a State Highway. TR-6.1.1 ➤ Prioritizing multimodal transportation improvements to support the land development patterns of the Regional Growth Strategy, especially within Regional Growth Centers and Manufacturing/Industrial Centers and on corridors serving these Centers.	Policy CD-6.2: Improvements to corridors should be appropriate to the scale and character of each street, reflecting their traffic volumes and intended functions. Policy CD-6.8: Develop key "multi-modal" corridors that accommodate multiple modes of transportation that connect Bonney Lake's neighborhoods and centers, enhance the City's civic identity, encourage transit use, reduce vehicle miles traveled, provide comfortable walking and bicycling environments, and project a positive image of the city. Policy CM-2.1: Design major streets to balance the needs of automobiles with the needs of pedestrians, bicyclists, and transit users. Over time, key Bonney Lake's corridors should evolve into multi-modal streets that offer safe and attractive choices among different travel modes. Policy CM-4.3: Work with Pierce	Policies may need to be updated to account for changes in language/focus in the Regional Growth Strategy and Regional Transportation Plan.	

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			County to have streets within annexation areas constructed to City standards and in good repair. Require a funding and implementation program for their reconstruction as a condition of annexation, if the streets in an annexation area are substandard. Policy CM-7.7: Manage traffic on arterials and collectors to reduce unnecessary travel delays and maintain efficient vehicle flow. However, auto speed and convenience may be diminished in some locations in order to achieve a livable, walkable, and attractive community. Policy CM-8.1: Participate in regional transportation and land use planning efforts, including programs to balance jobs and housing, manage congestion, address auto-related emissions and greenhouse gases, and reduce the share of the region's trips made by single occupant vehicles. Policy CM-8.4: Coordinate with Pierce County, Buckley, Puyallup, Sumner, and other nearby jurisdictions and local public agencies to ensure compatible plans and road development standards and to coordinate major transportation investments. This should include coordination with both the Sumner and White River School Districts on the provision of school bus service and school-related traffic issues.		
MPP-T-9	Implement transportation programs and projects <u>that provide access to opportunities while preventing or mitigating in ways that prevent or minimize negative impacts to people of color, people with low- income, minority, and people with special transportation needs populations.</u>	Tr-4 and sub-policies ➤ Consider, whenever feasible, equity, inclusion, and access to opportunity when developing and implementing programs and actions. ○ Prioritize investments for historically underserved populations to improve affordable and convenient access to jobs, education, health care, social services, recreation, and culture. ○ 4.1.1 Target active transportation and transit investments in communities of color and areas with higher concentrations of low-income, non-English speaking, seniors, youth, and disabled	Policy CM-2.5: Require the provision of sidewalks in all new development, including infill development and redevelopment, to complete the City's sidewalk network. Sidewalks shall be required on both sides of all public streets, except in hillside areas where a single sidewalk may be adequate. Sidewalks and direct pedestrian connections between uses should also be provided in parking lots.	Partial gap. Consider development of a new policy to address equity in the development or maintenance of the transportation system.	

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		populations. - Consider current and past inequities in infrastructure development when planning and programming new investment. - Consider using PSRC's Opportunity Index and/or the Countywide Equity Index, when adopted, to identify underserved communities in order to prioritize transportation improvements and service delivery. - Mitigate negative impacts of the transportation system on historically underserved communities when developing plans and programs. - Develop plans to meet Americans with Disabilities Act (ADA) requirements and guidance, including facilitating ease of access for the disability community and retrofitting non-compliant sidewalks and walkways. - Coordinate with tribal governments on joint planning and project implementation consistent with the policies under the Tribal Consultation, Coordination, and Lands Compatibility Chapter.	Policy CM-2.6: Recognize the mobility needs of the underserved populations and work to improve transportation choices in low-income and older neighborhoods. Policy CM-5.1: Design and construct roads and other transportation facilities to minimize adverse impacts upon noise levels, air quality, surface water runoff, drainage patterns, and environmentally critical areas and fit the character of the neighborhoods through which they pass. Policy CM-5.2: Where determined necessary, incorporate sound absorption devices, landscaping, earthen berms and other natural or artificial features that help mitigate adverse noise, light and glare impacts generated by surface transportation facilities. Policy CM-5.9: Provide public forums to encourage public participation in transportation-related decisions. Policy CM-7.6: Design and construct transportation facilities that prevent or minimize impacts to residential areas, while maintaining the street grid for access and circulation. Policy CM-8.1: Participate in regional transportation and land use planning efforts, including programs to balance jobs and housing, manage congestion, address auto-related emissions and greenhouse gases, and reduce the share of the region's trips made by single occupant vehicles.		
MPP-PS-2	<u>Promote affordability and equitable access of public services to all communities, especially the historically underserved. Prioritize investments to address disparities.</u>	H-4 Meaningfully engage and empower all people, particularly the underserved, in planning for communities. This may include: 4.1 Increasing familiarity with health data, community-based/grassroots organizations, social and environmental determinants of health, and health inequities; 4.2 Making special efforts to outreach and	Policy CFS-1.6: General government services and operations should be centralized at a single, compact municipal campus in the Downtown Civic Center or in the Eastown Public Works Center, to the extent practically feasible.	Partial gap. Existing policies address physical accessibility, but as this is a new MPP in the equity/underserved communities category, the City should consider adding policy language that address prioritization of investment in services to address disparities in access.	

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		understand community needs and the aspirations of underserved populations; 4.3 Working with populations experiencing health disparities and strengthen their capacity for collective efficacy; 4.4 Including special needs and diverse populations representative of your jurisdiction demographics or historically underserved; or 4.5 Helping communities understand how short- and long-range policy, land use, infrastructure, and other decisions affect the public health of the entire community, and how to effectuate ongoing positive health outcomes. TR-4.1 TR-4 Consider, whenever feasible, equity, inclusion, and access to opportunity when developing and implementing programs and actions. 4.1 Prioritize investments for historically underserved populations to improve affordable and convenient access to jobs, education, health care, social services, recreation, and culture. 4.1.1 Target active transportation and transit investments in communities of color and areas with higher concentrations of low-income, non-English speaking, seniors, youth, and disabled populations. TR-4.2 4.2 Consider current and past inequities in infrastructure development when planning and programming new investment. TR-4.3 4.3 Consider using PSRC's Opportunity Index and/or the Countywide Equity Index, when adopted, to identify underserved communities in order to prioritize transportation improvements and service delivery. CU-3 Design transportation projects and other infrastructure to achieve community development objectives and improve the community.			
MPP-PS-12	Use innovative and state-of-the-art design and techniques when replacing septic tanks to restore and improve environmental quality.	Crosswalk table shows no CPPs for this MPP	Policy gap	Consider adding a policy encouraging innovative design when replacing septic tanks.	

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		20.1.3 Tsunamis; 20.1.4 Flooding; 20.1.5 Lahars; 20.1.6 Fires; 20.1.7 Windstorms; 20.1.8 Winter storms; 20.1.9 Terrorism; 20.1.10 Cyberattacks; and 20.1.11 Climate change impacts. 20.1.12 TR-4.1 4.1 Prioritize investments for historically underserved populations to improve affordable and convenient access to jobs, education, health care, social services, recreation, and culture. TR-4.2 4.2 Consider current and past inequities in infrastructure development when planning and programming new investment. TR-4.3 4.1 Consider using PSRC's Opportunity Index and/or the Countywide Equity Index, when adopted, to identify underserved communities in order to prioritize transportation improvements and service delivery. TR-4.4 4.4 Mitigate negative impacts of the transportation system on historically underserved communities when developing plans and programs.			
MPP-PS-21	Identify and develop additional water supply sources to meet the region's long-term water needs, recognizing <u>Consider the potential impacts on water supply from of climate change and fisheries protection on the region's water supply.</u>	Crosswalk table shows no CPPs for this MPP	Policy gap	City should consider adding climate change policy language related to the effects of climate change on water supply under Goal CFS-8.	
MPP-PS-23	Promote coordination among local and tribal governments and water providers and suppliers to meet long-term water needs in the region in a manner that supports the region's growth strategy.	TR-4.6 4.6 Coordinate with tribal governments on joint planning and project implementation consistent with the policies under the Tribal Consultation, Coordination, and Lands Compatibility Chapter.	Policy gap	City should consider adding policies on coordination with tribal governments and water providers. This should be cross-checked against the HB 1717 compliance table.	

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MPP-PS-29	Site or expand regional capital facilities in a manner that (1) reduces adverse social, environmental, and economic impacts on the host community, <u>especially on historically marginalized communities</u> , (2) equitably balances the location of new facilities <u>away from disproportionately burdened communities</u> , and (3) addresses regional planning objectives.	TR-4.2 4.2 Consider current and past inequities in infrastructure development when planning and programming new investment. TR-4.4 4.4 Mitigate negative impacts of the transportation system on historically underserved communities when developing plans and programs. C-11 ➤ Agencies should coordinate efforts and cooperate in the development of Centers to ensure that services and infrastructure are designed to promote physical, mental, and social health in both the natural and built environments. ENV-39.6 39.6 Reducing air toxics emissions through freight infrastructure investment, diesel retrofits, woodstove change-out programs, and various community-scale projects; or ENV-40.1.2 40.1 Consider planning actions and implementing regulations to address impacts from climate change, such as: [...] 40.1.2 Requiring the incorporation of climate resiliency measures in all new development, especially new critical infrastructure and public facilities; and	Policy gap	City should consider adding one or more policies to the Community Facilities and Services element on siting of regional capital facilities especially related to the factors added to MPP-PS-29.	

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

Department/Staff Contact: Public Services / Ryan Johnstone	Meeting/Workshop Date: 9 August 2022	Agenda Bill Number: AB22-119
Agenda Item Type: Resolution	Ordinance/Resolution Number: 3077	Sponsor:

Agenda Subject: Public Services Center Commissioning Agent Services

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Contract With Engineering Economics, Inc. For The Provision Of Commissioning Agent Services For The Public Services Center Project.

Administrative Recommendation: Approve

Background Summary: The new Public Services Center will have many new building systems (primarily HVAC, Electrical, and Plumbing) that require setup and function testing to ensure that they meet project specifications and operate correctly. This work is listed in the project specifications and on the plans to be completed by owner and ensures the best, most efficient performance of the new equipment and assures that any issues requiring warranty assistance will be honored. Specifically, items of work include: Develop a Commissioning Plan, Conduct up to two (2) commissioning meetings, Prepare issues reports of observations, test results and problems, Log issues reports and track each issue to resolution, Develop project-specific functional performance test procedures, Review contractor testing documentation, Coordinate and schedule commissioning with the construction team, Observe and document functional testing performed by contractors, Review Operations and Maintenance (O&M) submission, Review systems level training of operations staff to complement contractor/vendor training, Issue Final Commissioning Report, and Perform warranty review of system operation. The quote from Engineering Economics, Inc. to perform these services is \$26,600.00.

Attachments: Resolution 3077, Vendor Quote

BUDGET INFORMATION

Budget Amount	Current Balance	Required Expenditure	Budget Balance	Fund Source
14,980,800	1,223,247.24	26,600	1,196,647.24	☐ General ☐ Utilities ☒ Other

Budget Explanation: Charged to PSC project funds - 303.000.034.594.34.62.01

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review:	Finance Committee	<i>Approvals:</i>	Yes	No
	Date: 9 August 2022	Chair/Councilmember Terry Carter	☐	☐
		Councilmember Justin Evans	☐	☐
		Councilmember Tom Watson	☐	☐
Forward to:		Consent Agenda:	☐ Yes	☐ No

Commission/Board Review:

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9 August 2022	Tabled to Date:

APPROVALS

Director: Ryan Johnstone, Public Services	Mayor: MM	Date Reviewed by City Attorney: N/A
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RESOLUTION NO. 3077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH ENGINEERING ECONOMICS, INC. FOR THE PROVISION OF COMMISSIONING AGENT SERVICES FOR THE PUBLIC SERVICES CENTER PROJECT.

WHEREAS, the Public Services Center is a new facility composed of five separate structures; and,

WHEREAS, Buildings A and B of this facility possess mechanical, electrical, and plumbing systems that require commissioning services to achieve reliable building performance for functionality, energy efficiency, reliability, and maintainability; and,

WHEREAS, City staff received a quote from Engineering Economics, Inc. for this work totaling \$26,600.00;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached contract with Engineering Economics, Inc. in the amount of \$26,600.00 for the provision of commissioning agent services for the Public Services Center project.

PASSED by the City Council this 9 day of August 2022.

Michael McCullough, Mayor

AUTHENTICATED:

Sadie A. Schaneman, CMC, City Clerk



Engineering Economics, Inc.

1201 Western Avenue, Suite 325
Seattle, Washington 98101

Telephone: 206.622.1001

August 8, 2022

Ryan Johnstone P.E.
Public Services Director
City of Bonney Lake
9002 Main Street E
Bonney Lake, WA 98391

**Re: City of Bonney Lake – Public Service Center Building A and B
Commissioning Services
Proposal No. 03-22228**

Dear Ryan:

Engineering Economics, Inc. (EEI) is pleased to present this proposal for commissioning of the City of Bonney Lake – Public Service Center Building A and B Project. We understand that the facilities will be 28,000 for Building A and 10,000 for Building B square feet and is located in Bonney Lake, WA.

SCOPE OF WORK

Building Commissioning services will be provided per the Scope of Work described below to achieve building performance for functionality, energy efficiency, reliability, and maintainability.

1. Develop a Commissioning Plan.
2. Conduct up to two (2) commissioning meetings.
3. Prepare issues reports of observations, test results and problems.
4. Log issues reports and track each issue to resolution.
5. Develop project-specific functional performance test procedures.
6. Review contractor testing documentation.
7. Coordinate and schedule commissioning with the construction team.
8. Observe and document functional testing performed by contractors.
9. Review Operations and Maintenance (O&M) submission.
10. Review systems level training of operations staff to complement contractor/vendor training.
11. Issue Final Commissioning Report.
12. Perform warranty review of system operation.

EEI has included an \$0 hour allowance for failed functional tests in our scope; troubleshooting or retesting in excess of this allowance will be billed as additional services that Owner can back-charge to the responsible contractor(s).

Systems and equipment to be commissioned will include the following:

1. Building heating, ventilation air conditioning (HVAC) and refrigeration systems
2. Building automation system (BAS) and controls
3. Plumbing, including domestic water heating system, pumps, and controls
4. Electrical service and distribution
5. Lighting and lighting controls (interior and exterior)

Mechanical – Building A

1. Infrared Heaters (6)
2. Electric Wall Heater (1)
3. Kitchen Exhaust Fan (1)
4. Fans (9)
5. ERV (1)
6. MAU (1)
7. VRF System – BC (2), HP (23)

Electrical

1. Lighting Control – Interior and Exterior

Plumbing

1. Domestic Water – Heater and Pump

Mechanical – Building B

1. Boiler (1), Pump (1)
2. Pump (1)
3. Radiant Floor System (1 Lot)
4. Fans (4)
5. Infrared Heaters (2)
6. Wall Heater (1)
7. ERV (1)
8. Split System (2)

Electrical

1. Lighting Control – Interior and Exterior

Plumbing

1. Domestic Water – Heater and Pump

Alternate #1 – Generator System and Integrated Systems Test

1. Generator System and Integrated Systems Test

Alternate #2 – Air Compressor

1. Air Compressor

SCHEDULE

EEl is prepared to commence commissioning planning and design review activities immediately upon Approval to Proceed.

FEE

Our fee to complete the described Scope of Work will be on a Lump Sum Fixed Fee Basis, inclusive of expenses.

Base Scope as described above – Building A	<u>\$14,500</u>		
Base Scope as described above – Building B	<u>\$6,500</u>		
		Accept	Decline
Add Alternate #1: Generator and Integrated Systems Test	<u>\$4,200</u>	☐	☐
Add Alternate #2: Air Compressor Systems	<u>\$1,400</u>	☐	☐

Any additional services requested beyond the agreed scope will be performed at our standard hourly rates in effect at the time of such services. Our standard rate schedule for the current year is attached.

ASSUMPTIONS AND CLARIFICATIONS

EEl offers the following assumptions and clarifications to this proposal:

Proposal does not include

1. Security
2. Access
3. A/V
4. Renewable energy systems
5. Building envelope
6. Landscape Irrigation
7. Grease Interceptor

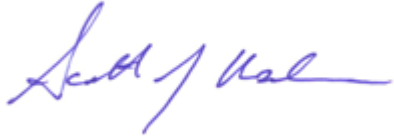
TERMS AND CONDITIONS

Terms and conditions will be per our standard Terms and Conditions, as attached.

We very much look forward to working with you.

Sincerely,

Engineering Economics, Inc.



Scott Usselman, PE, LEED® AP, CxA, CCP

Attachments:
EEI Standard Rate Schedule
Terms and Conditions

APPROVAL TO PROCEED

THIS PROPOSAL IS ONLY VALID UNTIL THE 31ST DAY OF OCTOBER 2022.

IF APPROVED, PLEASE SIGN AND RETURN A COPY OF THIS AGREEMENT.

Approved and accepted this _____ day of _____, 2022.

Ryan Johnstone P.E.
City of Bonney Lake

Signature

Print Name and Title

WASHINGTON

2022-2023

Up To

Principal	\$230/Hour
Associate	\$210/Hour
Sr. Project Manager	\$200/Hour
Project Manager.....	\$190/Hour
Asst. Project Manager.....	\$170/Hour
Sr. Project Engineer.....	\$160/Hour
Sr. Technician	\$145/Hour
Project Engineer	\$135/Hour
Technician.....	\$135/Hour
Support Engineer	\$130/Hour
Tech Support/Project Admin	\$90/Hour
Administrative Support	\$90/Hour
Jr. Technician.....	\$90/Hour

Analytics Specialists

Sr. Software Engineer/Analyst.....	\$195/Hour
Associate	\$235/Hour
Information Technology Specialist.....	\$150/Hour

CONSULTANTS

115% of invoice received

REIMBURSABLE EXPENSES

Tools and Equipment Usage	at market rates
Photocopies and Prints (in-house)	at market rates
Mileage: Personal Car.....	at IRS rates
Postage.....	at cost
Travel Expenses	at cost
Other Expenses	at cost

These are current rates and are subject to review and revision annually. Increases over 3% require Purchaser approval

**ENGINEERING ECONOMICS, INC. (EEI)
GENERAL TERMS AND CONDITIONS**

1. Representatives and Notices

- A. Client shall designate a Representative to receive requests for instructions, changes, and formal notices, and who shall have authority to act for Client in all Project matters.
- B. Engineering Economics, Inc. (EEI) will designate a Project Manager responsible for managing EEI's performance and delivery of its services. EEI's Project Manager shall have authority to act for EEI in all matters concerning the project.
- C. All instructions, requests for changes, formal communications, and notices to EEI shall be directed by Client's Representative, in writing, to EEI's Project Manager and shall be deemed effective as of the date and time of receipt.

2. Client-Furnished Data

- A. Client shall provide at no cost to EEI, necessary drawings, surveys, physical site data, and other pertinent information required for the performance of services, and EEI shall be entitled to rely on same.
- B. EEI shall be entitled to rely upon the completeness and accuracy of all information provided by the Client or other project participant to EEI, and Client shall hold harmless EEI for any errors and/or omissions in all documents provided and for services of others on the project, unless EEI is directly and solely negligent or engages in willful misconduct.

3. Existing Conditions

- A. EEI shall have no responsibility or liability for the identification, removal, or disposal of any toxic substances. Client will defend, indemnify, and hold harmless EEI from any claim, suit, or liability whatsoever, including but not limited to all payments, expenses, or costs involved, arising from or alleged to have arisen out of or related to the presence of toxic substances or alleged toxic substances on the project.
- B. Unless expressly included in EEI's Scope of Service, EEI shall have no responsibility or liability for the correct operation of existing building systems, or any assumptions by EEI related to such systems.

4. Plans, Specifications, and Drawings (Design Services Only)

- A. EEI shall furnish to Client after EEI's receipt of final payment, one final set of plans, specifications, and drawings in hard copy and electronic format. The plans, specifications, and drawings are neither intended nor represented to be suitable for reuses. Any reuse without specific written approval and adaptation by EEI shall be at Client's sole risk, and Client shall indemnify and hold EEI harmless from all loss, cost, damage, and expense including attorney's fees.
- B. Unless otherwise negotiated, all electronic CAD files sent between Client and EEI shall be in an ACAD (ACAD.DWG) format.
- C. If included in the project scope, EEI will update drawings to reflect Contractor mark-ups of the As-Built conditions. EEI is not responsible for verifying the accuracy of the As-Built documents.

5. Changes

Client may, from time to time, change or modify the Scope of Services by instructing EEI to perform additional services or may direct the omission of services previously ordered. EEI may perform such changes, and EEI's compensation and schedule for performance shall be equitably adjusted. Compensation for such changes shall be on an hourly basis in accordance with EEI's Standard Hourly Rate Schedule or other method as agreed upon at the time the change is requested.

6. Scheduling and Progress Reports

EEI shall, if requested by Client, prepare and submit to Client an estimated schedule for the performance of the services and provide a monthly progress report indicating any approved changes made during the preceding month and estimating the total charges to complete the services

7. Software as a Service (SAAS) terms and conditions related to the use of BalanceCx Software

If Client subscribes to the use of the BalanceCx software provided by EEI, the following terms and conditions shall apply:

- A. **Services.** During the Subscription Term, Client will receive a nonexclusive, non-assignable, royalty free, worldwide right to access and use the BalanceCx SaaS services solely for internal business operations subject to the terms of this Agreement. Client acknowledges that this Agreement is a services agreement and EEI will not deliver copies of the software to Client as part of the SaaS services.
- B. **Restrictions.** Client shall not, and shall not permit anyone to: (i) copy or republish the SaaS services or software, (ii) make the SaaS services available to any person other than authorized users, (iii) modify or create derivative works based upon the SaaS services and/or other services or documentation, (iv) remove, modify or obscure any copyright, trademark or other proprietary notices contained in the software used to provide the SaaS services and/or other services or in the documentation, (v) reverse engineer, decompile, disassemble, or otherwise attempt to derive the source code of the software used to provide the SaaS services and/or other services, except and only to the extent such activity is expressly permitted by applicable law, or (vi) access the SaaS services and/or other services or use the documentation in order to build a similar product or competitive product. Subject to the limited licenses granted herein, EEI shall own all right, title, and interest in and to the software, services, documentation, and other deliverables provided under this Agreement, including all modifications, improvements, upgrades, derivative works and feedback related thereto and intellectual property rights therein. Client agrees to assign all right, title, and interest it may have in the foregoing to EEI.
- C. **Client Responsibilities.** Client shall provide assistance to enable EEI to deliver the SaaS services and/or other services, including access to content, computer systems, and any other necessary cooperation. Client shall: (a) notify EEI immediately of unauthorized use of any password or user id or any other known or suspected breach of security, (b) report to EEI immediately and use reasonable efforts to stop any unauthorized use of the SaaS services and/or other services that is known or suspected by Client or any authorized user, and (c) not provide false identity information to gain access to or use the SaaS services. Client shall be solely responsible for the acts and omissions of its authorized users. EEI shall not be liable for any loss of data or functionality caused directly or indirectly by the authorized users. Subject to the terms and conditions of this Agreement, Client shall grant to EEI a limited, non-exclusive and non-transferable license, to copy, store, configure, perform, display, transmit, and upload Client content solely as necessary to provide the SaaS services and/or other Services to Client.
- D. **IP Rights.** Client retains ownership and intellectual property rights in and to its Client content. EEI or its licensors retain all ownership and intellectual property rights to the services, software programs, and anything developed and delivered under this Agreement. EEI shall have a royalty-free, worldwide, irrevocable, perpetual license to use and

**ENGINEERING ECONOMICS, INC. (EEI)
GENERAL TERMS AND CONDITIONS**

incorporate into the SaaS services and/or other services any suggestions, enhancement requests, recommendation or other feedback provided by Client, including authorized users, relating to the operation of the SaaS services and/or other services.

- E. **REPRESENTATION.** EEI REPRESENTS THAT THE SAAS SERVICES AND/OR OTHER SERVICES WILL PERFORM IN ALL MATERIAL RESPECTS IN ACCORDANCE WITH THE DOCUMENTATION. EEI DOES NOT GUARANTEE THAT THE SAAS SERVICES AND/OR OTHER SERVICES WILL BE PERFORMED ERROR-FREE, VIRUS FREE, OR UNINTERRUPTED, OR THAT EEI WILL CORRECT ALL SAAS SERVICES AND/OR OTHER SERVICES ERRORS. CLIENT ACKNOWLEDGES THAT EEI DOES NOT CONTROL THE TRANSFER OF DATA OVER COMMUNICATIONS FACILITIES, INCLUDING THE INTERNET, AND THAT THE SAAS SERVICE AND/OR OTHER SERVICES MAY BE SUBJECT TO LIMITATIONS, DELAYS, AND OTHER PROBLEMS INHERENT IN THE USE OF SUCH COMMUNICATIONS FACILITIES. THIS SECTION SETS FORTH THE SOLE AND EXCLUSIVE WARRANTY GIVEN BY EEI (EXPRESS OR IMPLIED) WITH RESPECT TO THE SUBJECT MATTER OF THIS AGREEMENT.
- F. **LIMITATIONS OF LIABILITY.** NEITHER PARTY (NOR ANY LICENSOR OR OTHER SUPPLIER OF EEI) SHALL BE LIABLE FOR INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES, INCLUDING, WITHOUT LIMITATION, DAMAGES FOR LOST BUSINESS, PROFITS, DATA OR USE OF ANY SERVICE, INCURRED BY EITHER PARTY OR ANY THIRD PARTY IN CONNECTION WITH THIS AGREEMENT, REGARDLESS OF THE NATURE OF THE CLAIM (INCLUDING NEGLIGENCE), EVEN IF FORESEEABLE OR THE OTHER PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES NEITHER EEI NOR ANY THIRD PARTY SERVICE PROVIDER SHALL BE LIABLE FOR UNAUTHORIZED ALTERATION, THEFT OR DESTRUCTION OF CLIENT'S OR ANY USER'S DATA, FILES, OR PROGRAMS.
- G. **Indemnification.** If a third party makes a claim against Client that the SaaS services and/or other services infringes any patent, copyright or trademark, or misappropriates any trade secret, EEI shall have no liability for any claim based on (a) the Client content, (b) modification of the SaaS services and/or other services not authorized by EEI, or (c) use of the SaaS services and/or other services other than in accordance with the documentation, purchase order and this Agreement. EEI, at its sole option and expense, procure for Client the right to continue use of the SaaS services and/or other services, modify the SaaS services and/or other Services in a manner that does not materially impair the functionality, or terminate the subscription term and repay to Client any amount paid by Client with respect to the subscription term following the termination date.
8. **Responsibility**
- A. EEI will perform all services in accordance with a standard of care, skill, and diligence consistent with that ordinarily exercised by professional consulting engineers providing the same or similar services under similar circumstances in the same or similar locality. In the event EEI fails to provide such standards of care, skill, and diligence, EEI shall, at its own cost, correct EEI's defective plans, specifications, or other services.
- B. Since EEI has no control over the cost of labor, materials, or equipment, or over a contractor's method of determining prices, competitive bidding, or market conditions, EEI's opinions of probable construction cost, if any, represent EEI's best judgment as a professional consulting engineer familiar with the construction industry. EEI does not guarantee that proposals, bids, or final construction costs will not vary from opinions of probable cost prepared by EEI. If Client wishes greater assurance as to the construction cost, Client shall employ an independent cost estimator.
- C. Client acknowledges that when providing commissioning services, EEI is operating in an advisory capacity and does not have the authority to: 1) direct design changes or deviations from the contract documents (unless such documents were developed by EEI); or 2) compel the design team and/or trade contractors to correct identified deficiencies. Client and appropriate client agents with such authority shall be responsible for authorizing all such changes, deviations, and corrective action.
9. **Construction Services**
- Unless separately negotiated, EEI shall not be responsible for the construction means, method, techniques, sequences, or procedures, or safety precautions (including, without limitation, OSHA compliance); nor for the acts or omissions of any constructor of the Project or any of the constructor's agents, employees, or subcontractors; nor for the acts or omissions of material or equipment manufacturers or suppliers; nor for the acts or omissions of any other engineer on the Project.
10. **Billing and Payment**
- A. EEI shall be entitled to invoice and collect from Client for any services performed prior to the signing of this Agreement, including SaaS services provided. All services may be invoiced immediately or over the course of the project. In the event services are provided for a fixed fee, all services rendered prior to the signing of this Agreement shall be considered part of the fee. Progress billings shall be rendered monthly to the Client and shall be due and payable not more than thirty (30) days after receipt by Client. EEI shall not be subject to any retainage or "pay-when-paid" policies or provisions. Invoice and payments shall all be in US dollars. Client's payment of EEI's final invoice shall constitute a release of all claims by Client against EEI except for any claim specifically reserved by Client in writing at the time of final payment.
- B. EEI shall be entitled to suspend performance of services if invoices are unpaid for 60 days or longer. Past due amounts shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Invoices shall be accompanied by such data as may be required to support the invoices, when requested by the Client. In addition, Client agrees to pay all costs, fees, charges, or expenses (including without limitation all reasonable legal fees and litigation/arbitration fees and costs) incurred in recovering any past due amounts Client owes to EEI.
11. **Sales and Similar Taxes**
- EEI's compensation does not include sales, use, excise, or similar taxes, which are the sole responsibility of Client.
12. **Suspension and Termination**
- A. Either Party shall have the right to suspend or terminate all or a portion of the Services at any time upon seven (7) days' prior written notice. In the event of termination, EEI shall be paid EEI's compensation for all services performed up to the termination date, plus reasonable termination expenses, if any. EEI shall have the right to immediately cease services if Client files a petition in bankruptcy or other insolvency proceeding or has demonstrated the inability to pay for services performed.

ENGINEERING ECONOMICS, INC. (EEI)
GENERAL TERMS AND CONDITIONS

- B. EEI reserves the right to suspend delivery of the SaaS services if Client fails to timely pay any undisputed amounts due to EEI under this Agreement, but only after EEI notifies Client of such failure and such failure continues for fifteen (15) days. SaaS services can be immediately terminated if EEI reasonably concludes that Client is causing immediate harm due to use or failure to control use of the SaaS services. Suspension or termination of the SaaS services shall not release Client of its payment obligations under this Agreement. Client agrees that EEI shall not be liable to Client or to any third party for any liabilities, claims or expenses arising from or relating to suspension of the SaaS services and/or other services resulting from Client's nonpayment. Client's rights of access to SaaS services shall cease upon termination of this Agreement, and any confidential information provided to either party, including any information that reasonably appears to be confidential or proprietary, shall be returned or destroyed.
- C. In the event performance of the services is suspended, EEI's compensation shall be equitably adjusted to reflect such suspension. EEI shall advise Client of the compensation adjustment resulting from the suspension of services, including the cost incurred to reasonably relocate personnel, and any materials or equipment during the suspension period.

13. Indemnification and Insurance

EEI and Client agree to indemnify and hold harmless each other from and against all damage, loss, claim, or injury (including death) to persons and to property caused by their own negligent acts, errors, or omissions in connection with the work. EEI and Client shall procure and maintain worker's compensation, employers' liability, comprehensive general liability, and both technical and professional liability insurance. EEI and Client shall name each other as Additional Insureds on their respective policies. Copies of EEI's and the Client's insurance certificates will be furnished to each other.

14. Limitations of Liability

- A. EEI's liability with regard to claims, losses, costs, and damages of any nature arising from this Agreement; from the performance or breach thereof; or from the services provided hereunder shall not exceed EEI's total fees for the project or \$50,000, whichever is greater. It is intended that this limitation shall apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.
- B. In no event, whether in contract, warranty, or tort, including negligence or otherwise, shall EEI be liable for special, incidental, exemplary or consequential damages including, but not limited to, loss of profits or revenue, loss of use of any equipment, cost of capital, cost of purchased power, cost of substitute equipment, facilities or services, downtime costs, or claims of customers of Client for such damages. If Client is furnishing EEI's services or materials to a third party by contract, Client shall obtain from such third party a provision affording EEI and its suppliers the protection of the preceding sentence.
- C. In no event shall EEI be liable for any loss or damage whatsoever arising from its failure to discover or repair latent defects, or defects inherent in the design of the building or equipment. Further, EEI's liability for any loss or damage shall not include loss or damage caused by defects not observable by EEI, or units or parts returned to use against the advice of EEI.

- D. The invalidity, in whole or part, of any of the foregoing paragraphs will not affect the remainder of such paragraph or any other paragraph of this Agreement.

15. DISCLAIMERS:

- A. EEI DISCLAIMS ANY LIABILITY FOR ANY WORK PRODUCT WHICH IS DERIVED FROM INFORMATION PROVIDED TO EEI BY CLIENT OR ARRANGED TO BE PROVIDED BY CLIENT, UNLESS EEI OTHERWISE CONSENTS IN WRITING. EEI IS ALLOWED TO RELY UPON PRIOR INFORMATION FROM ANY SOURCE WITHOUT LIABILITY, INCLUDING ANY PRIOR PLANS, SPECIFICATIONS, RENDERINGS, SCHEMATICS, AS-BUILTS, RECORDED DOCUMENTS, OR OTHERWISE, UNLESS EEI KNEW OR SHOULD HAVE KNOWN OF THE INACCURACY OF SUCH INFORMATION. EEI IS NOT RESPONSIBLE FOR WORK PERFORMED BY OTHERS NOT UNDER THE DIRECT INSTRUCTION OR CONTROL OF EEI. EEI IS NOT RESPONSIBLE FOR WORKPLACE SAFETY UNLESS EXPRESSLY INCLUDED IN SERVICES PROVIDED BY EEI. EEI CANNOT GUARANTEE THAT ANY SPACE WILL BE COMPLETELY FREE OF MICROORGANISMS, INCLUDING VIRUSES, GERMS, MOLDS, FUNGI, DUST, OR ANY OTHER SUCH ELEMENTS, AND EEI IS NOT RESPONSIBLE FOR ANY CONDITIONS ARISING FROM THE PRESENCE OF MICROORGANISMS, WHETHER DURING OR SUBSEQUENT TO ANY SERVICES PROVIDED BY EEI.
- B. ENERGY SAVINGS ESTIMATES – EEI DOES NOT GUARANTEE THAT ENERGY SAVINGS WILL BE ACHIEVED AND SUCH ESTIMATES SHOULD BE USED AS AN INDICATION ONLY OF POTENTIAL SAVINGS. ACTUAL SAVINGS MAY DIFFER DUE TO FACTORS UNKNOWN TO EEI OR OTHER FACTORS NOT IN OUR CONTROL.

16. Miscellaneous Provisions

- A. This Agreement shall be binding upon and inure to the benefit of the respective successors, executors, administrators, and assigns of EEI and Client. Neither party may assign this Agreement without the consent of the other party, which shall not be unreasonably withheld.
- B. All services are on a non-exclusive basis, including SaaS services.
- C. Unless prohibited under an existing Non-Disclosure Agreement, EEI may include Client's name and logo in its customer lists and on its website.
- D. The failure by either party, at any time, to enforce or to require strict compliance or performance of any of the provisions of this Agreement shall not constitute a future waiver of such provisions and shall not affect or impair in any way its rights at any time to enforce said provisions or to avail itself of such remedies as it may have for any breach of such provision. No waiver shall be effective unless in writing and signed by the waiving party.
- E. The terms of this Agreement shall be construed and interpreted under, and all respective rights and duties of the parties shall be governed by, the laws of the State in which the project is located. If any term of this Agreement is held to be invalid or unenforceable, that term shall be modified to accomplish the original intent to the extent feasible, and the remainder of the Agreement shall remain in full force.
- F. All negotiations, proposals, and agreements prior to the date of this Agreement are merged and superseded by this Agreement. This Agreement constitutes the entire

ENGINEERING ECONOMICS, INC. (EEI)
GENERAL TERMS AND CONDITIONS

Agreement between the parties and no changes, modifications or amendments to this Agreement shall be valid unless agreed to by the parties in writing and signed by their authorized officers. This Agreement shall not be construed as granting any rights to any third party based on the theory of third-party beneficiary or otherwise.

- G. In the event conflicts arise under this Agreement between EEI and Client, both parties agree that all disputes arising out of, or relating to, this Agreement shall be submitted to non-binding mediation unless the parties mutually agree otherwise. If non-binding mediation is unable to resolve these conflicts, both parties further agree to resolve their disputes through binding arbitration, as allowed by the laws governing the State in which the project is located, and

pursuant to the Construction Industry Arbitration Rules of the American Arbitration Association. Such arbitration proceedings will be conducted in the city in which the project located, or the next closest city where such services are available.

- H. Force Majeure. EEI shall not be liable for any failure or delay in the performance of this agreement for the period that such failure or delay is beyond the reasonable control of EEI, materially affects the performance of any of its obligations under this agreement, and could not reasonably have been foreseen or provided against, but will not be excused for failure or delay resulting from only general economic conditions or other general market effects.

END OF DOCUMENT