

## ORDINANCE NO. 1347

### AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, TO ALLOW APPROVAL OF A SINGLE COTTAGE HOUSING PROJECT AS A DEMONSTRATION OF A HOUSING CHOICE NOT CURRENTLY AVAILABLE IN BONNEY LAKE

WHEREAS, the City Council wishes to study the viability of cottage housing in Bonney Lake by allowing consideration and approval of one project that demonstrates a housing choice not currently available under the Municipal Code; and

WHEREAS, the City Council will use this demonstration to study whether adopting a permanent cottage housing ordinance would be a good choice for Bonney Lake; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on September 16, 2009; and

WHEREAS, the Planning Commission conducted a public hearing on September 16, 2009; and

WHEREAS, the Planning Commission issued a recommendation for passage of a Cottage Development Ordinance on October 7, 2009; and

WHEREAS, a letter informing the state department of Community, Trade and Economic Development was mailed on September 16, 2009, more than 60 days ago, informing it about the possible adoption of this Ordinance,

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

#### **Section 1.** Definitions.

"Carriage House" or "Carriage Unit" means a commonly owned guest room, not to exceed 800 square feet in gross floor area, located in a community building in a cottage housing development, which may contain sleeping and bathroom facilities.

"Community Building" means a commonly owned structure within a cottage or multi-family development designed for use by residents of the cottage housing development, located on the same site as the cottage development.

"Cottage Development" means a development with detached, single-family dwelling units containing 1,500 square feet or less of gross floor area arranged in a cluster with other cottages on a common lot and each facing a common open space.

**Section 2.** Allowable locations. The cottage housing development may only be located in low density residential (R-1) zones, and the entire cottage

development must be contained within one-half mile of the SR 410 transit corridor.

**Section 3.** Permit Process for cottage housing development.

A. Step 1: Submittal period. Following adoption of this ordinance, the Community Development Department shall publish a Notice of Call for Proposals. Notice will be sent to the Bonney Lake Courier Herald; posted on the City's website; sent to local engineering companies, media contacts, the Master Builders Association, and others. There will be a 90-day "submittal period" during which preliminary proposals may be submitted. If no proposals are submitted, or the proposals do not meet the selection criteria, the timeline for proposal submittals may be extended another 90 days, as determined by the Community Development Director. Any additional extensions shall require City Council approval.

B. Step 2: Pre-application meeting. Within the 90-day submittal period, potential applicants must schedule a pre-application meeting with City staff prior to submitting a proposal. This meeting will give City staff the chance to review with the applicant the requirements for cottage design, stormwater, roads, open space, parking, landscaping, and other project elements.

C. Step 3: Submission of preliminary proposal. Following the pre-application meeting, the applicant shall submit a preliminary proposal to the Community Development Department, which includes all of the following:

- a. A completed City of Bonney Lake Master Land Use application form.
- b. A Type 3 site plan approval checklist with listed documents.
- c. A SEPA checklist.
- d. A narrative description, supported by photographs, drawings, or other images, of how the proposed development will complement and benefit the surrounding neighborhood through site layout and building selection.
- e. A narrative description, supported by photographs, drawings, or other images, of how the proposed development will comply with all the conditions of approval and design standards contained in this Ordinance.
- f. Photographs of the site and adjacent properties.
- g. A signed acknowledgment that the application is being submitted pursuant to a demonstration ordinance; that the applicant knowingly assumes the risk that modifications to the proposal will be required, that the proposal can be rejected, and that the City will only approve one proposal; and an agreement to hold the City harmless for any actions taken or decisions made pursuant to the Ordinance.
- h. Any additional information or material specified at the pre-application meeting.

D. Step 4: Neighborhood Meeting. Applicants shall schedule and host a neighborhood meeting within thirty (30) days following submittal of the preliminary proposal. The applicant shall mail written notice of the neighborhood

meeting to all property owners within 600 feet of the proposed project and shall publish notice in at least one (1) local newspaper at least ten (10) days prior to the meeting. Any alleged failure of any property owner to actually receive the notice of neighborhood meeting shall not invalidate the proceedings. At the neighborhood meeting, the applicant shall present the proposed development to interested residents and solicit their comments.

E. Step 5: Design Commission. After the Applicant has completed the Design Commission shall review the proposal for compliance with the Criteria contained in this ordinance, the Community Character element of the Bonney Lake Comprehensive Plan, and with general eye for the attractiveness and appropriateness of the proposal to the Bonney Lake area. The Applicant shall provide in a timely manner any additional information requested by the Design Commission, and shall agree to modify the proposal if requested by the Design Commission.

F. Step 6: Complete Application. The Applicant shall have ninety (90) days from completion of review by the Design Commission to submit a complete application to the permit center. The applicant may request in writing a maximum extension of three (3) months, subject to the approval of the Community Development Director or designee. A complete application shall include the following items:

- (1) A completed Master Land Use application
- (2) A Type 3 Site Plan Review application checklist per BLMC 14.50.010 with the listed submittal documents.
- (3) An environmental checklist (if applicable);
- (4) Narratives as described in Section 1(C) of this ordinance.
- (5) A narrative explaining the Applicant's response to neighborhood comments and modifications made to the proposal to accommodate neighborhood concerns.
- (6) A narrative, supported by photographs, drawings, or other images if appropriate, of how the proposal complies with requests for modification made by the Design Commission.

G. Step 7: Determination of completeness. The Community Development Department shall, within 14 (fourteen) days of the submittal of the complete application, either issue a Determination of Completeness or advise the Applicant of any additional materials required for a Complete Application. The first Applicant to receive a Determination of Completeness shall acquire the right to have his or her proposal considered ahead of other proposals, provided, however, that the City retains the right to reject any and all proposals.

H. Step 8: SEPA review. Environmental review of the project shall be conducted according to the procedure outlined in Bonney Lake Municipal Code § 14.50.030.

I. Step 9: Final Decision. The Director of the Community Development Department shall have final decision-making authority over approval or denial of the proposal. The Director reserves the right to reject proposals for any reason, including but not limited to the following: (1) the proposal fails to comply with the conditions of approval or design standards contained in this ordinance; (2) the proposal fails to incorporate requested modifications made by the Design Commission; (3) the proposal fails to comply with the Bonney Lake Municipal Code; (4) the City Council determines that this ordinance should be modified or repealed; or (5) the Applicant is unwilling or unable to modify the proposal to address neighborhood concerns.

J. Appeals. Appeals of the final decision shall be to the City Council according to the procedures contained in BLMC § 14.120.040.

**Section 4.** Conditions of approval.

The project shall:

(1) be designed to enhance and minimize adverse impacts to the surrounding neighborhoods and community.

(2) have impacts that are substantially equivalent to or less than the adverse impacts expected to be associated with development of conventional housing on the subject property, in regards to parking, building height, building bulk, setbacks, lot coverage, open spaces, screening, and aesthetics.

(3) result in a unique cottage style community that is distinct from typical single family developments in Bonney Lake.

(4) incorporate a high level of quality and originality throughout the development, including but not limited to the following areas:

- i. Site design;
- ii. Architectural design;
- iii. Building materials;
- iv. Open space;
- v. Parking;
- vi. Landscaping; and
- vii. Low impact development design elements.

(4) provide elements that contribute to a sense of community within the development by including elements such as front entry porches, common open space, and common buildings.

(5) include structures that are diverse in appearance, yet remain connected through use of architectural style, details, color, and materials.

(6) address neighborhood concerns.

(7) be compatible with and not larger in scale than surrounding development with respect to size of units, building heights, roof forms, setbacks between adjacent buildings and between buildings and perimeter property lines, number of parking spaces, parking location and screening, access and lot coverage.

(8) comply with the following use and bulk regulations:

Max Unit Size	1,500 square feet. A covenant prohibiting the increase in unit size after construction shall be recorded against the property. Vaulted space may not be converted to habitable space.
Density	A maximum of 8-10 dwelling units per acre. When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction. Existing detached dwelling units may remain on the subject property but will be counted as units.
Development Size	Min. 4 units Max. 12 units
Location	In R-1 zones.
Parking Requirements	Units under 700 square feet: 1 space per unit
	Units between 700 – 1,000 square feet: 1.5 spaces per unit
	Units over 1,000 square feet: 2 spaces per unit.
	Must be provided on the subject property.
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' Other: 10'
Lot coverage (all impervious surfaces)	50%. Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.
Garages	Cottage developments must include one enclosed parking space per cottage/ preferably built within a common building or buildings
Refuse Containers	At least one and not more than two accessory buildings shall be constructed within each Cottage Development large enough to accommodate garbage and recycling bins for each unit in the development. This building is encouraged to be attached to a garage.
Height of Dwelling Units	25' (R-1) maximum (where minimum roof slope of 6:12 for all parts of the roof above 18' are provided). Otherwise, 18'
Height of Garages	Must be enclosed, One story, not to exceed 18', minimum interior length of 20 ft.
Tree Retention	Standards contained in BLMC Chapter 16.13 for Tree Retention and replacement shall apply to development approved under this chapter. Existing native trees are encouraged to be retained in perimeter landscaping buffers.

Common Open Space	Minimum 400 square feet per unit required
Community Buildings	Community buildings are encouraged, not to exceed one story in height if free-standing, and not to exceed maximum building height in the zone when located above another common structure, such as a detached garage or storage building. Community buildings shall be clearly incidental in use and size to dwelling units.
Attached Covered Porches	Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 8' on all sides.
Development Options	Condominium Rental or Ownership
Accessory Dwelling Units (ADUs)	Not permitted

## **Section 5. Design Standards.**

### **A. Orientation of Dwelling Units**

Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to “turn its back” on the surrounding neighborhood.

1. Each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space.
2. Each dwelling unit abutting a public right-of-way (not including alleys) shall have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way, or a Type I landscaping strip as defined by BLMC 16.14.060. If a dwelling unit abuts more than one public right-of way, the City may determine to which right-of-way the inviting facade shall be oriented.

### **B. Required Common Open Space**

Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

1. Each area of common open space shall be in one contiguous and usable piece with a minimum dimension of 20 feet on all sides.
2. Land located between dwelling units and an abutting right-of-way or access easement greater than 21 feet in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.
3. Required common open space may be divided into no more than two separate areas per cluster of dwelling units.
4. Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
5. Fences with a maximum height of 24" are permitted to separate the private and public open space areas, otherwise, fences may not be located within the required open space.
6. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.
7. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:
  - a. The open space shall be located so that it will be surrounded by cottages on at least two sides;
  - b. At least 75 percent of the units in the development shall abut a common open space. A cottage is considered to "abut" an area of open space if there is no structure between the unit and the open space.
  - c. Common open space shall have no slope.
  - d. Utility boxes shall not be located in the common open space.
8. Surface water management facilities shall be limited within common open space areas. Low Impact Development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for a variety of activities. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.

C. Private open space. Each dwelling unit shall provide a minimum of 400 square feet of private front yard space, such as lawn area, courtyards, or patios. No dimension of a private open space area used to satisfy the minimum square footage requirement shall be less than nine feet.

D. Landscaping. Along property lines not adjacent to a street, cottage developments shall include Type I landscaping buffers in accordance with BLMC 16.14.060

E. Shared Detached Garages and Surface Parking Design

Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

1. Shared detached garage structures may not exceed four garage doors per building, and a total of 1,200 square feet.
2. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
3. Shared detached garage structures and surface parking areas must be screened from public streets and adjacent residential uses by landscaping or architectural screening.
4. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
5. Surface parking areas may not be located in clusters of more than four spaces. Clusters must be separated by a distance of at least 20 feet.

F. Low Impact Development

The proposed site design shall incorporate the use of low impact development (LID) strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

1. Preservation of natural hydrology.
2. Reduced impervious surfaces.
3. Treatment of stormwater in numerous small, decentralized structures.



4. Use of natural topography for drainageways and storage areas.
5. Preservation of portions of the site in undisturbed, natural conditions.
6. Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

#### G. Carriage Units within Cottage Projects

Carriage units no larger than 800 square feet may be included within a cottage housing development, a maximum of one per common building. Design of these units should be compatible with that of the cottages included in the project.

#### H. Variation in Unit Sizes, Building and Site Design

Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.

1. Projects should include a mix of unit sizes within a single development.
2. Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

#### I. Pedestrian Flow through Development

Pedestrian connections should link all buildings to the public right-of-way, common open space and parking areas.

### **Section 6.** Additional Standards

- A. Impact fees under BLMC Chapter 19 for the proposed project shall be assessed at the rates for multifamily dwelling units.
- B. The City's approval of a cottage housing development does not constitute approval of a subdivision or short plat. An applicant wishing to subdivide in connection with a development under this chapter shall seek approval to do so concurrently with the approval process under this chapter.

**Section 7.** If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

**Section 8.** This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this 13<sup>th</sup> day of April, 2010.



Neil Johnson, Mayor

ATTEST:



Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:



James J. Dionne, City Attorney

Passed: 4/13/10

**AB10-18**

Valid: 4/13/10

Published: 4/21/10

Effective Date: 5/13/10

There are 10 Pages to this Ordinance



Community  
Development

## Memo

**Date :** October 7, 2009  
**To :** Mayor and City Council  
**From :** Randy McKibbin, Chair, Bonney Lake Planning Commission  
**CC :**  
**Re :** Cottage Development

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### BACKGROUND

A developer approached the City Council asking them to consider adopting Cottage Development regulations. City Council initiated the review of the Cottage Development Ordinance through adoption of the 2009 Planning Commission workplan. The Planning Commission proceeded to review Cottage Development ordinances from other jurisdictions, view plans and photographs from established cottage developments and visited several cottage developments that have been built in Snoqualmie and the City of Shoreline.

The Cottage Development that the Commission was most impressed with was designed by the Cottage Company. The Cottage Company's owner, Linda Pruitt, recommended the Kirkland Cottage Development Code and the draft before the City Council is largely based on Kirkland's code with some changes that the Commission thought were more appropriate for Bonney Lake.

The ordinance is drafted as an "interim" zoning ordinance to give the flexibility of expiring the code if developments were built based on the code that were not desirable in the city.

The Planning Commission recommends the Cottage Ordinance attached to this memo.

### FINDINGS:

1. A Notice of Public Hearing was published in the Bonney Lake Courier Herald on September 1, 2009.
2. The Planning Commission held a public hearing on September 16, 2009 to receive testimony concerning the rezone. Public comment constituted a recommendation to approve from a developer and a concern by one citizen about developing cottages on Inlet Island.

3. An environmental determination of non-significance was issued on September 16, 2009. It was not appealed.
4. The Washington State Department of Community, Trade and Economic Development has completed their required review and had no comments.
5. The City's legal department recommended that this ordinance not be "interim" because interim codes are more difficult to administer.
6. The Planning Commissioners voted 5 to 1 to recommend the attached draft ordinance.

**RECOMMENDATION:**

The Bonney Lake Planning Commission therefore recommends to the City Council that the attached draft of the Cottage Ordinance

**City of Bonney Lake, Washington  
City Council Agenda Bill (C.A.B.) Approval Form**

<u><b>Department / Staff Contact:</b></u> CD / Heather Stinson  <u><b>Ordinance Number:</b></u> D010-18	<u><b>Workshop / Meeting Date:</b></u>  <u><b>Resolution Number:</b></u>	<u><b>Agenda Bill Number:</b></u> AB10-18  <u><b>Councilmember Sponsor:</b></u>
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**Agenda Subject:** Adoption of Cottage Housing regulations

**Proposed Motion:** Adoption of a Demonstration Ordinance for Cottage Development Regulations

**Administrative Recommendation:**

**Background Summary:** In early 2009, a developer approached the City Council with an interest in building "Cottage" development and City Council added a review of this type of housing to the Planning Commission workplan. Planning Commission spent the better part of 2009 reviewing Cottage Development codes and development in other jurisdictions, including a field trip to developments in Snoqualmie and Shoreline. The draft ordinance is based on Kirkland's code, as the Planning Commission felt it had the most potential for creating attractive cottage housing that would work in Bonney Lake. City Council requested that the code be drafted as a Demonstration Ordinance and the attached ordinance reflects that request.

**BUDGET INFORMATION:**

<b>Budget Amount</b>	<b>Required Expenditure</b>	<b>Budget Impact</b>	<b>Budget Balance</b>
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**Budget Explanation:**

**COMMITTEE/BOARD REVIEW:**

Subcommittee Review Date: -  
 Commission/Board Review Date: Planning Commission -10 Jul 2009  
 Hearing Examiner Date:

**COUNCIL ACTION:**

Workshop Date(s): 2 Feb 2010, 6 Apr 2010	Public Hearing Date(s): 16 Sept 2009
Meeting Date(s):	Tabled To Date:

**Signatures:**

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed
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RESOLUTION NO. 2125

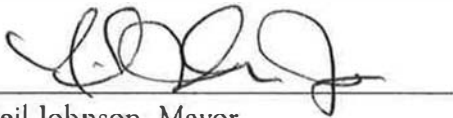
A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,  
WASHINGTON, EXTENDING OF THE SUBMITTAL PERIOD FOR COTTAGE  
HOUSING PROPOSALS PER ORDINANCE NO. 1347

WHEREAS, Ordinance No. 1347 establishes a 90-day submittal period for proposals to build a cottage housing project, and allows for extensions of this time period with Council approval if no proposals are received during this time; and

WHEREAS, no cottage proposals have been received, and the Council wishes to extend the submittal period to allow additional time.

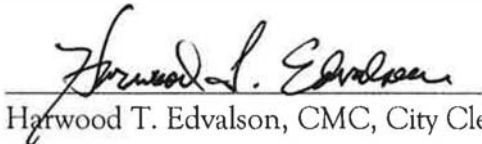
NOW, THEREFORE, it is hereby resolved that the submittal period contained within Section 3.A of Ordinance No. 1347 shall be extended for two years, beginning from the date of passage of this Resolution, until May 24, 2013.

PASSED by the City Council and approved by the Mayor this 24<sup>th</sup> day of May, 2011.



Neil Johnson, Mayor

ATTEST:



Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:



James J. Dionne, City Attorney