

**ORDINANCE NO. 1340**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN LAND USE DESIGNATION AND ZONING FOR TAX PARCEL NOS. 0519032005, 0519031000, 0519034002, ALSO KNOWN AS THE WSU FOREST.**

**WHEREAS**, on April 30, 2009 the City received an application from Washington State University for a Comprehensive Plan Amendment of the WSU Forest to change the Future Land Use designation from Conservation / Open space to a combination of Commercial, Public Facilities and High Density Residential; and

**WHEREAS**, on April 30, 2009 the City received an application from Washington State University for a Rezone of the WSU Forest from all Public Facilities to a combination of Commercial (C-2), Public Facilities (PF), and High Density Residential (R-3); and

**WHEREAS**, the application date met the application deadline requirements of BLMC 14.140.020(B); and

**WHEREAS**, development on the Property shall be governed by the terms of a Development Agreement entered into between the City and WSU/WY pursuant to Chapter 36.70B RCW; and

**WHEREAS**, a notice of public hearing was issued on August 19, 2009 which meets the noticing requirements of BLMC 14.140.040; and

**WHEREAS**, the Planning Commission conducted a public hearing on September 2, 2009 that was left open until September 16, 2009, and the City Council conducted additional public hearings on November 24 and December 8; and

**WHEREAS**, at the November 4, 2009 Planning Commission meeting the Planning Commission recommended that the land use designation for the WSU Forest be changed from Conservation / Open Space to a combination of Commercial, Public Facilities and High Density Residential; and

**WHEREAS**, at the November 4, 2009 Planning Commission meeting the Planning Commission recommended that the zoning designation of the WSU Forest be changed from all Public Facilities to a combination of Commercial (C-2), Public Facilities (PF) and High Density Residential (R-3) implementing the new zoning designations; and

**WHEREAS**, the State Environmental Protection Act (SEPA) has been complied with via a Determination of Significance issued on June 14, 2005, a Scoping meeting held July 6, 2005, a Draft Environmental Impact Statement issued on August 15, 2009, a 30 day comment period ending on September 16, 2009, a Final Environmental Impact Statement issued in November, 2009 and the end of the 7 day waiting period required by WAC 197-11-160(5); and

**WHEREAS**, two of the SEPA mitigation measures related to this action are to dedicate the 40 acres of land to remain Public Facilities to the City and to dedicate a trail system around the High Density Residential area to the City; and

**WHEREAS**, RCW 36.70A.106 requiring a 60 day review by the Washington State Department of Community, Trade and Economic Development has been complied with; and

**WHEREAS**, this is one of three Comprehensive Plan amendments concurrently coming before the City Council; and

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

**WHEREAS**, goal 4-3 of the City's Comprehensive Plan calls for promoting housing diversity and affordability which would be implemented by changing a portion of the WSU Forest to High Density Residential (R-3); and

**WHEREAS**, policy 4-3a of the City's Comprehensive Plan calls for zoning at least as much land for apartments, manufactured housing, duplexes, small-lot developments, and accessory dwelling units as the city does currently and changing a portion of the WSU Forest to High Density Residential (R-3) would implement this policy; and

**WHEREAS**, policy 3-1a of the City's Comprehensive Plan calls for allowing a range of development densities and intensities, including small-lot residential development which would be implemented by changing a portion of the WSU Forest to High Density Residential (R-3); and

**WHEREAS**, policy 3-1b of the City's Comprehensive Plan calls for encouraging compatible infill development and redevelopment in established areas and changing the land use designation and zoning of portions of the WSU Forest to Commercial and High Density residential would implement this policy by developing in an area surrounded by Commercial and Residential development; and

**WHEREAS**, policy 3-4b of the City's Comprehensive Plan calls for creating some areas of higher residential density in order to accommodate the population projection without excessive outward sprawl which would be implemented by changing a portion of the WSU Forest to High Density Residential (R-3); and

**WHEREAS**, Goal 6-1 of the City's Comprehensive Plan calls for providing cost-effective parks and recreation facilities as necessary to maintain the level of service standards stated in the Park Element and maintaining Public Facilities zoning on a portion of the WSU Forest in conjunction with the FEIS condition of dedication of this land to the city helps the city implement this goal; and

**WHEREAS**, Policy 6-1a of the City's Comprehensive Plan calls for providing parks and recreational facilities that enhance the City's natural setting, respect natural resources, and preserve the community character and maintaining 40 acres of Public Facilities zoning as well as

dedication of this land as well as an additional 7 acres of trail and park land around the residential area to the City as an FEIS mitigation condition helps the city implement this goal; and

**WHEREAS**, Policy 6-1k of the City's Comprehensive Plan calls for concentrating on acquiring park sites before development or improvement of existing parks and dedication of 47 acres of the WSU Forest to the City would implement this policy; and

**WHEREAS**, goal 6-2 of the City's Comprehensive Plan calls for developing a balance of passive and active recreational facilities and maintaining 40 acres of Public Facilities zoning as well as dedication of this land to the City would help to implement this goal; and

**WHEREAS**, policy 6-2d of the City's Comprehensive Plan calls for developing a community center which facilitates year-round indoor athletic activities and maintaining 40 acres of Public Facilities zoning as well as dedication of this land to the City would have the potential for implementing this goal; and

**WHEREAS**, goal 6-4 of the City's Comprehensive Plan calls for cooperating with other organizations and individuals to maximize recreational opportunities and WSU's application asking for the Public Facilities zoning and dedication of 47 acres of the WSU Forest to the City would implement this goal; and

**WHEREAS**, policy 6-4e of the City's Comprehensive Plan calls for encouraging private parties to help provide recreational facilities through donations, sponsorships, and volunteerism and maintaining Public Facilities zoning on 40 acres of the WSU Forest as well as the dedication of this land implements this policy; and

**WHEREAS**, policy 6-4h of the City's Comprehensive Plan calls for helping to ensure the continued use of the Demonstration Forest for educational and recreational purposes by adding to its trail network and maintaining Public Facilities Zoning and dedication of this land as well as the pedestrian trail around the proposed High Density Residential area would implement this goal; and

**WHEREAS**, goal 3-16 of the City's Comprehensive Plan calls for administering development regulations in a manner friendly to job-creating businesses and changing the land use designation and zoning of a portion of the WSU Forest to Commercial (C-2) would be friendly to job-creating businesses; and

**WHEREAS**, policy 3-16 of the City's Comprehensive Plan calls for providing zoning for employment-generating land uses such as industrial parks, offices, retail businesses, and entertainment centers and changing the land use designation and zoning of a portion of the WSU Forest to Commercial (C-2) would be friendly to job-creating businesses .

**WHEREAS**, policy 3-16b of the City's Comprehensive Plan calls for helping property owners determine the development potential of their sites and changing the land use designation and zoning of portions of the WSU Forest according to the property owner's application implements this policy; and

**WHEREAS**, the amendment would not effect the internal consistency of the Comprehensive Plan; and

**WHEREAS**, this amendment and rezone would not be contrary to Countywide Planning Policies; and

**WHEREAS**, goals of the Growth Management Act include developing parks and recreation facilities, and maintaining Public Facilities zoning and dedication of 47 acres to the city would help implement this goal; and

**WHEREAS**, a goal of the Growth Management Act is to encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner and the WSU Forest is in an urban area where adequate facilities exist or can be provided in an efficient manner; and

**WHEREAS**, a goal of the Growth Management Act is to encourage the availability of affordable housing to all economic segments of the population of this state, promoting a variety of residential densities and housing types and High Density Residential zoning has the potential for providing more housing variety at affordable prices; and

**WHEREAS**, a goal of the Growth Management Act is to encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognizing regional differences impacting economic development opportunities and Commercial zoning has the potential for meeting these goals; and

**WHEREAS** a goal of the Growth Management Act is that the property rights of landowners shall be protected from arbitrary and discriminatory actions, and the city's codified application process and criteria prevent arbitrary and discriminatory actions; and

**WHEREAS**, the public health and safety are addressed through the availability of public utilities such as water and sewer and services such as fire and police. The welfare of citizens is served by the dedication of 47 acres of land to remain public in use, natural in the short term, and recreational in the long term. The welfare of the citizens is also served by the potential for more employment and needed services in the commercial area and more housing choice in the residential area; and

**WHEREAS**, the criteria for approving this amendment are met.

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

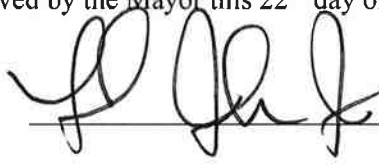
**Section 1.** The City Comprehensive Plan Future Land Use map is hereby revised as reflected in attachment "A".

**Section 2.** The City Zoning map is hereby revised as reflected in attachment "B".

**Section 3.** Effective date. This Ordinance shall take effect concurrently with execution of the Development Agreement by both WSU/WY and the City. The Comprehensive Plan Amendment and rezone are expressly conditioned upon the execution of the Development Agreement by both Parties. Should either Party fail to execute the Development Agreement by December 31, 2009, or should the Development Agreement be declared invalid pursuant to an

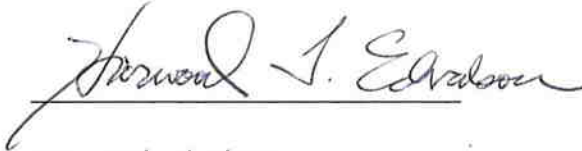
appeal under the Land Use Petition Act or GMHB challenge, this Ordinance shall be void and the Comprehensive Plan and zoning map will be automatically restored to their pre-Ordinance form.

**PASSED** by the City Council and approved by the Mayor this 22<sup>nd</sup> day of December, 2009.



Neil Johnson, Mayor

ATTEST:



Harwood Edvalson  
City Clerk

APPROVED AS TO FORM:



James Dionne  
City Attorney

Passed: 12/22/09  
Valid: 12/22/09  
Published: 12/30/09  
Effective Date: 1/4/10

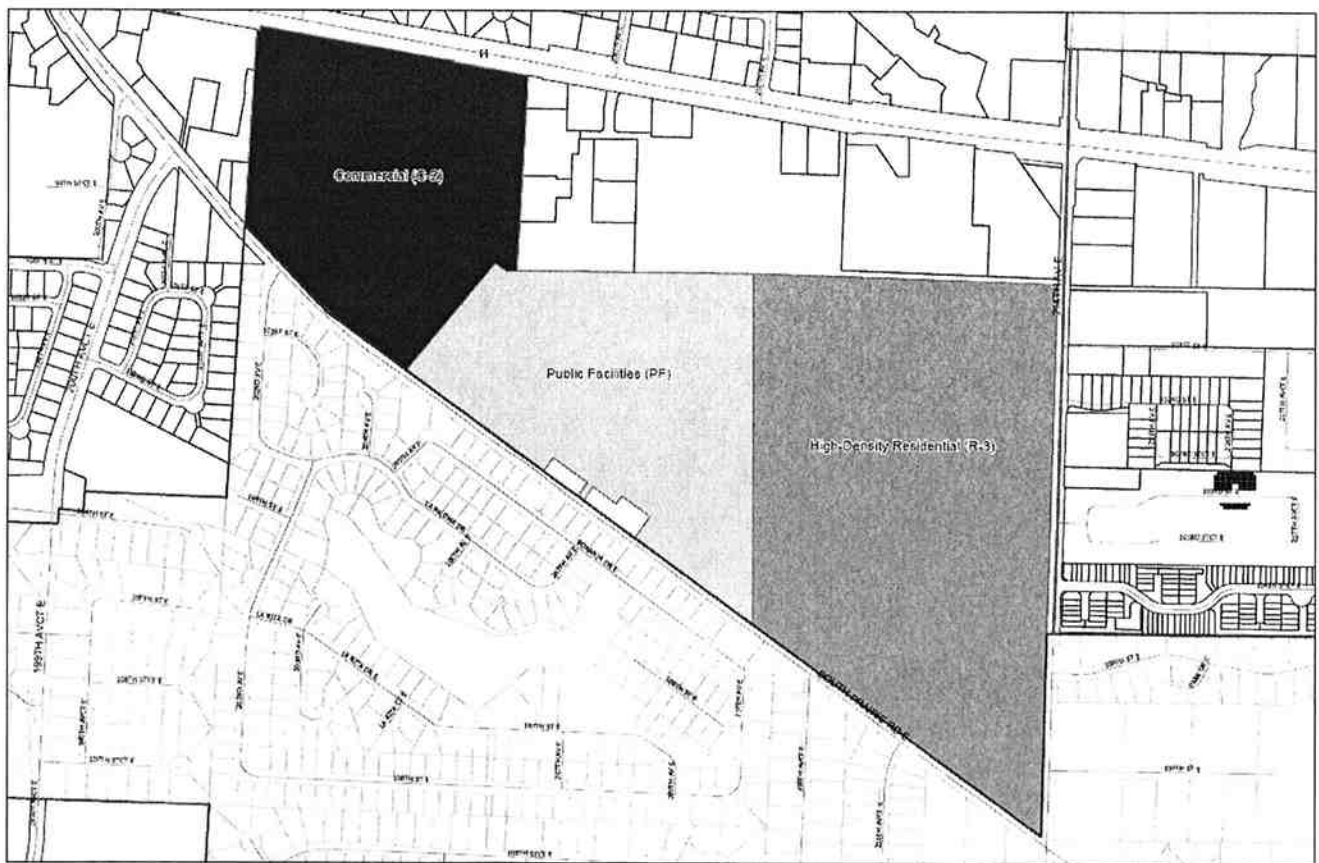
AB09-168

Effective Date:

D09-168 Attachment "A"



D09-168 Attachment "B"



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

<b><u>Department / Staff Contact:</u></b> CD / Heather Stinson	<b><u>Workshop / Meeting Date:</u></b> 22 Dec 2009	<b><u>Agenda Bill Number:</u></b> AB09-168
<b><u>Ordinance Number:</u></b> D09-168	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>

**Agenda Subject:** WSU Forest Comprehensive Plan Amendment and Rezone

**Proposed Motion:** An Ordinance of the City Council of the City of Bonney Lake Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest

**Administrative Recommendation:** Discuss and take action on the proposed comprehensive plan amendment and rezone.

**Background Summary:** WSU / Weyerhaeuser applied for a change in land-use designation of the WSU Demonstration Forest by the April 30, 2009 amendment application deadline. The current land use designation of the Forest is Conservation / Open Space and the zoning is Public Facilities. The application and recommendation is that the land use designation be changed to a combination of Commercial, Public Facilities and High Density Residential with the corresponding zoning designations. EIS mitigation conditions for the project include the dedication of 47 acres of land to the City - that area designated as Public Facilities - as well as a Public road connecting South Prairie and SR 410.

<b><u>BUDGET INFORMATION:</u></b>			
<b>Budget Amount</b>	<b>Required Expenditure</b>	<b>Budget Impact</b>	<b>Budget Balance</b>
<b>Budget Explanation:</b>			

**COMMITTEE/BOARD REVIEW:**

Subcommittee Review Date: -  
 Commission/Board Review Date: Planning Commission -04 Nov 2009  
 Hearing Examiner Date:

**COUNCIL ACTION:**

Workshop Date(s): November 17 & December 1 & December 15, 2009      Public Hearing Date(s): 2nd and 16th September 2009  
 Meeting Date(s): November 24 & December 8, 2009      Tabled To Date:

**Signatures:**

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed
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