ORDINANCE NO. 1497

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE FUTURE LAND USE MAP AND SECTION 18.12.010 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NO. 1459 RELATING TO LAND USE DESIGNATION AND ZONING CLASSIFICATION OF CERTAIN PROPERTIES WITHIN BONNEY LAKE.

WHEREAS, the City recorded a boundary line adjustment (BLA) under Pierce County Recording Number 2014070850006, which removed the portions of parcel 0520338001 within the buffers of Fennel Creek and the associated wetlands and combined the area with parcel 0520338010; and

WHEREAS, as a result of the BLA the properties’ parcel number were changed from 0520338010 to 0520338014 and from 0520338001 to 0520338013; and

WHEREAS, parcel 0520338014 is now split designated on the Future Land Use Map (FLUM) with the area within the original parcel designated Fennel Creek Corridor and the area added by the BLA designated as Public Facility; and

WHEREAS, 0520338014 now is split zoned with the area within the original parcel zoned Residential/Conservancy District (RC-5) and the area added by the BLA zone Residential High Density (R-3); and

WHEREAS, 0520338013 is designated Public Facility on the FLUM; and

WHEREAS, the City Council passed Resolution 2302 declaring parcel 0520338001, now 0520338013, as surplus to the City’s needs; and

WHEREAS, the zoning classification on 0520338013 is R-3 which is inconsistent with the adopted land use designation; and

WHEREAS, both properties are located in the Midtown Subarea; and

WHEREAS, the City Council desires to further the objective of the Midtown Subarea Plan by providing additional flexibility for development of property within Midtown while protecting environmentally critical areas; and

WHEREAS, the City issued a Determination of Non-Significance on October 9, 2014 pursuant to WAC 197-11-340 in order to comply with the requirements of Chapter 43.21C RCW; and
WHEREAS, a copy of the this Ordinance was provided to the Washington State Department of Commerce as required by RCW 36.70.A.106;

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held by the Planning Commission on November 5, 2014,

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

Section 1. Findings of Fact.

The findings of fact and conclusions set forth in Attachment A, attached hereto and incorporated by this reference, are adopted in full by the City Council in support of its decision to change the land use designation and zoning classification for the area described in Section 2 of this Ordinance.

Section 2. Area of Comprehensive Plan Land Use Designation and Zoning Reclassification Amendments.

1. The land use designation and zoning classification of Parcel Number 0520338013 legally described as Parcel 1 of Boundary Line Adjustment recorded under Pierce County Recording Number 201407085006 is changed from Public Facility and R-3 to Commercial and C-2 respectively.

2. The land use designation and zoning classification of that portion of Parcel Number 0520338014 legally described as Parcel 2 of Boundary Line Adjustment recorded under Pierce County Recording Number 201407085006 that is currently designated and zoned Public Facility and R-3 is changed to Fennel Creek Corridor and RC-5 respectively.

Section 3. Future Land Use Map.

The map filed in the city clerk’s office and marked Attachment B to Ordinance No. 1497 and adopted December 9, 2014, constitutes the official Future Land Use Map for the city. The map referenced herein supersedes all previously adopted maps.

Section 4. BLMC Section 18.12.010 and Ordinance No. 1459 § 1 are hereby amended to read as follows:

18.12.010 Designated.

The map filed in the city clerk’s office and marked Attachment C to Ordinance No. 1497 and adopted December 9, 2014, constitutes the
official zoning map for the city. The map referenced herein supersedes all previously adopted maps. If the zoning classifications of the map are found to be in conflict with other zoning classifications or land use designations, the map is deemed to control. Zoning reclassifications or other special zoning designations shall be clearly outlined on the map along with the associated ordinance number.

Section 5. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as required by law.

PASSED by the City Council and approved by the Mayor this 9th day of December, 2014.

AUTHENTICATED:
Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:
Kathleen Haggard, City Attorney

Passed: 12/9/2014
Valid: 12/9/2014
Published: 12/17/2014
Effective Date: 12/22/2014
This Ordinance totals 8 page(s)
ORDINANCE 1497
ATTACHMENT A

1. Site-specific zoning reclassifications processed concurrently with amendments to the comprehensive plan are not considered quasi-judicial permits and are exempt from the requirements of Chapters 14.30 BLMC through BLMC 14.80 pursuant to BLMC 14.20.020.F.

2. Site-specific zoning reclassifications processed concurrently with amendments to the comprehensive plan are considered legislative actions processed in accordance with Chapter 14.40 BLMC.

3. The amendments to the comprehensive plan contained in this Ordinance comply with the criteria established in BLMC 14.140.090.A as provided by below:

3.1. The land use designation and zoning classification amendments contained in this Ordinance changes the designation of property within the buffer of Fennel Creek from Public Facility and High-Density Residential District (R-3) to Fennel Creek Corridor and Residential/Conservation District (RC-5) and the developable property outside of the buffer of Fennel Creek from Public Facility and High-Density Residential District (R-3) to Commercial and Commercial District (C-2) is consistent the Bonney Lake Comprehensive Plan, including but not limited to the following policies:

3.1.1. Community Character Element – Policy 1-3b: Develop the Midtown as a mixed use district with the highest possible level of architectural interest, pedestrian orientation, and human-scale design consistent with the fact that 1) much of it is already built and 2) pedestrian traffic alongside and across the highway will suffer due to high vehicular traffic. Wherever possible, developments should reach deeply into the adjoining commercial land, provide local access streets as dictated by the Transportation Element, and place their building facades at the edge of the sidewalk adjoining said local access streets.

3.1.2. Community Character Element – Policy 1-3g: Encourage future business complexes to incorporate residences (mixed use development) in order to enliven retail areas and lessen the dichotomy between commercial and residential areas.

3.1.3. Natural Environment Element – Policy 2-1a: Protect significant natural features, including the Fennel Creek corridor, fish and wildlife habitat areas, lakes, and wetlands.

3.1.4. Natural Environment Element – Policy 2-3d: Encourage vegetative buffers along streams and drainage ways to enhance water quality, protect habitat, and prevent erosion.
3.1.5. **Land Use Element – Policy 3-9a**: Encourage human-scale, pedestrian-oriented mixed used developments along SR 410, especially Downtown. (“Human-scale architecture” means urban settings whose individual buildings and features are small enough, varied enough, interesting enough, and close enough together to appeal to the pedestrian.) See the Community Character Element for the Downtown Plan.

3.1.6. **Land Use Element – Policy 3-9b**: Ensure mixed use development is designed to complement natural features of the site, such as views and vegetation, and to preserve and protect sensitive areas.

3.1.7. **Land Use Element – Policy 3-11b**: Allow in this designation land uses capable of protecting the natural resource and withstanding the land’s environmental limitation, if any. Such capability may be achieved by limiting land use intensity.

3.1.8. **Land Use Element – Policy 3-11c**: Encourage preservation of unique, undisturbed natural features that have significant ecological, scenic, or historic value.

3.1.9. **Land Use Element – Policy 3-16a**: Provide zoning for employment-generating land uses such as industrial parks, offices, retail businesses, and entertainment centers.

3.2. The land use designation and zoning classification amendments contained in this Ordinance further the object of the Midtown Subarea Plan by creating development flexibility as the C-2 zoning classification allows residential uses and a wide range of supportive commercial uses. Creating development flexibility was established as one of the objectives of the Midtown Subarea Plan.

3.3. The land use designation and zoning classification amendments contained in this Ordinance are consistent with the Countywide Planning Policies; to include but not limited to the following:

3.3.1. **CPP Env-13.4**: The County, and each municipality in the County, shall regulate open space through tools such as designation of open space corridors.

3.3.2. **CPP Env-16**: The County, and each municipality in the County, should protect and enhance the natural ecosystems through comprehensive plan policies and development regulations that reflect natural constraints and protect sensitive features.

3.3.3. **CPP Env-19**: The County, and each municipality in the County, shall work together to identify and protect natural habitat corridors that cross jurisdictional boundaries.
3.3.4. **CPP UGA-2.7:** Encourage efficient use of urban land by maximizing the development potential of existing urban lands, such as advancing development that achieves zoned density.

3.4. The land use designation and zoning classification amendment contained in this Ordinance are advance with the following goals of the Growth Management Act (GMA) established in RCW 36.70A.020 and as such is consistent with the GMA:

3.4.1. **Urban Growth:** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner

3.4.2. **Economic Development:** 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, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

3.4.3. **Open Space and Recreation:** Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

3.4.4. **Environment:** Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

3.5. The land use designation and zoning classification amendments serve the welfare of citizens is by protecting an identified important natural resource while preserving developable property that can be returned to the tax rolls for future development.

4. The Bonney Lake Planning Commission held a public November 19, 2014 and recommended that the City Council adopt the zoning reclassification for the subject properties.

5. The land use designations and zoning classification amendments contained in this Ordinance were reviewed under the State Environmental Policy Act (SEPA) as a non-project action pursuant to Chapter 43.21C RCW, Chapter 197-11 WAC, and Chapter 16.04 BLMC.


7. Notice of the public hearing was posted at all official posting locations and the official newspaper of the City as required by BLMC 14.140.040.

8. Pursuant to the Growth Management Act - Chapter 36.70A RCW Ordinance 1497 was provided to the Department of Commerce for 60-day review and comment by the Department and other State agencies. Expedited review was requested and granted by Commerce and the review period concluded on October 20, 2014.
Attachment B

Future Land Use Plan

- Bonney Lake City Limits
- Bonney Lake Urban Growth Area (BLUGA)
- Planned Urban Growth Area (PUGA)
- Planned Community District
- Single Family Residential
- Medium-Density Residential
- High-Density Residential
- Mixed
- Retail Mixed Use
- Commercial
- Commercial/Industrial and Light Manufacturing
- Public Facilities
- Forest/Corridor
- Conservation/Open Space

Community Development Department

The City of Bonney Lake Land Use Code Amendments approved on December 17, 2014, as a result of a study by the City's Land Use Planning and Development Department and in accordance with the requirements of the Washington State Growth Management Act. The amendments were approved by the City Council on December 17, 2014.
Memo

Date: November 5, 2014
To: Mayor and City Council
From: Grant Sulham, Planning Commission Chair
Re: Ordinance D14-134 – 2014 Comprehensive Plan Amendment

Ordinance D14-134 was prepared at the request of City Administration to ensure consistency between the adopted Zoning Classification and Land Use Designation.

The proposal will change the Land Use Designation on a portion of parcel 0520338014 from Public Facility to Fennel Creek Corridor and change parcel 0520338013 (the old City Hall Site) from Public Facility to Commercial. The zoning on a portion of parcel 0520338014 will be changed from High Density Residential (R-3) to Residential/Conservation District (RC-5) and the zoning on parcel 0520338013 will be changed from High Density Residential (R-3) to Commercial District (C-2).

At the November 5, 2014 meeting, the Planning Commission held public hearing to consider the 2014 Comprehensive Plan amendment and voted 7-0-0 to recommend that the City Council adopt Ordinance D14-134.
RESOLUTION NO. 2302

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, DECLARING PROPERTY TO BE SURPLUS, AND AUTHORIZING THE MAYOR TO DISPOSE OF IT IN ACCORDANCE WITH BLMC 2.70.100.

WHEREAS, the City is the owner of real property located at XXX 192 Ave E, located at the corner of 192nd Ave E And Sumner Buckley Hwy, particularly known as Pierce County tax parcel number 0520338001, consisting of 6.2 acres; and

WHEREAS, in accordance with RCW 39.33.020 the City Council held a public hearing May 14, 2013 to solicit input on the proposal to surplus said property; and

WHEREAS, the City Council finds that said property is surplus to the City’s needs, and that it is in the public interest to dispose of said property;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, THAT:

Section 1. The City Council of the City of Bonney Lake, Washington, does hereby declare that the property described above is surplus to the City’s current needs. The Mayor is authorized to dispose of the aforementioned surplus real property in accordance with the provisions of BLMC Chapter 2.70.100.

Section 2. The Mayor is directed to reserve a portion of the parcel for the Fennel Creek trail prior to disposal of the balance of the property.

Section 3. The Mayor is authorized to reserve a portion of the parcel for a sewer lift station prior to disposal of the balance of the property.

PASSED by the City Council this 28th day of May, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

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

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**Agenda Subject:** 2014 Bonney Lake Comprehensive Plan Update

**Full Title/Motion:** An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, amending the Future Land Use Map and Section 18.12.010 of the Bonney Lake Municipal Code and Ordinance No. 1459 relating to land use designation and zoning classification of certain properties within Bonney Lake.

**Administrative Recommendation:**

**Background Summary:** In July of 2014, the City recorded a boundary line adjustment (BLA), which removed the portions of parcel 0520338001 within the buffers of Fennel Creek and the associated wetlands and combined the area with parcel 0520338010. After the recording of the BLA, the parcel numbers were changed from 0520338010 to 0520338014 and from 0520338001 to 0520338013.

As a result of the BLA parcel 0520338014 is now split designated on the Future Land Use Map (FLUM) and split zoned on the Zoning Map with the area within the original parcel designated Fennel Creek Corridor and zoned Residential/Conservancy District (RC-5) and the area added by the BLA designated as Public Facility and zone Residential High Density (R-3).

Additionally, parcel 0520338013 is designated Public Facility on the FLUM but zoned R-3 on the Zoning Map. The City Council has also passed Resolution 2302 declaring parcel 0520338001, now 0520338013, as surplus to the City's needs for public facilities.

The proposal will change the Land Use Designation on a portion of parcel 0520338014 from Public Facility to Fennel Creek Corridor and change parcel 0520338013 from Public Facility to Commercial. The zoning on a portion of parcel 0520338014 will be changed from High Density Residential (R-3) to Residential/Conservation District (RC-5) and the zoning on parcel 0520338013 will be changed from High Density Residential (R-3) to Commercial District (C-2). The proposed amendments will bring the City's FLUM in to compliance with the Growth Management Act by reconciling an inconsistency between the FLUM and the adopted zoning map. The changes will further the objectives of the Midtown Subarea Plan by providing additional flexibility for development of property within Midtown while still protecting environmentally critical areas.

**Attachments:** Ordinance D14-134, Planning Commission Recommendation Memo, and Resolution 2302.

**BUDGET INFORMATION**

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