

ORDINANCE NO. 1548

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY, IDENTIFIED AS THE “VICTOR FALLS PROPERTY”, INTO THE CITY OF BONNEY LAKE, PURSUANT TO RCW 35A.14.300, FOR USE AS A PUBLIC PARK SITE, AND ASSIGNING A ZONING CLASSIFICATION OF “PUBLIC FACILITIES.”

WHEREAS, RCW 35A.14.300 authorizes the legislative body of a municipal code city, by majority vote, to annex certain territory outside its city limits, whether contiguous or non-contiguous, for municipal purposes; and

WHEREAS, the City of Bonney Lake owns a parcel of land, approximately 8.19 acres in size, which is legally described in Exhibit A and depicted in Exhibit B, both attached hereto, and which is contiguous to the existing territorial limits of the City of Bonney Lake (hereinafter “Property”); and

WHEREAS, the City purchased the Property because its proximity to Victor Falls makes it a valuable property for public recreation; and

WHEREAS the City wishes to afford police protection to the Property, and otherwise bring it under the jurisdiction of the City; and

WHEREAS, on April 6, 2016, , the Planning Commission held a public hearing for the purpose of hearing testimony on the proposed zoning classification of Public Facilities (PF) for the Property; and

WHEREAS, on April 6, 2016, the Planning Commission formally recommended that the City Council apply the PF zoning classification to the Property; and

WHEREAS, the City issued a Determination of Non-Significance on May 6, 2016 regarding the modification to the City’s official zoning map to zone the Property PF; and

WHEREAS, the proposed annexation is found to be in compliance with the criteria for annexations established in Chapter 35A.14.300 RCW; and

WHEREAS, annexation actions are exempt from the application of the State Environmental Policy Act (RCW 43.21C.222); and

WHEREAS, it is recognized that an amendment to the City of Bonney Lake Future Land Use Map, as well as an amendment to the Pierce County Comprehensive Land Use

Map, will be necessary to acknowledge annexation of the area to the City of Bonney Lake; and

WHEREAS, it is recognized that an amendment to the City of Bonney Lake Shoreline Master Plan, as well as an amendment to the Pierce County Shoreline Master Program, will be necessary to acknowledge annexation of the area to the City of Bonney Lake; and

WHEREAS, the Bonney Lake City Council has determined that the health, welfare and safety of the people of the City of Bonney Lake will be best served if said territory is annexed for city municipal purposes and assigned a zoning designation of public facilities.

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

Section 1. The real property described in Exhibit ‘A’ and depicted on Exhibit ‘B’ attached hereto and incorporated herein by reference, is hereby annexed to the City of Bonney Lake pursuant to RCW 35A.14.300.

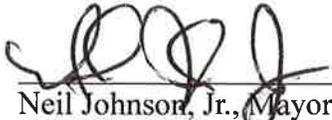
Section 2. Upon annexation the property shall be assigned a designation of public facilities. The City Council adopts the following findings of fact in support of its decision to adopted the Public Facilities zoning classification for the Property:

1. On April 6, 2016, the City of Bonney Lake Planning Commission held a public hearing to consider the amendments to the City’s development regulations contained in this Ordinance, as required by BLMC 14.140.080.
2. The City complied with all applicable notice, timing and comment provisions in scheduling and carrying out the above-referenced hearing.
3. At the above-referenced hearing, the City of Bonney Lake Planning Commission determined that the amendments to the City’s development code contained in this Ordinance are consistent with other BLMC development regulations and with the laws of the State of Washington.
4. Under the State Environmental Policy Act (SEPA) the adoption of this Ordinance is a non-project action as defined by WAC 197-11-704(2)(b) and the SEPA Official issued a Determination of Non-Significance (DNS) on May 6, 2016. No appeals of the DNS were submitted to the City.
5. Pursuant to RCW 36.70A.106(3)(b) the City requested expedited review of this Ordinance from the Department of Commerce. The Department of Commerce review period concluded on May 23, 2016.

Section 3. All property within the territory hereby annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Bonney Lake, including all indebtedness existing as of the effective date of the annexation.

Section 4. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as required by law.

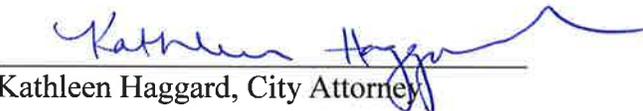
PASSED BY THE CITY COUNCIL this 14th day of June, 2016.


Neil Johnson, Jr., Mayor

AUTHENTICATED:


Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:


Kathleen Haggard, City Attorney

Passed: 6/14/2016
Valid: 6/14/2016
Published: 6/22/2016
Effective Date: 6/27/2016
This Ordinance totals 5 page(s)

AB16-48

**PORTIONS OF THE
SE 1/4 OF THE NE 1/4 OF SECTION 8 AND
THE SW 1/4 OF THE NW 1/4 OF SECTION 9,
TOWNSHIP 19 NORTH, RANGE 05 EAST, W.M.
PIERCE COUNTY, WASHINGTON**

LEGAL DESCRIPTION

PORTIONS OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, ALL IN TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M. IN PIERCE COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 'J' AS SHOWN ON RECORD OF SURVEY FOR BOUNDARY LINE AGREEMENT RECORDED UNDER RECORDING NUMBER 9911305006, RECORDS OF PIERCE COUNTY, WASHINGTON, SAID CORNER BEING ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE WESTERLY ALONG THE NORTH LINE OF SAID PARCEL 'J' 346.34 FEET TO AN ANGLE POINT THEREIN; THENCE CONTINUING ALONG THE BOUNDARY LINE OF SAID PARCEL 'J' NORTHERLY 120.00 FEET; THENCE CONTINUING ALONG SAID BOUNDARY LINE WESTERLY 77.82 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 'J'; THENCE CONTINUING ALONG SAID BOUNDARY LINE SOUTHERLY 656.55 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 'J'; THENCE CONTINUING ALONG SAID BOUNDARY LINE EASTERLY 396.88 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 'J', ALSO BEING THE EAST QUARTER CORNER OF SAID SECTION 8; THENCE CONTINUING ALONG SAID BOUNDARY LINE AND THE EAST LINE OF SAID SECTION 8 NORTHERLY A DISTANCE OF 516.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.94 ACRES MORE OR LESS (AS SHOWN ON SAID SURVEY).

TOGETHER WITH A TRACT OF LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE HEREINABOVE DESCRIBED NORTHWEST CORNER OF SAID PARCEL 'J'; THENCE NORTHERLY ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 16 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND AS SHOWN ON RECORD OF SURVEY RECORDED UNDER RECORDING NUMBER 201407295004, RECORDS OF SAID COUNTY AND THE TRUE POINT OF BEGINNING, SAID CORNER BEING COMMON WITH THE NORTHWEST CORNER OF THE CITY OF BONNEY LAKE CITY LIMITS LINE AS ESTABLISHED BY ORDINANCE NUMBER 505 AND DESCRIBED AS PARCEL 1 THEREIN; THENCE NORTHEASTERLY ALONG THE SOUTHERLY BOUNDARY LINE OF SAID TRACT AND ALONG SAID CITY LIMITS LINE 513.40 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE CONTINUING ALONG SAID BOUNDARY LINE AND CITY LIMITS LINE NORTHERLY 80 FEET, MORE OR LESS, TO THE SOUTHERLY MARGIN OF RHODES LAKE ROAD EAST, ALSO KNOWN AS BISSON-SCANNEL ROAD; THENCE LEAVING SAID CITY LIMITS LINE NORTHWESTERLY AND WESTERLY ALONG SAID SOUTHERLY MARGIN AND THE NORTHERLY BOUNDARY LINE OF SAID TRACT TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE SOUTHERLY ALONG SAID EAST LINE AND THE WESTERLY BOUNDARY LINE OF SAID TRACT 385.26 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 3.25 ACRES MORE OR LESS (AS DEFINED BY PIERCE COUNTY, ASSESSOR).

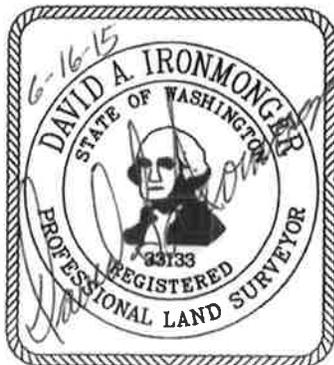
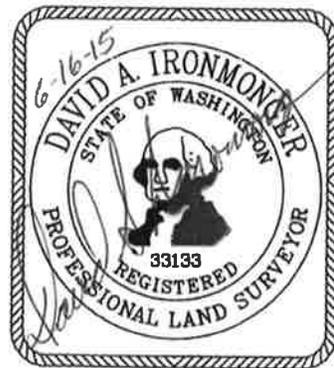
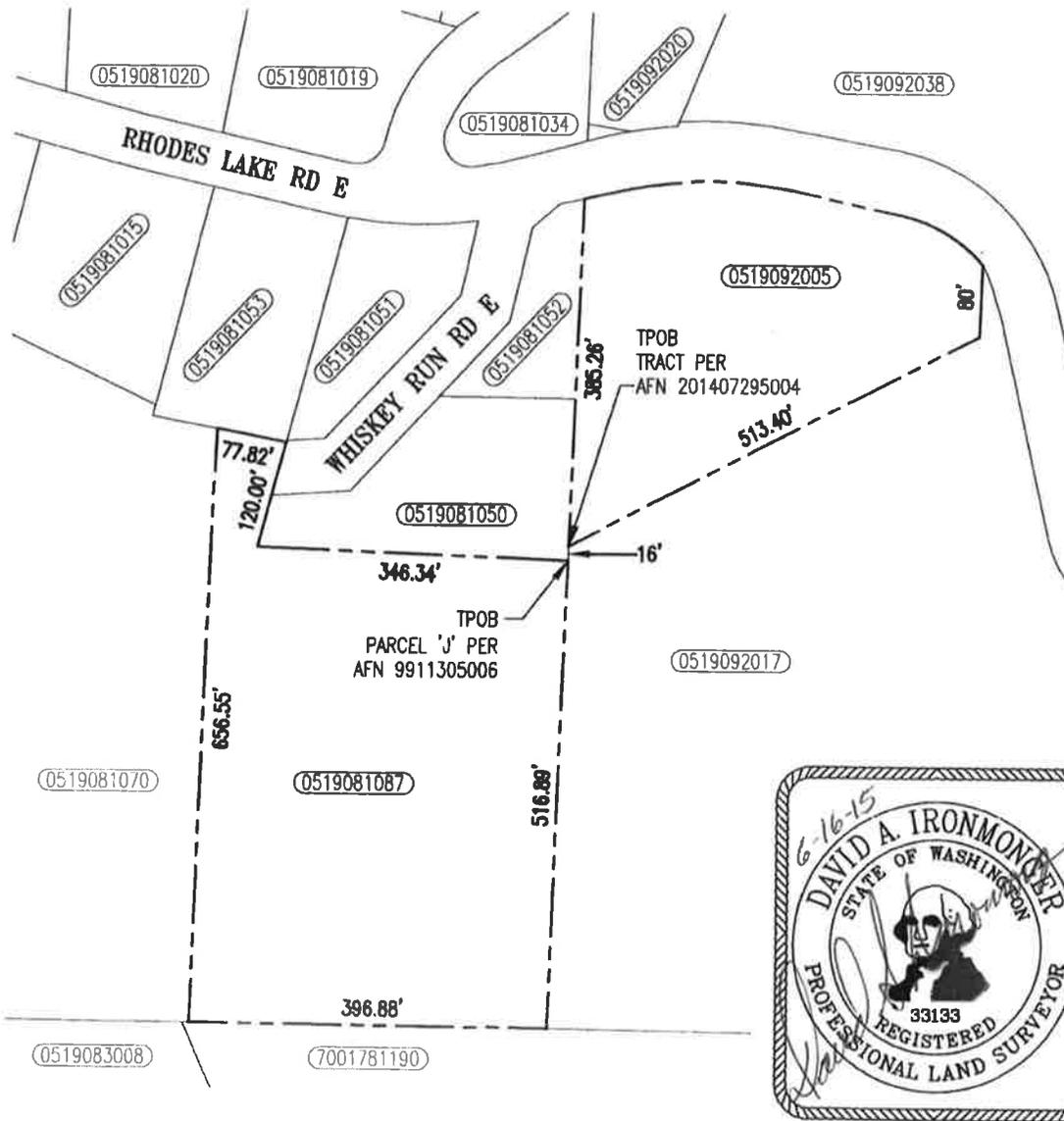


EXHIBIT A
CITY OF BONNEY LAKE
ANNEXATION
PARCEL NOS:
0519081087 / 0519092005

FILE: 1611013P39ANNEX DATE: Jun 15, 2015

**PORTIONS OF THE
SE 1/4 OF THE NE 1/4 OF SECTION 8 AND
THE SW 1/4 OF THE NW 1/4 OF SECTION 9,
TOWNSHIP 19 NORTH, RANGE 05 EAST, W.M.
PIERCE COUNTY, WASHINGTON**



Parametrix

SCALE IN FEET

LEGEND	
	SUBJECT PROPERTY BOUNDARY
	PARCEL LINES
TPOB	TRUE POINT OF BEGINNING

EXHIBIT B
CITY OF BONNEY LAKE
ANNEXATION
PARCEL NOS:
0519081087 / 0519092005



Memo

Date : April 6, 2016
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D16-48.**

The Planning Commission is recommending that the City Council adopt the Public Facility zoning classification for the properties (Tax Parcel 0519081087 and 0519092005) that are proposed to be annexed pursuant to RCW 35A.14.300.

The proposed zoning will further the City's objective of utilizing the properties for a Community Park consistent with the *Bonney Lake 2035 – Community Facilities and Services Element* – Section 4. Specifically, Table 6-8 and Figure 6-9, which identify the properties as part of the Victor Falls Community Park. Additionally, the Fennel Creek Trail will likely be constructed across these properties.

The Planning Commission concludes that the adoption of the Public Facility zoning classification for the proposed annexation area contained in this Ordinance furthers the following goals and policies of *Bonney Lake 2035*:

- **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 service standard.*
- **Policy CD-4.2:** *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.*
- **Policy CD-4.6:** *Allow recreational uses on lands designated as environmentally critical areas provide that that uses do not impact the function and values of environmentally critical areas.*

- ***Policy CFS-6.1:*** *Provide parks and recreational facilities that enhance the City's natural setting, respect natural resources, and preserve the community character.*
- ***Policy CFS-6.2:*** *Where land is conserved due to environmental limitations, such as wetlands or riparian corridors, consider extending trails through area without compromising ecosystems functions and values.*
- ***Policy CFS-6.3:*** *Incorporate historical and cultural sites, markers, or activities into the park system where feasible.*

The Planning Commission voted 7-0-0 to recommend that the City Council approve Ordinance D16-48.

As required by BLMC 14.40.100, the Planning Commission adopts the following findings of fact in support of its recommendation:

1. On April 6, 2016, the City of Bonney Lake Planning Commission held a public hearing to consider the amendments to the City's development regulations contained in this Ordinance, as required by BLMC 14.140.080.
2. The City complied with all applicable notice, timing, and comment provisions in scheduling and carrying out the above-referenced hearing.
3. At the above-referenced hearing, the City of Bonney Lake Planning Commission determined that the Public Facility zoning classification for the proposed annexation area contained in this Ordinance are consistent with other BLMC development regulations and with the laws of the State of Washington.
4. Under the State Environmental Policy Act (SEPA) the adoption of this Ordinance is a non-project action as defined by WAC 197-11-704(2)(b). The adoption of the proposed zoning classification is not exempt from SEPA and the SEPA Official issued a Determination of Non-Significance (DNS) utilizing the optional method. The public comment period for the proposed DNS concluded on April 6, 2016.
5. Pursuant to RCW 36.70A.106(3)(b) the City requested expedited review of this Ordinance from the Department of Commerce.

**STATE ENVIRONMENTAL POLICY ACT
THRESHOLD DETERMINATION OF NON-SIGNIFICANCE**

Description of proposal: Adoption of a pre-annexation zoning classification of Public Facility for two properties owned by the City of Bonney Lake that are proposed to be annexed pursuant to RCW 35A.14.300.

Applicant: City of Bonney Lake

Location: Tax Parcels 0519081087 and 0519092005

Lead agency: City of Bonney Lake

The City of Bonney Lake has determined that the above described project does not have probable significant adverse environmental impacts on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

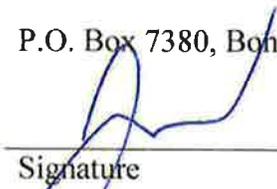
The City of Bonney Lake as the lead agency has also determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under Chapter 36.70A RCW and in other applicable local, state, or federal laws or rules as provided by RCW 43.21C.240 and WAC 197-11-158. Therefore, the City of Bonney Lake will not require mitigation measures under SEPA.

This DNS is issued under WAC 197-11-340 and WAC 197-11-355. The City of Bonney Lake will not take final action on this proposal until after May 23, 2015. The City utilized the optional DNS method and the comment period was provided from March 21, 2016 until April 6, 2016.

Responsible official John P. Vodopich, AICP
Position/title Community Development Department Director
Phone 253 447-4345
Address P.O. Box 7380, Bonney Lake, WA 98391-0944

5/6/16

Date



Signature

APPEAL: This SEPA determination may be appealed by filling a written appeal with the City of Bonney Lake Community Development Department. Such appeal must be filled by 5:00PM on May 23, 2015 and shall be consistent with the requirements of BLMC 14.120.020.

Please contact Jason Sullivan, Senior Planner, at (253) 447-4355 or email him at sullivanj@ci.bonney-lake.wa.us to read or ask about the procedures for SEPA appeals.

Jason Sullivan

From: COM GMU Review Team <reviewteam@commerce.wa.gov>
Sent: Monday, May 23, 2016 6:48 AM
To: Jason Sullivan
Cc: Andersen, Dave (COM)
Subject: 22382, City of Bonney Lake, Expedited Review Granted, DevRegs

Dear Mr. Sullivan:

The City of Bonney Lake has been granted expedited review for the: Proposed Ordinance D16-48 adoption of a pre-annexation zoning classification of Public Facility for two properties owned by the City of Bonney Lake that are proposed to be annexed pursuant to RCW 35A.14.300. This proposal was submitted for the required state agency review under RCW 36.70A.106.

As of receipt of this email, the City of Bonney Lake has met the Growth Management Act notice to state agency requirements in RCW 36.70A.106 for this submittal. For the purpose of documentation, please keep this email as confirmation.

If you have any questions, please contact reviewteam@commerce.wa.gov

Thank you.

Review Team, Growth Management Services
Department of Commerce
P.O. Box 42525
Olympia WA 98504-2525

City of Bonney Lake
City Council Agenda Bill (AB)

Department / Staff Member: CD/Jason Sullivan	Meeting/Workshop Date: June 14, 2016	Agenda Bill Number: AB16-48
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D16-48	Councilmember Sponsor: Donn Lewis

Agenda Subject: Victor Falls Municipal Annexation

Full Title/Motion: An Ordinance of the City Council of the City Of Bonney Lake, Pierce County, Washington, annexing certain real property, identified as the “Victor Falls property”, into the City of Bonney Lake, pursuant to RCW 35A.14.300, for use as a public park site, and assigning a zoning classification of “Public Facilities”.

Administrative Recommendation: Approve

Background Summary: The ordinance would annex two properties collectively identified as the Victor Falls property. Since the properties are both owned by the City and are contiguous with the existing incorporated boundaries of the City, these properties can be annexed pursuant to RCW 35A.14.300. This RCW allows cities who own property outside their jurisdiction boundaries, to annex the property, if used for municipal purposes. The City has annexed property using this method of annexation on six separate occasions between 1978 and 2007. The property is currently zoned Reserve 5 in Pierce County. As part of the annexation, the City would apply the Public Facility the zoning classification to the properties.

Attachments: Ordinance D16-48, Planning Commission Recommendation Memo, DNS, and Commerce Review

BUDGET INFORMATION				
Budget Amount	Current Balance	Required Expenditure	Budget Balance	Fund Source
				<input type="checkbox"/> General
				<input type="checkbox"/> Utilities
				<input type="checkbox"/> Other

Budget Explanation:

COMMITTEE, BOARD & COMMISSION REVIEW				
Council Committee:	<i>Approvals:</i>		Yes	No
	Chair/Councilmember		<input type="checkbox"/>	<input type="checkbox"/>
Committee Date:	Deputy Mayor		<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember		<input type="checkbox"/>	<input type="checkbox"/>
Forwarded to:	Consent Agenda:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Commission/Board Review:	Planning Commission – April 6, 2016			
Hearing Examiner Review:				

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

APPROVALS		
Director: JPV	Mayor:	Date Reviewed by City Attorney: (if applicable)