

When recorded mail to:  
Chris Green, Deputy City Clerk  
City of Federal Way  
33530 1st Way South  
Federal Way, WA 98003

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BY Chris Green  
TITLE Deputy Clerk

ORDINANCE NO. 94-219

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, ADOPTING PROPOSED ZONING REGULATIONS DESIGNATING APPROXIMATELY 700 ACRES CONTIGUOUS TO THE CITY'S EASTERN BOUNDARY, CORPORATE PARK ZONE (CP-1), OFFICE PARK 1 (OP-1), OFFICE PARK 2 (OP-2), OFFICE PARK 3 (OP-3), OR SINGLE FAMILY RESIDENTIAL (RS-9600) AND AMENDING THE OFFICIAL ZONING MAP, TO BECOME EFFECTIVE UPON ANNEXATION OF THE PROPERTY AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE CONCOMITANT PRE-ANNEXATION ZONING AGREEMENTS (AMENDS ORDINANCE NO. 90-43).

RECEIVED  
NOV - 7 1994  
CITY CLERKS OFFICE  
CITY OF FEDERAL WAY

WHEREAS, on April 7, 1994, pursuant to RCW 35A.14.120, Weyerhaeuser Company filed a Notice of Intention to Petition for Annexation to the City of Federal Way of approximately 700 acres, which property is legally described in Exhibit A attached hereto and incorporated by this reference (the "Subject Property"); and

WHEREAS, on April 19, 1994, the City of Federal Way, having determined that Weyerhaeuser Company was the record owner of not less than 10% in assessed value of the Subject Property, as certified by the City Clerk, and that the Notice of Intention was legally sufficient in all other respects, accepted Weyerhaeuser Company's Notice of Intention, and authorized the preparation of a Petition for Annexation, and preparation of proposed zoning regulations for the Subject Property; and

WHEREAS, on April 22, 1994, Weyerhaeuser Company submitted its Petition for Annexation representing at least sixty percent (60%) in assessed valuation of the Subject Property, as certified by the City Clerk; and

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KING COUNTY RECORDS  
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*All 118 pages  
of Ordinance  
were recorded  
w/ KC -*

**COPY**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, ADOPTING PROPOSED ZONING REGULATIONS DESIGNATING APPROXIMATELY 700 ACRES CONTIGUOUS TO THE CITY'S EASTERN BOUNDARY, CORPORATE PARK ZONE (CP-1), OFFICE PARK 1 (OP-1), OFFICE PARK 2 (OP-2), OFFICE PARK 3 (OP-3), OR SINGLE FAMILY RESIDENTIAL (RS-9600) AND AMENDING THE OFFICIAL ZONING MAP, TO BECOME EFFECTIVE UPON ANNEXATION OF THE PROPERTY AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE CONCOMITANT PRE-ANNEXATION ZONING AGREEMENTS (AMENDS ORDINANCE NO. 90-43).

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WHEREAS, on April 7, 1994, pursuant to RCW 35A.14.120, Weyerhaeuser Company filed a Notice of Intention to Petition for Annexation to the City of Federal Way of approximately 700 acres, which property is legally described in Exhibit A attached hereto and incorporated by this reference (the "Subject Property"); and

WHEREAS, on April 19, 1994, the City of Federal Way, having determined that Weyerhaeuser Company was the record owner of not less than 10% in assessed value of the Subject Property, as certified by the City Clerk, and that the Notice of Intention was legally sufficient in all other respects, accepted Weyerhaeuser Company's Notice of Intention, and authorized the preparation of a Petition for Annexation, and preparation of proposed zoning regulations for the Subject Property; and

WHEREAS, on April 22, 1994, Weyerhaeuser Company submitted its Petition for Annexation representing at least sixty percent (60%) in assessed valuation of the Subject Property, as certified by the City Clerk; and

WHEREAS, it is anticipated that the Subject Property may be annexed by the City; and

WHEREAS, the City has negotiated Concomitant Pre-annexation Zoning Agreements with Weyerhaeuser Company, with Puget Sound Power & Light Company, and with William J. Chase and Jeanette Chase, husband and wife, and the William J. and Jeanette Chase Living Trust, copies of which are attached hereto and incorporated herein by this reference (the "Concomitant Agreements").

WHEREAS, all environmental review required by the State Environmental Policy Act, RCW 43.21C has been completed; and

WHEREAS, on June 7, 1994, the City Council and Planning Commission jointly held a public hearing, after public notice as required by law, on the adoption of the proposed Concomitant Agreements containing the zoning regulations for the majority of the Subject Property; and

WHEREAS, the Planning Commission of the City of Federal Way, on June 15, 1994, recommended that in the event of annexation, the Subject Property be zoned pursuant to the zoning districts set forth in Exhibit B, "Zoning Designations," and attached to the Concomitant Agreements, as Exhibits C, D, E and F; and

WHEREAS, on July 19, 1994, more than thirty days after the first public hearing as required by Federal Way City Code ("FWCC") Section 19-103(b), the City Council held a second public hearing, after public notice as required by law, on the adoption of the pre-annexation zoning regulations for the Subject Property and on the proposed annexation; and

WHEREAS, FWCC Section 19-102 provides a process for establishing a zoning designation upon annexation of property which does not have a pre-established zoning designation; and

WHEREAS, the Subject Property does not have a pre-established zoning designation in the City of Federal Way's Official Zoning Map; and

WHEREAS, FWCC Section 19-104 authorizes the use of pre-annexation concomitant agreements to establish zoning designations; and

WHEREAS, FWCC Section 19-103(b)(5) sets forth the decisional criteria to be considered by the City Council in connection with an initial zone classification; and

WHEREAS, FWCC Section 19-104(g)(1) sets forth the decisional criteria to be considered by the City Council in connection with any proposed pre-annexation concomitant agreement; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby finds that the best interest and general welfare of the City will be served by annexing the Subject Property and further finds that designating the Subject Property as Corporate Park 1 (CP-1), Office Park 1 (OP-1), Office Park 2 (OP-2), Office Park 3 (OP-3), and Single Family Residential (RS-9600), as set forth in Exhibit B, "Zoning Designations," in the Concomitant Agreements and Exhibits C, D, E, and F to the Concomitant Agreements, will promote the health, safety and welfare of the citizens of the City of Federal Way. The

City Council further finds that there is no pre-established zoning designation in the City of Federal Way's Official Zoning Map for the Subject Property. The City Council adopts the findings of the Planning Commission with respect to both the annexation action and the Concomitant Agreements contained in the Planning Commission's Recommendation dated July 12, 1994, on Zoning, Comprehensive Plan and Annexation of the Weyerhaeuser Annexation.

Section 2. Conclusions. Pursuant to FWCC Sections 19-103(b)(5) and 19-104(g)(1), the Federal Way City Council makes the following Conclusions of Law with respect to the Decisional Criteria necessary to approve an initial zone classification and to approve the proposed Concomitant Agreements:

(A) The proposed Concomitant Agreements will have a beneficial effect upon the community and users of the development which would not normally be achieved by traditional application of the City zoning districts and will not be detrimental to existing or potential surrounding land uses as defined by the Comprehensive Plan because users will be provided the flexibility in the Concomitant Agreements to attract other large corporate users to the area or to continue current operations. The Concomitant Agreements provide the City with the benefit of additional revenues, jobs (both direct and indirect), and other economic benefits from potential development under the Concomitant Agreements. Further, the City will enjoy the indirect benefits of name

recognition from association with the world headquarters for Weyerhaeuser Company.

(B) Unusual environmental features of the site will be preserved, maintained and incorporated into the design to benefit the development in the community because the Subject Property has widely recognized natural features ranging from North Lake and Lake Killarney to the Weyerhaeuser Bonsai Collection and Rhododendron Garden which attracts visitors on an international scale. The Concomitant Agreements will provide property owners the means to preserve and protect these natural features as well as providing the City with the ability to ensure that all natural features are adequately protected.

(C) The Concomitant Agreements provide for areas of openness because any development in the corporate headquarters area is low density characterized by large expanses of open space. The character of the Subject Property will be preserved under the Concomitant Agreements.

(D) The Concomitant Agreements and the initial zone classification of RS-9600 are consistent with the comprehensive plan, are consistent with all applicable provisions of the Federal Way City Code, and are consistent with the public health, safety and welfare.

Section 3. Zoning Designations. The Subject Property, legally described in Exhibit A, is hereby designated, in the event of the future annexation thereof to the City of Federal Way, as

Corporate Park Zone (CP-1), Office Park Zone 1 (OP-1), Office Park Zone 2 (OP-2), Office Park Zone 3 (OP-3), and Single Family Residential (RS-9600), as more particularly described in Exhibit B, "Zoning Designations," in the Concomitant Agreements and Exhibits C, D, E, and F to the Concomitant Agreements.

Section 4. Amendment to Zoning Map. The Official Zoning Map of the City of Federal Way shall be amended to show the proposed zoning classifications for the Subject Property described in Section 3 hereof, and the Planning Manager is hereby authorized and directed to make such changes to such Official Zoning Map upon annexation.

Section 5. Effective Date of Zoning Designations. The proposed zoning regulations and map amendments described in Sections 3 and 4 hereof shall become effective upon annexation to the City of Federal Way of the Subject Property, or upon annexation of any portion thereof as to the portion annexed, upon the effective date of such annexation.

Section 6. King County Auditor. The City Manager shall file a copy of this Ordinance, duly certified as a true copy, with the King County Auditor, pursuant to RCW 35A.14.340. Upon annexation, the Planning Manager shall make the amendment to the Official Zoning Map of the City of Federal Way to show the designations for the Corporate Park Zone (CP-1), Office Park Zone 1 (OP-1), Office Park Zone 2 (OP-2), Office Park Zone 3 (OP-3) and the interim designation for Single Family Residential (RS-9600)

zone, and shall file a copy, duly certified as a true copy, with the King County Auditor, pursuant to RCW 35A.14.340.

Section 7. Concomitant Agreements. The City Manager is authorized by the City Council to enter into the Concomitant Agreements and take all further and necessary action required by the Concomitant Agreements.

Section 8. Environmental Review. The City herewith designates this Ordinance as a basis for the City's exercise of authority under FWCC Section 18-122 and under the State Environmental Policy Act, and by this reference incorporates this Ordinance within the provisions enumerated at FWCC Section 18-122(d).

Section 9. Severability. The provisions of this Ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Ordinance, or the validity of its application to other persons or circumstances.


Section 10. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.



Section 11. Effective Date. This Ordinance shall be effective thirty (30) days after passage and publication as provided by law.

PASSED by the City Council of the City of Federal Way this 16th day of August, 1994.

CITY OF FEDERAL WAY

 FOR  
MAYOR, MARY E. GATES

ATTEST:

  
CITY CLERK, MAUREEN M. SWANEY, CMC

APPROVED AS TO FORM:

  
ACTING CITY ATTORNEY, LONDI K. LINDELL

FILED WITH THE CITY CLERK: July 26, 1994  
PASSED BY THE CITY COUNCIL: August 16, 1994  
PUBLISHED: August 20, 1994  
EFFECTIVE DATE: September 19, 1994  
ORDINANCE NO. 94-219

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