

**Planning Commission**  
**January 24, 2005**

Chairperson Schneider called the regularly scheduled meeting to order at 7:05 PM.

The following members were present: Lisa Cramer, James Montgomery, and Sandy Ramsey and Cindy Maas. Ken Smith and Cristi Boyle-Barrett were absent. Also in attendance were staff members Gwen Rousseau and Dan Staley and City Administrator Dave Schmidt.

Cramer moved to approve the minutes of the January 10, 2005 commission meeting as corrected. Ramsey seconded the motion and the motion carried.

**Citizen Participation:**

Marvin Sundstrom, 881 Sheets Road. Mr. Sundstrom stated he was here tonight to speak to the Planning Commission to give them factual information and background history regarding water rights, Spiketown Ditch and water overflow problems. The town of Buckley was incorporated in 1889, more than likely there was a water system in place to serve the town's citizens. The city has recorded easements referencing a municipal water system beginning in 1909 just south of Rainier School. Some of the language in the easement states, a main water pipe consisting of a 10 or 12 inch wire round wooden staved pipe for purpose of supplying the inhabitants and customers of the said town of Buckley with water by means of a gravity water system. Included in this is that it will be buried 3 feet below the ground so that it does not disturb agricultural or logging interests. Also included in this is the statement that if the pipe leaks and the City doesn't fix it, the people have the right to request to have the water shut off. Additionally there are easements for water transmission lines which are roughly a mile south and a quarter mile east of the far southeast city limits. There are no easements to handle any water overflow which might result from this water providing system from being in place. As we all know we have never had a system of controlling the water flow, you either shut it off or just let it go. Over the years the City of Buckley record keeping and efforts at recording legal documents is less than acceptable. Mr. Sundstrom then gave factual rain fall information. In 1934 the City of Buckley obtained a recorded easement off of Klink Street for an open drain to drain the water that may come from the reservoir. The city was to dig the ditch and after they dug the ditch, the property owner was not to look to the City for any maintenance of this ditch. A corresponding easement for the other half does not exist, nor has the City of Buckley been able to provide an engineering design as requested for any drainage ditch that would have been built on this NE corner of section 11. Mr. Sundstrom then went over some history regarding the drainage ditch. In 1950 the City of Buckley increased their reservoir to 527,000 gallons; this is the reservoir to the south that is presently not in use. In 1952 the city of Buckley received money to upgrade Ryan Road. Some of the residents along Ryan Road refused easements, so the City turned to the property owners south of the Ryan Road. Easements were granted by all property owners stating the grantee is desirous of constructing a drainage ditch and after the ditch is constructed the City will come upon the property as often as necessary to inspect, repair and maintain. Needless to say the City has been very creative with

excuses not to live up to their end of the easement. When we have a rain, the water moves through this ditch fast. The change in the elevation from the start of the ditch to Highway 165 is 113 feet. In 1992 the City of Buckley adopted a critical areas ordinance. On page 21 of this ordinance references sensitive areas maps, though these maps have been requested several times, the City has not been able to produce these maps. In 1996 the City experienced a rainfall of 7 inches in two days. The rainfall during the night of 1-1-17-05 was 3.4 inches. This 7 inch rainfall highlighted the inadequacy of the drainage plan at that time. In 1998 the city enlarged culverts on Ryan Road. The City also worked on other drainage issues within the City of Buckley, but this did nothing to resolve problems along the ditch from the reservoir. In 1998 the City arranged a work crew from Pierce County corrections that brushed the reservoir ditch along most of its length. After a complaint from a citizen to the Army Corps of Engineers, the City conveniently failed to dispute the Army Corps of Engineers authority. In 1999 the City shut the water off to the reservoir ditch to remove a root. The ditch was dry for four days, how could fish survive for four days without water and how could new fish get into this ditch? In 2001, the Buckley Planning Commission met with a select group of property owners along the reservoir ditch to submit a proposal for a wetland mitigation plan. When these property owners expressed reservations, the City Planner and members of the Planning Commission cobbled together an environmental group to put this plan into action all the while denying this was a city sponsored group. Property owners along the ditch were dissatisfied with this approach and eventually reorganized the group to be more citizen responsible. Mr. Sundstrom then gave some comments that he has heard from certain citizens and professional people. The City of Buckley has probably been overdrawing their water rights as most small cities have. This overdrawing of water and the wasting of that water and the system of ditches in uplands are major reasons of the pseudo wetlands down slope of the city's reservoir. Watch this nice pseudo wetland disappear since the overflow has been relocated to go into the ditch on Levesque Road. Maas stated she is not quite sure exactly what Mr. Sundstrom was getting at. Mr. Sundstrom stated what he was doing was presenting several facts: 1) Spiketon is not a creek; it is a ditch, created in three segments. He also feels the city should move this ditch.

**Final Discussion on permitted, conditional, accessory and prohibited uses:**

Schneider stated he has some suggestions regarding changes for the Light Industrial zone. He feels that having banks, offices and such should be included. Cramer stated their vision was having these types of uses centered in the general commercial or central commercial zones. It is more convenient for the locations. Staley explained is not that they don't want businesses to come in; they are just trying to keep certain businesses in certain locations to shape the growth of Buckley into this particular mode. Schneider stated he doesn't see a problem with having a health club, martial arts, etc. He also doesn't understand why the adult entertainment is a conditional use but arcades are not even allowed. Also we need to do something with accessory dwelling units. Schneider stated he feels the people who live in this area are getting all the restrictions and the worst uses without any benefits. Rousseau stated the purpose of this zone isn't to have people live there and this is a future plan. Administrator Schmidt stated he had a few that he felt should be allowed or conditional such as building materials, garden and farm supplies, motor vehicle sales, plant nurseries, landscaping materials, greenhouses, etc. Schneider

stated those are fine, but he would like to see accessory dwelling units, because there are a lot of people in that area that have concerns about this. Administrator Schmidt stated as we talked at the last meeting, what we are going to do is have these as non-conforming uses and allow them to continue with the requirements of the RB zone. Staley stated in the zones he has done there is a clause within all the new zoning classifications that states this. Schneider stated he would also like to add, daycare and small appliance repair shops. It was decided to have these changes made and bring it back to the next meeting.

Administrator Schmidt stated we received a letter from the State which states if we don't have the updates done, we cannot apply for grants and now they are stating we will also not be able to apply for Public Works Trust Fund Loans. We have a 10 million dollar loan application coming up in May to build the new sewer plant. If our updates are not done and adopted by the City by then, we are not eligible to submit for the Public Works Trust Fund Loan. He is going to get an interpretation from CTED to make sure, but we are thinking we need to get all the elements for the Comprehensive Plan done now and then we would have a year to implement the plan so we could then work on the zoning requirements. We have the park plan done. We need to finish up and hold a public hearing on the transportation element. Gray and Osborne are working on the last two elements right now which are the utilities element and capital facilities element. At this point our focus needs to be on the elements and the critical areas ordinance.

**Transportation Element:**

Staley and Rousseau stated that they have made changes and added information to what has been provided to us by Gray & Osborne. They need to know if this plan is what the Planning Commission is looking for. Cramer stated she felt this is very reader friendly. Ramsey asked about the XX's on page 4. Rousseau stated she had not collected all this information yet but would like to. Administrator Schmidt stated some of this information will never be found and that it should be done more generic with ranges rather than detail. Cramer stated on page 8 under "Transportation Strategy", she feels we should add something about the Master Plan and what may be done with the changing of Main Street, etc. Administrator Schmidt stated one thing he didn't like is that Ron just skipped over the condition of our current streets. He feels there needs to be more information on mitigation with improvements to the current streets. Cramer stated on the tables and figures, double check because they are all out of order. On page 24 will the round about have any impact on the zoning we have been talking about. Administrator Schmidt stated it should be compatible. DOT preferred alternative was for the re-alignment rather than the round about. Administrator Schmidt stated we need to show the other alternatives to the SR/165 intersection as an appendix. Cramer stated on Table 7, pages 25, 26 & 27, she feels it should be done on a grid so it is easier to read. Administrator Schmidt stated the mitigation impact fees, SR 410 corridor plan, and the future street plan should all be done as appendices. Administrator Schmidt stated the other thing that needs to be added is a list of the existing roadway classifications. Montgomery stated on page 4, under concurrency and the level of service, could we identify the intersections that will be impacted more severely than others. Administrator Schmidt stated our current impact fee we charge new residents right now is \$2,800, the new impact fee from this plan will be \$6,300. Ramsey stated on page 7, the first sentence should have "public transportation"

added after River and Main. Rousseau stated she copied what Gray & Osborne gave us for the future street plan, however; previously we had talked about adding more streets and points of intersections. She wants to know if we still want to do that. Administrator Schmidt stated this map needs to be enlarged to 11x17 so it is more readable. There was a brief discussion on this. Administrator Schmidt suggested that staff make changes if necessary. The commission was in agreement with this.

Changes will be made to the transportation element, and be brought back to Commission for the next meeting on January 31, 2005 and a public hearing will be scheduled for February 7, 2005.

Administrator Schmidt stated if we have time and comments back from Adolfsen, we may make some minor changes to the Critical Areas Ordinance with the possibility of having the public hearing on the Critical Areas Ordinance on February 7, 2005. Staff will determine whether or not the public hearing will be on the 7<sup>th</sup>.

The next meeting will be January 31, 2005 at 7:00 PM.

With nothing further the meeting was adjourned at 8:58 PM.