

Planning Commission
February 15, 2005

Chairperson Schneider called the scheduled meeting to order at 6:16 PM

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

Transportation Element Public Hearing:

Rousseau explained to the audience how the transportation element was put together. Gray and Osborne compiled the information for this transportation plan. We have taken this information along with the information that was presented to the city at the two community meetings and implemented this transportation element. We have set the level of service standard so that when a development comes in they have to comply with this level of service and cannot diminish it in any way.

Schneider opened the public hearing at 6:19 PM.

Evelyn Chandler, 1434 E. Mason Ave., would like to know if the transportation element deal with the transportation that goes through Buckley, is this for widening the streets. Schneider stated the transportation element is only within the Buckley City limits.

Bob Pacific, 890 Sheets Road, can you give a brief explanation about what the transportation plan is about. Staley stated the transportation plan is an element within the comprehensive plan. There are seven elements within this plan and all elements have to be turned into the County and the State for approval. The transportation plan is how we intend to accommodate automobile traffic, pedestrian traffic and transit traffic. How it moves from one place to the other and how we accommodate for the growth in Buckley.

Bob Pacific, 890 Sheets Road, they understand this is a plan for the future growth of the City but is it planning for the rezone of the City.

Staley stated the transportation plan does reflect the zoning changes and for the growth of the city. Street widening, forecasts, trips per day going down the roads, street lights, intersections, pedestrian access and crosswalks, etc. are all discussed within this plan.

Rousseau stated the element is a planning document to be a guiding document for when decisions are made, the goals help with making the decisions for the future. The transportation and land use are integrated, but this is more of a level of service standard for the entire city. It is not just being updated because of the zoning changes.

The public hearing was closed at 6:30 PM.

Zoning Code Public Hearing:

Staley and Rousseau gave an overview of the zoning changes within the City. What we are trying to do is upgrade the wastewater treatment plant and we found out last week in order to do this we had to have the zoning code updated by May 1, 2005 to secure the loan for this upgrade. He apologized to the public for the notices not having the information that he would liked to have had, with the time crunch he was only able to do a brief letter. He then gave a power point presentation to the public and the commission to explain why these zoning changes are being made. The reason the zoning is changing is because of the changes with the comprehensive plan. Through the public meetings we have taken the information and put onto paper how we want Buckley to look and how we want it to grow. We know we have to grow in Buckley. The growth management act requires us to have a minimum of 4 units per acre. Being in compliance is the only way Buckley is able to get loans and grants. How do we choose to grow, there are three ways, you can either have no growth, you can have planned growth or you can have unplanned growth. The City of Buckley has chosen to have planned growth. The information we received from the public meetings is we wanted to have economic development, we wanted to have efficient service delivery and preserve the small town character of Buckley.

Schneider stated there are conflicts in growth. Some people want to keep the open space and some want to see development. It has been a tough balancing act for the Planning Commission and that is why we are here today to get input from the public.

The public hearing was opened at 6:44 PM.

Jane Hansen, 2275 Ryan Road, the question she has is if the commission would consider extending the deadline for written comments. Schneider stated we will extend this deadline to February 22, 2005.

Ted Papenbrock, 100 So. McNeeley, he has lived in this town for over 50 years, his wife has lived in this town for over 70 years. They have already paid for three sewer treatment plants and he doesn't want to pay for another one. Let the developers pay for the treatment plant and let them build 4 units per acre, not 8 units per acre. The commission is trying to come in here and cram this down the old timers face and they are not going to stand for it. This is the most ridiculous thing he has heard of his entire life. He doesn't understand where this is coming from. He is definitely against the 8 units per acre.

Marvin Sundstrom, 881 Sheets Road, high interest rates and tight money will shut down development real quick. He would like to commend the commission for all their hard work even though he doesn't agree with most of it. Having read RCW 36.70A a number of times, he has not located a requirement of 4 units per acre. RCW 3678.210 states nothing in this section shall be construed to alter the land use power of cities, which means we the citizens get to decide what we want to do. If he missed the 4 units per acre, which he thinks, came from the growth management hearings board, he doesn't agree with it. There are drainage issues that need to be addressed by the city. He thinks the city may want to rethink the designations in the agricultural area.

Penny Marlow, 646 No. River Ave, Buckley Nursery, their current zoning is RA residential agriculture. They are located next to Copperwynd and they would like to have the same designation as Copperwynd which is LDR5.

Marsha Kittle, 209 Cedar Street, she currently lives in an RB zone, she understands that the new designation which is MDR8 and requires 5,000 square foot per lot. There current home is on a 4,000 square foot lot and she is concerned if something were to happen to her home, would she be able to rebuild on that lot. Schneider stated yes you would. How will this affect their property values and then their taxes. Schneider stated what they were told by the assessors, is that they don't go by that, they look at other homes within the area and how much they are being sold for and if development is occurring.

Jeri Dever, Owner of Ladies and Loggers on the corner of A and Main Street. Previously they were zoned RB which she always felt this is wrong and now they are going to be rezoned to MDR8, she feels it should be Historical Commercial.

Gary Barquist, 276 Rainier Street, he doesn't understand a lot about zoning. With the 4 units per acre, does the County require a certain percentage of multi-family and low income and if they do what is going to happen when the properties deteriorate and have junk cars piled up. Schneider stated they encourage us to plan for affordable housing, and Buckley generally supports that with the worry there could be a problem so we will be looking at stronger ordinances and enforcement.

Debra Gale, 766 Ashley Court, and her states their zoning will be going from RB residential buffer to HDR high density residential. She feels this is a huge jump in density and would like to know how this will affect her property. Schneider stated because this is already built out, it basically won't affect her.

Larry Breeden, VFW Hall, his letter states that they are currently B-1 and he doesn't know what B-1 means and they are rezoning to CC. How does that affect them. Schneider stated it won't affect them at all.

Gerald Schmits, he is representing the property of 190 Park Ave, he would like to know regarding the grand fathering in of non-compatible uses. Will this use continue. Staley stated yes it will. His area is going to be re-zoned NMU mixed use. He doesn't feel having this NMU protects the residential neighborhood and doesn't feel this has any connectivity.

Jeff Money, 386 So. A Street, he is trying to understand the zoning himself. His zone is going to 8 units per acre which means he can put 8 units on his acre. Mr. Staley stated mentioned it is not the intent to have condensed housing in Buckley, but when you put 8 units per acre that is condensed. Mr. Money would like to know what is happening to the Miller property, he understood that there will be apartments placed on this. Boyle-Barrett stated it is within the park plan that this will be a park along with senior housing. Why

do we have to accept this, do we have any recourse as citizens, can we stop this, are we just venting and then have the zoning change anyway. Maas stated the State is mandating us to do this. Discussion ensued. Schneider stated it is his understanding that we as a body are not allowed to zone anything less than what we have discussed. Whether it should be LDR5 or MDR8 may be another issue that needs to be discussed. Staley stated the Central Puget Sound Growth Management Hearings Board has upheld the intent of the RCW for a minimum of 4 units per acre. The other concern is growth is happening and how do you guide this. Rousseau stated all the comments tonight are being heard. After the commission receives the feedback, the decisions will be made and presented to the City Council and the City Council will then have the final decision on this. One of the goals of the growth management act is to provide affordable housing opportunities for all segments of the population. Buckley historically downtown is eight units per acre and that is where we came up with the figures. Where this density goes and how much we should have were tough questions for the commission.

Kristen Sisco, 147 No. A Street, stated she cannot believe the attitude of one of the planning commission members towards Mr. Money. She feels Mrs. Maas is very unprofessional. The least the community can expect from the planning commission is thoughtful interaction and the best answers and jobs they can do in responding to them. She feels Maas owes Mr. Money an apology.

Maas stated she has donated so much of her time to this city and the city has begged for information from the community. The Planning Commission has given countless hours of their time. They have been meeting every Monday from the middle of July through now. It is frustrating when people come in now and haven't followed what has been happening in the city and state they don't want this and don't want that. She will not apologize because she has given many hours to this city and therefore she is resigning effective now.

Schneider stated for the future we will not have any more personal attacks in either direction.

Kristen Sisco stated that was not a personal attack. This is the first letter she has received and this was the first open format time that they have. There are obviously people that are interested and that is why they are here.

Marvin Sundstrom stated the first thing that needs to be addressed is that you can come to any meeting of the planning commission at any time because he has been to several of them. It's not like you couldn't be here, he is saying if you are going to sit at home, this will come as a surprise.

Terry Young, 1047 Jefferson Street, he can benefit from this because he can go down to 5,000 square foot lots and put a lot of houses on his property. He does have the planning commission's respect because they have put in a lot of time on this. He doesn't agree with the density, he feels this is just to get the sewer treatment plant upgraded. He doesn't think the process is right. On the Miller property it was for the senior citizen

housing on the front with a park in the back. He was told that there will be a plaque stating this property was donated from Harold and Martha Miller. When the city states that this is going to be a park, he doesn't believe it. Administrator Schmidt stated it is in the park plan to be a park.

Angela Toman, 834 Sheets Road, she would like to stand up for the Planning Commission, she doesn't necessarily agree with the 8 units per acre. She thinks they have us here to give our input and discuss the issues. She feels everyone that has been up here has been attacking them. There has to be growth, and they have asked us here to give input on how it should happen.

Christy McQuillen, she works for the City of Bonney Lake and lives at 821 Couls Ave. She is a newer resident to Buckley. She was surprised that the letter she received was dated 2-4-05; however she didn't receive it until the 12th. She would like to know how we can go about extending the time in which the notification process is done, if that is a code amendment or if it is a comprehensive plan amendment. She would also like to know if at the library the planning commission can post when comp plan amendments can be made by the general public. A lot of people are unfamiliar with the long range planning process. She thinks it is important for the planning commission to understand that if people are not available here in the building to find out about the maps and comp plan amendments and how long range planning works, that some of this information be made available at the library or on the web. She would like clarification on the HDR as to whether it is 5,000 square feet per unit or 8,000 square feet per unit. Staley stated it is 5,000 square feet per unit. Ms. McQuillen stated the planning commission may want to correct this. In addition is there any information as to when comp plan amendments can be done by the public and is there a fee. Staley stated comp plan amendments can only be updated once a year which would be at the end of every fiscal year. McQuillen would like to volunteer to be on any planning committee the City has. She would like it if the City could more broadly publicize the information.

Michael Cannon, 112th Street, and has been a resident here for 20 years. He thanked the Planning Commission for their efforts. Regarding the tax rates are they based on the zone or is it just on the assessed value, will the taxes change if the zone changes from one to another. Schneider stated it is his understanding that if someone in the area sells their property for a large sum of money the properties around them will go up. He would like to know where the uses for the zones came from because there are some inconsistencies. Schneider stated he would like to have Mr. Cannon's suggestions in writing.

Administrator Schmidt stated for the Planning Commission and audience's benefit, we have reached maximum occupancy so we have had to turn some people away, therefore, the meeting will have to be continued to a future date.

Cliff McDermitt, 869 Ryan Road. He thinks these meetings are posted at City Hall. He would like to make a comment that a lot of people are against this, however, utility costs are not going to go down. You need growth and development to help with these costs.

He is in favor of this plan and the zoning. We can't just keep it like it is and not grow; the only way you are going to be able to survive is to grow.

Garry Brevik, 340 No. McNeeley, he spent twenty years on the planning commission. The gentleman just stated that in order for things to be paid for you need development, you don't necessarily need residential growth, you need commercial growth, and you need more business to pay the bills. He likes living in Buckley because of the open space and the way it looks now. When you are looking at 5,000 square foot lots, you are not looking at houses, you are looking at apartments. You start filling this RA area with 5 units per acre, things are going to get worse, and they are not going to get better. One thing he doesn't see and that is articles in the local paper, maybe we need to invite the Courier Herald back to the planning commission meetings so they can report in the paper what is going on. The only people that benefit from this population increase are the developers. They come in and get their money and then leave and leave the City with the mess. He feels this needs to be looked at and make some changes. Do we really want Buckley to look like Bellevue, Redmond, Kirkland, Bonney Lake? The storm drain problems in town are a disaster and nothing has been done in years to the storm drain system.

Todd Miller, 333 No. McNeeley Street, he has a lot of the same concerns that some of the other people have. One thing he hasn't heard is people that have livestock, will they still be able to keep their livestock. Rousseau stated livestock is still allowed in the low and medium residential zones and requires a permit which is the way it is now.

Alan Long, 312 No. Elsa, he has one acre of property. The question has been asked several times about the property taxes and the board has stated it won't until property sells. If you go on the assessors' website, it says things a little different. The first question how is property valued in Washington State? The County's answer is: State law requires assessors to value all taxable property 100% of its true and fair market value in dollars according to the highest and best use of the property. Market value means the amount of money that a willing buyer not obligated to buy would pay to a willing seller not obligated to sell. Taking into consideration all uses to which the property is adapted and might be applied. They appraise property in three different ways. 1) market approach where they do comparable properties, 2) cost approach where they actually rate on what the cost of property was and 3) income approach where the appraiser uses the estimate of the income from the property and capitalize the income into an estimate of current value. Because this approach recognizes the potential buyers demand on which they anticipate future income. Here again you have developer that comes in that will give you X amount of dollars on a acre where you can put five houses on, don't think for a minute the County isn't going to charge you land value on that and taxes on the same. Another question is what is the maximum amount my property value may increase in any year? Washington State law does not provide for any limit on the amount property value can increase. So when some of these one acre parcels are being rezoned to eight units per acre and one lot in Buckley sells for around \$80,000 so the one acre, the County can charge for 8 building lots. Another question is how my value can change when I have not made any improvements on my property. The answer is changing highest and best use

and they give the example of changing from residential to commercial. Changing zoning will affect our taxes. The last question is if the value of your property increases, State law requires that your property taxes follow suit. Even if tax rates drop, a significant increase in value can result in an increase on individual parcels. All this information came off the Pierce County Assessor's Office website. Staley stated the highest and best use is economic terminology for commercial property. Mr. Long asked about whether or not there is a variance process for higher development. Administrator Schmidt stated the City has to certify we are in compliance with the GMA, which is what we are trying to do now. Someone asked in the audience what happens if we don't do anything. Administrator Schmidt stated if we don't do it, we will spend a lot of money on legal fees and then we will end up doing it anyway. Some places have already challenged the growth management boards and have lost, so the precedence has already been set. Mr. Long also thanked the Planning Commission for all their time they have put into this. This is a thankless job especially when you are a volunteer.

Ted Papenbrock, 100 No. McNeeley, he thinks that this hearing and all the people in here are not saying they don't want to see development, what we are trying to say is we don't want to see 8 units per acre, we would rather have 4 units per acre. Everyone moved here to have room to breathe, we don't want to see 8 units per acre. This board's recommendation doesn't mean anything because the City Council has the final decision.

Micki Cole, 1241-A Ryan Road, she moved here from California in Sacramento where she lived for years. When you are talking about adding 4 units per acre, she doesn't think she would like to see that happen to Buckley. When you are talking about changing the way life is now to the way the State would like it to be, she doesn't feel they should have the right to tell us how we can live on our property. The laws were made to protect the people, not do them in. She hears a lot of dissension tonight because people don't want Buckley to be like, Auburn, Renton, Bonney Lake or even Enumclaw. We need to stop and think before you start adding that many houses.

Kevin McCoy, 415 No. McNeeley, he has lived there for 15 years. Early on he heard about the grant for the sewer system. Is this rezoning required to get the grant? Administrator Schmidt stated this is the way the State is making the cities come into compliance with their comprehensive plans. Mr. McCoy asked if there is something in the works for the storm water system because everyone has problems with the storm water system. Administrator Schmidt stated the City has been preparing the comprehensive storm water plan, which has a capital facilities portion in it.

Gerald Schmitz, 190 Park Ave. He would like to clarify that basically what this plan is trying to do is that the City is showing that the City can infill at a rate of 4 houses per acre in order to justify the grant in order to provide sewer. It also puts the City in a position to expand the urban growth area. Schneider stated we tried to expand the urban growth area because there were several property owners just outside the city limits that wanted to be annexed in. We have enough open land in Buckley that Pierce County will not expand our urban growth area. He feels the people should understand that if the City doesn't achieve four house per acre that there is no penalty, they won't give the city their

grants, but maybe that is what the citizens would like to see. He doesn't understand why they are being set aside as the only commercial property in that area. Boyle-Barrett would like to explain what the NMU zone is and why they are putting it in that area. Rousseau stated the purpose of the NMU is to create the corner grocery stores. Most of the time the residential zones do not allow for commercial use. This is to allow for some sort of convenience store so people in the neighborhood can walk to these stores rather than getting into a vehicle or so that younger kids that can't drive can walk to these. Mr. Schmidt stated most of that area is already fully developed.

Marvin Sundstrom, 881 Sheets Road, he has spent a lot of time with the assessors office on tax assessments. There is no rhyme or reason on how they assess property. His question is on the commercial zone, and the sensitive areas, do those all get subtracted from the 4 unit per acre. Administrator Schmidt stated they look at net areas zoned as residential and when the County does their buildable lands program and we report the building permits every year and based on what we have zoned as residential they will do a comparison and do a net. He is having a problem with 8 units per acre if all of this land is subtracted. Administrator Schmidt stated on the last report, we were at about 3.6 units per net acreage.

Mark Kauzlarich, 381 E. Mason Ave., he had a couple questions. He heard this has been in the process since last summer and he is wondering why nothing was given to the property owners then to get involved in this process then. Administrator Schmidt stated all the meetings have been posted and part of the reason is the Planning Commission really didn't know what properties would be affected when the process first began. With the amount of growth how is the traffic and congestion going to be dealt with. Has there been talk about widening Highway 410 and adding another bridge, and if there is, will the public be notified before that happens so they can have input. Schneider stated the widening of the Highway would be the State. He understands things need to get done for growth, but maybe this is a big learning experience for everyone. Staley stated he has been taking notes and will make sure people are notified better for the projects that occur in the City and also working closer with the local paper to get articles written on what is happening. Mr. Kauzlarich would like to clarify what the minimum of 4 units per acre means. Administrator Schmidt stated the City has to provide the zoning of a minimum of 4 units per acre, but you can still build one house on an acre. If you property is zoned 4 units per acre you can build 4 houses but you can't build 10.

Bob VanWierengen, 28612 Hinkleman Rd., the city calls this an avenue, but he doesn't know if anyone has driven on it lately, the home owners call it lumpy lane. How is rezoning this commercial going to affect their property and homes. Is this going to push them out of their homes? Staley stated in the current RB zone, this has allowed for residential along with commercial. The thing they have done in their zone is they have taken away most of the residential uses and making them commercial, they probably won't be pushed out. Mr. VanWierengen stated once they start building on the Highway the properties on Hinkleman will be flooded out. When they were originally annexed into the City, the City promised them sewer, water and gas this was many years ago and to date, they still don't have any of these services. Administrator Schmidt stated one

thing the Planning Commission has talked about is the properties that are being changed from residential to commercial or industrial is amending the zoning and added a non-conforming use clause that allows the use as it is right now.

Garry Brevik, 340 No. McNeeley, a couple things that he would like to know is that the state property to the east has not been changed, is that being considered for the residential properties and the residential areas that are being changed to commercial, is that now dumping the extra residential densities on the rest of the City. The other issue he would like to know is the impact that a development has down stream. We shouldn't be impacting people downstream from us and that is what is happening. Until we get all this taken care of we shouldn't be doing expansion.

Dixie Vaders, 2147 Ryan Road, they are RA, is there nothing RA anymore?
Administrator Schmidt stated the only areas the Planning Commission is proposing is where there are sensitive or critical in nature as long as there is documented proof. She has an unusual situation because part of her property is in the City but part is in the County. Rousseau stated the property that falls within the City would fall under the Cities zoning regulations and the property that is in the County would be under the Counties regulations. Staley stated he will have to get an interpretation regarding this for her.

Ron Ziemer, 863 Sheets Road, there are some interesting things in this growth management handout and one of their goals is to increase development in urban areas where adequate public facilities and services exists or can be provided in an efficient manor. In the area on Ryan Road where the zone is changing to 5 and 8 units per acre, does that mean the City is going to extend services to all those properties. Staley stated yes they would. He is also concerned about the use of the livestock on his property. Staley stated he would continue to have that use on his property.

Kelly Carnahan, 28221 Hinkleman Road. The City has it that they are going to make the 410 side of Hinkleman Road commercial and when the first commercial property sells, it will run all the residents out of their homes. He would like to know if that is all being zoned commercial what is going to happen with the water on his property, which is outside the city limits. Administrator Schmidt stated he would have to check the storm water comprehensive plan, which he doesn't have in front of him right now. He would like to know what the city has planned for the other side of Hinkleman Road. Administrator Schmidt stated it is likely that nothing will be annexed. The County is the one that makes that decision. He would like questions answered on what will happen on the water problem for his property, the improvements on Hinkleman Road and what kind of commercial development can occur across the street on Hinkleman Road.

Dixie Vaders, 2147 Ryan Road, you keep saying the March deadline and May deadline for this grant, what happens at this point. There have been a lot of comments tonight, is the planning commission going to consider all these comments or will this just get plowed through. Schneider stated we will have to continue the hearing, they will be discussing what has been heard tonight and whether or not we are able to meet the

deadlines is questionable. Administrator Schmidt stated the Planning Commission cannot make a decision tonight because the hearing has to be continued to another night and yes this will jeopardize the deadline. What has to happen is once the Planning Commission hears everybody input they then have to make a recommendation. At that point it goes to the State for a 60-day review, we also have to do a SEPA and send that to other agencies for comment. After the 60-day review and all the comments have been received the Planning Commission will then make final changes based on the recommendation and then it will go to the City Council for adoption.

Lloyd Livernash, 194 No. A St., he would like to clarify the lot sizes that were established several years ago were 70 foot wide lots by 120 feet deep. At that time they had the side setbacks set at 8 feet on one side and 12 feet on the other so people who have recreational vehicles or other vehicles could then park them off the streets and on their own property. He would hope that the Commission would stick with the 4 units per acre.

Steve Link, 28510 Hinkleman Road, he would like to reemphasize the issue regarding the water problems on Hinkleman. If they build commercial on the other side, it will put him that much farther lower for the water run off. What will this do to his property and the resale value of his property? Basically the people on Hinkleman Road are being thrown to the wolves.

The public hearing will be continued to a later date and everyone will be notified by mail of the date, time and location.

The next meeting will be February 28, 2005 at 7:00 PM.

With nothing further the meeting was adjourned at 9:00 PM.